

Kansas Department of Agriculture
Division of Water Resources
CLOSURE OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">49,752</p>	2. Status Change Date: <p style="text-align: center;">4/24/2017</p>	3. Field Office: <p style="text-align: center;">02</p>	4. GMD:
5. Status: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/>		7c. Landowner(s) New to system <input type="checkbox"/>	
Person ID _____ Add Seq# _____ JOHN PAUL GROTHER 11804 S HYDRAULIC ST PECK KS 67120		Person ID _____ Add Seq# _____	
7b. Landowner(s) New to system <input type="checkbox"/>		7d. Misc. New to system <input type="checkbox"/>	
Person ID 64904 Add Seq# _____ HEATH B FINCHAM 6045 S KANSAS ST WICHITA KS 67216		Person ID _____ Add Seq# _____	
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No		9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/>		<input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
10. Completion Date: _____		11. Perfection Date: _____	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 4/13/17 By: AJW Date Entered: 4/25/2017 By: UM			

File No. **49,752** 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
DEL	85068	NE	16	30	1E	1		

17. Rate and Quantity

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

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					
DEL	67603																									

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE:

April 13, 2017

FROM: Alex Whitesell

RE:

Application, File No. 49,752

John Paul Grother filed the above referenced file on January 10, 2017. The original application was returned to the applicant on February 1, 2017. The applicant was given the final deadline of April 1, 2017 to submit the information or request an extension of time. The applicant was reminded of the deadline on March 3, 2017. No correspondence was received from the applicant by the April 1, 2017 deadline. Therefore, the application should be dismissed.



Alex Whitesell
Environmental Scientist
Division of Water Resources



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

April 25, 2017

FILE COPY

JOHN PAUL GROTHER
11804 S HYDRAULIC ST
PECK KS 67120

RE: Dismissal of Application
File No. 49,572

Dear Mr. Grother;

The referenced application was returned to you for additional information on February 1, 2017. Enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,752, for failure to return the original application and provide the required information, prior to the final deadline of April 1, 2017.

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 order.

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.
Change Application Unit Supervisor
Water Appropriation Program

BAT ajw

Enclosures

pc: Stafford Field Office
Heath B Fincham

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 49,752

FILE COPY

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 January 10, 2017, the Chief Engineer received an application from John Paul Grother for permit to appropriate water for beneficial use, assigned File No. 49,752, proposing the appropriation of 100 acre-feet of groundwater, for irrigation use, at a maximum requested diversion rate of 1200 gallons per minute, from a point of diversion located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 16, Township 30 South, Range 1 East, Sumner County, Kansas.
2. That in accordance with K.A.R. 5-3-1, the application was accepted for filing provided that the applicant submit a more specific location of the point of diversion within 60 days of receipt of the new application.
3. That in accordance with K.S.A. 82a-710 and K.A.R. 5-3-1b, the application was returned to the applicant on February 1, 2017, with a letter requesting additional information, including the specific location for the proposed point of diversion, in order to complete the application.
4. That on February 1, 2017, the applicant was provided a final deadline of April 1, 2017, in which to return the application with the required information and notified that the application would be dismissed if it was not returned within the time allowed or within any authorized extension of time thereof.
5. That the applicant was reminded of the deadline by letter dated March 3, 2017.
6. That no further correspondence was received from the applicant by the deadline of April 1, 2017.
7. That as required by K.S.A. 82a-710, the application, described in Paragraph No. 1, shall be denied and dismissed for failure to return the application with the requested information.

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. 49,752, is herewith dismissed and the priority assigned to it is considered to be forfeited.

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 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 24th day of April, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 24th day of April, 2017, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 25th day of April, 2017, I hereby certify that the foregoing Dismissal of Application, File No. 49,752, dated April 24th, 2017, was mailed postage prepaid, first class, US mail to the following:

JOHN PAUL GROTHER
11804 S HYDRAULIC ST
PECK KS 67120

With photocopies to:

HeathB Fincham

Division of Water Resources Stafford Field Office

Danielle Wilson

Division of Water Resources

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

March 3, 2017

JOHN PAUL GROTHER
11804 S HYDRAULIC ST
PECK KS 67120

Re: Pending Application,
File No. 49,752

Dear Mr. Grother:

The Division of Water Resources returned the above referenced application to you for additional information on February 1, 2017, and the current deadline for your response is April 1, 2017. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original application and requested information needs to be returned to this office on or before **April 1, 2017**, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If an extension of time is necessary to supply the requested information, please request the extension of time in writing before **April 1, 2017**. Provide information as to why the additional time is needed and how much additional time is requested. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Whitesell".

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office

SCANNED

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

February 1, 2017

JOHN PAUL GROTHER
11804 S HYDRAULIC ST
PECK KS 67120

FILE COPY

Re: Pending Application,
File No. 49,752

Dear Mr. Grother:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on January 10, 2017, 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 Northeast Quarter (NE¹/₄) of Section 16, in Township 30 South, Range 1 East, Sumner County, Kansas. Due to our delay in returning the original application 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. The location of the point of diversion must also be plotted on the topographical map included. 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 (¹/₂) of the point of diversion 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 (¹/₂) of the point of diversion 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 point of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application. Also, the enclosed "Minimum Desirable Streamflow" form must be signed and notarized.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **April 1, 2017**, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

(over)

Grother
February 1, 2017
Page 2 of 2

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Alex Whitesell
Environmental Scientist
Water Appropriation Program

enclosures

pc: Heath B Fincham