

Kansas Department of Agriculture
Division of Water Resources
TERM PERMIT NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">20219052</p>	2. Status Change Date: <p style="text-align: center;">12/13/2021</p>	3. Field Office: <p style="text-align: center;">3</p>	4. GMD:
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

7a. Applicant(s) Person ID **67872**
New to system Add Seq# _____

SAM SUGHROUE
PO BOX 431
HOLDREGE, NE 68949

7b. Landowner(s) Person ID **56559**
New to system Add Seq# _____

~~7a~~ **GARY W & KARON A CHRISTENSEN**
PO BOX 77
802 JOHN ST
ALMA NE 68920

7c. Landowner(s) Person ID **56560**
New to system Add Seq# _____

TODD W & NORA CHRISTENSEN
11186 JUNIPER RD
ALMA NE 68920

7d. Misc. Person ID _____
New to system Add Seq# _____

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form

Agree Yes No
7a

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC:1611 _____ OTHER: _____

10. Completion Date: _____ 11. Commencing Date: **9/1/2021** 12. Exp Date: **10/22/2022**

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **11/24/21** By: **RRP**
Date Entered: **12/14/2021** By: **L Moody**

File No. **20219052** 15. Formation Code: **113** Drainage Basin: Prairie Dog Creek County: Phillips Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
CHK			88947	SW SW NE	1	1S	19W	10	2680	2610	300	16.29	300	16.29	20210154

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files																				
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼																						
CHK			70486	1	1S	19W	3															NO	20210154																		
Two non-domestic wells indicated within ½ mile of proposed well site that do not meet spacing requirements																																									

Comments: Waiver of K.A.R. 5-4-4 (c)(1)(C) is requested with approval of the application. 12/3/2021
KJN

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 1, 2021

FROM: Rebecca Pollett

RE: Term Permit, File No. 20219052

Sam Sughroue has filed the above referenced application for a term permit to appropriate groundwater for dust control and compaction on Highway 383 (industrial use). The permit is proposing to pump 50 acre-feet of groundwater per calendar year at a maximum rate of 300 gallons per minute, from an existing well that is 100 feet deep.

The point of diversion is located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW ¼ SW ¼ NE ¼) of Section 1, Township 1 South, Range 19 West, in Phillips County, within the Prairie Dog Creek basin. The point of diversion was previously authorized by Temporary Permit, File No. 20210154, which File No. 20219052 is essentially replacing.

The applicant has requested a start date of September 1, 2021, and an ending date of October 22, 2022. Safe yield requirements set forth in K.A.R. 5-3-11 and 5-23-4 are not applicable to Term Permits of five years or less. Therefore, this term permit is exempt from safe yield criteria.

According to the WWC5 database and a review of aerial views, the closest domestic well is over 3,500 feet away. There are two non-domestic wells indicated within one-half mile of the proposed well that appear to not meet minimum spacing requirements; each sitting slightly over 700 feet away. The wells are authorized by Water Right, File Nos. 13,819 and 36,614. Both water rights are owned by Gary and Karon, and Todd and Nora Christensen, the same owners of the proposed point of diversion.

Since the proposed well is already authorized by Temporary Permit, File No. 20210154 (period of use ends December 31, 2021), the proposed rate and quantity is relatively low, and all wells in the vicinity have common ownership, a waiver of K.A.R. 5-4-4(c)(1)(C) is requested with approval of the application.

Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the referenced term application in an email conversation on November 16, 2021.

Based on the above discussion, it appears that the proposed use of water is reasonable, no senior water rights will be impaired, and a spacing waiver will be included. Therefore, it is recommended that the referenced application for a term permit be approved for a term to expire on October 22, 2022.

12/3/2021
KJN

Rebecca Pollett
Environmental Scientist
Topeka Field Office

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **20219052**

FO: **3**

GMD:

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IND	7/8/2021	3	Statewide	Well Spacing	Unconfined
Rule Number	Date Granted	Date Denied	Justification:	Two water rights fall within the allowable 1,320-foot radius. The water rights have common ownership with the proposed point of diversion, which is currently authorized by Temporary Permit, File No. 20210154. No known complaints of impairment to date.	
K.A.R. 5-4-4(c)(1)(C)	9/13/2021				

WAIVER RULE (complete only if a new rule needs to be created):

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

COMMENTS: Will not be a new rule

Date Prepared **12/3/2021** By **KJN**

Date Entered **12/14/2021** By **LMoody**

From: Stewart, Kelly [KDA]
Sent: Tue 11/16/2021 10:31 AM
To: Neuhauser, Kris [KDA]
Cc: Billinger, Mark [KDA]; Pollett, Rebecca [KDA]; Hageman, Nancy
Subject: RE: 20219052

Kris,

I agree with the memo and would recommend approval of the application and waiver.

Kelly

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, November 16, 2021 9:20 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Pollett, Rebecca [KDA] <Rebecca.Pollett@ks.gov>
Subject: RE: 20219052

Morning Kelly,

Have a draft memo here for your review and recommendation. We threw in some wording on the spacing waiver that will be included with approvals. Checked ORKA - same owners for the two WR's that don't meet spacing as you mentioned.

Let us know if you need anything else on it. Thanks!

Kris

From: Neuhauser, Kris [KDA]
Sent: Friday, November 12, 2021 2:38 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Cc: Pollett, Rebecca [KDA] <Rebecca.Pollett@ks.gov>
Subject: RE: 20219052

Sounds good Kelly, I'll double check ORKA to confirm that. Figured since the temp was approved, this term wouldn't cause too many issues. We'll get that memo to you eventually – can add some waiver details.

Thanks!

Kris

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Friday, November 12, 2021 11:19 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Cc: Pollett, Rebecca [KDA] <Rebecca.Pollett@ks.gov>
Subject: RE: 20219052

Good morning Kris and Rebecca,

I really don't have any additional information for you to consider. However, when we approved the temporary permit, the owners of the irrigation wells were copied and they were also listed as the owner of the p/d proposed by these applications. If all the wells are owned by the same people, then I don't see a problem with the reduced spacing. Especially since the proposed rate and quantity are relatively small and won't cause much of an impact.

Kelly

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>

Sent: Wednesday, November 10, 2021 2:52 PM

To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>

Cc: Pollett, Rebecca [KDA] <Rebecca.Pollett@ks.gov>

Subject: 20219052

Hey Kelly,

Rebecca is working another term – 20219052. Industrial use (dust control) for Highway 383 construction project in Phillips county. Period of 9/1/21 – 10/22/22. Looks like temp permit 20210154 was approved at the same well – for the same use. Issued 7/8/21, expires 12/31/21.

There appears to be two IRR WR's that don't meet spacing: File Nos. 13819 & 36614 (my Arc is having issues right now, but I believe they are both a little over 700 feet away). Are you aware of this one at all? Before we shot Rebecca's memo to you for a recommendation, wanted to get your thoughts on a spacing waiver. Would be able to go over waiver info in memos with her that way.

Let me know if you need any more info. According to a note on 20210154 – looks like Alex spoke to the applicant.

Kris

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

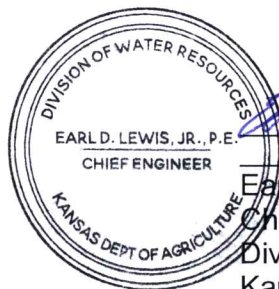
WAIVER OF REGULATION K.A.R. 5-4-4(c)(1)(C) Well spacing

Date: *December 13, 2021*

RE: Term Permit, File No. 20219052

1. That K.A.R. 5-4-4(c)(1)(C) states: The minimum distance from the well which is the subject of the application to all other senior authorized non-domestic and non-temporary wells in the same aquifer or a hydraulically connected aquifer shall be: 1,320 feet for wells whose common source of supply is any other aquifer.
2. That two non-domestic wells fall within the allowable 1,320-foot radius of the proposed well under Term Permit, File No. 20219052.
3. That the two non-domestic wells (authorized by Water Right, File Nos. 13,819 and 36,614) are owned by Gary and Karon, and Todd and Nora Christensen; the same owners of the proposed point of diversion.
4. That the proposed well is existing and was previously authorized by Temporary Permit, File No. 20210154 for the same intended use; dust control associated with the KS-383 Highway construction project in Phillips County, Kansas.
5. That Temporary Permit, File No. 20210154 has been operating with no known impairment of nearby wells.
6. That a waiver of K.A.R. 5-4-4(c) will not prejudicially or unreasonably affect the public interest.

Comments: _____



Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

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. 20219052** of the applicant

**SAM SUGHROUE
PO BOX 431
HOLDREGE, NE 68949**

for a term 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 subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **July 8, 2021**.
2. That the water sought to be appropriated shall be used for industrial use associated with the KS-383 Highway construction project in Phillips County, Kansas.
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 Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 1, more particularly described as being near a point 2,680 feet North and 2,610 feet West of the Southeast corner of said section, in Township 1 South, Range 19 West, Phillips County, Kansas.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **300 gallons per minute (0.67 c.f.s.)** and to a quantity not to exceed **16.29 million gallons (50 acre-feet)** of water for any calendar year.
5. 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.
6. That this term permit shall relate to a specific quantity of water and 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 authorized point of diversion.

7. That this term 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.

8. That all diversion works constructed under the authority of this term 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.

9. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this term 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.

10. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this term permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This 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).

11. 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.

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

13. That failure without cause to comply with provisions of this term 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.

14. That this term permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c.

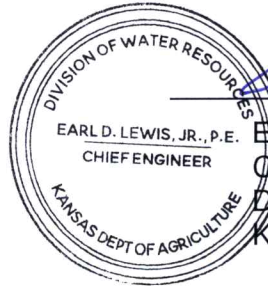
15. That the well casing and other appurtenances to said well under this appropriation shall be maintained by the applicant to the satisfaction of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. That in the event this application is dismissed or the well under this appropriation should become abandoned by the applicant, the applicant shall cause said well to be plugged in accordance with the requirements of article 30 of the rules and Regulations as adopted by the Kansas Department of Health and Environment.

16. That the discharged water is controlled and managed by the applicant to minimize flooding, waste, damage, hazards or a public nuisance.

17. That the effective date of this term permit is **September 1, 2021**.

18. That this term permit shall expire on **October 22, 2022**, and its priority forfeited, in accordance with K.S.A. 82a-708c. Any extension of time to make use of water as authorized herein must be requested in writing for good cause by the applicant prior to the expiration date on this permit.

Ordered this 13th day of December, 2021, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
Chief Engineer
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, 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman

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 20, 2021

SAM SUGHROUE
PO BOX 431
HOLDREGE, NE 68949

RE: Term Permit, File No. 20219052

Dear Sir or Madam:

Your application for a term permit to appropriate water for beneficial use has been examined, approved, and a permit is enclosed for your records.

An acceptable water flowmeter must be installed on the diversion works authorized by this term permit prior to using water. Notice must be filed within thirty (30) days of the water flowmeter being installed, repaired or replaced. 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.

The approval of your application constitutes a term 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.

Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/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 Stockton Field Office at 785-425-6787. 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:RRP
Enclosure(s)
pc: Stockton Field Office

RIGHT TO PETITION FOR REVIEW UNDER THE KANSAS JUDICIAL REVIEW ACT

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

CERTIFICATE OF SERVICE

On this 20 day of December, 2021, I hereby certify that the foregoing Term Permit, File No. 20219052, dated 13 December, 2021, was mailed postage prepaid, first class, US mail to the following:

SAM SUGHROUE
PO BOX 431
HOLDREGE, NE 68949

Stockton Field Office



Staff