

Kansas Department of Agriculture
Division of Water Resources
 APPROVAL OF NEW APPLICATION WORKSHEET

1. File No.: 50886	2. Status Change Date: 5/23/2024	4. Field Office: 02 - Stafford GMD: Structures File No.: Priority Date: 10/13/2022
3. Package File No(s):		
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Snake Creek Ranch Co 2618 CR GG Ashland, KS 67831	Person ID 1 Add Seq# 67321	5b. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change	Person ID Add Seq#	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#
6. Change No.: <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: Not changing MDS Gauge: --- Active Admin? <input type="checkbox"/> Completion Date: 12/31/2025 Perfection 12/31/2029		7. Use of Water <input type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: UMW: UMW:
8. Action Trail ---		
9. Special Conditions ---		
10. 5YR Allocation Type: Start Year: --- 5YR Quantity: --- Base Acres: --- Comment: ---		
11. Sand & Gravel Proj ID: --- <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: --- <input type="checkbox"/> New Date Requested: --- Applies: --- Rule No.: --- Rule Type: --- Rule SubType: --- <div style="text-align: right;">Justification: ---</div>		
Comments	Processed 5/15/2024 JNE	Entered 5/28/2024 KAnderson
	Reviewed KAK 5/16/2024	

File No. **50886** 13. County: **CA** Basin: **41 - CIMARRON RIVER** Stream:
 Structures File No: Aquifer Code: **513 - WHITEHORSE FORMATION** Special Use Area: --- ---

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
MOD	89836	NW NW SE	7	35S	21W	2317	2467			277	277	1000	1000				

15. Limitations Type: Quantity: Rate: combined with file no(s):
 Type: Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: **12/31/2025**

17. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE									
MOD	71047	7	35	21W 1												5	20	20	40	40	125	5a		<input type="checkbox"/>					
MOD	71048	18	35	21W 1	33	31			15											79	64	5a		<input type="checkbox"/>					
ENT	71741	17	35	21W					3												3	5a		<input type="checkbox"/>					
																									<input type="checkbox"/>				
																									<input type="checkbox"/>				
																									<input type="checkbox"/>				

18. Point of Diversion and Place of Use Overlaps

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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

FROM: Jessica Engelbrecht

RE: Application, File No. 50886

Mark Luckie has filed an application on behalf of Snake Creek Ranch Co., to appropriate groundwater for irrigation use, requesting 277 acre-feet diverted at a rate of 1,000 gallons per minute from one (1) well to be located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 7, more particularly described as being near a point 2,317 feet North and 2,467 feet West of the Southeast corner of said section, in Township 35 South, Range 21 West, Clark County, Kansas located within the boundaries of Cimarron River drainage basin. There are no overlapping water rights on the proposed place of use or point of diversion. The proposed place of use is owned by Snake Creek Ranch. The applicant signed the application form stating that he has legal access to the point of diversion.

The applicant did not identify any nearby domestic or non-domestic wells. No nearby well notification letters were sent out. There are no non-domestic wells within 2 miles. Based off of the map submitted with the application, the only domestic well within 2 miles belong to the applicant. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

A well log submitted with the application shows topsoil from 0 to 20 feet, gravel and sand mix 20 to 75 feet, red clay and gravel mix from 75 to 85 feet and red shale from 85 to 100 feet. The log shows a static water level of 36 feet. The likely source is the Whitehorse Formation.

The requested quantity of water, 277 acre-feet, is reasonable to irrigate the proposed 207 acres identified in the application. The maximum reasonable quantity allowable of 1.6 acre-feet per acre for Clark County, Kansas. The minimum reasonable quantity (50% NIR/0.85) for Clark County is 1.34. The requested quantity of water meets the minimum reasonable quantity for Clark County.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 6,758 acres. With a potential annual recharge of 1.2 inches, and 50% of recharge available for appropriation, safe yield was determined to be 278.43 acre-feet. With no existing water rights appropriated in the area, the quantity available is 278.43 acre-feet. The application is requesting 277 acre-feet which complies with safe yield. The requested quantity of water, 277 acre-feet, is reasonable to irrigate the proposed 207 acres identified in the application. The maximum reasonable quantity allowable of 1.6 acre-feet per acre for Clark County, Kansas. The minimum reasonable quantity (50% NIR/0.85) for Clark County is 1.34. The requested quantity of water meets the minimum reasonable quantity for Clark County.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on May 6, 2024. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Monday, May 6, 2024 3:11 PM
To: Engelbrecht, Jessica [KDA]
Cc: Conant, Cameron [KDA]
Subject: RE: Application, File No. 50886 Additional Information Required

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Jessica I think this file can be approved.

