

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

1. File No.: <b>51050</b>	2. Status Change Date: <b>3/4/2025</b>	4. Field Office: <b>02 - Stafford</b> GMD: Structures File No.: Filing/Priority Date: <b>06/05/2024</b>	
3. Associated File No(s):			
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC      Person ID <b>64387</b> <input type="checkbox"/> Address Change      Add Seq#  <b>GARDINER ANGUS RANCH INC</b> <b>1182 CR Y</b> <b>ASHLAND, KS 67831-3138</b>		5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC      Person ID <b>69757</b> <input type="checkbox"/> Address Change      Add Seq#  <b>M &amp; G GARDINER LLC</b> <b>1136 CR Y</b> <b>ASHLAND KS 67831-3138</b>	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC      Person ID <input type="checkbox"/> Address Change      Add Seq#		5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC      Person ID <input type="checkbox"/> Address Change      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: MDS Gauge:      Active Admin? <input type="checkbox"/> Completion Date: <b>12/31/2026</b> Perfection Date: <b>12/31/2030</b>		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: <b>STK-Stockwatering</b> 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.:      Justification: Rule Type: Rule SubType:			
Comments <b>Place of use overlap with 49291, 49292, 50,419</b>		Processed <b>CCB</b> <b>3/3/2025</b>	Entered  <b>3/6/2025</b> <b>KAnderson</b>
		Reviewed <b>KAK</b> <b>3/3/2025</b>	

File No. <b>51050</b>		13. County: <b>CLARK</b> Basin: <b>CIMARRON RIVER</b> Stream:																				
Structures File No:		Aquifer Code: <b>100 QUATERNARY</b>												Special Use Area:								
14. Points of Diversion, Rates & Quantities																						
	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty <b>mg</b>		Rate <b>gpm</b>		Storage Qty <b>AF</b>		Storage Rate						
										Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps					
<b>CHK</b>	<b>90376</b>	<b>NE SW NE</b>	<b>11</b>	<b>34</b>	<b>24W</b>	<b>8</b>	<b>3731</b>	<b>1634</b>	<b>GEOCTR</b>	<b>20.512</b>	<b>20.512</b>	<b>150</b>	<b>150</b>									
<b>CHK</b>	<b>90377</b>	<b>NE SW NE</b>	<b>11</b>	<b>34</b>	<b>24W</b>	<b>9</b>	<b>3736</b>	<b>1731</b>														
<b>CHK</b>	<b>90378</b>	<b>NE SW NE</b>	<b>11</b>	<b>34</b>	<b>24</b>	<b>10</b>	<b>3728</b>	<b>1635</b>														
<b>CHK</b>	<b>90379</b>	<b>NE SW NE</b>	<b>11</b>	<b>34</b>	<b>24</b>	<b>11</b>	<b>3728</b>	<b>1536</b>														
15. Limitations <b>NEW</b> Type: Quantity: <b>AF</b> Rate: <b>gpm</b> combined with file no(s):																						
<b>NEW</b> Type: Quantity: <b>AF</b> Rate: <b>gpm</b> combined with file no(s):																						
16. Metering <input checked="" type="checkbox"/> Metering Required <input checked="" type="checkbox"/> Anti-Reverse Required <input checked="" type="checkbox"/> Seal Required Compliance Date: <b>12/31/2026</b>																						
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					
																		0.00		<input type="checkbox"/>		
																		0.00		<input type="checkbox"/>		
																		0.00		<input type="checkbox"/>		
																		0.00		<input type="checkbox"/>		
<b>NC</b>	<b>66709</b>	<b>10</b>	<b>34</b>	<b>24W</b>	<b>2</b>	<b>FEEDLOT 160 AC (NE)</b>														<b>5a</b>		<input type="checkbox"/>
<b>NC</b>	<b>66710</b>	<b>11</b>	<b>34</b>	<b>24W</b>	<b>2</b>	<b>FEEDLOT 80 AC (W2 NE) 160 AC (NW) 45 AC (N2 SW) 20 AC (NW SE)</b>														<b>5a</b>	<b>5B</b>	<input type="checkbox"/>
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: March 3, 2025

From: Colin Barclay, Environmental Scientist

Re: New Application File No. 51,050 – Gardiner Angus Ranch, Inc

## Summary

Gardiner Angus Ranch, Inc filed the above referenced applications to appropriate 62.951 acre-feet of groundwater, at a rate of 150 gallons per minute. The proposed points of diversions would be a battery of three (3) wells located in Clark County, Kansas. The applicant has signed the application form affirming legal access to the point of diversion. The proposed place of use is two confined feedlots. These applications will have an overlapping place of use with File Nos. 49,291, 49,292, and 50,419.

## Reasonable Rate and Quantity

Quantity of water requested is 62.951 acre-feet or 20,512,000 gallons per year at a rate of 150 gallons per minute for stock watering purposes. The example given on the supplemental material indicated they would be expanding their cattle operation by 4,000 heads of cattle for a total of 9,000 heads of cattle. The current quantity of water authorized under the senior files is 88.268 acre-feet. The maximum reasonable quantity for the expanded capacity of 9,000 heads of cattle is 49,275,000 gallons (151.219 acre-feet) per year based on K.A.R. 5-3-22 at 15 gallons per head per day.

15 gallons x 9,000 heads of cattle x 365 days = 49,275,000 gallons (151.219 AF)

Current appropriations by the senior files account for 28,762,000 gallons (88.268 acre-feet)

49,291 is authorized for 5.47 MGY

49,292 is authorized for 16.43 MGY

50,419 is authorized for 6.862 MGY

Total combined quantity of 28.762 MGY

Maximum reasonable quantity of 49.274 MG (151.219 AF) – 28.762 MG (88.268 AF) = 20.512 MG (62.951 AF)

After subtracting prior appropriations, the quantity requested of 62.951 acre-feet, or 20,512,000 gallons appears reasonable without any limitations.

## Source of Supply and Safe Yield

The source of supply for the proposed point of diversion appears to be within the quaternary system. In addition, the proposed point of diversion is located within DUA 75, which currently has 2107.645 acre-feet available for appropriation. 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 8,042 acres. With a potential annual recharge of 1.3 inches, and 50% of recharge available for appropriation, safe yield was determined to be 435.63 acre-feet. Existing water rights have appropriated 344.27 acre-feet, providing a difference of 91.36 acre-feet available for appropriation, and the application requesting 62.95 acre-feet complies with safe yield.

## Nearby Water Rights

Two (2) appropriated wells were found to be within a half mile of the proposed point of diversion, however both are owned by the applicant. No domestic wells were found to be within one-half ( $\frac{1}{2}$ ) mile of the proposed point of diversion. However, a domestic well owner located .8 miles away was notified. The nearest prior appropriated well (File No. 49,292) was found to be ~1,527 feet away. The nearest domestic well was found to be roughly ~4,265 feet away. No comments 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 was recommended for approval in an email dated February 28, 2025.

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

A handwritten signature in black ink that reads "Colin Barclay". The signature is written in a cursive, flowing style.

Colin Barclay  
Environmental Scientist  
Water Appropriation Program

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**RE: 51050 review and recommendation request**

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

**Date** Fri 2/28/2025 4:06 PM

**To** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Barclay, Colin [KDA] <Colin.Barclay@ks.gov>

Colin;

I think this one can be approved.

Let me know if you have any questions. Popelka got involved with this one and I am pretty aware of the applications.

Thanks

Jeff

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

**Sent:** Friday, February 28, 2025 3:06 PM

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

**Subject:** FW: 51050 review and recommendation request

Same with this one-I see no major issues, open DUA and 2 mile SY is available for this feedlot expansion. They didn't supply a log but that is discussed and I think ok in this instance since there are several other feedlot wells pulling from the same source.

*Cameron*

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**From:** Conant, Cameron [KDA]

**Sent:** Friday, February 21, 2025 10:25 AM

**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>

**Subject:** FW: 51050 review and recommendation request

Jeff- take a look at this one. No log, less than ideal but in this case KLA and the feedlot both confirmed with Colin that this will be the same source as all the other feedlot wells-shallow quaternary system and certainly not deeper into any different source.

This is a natural increasing and development of a new feedlot, they keep expanding with additional wells and water rights as the feedyard expands in the open DUA in Clark County. I think it can be approved.

*Cameron*

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**From:** Conant, Cameron [KDA]

**Sent:** Monday, February 17, 2025 10:09 AM

**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>

**Subject:** FW: 51050 review and recommendation request

Colin re-checked with KLA and the applicant are not drilling a test hole. Colin explains that the new well will be shallow quaternary system like the other area wells authorized by the existing feedlot and will not penetrate Dakota at all.

They plan to expand the feedlot from a capacity of 5,000 to 9,000 head. They have requested a reasonable total quantity of water to cover the expansion to 9,000 head at 15 gal/head/day. This application is for a battery of wells authorizing an additional 63AF @ 150 GPM. Looks like the p/u of the senior files does cover the proposed new pen space so we shouldn't have any issue there. There is a complete p/u overlap with 49291, 49292, and 50419. The new apps for this feedyard started in 2015 and they have been developing and expanding since that time. The DUA is open with over 2,000 AF still available and the 2 mile SY has about 35AF remaining after this file is approved. The 2 mile is 1.3" at 50%, so it is a conservative 2 mile analysis.

Spacing is met to all nearby wells including those at the feedyard. No nearby responses came in. I do not find any hydrographs that are nearby or applicable.

We did an FIR on 49291, 49292, and 50419 in 2023 and things were looking good at that time. Pro-cert was drafted in 2024 for 49291 & 49292.

I think we can recommend approval of this application to increase the capacity of the existing feedyard with a new battery of wells, pass on to Colin if you agree.

*Cameron*

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**From:** Barclay, Colin [KDA] <[Colin.Barcly@ks.gov](mailto:Colin.Barcly@ks.gov)>  
**Sent:** Thursday, December 5, 2024 10:46 AM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** Re: 51050 review and recommendation request

I just spoke with KLA about this. They have no plans to drill deeper than the red beds. They were planning on sourcing the same aquifer the previous water rights were sourcing and they based everything on sourcing the shallower aquifer in this area.

All of the well logs in that area are drilled to source that quaternary system overlying the red beds. None of them go deeper than the red beds. There are about 3 well logs all located very close to their proposed PD. One well log is located about 200 feet away with the newer well drilled in 2015 is located about 400 feet away.

KLA will double check with the applicant and see if they have done any test drilling but to their knowledge they weren't planning to.

Colin

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**From:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Sent:** Thursday, December 5, 2024 10:25 AM  
**To:** Barclay, Colin [KDA] <[Colin.Barcly@ks.gov](mailto:Colin.Barcly@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** RE: 51050 review and recommendation request

I haven't looked at where those well logs are from but did see they are 2015. Are we planning to substitute the attached logs to meet the test hole requirements? The new app said they were going to test drill and supply the log to us, do you want to check with them and see if they have done that?

*Cameron*

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**From:** Barclay, Colin [KDA] <[Colin.Barcly@ks.gov](mailto:Colin.Barcly@ks.gov)>  
**Sent:** Thursday, December 5, 2024 10:21 AM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** Re: 51050 review and recommendation request

Please see my attached updated memo. The PD is located within DUA 75 which currently has 2107.645 AF available for appropriation.

I have also attached two well logs pulled from WWC5. I will upload a copy of the closest one to the PD to DocuWare shortly.

Please let me know if you have any questions.

Colin

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**From:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Sent:** Thursday, December 5, 2024 10:07 AM  
**To:** Barclay, Colin [KDA] <[Colin.Barcly@ks.gov](mailto:Colin.Barcly@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** RE: 51050 review and recommendation request

I believe this would be in a DUA, can you include a DUA summary in the memo and also can you include any test logs that they submitted?

*Cameron*

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**From:** Barclay, Colin [KDA] <[Colin.Barcly@ks.gov](mailto:Colin.Barcly@ks.gov)>  
**Sent:** Thursday, December 5, 2024 10:00 AM

**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** 51050 review and recommendation request

Jeff and Cameron,

I have attached my draft memo and safe yield report for 51,050 for your review and recommendation. This is one of Daniels files that I have recently taken over.

Unfortunately there are no nearby WIZARD monitoring wells. Daniel sent out a nearby notification letter on July 8. It appears there were no comments of any kind received.

Please let me know if you have any questions.

Thanks,

Colin Barclay

Environmental Scientist

Division of Water Resources

Kansas Department of Agriculture

Phone: (785) 564-6628

[Colin.Barclay@ks.gov](mailto:Colin.Barclay@ks.gov)



# Safe Yield Report Sheet

Water Right- A5105000

Point of Diversion in 11-34S-24W

Footages from SE corner- 3,731 feet North 1,634 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 435.63 AF.  
Total prior appropriations in the circle is ~~407.22 AF~~. **344.27 AF**  
Total quantity of water available for appropriation is ~~28.42 AF~~. **91.36 AF    51050 meets safe yield for an additional 62.95 AF**

