

File No. **50955** 15. Formation Code: Drainage Basin: Arkansas River County: MP Special Use: Stream:

vc16. Points of Diversion										
T	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W
ENT										
DEL	90044	SW NE NW	15	23S	6W	4	4328	3707		

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity mgy	Overlap PD Files

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	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						
ENT																													
DEL	71224	15	23S	6W	2							20													20	7a	N	NA	

Comments:

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: April 12, 2024

From: Colin Barclay, Environmental Scientist

Re: New Application File No. 50955 – Jason Tedder

Summary

Jason Tedder has filed the above referenced application to appropriate 28 acre-feet of groundwater at a rate of 500 gallons per minute for irrigation of 20 acres of farm ground. **Application 50,955 does not meet the minimum well spacing requirements** as set forth in K.A.R. 5-4-4. The proposed point of diversion is less than 660 feet to at least 3 known domestic wells and possibly as many as 16 domestic wells in a nearby neighborhood. The applicant noted in the application that they wanted to use a pre-existing irrigation well drilled “pre-1972”. The well location provided on the map in the application appears to match closely with a well that was authorized by Water Right, File No. 1,921. This water right was voluntarily closed by the water right owner in 1992.

Recommendations

A letter was mailed to the applicant on March 21, 2024, informing them that they do not meet well spacing requirements and that they had 15 days to submit additional information or requests for additional time otherwise their application would be dismissed. No comments of any kind were received from the applicant during that 15-day period open to comments and concerns. For the reason of failure to meet well spacing requirements as set forth in K.A.R. 5-4-4, I recommend that application 50,955 be dismissed.



Colin Barclay

Environmental Scientist

Water Appropriation Program

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

March 21st, 2024

JASON TEDDER
1815 W 4TH
HUTCHINSON KS 67501

RE: Recommendation to Dismiss
Application for Permit to Appropriate Water
File No. 50955

Dear Mr. Tedder:

The Division of Water Resources has reviewed your application for a permit to appropriate water for beneficial use. Your application proposes to pump 28 acre-feet of groundwater at 500 gallons per minute for the irrigation of 20 acres in Reno 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 and K.A.R. 5-4-4, the minimum well spacing requirement for your proposed well or wells is less than 660 feet to any other domestic wells with a common source of supply. We have determined that the spacing proposed by your application does not meet this requirement. For this reason, we are recommending that the Chief Engineer deny and dismiss Application, File No. 50955 for failure to meet minimum well spacing requirements.

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 the required spacing can be decreased without impairing existing rights or prejudicially and unreasonably affecting the public interest. 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 5th, 2024**. If you have any questions or need assistance, please contact me at Kris.Neuhauser@ks.gov or (785) 564-6640. Please provide your file number so that I may help you more efficiently.

Sincerely,

Kris Neuhauser
New Applications Lead
Water Appropriation Program

KJN:ccb

Enclosure(s)

pc: Stafford Field Office
Equus Beds GMD #2

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. 50,955

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, 2023, the Chief Engineer received an application from Jason Tedder, for a permit to appropriate groundwater for beneficial use, assigned File No. 50,955, proposing the appropriation of 28 acre-feet of water, at a maximum requested diversion rate of 500 gallons per minute, from one (1) well located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 15, more particularly described as being 4,328 feet North and 3,707 feet West of the Southeast corner of said section, in Township 23 South, Range 6 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 the area safe yield and recharge rate of the appropriate water supply, the priority of existing claims to 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. With regard to whether a proposed use will impair a use under an existing water right, the Kansas Water Appropriation Act states that impairment shall include the unreasonable raising or lowering of the static water level or the unreasonable increase or decrease of the streamflow or the unreasonable deterioration of the water quality at the water user's point of diversion beyond a reasonable economic limit.
3. That the rules and regulations promulgated by the Chief Engineer, in K.A.R. 5-4-4, require that the spacing between wells shall be sufficient to prevent direct impairment between wells located in a common source of supply or hydraulically connected sources of supply, in order to prevent an unreasonable raising or lowering of the static water level and to protect the public interest.
4. That on March 21, 2024, a letter was mailed to the applicant stating that the application failed to comply with the minimum well spacing 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 5, 2024, or within any authorized extension of time.
5. 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.

- 6. That Application, File No. 50,955, should be dismissed and its priority forfeited as provided by K.S.A. 82a-711 and K.A.R. 5-4-4.

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. 50,955, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 22nd 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 22nd day of April, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie N. Anderson

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 26, 2024

JASON TEDDER
1815 W 4TH AVE
HUTCHINSON KS 67501-5019

RE: Dismissal of Application
File No. 50,955

Dear Mr. Tedder:

Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50955, for failure to comply with the minimum well spacing requirements contained in K.A.R. 5-4-4, as originally described in our letter to you dated March 21, 2024.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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 and Changes Supervisor
Water Appropriation Program

KAB:kak:ccb
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 26 day of Apr'il, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 50,955 dated April 22, 2024, was mailed postage prepaid, first class, U.S. mail to the following:

JASON TEDDER
1815 W 4TH AVE
HUTCHINSON KS 67501-5019

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources