

File No. 50245-A	13. County: WS-Washington Basin: Mill Creek Stream:		
Structures File No:	Aquifer Code:	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty		Rate		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	70902	SW SW NW	20	2S	3E	3	2713	4789		100		800					+
																	+
																	#
																	^
																	**
																	++

15. Limitations Type: **Combined Rate & Quantity** Quantity: **mg/y** Rate: **gpm** combined with file no(s):
 Type: **Other** 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	2811	17	2S	3E	2									34	30.5	6	32.5	34	35	34.5	32	238.5	5A	<input type="checkbox"/>	**	
DEL	54631	17	2S	3E	3	40	40	40	40	40	40	40	40									320	5A	<input type="checkbox"/>	**	
																									<input type="checkbox"/>	#
																									<input type="checkbox"/>	^
																									<input type="checkbox"/>	**
																									<input type="checkbox"/>	++

18. Point of Diversion and Place of Use Overlaps * + # ^	** 41,615, 44,901, 49,719 ++ ## ^^
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files
FROM: Brandon Milner

DATE: December 3, 2024
RE: Application, File No. 50,245-A

Dale Keesecker had filed the above referenced application to appropriate groundwater for an application to appropriate water on April 26, 2019 and was labeled as application no. 50,245-A.

During the course of initial processing, it was noticed that the application did not meet standard spacing of K.A.R. 5-4-4. The applicant was sent a letter on November 7, 2023 giving a deadline of November 22, 2023 to provide further information. The applicant requested an extension with a new deadline of January 22, 2024.

The applicant was sent a reminder letter on October 22, 2024, giving a new deadline of November 22, 2024 to provide additional information.

Therefore, the application has been recommended for dismissal for failing to meet standard spacing as outline in K.A.R. 5-4-4.

Based on the failure to supply a stratigraphic well log as outlined in K.A.R. 5-4-3d it is recommended that the file be dismissed.

Brandon Milner
Environmental Scientist
New Applications Uni

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 FILE NO. 50,245-A

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

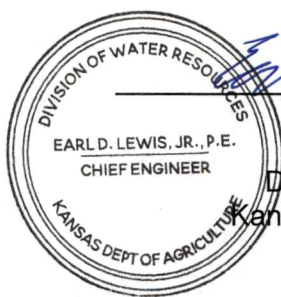
1. That on April 26, 2019, the Chief Engineer received an application from Dale Keesecker for a permit to appropriate groundwater for beneficial use, assigned File No. 50,245-A, proposing the appropriation of 100 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use, from one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 20, more particularly described as being 2,713 feet North and 4,789 feet West of the Southeast corner of said section, in Township 2 South, Range 3 East, Washington 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 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. 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 November 7, 2023, 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 November 22, 2023, or within any authorized extension of time.

5. That the applicant requested and was granted an extension, with a new deadline of January 22, 2024, to provide additional information, but no additional information was submitted within the extended deadline.
6. That on October 22, 2024, a letter was mailed to the applicant, reiterating 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 November 22, 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 was received from the applicant.
8. That K.A.R. 5-4-4 requires that the burden shall be on the applicant to demonstrate, to the satisfaction of the Chief Engineer, through submission an engineering or similar type of hydrologic analysis, that the well spacing can be decreased without impairing existing rights or prejudicially and unreasonably affecting the public interest.
9. That Application, File No. 50,245-A, should be denied and 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. 50,245-A, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *5th* day of *December*, 2024, in Manhattan, Riley County, Kansas.



[Handwritten Signature]

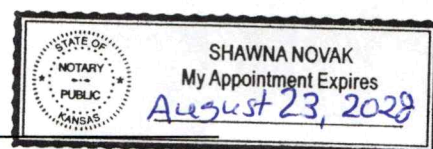
 Earl D. Lewis Jr., P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this *5th* day of *December*, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

[Handwritten Signature]

 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

December 10, 2024

DALE KEESECKER
2069 PRAIRIE RD
WASHINGTON, KS 66968

RE: Dismissal of Application
File No. 50,245-A

Dear Sir or Madam:

Enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,245-A, for failure to comply with the minimum well spacing requirements, as originally described in our letters dated November 7, 2023, and October 22, 2024.

You may refile a new Application to Appropriate Water for Beneficial Use should you wish to proceed with the project originally proposed under this dismissed application.

If you have any questions, please contact our office. 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 Baum". The signature is written in a cursive style.

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program

KAB:kak:bmm
Enclosures
pc: Topeka 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 10 day of December, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 50,245-A, dated December 5, 2024, was mailed postage prepaid, first class, US mail to the following:

DALE KEESECKER
2069 PRAIRIE RD
WASHINGTON KS 66968

With photocopies to:

KDA-DWR Topeka Field Office



Division of Water Resources