



File No. **49,931**      15. Formation Code:      Drainage Basin:      County:      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity						
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
												Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
																<b>None</b>

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?	Overlap Files	
T	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	NE ¼	NW ¼	SW ¼	SE ¼					
																													<b>Yes</b>	
																											<b>7b.</b>		<b>31678</b>	

Comments: **Application fails Safe Yield and was recommended for denial by GMD#2**



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

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

**TO:** Files

**DATE:** August 7, 2020

**FROM:** Matt Meier

**RE:** Application, File No. 49,931

Arlen Becker filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 200.85 acre-feet of groundwater for irrigation use. The proposed well battery geo-center was to be located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 1243 feet North and 3312 feet West of the Southeast corner of said section, in Township 20 South, Range 1 West, McPherson County, Kansas within the boundaries of Equus Beds Groundwater Management District No. 2. Water right File No. 31678 overlaps the proposed point of diversion and place of use.

That on September 6, 2018, a copy of the application was submitted to Equus Beds Groundwater Management District No. 2. On October 24, 2018, an email (with an attached letter dated 10.19.2018) was received from Equus Beds Groundwater Management District No. 2 recommending denial of the application for failure to comply with Safe Yield Rule K.A.R. 5-22-7(a). The applicant was sent a letter explaining the denial recommendation on October 24, 2018 and given a 30-day deadline from the date of the denial letter (November 18, 2018) to consult with GMD#2 on the recommendation. The applicant appealed the denial recommendation to the GMD#2 Board of Directors in a letter postmarked November 16, 2018. The applicant was given a deadline of January 18, 2019 to submit additional information or request additional time. Based on a June 29, 2020 email from GMD2 manager Tim Boese, the applicant never submitted the requested additional information or another extension of time and he recommended it be dismissed.

Therefore, based on the existing information, it is recommended that application File No. 49,931 be denied and dismissed for failure to meet safe yield criteria.

Matt Meier  
Environmental Scientist  
Permits Unit

**From:** Tim Boese  
**Sent:** Mon 6/29/2020 1:33 PM  
**To:** Meier, Matt [KDA]  
**Cc:** Baum, Kristen [KDA]  
**Subject:** No. 49931

**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.

Matt / Kristen – I am cleaning up some old files here and came across pending new application No. 49931. This is one we recommended for denial on October 19, 2018. The applicant, Arlen Becker, appealed and I gave him until January 18, 2019, to provide additional information supporting the appeal. Mr. Becker never supplied any additional information and it appears from my notes that he decided to not pursue the appeal.

I think this one can be dismissed by DWR. If you want me to send a letter to Mr. Becker dismissing his appeal let me know.

Thanks.

Tim Boese, Manager  
Equus Beds GMD2  
313 Spruce, Halstead, Kansas 67056  
316-835-2224  
Fax: 316-835-2225  
[tboese@gmd2.org](mailto:tboese@gmd2.org)  
[www.gmd2.org](http://www.gmd2.org)

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Christopher W. Beightel, Acting Chief Engineer

## **FINDINGS AND ORDER IN THE MATTER OF THE DISMISSAL OF APPLICATION FILE NO. 49,931**

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

### **FINDINGS**

1. That on October 30, 2017, the Chief Engineer received an application from Arlen Becker for a permit to appropriate water for beneficial use, assigned File No. 49,931, proposing the appropriation of 200.85 acre-feet of groundwater for irrigation use. The proposed well battery geo-center was to be located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 1,243 feet North and 3,312 feet West of the Southeast corner of said section, in Township 20 South, Range 1 West, McPherson County, Kansas.
2. That on September 6, 2018, a copy of the application was submitted to Equus Beds Groundwater Management District No. 2 (GMD#2). GMD#2 recommended denial of the application in a letter dated October 19, 2018. They recommended denying the application because their review determined that the application did not comply with the District's Safe Yield regulation K.A.R. 5-22-7(a), as existing and proposed consumptive appropriations exceeded the maximum allowable.
3. That a letter was sent to the applicant stating the decision of GMD#2 and that the applicant had 30 days (until November 18, 2018) to appeal the decision.
4. That the applicant appealed the denial recommendation to the GMD#2 Board of Directors in a letter postmarked on November 16, 2018. GMD#2 gave the applicant a deadline of January 18, 2019 to submit additional information or request additional time.
5. That based on a June 29, 2020 email from GMD#2 manager Tim Boese, the applicant never submitted the requested additional information or another extension of time and he again recommended the application be dismissed.
6. That the applicant, has not submitted additional information for consideration, nor requested an extension of time, for Application, File No. 49,931, thus the application should be denied and dismissed and its priority forfeited for failure to comply with Safe Yield regulation K.A.R. 5-22-7(a).

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,931, is herewith dismissed and the priority assigned to it is considered to be forfeited.

Ordered this *29* day of *October*, 2020, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

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

State of Kansas

County of Riley

SEEMAN  
Expires  
2024 )  
SS )

The foregoing instrument was acknowledged before me this *29* day of *October*, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

STATE OF KANSAS  
NOTARY PUBLIC  
ASHLEE FREEMAN  
My Appointment Expires  
April 21, 2024

*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

November 9, 2020

ARLEN BECKER  
1293 26TH AVE  
CANTON, KS 67428

RE: Application, File No. 49,931

Dear Mr. Becker:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,931, for failure to comply with the safe yield requirements of K.A.R. 5-22-7(a).

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.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

Enclosures

pc: GMD#2  
Stafford Field Office  
ELFRIEDA BECKER REV TRUST



**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**

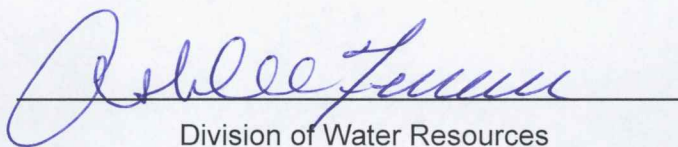
On this 9<sup>th</sup> day of November, 2020, I hereby certify that the foregoing Dismissal of Application, File No. 49,931, dated 29 October 2020 was mailed postage prepaid, first class, US mail to the following:

ARLEN R & NONA G BECKER  
1293 26TH AVE  
CANTON, KS 67428

With photocopies to:

ELFRIEDA BECKER REV TRUST  
208 UNRUH ST  
MOUNDRIDGE, KS 67107

Stafford Field Office  
Equus Beds Groundwater Management District No. 2

  
Division of Water Resources