Under source of supply I think you could say its probably a combination of Alluvium (the saturated sands and gravels up top) where he is probably going to get most of his water and some from the bottom 15' (Geology map calls it Permian Nippewalla Group so maybe 520 on the source formation code?).

Maybe a combo of those two codes since if he does pull from the bedrock down below it will be good to include that.

I'm not too sold on the SY here but since he is the only game in town I'm not going to stress out about it. We should maybe have chopped that circle up. But I don't think the alluvial map is correct because the well log here shows pretty alluvium here. I'm going to trust the Geology coverage on the Nippewalla group Permian stuff below.

Thanks

Jeff

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Thursday, December 7, 2023 11:56 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>; Lewis, Earl [KDA] <Earl.Lewis@ks.gov>; Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>
Subject: RE: Application, File No. 50886 Additional Information Required

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Thursday, December 7, 2023 11:46 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>; Lewis, Earl [KDA] <Earl.Lewis@ks.gov>; Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>
Subject: RE: Application, File No. 50886 Additional Information Required
Importance: High

I did talk to him a little bit about that. You will remember that he wants something approved yesterday so that is how I approached it.

We can get this approved and probably in place soon. Major modifications will take time.

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, December 7, 2023 10:40 AM
To: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>; Lewis, Earl [KDA] <Earl.Lewis@ks.gov>;

Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>

Subject: RE: Application, File No. 50886 Additional Information Required

Well, I don't mind seeing what a SY looks like running it further north, but he submitted a p/d location to us based on a log he provided us, so us running the SY at that location was appropriate. We are now getting ready to guess about where he might want a well and we really don't have a clue if water is even up there sufficient for irrigation. This gets to be a rather cumbersome process. I guess if he likes the SY better on paper it'll take another test hole within 300' if he wants to change the location.

Fdp hurq#

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>

Sent: Thursday, December 7, 2023 10:31 AM

To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>; Lewis, Earl [KDA] <Earl.Lewis@ks.gov>; Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>

Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Subject: RE: Application, File No. 50886 Additional Information Required

I'm going to run a couple safe yields further North and see if it does much for him. Maybe he would be interested in pumping it in from further up North. Snake Creek owns a lot of the land in that area.

Jessica

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

Sent: Thursday, December 7, 2023 10:19 AM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>; Lewis, Earl [KDA] <Earl.Lewis@ks.gov>; Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>; Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>

Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Subject: RE: Application, File No. 50886 Additional Information Required

Importance: High

Do you know if the well has already been drilled, or does he have ability to move his PD further north so he keeps more of his 2-mile circle in Kansas?

Kristen Baum, Environmental Scientist

DWR – Water Appropriations

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Sent: Wednesday, December 6, 2023 2:51 PM

To: Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>; Lewis, Earl [KDA] <Earl.Lewis@ks.gov>; Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>

Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Subject: Application, File No. 50886 Additional Information Required

Copied you all because of Mark Luckie's contact with Sec. Beam.

I called Mark Luckie at (620) 635-0104 today to discuss his application. Recall, the long processing time and Mr. Luckies frustration with the process has come up before and Mr. Luckie has been in touch with Sec Beam about this file. We sent the December 5 email to Mr. Luckie so he could revise his application based on the quantity available and after his voice mail response, we decided to send the second email about keeping his responses in writing and dealing directly with me if he had additional questions. In general, the call went fine but Mr. Luckie continues to be frustrated by the process and timeline.

I talked in detail with Mark about applications and working them in order. Safe yield, Acres and all the basics of an application and why things are happening the way they are.

Together, Cameron, Jessica, and I reviewed this 2 mile safe yield evaluation and the well log and with input from Kristin came up with the total allowable quantity of **277 AF** within this truncated 2 mile circle (truncated at the Kansas/Oklahoma state line). We decided to allow minimum reasonable quantity to be applied in this case to offer Mr. Luckie some additional acreage over the normal allowable quantities based on the "reasonable quantity for irrigation use" map. Using MRQ we could allow **207 irrigated acres**. The application needed to be revised down to 277 AF and 207 acres to continue processing as the 12/5 email says. The originally applied quantity was 576 AF and 360 Acres.

I discussed all of this with Mr. Luckie on the phone today. I encouraged him to work with a pivot dealer to determine the best way to irrigate his land up to 207 acres and when he has that information he can provide it to us and we will revise the application and continue processing. He has a newer test log he will submit to us that is ~100' deep. I don't think the formation will change and the SY we ran should remain the same but it will be nice having another test hole. He was wondering if the test hole was the reason we had to reduce the quantity and that is when I explained safe yield. We discussed how our SY was originally determined in this area (Cristi Hansen USGS study). Mr. Luckie asked about waiving that and I was clear that I would not support such waiver as those are the longstanding rules and regs that are our best protection against over development in the area. I told him that is what I feel is safe to appropriate.

