

File No. **49815** 15. Formation Code: Drainage Basin: **CHIKASKIA RIVER** County: **SU** Special Use: Stream:

16. Points of Diversion

T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
DEL		85995									

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	

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? NO	Overlap Files
									NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
DEL		68293																										

Comments: **Phone call with applicant on November 4, 2019; giving up on project.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 30, 2019

FROM: Kris Neuhauser

RE: Application, File No. 49,815

Meridith Family Partnership LP filed the above referenced application to appropriate groundwater for irrigation use, and requested 60 days to locate the point of diversion. The application was returned to the applicant on April 11, 2017, providing 60 days to locate the point of diversion, provide additional information, and return the application by a June 5, 2017 deadline. The applicant returned the original application, received in this office on May 22, 2017, with the additional information requested.

On December 29, 2017, a letter was received in this office from Troy Dierking, writing on behalf of Mike Sproul. The letter explained that the location of the point of diversion could not be accessed by Meridith Family Partnership LP, without going through Mr. Sproul's homestead. Concern for the quantity of water requested was also expressed.

On February 11, 2019, a phone conversation took place with Mark Lawless, the well driller hired by the applicant for the project. Mr. Lawless explained there were still ongoing issues regarding access to the drilling location. Mr. Sproul and F & S Investment Property LLC both own land in the vicinity and were against Meridith Family Partnership LP crossing said land to drill their wells. A follow up phone conversation took place on June 14, 2019 with Mr. Lawless, who explained nothing had progressed in talks between parties.

On October 31, 2019, a letter was mailed to Meridith Family Partnership LP, requesting additional information be submitted in order to complete the application. A deadline of November 30, 2019 was provided; time in which to provide the requested information and return the application. The applicant called on November 4, 2019 and explained that they will not be pursuing this project.

Based on the available information, that the application was not returned within the time allowed, and the applicant explained their desire to give up on the project, it is recommended that the file be dismissed for failure to return, as provided by K.S.A. 82a-710.



Kris Neuhauser
Environmental Scientist

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 49,815**

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 April 5, 2017, the Chief Engineer received an application from Meridith Family Partnership, LP for permit to appropriate ground water for beneficial use, assigned File No. 49,815, proposing the appropriation of 830 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use. The applicant requested 60 days to locate the specific point of diversion within the Southwest Quarter of Section 36, Township 34 South, Range 2 West, Sumner County, Kansas.
2. That on April 11, 2017, the original application was returned to the applicant, with a cover letter requesting that additional information be submitted in order to complete the application. The applicant was provided a deadline until June 5, 2017, the time in which to provide the requested information and return the application. The applicant was informed that the application would be dismissed if it was not returned by the June 5, 2017 deadline, or within any authorized extension of time.
3. That the applicant returned the original application, received in this office on May 22, 2017 with the additional information requested.
4. That on December 29, 2017, a letter was received in this office from Troy Dierking, writing on behalf of Mike Sproul. The letter explained that the location of the point of diversion could not be accessed by Meridith Family Partnership LP, without going through Mr. Sproul's homestead. Concern for the quantity of water requested was also expressed.
5. That on February 11, 2019, a phone conversation took place with Mark Lawless, the well driller hired by the applicant for the project. Mr. Lawless explained there were still ongoing issues regarding access to the drilling location. Mr. Sproul and F & S Investment Property LLC both own land in the vicinity and were against Meridith Family Partnership LP crossing said land to drill their wells.
6. That on June 14, 2019 a follow up phone conversation was had with Mr. Lawless, who explained nothing had progressed in talks between parties.

- 7. That on October 31, 2019, the original application was once again returned to the applicant, with a cover letter requesting additional information be submitted in order to complete the application. A deadline of November 30, 2019 was established, in which to provide the requested information and return the application.
- 8. That on November 4, 2019 a telephone conversation was had with the applicant, who stated that they will not be pursuing this project. No further information was received by the deadline of November 30, 2019.
- 9. That the application should be dismissed and its priority forfeited as provided by 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. 49,815, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *29* day of *October*, 2020, in Manhattan, Riley 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 *29* day of *October*, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

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

November 9, 2020

MERIDITH FAMILY PARTNERSHIP LP
475 N WEST RD
WELLINGTON, KS 67152

Re: Application, File No. 49,815

Dear Sir or Madam:

The referenced original application was returned to you on **October 31, 2019**. Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,815 for failure to return the original application and provide the requested information, prior to the deadline of November 30, 2019.

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,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: kjn
Enclosures
pc: Stafford Field Office

**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.

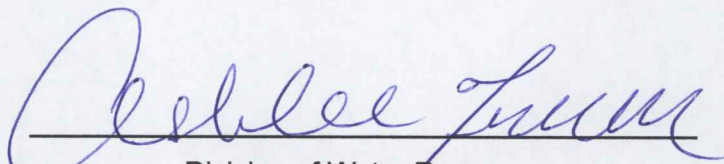
CERTIFICATE OF SERVICE

On this 9 day of November, 2020, I hereby certify that the foregoing Dismissal of Application, File No. 49,815, dated 29 October 2020 was mailed postage prepaid, first class, US mail to the following:

MERIDITH FAMILY PARTNERSHIP LP
475 N WEST RD
WELLINGTON, KS 67152

With photocopies to:

Stafford Field Office



Division of Water Resources