## Safe Yield Variables

The area used for the analysis is set at 8,042 acres.  
The potential annual recharge at the circle center is estimated to be 1.3 inches.  
The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 04-DEC-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 are 5 water rights and 13 points 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 49291 00	STK	MM	G		NE	NE	NE	5053	578	10	34	24W	4	WR	16.79	16.79		
Same	STK	MM	G		NE	NE	NE	4927	568	10	34	24W	5	WR				
Same	STK	MM	G		NW	NW	NW	4659	4827	11	34	24W	1	WR				
Same	STK	MM	G		NE	NW	NW	4914	4236	11	34	24W	2	WR				
A 49292 00	STK	LO	G		NE	SE	NW	3800	3250	11	34	24W	4	WR	50.42	50.42		
Same	STK	LO	G		NE	SE	NW	3795	3151	11	34	24W	5	WR				
Same	STK	LO	G		NE	SE	NW	3797	3160	11	34	24W	6	WR				
Same	STK	LO	G		NE	SE	NW	3795	3080	11	34	24W	7	WR				
A 50419 00	STK	LO	G		NE	NE	NE	5053	578	10	34	24W	4	WR	21.06	21.06		
Same	STK	LO	G		NE	NE	NE	4927	568	10	34	24W	5	WR				
Same	STK	LO	G		NW	NW	NW	4659	4827	11	34	24W	1	WR				
Same	STK	LO	G		NE	NW	NW	4914	4236	11	34	24W	2	WR				
A 50837 00	IRR	GY	G		SE	SW	SW	500	4332	06	34	23W	1	WR	256.00	256.00	160.00	160.00
A 51050 00	STK	AY	G		NE	SW	NE	3731	1634	11	34	24W	8	WR	<del>62.95</del>	<del>62.95</del>	-62.95	
Same	STK	AY	G		NE	SW	NE	3736	1731	11	34	24W	9	WR				
Same	STK	AY	G		NE	SW	NE	3728	1635	11	34	24W	10	WR				
Same	STK	AY	G		NE	SW	NE	3728	1536	11	34	24W	11	WR				

## Limitations

File Number      Seq Num    Limitations		
A    50419 00	1	100 GPM COM/W #49291



# 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. 51,050** of the applicant

**GARDINER ANGUS RANCH INC  
1136 COUNTY ROAD Y  
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 **June 5, 2023**.
2. That the water sought to be appropriated shall be used for stockwatering use in the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 10, the West Half of the Northeast Quarter (W $\frac{1}{2}$  NE $\frac{1}{4}$ ), the Northwest Quarter (NW $\frac{1}{4}$ ), the North Half of the Southwest Quarter (N $\frac{1}{2}$  SW $\frac{1}{4}$ ), and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 11, all in Township 34 South, Range 24 West, Clark County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of three (3) wells with a geographical center located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 11, more particularly described as being near a point 3,731 feet North and 1,634 feet West of the Southeast corner of said section, in Township 34 South, Range 24 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 **150 gallons per minute (0.33 c.f.s.)** and to a quantity not to exceed **20.512 million gallons** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2026**, 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, 2030**, 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 <sup>4th</sup> day of March, 2025, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

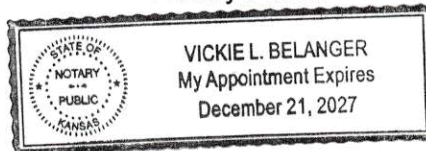
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas       )  
                                  ) SS  
County of Riley       )

The foregoing instrument was acknowledged before me this <sup>4th</sup> day of March, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

Notary Public



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



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

Mike Beam, Secretary

Laura Kelly, Governor

March 7, 2025

GREG GARDINER  
GARDINER ANGUS RANCH INC  
1136 COUNTY ROAD Y  
ASHLAND KS 67831-3138

RE: Appropriation of Water  
File No. 51,050

Dear Mr. Gardiner:

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.

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](http://www.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 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:ccb  
Enclosure(s)  
pc: Stafford Field Office  
KLA Environmental Services, Inc. (Craig Griswold)

## 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 7<sup>th</sup> day of March, 2025, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,050, dated March 4, 2025, was mailed postage prepaid, first class, US mail to the following:

GARDINER ANGUS RANCH INC  
1136 COUNTY ROAD Y  
ASHLAND KS 67831-3138

With photocopies to:

CRAIG GRISWOLD  
KLA ENVIRONMENTAL SERVICES INC  
1303 YUCCA ST  
SCOTT CITY KS 67871

KDA-DWR Stafford Field Office



Division of Water Resources