

File No. **50515** 15. Formation Code: Drainage Basin: Arkansas River County: SU Special Use: Stream:

vc16. 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 af	Rate gpm	Quantity mgy	
DEL	88596		SW SW NW		13	30S	1E	9	2740	5278	800	208			NA
DEL	88597		SW SW NW		13	30S	1E	10	3038	5278					
DEL	88598		SW SW NW		13	30S	1E	11	3322	5278					

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
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						
DEL	6202		13 30S 1E 3									40	40	40	40										160	7a	N	NA	

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 8, 2024

FROM: Brandon Milner

RE: Application, File No. 50515

Steven Butts had filed the above referenced application to appropriate groundwater for an application to appropriate water on January 29th, 2021 and was labeled as application no. 50,515.

During the course of initial processing, it was noticed that the applicant did not meet safe yield in the proposed area. Safeyield was this application was 2714.34 with prior appropriations 2749.26 acre feet thus leaving 0 available acre feet available for appropriation for this application. Therefore the application has been recommended for dismissal for failing to meet safe yield.

Based on the failed safeyield calculation as outlined in K.A.R. 5-3-11 it is recommended that the file be dismissed.

Brandon Milner
Environmental Scientist
New Applications Uni

Analysis Results

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

The safe yield based on the variables listed below is 2,714.34 AF.

Total prior appropriations in the circle is 3,283.51 AF. **274949.26**

Total quantity of water available for appropriation is 0.00 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 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 09-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 are 26 water rights and 49 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 2699 00	IRR	NK	G					3130	4650	01	30	01E	1	WR	174.00	174.00	300.00	300.00
Same	IRR	NK	G		NE	NE	SE	2635	40	02	30	01E	5	WR				
A 5180 00	IRR	NK	G			NC	NW	3830	3580	18	30	02E	3	WR	90.00	90.00	128.00	128.00
A 16544 00	IRR	NK	G			NC	NW	3849	4101	11	30	01E	7	PD	57.00	57.00	120.00	120.00
Same	IRR	NK	G		NC	NE	SE	1967	616	10	30	01E	2	PD	16.00	16.00		
A 26675 00	IRR	NK	G		SE	NW	SE	1350	1365	24	30	01E	5	WR	198.00	198.00	132.00	132.00
A 30676 00	IRR	NK	G		NW	SE	NW	3929	3723	25	30	01E	14	WR	145.00	145.00	116.00	116.00
Same	IRR	NK	G		SW	NE	NW	3978	3870	25	30	01E	15	WR				
Same	IRR	NK	G		SE	NW	NW	4027	4016	25	30	01E	16	WR				
A 30677 00	IRR	NK	G		NE	SW	NE	3949	2088	13	30	01E	8	WR	138.00	138.00	170.00	170.00
A 31260 00	IRR	NK	G		NE	SW	NE	3949	2088	13	30	01E	8	WR	72.00	72.00	170.00	0.00
A 31685 00	IRR	NK	G		SE	NW	SE	1325	1396	12	30	01E	1	WR	153.00	153.00	102.00	102.00
A 34563 00	IRR	NK	G		NE	NE	SW	2575	2656	14	30	01E	5	WR	54.00	54.00	156.00	156.00
A 34564 00	IRR	NK	G			NC	SW	1320	4000	11	30	01E	2	WR	178.00	178.00	134.80	134.80
A 37597 00	IRR	NK	G		NW	SE	SW	1025	3855	11	30	01E	4	WR	24.00	24.00	135.00	0.00
A 39212 00	IRR	NK	G		NE	NE	SW	2575	2656	14	30	01E	5	WR	180.00	134.00	156.00	0.00
Same	IRR	NK	G		NE	NE	SW	2480	2750	14	30	01E	4	WR				
Same	IRR	NK	G		NE	NE	SW	2525	2802	14	30	01E	6	WR				
Same	IRR	NK	G		NE	NE	SW	2520	3000	14	30	01E	7	WR				
A 39449 00	IRR	NK	G		NE	SW	SE	1285	1376	11	30	01E	5	WR	113.00	113.00	75.00	75.00
A 40113 00	IRR	NK	G		SW	SE	NE	2970	940	07	30	02E	21	WR	108.00	108.00	72.00	72.00
A 41240 00	IRR	NK	G		NE	NW	NW	3681	4331	15	30	01E	1	WR	145.00	145.00	130.00	130.00

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
Same	IRR	NK	G		NE	SW	NW	3884	4133	15	30	01E	5	WR				
Same	IRR	NK	G		NE	SW	NW	3480	4130	15	30	01E	3	WR				
Same	IRR	NK	G		NE	SW	NW	3880	4530	15	30	01E	2	WR				
Same	IRR	NK	G		NE	SW	NW	3480	4530	15	30	01E	4	WR				
A 44876 00	IND	LO	G		SW	NE	SW	1600	3780	01	30	01E	5	WR	244.99	244.99		
A 45201 00	IRR	NK	G		SE	NW	NE	4378	1477	26	30	01E	3	WR	123.00	123.00	108.00	108.00
Same	IRR	NK	G		SE	NW	NE	4040	1466	26	30	01E	4	WR				
Same	IRR	NK	G		SW	NE	NE	4069	1111	26	30	01E	5	WR				
Same	IRR	NK	G		NE	SW	NE	3799	1498	26	30	01E	6	WR				
Same	IRR	NK	G		SE	NW	NE	4073	1388	26	30	01E	7	WR				
A 46448 00	IRR	NK	G		NW	SW	SE	875	2485	23	30	01E	6	WR	170.00	170.00	107.00	107.00
Same	IRR	NK	G		NW	SW	SE	1017	2432	23	30	01E	7	WR				
Same	IRR	NK	G		NW	SW	SE	1060	2618	23	30	01E	8	WR				
Same	IRR	NK	G		NW	SW	SE	798	2525	23	30	01E	9	WR				
Same	IRR	NK	G		SW	SW	SE	623	2368	23	30	01E	10	WR				
A 49502 00	IRR	MM	G		SW	SW	NE	2874	2461	10	30	01E	3	WR	156.00	156.00	120.00	120.00
Same	IRR	MM	G		SW	SW	NE	2790	2355	10	30	01E	5	WR				
Same	IRR	MM	G		SW	SW	NE	3107	2340	10	30	01E	6	WR				
Same	IRR	MM	G		SE	SE	NW	2725	2689	10	30	01E	7	WR				
A 49518 00	IRR	KK	G		NE	NW	NW	5100	4310	24	30	01E	6	WR	88.40	88.40	68.00	68.00
Same	IRR	KK	G		NE	NW	NW	5100	4010	24	30	01E	7	WR				
Same	IRR	KK	G		NE	NW	NW	5100	4160	24	30	01E	8	WR				
A 44472 D2	IND	LR	G			NC	SW	1347	3944	12	30	01E	3	WR	167.87	167.87		
A 50515 00	IRR	AY	G		SW	SW	NW	2740	5278	13	30	01E	9	WR	208.00	208.00	160.00	49.00
Same	IRR	AY	G		SW	SW	NW	3038	5278	13	30	01E	10	WR				
Same	IRR	AY	G		SW	SW	NW	3322	5278	13	30	01E	11	WR				
A 50646 00	REC	GY	G		NW	NW	NE	5121	2159	12	30	01E	7	WR	124.25	124.25		
A 50805 00	IRR	AY	G			NC	NW	3849	4101	11	30	01E	7	WR	39.00	39.00	30.00	30.00
A 50822 00	REC	AY	G		NW	NE	NW	4732	3723	12	30	01E	6		0.00	0.00		
A 51157 00	IRR	AY	G		NE	SW	SW	1328	4070	13	30	01E	12	WR	163.00	163.00	125.00	0.00

Limitations

File Number	Seq Num	Limitations
A 31260 00	1	1170GPM COM/W 30677
A 39212 00	2	188AF/YR @ 600GPM COM/W #34563

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

FINDINGS AND ORDER IN THE MATTER OF THE DISMISSAL OF APPLICATION TO APPROPRIATE WATER FILE NO. 50,515

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 January 29, 2021, the Chief Engineer received an application from Steven Butts, for a permit to appropriate groundwater for beneficial use, assigned File No. 50,515, proposing the appropriation of 208 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, from a battery of three (3) wells, for the irrigation of 160 acres in the Northwest Quarter (NW¼) of Section 13, Township 30 South, Range 1 East, Sumner County, Kansas.
2. That K.S.A. 82a-711(b) requires that in ascertaining whether a proposed use will prejudicially and unreasonably affect the public interest, the Chief Engineer shall take into consideration established minimum desirable streamflow requirements, the area, safe yield, and recharge rate of the appropriate water supply, the priority of existing claims of all persons to use the water of the appropriate water supply, the amount of each claim to use water from the appropriate water supply, and all other matters pertaining to such question.
3. That K.A.R. 5-3-9 states that it shall be considered to be in the public interest that only the safe yield of any source of water supply, including hydraulically connected sources of water supply, shall be appropriated, and K.A.R. 5-3-10 and K.A.R. 5-3-11 set forth the methodology for determining safe yield.
4. That K.A.R. 5-1-1(vvv) defines "safe yield" as the long-term sustainable yield of the source of supply, including hydraulically connected surface water or groundwater.
5. That on July 12, 2021, and November 21, 2023, letters were mailed to the applicant advising that the application described in Paragraph No. 1 of these Findings, does not comply with the safe yield requirements, and provided 15 days to submit additional information to be considered by the Chief Engineer, with a deadline of December 6, 2023.
6. That no additional information has been submitted within the time allowed and no request for an extension of time has been submitted by the applicant.
7. That the Application, File No. 50,515, should be dismissed and its priority forfeited as provided by K.S.A. 82a-711, and K.A.R. 5-3-9, K.A.R. 5-3-10 and K.A.R. 5-3-11.

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

April 16, 2024

STEVEN J BUTTS
2411 E 111 STREET SOUTH
MULVANE KS 67110-9286

Re: Dismissal of Application
File No. 50,515

Dear Mr. Butts:

Enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing the above referenced application to appropriate water for failure to meet safe yield, as originally described in our letters to you, dated July 12, 2021, and November 21, 2023.

Please feel free to contact this office should you have any questions. 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 blue ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:kak:bmm
Enclosure
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 16 day of April, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 50,515 dated April 9, 2024, was mailed postage prepaid, first class, U.S. mail to the following:

STEVEN J & JAREN KAY BUTTS
2411 E 111 STREET SOUTH
MULVANE KS 67110-9286

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources