

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

1. File Number: <p style="text-align: center;"><b>50508</b></p>	2. Status Change Date: <p style="text-align: center;"><b>4/21/2022</b></p>	3. Field Office: <p style="text-align: center;"><b>3</b></p>	4. GMD: <p style="text-align: center;"><b>4</b></p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID <b>56440</b> Add Seq# _____</p> <p><b>KENNY SANDERSON</b> <b>1516 COLORADO AVE</b> <b>GOODLAND, KS 67735</b></p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID <b>62598</b> Add Seq# _____</p> <p><b>7a</b></p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p><b>7a</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Groundwater            <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR            <input type="checkbox"/> REC            <input type="checkbox"/> DEW            <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK            <input type="checkbox"/> SED            <input type="checkbox"/> DOM            <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR            <input type="checkbox"/> ART RECHRG</p> <p><input checked="" type="checkbox"/> IND SIC: <b>0273</b>            <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <b>2023</b> <u>12/31/2022</u>		11. Perfection Date: <b>2027</b> <u>12/31/2026</u>	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<div style="border: 1px solid red; display: inline-block; padding: 2px;">4/20/2022 JDK</div> Date Prepared: <b>9/23/2021</b> By: <b>KJN</b> Date Entered: <span style="border: 1px solid blue; padding: 2px;">4/28/2022</span> By: <b>LMoody</b>			

File No. <b>50508</b>	15. Formation Code: <b>113</b>	Drainage Basin: <b>SAPPA CREEK</b>	County: <b>SH</b>	Special Use:	Stream:																
16. Points of Diversion T MOD DEL ENT PDIV Qualifier      S      T      R      ID      'N      'W			17. Rate and Quantity Authorized  Additional Rate                  Quantity  Rate                  Quantity gpm                  mgy  gpm                  mgy                  Overlap PD Files																		
<b>CHK</b>	<b>88562</b>	<b>SW SW SW</b>	<b>2</b>	<b>9S</b>	<b>38W</b>	<b>1</b>	<b>300</b>	<b>5180</b>	<b>35</b>	<b>4.888</b>	<b>35</b>	<b>4.888</b>	<b>none</b>								
18. Storage: Rate _____ NF    Quantity _____ ac/ft    Additional Rate _____ NF    Additional Quantity _____ ac/ft																					
19. Limitation: _____ MG/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? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No    To be installed by <b>12/31/2023</b> Date Acceptable Meter Installed _____																					
21. Place of Use T MOD DEL ENT		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	Overlap Files
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					
<b>MOD</b>	<b>70238</b>	<b>2</b>	<b>9S</b>	<b>38W</b>	<b>1</b>	<b>FISH/AQUACULTURE (S2 SW)</b>												<b>7a</b>	<b>no</b>	<b>none</b>	
Comments: <b>CONJUNCTION WITH REDUCTION OF 26465</b>																					

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files **DATE:** August 17, 2021  
**FROM:** Kris Neuhauser **RE:** New Application,  
File No. 50,508

Kenny Sanderson has filed an application to appropriate groundwater for industrial use (to fill ponds for fish/aquaculture). The application is requesting one (1) well, with a quantity of 15 acre-feet (4.888 million gallons) of water per calendar year, at a diversion rate of 35 gallons per minute. The proposed well will be located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 300 feet North and 5,180 feet West of the Southeast corner of said section, in Township 9 South, Range 38 West, Sherman County, Kansas, within the Sappa Creek drainage basin.

This application is being filed concurrently with a reduction of Water Right, File No. 26,465, which will provide offset water. The reduction request was accepted in this office on January 21, 2021 and is properly signed and notarized. The reduction will bring the authorized quantity for Water Right, File No. 26,465 down from 313 acre-feet to 298 acre-feet per calendar year.

The place of use is located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 2, Township 9 South, range 38 West, Sherman County, Kansas (0.86 acre surface area). A quantity justification is shown on the industrial supplemental sheet, requesting 15 acre-feet per year (4,887,771 gallons) for 25,000 fish.

There are no other water rights overlapping the proposed point of diversion or place of use. The place of use is owned the applicant, who has also signed the application form stating that he has legal access to the point of diversion.

The test hole log that was submitted with the pending application, shows top-soil/clay from 0-20 feet, sand from 20-40 feet, clay/gravel mix from 40-60 feet, gravel from 60-130 feet, clay/sand mix from 130-145 feet, and black shale from 145-150 feet. The static water level was listed at 92 feet, which provides a saturated thickness of 53 feet.

No domestic wells within one-half mile of the point of diversion were identified, so no nearby letters were required. The closest water right is 1.7 miles to the Southeast (File No. 26,465). Therefore, according to K.A.R. 5-4-4, the required well spacing is met.

Northwest Kansas Groundwater Management District No. 4 Manager, Shannon Kenyon, assisted with this application and provided a recommendation of approval in a letter dated July 7, 2021.

In an e-mail conversation on August 18, 2021, Kelly Stewart, Water Commissioner of the Stockton Field Office, recommended approval of the application.

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.

Based on the above discussion, the application complies with well spacing criteria, Water Right, File No. 26,465 will be reduced by 15 acre-feet per calendar year to provide offset water, and 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.

A handwritten signature in black ink, appearing to read "Kris Neuhauser". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program

**From:** Stewart, Kelly [KDA]  
**Sent:** Wed 8/18/2021 8:23 AM  
**To:** Neuhauser, Kris [KDA]  
**Cc:** Billinger, Mark [KDA];Hageman, Nancy [KDA]  
**Subject:** RE: 50508 recommendation request

Kris,

I have done the calculations as provided in K.A.R. 5-24-10. Given the large amount of acres irrigated during the perfection period, the calculation would allow for a simple 15 acre-foot reduction of the senior file to “free up” 15 acre-feet for the new application.

I would recommend approval of this.

Kelly

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**From:** Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>  
**Sent:** Tuesday, August 17, 2021 12:32 PM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Subject:** 50508 recommendation request

Kelly,

Have another to send your way, 50508. Shannon helped out with this one from the beginning. GW app for aquaculture. Reduction for 26465 providing 15 acre-feet offset water, so I can work the reduction and new app as a package.

Shannon made a map for the app, pretty basic though. Just on a topo, showing the PD, piping to the ponds, and the ponds themselves. Let me know if we should create a better one with aerial views. I could always hit up Shannon too.

Thanks!

***Kris Neuhauser***

New Applications Lead  
Kansas Department of Agriculture, Division of Water Resources  
Phone: (785)564-6643

**From:** Jody McCain  
**Sent:** Wed 7/7/2021 11:17 AM  
**To:** Neuhauser, Kris [KDA]; 'Shannon Kenyon'  
**Subject:** RE: New App, File No. 50,508 recommendation request  
**Attachments:** REC - #50508.pdf

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Kris,

I have attached a scanned copy of Shannon's recommendation for 50,508.

Jody McCain  
Administrative Assistant  
NW KS Groundwater  
Management District No 4  
P O Box 905 – 1290 West Fourth  
Colby KS 67701  
785-462-3915  
jmccain@gmd4.org

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**From:** Neuhauser, Kris [KDA] [mailto:Kris.Neuhauser@ks.gov]  
**Sent:** Wednesday, July 07, 2021 8:59 AM  
**To:** Shannon Kenyon <skenyon@gmd4.org>  
**Cc:** Jody McCain <jmccain@gmd4.org>  
**Subject:** RE: New App, File No. 50,508 recommendation request

Sounds great. An electronic copy is aok! We've really transitioned to paperless workflow in the last year, so emails/electronic copies will most always suffice.

**Kris Neuhauser**  
Environmental Scientist  
Water Appropriations Program – Kansas Dept of Agriculture  
(785) 564-6643

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**From:** Shannon Kenyon <skenyon@gmd4.org>  
**Sent:** Wednesday, July 7, 2021 8:03 AM  
**To:** Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Jody MCCAIN <jmccain@gmd4.org>  
**Subject:** Re: New App, File No. 50,508 recommendation request

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

I am going to recommend approval on this one. Can Jody just send you an electronic copy or do you need us to mail it to you?

On Tue, Jul 6, 2021 at 10:42 AM Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov> wrote:

Shannon,

Attached is New App, File No. 50,508 for your review and recommendation – I see you assisted with this one! Let me know if you need anything else on it.

Thank you!

## Kris Neuhauser

Environmental Scientist

Kansas Department of Agriculture, Division of Water Resources

Address: 1320 Research Park Drive, Manhattan, KS 66502

Phone: (785)564-6643

Website: <http://agriculture.ks.gov/divisions-programs/dwr>

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Shannon Kenyon

Manager

GMD 4

[skenyon@gmd4.org](mailto:skenyon@gmd4.org)

[www.gmd4.org](http://www.gmd4.org)

785-462-3915



**NORTHWEST KANSAS  
GROUNDWATER MANAGEMENT  
DISTRICT NO. 4**

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1290 West 4th Street  
P.O. Box 905  
Colby, Kansas 67701-0905

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July 7, 2021

Kris Neuhauser  
1320 Research Park Drive  
Manhattan, KS 66502

RE: 50508  
Kenny Sanderson

Dear Kris,

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendations be made to the Chief Engineer:

Approve application 50,508 provided water right #26,465 is reduced by 15 acre-foot per calendar year as an offset/reduction.

If you have any questions, please contact this office.

Sincerely,



Shannon Kenyon  
Manager

SK: jem



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. 50,508** of the applicant

**KENNY SANDERSON  
1516 COLORADO AVE  
GOODLAND, KS 67735**

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 **January 21, 2021**.
2. That the water sought to be appropriated shall be used for industrial use (raising fish) in five ponds located in the South Half of the Southwest Quarter of Section 2, Township 9 South, Range 38 West, Sherman 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 Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 300 feet North and 5,180 feet West of the Southeast corner of said section, in Township 9 South, Range 38 West, Sherman 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 **35 gallons per minute (0.08 c.f.s.)** and to a quantity not to exceed **15 acre-feet (4.888 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, 2023** 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, 2027** 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.

13. That acceptable water flow meters 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. These water flow meters 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 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 21 day of April, 2022, in Manhattan, Riley County, Kansas.

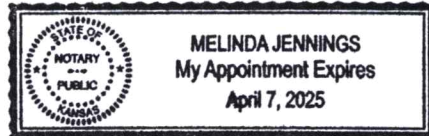
*Lane P. Letourneau*

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 21 day of April, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
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

May 4, 2022

KENNY SANDERSON  
1516 COLORADO AVE  
GOODLAND, KS 67735

RE: Appropriation of Water, File No. 50,508

Dear Mr. Sanderson:

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.

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/divisions-programs/dwr](http://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: kjn  
Enclosure(s)

pc: Stockton Field Office  
Northwest Kansas GMD No. 4

**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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 Section, 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 hearing 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

**CERTIFICATE OF SERVICE**

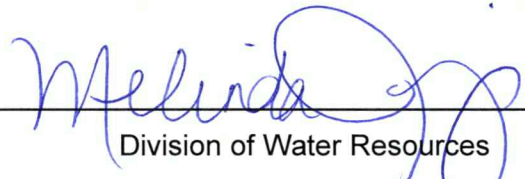
On this 4 day of May, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,508, dated 21 April, 2022, was mailed postage prepaid, first class, US mail to the following:

KENNY SANDERSON  
1516 COLORADO AVE  
GOODLAND, KS 67735

With photocopies to:

Stockton Field Office

Northwest Kansas GMD No. 4

  
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Division of Water Resources