We will wait on Mr. Luckie to send pivot information back to us so we can revise the app and continue processing. Once revised this should be pretty simple to approve quickly as it is in line.

I feel pretty comfy approving 277 AF and 207 acres. Mark didn't necessarily agree with that until I explained that it is easily a normal 130 acre pivot and a half. I told him with those revisions I thought we could get it approved and have something in place for 2024.

Then if he feels like he wants to revisit our safe yield in the area try for a waiver he could potentially do another application for additional water later.

In the end I think he is going to revise the application as discussed and he may shoot for more water later.

Thanks
Jeff

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Wednesday, December 6, 2023 12:43 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: Application, File No. 50886 Additional Information Required

From: Engelbrecht, Jessica [KDA]
Sent: Wednesday, December 6, 2023 12:17 PM
To: jesse.luckie@snakecreek.com
Subject: RE: Application, File No. 50886 Additional Information Required

Mark,
Due to your expressed dissatisfaction with the processing of your application, our conversations will need to be via email or mail so that a complete record of our conversations and exchanges of information can be recorded for the file. If you need to discuss this matter over the phone, please contact my supervisor, Jeff Lanterman at our office number below. He is aware of the changes that need to be made to your application.

Thank you,

Jessica Engelbrecht

Environmental Scientist
KDA Division of Water Resources
Stafford Field Office
(620) 234-5311 Office
www.agriculture.ks.gov

From: Engelbrecht, Jessica [KDA]
Sent: Tuesday, December 5, 2023 11:11 AM
To: 'jesse.luckie@snakecreek.com' <jesse.luckie@snakecreek.com>
Subject: Application, File No. 50886 Additional Information Required

Mark,

Application, File No. 50,886 requests 576 acre-feet to irrigate 360 acres in Clark County.

The maximum safe yield available for that area is 277 acre-feet. The minimum reasonable quantity would allow you to irrigate a maximum of 207 acres. I have attached a copy of page 1 of the application. You will need to mark through the requested quantity of 576 acre-feet, write a requested quantity of 277 acre-feet and initial and date beside the changes. You also need to insert a maximum pump rate (gallons per minute) you will be using. Please return this page to me as soon as it is convenient for you.

I have attached a blank map of the area to this email. Please mark the 207 acres that would be irrigated if approved for this water appropriation, and return the map to me as soon as it is convenient for you.

Have you completed any test drilling? The current log I am using is tied to the nearby domestic well on the property. If you plan to drill deeper than the 86 feet indicated on the attached log, you will need to submit test logs at the desired depth, or you may be limited on how deep you can drill the well if approved. If you plan to drill deeper than 86 feet, please return a test log to me as soon as it is convenient for you.

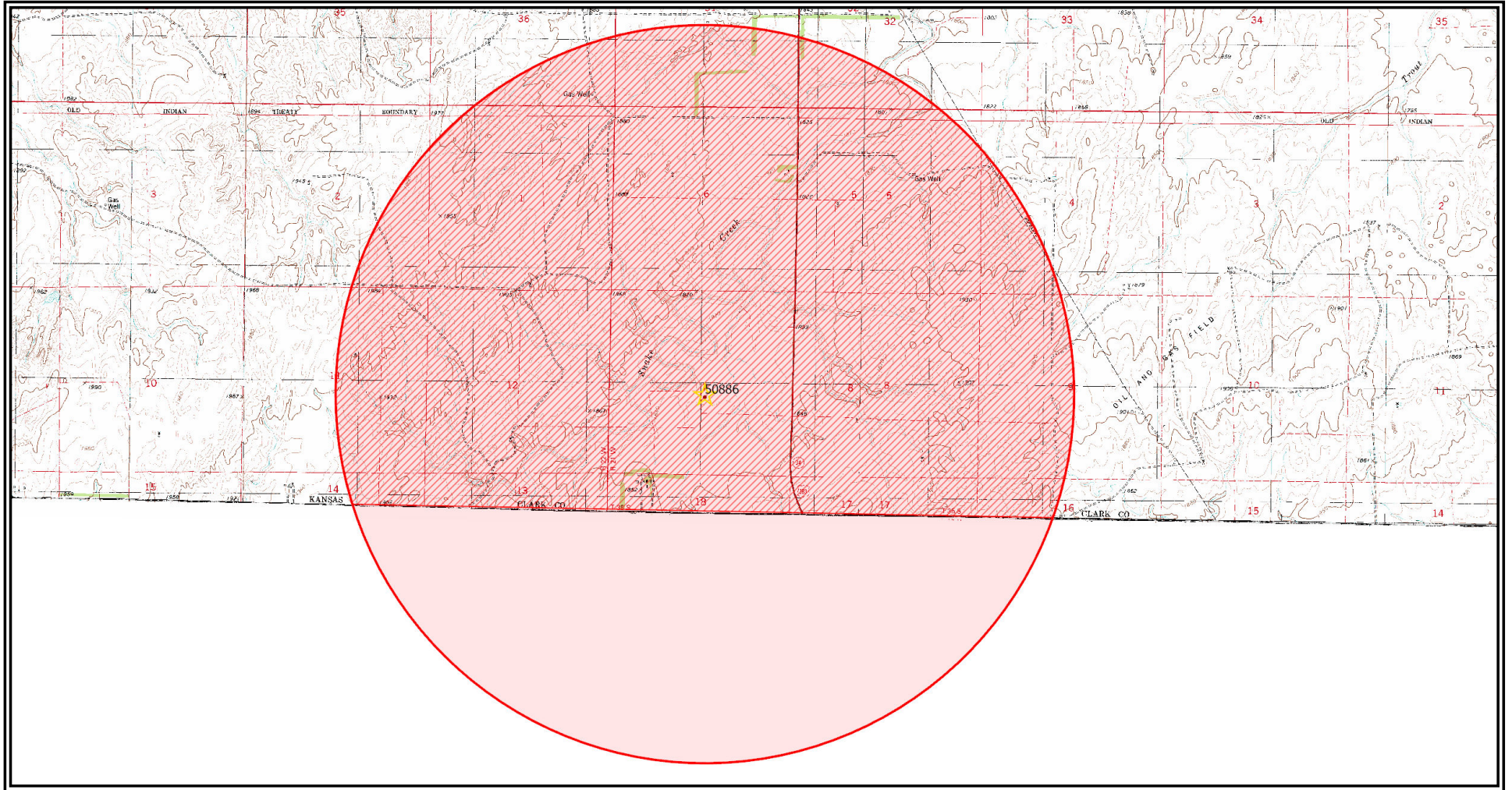
Please respond this email when supplying the requested information or asking additional questions.

Thank you,

Jessica Engelbrecht

Environmental Scientist
KDA Division of Water Resources
Stafford Field Office
(620) 234-5311 Office
www.agriculture.ks.gov

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 07-35S-21W
Footages from SE corner- 2,317 feet North 2,467 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 278.43 AF.

Total prior appropriations in the circle is 576.00 AF

Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

The area used for the analysis is set at 5,614 acres.

The potential annual recharge at the circle center is estimated to be 1.2 inches.

The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 10-APR-2024 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There is 1 water right and 1 point of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 50886 00	IRR	AY	G		NW	NW	SE	2228	2467	07	35	21W	1	WR	576.00	576.00	360.00	360.00

*Amount requested being cut to 277 AF in order to meet Safe Yield.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,886** of the applicant

**SNAKE CREEK RANCH CO
2618 CR GG
ASHLAND, KS 67831**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **October 13, 2022**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 - 35S - 21W												5	20	20	40	40	125
17 - 35S - 21W					3												3
18 - 35S - 21W	33	31			15												79

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW¼ NW¼ SE¼) of Section 7, more particularly described as being near a point 2,317 feet North and 2,467 feet West of the Southeast corner of said section, in Township 35 South, Range 21 West, Clark County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,000 gallons per minute (2.23 c.f.s.)** and to a quantity not to exceed **277 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2025**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2029**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The required water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

17. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Ordered this 23 day of May, 2024, in Manhattan, Riley County, Kansas.

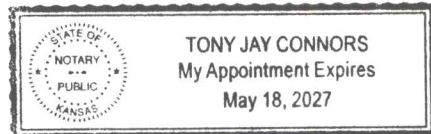
Lane P. Letourneau

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 23 day of May, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors
Notary Public



Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

May 29, 2024

JESSE O LUCKIE
SNAKE CREEK RANCH CO
2618 CR GG
ASHLAND KS 67831

RE: Appropriation of Water
File No. 50,886

Dear Mr. Luckie:

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.

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.

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 www.kswaterusereport.org.

Enclosed 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. 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,

A handwritten signature in blue ink that reads "Kristen A. Baum".

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

KAB:kak:jne
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 29 day of May, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,886, dated May 23, 2024, was mailed postage prepaid, first class, US mail to the following:

SNAKE CREEK RANCH CO
2618 CR GG
ASHLAND KS 67831

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources