



File No. **51055**      15. Formation Code:      Drainage Basin: N.F. Solomon      County: GH      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity				
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized		Additional		
DEL										Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>DEL</b>	<b>90403</b>	<b>NW</b>	<b>1</b>	<b>6S</b>	<b>23W</b>	<b>8</b>	<b>3960'</b>	<b>3960'</b>		<b>800</b>	<b>189.75</b>			<b>NA</b>

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

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

20. Meter Required?  Yes  No      To be installed by \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	PUSE	S	T	R	ID	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								
<b>DEL</b>	<b>71434</b>	<b>1</b>	<b>6S</b>	<b>23W</b>	<b>8</b>					<b>37</b>	<b>37</b>	<b>22</b>	<b>30.5</b>										<b>126.5</b>	<b>7a</b>	<b>N</b>	<b>NA</b>			

Comments: **Dismissal for failure to locate wells**

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

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

**TO:** Files

**DATE:** September 14, 2023

**FROM:** Brandon Milner

**RE:** Application, File No. 51,055

Sean Katz filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on June 15, 2023. The application was returned to the applicant on June 20<sup>th</sup>, 2023, providing 60 days to locate the point of diversion, provide additional information, and return the application by August 20<sup>th</sup>, 2023 deadline.

The application has not been returned with locations identified by the August 20<sup>th</sup>, 2023, deadline. Therefore, it is recommended that the application be dismissed.

Brandon Milner  
Environmental Scientist  
New Applications Unit

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

June 20, 2023

SEAN KATZ  
3960 US HWY 283  
LENORA, KS 67645

Re: Pending Application  
File No. 51,055

Dear whom it may concern,

After a preliminary review of your above referenced application for permit to appropriate water received in this office on June 15, 2023, it is being returned to you for additional information. In your original application, you requested a 60-day period of time in which to determine the precise location for your point of diversion within a specified quarter section tract of land described as the Northwest Quarter (NW ¼) of Section 1, Township 6 South, Range 23 West, Graham County, Kansas. Due to our delay in returning the original applications to you, the 60-day period of time will start as of the date of this letter.

Once you've determined the precise location for your point of diversion, complete the rest of Paragraph No. 5 of your application by providing the description for the 10-acre tract location of the point of diversion as well as the feet distances North and West of the Southeast corner of the Section. In the case of a battery of wells, please provide the description of the location of the proposed geographic center of the well battery, as well as **the location for each of the individual wells comprising the battery of wells**.

The locations of all other water wells of every kind within one-half mile (½) of the point of diversions must be plotted on the topographical map as well. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner**. A signed statement should be included on the map declaring that all wells within one-half mile (½) of the point of diversions have been plotted, or it should declare that none exist. Please provide this information once you have established your point of diversion.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed well may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed points of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application.

In order to retain its priority of filing, the original applications and attachments must be returned to this office with the requested information on or before **August 20, 2023**, or within any authorized extension of time thereof. According to law, default in refileing of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me by email at [Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov) or call our main line at 785-564-6631. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Brandon Milner  
Environmental Scientist  
Water Appropriation Program

BMM:bmm

pc: Stockton Field Office



# 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. 51,055**

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:

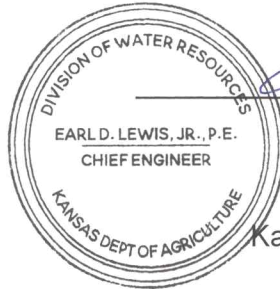
### **FINDINGS**

1. That on June 15, 2023, the Chief Engineer received an application from Sean Katz, for a permit to appropriate groundwater for beneficial use, assigned File No. 51,055, proposing the appropriation of 189.75 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigational use.
2. That in accordance with K.A.R. 5-3-1, the application was accepted for filing provided the applicant supply a more specific location for the proposed point of diversion within the nominal legal quarter-section in the Northwest Quarter (NW¼) of Section 1, Township 6 South, Range 23 West, Graham County, Kansas, within 60 days.
3. That upon receipt and examination, the application was also determined to be otherwise defective, inadequate or insufficient to determine the nature and amount of the proposed appropriation.
4. That on June 20, 2023, a letter was mailed to the applicant, detailing the additional information which must be submitted in order to complete the application, including the specific well location, and giving the applicant until August 20, 2023, in which to provide the required information, and 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 August 20, 2023, 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. 51,055, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *18<sup>th</sup>* day of *September*, 2023, in Manhattan, Riley County, Kansas.

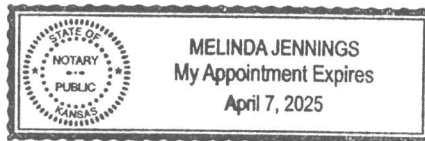


*Earl D. Lewis Jr.*  
\_\_\_\_\_  
Earl D. Lewis Jr, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this *18<sup>th</sup>* day of *September*, 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
\_\_\_\_\_  
Notary Public





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Manhattan, KS 66502  
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900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

September 27, 2023

SEAN KATZ  
3960 US HWY 283  
LENORA KS 67645

Re: Dismissal of Application  
File No. 51,055

Dear Mr. Katz:

A letter was mailed to you on June 20, 2023, requesting additional information to complete the above referenced Application to Appropriate Water for Beneficial Use. Enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 51,055, for failure to provide the required information, prior to the deadline of August 20, 2023.

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 set forth in the enclosed documents.

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, flowing style.

Kristen Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:kak:bmm

Enclosures

pc: Stockton Field Office  
Northwest Kansas GMD No. 4

**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.

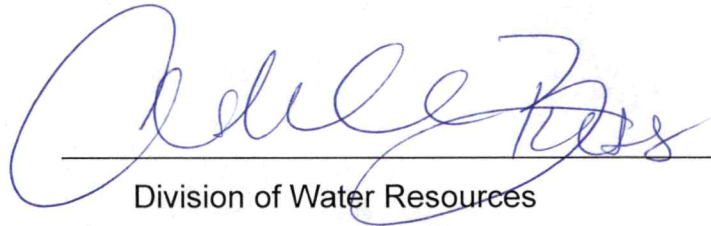
**CERTIFICATE OF SERVICE**

On this 27 day of September, 2023, I hereby certify that the foregoing Dismissal of Application, File No. 51,055, dated 18 September, 2023, was mailed postage prepaid, first class, US mail to the following:

SEAN KATZ  
3960 US HWY 283  
LENORA KS 67645

With photocopies to:

KDA-DWR Stockton Field Office

  
\_\_\_\_\_  
Division of Water Resources