

From: Stewart, Kelly [KDA]
Sent: Thu 8/1/2024 3:18 PM
To: Billinger, Mark [KDA]
Cc: Hageman, Nancy [KDA]
Subject: RE: 51,118 Recommendation

Mark,

I recommend approval of this application.

Kelly

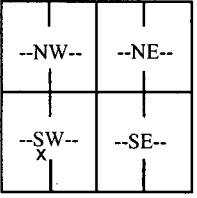
From: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Sent: Thursday, August 1, 2024 2:20 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: 51,118 Recommendation

Kelly,
Please provide your recommendation for this application.

Thanks,

Mark Billinger
Assistant Water Commissioner
Division of Water Resources
Stockton Field Office
820 S Walnut
785-425-6787

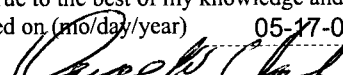
1 LOCATION OF WATER WELL: County: Ness	Fraction NE 1/4 SW 1/4 SW 1/4	Section Number 24	Township Number T 16 S	Range Number R 24 E <u>W</u>
Distance and direction from nearest town or city street address of well if located within city? Approximately 1/4 mile north of Ransom		Global Positioning Systems (decimal degrees, min. of 4 digits) Latitude: 38.641772 Longitude: -99.933415 Elevation: Unknown Datum: NAD83 Data Collection Method: WAAS GPS Unit		
2 WATER WELL OWNER: Western Plains USD #106 RR#, St. Address, Box # : 311 West Ogden City, State, ZIP Code : Ransom, KS 67572				

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX: N W E S 	4 DEPTH OF COMPLETED WELL 92 ft. Depth(s) Groundwater Encountered (1) _____ ft. (2) _____ ft. (3) _____ ft. WELL'S STATIC WATER LEVEL 66.87 ft. below land surface measured on mo/day/yr 05-14-07 Pump test data: Well water was Not checked ft. after _____ hours pumping _____ gpm Est. Yield Unknown gpm: Well water was _____ ft. after _____ hours pumping _____ gpm WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below) (2) Irrigation 4 Industrial 7 Domestic (lawn & garden) 10 Monitoring well Was a chemical/bacteriological sample submitted to Department? Yes _____ No <input checked="" type="checkbox"/> If yes, mo/day/yr _____ Sample was submitted _____ Water well disinfected? Yes <input checked="" type="checkbox"/> No _____
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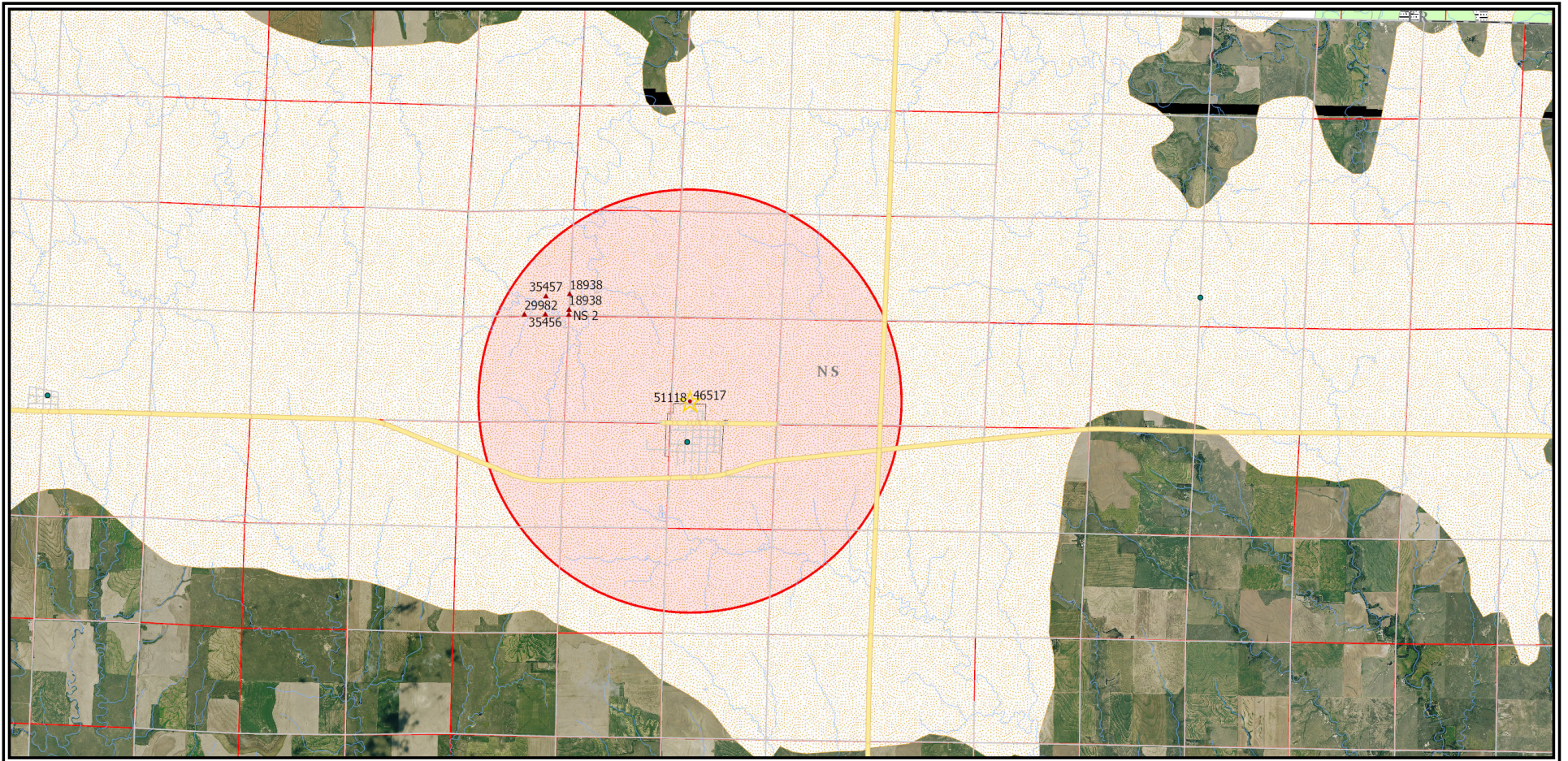
5 TYPE OF CASING USED: 1 Steel 3 RMP (SR) 2 PVC (2) 4 ABS 5 Wrought Iron 6 Asbestos-Cement 7 Fiberglass 8 Concrete tile 9 Other (specify below)	CASING JOINTS: Glued <input checked="" type="checkbox"/> Clamped _____ Welded _____ Threaded _____ Blank casing diameter 5 in. to 78 ft., Diameter _____ in. to _____ ft., Diameter _____ in. to _____ ft. Casing height above land surface 24 in., weight 2.36 lbs./ft. Wall thickness or gauge No. .214 TYPE OF SCREEN OR PERFORATION MATERIAL: 1 Steel (3) Stainless Steel 5 Fiberglass 7 PVC 9 ABS 11 Other (Specify) _____ 2 Brass 4 Galvanized Steel 6 Concrete tile 8 RM (SR) 10 Asbestos-Cement 12 None used (open hole) SCREEN OR PERFORATION OPENINGS ARE: (1) Continuous slot 3 Mill slot 5 Gauzed wrapped 7 Torch cut 9 Drilled holes 11 None (open hole) 2 Louvered shutter 4 Key punched 6 Wire wrapped 8 Saw Cut 10 Other (Specify) _____ SCREEN-PERFORATED INTERVALS: From 78 ft. to 90 ft., From _____ ft. to _____ ft. From _____ ft. to _____ ft., From _____ ft. to _____ ft. GRAVEL PACK INTERVALS: From 25 ft. to 95 ft., From _____ ft. to _____ ft. From _____ ft. to _____ ft., From _____ ft. to _____ ft.
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6 GROUT MATERIAL: 1 Neat Cement 2 Cement grout 3 Bentonite (4) Other Grout Intervals: From _____ ft. to _____ ft., From _____ ft. to _____ ft., From 0 ft. to 25 ft.	What is the nearest source of possible contamination: 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 13 Insecticide Storage (16) Other (specify below) 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 14 Abandoned water well None known 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer Storage 15 Oil well/gas well Direction from well? _____ How many feet? _____
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FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	5	Topsoil			
5	14	Clay, gray, hard			
14	37	Clay, white, hard, with cemented sand streaks			
37	48	Sand and gravel, fine to coarse, clean			
48	53	Clay, tannish brown, hard			
53	69	Sand and gravel, medium to fine, clean			
69	72	Clay, tan, hard			
72	90	Sand and gravel, fine to medium, clean			
90	94	Clay, white and yellow, hard			
94	95	Shale, dark gray, hard, flaky			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed (2) reconstructed (3) plugged under my jurisdiction and was completed on (mo/day/year) **05-14-07** and this record is true to the best of my knowledge and belief.
 Kansas Water Well Contractor's License No. **185** This Water Well Record was completed on (mo/day/year) **05-17-07**
 Under the business name of **Clarke Well & Equipment, Inc.** by (signature) 

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 24-16S-24W
Footages from SE corner- 1,086 feet North 4,366 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 351.86 AF.

Total prior appropriations in the circle is ~~151.66 AF~~. 145.06 AF

Total quantity of water available for appropriation is ~~200.19 AF~~. 206.8 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 0.7 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 01-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 7 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 18938 00	MUN	NK	G	SE	SE	SE		300	100	15	16	24W	10	PD	50.11	50.11		
Same	MUN	NK	G	NE	SE	SE		1100	100	15	16	24W	6	PD	12.69	12.69		
A 29982 00	MUN	NK	G	SW	SW	SE		100	2300	15	16	24W	7	WR	4.67	4.67		
A 35456 00	MUN	NK	G	SW	SE	SE		100	1140	15	16	24W	8	WR	27.53	27.53		
A 35457 00	MUN	NK	G	NW	SE	SE		1000	1200	15	16	24W	9	WR	32.32	32.32		
V NS 2 00	MUN	AA	G	SE	SE	SE		50	100	15	16	24W	1	WR	15.34	15.34		
A 46517 00	IRR	NK	G	NE	SW	SW		1086	4366	24	16	24W	1	WR	2.40	2.40	3.00	3.00
A 51118 00	IRR	AY	G	NE	SW	SW		1086	4366	24	16	24W	1	WR	6.60	6.60	3.00	0.00

\$1.00 billing fee

C NOTICES

ublished in the
County News,
y, June 27,
-3t

**N THE
TY-FOURTH
AL DISTRICT
CT COURT,
COUNTY,
ANSAS**

**AN C. ECK
EATHER D.
ntiffs,**

**GINLEY; et al.
ts.**

**o. NS 2024
CV 8**

**ursuant to
Ch. 60)**

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First published in the
Ness County News,
Thursday, July 11,
2024. -3t

PUBLIC NOTICE

The Western Plains
USD 106 has filed with
the Division of Water
Resources, Kansas
Department of Agricul-
ture, an application to
appropriate an addi-
tional 6.6 acre feet of
water from a well lo-
cated in Township 16
South, Range 24 West,
Ness County, Kansas.
The applications are
posted at: [https://www.
agriculture.ks.gov/di-
visions-programs/divi-
sion-of-water-resourc-
es/water-appropriation/
notices](https://www.agriculture.ks.gov/divisions-programs/division-of-water-resources/water-appropriation/notices) under the di-
rectory of the Stockton
Field Office, 2024 and
the file number listed
above. The application
is also available for
public inspection in the
office of the Chief Engi-
neer, Division of Water
Resources, Kansas
Department of Agricul-
ture, 1320 Research
Park Drive, Manhat-
tan, Kansas 66502.
Any interested party
is invited to submit to
this office on or before
July 31, 2024, written
comments regarding
the proposed appli-
cation. Submissions
should reference File
No. 51,118, and may
be made to the Chief
Engineer at the mailing
address listed above
or to the email address
of [KDA.WaterRights@
ks.gov](mailto:KDA.WaterRights@ks.gov).

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THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 51,118** of the applicant

**Western Plains USD 106
100 School Street
Ransom, Kansas 67572**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **October 23, 2023**.

2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
24 - 16S - 24W											3						3

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE¼ SW¼ SW¼) of Section 24, more particularly described as being near a point 1,086 feet North and 4,366 feet West of the Southeast corner of said section, in Township 16 South, Range 24 West, Ness County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **50 gallons per minute (0.11 c.f.s.)** and to a quantity not to exceed **6.6 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2025**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2029**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The required water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

16. That failure without cause to comply with the provisions of this permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Ordered this *6th* day of *August*, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

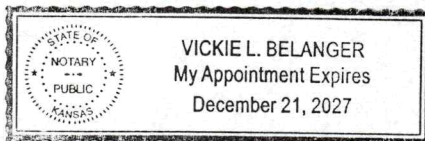
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

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

SEAN RIES
WESTERN PLAINS USD 106
100 SCHOOL ST
RANSOM KS 67572

RE: Appropriation of Water
File No. 51,118

Dear Mr. Ries:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:kak:mab
Enclosure(s)
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, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,118, dated August 6, 2024, was mailed postage prepaid, first class, US mail to the following:

WESTERN PLAINS USD 106
100 SCHOOL ST
RANSOM KS 67572

With photocopies to:

KDA-DWR Stockton Field Office



Division of Water Resources