

File No(s) **45,410**

11. Points of Diversion

T
MOD
DEL PDIV
ENT Qualifier S T R ID 'N 'W

DEL 33673

12. Rate and Quantity

Authorized Additional
Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files

28,535

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. Place of Use

T
MOD
DEL
ENT PUSE S T R ID

NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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 55461

16. Comments: **Voluntary Dismissal**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: December 22, 2016

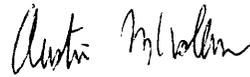
FROM: Austin McColloch

RE: Appropriation of Water,
File Nos. 45,404; 45,406; 45,407;
45,408; 45,409; 45,410

David Clawson filed the referenced applications for Appropriation of Water that were approved on August 20, 2009 to appropriate groundwater for irrigation use in Meade County, Kansas.

On December 19, 2016 Voluntary Dismissal forms were received for the referenced files. The owner requests to withdraw the permit and understands withdrawal will dismiss the files and whatever priority they may have forfeited.

The included Findings and Orders will be issued for these voluntary dismissals.



Austin McColloch
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

January 4, 2017

CLAWSON LAND PARTNERSHIP
PO BOX 279
PLAINS KS 67869

FILE COPY

RE: Dismissal of Appropriation of Water,
File Nos. 45,404; 45,406; 45,407; 45,408;
45,409 and 45,410

Dear Mr. Clawson:

Enclosed are the Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Appropriation of Water, File Nos. 45,404, 45,406, 45,407, 45,408, 45,409 and 45,410, as requested in the Voluntary Dismissal of Water Right forms received in this office on December 19, 2016.

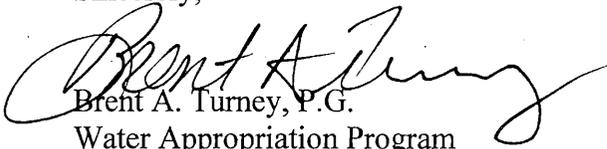
These Orders shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

According to State Law (K.S.A. 82a-718), a hearing must be held before any appropriation right is declared abandoned. The voluntary dismissal of File Nos. 45,404, 45,406, 45,407, 45,408, 45,409 and 45,410, is considered a waiver of any such hearing. Therefore, the appropriation rights are dismissed as of the date of the enclosed order.

Any abandoned water wells must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment (KDHE). If the wells are to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the wells must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <http://kdheks.gov/waterwell>

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,


Brent A. Turney, P.G.
Water Appropriation Program
Division of Water Resources

BAT:am

Enclosure(s)

pc: Garden City Field Office
Groundwater Management District No. 3

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

FILE COPY

**DISMISSAL OF APPROPRIATION OF WATER
FILE NO. 45,410**

This is to certify that on December 19, 2016, a voluntary request to dismiss Appropriation of Water, File No. 45,410, was filed with the office of the Chief Engineer by the following permit holder(s):

CLAWSON LAND PARTNERSHIP
PO BOX 279
PLAINS KS 67869

Per this request, those above have agreed to waive any and all rights that they might have to a hearing pursuant to K.S.A. 82a-718 or any other applicable statute.

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, acknowledges this request, and so orders the dismissal of Appropriation of Water, File No. 45,410, and forfeiture of its priority. The dismissed file pertains to the point(s) of diversion and place(s) of use described as:

one (1) well located Near Center of the Northeast Quarter (NE¹/₄) of Section 25, more particularly described as being near a point 3,942 feet North and 1,330 feet West of the Southeast corner of said section, in Township 32 South, Range 29 West, Meade County, Kansas for irrigation use on the following described property:

Sec.	Twp.	Range	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL ACRES			
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄				
25	32S	29W											24				13		34 ¹ / ₂	19		90

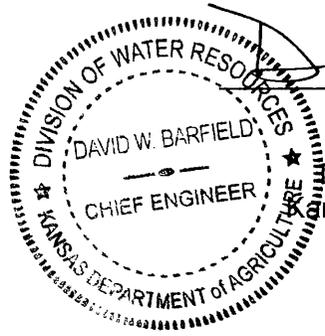
Any further diversion of water pursuant to the conditions and terms of the dismissed file shall be unlawful and subject to the penalties of K.S.A. 82a-728 and K.S.A. 82a-737.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Ordered this 27th day of December, 2016, in Topeka, Shawnee County, Kansas.



 David W. Barfield, 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 27th day of December, 2016, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



 Notary Public

CERTIFICATE OF SERVICE

On this ^{4th} day of January, 2017, I hereby certify that the attached Dismissal of Appropriation of Water, File No. **45,410**, dated December 27, 2016, was mailed postage prepaid, first class, US mail to the following:

CLAWSON LAND PARTNERSHIP
PO BOX 279
PLAINS KS 67869

With Photocopies to:

Garden City Field Office

Groundwater Management District No. 3



 Division of Water Resources

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT

To: Kansas Department of Agriculture
Division of Water Resources (DWR)
1320 Research Park Drive
Manhattan Kansas 66502-5000
<http://agriculture.ks.gov/>

Re: Appropriation of Water
Water Right
Vested Right
Term Permit
(Check Appropriate Box Above)
File No. 45410

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

David Clawson
(Signature of Owner or Authorized Agent)

(Signature of Spouse or Title of Authorized Agent)

(Please print name here)

(Please print name here)

PO BOX 279
(Mailing Address)

(Mailing Address)

PLAINS KS 67869
(City, State, Zip)

(City, State, Zip)

WATER RESOURCES
RECEIVED

DEC 19 2016

ACKNOWLEDGMENT

KS DEPT OF AGRICULTURE

State of Kansas,)
County of Finney)

This instrument was acknowledged before me this 15th day of December, 2016 by
(owners:) David Clawson

(Seal)



My appointment expires:

Julie Jones
Notary Public

mam
DWR Initials