

**Kansas Department of Agriculture**  
**Division of Water Resources**  
APPROVAL OF NEW APPLICATION WORKSHEET

1. File No.: <b>50,821</b> <b>(47720 owner/WUC)</b>	2. Status Change Date: <b>3/4/2021</b>	4. Field Office: <b>01 - Topkea</b> GMD: Structures File No.: Filing/Priority Date: <b>7/1/22</b> Application Complete Date:
3. Package File No(s):		
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC      Person ID <b>68473</b> <input type="checkbox"/> Address Change                                      Add Seq# <b>1</b>  <b>MIKE GILLIAM</b> <b>1427 UPLAND RD</b> <b>GREENLEAF, KS 66943</b>	5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC                                      Person ID <b>61641</b> <input checked="" type="checkbox"/> Address Change    Add Seq# <b>1</b>  <b>TIMOTHY E GILLIAM FAMILY TRUST</b> <b>ATTN: KATHY SIMMONS</b> <b>2241 13TH RD</b> <b>GREENLEAF, KS 66943</b>	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC    Person ID <input type="checkbox"/> Address Change    Add Seq#	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC    Person ID <input type="checkbox"/> Address Change    Add Seq#	
6. Change No.: <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres:                                      Year:                                      Min Reasonable Q: Previous UMW: MDS Gauge:                                      Active Admin? <input type="checkbox"/> Completion/Start Date: <b>12/31/2025</b> Perfection/Expiration Date: <b>12/31/2029</b>		7. Use of Water <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water UMW: <b>IRR-Irrigation</b> UMW: UMW:
8. Action Trail		
9. Special Conditions		
10. 5YR Allocation    Type:                                      Start Year:                                      5YR Quantity:                                      Base Acres: Comment:		
11. Sand & Gravel    Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver    Rule ID: <input type="checkbox"/> New    Date Requested: Applies:                                      Rule No.:    Justification: Rule Type: Rule SubType:		
Comments <b>Please update the owner and WUC information for overlapping File No. 47720 as well.</b>	Processed <b>LLH</b> <b>3/4/2024</b>	Entered <b>3/5/2024</b> <b>KAnderson</b>
	Reviewed <b>KAK</b> <b>3/4/2024</b>	

File No. <b>50,821</b>	13. County: <b>WS-Washington</b> Basin: <b>Little Blue</b> Stream:																								
Structures File No:	Aquifer Code: <b>530 Sumner Group</b>										Special Use Area:														
14. Points of Diversion, Rates & Quantities																									
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty <b>AF</b>		Rate <b>gpm</b>		Storage Qty		Storage Rate										
									Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps									
<b>CHK</b>	<b>89679</b>	<b>NE NE SE</b>	<b>21</b>	<b>3S</b>	<b>4E</b>	<b>2</b>	<b>2240</b>	<b>525</b>	<b>192</b>	<b>192</b>	<b>800</b>	<b>800</b>													
15. Limitations Type: Quantity: <b>192 AF</b> Rate: combined with file no(s): <b>47,720</b> Type: Quantity: Rate: combined with file no(s):																									
16. Metering <input checked="" type="checkbox"/> Metering Required <input type="checkbox"/> Anti-Reverse Required <input type="checkbox"/> Seal Required Compliance Date: <b>12/31/2025</b>																									
17. Place of Use																									
PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
ID					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
<b>CHK</b>	<b>61797</b>	<b>21</b>	<b>3S</b>	<b>4E</b>	<b>1</b>				<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>										<b>160</b>	<b>5b</b>	<input type="checkbox"/>	<b>*</b>
																								<input type="checkbox"/>	
18. Point of Diversion and Place of Use Overlaps																									
* <b>File No. 47,720</b>										**															
+										++															
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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:** March 4, 2024

**FROM:** Lloyd Hemphill

**RE:** Application, File No. 50,821

Mike Gilliam has filed the referenced new application requesting to appropriate 192 acre-feet of groundwater at a rate of 800 gallons per minute for irrigation use. The proposed point of diversion is a well located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) Section 21, Township 3 South, Range 4 East, Washington County, within the Little Blue River drainage basin. This application overlaps the 160-acre place of use authorized by Appropriation of Water, File No. 47,720. The entire place of use is owned by the Timothy E. Gilliam Family Trust. The application was signed indicating legal access to the point of diversion.

This application was filed to supplement water provided by File No. 47,720, which authorizes a quantity of 135 acre-feet of surface water to be stored in a pond. The shared place of use includes 160 acres. The reasonable quantity for irrigation of 160 acres in Washington County is 192 acre-feet (160 acres x 1.2 AF/acre = 192 AF), per K.A.R. 5-3-23. This file will be limited to 192 acre-feet with the senior file, providing an additional quantity of 57 acre-feet. The requested rate of 800 gallons per minute appears reasonable for this project, provided a suitable well can be located.

Based on the water well completion report provided with the application (possibly the applicant's domestic well) and a review of a generalized geologic map and area well logs, the source of water does not appear to be the Dakota aquifer system, rather other limestone and shale bedrock (likely the Sumner Group). The well log provided with the application shows clay to a depth of 86 feet with two layers of fine sand at 23 to 43 feet depth and 86 to 101 feet depth. This clay and sand may be an erosional remnant of the Dakota system as the well is located near the boundary of the Dakota formation on geologic maps. The lower portion of the log (101 to 140 feet depth) shows primarily grey shale with some limestone. There were "caverns" noted on the log within this lower rock formation. The well shown on the log was completed with an open borehole construction from 120 to 140 feet depth, within this shale and "cavern" zone. The static water level was noted at 81 feet depth. The water level in this well rises above the deeper sand layer but the shallow sand is unsaturated. Other wells in the area are screened in the shallow sand layers but appear to have a higher static water level, possibly indicating a separate source of water. One non-domestic well about 3.5 miles to the west may obtain water from the Dakota aquifer system, although very little information is on file for that well.

Three nearby well owners were identified within one-half mile of the proposed point of diversion (all domestic wells). The applicant also owns a nearby domestic well. There are no non-domestic wells within one-half mile. Nearby notification letters were sent on January 26, 2024. One call was received from Michael Brennen. Mr. Brennen owns a domestic well which is the sole supply for household use. He has limited information about the well but stated that it was completed in the 1920's and has been a "reliable" well. Mr. Brennen inquired if he had some protection for his water use should impairment occur in the future. We discussed the water right priority system and I recommended that he contact the Topeka Field Office should he suspect impairment. After this discussion, Mr. Brennen did not have further concerns.

The nearest domestic well is approximately 1,320 feet away. The WRIS database shows that the nearest non-domestic well is approximately 4,000 feet away (File No. 49,460). This well obtains water from the same or similar source of supply, also determined to not be the Dakota Aquifer. The proposed well complies with the minimum spacing requirement of 1,320 feet to non-domestic wells and 660 feet to domestic wells for "all other" aquifers, per K.A.R. 5-4-4.

Based on the available information, it appears that this application can be evaluated using the safe yield criteria defined in K.A.R 5-3-11 for unconfined aquifers. It appears that the bedrock (Sumner Group) extends throughout the entire two-mile circle, providing a total of 8,042 acres in the area of consideration. With a potential recharge of 3.2 inches, and 100% available for appropriation (Little Blue River Basin), safe yield was determined to be 2,144 acre-feet. There are only 4.6 acre-feet of prior appropriations, leaving 2,139 acre-feet available. Available recharge would be further limited if clay or shale layers act as confining units. However, this appears to be irrelevant due to the small number of prior appropriations. This application meets safe yield criteria.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R 5-1-12. If any chemical or foreign substance is injected into the water pumped under these permits, check valves will also need to be installed.

Brett Bungler, Water Commissioner, Topeka Field Office, recommended in a February 23, 2024 e-mail that the referenced new application should be approved. Based on the above discussion, the provisions of K.A.R. 5-4-4 (well spacing) are met, safe yield criteria are met, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved.

Lloyd Hemphill  
Environmental Scientist  
Topeka Field Office

## Hemphill, Lloyd [KDA]

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**From:** Bunger, Brett [KDA]  
**Sent:** Friday, February 23, 2024 12:05 PM  
**To:** Hemphill, Lloyd [KDA]  
**Subject:** RE: Application, File No. 50821: For your recommendation

No objections. Please proceed with approval.

Brett

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**From:** Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>  
**Sent:** Friday, February 23, 2024 11:59 AM  
**To:** Bunger, Brett [KDA] <Brett.Bunger@ks.gov>  
**Subject:** Application, File No. 50821: For your recommendation

Brett,

Will you provide your recommendation on Application, File No. 50821? This is an irrigation project proposing to use a Sumner Group bedrock well in the Little Blue River basin. It overlaps an existing surface water file (pond).

Thanks,  
Lloyd

Lloyd Hemphill, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources, Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615  
Office: (785) 296-5733

**Potential domestic well owners within ½ mile of proposed point of diversion.**

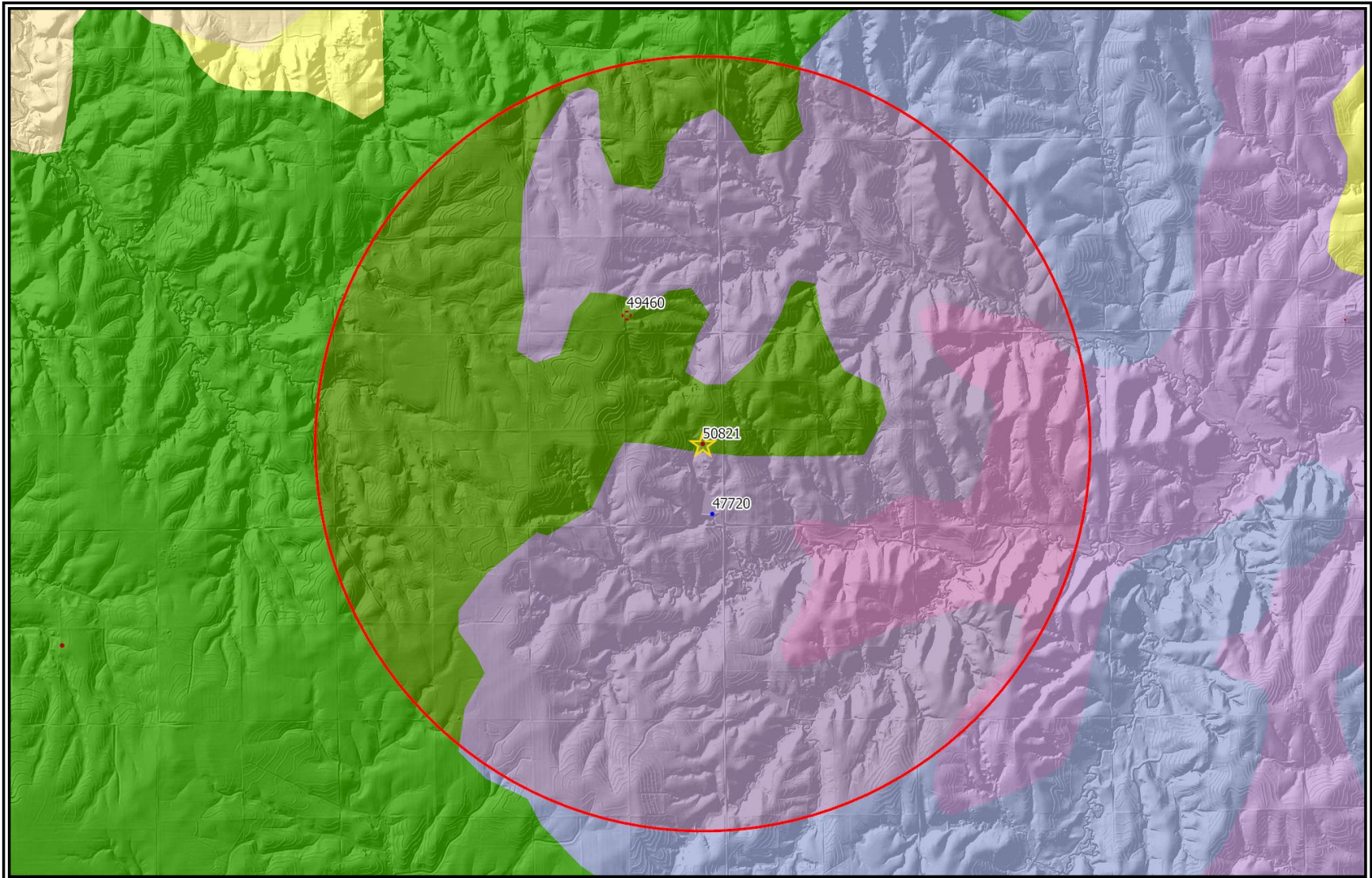
IVAN & STEPHANIE SEDLACEK  
1472 UPLAND RD  
GREENLEAF KS 66943

