

File No. **50087** 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
				86874							

17. Rate and Quantity				
Authorized		Additional		
Rate	Quantity	Rate	Quantity	Overlap PD Files
gpm/cfs	af/mgy	gpm/cfs	af/mgy	
				None

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?	Overlap Files			
T	MOD	DEL	ENT	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			Yes	
				68978																		7b	50189	

Comments: **Dismissed at applicants request.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: February 19, 2021

FROM: Matt Meier

RE: Application, File No. 50,087

The Triad of the Southwest (Ritchie Addison) has filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 106 acre-feet of groundwater for irrigation use. The proposed point of diversion was the Geo-Center of a well battery to be located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 22, more particularly described as being near a point 4538 feet North and 1476 feet West of the Southeast corner of said section, in Township 33 South, Range 2 West, Sumner County, Kansas. The applicant has another application for a larger quantity and place of use (File No. 50,189) partially covering the proposed place of use. During a phone call with the applicant on September 17, 2019 the incomplete Place of Use overlap was discussed. Rather than having multiple overlapping files the applicant agreed to dismiss Application File No. 50087. A voluntary dismissal of an application form was mailed to him on September 17, 2019.

On September 24, 2019 a signed "Voluntary Dismissal of an Application for Permit to Appropriate Water" form was received from the applicant. Therefore, Application, File No. 50,087 should be dismissed at the applicant's request.

Matt Meier
Environmental Scientist
Permits Unit

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 VOLUNTARY DISMISSAL OF APPLICATION FILE NO. 50,087

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 July 5, 2018, the Chief Engineer received an application from Ritchie Addison on behalf of L&M Farms Incorporated, for a permit to appropriate water for beneficial use, assigned File No. 50,087, proposing the appropriation of 106 acre-feet of groundwater for irrigation use from the point of diversion described as a battery of wells with a geographic center proposed in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 22, more particularly described as being near a point 4,538 feet North and 1,476 feet West of the Southeast corner of said section, in Township 33 South, Range 2 West, Sumner County, Kansas.
2. That on September 17, 2019, a phone conversation was had with the applicant to discuss an incomplete Place of Use overlap between Application File No. 50,087 and Application File No. 50189. After going over the options the applicant stated he would be interested in dismissing Application File No. 50,087.
3. That on September 17, 2019, a letter and a Voluntary Dismissal of an Application for Permit to Appropriate Water form was mailed to the applicant.
4. On September 24, 2019, a signed Voluntary Dismissal of an Application for Permit to Appropriate Water form dated September 20, 2019, was received from the applicant in the Stafford Field Office of the Chief Engineer.
5. That the application should be dismissed and its priority forfeited as requested.

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. 50,087, is herewith dismissed and the priority assigned to it is considered to be forfeited.

Ordered this 5 day of April, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 5 day of April, 2021, 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

April 5, 2021

RICHARD ADDISON
PO BOX 663
WELLINGTON, KS 67152

Re: Application, File Nos. 50,075; 50,087; 50,189 & 50,190

Dear Mr. Addison:

Enclosed are the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing the applications for appropriation as requested in the voluntary dismissals received for the referenced files on behalf of the Triad of the Southwest, L & M Farms Incorporated and the Leroy and Madeline Addison Trust.

The orders shall become final agency action without further notice to the parties, if a request for hearing or a petition for administrative review is not filed in a manner set forth in the enclosed orders.

If you have any questions, please contact this office at 785-564-6640. 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 black ink that reads "Kristen A. Baum".

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:MM:li

Enclosures

pc: Stafford Field Office

RIGHT TO PETITION FOR REVIEW UNDER THE KANSAS JUDICIAL REVIEW ACT

Right to Petition for Administrative Review - If you are aggrieved by this Order, then pursuant to K.S.A 82a-1901(c), you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777. If no petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request administrative review may preclude further judicial review under the Kansas Judicial Review Act.

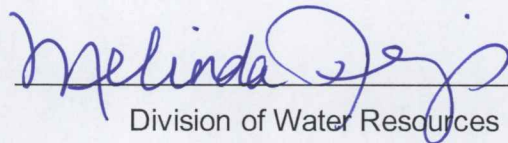
CERTIFICATE OF SERVICE

On this 5 day of April, 2021, I hereby certify that the foregoing Dismissal of Application, File No. 50,087, dated 5 April, 2021, was mailed postage prepaid, first class, US mail to the following:

L&M FARMS INC
RITCHIE ADDISON
PO BOX 663
WELLINGTON, KS 67152

With photocopies to:

Stafford Field Office



Division of Water Resources