

File No. **50226** 15. Formation Code: Drainage Basin: **Little Arkansas River** County: **HV** 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
CHK	87409	SW	1	23S	2W	1	3960	1320		800	205.4	800	205.4	NA
DEL														

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												
CHK	69363	1	23S	2W	1									40	39.5	39	39.5					158	7a	N	NA								
DEL																																	

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: July 20, 2021

FROM: Brandon Milner

RE: Applications, File Nos. 50,226

Willis Kreutziger has filed the above referenced applications to appropriate groundwater for irrigation use and requested 60 days to locate the points of diversion. The applications were returned to the applicant on April 17, 2019, providing 60 days to locate the points of diversion, provide additional information, and return the application by a June 17, 2019 deadline. A reminder letter of the upcoming deadline was sent to the applicant on May 20, 2019. A request for a 60-day extension was received on June 7, 2019 from the applicant extending the deadline to August 17, 2019. A reminder letter of the upcoming deadline was sent to the applicant on July 22, 2019. A request for a 60-day extension was received on August 16, 2019 from the applicant extending the deadline to October 17, 2019. A reminder letter of the upcoming deadline was sent to the applicant on September 26, 2019. The applications have not been returned, and there has not been any request for additional time to respond.

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

Brandon Milner
Environmental Scientist
New Applications 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 DISMISSAL OF APPLICATION FILE NO. 50,226

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 March 25, 2019, the Chief Engineer received an application from Willis Kreutzer for a permit to appropriate groundwater for beneficial use, assigned File No. 50,226, proposing the appropriation of 205.4 acre-feet of water, at a maximum requested diversion rate of 800 gallon per minute, for irrigation use. The applicant requested 60 days to locate the specific point of diversion within the Southwest Quarter of Section 1, Township 23 South, Range 2 West, Harvey County, Kansas.
2. That on April 17, 2019, 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 of June 17, 2019, 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 deadline, or within any authorized extension of time.
3. That a reminder letter was sent to the applicant on May 20, 2019, stating that the deadline to return the application with the requested info was June 17, 2019.
4. That the request for an extension to locate the point of diversion received on June 7, 2019, which would extend the deadline to August 17, 2019.
5. That a reminder letter was sent to the applicant on July 22, 2019, stating that the deadline to return the application with the requested info was August 17, 2019.
6. That the request for an extension to locate the point of diversion received on August 16, 2019 which would extend the deadline to August 17, 2019.
7. That a reminder letter was sent to the applicant on August 19, 2019, stating that the deadline to return the application with the requested info was October 17, 2019.
8. That the original application was not returned by the October 17, 2019 deadline, nor did the applicant request any extension of time in which to do so.
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. 50,226, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 28 day of June, 2021, 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 28 day of June, 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

June 30, 2021

WILLIS D KREUTZIGER TRUST
13314 NW 72ND ST
MOUNDRIDGE, KS 67107-8008

Re: Application, File No. 50,226

Dear Mr. Kreutziger:

The referenced application was returned to you on April 17, 2019. Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,226, for failure to return the original application and provide the requested information, prior to the deadline of October 17, 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 orders.

If you have any questions, please contact our 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". The signature is written in a cursive style.

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: bmm: li

Enclosure

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 30 day of June, 2021, I hereby certify that the foregoing Dismissal of Application, File No. 50,226, dated 28 June 2021 was mailed postage prepaid, first class, US mail to the following:

WILLIS D KREUTZIGER TRUST
13314 NW 72ND ST
MOUNDRIDGE, KS 67107-8008

With photocopies to:
Stafford Field Office



Division of Water Resources