GUADALUPE MARTINEZ BASULTO  
1462 UPLAND RD  
GREENLEAF KS 66943

MICHAEL BRENNAN  
1422 UPLAND RD  
GREENLEAF KS 66943



**Safe Yield Report Sheet**  
**Water Right- A5082100**  
**Point of Diversion in 21-03S-04E**  
**Footages from SE corner- 2,240 feet North 525 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 2,144.66 AF.

Total prior appropriations in the circle is 196.60 AF.

Total quantity of water available for appropriation is 1,948.06 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 3.2 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 25-JAN-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 2 water rights and 2 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 49460 00	STK	LR	G		SW	SW	SE	485	2590	16	03	04E	1	WR	4.60	4.60		
A 50821 00	IRR	AY	G		NE	NE	SE	2240	525	21	03	04E	2	WR	192.00	192.00	160.00	0.00



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. 50,821** of the applicant

**MIKE GILLIAM**  
**1427 UPLAND RD**  
**GREENLEAF, KS 66943**

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 **July 1, 2022**.
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	
21 - 3S - 4E					40	40	40	40									160

3. That the authorized source from which the appropriation shall be made is groundwater in the Little Blue River basin, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE¼ NE¼ SE¼) of Section 21, more particularly described as being near a point 2,240 feet North and 525 feet West of the Southeast corner of said section, in Township 3 South, Range 4 East, Washington County, Kansas, located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **192 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 the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This 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 all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in condition satisfactory to the Chief Engineer.

17. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 47,720, will provide a total not to exceed **192 acre-feet** of water per calendar year for irrigation use on the land described herein.

18. That failure without cause to comply with provisions of the 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 4<sup>th</sup> day of March, 2024, in Manhattan, Riley County, Kansas.



[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 4 day of March, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

[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

March 6, 2024

MIKE GILLIAM  
1427 UPLAND RD  
GREENLEAF KS 66943

RE: Appropriation of Water  
File No. 50,821

Dear Mr. Gilliam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works, if applicable, 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 acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. 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 may be submitted online at [www.kswaterusereport.org](http://www.kswaterusereport.org) for no fee. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee.

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](http://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 Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:kak:lh  
Enclosures

pc: Timothy E Gilliam Family Trust  
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 6 day of March, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,821, dated March 4, 2024, was mailed postage prepaid, first class, US mail to the following:

MIKE GILLIAM  
1427 UPLAND RD  
GREENLEAF KS 66943

With photocopies to:

KATHY SIMMONS  
TIMOTHY E GILLIAM FAMILY TRUST  
2241 13TH RD  
GREENLEAF KS 66943

KDA-DWR Topeka Field Office

  
Division of Water Resources