



File No. **50923**      15. Formation Code:      Drainage Basin: Smokey Hill River      County: MP      Special Use:      Stream:

vc16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized	Additional			
										Rate gpm	Quantity af	Rate gpm	Quantity mgy	Overlap PD Files
<b>DEL</b>	<b>84843</b>	<b>NE NW NW</b>	<b>4</b>	<b>17S</b>	<b>3W</b>	<b>4</b>	<b>5080</b>	<b>4305</b>		<b>800</b>	<b>218</b>			<b>NA</b>
<b>DEL</b>	<b>84844</b>	<b>NE NW NW</b>	<b>4</b>	<b>17S</b>	<b>3W</b>	<b>5</b>	<b>5180</b>	<b>4520</b>						
<b>DEL</b>	<b>84845</b>	<b>NE NW NW</b>	<b>4</b>	<b>17S</b>	<b>3W</b>	<b>6</b>	<b>5180</b>	<b>4100</b>						
<b>DEL</b>	<b>84846</b>	<b>NE NW NW</b>	<b>4</b>	<b>17S</b>	<b>3W</b>	<b>7</b>	<b>4780</b>	<b>4300</b>						
<b>DEL</b>	<b>84847</b>	<b>NE NW NW</b>	<b>4</b>	<b>17S</b>	<b>3W</b>	<b>8</b>	<b>5180</b>	<b>4300</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																		Total	Owner	Chg?	Overlap Files					
T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
						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>DEL</b>	<b>67515</b>	<b>4</b>	<b>17S</b>	<b>3W</b>	<b>3</b>					<b>40</b>	<b>36</b>	<b>40</b>	<b>40</b>										<b>156</b>	<b>7a</b>	<b>N</b>	<b>20219081</b>

Comments:

# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: April 12, 2024

From: Christa Anhold , Environmental Scientist

Re: New Application File No. 50,923 – Logan McNett

## Summary

Logan McNett has filed the application referenced above proposing to appropriate 218 acre-feet of groundwater at a rate of 800 gallons per minute from a battery of four (4) wells for irrigation use. Upon the approval of this application a term permit File No. 20179015 will be dismissed. The proposed point of diversion is from the Smokey Hill River basin in the Northwest Quarter of Section 4, Township 17 South, Range 3 West of McPherson County, Kansas.

A safe yield report indicates the area to cover 6,041 acres. Based on potential recharge of 2.5 inches, with 75% available for appropriation, safe yield was determined to be 943.93 acre-feet. Existing appropriations total 1,354.24 acre-feet.

The applicant was notified the application did not meet safe yield on March 22, 2024. The applicant discussed the failed safe yield with Stockton Field Office, who ran an additional safe yield and concluded the area was over appropriated. This was addressed with the applicant, at which point they decided to stop pursuing application 50,923. In an email conversation dated April 4, 2024, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended dismissal of the above referenced application.

Based on the failed safe yield calculations as outline in K.A.R 5-3-11(c)(3) and recommendation for Kelly Stewart, Water Commissioner, Stockton Field Office, it is recommended that the file be dismissed.



Christa Anhold  
Environmental Scientist  
Manhattan Headquarters

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Manhattan, KS 66502  
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900 SW Jackson, Room 456  
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785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

March 22, 2024

LOGAN MCNETT  
2956 14TH AVE  
LINDSBORG KS 67456

RE: Recommendation to Dismiss  
Application for Permit to Appropriate Water  
File No. 50,923

Dear Mr. McNett:

The Division of Water Resources has reviewed your application for a permit to appropriate water for beneficial use. Your application proposes to pump 218 acre-feet of groundwater at 800 gallons per minute for the irrigation of 156-acres in McPherson County.

The Kansas Water Appropriation Act and related regulations govern whether the Division can approve your application. Under the authority of K.S.A 82a-711, K.A.R. 5-3-9 and 5-3-10, the approval of any new application to appropriate water shall not cause the safe yield of the source of water to be exceeded. We have determined that the safe yield available at your proposed location has already been fully appropriated, therefore no water is available to satisfy your proposed application. For this reason, we are recommending that the Chief Engineer deny and dismiss Application, File No. 50,923 for failure to meet safe yield criteria.

You have 15 days to submit additional information or request additional time in which to do so. The information you submit should be an engineering report or similar hydrologic analysis that shows why the approval of your application will not cause the safe yield of the source of supply to be exceeded. Any relevant credible information submitted within the time allowed will be given due consideration prior to final action on your application. If we do not receive additional information within the time allowed, we will dismiss your application.

We will delay further action on your application until **April 6, 2024**. If you have any questions or need assistance, please contact me at [Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov) or (785)-564-6643. Please provide your file number so that I may help you more efficiently.

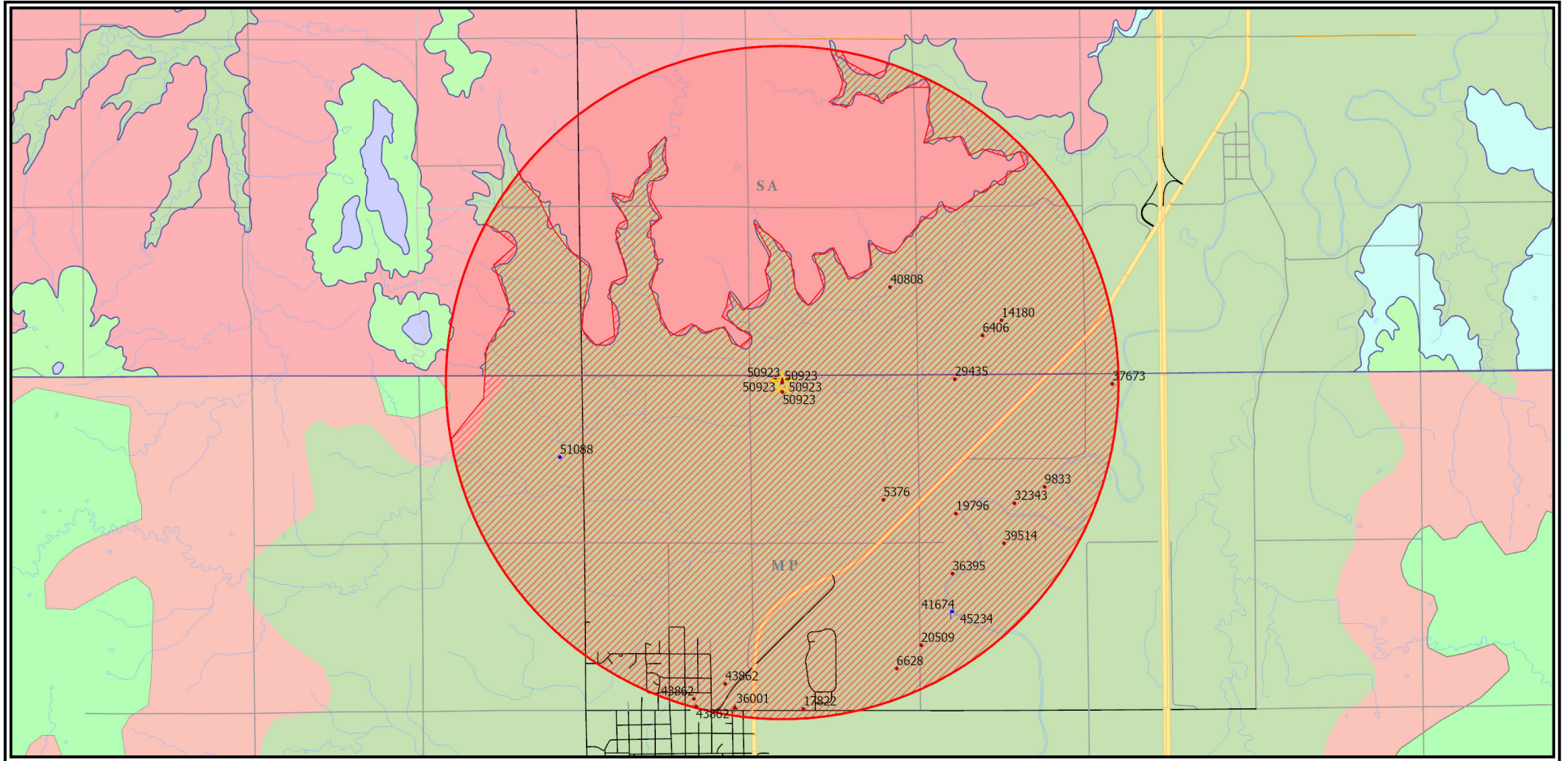
Sincerely,

Kris Neuhauser  
New Application Lead  
Water Appropriation Program

KJN: cla

Enclosure(s)  
pc: Stockton Field Office

**Safe Yield Report Sheet**  
**Water Right- Proposed Point of Diversion**  
**Point of Diversion in 00-00S-00**  
**Footages from SE corner- 5,078 feet North 4,306 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 943.93 AF.

Total prior appropriations in the circle is 1,548.27 AF.

Total quantity of water available for appropriation is 0.00 AF.

## Safe Yield Variables

The area used for the analysis is set at 6,041 acres.

The potential annual recharge at the circle center is estimated to be 2.5 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 03-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 17 water rights and 23 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 5376 00	IRR	NK	G		SW	NE	SE	0	0	04	17	03W	1	WR	120.00	120.00	80.00	80.00
A 6406 00	IRR	NK	G		NE	SE	SW	0	0	34	16	03W	1	WR	76.00	76.00	185.00	185.00
A 6628 00	IRR	NK	G		NC	E2	SE	0	0	09	17	03W	2	WR	94.00	94.00	80.00	80.00
A 9833 00	IRR	NK	G		SW	NE	SE	1787	1298	03	17	03W	16	WR	36.00	36.00	25.00	25.00
A 14180 00	IRR	NK	G		SW	NW	SE	0	0	34	16	03W	2	WR	93.00	93.00	185.00	0.00
A 17822 00	IRR	NK	G		SW	SE	SW	65	3643	09	17	03W	3	WR	96.00	96.00	79.00	79.00
A 19796 00	IRR	NK	G		NE	SW	SW	875	4115	03	17	03W	13	WR	119.00	119.00	79.00	79.00
A 20509 00	IRR	NK	G		NW	NW	SW	2040	5130	10	17	03W	11	WR	150.00	150.00	354.70	0.00
A 29435 00	IRR	NK	G					5070	4100	03	17	03W	14	WR	101.00	101.00	70.00	70.00
A 32343 00	IRR	NK	G		NW	SW	NE	1295	2530	03	17	03W	1	WR	42.00	42.00	46.00	46.00
A 36001 00	MUN	NK	G		CS	SE	SE	150	656	08	17	03W	4	WR	207.45	207.45		
A 36395 00	IRR	NK	G		SE	NW	NW	4300	4180	10	17	03W	8	WR	91.00	91.00	90.00	50.00
A 37673 00	IRR	NK	G		NE	NW	NW	4989	4328	02	17	03W	7	WR	26.00	2.00	64.00	0.00
A 39514 00	IRR	NK	G		NW	NW	NE	5260	2620	10	17	03W	9	WR	51.00	51.00	55.00	55.00
A 40808 00	IRR	NK	G		SW	SE	NE	2779	827	33	16	03W	2	WR	39.00	39.00	30.00	30.00
A 43862 00	IRR	NK	G		NW	SE	SE	859	898	08	17	03W	5	PD	2.56	2.56	8.75	8.75
Same	IRR	NK	G		SE	SW	SE	155	1820	08	17	03W	6	PD	10.26	10.26		
Same	IRR	NK	G		SE	SW	SE	404	1872	08	17	03W	7	PD	0.00	0.00		
A 50923 00	IRR	AY	G		NE	NW	NW	5080	4305	04	17	03W	4	WR	218.00	218.00	0.00	0.00
Same	IRR	AY	G		NE	NW	NW	5180	4520	04	17	03W	5	WR				
Same	IRR	AY	G		NE	NW	NW	5180	4100	04	17	03W	6	WR				
Same	IRR	AY	G		NE	NW	NW	4780	4300	04	17	03W	7	WR				
Same	IRR	AY	G		NE	NW	NW	5180	4300	04	17	03W	8	WR				

# Limitations

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File Number	Seq Num	Limitations
A 36395 00	1	O-LAP-KANOPOLIS IRR DIST-135AF/YR COM/W 3251&8392 FOR IRR ON LAND/CERT
A 37673 00	1	1095GPM 96 AF/YR COM/W 16198



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. 50,923**

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 December 14, 2022, the Chief Engineer received an application from Logan McNett, for a permit to appropriate groundwater for beneficial use, assigned File No. 50,923, proposing the appropriation of 218 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 156 acres in the Northwest Quarter (NW¼) of Section 4, Township 17 South, Range 3 West, McPherson County, Kansas.
2. That the Kansas Water Appropriation Act, in K.S.A. 82a-711, requires the Chief Engineer to consider whether a proposed use will prejudicially and unreasonably affect the public interest, and shall take into consideration 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 March 22, 2024, a letter was mailed to the applicant, stating that the application failed to comply with the safe yield requirements, that the application would be submitted to the Chief Engineer with a recommendation for denial, and that the applicant had an opportunity to submit additional information to be considered, which must be submitted by April 6, 2024, or within any authorized extension of time.
6. That no additional information has been submitted within the time allowed and no request for an extension of time has been received from the applicant.





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Mike Beam, Secretary

Laura Kelly, Governor

April 26, 2024

LOGAN MCNETT  
2956 14TH AVE  
LINDSBORG KS 67456

RE: Dismissal of Application  
File No. 50,923

Term Permit  
File No. 20219081

Dear Mr. McNett:

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 March 22, 2024.

Term Permit, File No. 20219081, which had been approved on June 28, 2022, for the same irrigation project as proposed by Application, File No. 50,706, will be allowed to expire on December 31, 2026. No new term permits or extensions of time for the existing term permit will be approved.

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,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:kak:cla  
Enclosure  
pc: Stockton 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 26 day of April, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 50,923 dated April 22, 2024, was mailed postage prepaid, first class, U.S. mail to the following:

LOGAN MCNETT  
2956 14TH AVE  
LINDSBORG KS 67456

With photocopies to:

KDA-DWR Stockton Field Office



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Division of Water Resources