

File No. **51,031** 13. County: **JW JEWELL** Basin: **REPUBLICAN RIVER** Stream:
 Structures File No: Aquifer Code: Special Use Area:

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
DEL	90311	NW	13	1	7W	1	3960	3960		208	208	800	800				+
																	+
																	#
																	^
																	**
																	++

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						
DEL	71367	13	1	7W	1					40	40	40	40										160	5a.	<input type="checkbox"/>	+	
																										<input type="checkbox"/>	+
																										<input type="checkbox"/>	#
																										<input type="checkbox"/>	^
																										<input type="checkbox"/>	**
																										<input type="checkbox"/>	++

18. Point of Diversion and Place of Use Overlaps

*	**
+	++
#	##
^	^^

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 8, 2024

FROM: Mark Billinger

RE: Application, File No. 51,031

Summary

Darrell and Diane Kile filed the above referenced application to appropriate 208 acre-feet of groundwater at a rate of 800 gallons per minute. The applicant signed the application form affirming legal access to the point of diversion. The proposed place of use is 160 acres in 13-1S-7W in Jewell County, Kansas.

Source of Supply and Safe Yield

The source of supply was determined to be the Meade/Grand Island formation and is open to new applications as per K.A.R. 5-3-11. Upon examining the safe yield calculation for this application, it was determined the the 2-mile circle is fully appropriated and therefore no water is available.

Recommendations

A letter was mailed to the applicant on July 16, 2024, informing them that they failed to meet safe yield and gave the applicant until August 1st to respond or submit additional information or request additional time. No response was received. For the reason of failure to meet safe yield requirements as set forth in K.A.R. 5-3-11, it is recommended that the referenced application be dismissed.

Mark Billinger
Assistant Water Commissioner
Division of Water Resources

Report Date: Friday, August 2 2024

Water Rights and Points of Diversion Within 2 miles of point defined as:

4349 Feet N and 3460 Feet W of the Southeast Corner of Section 13 Twp 1S Rng 7W

Located at: 98.054902 West Longitude and 39.969563 North Latitude

GROUNDWATER ONLY

```

=====
File Number      Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan
Unit
A__ 28432 00 MUN NK G      8224 -- NE NE SE  2161  123  18  1 6W  1      164.92  164.92
  AF
Same           8374 -- SE NE SE  1666  121  18  1 6W  2      175.97  175.97
  AF
Same           8553 -- NE SE SE  1163  121  18  1 6W  3      161.95  161.95
  AF
A__ 42136 00 IRR NK G      1222 -- SW SE SW   300  3340 12  1 7W  4      150.00  150.00
  AF
A__ 47465 00 IRR MM G      1222 -- SW SE SW   300  3340 12  1 7W  4      100.00  100.00
  AF
A__ 48737 00 IRR NK G      8373 -- NE NW NE  5227  1273 15  1 7W  4  B3      80.00   80.00
  AF
Same           8391 -- NE NW NE  4652  1341 15  1 7W  2  B3
Same           8428 -- NE NW NE  5038  1348 15  1 7W  1  G3
Same           8530 -- NE NW NE  5234  1430 15  1 7W  3  B3
A__ 49238 00 IRR LR G      4029 -- SE SW SE   413  1983 11  1 7W  1      163.00  163.00
  AF
A__ 50986 00 IRR GY G      5963 -- NW SW NW  3880  5120 24  1 7W  2  B4      110.00  110.00
  AF
Same           6097 -- NW SW NW  3710  5010 24  1 7W  3  B4
Same           6151 -- NW SW NW  3645  4975 24  1 7W  1  G4
Same           6230 -- NW SW NW  3550  4920 24  1 7W  4  B4
Same           6321 -- NW SW NW  3440  4850 24  1 7W  5  B4
A__ 51031 00 IRR AY G      633  -- -- -- NW  3960  3960 13  1 7W  1      208.00  208.00
  AF
=====

```

```

=====
Total Net Quantities Authorized:      Direct      Storage
Total Requested Amount (AF) =          208.00          .00
Total Permitted Amount (AF) =          110.00          .00
Total Inspected Amount (AF) =          163.00          .00
Total Pro_Cert Amount (AF) =           100.00          .00
Total Certified Amount (AF) =           732.84          .00
Total Vested Amount (AF) =              .00          .00
TOTAL AMOUNT (AF) =          1313.84          .00
=====

```

An * after the source of supply indicates a pending application for change under the file number.

An * after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2 miles of point defined as:

4349 Feet North and 3460 Feet West of the Southeast Corner of Section 13 Twp 1S Rng 7W

Located at: 98.054902 West Longitude and 39.969563 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
> CITY OF MANKATO
>
> 217 S HIGH ST
> MANKATO KS 66956
>-----
> LARRY D & JODY LANGER REV LIV TRUST
>
> 2516 DIAMOND RD
> WEBBER KS 66970
=====

```

```
>-----  
> LARRY D & JODY LANGER REV LIV TRUST  
>  
> 2516 DIAMOND RD  
> WEBBER KS 66970  
>-----  
> BARRY V & KARLA J BLACKSTONE  
>  
> 474 HWY 14  
> SUPERIOR NE 68978  
>-----  
> LARRY D & JODY LANGER REV LIV TRUST  
>  
> 2516 DIAMOND RD  
> WEBBER KS 66970  
>-----  
> CINDY HEDSTROM  
>  
> 1526 20 ROAD  
> COURTLAND KS 66939  
>-----  
> DARRELL & DIANE KILE  
>  
> 3852 HWY 8  
> SUPERIOR NE 68978  
>-----  
=====
```

39.96966, -98.05489 4384'N & 3,457'W 13-1S-

Sargent Drilling
INDUSTRIAL ENGINEERING
COMPLETE MUNICIPAL AND INDUSTRIAL
WELL AND PUMP SERVICE

PO Box 367
Geneva, NE 68361-0367

846 South 13th St.

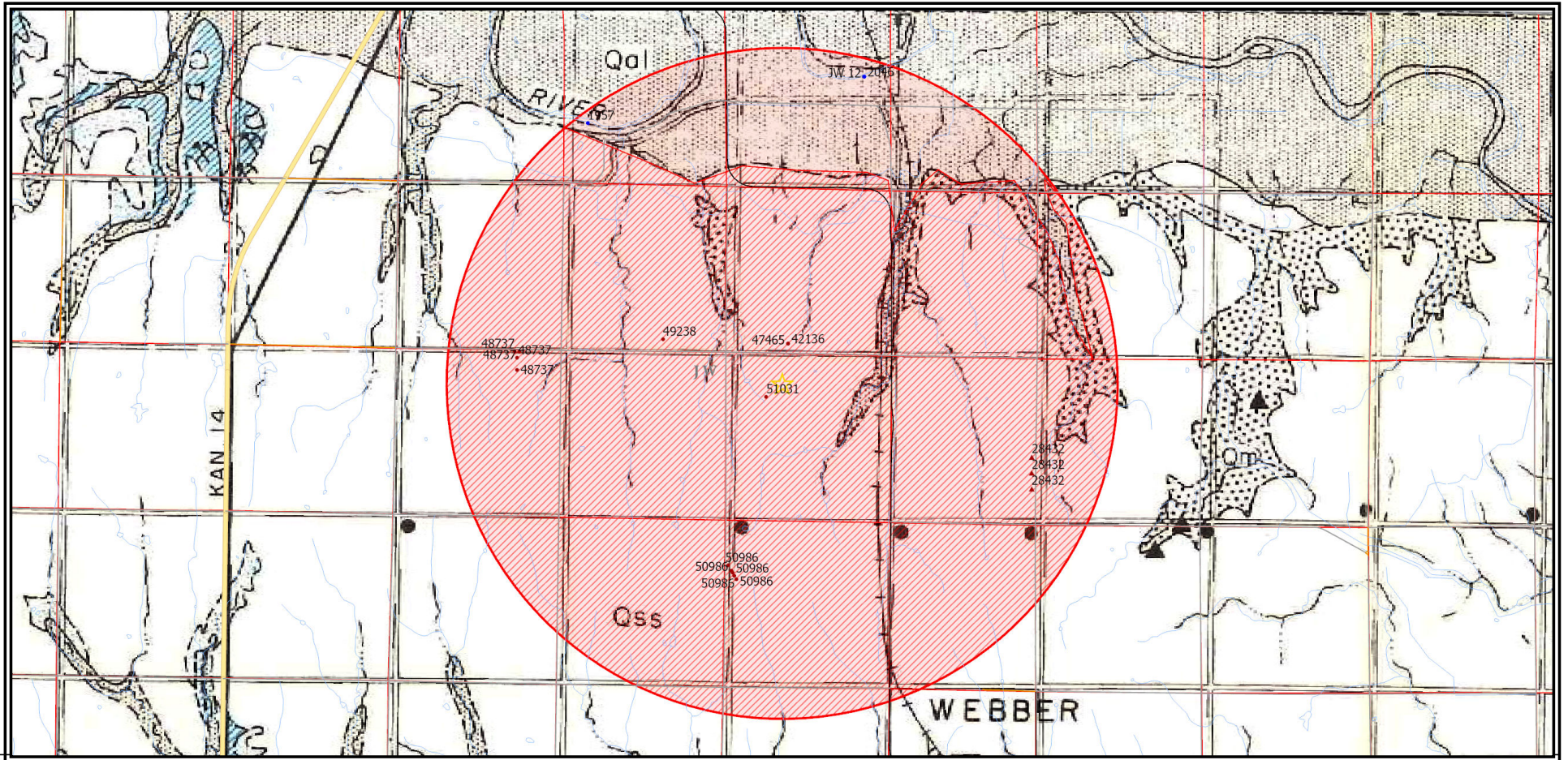
Phone: (402) 759-3902
1-888-496-3902

TEST HOLE LOG

CUSTOMER: Darrel Kile	
WELL ID:	
LOCATION: NW ¼, 13-T1S-R7W, Jewell Co., KS	
LATITUDE: 39° 58' 10.77"	
LONGITUDE: 98° 03' 17.62"	
ELEVATION:	
FOOTAGES: 4349' N of South line 3460' W of East line	
DATE: 05-15-23	DRILLED BY: Nate

<u>from feet</u>	<u>to feet</u>	
0	3	Fine sand
3	23	Tan clay
23	52	Soft brown clay
52	64	Coarse sand
64	72	Clay
72	86	Fine gravel and coarse sand
86	100	Medium to coarse gravel and coarse sand with a trace clay layer
100	120	Medium to coarse gravel and coarse sand
120	122	Medium to fine gravel and coarse sand
122	130	Clay
130	139	Fine gravel and coarse gravel
139	140	Blue shale

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 13-01S-07W
Footages from SE corner- 4,384 feet North 3,456 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 960.14 AF.

Total prior appropriations in the circle is ~~1,359.84 AF~~. 1,105.84 AF

Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

The area used for the analysis is set at 6,983 acres.

The potential annual recharge at the circle center is estimated to be 2.2 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 25-JUN-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.

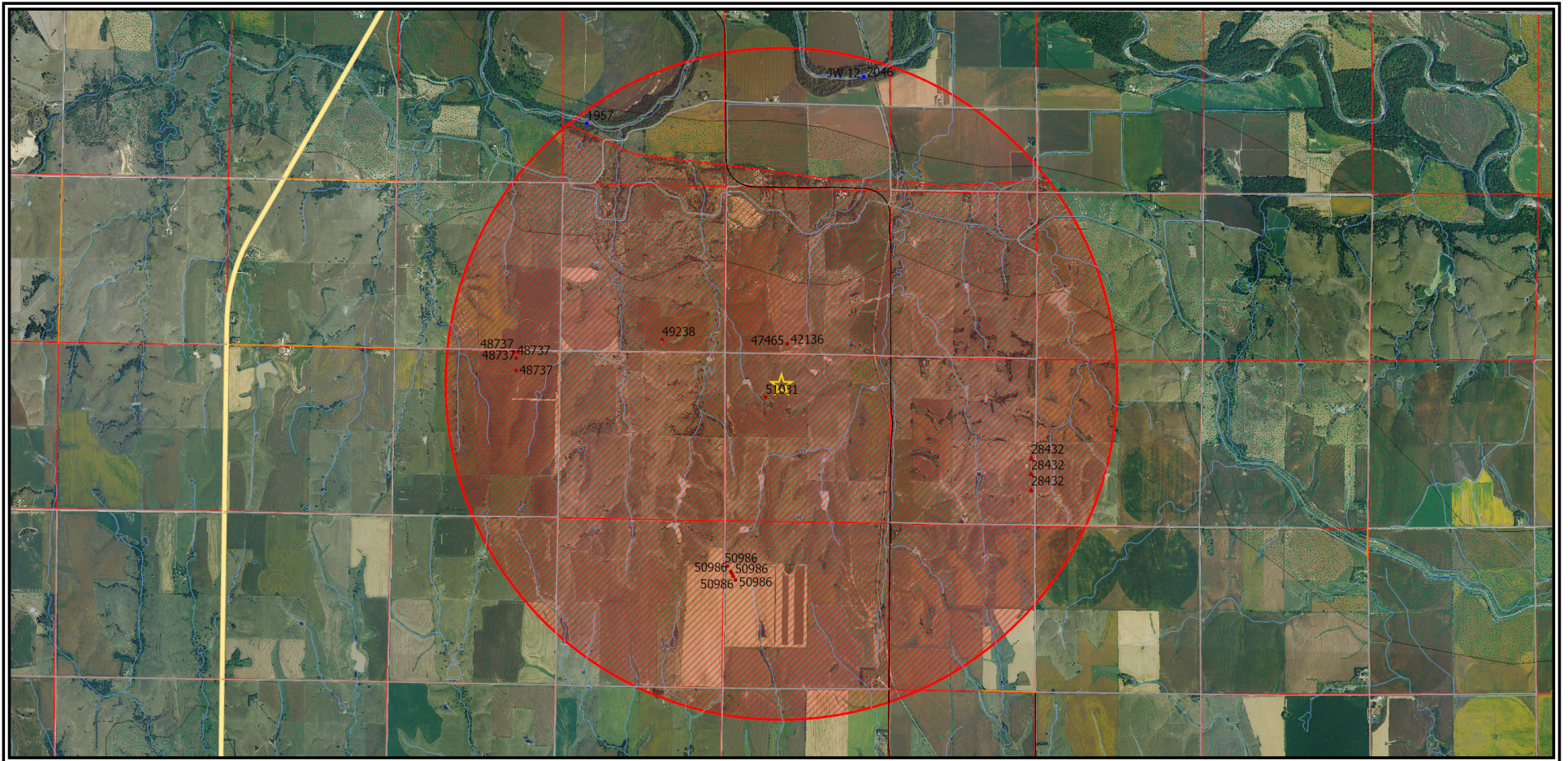
There are 7 water rights and 15 points of diversion within the circle.

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 28432 00	MUN	NK	G	SE	NE	SE		1666	121	18	01	06W	2	PD	175.97	175.97		
Same	MUN	NK	G	NE	SE	SE		1163	121	18	01	06W	3	PD	161.95	161.95		
Same	MUN	NK	G	NE	NE	SE		2161	123	18	01	06W	1	PD	164.92	164.92		
A 42136 00	IRR	NK	G	SW	SE	SW		300	3340	12	01	07W	4	WR	150.00	150.00	210.00	210.00
A 47465 00	IRR	MM	G	SW	SE	SW		300	3340	12	01	07W	4	WR	100.00	100.00	210.00	0.00
A 48737 00	IRR	NK	G	NE	NW	NE		5038	1348	15	01	07W	1	WR	80.00	80.00	190.00	190.00
Same	IRR	NK	G	NE	NW	NE		4652	1341	15	01	07W	2	WR				
Same	IRR	NK	G	NE	NW	NE		5234	1430	15	01	07W	3	WR				
Same	IRR	NK	G	NE	NW	NE		5227	1273	15	01	07W	4	WR				
A 49238 00	IRR	LR	G	SE	SW	SE		413	1983	11	01	07W	1	WR	163.00	163.00	125.00	125.00
A 50986 00	IRR	AY	G	NW	SW	NW		3645	4975	24	01	07W	1	WR	156.00	156.00	130.00	130.00
Same	IRR	AY	G	NW	SW	NW		3880	5120	24	01	07W	2	WR		110 AF as per approval		
Same	IRR	AY	G	NW	SW	NW		3710	5010	24	01	07W	3	WR				
Same	IRR	AY	G	NW	SW	NW		3550	4920	24	01	07W	4	WR				
Same	IRR	AY	G	NW	SW	NW		3440	4850	24	01	07W	5	WR				
A 51031 00	IRR	AY	G			NW		3960	3960	13	01	07W	1	WR	208.00	208.00	160.00	160.00

Limitations

File Number	Seq Num	Limitations
A 28432 00	2	163.85MGY @650GPM COM/W JW 005

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 13-01S-07W
Footages from SE corner- 4,384 feet North 3,457 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 972.50 AF.

Total prior appropriations in the circle is 1,359.84 AF.

Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

The area used for the analysis is set at 7,073 acres.

The potential annual recharge at the circle center is estimated to be 2.2 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 16-JUL-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 7 water rights and 15 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 28432 00	MUN	NK	G	SE	NE	SE		1666	121	18	01	06W	2	PD	175.97	175.97		
Same	MUN	NK	G	NE	SE	SE		1163	121	18	01	06W	3	PD	161.95	161.95		
Same	MUN	NK	G	NE	NE	SE		2161	123	18	01	06W	1	PD	164.92	164.92		
A 42136 00	IRR	NK	G	SW	SE	SW		300	3340	12	01	07W	4	WR	150.00	150.00	210.00	210.00
A 47465 00	IRR	MM	G	SW	SE	SW		300	3340	12	01	07W	4	WR	100.00	100.00	210.00	0.00
A 48737 00	IRR	NK	G	NE	NW	NE		5038	1348	15	01	07W	1	WR	80.00	80.00	190.00	190.00
Same	IRR	NK	G	NE	NW	NE		4652	1341	15	01	07W	2	WR				
Same	IRR	NK	G	NE	NW	NE		5234	1430	15	01	07W	3	WR				
Same	IRR	NK	G	NE	NW	NE		5227	1273	15	01	07W	4	WR				
A 49238 00	IRR	LR	G	SE	SW	SE		413	1983	11	01	07W	1	WR	163.00	163.00	125.00	125.00
A 50986 00	IRR	AY	G	NW	SW	NW		3645	4975	24	01	07W	1	WR	156.00	156.00	130.00	130.00
Same	IRR	AY	G	NW	SW	NW		3880	5120	24	01	07W	2	WR				
Same	IRR	AY	G	NW	SW	NW		3710	5010	24	01	07W	3	WR				
Same	IRR	AY	G	NW	SW	NW		3550	4920	24	01	07W	4	WR				
Same	IRR	AY	G	NW	SW	NW		3440	4850	24	01	07W	5	WR				
A 51031 00	IRR	AY	G			NW		3960	3960	13	01	07W	1	WR	208.00	208.00	160.00	160.00

Limitations

File Number	Seq Num	Limitations
A 28432 00	2	163.85MGY @650GPM COM/W JW 005

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. 51,031**

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 May 1, 2023, the Chief Engineer received an application from Darrell & Diane Kile, for a permit to appropriate groundwater for beneficial use, assigned File No. 51,031, proposing the appropriation of 208 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use, from a proposed battery of four (4) wells with a geographical center to be 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 13, Township 1 South, Range 7 West, Jewell 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. 5-3-10 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 16, 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 August 1, 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.

- 7. That Application, File No. 51,031, should be denied and dismissed and its priority forfeited as provided by K.S.A. 82a-711, 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. 51,031, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *6th* day of *August*, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

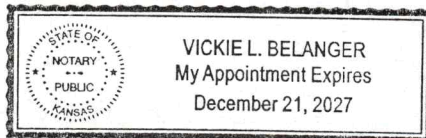
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *6th* day of *August*, 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

August 15, 2024

DARRELL AND DIANE KILE
3852 HIGHWAY 8
SUPERIOR NE 68978-7111

RE: Dismissal of Application
File No. 51,031

Dear Sir or Madam:

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 July 16, 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 written in a cursive style.

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:kak:mab
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 ^{15th} day of ^{August} ~~August~~ ⁶, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 50,706 dated ^{August 6}, 2024, was mailed postage prepaid, first class, U.S. mail to the following:

DARRELL & DIANE KILE
3852 HWY 8
SUPERIOR NE 68978-7111

With photocopies to:

KDA-DWR Stockton Field Office



Division of Water Resources