

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>49,834</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;"><b>7/1/2021</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>02</b></p>	4. GMD:
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5. Status:     Approved                       Denied by DWR/GMD                       Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve             N of C Form             Water Tube             Driller Copy             Meter

7a. Applicant(s)  
New to system                       Person ID **62392**  
Add Seq# \_\_\_\_\_

**RON NEISES**  
**409 N ROCK RD**  
**BELLE PLAINE, KS 67013**

62394

7b. Landowner(s)  
New to system                       Person ID ~~62392~~  
Add Seq# \_\_\_\_\_

**7A RAYNA NEISES**  
**409 N ROCK RD**  
**BELLE PLAINE KS 67013**

7c. Landowner(s)  
New to system                       Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

7d. Landowner  
New to system                       Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

8. WUR Correspondent  
New to system                       Person ID **62392**  
Overlap File (s) WUC Add Seq# \_\_\_\_\_  
Agree  Yes  No                      Notarized WUC Form

**7a**

9. Use of Water:    Changing?     Yes     No

Groundwater                       Surface Water

IRR                       REC                       DEW                       MUN

STK                       SED                       DOM                       CON

HYD DRG     WTR PWR                       ART RECHRG

IND    SIC: \_\_\_\_\_                       OTHER: \_\_\_\_\_

10. Completion Date: **12/31/2022**                      11. Perfection Date: **12/31/2026**                      12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No    Date to Comply: **12/31/2022**                      Date WLMD Installed: \_\_\_\_\_

Date Prepared: **2/19/21**                      By: **MJM**  
Date Entered: 7/6/2021  
LMoody                      By: \_\_\_\_\_

6/29/2021  
Llreland

File No. **49834**      15. Formation Code: **113**      Drainage Basin: **Ninnescah River**      County: **SU**      Special Use:      Stream:

16. Points of Diversion

BATTERY ID #2249

MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
<b>MOD</b>				<b>86105 NENESE</b>	<b>30</b>	<b>31S</b>	<b>2E</b>	<b>11 2430</b>	<b>210</b>	<b>Geo-Center</b>
		<b>ENT</b>		<b>88927 NENESE</b>	<b>30</b>	<b>31S</b>	<b>2E</b>	<b>2501</b>	<b>281</b>	<b>Bat 1 of 4</b>
		<b>ENT</b>		<b>88928 NENESE</b>	<b>30</b>	<b>31S</b>	<b>2E</b>	<b>2501</b>	<b>139</b>	<b>Bat 2 of 4</b>
		<b>ENT</b>		<b>88929 NENESE</b>	<b>30</b>	<b>31S</b>	<b>2E</b>	<b>2359</b>	<b>139</b>	<b>Bat 3 of 4</b>
		<b>ENT</b>		<b>88930 NENESE</b>	<b>30</b>	<b>31S</b>	<b>2E</b>	<b>2359</b>	<b>281</b>	<b>Bat 4 of 4</b>

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>400</b>	<b>169</b>	<b>400</b>	<b>0</b>	<b>None</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: **169** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **48065**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes     No      To be installed by **12/31/2022**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use

MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files		
								NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
<del>MOD</del>			<del>68351</del>	<b>30</b>	<b>31S</b>	<b>2E</b>	<del>3</del>																<b>32.5</b>	<b>32.5</b>	<b>32.5</b>	<b>32.5</b>	<b>130</b>	<b>7b.</b>	<del>None</del>
		<b>ENT</b>	<b>62853</b>				<b>2</b>																						<b>48065</b>
	<b>DEL</b>		<b>68351</b>	<b>30</b>	<b>31S</b>	<b>2E</b>	<b>3</b>	<b>5</b>	<b>8</b>	<b>10</b>	<b>8</b>	<b>8</b>	<b>5</b>	<b>8</b>	<b>10</b>											<b>119</b>	<b>7B</b>	<b>NO</b>	<b>NONE</b>

Comments: **Overlaps PU with 48065, modified PU and description. Rate and authorized quantity reduced.**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** February 19, 2021

**FROM:** Matt Meier

**RE:** Application, File No. 49,834

Ronnie M Neises has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 169 acre-feet, and a diversion rate of 400 gallons per minute. The geo-center of the proposed well battery is to be located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE¼ NE¼ SE¼) of Section 30, more particularly described as being near a point 2,430 feet North and 210 feet West of the Southeast corner of said section, in Township 31 South, Range 2 East, Sumner County, within the Ninnescah River drainage basin. Water Right File No. 48065 overlaps the proposed place of use but not the proposed point of diversion. The proposed place of use is owned by the applicant. The applicant has signed the application form stating that he has legal access to the point of diversion. Multiple modifications include requested quantity, rate, place of use, etc, were made during the processing of the application. All the changes were signed off on by the applicant. The application will be limited to 169 Acre-Feet when combined with File No. 48065 on the place of use and will be for zero additional quantity.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, Division of Water Resources (DWR) suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 4,537 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1,578.93 acre-feet. Existing water rights have appropriated 1476.19 acre-feet, providing a difference of 102.74 acre-feet available for appropriation, and the application requesting 169 (zero additional quantity) acre-feet complies with safe yield.

The requested quantity of water, 169 acre-feet, is reasonable to irrigate the proposed 130 acres identified in the application. This is the maximum reasonable quantity allowable of 1.3 acre-feet per acre for Sumner County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water. It should be noted that the final place of use and quantity will be significantly smaller as a farmstead will need to be removed from the application and Senior File No. 48065 during certification.

The source had been previously identified as within the Alluvial extent and will be classified as such. A study was conducted on the area for dismissed Water Right File No. 46145 (due to nearby concerns) previously which showed the area can support irrigation at a pumping rate of 400 gpm.

The applicant identified 4 domestic wells (one of which is owned by the applicant) within one-half mile of the proposed wells and zero non-domestic wells, which Wris confirmed. Nearby well notification letters were sent out on July 29, 2020. A phone call was received from Mike Neises to discuss the application but didn't object to approval provided wells wouldn't impact his domestic well and that he had protection should that happen. The nearest non-domestic point of diversion (File #48065 which overlaps the proposed PU) is located 2,099 feet away. Based off the map submitted with the application, the nearest domestic well appears to be approximately 670 feet away or further away. The proposed point of diversion meets minimum well spacing to all existing wells but an additional condition requiring the geo-center to be constructed to meet spacing will be added. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

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 this permit, a check valve will also need to be installed. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

It should be noted that a good portion of the information used during the review was based on information from dismissed Water Right File No. 46145 (which the new application is roughly a duplicate of) and a study which was used to justify the approval of File No. 46145. Several other applications (including Files No. 49828 & 49829) and modifications to approved appropriations of water (File No. 48065 & 49077) belonging to the applicant were worked concurrently with the application and a great deal of back and forth occurred with the applicant via email and phone calls.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on January 15, 2021 via email. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Matthew J. Meier  
Environmental Scientist  
Water Appropriations Unit

# 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. 49,834** of the applicant

**RONNIE M. NEISES**  
**409 N ROCK RD**  
**BELLE PLAINE, KS 67013**

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 **May 3, 2017**.
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	
30	31S	2E													32.5	32.5	32.5	32.5	130

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells, the geo-center of which is to located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE¼ NE¼ SE¼) of Section 30, more particularly described as being near a point 2,430 feet North and 210 feet West of the Southeast corner of said section, in Township 31 South, Range 2 East, Sumner County, 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 **400 gallons per minute (0.891 c.f.s.)** and to a quantity not to exceed **169 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, 2022** 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, 2026** 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. 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 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 a condition satisfactory to the Chief Engineer.

14. 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.

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

16. 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.

17. 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.

18. That this permit is further limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

19. That the Geo-Center is constructed in a manner that maintains spacing to nearby domestic wells as required by K.A.R. 5-4-4.

20. That the quantity of water approved under this file number is further limited to the quantity which combined with Appropriation of Water, File No. 48,065, will provide a total not to exceed 169 acre-feet of water per calendar year.

Ordered this 1<sup>st</sup> day of July, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas             )  
  ) SS  
County of Riley             )

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of July, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Melinda Jennings  
Notary Public  
Melinda Jennings



Stafford Field Office  
300 S. Main Street  
Stafford, KS 67578-1521



Phone: 620-234-5311  
Fax: 620-234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

July 8, 2021

RONNIE M NEISES  
409 N ROCK RD  
BELLE PLAINE, KS 67013

RE: Appropriation of Water, File No. 49,834

Dear Mr. Neises:

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 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 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](http://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/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/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 Stafford Field Office at 620-234-5311. 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".

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

KAB: kjn: li

Enclosure(s)

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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 Section, 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 hearing 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.

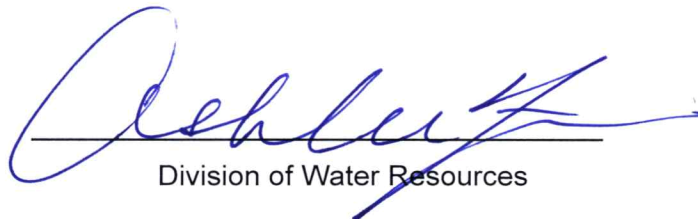
**CERTIFICATE OF SERVICE**

On this 8 day of JULY, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,834, dated 1 JULY, 2021, was mailed postage prepaid, first class, US mail to the following:

RONNIE M NEISES  
409 N ROCK RD  
BELLE PLAINE, KS 67013

With photocopies to:

Stafford Field Office



Division of Water Resources