



File No. **51,087**      13. County: **Nemaha** Basin: **S F Big NEMAHA RIVER** Stream:  
 Structures File No:      Aquifer Code: **N/A**      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 <b>AF</b>		Storage Rate	
									Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
<b>DEL</b>	<b>90492</b>	<b>NE NE SE</b>	<b>8</b>	<b>4</b>	<b>12E</b>	<b>1</b>	<b>2416</b>	<b>546</b>								

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

PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
<b>DEL</b>	<b>70442</b>	<b>21</b>	<b>6</b>	<b>17E</b>	<b>1</b>																	0.00	<b>5b</b>	<input type="checkbox"/>	
																						0.00		<input type="checkbox"/>	
																						0.00		<input type="checkbox"/>	
																						0.00		<input type="checkbox"/>	
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																								<input type="checkbox"/>	

18. Point of Diversion and Place of Use Overlaps

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# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: January 21, 2025

From: Colin Barclay, Environmental Scientist

Re: New Applications File Nos. 51061, 51062, – Shawn Becker  
Dismissal of File No. 51,087

## Summary

Shawn Becker has filed the above referenced application (51,061) to appropriate 432.2 acre-feet of surface water through natural flows of a tributary of Illinois Creek for storage and re-diversion in an 18.46-acre reservoir. The rate of diversion is at a rate of natural flows with a re-diversion quantity of 320 acre-feet at a re-diversion rate of 1000 gallons per minute. This reservoir is permitted under structures file number LNM-0045.

In addition, the applicant has filed the above reference application (51,062) to appropriate an additional 273 acre-feet of surface water through natural flows of a tributary of the Black Vermillion River for storage and re-diversion in a 17.39-acre reservoir. The rate of diversion is at a rate of natural flows with a re-diversion quantity of 273 acre-feet at a re-diversion rate of 1000 gallons per minute. Structures has determined the dam for this reservoir meets the exemption for a class A dam.

In addition, the applicant has filed the above referenced application (51,087) to appropriate 320 acre-feet of groundwater at a rate of 800 gallons per minute from a single well. The place of use for all three applications would be the same. However, the applicant failed to provide a well log as required by K.A.R. 5-3-4d. The applicant was sent a letter on October 28, 2024, with a deadline of December 2, 2024, to provide additional information or to request an extension of time. The applicant was also emailed the same letter with a deadline of December 2, 2024. No additional information or a request for an extension of time has been submitted as of January 21, 2025. Therefore, application 51,087 is recommended to be dismissed as incomplete.

## File No. 51,061 Reasonable Storage Quantity and Safe Yield

Maximum reasonable quantity for storage for application file no. 51061 was determined to be 777.58 acre-feet. As per K.A.R. 5-6-5 maximum reasonable annual quantity for storage of water for beneficial use in a reservoir. The maximum reasonable annual quantity in a reservoir shall be limited to the lesser of the following.

As per K.A.R. 5-6-4, a runoff calculation was prepared and found that 777.58 acre-feet of runoff could be expected on a 20% chance of occurrence from the following variables.

- 615-acre drainage area.
- Mean annual precipitation of 35 inches per year.
- Soil covers complex number of 80.

As per K.A.R. 5-6-5(b)(1)(A) and (B) Three years of direct and indirect use was calculated to be 3,033.9 acre-feet of water.

- 907 acres of ground x 1.1 acre-feet per acre per year in Nemaha County = 997.7 acre-feet of direct use.
- 13.6 acre-feet of indirect use = 10 inches of net evaporation /12 inches per foot = .83 feet of net evaporation x 16.3 surface acres = 13.6 acre-feet of net evaporation.
- 997.7 acre-feet of direct use + 13.6 acre-feet of indirect use = 1011.3 acre-feet per year.

- 1011.3 acre-feet per year x 3 years = 3,033.9 acre-feet.

As per K.A.R. 5-6-5(2)(A) 1 year of direct, indirect, and reservoir capacity was calculated to be 1,110 acre-feet of water.

- 907 acres of ground x 1.1 acre-feet per acre per year in Nemaha County = 997.7 acre-feet of direct use.
- 13.6 acre-feet of indirect use = 10 inches of net evaporation /12 inches per foot = .83 feet of net evaporation x 16.3 surface acres = 13.6 acre-feet of net evaporation.
- Reservoir capacity is 98.7 acre-feet.
- 997.7 acre-feet of direct use + 13.6 acre-feet of indirect use + 98.7 acre-feet of reservoir capacity =1,110 acre-feet.

### File No. 51,062 Reasonable Storage Quantity and Safe Yield

Maximum reasonable quantity for storage for application file no. 51062 was determined to be 273.3 acre-feet. As per K.A.R. 5-6-5 maximum reasonable annual quantity for storage of water for beneficial use in a reservoir. The maximum reasonable annual quantity in a reservoir shall be limited to the lesser of the following.

As per K.A.R. 5-6-4, a runoff calculation was prepared and found that 273.3 acre-feet of runoff could be expected on a 20% chance of occurrence from the following variables.

- 245-acre drainage area.
- Mean annual precipitation of 35 inches per year.
- Soil covers complex number of 76.

As per K.A.R. 5-6-5(b)(1)(A) and (B) Three years of direct and indirect use was calculated to be 3,033.9 acre-feet of water.

- 907 acres of ground x 1.1 acre-feet per acre per year in Nemaha County = 997.7 acre-feet of direct use.
- 12.6 acre-feet of indirect use = 10 inches of net evaporation /12 inches per foot = .83 feet of net evaporation x 15.2 surface acres = 12.6 acre-feet of net evaporation.
- 997.7 acre-feet of direct use + 12.6 acre-feet of indirect use = 1010.3 acre-feet per year.
- 1010.3 acre-feet per year x 3 years = 3,030.9 acre-feet.

As per K.A.R. 5-6-5(2)(A) 1 year of direct, indirect, and reservoir capacity was calculated to be 1,110 acre-feet of water.

- 907 acres of ground x 1.1 acre-feet per acre per year in Nemaha County = 997.7 acre-feet of direct use.
- 13.6 acre-feet of indirect use = 10 inches of net evaporation /12 inches per foot = .83 feet of net evaporation x 16.3 surface acres = 13.6 acre-feet of net evaporation.
- Reservoir capacity is 93.1 acre-feet.
- 997.7 acre-feet of direct use + 12.6 acre-feet of indirect use + 93.1 acre-feet of reservoir capacity =1,103.4 acre-feet.

The combined requested quantity of 705.2 acre-feet is below the maximum reasonable quantity of the drainage basins which allows for a total combined quantity of 1050.88 acre-feet. However, as the applications are located in Nemaha County which receives a significant amount of precipitation. The applications appear to be supplementing the natural rainfall of the county and should be considered reasonable. A re-diversion quantity of 593.3 acre-feet will provide 0.65 acre-feet per acre which is the Net Irrigation Requirement for Nemaha County as per K.A.R. 5-5-12.

## Nearby Water Rights

Two upstream and downstream landowners were notified for application 51,061. One phone call was received from a downstream landowner who had questions about the proposed appropriation. A written request for an extension of time was received by email requesting an extension of time to submit additional comments. An extension was granted with a deadline to submit additional comments ending on January 21, 2025. No additional comments or concerns were received during the comment period.

One landowner was notified for application 51,062. No comments of any kind were received during the comment period.

## Recommendations

The applications were sent to Nathan Westrup, Water Commissioner of the Topeka Field Office and were recommended for approval in an email dated January 21, 2025.

Applications 51,061 and 51,062 comply with all regulations and the applications are subject to minimum desirable streamflow requirements. Approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced applications be approved.

Application 51,087 is recommended to be dismissed as incomplete in accordance with K.S.A. 82a-710.



Colin Barclay  
Environmental Scientist  
Water Appropriation Program

# 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. 51,087**

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 August 18, 2023, the Chief Engineer received an application from Shawn Becker, for a permit to appropriate groundwater for beneficial use, assigned File No. 51,087, proposing the appropriation of 320 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use, from a well or wells located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 8, Township 4 South, Range 12 East, Nemaha County, Kansas.
2. That the Kansas Water Appropriation Act, in K.S.A. 82a-710, states that if an application is found to be defective, inadequate or insufficient to determine the nature and amount of the proposed appropriation, the applicant must correct or complete the application by submitting additional information within thirty days, or such further time as may be approved by the Chief Engineer.
3. That upon receipt and examination, the application was determined to be defective, inadequate or insufficient to determine the nature and amount of the proposed appropriation, since the application did not identify the number and location(s) of wells being proposed by the application, and did not include a stratigraphic log of a well or test hole within 300 feet of the proposed well(s), as required by K.A.R. 5-3-4d.
4. That on October 28, 2024, a letter was mailed to the applicant, detailing the additional information which must be submitted in order to complete the application, giving the applicant a deadline of December 2, 2024, in which to provide the required information, and stating that the application would be dismissed if it was not submitted by that deadline, or within any authorized extension of time.
5. That the required information was not submitted by the December 2, 2024, deadline, nor did the applicant request an extension of time in which to do so.
6. That the incomplete application should be dismissed, and its priority forfeited, in accordance with K.S.A. 82a-710.

**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. 51,087, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *3<sup>rd</sup>* day of *February*, 2025, in Manhattan, Riley County, Kansas.



*Earl D. Lewis Jr.*  
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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 *3<sup>rd</sup>* day of *February*, 2025, 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

February 13, 2025

SHAWN BECKER  
896 STATE HWY 9  
CENTRALIA KS 66415-8066

RE: Appropriation of Water  
File Nos. 51,061 and 51,062

Dismissal of Application  
File No. 51,087

Dear Mr. Becker:

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

Also enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 51,087, for failure to complete your application by providing required information, prior to the deadline of December 2, 2024. You may refile a new Application to Appropriate Water for Beneficial Use should you wish to proceed with the well(s) proposed by the dismissed application.

For the approved applications, a notice must be filed on the enclosed forms 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 the permits. If you need an extension of time, you must request it before the deadline for completion set forth in the permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00, per file number.

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 [kswaterusereport.org](http://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.




SHAWN BECKER

File Nos. 51,061, 51,062 and 51,087

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Also included with your permits 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,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style with a large initial 'K'.

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

KAB:kak:ccb

Enclosure(s)

pc: Topeka Field Office

**RIGHT TO PETITION FOR REVIEW  
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

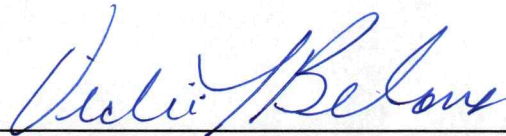
**CERTIFICATE OF SERVICE**

On this *13<sup>th</sup>* day of *February*, 2025, I hereby certify that the foregoing Dismissal of Application, File No. 51,087, dated *February 3*, 2025, was mailed postage prepaid, first class, US mail to the following:

SHAWN BECKER  
896 STATE HWY 9  
CENTRALIA KS 66415-8066

With photocopies to:

KDA-DWR Topeka Field Office



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Division of Water Resources