



File No. <b>50,954</b>	13. County: <b>RN- Reno</b> Basin: <b>53 - North Fork Ninnescah River</b> Stream:		
Structures File No:	Aquifer Code:	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty <b>AF</b>		Rate <b>gpm</b>		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
<b>DEL</b>	<b>72826</b>	<b>NC SE</b>	<b>12</b>	<b>24</b>	<b>7W</b>	<b>2</b>	<b>1352</b>	<b>1347</b>	<b>177.8</b>	<b>0</b>	<b>1000</b>	<b>1000</b>				<b>*</b>	

15. Limitations	Type:	Quantity:	Rate:	combined with file no(s):
	Type:	Quantity:	Rate:	combined with file no(s):

16. Metering     Metering Required     Anti-Reverse Required     Seal Required    Compliance Date:

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
PDIV	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
<b>DEL</b>	<b>57914</b>	<b>12</b>	<b>24</b>	<b>7W</b>	<b>2</b>									<b>14</b>		<b>1.5</b>	<b>2</b>	<b>17.5</b>	<b>5a &amp; 5b</b>	<input type="checkbox"/>	<b>*</b>					
<b>DEL</b>	<b>57915</b>	<b>12</b>	<b>24</b>	<b>7W</b>	<b>3</b>									<b>18</b>	<b>29</b>	<b>15</b>	<b>28.5</b>	<b>90.5</b>	<b>5a &amp; 5b</b>	<input type="checkbox"/>	<b>*</b>					

18. Point of Diversion and Place of Use Overlaps * <b>46,495</b> + # ^	** ++ ## ^^
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# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: July 18, 2024

From: Christa Anhold , Environmental Scientist

Re: New Application File No. 50,954 – Calvin Nisly

Calvin Nisly filed the above reference application proposing to appropriate 177.8 acre-feet per year of groundwater at a diversion rate of 1,000 gallons per minute from one (1) existing well to irrigate 127-acres in Reno County. The place of use falls inside Equus Beds GMD No. 2 in the North Fork Ninnescah River Drainage Basin. Water Right File No. 46,495 fully overlaps the place of use and point of diversion. When combined, Water Right File No. 50,954 would be limited to 177.8 acre-feet per year. The application owns both the place of use and point of diversion.

A safe yield report from GMD No. 2 indicates the area to be over appropriate. Allowable appropriations totaling 1,297.5 AF with existing appropriations totaling 3,289.09 AF. The GMD therefor recommended the application be dismissed in a letter dated May 7, 2024, for failure to meet safe yield requirements per K.A.R. 5-22-7.

The applicant was notified the application did not meet safe yield on May 10, 2024. The applicant discussed the failed safe yield with GMD No. 2 Manager, Tim Boise and ultimately decided against appealing.

Based on the failed safe yield calculation as outline in K.A.R. 5-22-7 and recommendation from GMD No. 2, it is recommended the file be dismissed.



Christa Anhold  
Environmental Scientist  
Water Appropriation Program

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. 50,954**

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 February 3, 2024, the Chief Engineer received an application from Calvin Nisly, for a permit to appropriate groundwater for beneficial use, assigned File No. 50,954, proposing the appropriation of 177.8 acre-feet of water, at a maximum requested diversion rate of 1,000 gallons per minute, for irrigation use, from one (1) well located near the center of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 12, Township 24 South, Range 7 West, Reno 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 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. 5-22-7 sets 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 by letter dated May 7, 2024, Equus Beds Groundwater Management District No. 2 notified the Chief Engineer that Application, File No. 50,954, failed to comply with applicable safe yield requirements.
6. That on May 10, 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 June 10, 2024, or within any authorized extension of time.
7. 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.

- 8. That Application, File No. 50,954, should be denied and dismissed and its priority forfeited as provided by K.S.A. 82a-711, K.A.R. 5-3-9, and K.A.R. 5-22-7.

**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. 50,954, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 25<sup>th</sup> day of July, 2024, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

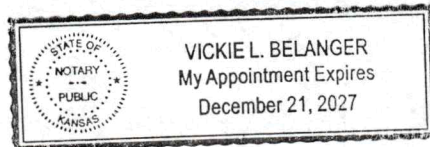
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of July, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Vickie L. Belanger*

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

July 31, 2024

CALVIN NISLY  
7218 W TRAIL WEST RD  
PARTRIDGE KS 67566

Re: Dismissal of Application  
File No. 50,954

Dear Mr. Nisly:

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 May 10, 2024.

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 fluid and cursive.

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:kak:cla

Enclosure

pc: Stafford Field Office  
Equus Beds GMD No. 2

## RIGHT TO PETITION FOR REVIEW UNDER THE KANSAS JUDICIAL REVIEW ACT

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

### CERTIFICATE OF SERVICE

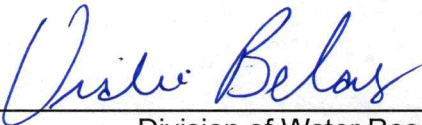
On this 31<sup>st</sup> day of July, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 50,954 dated July 25, 2024, was mailed postage prepaid, first class, U.S. mail to the following:

CALVIN & ANDREA NISLY  
7218 W TRAIL WEST RD  
PARTRIDGE KS 67566

With photocopies to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2



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Division of Water Resources