



File No. **50,858**      13. County: **Kingman** Basin: **Chickaskia River** Stream:  
 Structures File No:      Aquifer Code:      Special Use Area:

14. Points of Diversion, Rates & Quantities

PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty <b>AF</b>		Rate <b>gpm</b>		Storage Qty <b>AF</b>		Storage Rate	Overlaps
									Auth	Add	Auth	Add	Auth	Add	Auth/Add	
<b>DEL</b>	<b>89785</b>	<b>NE NE NW</b>	<b>8</b>	<b>30</b>	<b>6W</b>	<b>1</b>	<b>4878</b>	<b>3710</b>	<b>150</b>	<b>150</b>	<b>500</b>	<b>500</b>				

15. Limitations **NEW** Type:      Quantity:      **AF** Rate:      **gpm** combined with file no(s):  
**NEW** Type:      Quantity:      **AF** Rate:      **gpm** combined with file no(s):

16. Metering     Metering Required     Anti-Reverse Required     Seal Required    Compliance Date:

17. Place of Use

PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
<b>DEL</b>	<b>71003</b>	<b>8</b>	<b>30</b>	<b>6W</b>	<b>1</b>																	0.00	<b>5a</b>	<input type="checkbox"/>	
																						0.00		<input type="checkbox"/>	
																						0.00		<input type="checkbox"/>	
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18. Point of Diversion and Place of Use Overlaps

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# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: December 12, 2024

From: Colin Barclay, Environmental Scientist

Re: New Application File No. 50,858 and 51,307 – 3B Messenger Ranch, LLC

## Summary

3B Messenger Ranch, LLC has filed the above referenced application to appropriate 24.44 acre-feet of surface water through natural flows flooding from Duck Creek for storage in a 3.62-acre waterfowl marsh for recreational use in Kingman County, Kansas. The rate of diversion is at a rate of natural flows. File No. 51,307 has been filed to replace pending application 50,858 which is a proposed groundwater well for the same waterfowl marsh. The applicant no longer plans to drill a well due to the minimal groundwater in the area. The applicant has signed the voluntary dismissal form for pending application 50,858. The applicant has signed the application form for 51,307 affirming legal access to the point of diversion. Structures has determined the waterfowl marsh does not require permitting.

## Reasonable Quantity and Safe Yield

As the marsh consists of an excavation near a natural stream and the applicant intends for the marsh to capture flood water from the nearby stream, maximum reasonable quantity was determined to be three years of evaporation and was found to be 24.44 acre-feet.

3.62 acres of surface area x 27 inches of net evaporation / 12 inches per foot = 8.145 acre-feet per year of evaporation.

8.145 acre-feet x 3 years = 24.44 acre-feet of evaporation.

## Nearby Water Rights

Four nearby neighbors were found to be within one-half ( $\frac{1}{2}$ ) mile upstream and downstream from the edge of the property boundary. Two (2) nearby notification letters were sent out on September 27, 2024. No responses of any kind were received during the 15-day period open to comments and concerns.

## Recommendations

The application was sent to Jeff Lanterman, Water Commissioner of the Stafford Field Office and recommended for approval in an email dated December 12, 2024. The recommendation included adding a condition to the permit to allow natural flows to be bypassed and allowed downstream during times where minimum desirable streamflow is administered.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. Approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

Colin Barclay

Environmental Scientist

Water Appropriation Program

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

FINDINGS AND ORDER
IN THE MATTER OF THE DISMISSAL OF
APPLICATION TO APPROPRIATE WATER FOR BENFICIAL USE
FILE NO. 50,858

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

- 1. That on September 13, 2022, an Application to Appropriate Water for Beneficial Use was received in the office of the Chief Engineer, assigned File No. 50,858, proposing to use water for recreational use from the following point of diversion:
one (1) well located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE 1/4 NE 1/4 NW 1/4) of Section 8, more particularly described as being near a point 4,878 feet North and 3,710 feet West of the Southeast corner of said section, in Township 30 South, Range 6 West, Kingman County, Kansas.
2. That on September 11, 2024, the office of the Chief Engineer received a voluntary dismissal form, signed by the the applicant, Bambi Messenger Gress, on behalf of 3B Messenger Ranch LLC, pertaining to File No. 50,858, indicating that all plans to proceed with the proposed appropriation had been abandoned.
3. That Application, File No. 50,858, should be dismissed as requested by the applicant.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 50,858, is herewith dismissed and the priority assigned to it is considered to be forfeited.

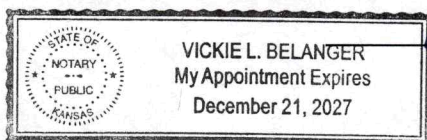
It is so ordered this 13 day of December, 2024, in Manhattan, Riley County, Kansas.

[Handwritten signature of Lane P. Letourneau]

Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas )
) SS
County of Riley )

The foregoing instrument was acknowledged before me this 13 day of December, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



[Handwritten signature of Vickie L. Belanger]
Notary Public

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www.agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

December 17, 2024

3B MESSENGER RANCH LLC  
PO BOX 939  
ENNIS MT 59729-0939

RE: Appropriation of Water  
File No. 51,307

Dismissal of Application  
File No. 50,858

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit. Also enclosed is a Findings and Order dismissing Application, File No. 50,858, as you had requested in your form letter dated September 11, 2024.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [kswaterusereport.org](http://kswaterusereport.org).

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Also included with your permit is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/dwr](http://agriculture.ks.gov/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Applications and Changes Supervisor  
Division of Water Resources

KAB:kak:ccb  
Enclosure(s)  
pc: Stafford Field Office

## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

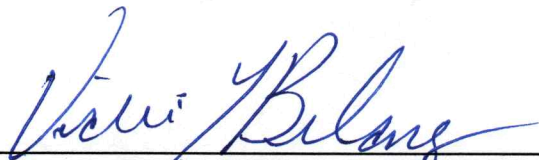
## CERTIFICATE OF SERVICE

On this 17 day of December, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,307, and the Dismissal of Application to Appropriate Water for Beneficial Use, File No. 50,858, dated December 13, 2024, were mailed postage prepaid, first class, US mail to the following:

3B MESSENGER RANCH LLC  
PO BOX 939  
ENNIS MT 59729-0939

With photocopies to:

KDA-DWR Stafford Field Office

  
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Division of Water Resources