



File No. **50706**      15. Formation Code:      Drainage Basin: Ninnescah River      County: SU      Special Use:      Stream:

vc16. Points of Diversion										
T	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W
ENT										
<b>DEL</b>	<b>83987</b>	<b>SW NE NE</b>	<b>21</b>	<b>31S 2E</b>	<b>10</b>	<b>4016</b>	<b>1210</b>			

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity mgy	Overlap PD Files
<b>800</b>	<b>143</b>		<b>NA</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	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	Total	Owner	Chg?	Overlap Files						
T	MOD	DEL	PUSE	S	T	R	ID	NE¼	NW¼																	SW¼	SE¼				
ENT																															
<b>DEL</b>	<b>66658</b>	<b>21</b>	<b>31S 2E</b>	<b>4</b>				<b>27.2</b>	<b>27.2</b>	<b>27.8</b>	<b>27.8</b>													<b>110</b>	<b>7a</b>	<b>N</b>					

Comments:

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

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

**TO:** Files

**DATE:** April 1, 2024

**FROM:** Brandon Milner

**RE:** Application, File No. 50706

Doug Hisken had filed the above referenced application to appropriate groundwater for an application to appropriate water on June 21st, 2022 and was labeled as application no. 50,706.

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 3700.8 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 Unit

**Safe Yield Report Sheet**  
**Water Right- A5070600**  
**Point of Diversion in 21-31S-02E**  
**Footages from SE corner- 4,016 feet North 1,210 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 2,714.34 AF.

Total prior appropriations in the circle is 3,843.80 AF.

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 23-JUN-2023 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 27 water rights and 44 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 28532 00	IRR	NK	G		NE	SW	SE	1170	1380	15	31	02E	7	WR	118.00	118.00	88.00	88.00
A 28609 00	IRR	NK	G		NC	S2	NW	3460	3695	20	31	02E	2	WR	148.00	148.00	222.00	222.00
A 31244 00	IRR	NK	G					80	3770	17	31	02E	1	WR	152.00	152.00	317.00	317.00
A 33325 00	MUN	NK	G		NE	NE	NE	5180	100	15	31	02E	2	WR	245.51	245.51		
Same	MUN	NK	G		NE	NE	NE	5180	645	15	31	02E	1	WR				
A 39348 00	IRR	NK	G		NW	SE	NE	3955	1314	15	31	02E	4	WR	186.00	186.00	124.00	124.00
A 39349 00	IRR	NK	G		SW	NE	SW	1455	3897	23	31	02E	1	WR	201.00	201.00	134.00	134.00
A 40102 00	IRR	NK	G			NC	NE	3974	3860	15	31	02E	5	WR	202.50	202.50	135.00	135.00
A 40159 00	IRR	NK	G		SW	NE	NW	4060	3871	23	31	02E	2	WR	210.00	210.00	140.00	140.00
A 41882 00	IRR	NK	G		SW	NW	SE	1409	2571	09	31	02E	3	WR	195.00	195.00	130.00	130.00
A 41894 00	IRR	NK	G		NW	SE	NE	3750	1163	20	31	02E	3	WR	155.00	155.00	113.60	113.60
A 41946 00	IRR	NK	G		NW	SE	SW	1288	3948	21	31	02E	1	WR	151.00	151.00	128.00	128.00
Same	IRR	NK	G		NW	SE	SW	1286	3814	21	31	02E	2	WR				
Same	IRR	NK	G		NW	SE	SW	1285	3680	21	31	02E	3	WR				
A 43705 00	IRR	NK	G		NW	NW	NW	4739	5142	27	31	02E	1	WR	163.50	163.50	135.00	135.00
A 43706 00	IRR	NK	G		NW	NW	NW	4706	4699	26	31	02E	1	WR	152.00	152.00	101.00	101.00
A 44024 00	IRR	NK	G		SE	NW	SW	1332	4071	14	31	02E	5	WR	184.00	184.00	122.30	122.30
A 44569 00	IRR	NK	G		NW	NE	NW	4659	3369	28	31	02E	2	WR	54.60	54.60	42.00	42.00
A 44778 00	IRR	NK	G					272	1255	14	31	02E	6	WR	150.00	150.00	115.30	115.30
A 45215 00	IRR	NK	G		NE	SW	SW	1316	4098	27	31	02E	2	WR	91.00	91.00	79.00	79.00
A 45216 00	IRR	NK	G		NW	NE	NW	5319	3874	34	31	02E	1	WR	135.20	135.20	114.00	114.00
A 46508 00	IRR	LR	G		SE	NW	NE	4193	1409	28	31	02E	5	WR	122.59	122.59	96.50	96.50
A 47826 00	IRR	LR	G		NE	SW	NW	3890	4000	21	31	02E	4	WR	169.00	169.00	130.00	130.00
Same	IRR	LR	G		NE	SW	NW	3890	4300	21	31	02E	6	WR				
Same	IRR	LR	G		NW	SE	NW	3890	3700	21	31	02E	7	WR				

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	LR	G		SE	NW	NW	4190	4000	21	31	02E	8	WR				
Same	IRR	LR	G		NE	SW	NW	3590	4000	21	31	02E	9	WR				
A 48521 00	IRR	LR	G		NC	E2	NE	3932	683	22	31	02E	3	WR	94.90	94.90	73.00	73.00
A 48559 00	IRR	LR	G		NW	SE	SE	1306	1112	28	31	02E	4	WR	77.00	77.00	67.00	67.00
Same	IRR	LR	G		NW	SE	SE	1106	1112	28	31	02E	10	WR				
Same	IRR	LR	G		SW	NE	SE	1506	1112	28	31	02E	11	WR				
Same	IRR	LR	G		NW	SE	SE	1306	1312	28	31	02E	12	WR				
Same	IRR	LR	G		NW	SE	SE	1306	912	28	31	02E	13	WR				
A 48562 00	IRR	MM	G		NE	SE	NW	3592	3731	26	31	02E	2	WR	74.00	74.00	66.00	66.00
A 48651 00	IRR	KK	G		NW	SW	SW	1060	5110	26	31	02E	3	WR	175.00	175.00	146.00	146.00
Same	IRR	KK	G		NW	SW	SW	1360	5110	26	31	02E	6	WR				
Same	IRR	KK	G		NW	SW	SW	1060	5110	26	31	02E	7	WR				
A 49347 00	IRR	KK	G		NW	SW	NW	3700	5134	28	31	02E	8	WR	94.00	94.00	106.00	106.00
Same	IRR	KK	G		NW	SW	NW	3959	5240	28	31	02E	14	WR				
Same	IRR	KK	G		NW	SW	NW	3940	5039	28	31	02E	15	WR				
Same	IRR	KK	G		NW	SW	NW	3430	5226	28	31	02E	16	WR				
Same	IRR	KK	G		NW	SW	NW	3470	5030	28	31	02E	17	WR				
A 49998 00	IRR	AY	G		SE	NW	NE	4200	1440	28	31	02E	3	WR	122.59	0.00	96.50	9.20
A 50706 00	IRR	AY	G		SW	NE	NE	4016	1210	21	31	02E	10	WR	143.00	143.00	110.00	110.00

## Limitations

File Number	Seq Num	Limitations
A 40102 00	1	5 YR ALLOCATION
A 40159 00	1	5YR ALLOCATION



# 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. 50,706**

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 21, 2022, the Chief Engineer received an application from Doug Hisken, for a permit to appropriate groundwater for beneficial use, assigned File No. 50,706, proposing the appropriation of 143 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, from a battery of four (4) wells, for the irrigation of 110 acres in the Northeast Quarter (NE¼) of Section 21, Township 31 South, Range 2 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 June 14, 2023, a letter was 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 June 29, 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. 50,706, 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.

**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. 50,706, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 9 day of April, 2024, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

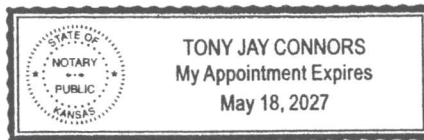
\_\_\_\_\_  
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 9 day of April, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Tony Jay Connors*

\_\_\_\_\_  
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

April 16, 2024

DOUGLAS E HISKEN  
1459 E 60TH AVE N  
BELLE PLAINE KS 67013-8258

Re: Dismissal of Application  
File No. 50,706

Dear Mr. Hisken:

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 letter to you, dated June 14, 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, flowing 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. 50,706 dated April 9, 2024, was mailed postage prepaid, first class, U.S. mail to the following:

DOUGLAS E & EDITH A HISKEN  
1459 E 60TH AVE N  
BELLE PLAINE KS 67013-8258

With photocopies to:

KDA-DWR Stafford Field Office

  
Division of Water Resources