



File No. **48,694**      15. Formation Code:      Drainage Basin:      County:      Special Use:      Stream:

16. Points of Diversion  
 T  
 MOD  
 DEL  
 ENT      PDIV      Qualifier      S      T      R      ID      'N      'W

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

**DEL 81808**

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 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				
<b>DEL64869</b>																				

Comments:

**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:** Alex Whitesell

**RE:** Appropriation of Water,  
File No. 48,694

On October 31, 2016, the Division of Water Resources received a Voluntary Waiver of Hearing & Dismissal of Water right from Robert Dale Gray and Linda L Gray dismissing the above referenced file.

Based on the above discussion and the available information, it is recommended that the referenced Water Right be dismissed.



Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

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

December 30, 2016

ROBERT DALE GRAY AND LINDA L GRAY  
126 W KEOWEE RD  
KREMLIN OK 73753

**FILE COPY**

RE: Dismissal of Appropriation of Water  
File No. 48,694

Dear Mr. and Mrs. Gray:

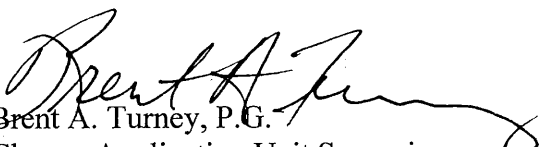
Reference is made to Appropriation of Water, File No. 48,694, authorizing water to be diverted for irrigation use.

In the voluntary dismissal received on October 31, 2016, you advised the Chief Engineer that this proposed appropriation has been abandoned and requested that it be dismissed and its priority forfeited.

According to State Law (K.S.A. 82a-718), a hearing must be held before any water right is declared abandoned. The voluntary dismissal of October 31, 2016, is considered a waiver of any such hearing. Therefore, the water right is dismissed as of the date of the enclosed order.

If you have any questions, please contact our office at (785) 564-6640. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

  
Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT:ajw

Enclosure(s)

pc: Stafford Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**DISMISSAL OF APPROPRIATION OF WATER  
FILE NO. 48,694**

This is to certify that on October 31, 2016, a voluntary request to dismiss Appropriation of Water, File No. 48,694, was filed with the office of the Chief Engineer by the following Water Right Owner:

ROBERT DALE AND LINDA L GRAY  
126 W KEOWEE RD  
KREMLIN OK 73753

Per this request, the above has 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. 48,694, and forfeiture of its priority. The dismissed file pertains to the point of diversion and place of use described as:

one (1) well located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 16, more particularly described as being near a point 3,441 feet North and 4,213 feet West of the Southeast corner of said section, Township 32 South, Range 17 West, Comanche County, Kansas for irrigation use at the following described property:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16	32S	17W					6	9	40	23	3	15							96

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.

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, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, 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.



**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  
<http://agriculture.ks.gov/dwr>

Re: Appropriation of Water   
Water Right   
Vested Right   
Term Permit   
(Check Appropriate Box Above)  
File No. 48694

WATER RESOURCES  
RECEIVED

OCT 31 2016

KS DEPT OF AGRICULTURE

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):

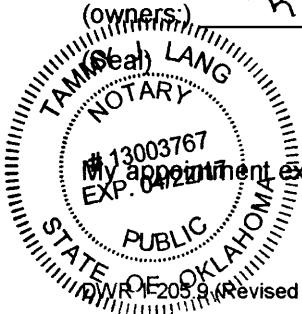
*Robert Dale Gray*  
(Signature of Owner or Authorized Agent)  
Robert Dale Gray  
(Please print name here)  
126 W. Keowee Rd.  
(Mailing Address)  
Cremlin, OK 73753  
(City, State, Zip)

*Linda L. Gray*  
(Signature of Spouse or Title of Authorized Agent)  
LINDA L Gray  
(Please print name here)  
126 W Keowee Rd  
(Mailing Address)  
Cremlin OK 73753  
(City, State, Zip)

**ACKNOWLEDGMENT**

Oklahoma  
State of ~~Kansas~~  
County of Garfield

This instrument was acknowledged before me this 21<sup>st</sup> day of October, 2016 by  
Robert Dale Gray and Linda L. Gray  
(owners)



*Tammie Lang*  
Notary Public

\_\_\_\_\_  
DWR Initials

SCANNED