

File No. 50,392	13. County: SU Basin: Chikaskia River Stream:		
Structures File No:	Aquifer Code:	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty AF		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
DEL	88134	NW SE NE	12	32S	4W	2	709	3918	GEOCENTER	180		800					
DEL	88135	NW SE NE	12	32S	4W	3	738	3676	WELL 1								
DEL	88136	SW NE NE	12	32S	4W	4	978	4017	WELL 2								
DEL	88137	SW NE NE	12	32S	4W	5	678	4104	WELL 3								
DEL	88138	NE SE NE	12	32S	4W	6	441	3873	WELL 4								

15. Limitations **NEW** Type: Quantity: **AF** Rate: **gpm** combined with file no(s):
NEW Type: Quantity: **AF** Rate: **gpm** 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
PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE									
DEL	69951	12	32S	4W	2								38.2	31.3	31.45	37.8								138.75	5B	<input type="checkbox"/>			
																							0.00		<input type="checkbox"/>				
																							0.00		<input type="checkbox"/>				
																							0.00		<input type="checkbox"/>				
																									<input type="checkbox"/>				
																									<input type="checkbox"/>				

18. Point of Diversion and Place of Use Overlaps * + # ^	** ++ ## ^^
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 2, 2025

FROM: Brandon Milner

RE: Application, File No. 50,392

Paul Lange has filed the above referenced application to appropriate groundwater for an application to appropriate water on April 29, 2020, and was assigned Application, File No. 50,392.

A letter was sent to the applicant for failure to meet safe yield, more specifically Designated Unit Area (DUA) No. 6 on February 14, 2022, with a deadline of March 1, 2022, to request an extension or provide additional information. The applicant requested an extension to provide additional information and an email dated March 4, 2022, was sent to the applicant giving an extension to May 1, 2022. A letter was sent to the applicant on October 3, 2022, giving a deadline of October 19, 2022, to provide additional information or request additional time to provide additional data since the original deadline of May 1, 2022, was overlooked.

In an e-mail message dated October 14, 2022, the applicant requested that the application be held in accordance with K.A.R. 5-3-4c to determine whether actions on other water rights could result in the application complying with the safe yield requirements. Specifically, at the time that request was made, it was noted that no notice of completion had yet been filed on the approved permit pertaining to File No. 50,333. As of November 11, 2024, the owner has reported completing the diversion works. The earliest perfection period in this DUA (also File No. 50,333) won't expire until December 31, 2028. Based on this information, no additional water has become available for appropriation.

Based on the available information, and that the application does not comply with safe yield requirements, it is recommended that the file be dismissed.

Brandon Milner
Environmental Scientist
New Applications Unit

6 ##### 46895 2.5 9770 50% 4885 33-03w

This table has the exported quantites from the unit area and may contain adjustments explained in the blue column
 The table to the right of the blue column column has the exported quantites from the selected files in the designated unit area

Adjusted	Date
Total Quantity	
4885.354	2/8/2022
acre-ft	

Unit 6	4885 acre-ft Originally Available	Remaining Quantity Available is:	0
		(any negative value is overappropriated)	acre-ft

OBJECTID *	WATERRIGHT_NAME	WRF_STATU	AUTH_QUANT	ADD_QUANT	FPDIV_COMM
6	2,510	NK	48.151	48	WELL #A9
10	2,510	NK	47.997	48	WELL #A11 - L-1
11	2,510	NK	54.596	55	WELL #A5
16	2,510	NK	36.090	36	WELL #A15
17	2,510	NK	76.722	77	WELL #A13
29	2,511	NK	43.274	43	APPROX 311' SW ORIG WE
32	3,201	NK	1,340.441	880	CHIKASKIA RIVER LOW WA
44	23,692	NK	76.722	34	WELL #5 - MAIN WELL
52	37,979	NK	122.755	123	CITY WELL #B-4
53	37,988	NK	122.755	123	CITY WELL #B-2
54	38,238	NK	118.916	119	B-3
55	40,019	NK	571.734	0	NEW LAKE INTAKE
79	SU 4	AA	571.734	572	<Null>
95	SU 8	AA	76.722	77	GEO CTR
96	SU 8	AA	76.722		BATT 1 OF 3 WELLS - WELL
97	SU 8	AA	76.722		BATT 1 OF 3 WELLS - WELL
98	SU 8	AA	76.722		BATT 1 OF 3 WELLS - WELL
115	46,791	LO	1,613.001	1613	<Null>
151	48,944	HK	140.003	116	<Null>
152	48,946	HK	140.003	0	<Null>
153	48,945	HK	140.003	0	@
169	49,352	KE	180.000	180	GEO CTR
170	49,352	KE	180.000		BATT 1 OF 4 WELLS
171	49,352	KE	180.000		BATT 1 OF 4 WELLS
172	49,352	KE	180.000		BATT 1 OF 4 WELLS
173	49,352	KE	180.000		BATT 1 OF 4 WELLS
183	49,835	KE	314.600	315	GEO CTR

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. 50,392**

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 April 29, 2020, the Chief Engineer received an application from Paul S. Lange, for a permit to appropriate groundwater for beneficial use, assigned File No. 50,392, proposing the appropriation of 180 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use, from a battery of up to four (4) wells with a geographical center located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 12, Township 32 South, Range 4 West, Sumner 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(vv) defines "safe yield" as the long-term sustainable yield of the source of supply, including hydraulically connected surface water or groundwater.
5. That on February 14, 2022, 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 March 1, 2022, or within any authorized extension of time.
6. That the applicant requested and was granted an extension date of May 1, 2022, to provide additional information and no additional information was submitted.

- 7. That on October 3, 2022, a letter was mailed to the applicant, reiterating 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 October 19, 2022, or within any authorized extension of time.
- 8. That the application was held from further processing in response to electronic correspondence from the applicant, dated October 14, 2022, requesting the application be retained, in accordance with K.A.R. 5-3-4c, to determine whether pending actions on other water rights, within the area of consideration for the new application, might result in the application complying with safe yield.
- 9. That no pending actions on other water rights, within the area of consideration for the new application, have resulted in the application currently complying with safe yield and the amount of time allowed for retaining the application, as provided by K.A.R. 5-3-4c, has expired.
- 10. That K.A.R. 5-3-4c states that if the application still cannot be approved at the end of the time set forth by the Chief Engineer, the application shall be dismissed by the Chief Engineer and the priority of the application forfeited.
- 11. That Application, File No. 50,392, should be denied and dismissed and its priority forfeited as provided by K.S.A. 82a-711, K.A.R. 5-3-4c, 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. 50,392, is herewith dismissed and the priority assigned to it is considered to be forfeited.

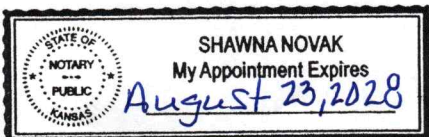
It is so ordered this *13th* day of *January*, 2025, in Manhattan, Riley County, Kansas.



 EARL D. LEWIS, JR., P.E.
 CHIEF ENGINEER
 Earl D. Lewis Jr., P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this _____ day of _____, 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.





 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

January 15, 2025

PAUL S LANGE
1098 N CONWAY SPRINGS RD
CONWAY SPRINGS KS 67031

RE: Dismissal of Application
File No. 50,392

Dear Mr. Lange:

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 requirements as originally described in our letters to you, dated February 14, 2022, and October 3, 2022. The application had been held, in accordance with K.A.R. 5-3-4c, to allow additional time to determine whether pending actions on other permits or water rights, within the area of consideration for your application, would ultimately allow your application to comply with the safe yield requirements. All pending actions that could have impacted our decision on your application have been finalized, your application still does not comply with the safe yield requirements, and the amount of time allowed for retaining the application, as provided by K.A.R. 5-3-4c, has expired.

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:bmm
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.

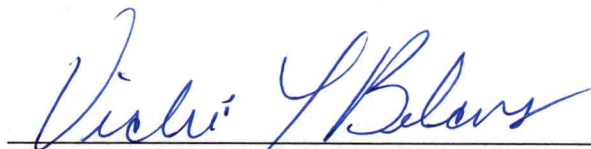
CERTIFICATE OF SERVICE

On this *15* day of *January*, 2025, I hereby certify that the foregoing Dismissal of Application, File No. 50,392, dated *January 13*, 2025, was mailed postage prepaid, first class, U.S. mail to the following:

PAUL S LANGE
1098 N CONWAY SPRINGS RD
CONWAY SPRINGS KS 67031

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources