

**FINDINGS & ORDER**

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

1. File Number: <b>50,243</b>	2. Status Change Date:	3. Field Office: <b>2</b>	4. GMD: <b>0</b>
----------------------------------	------------------------	------------------------------	---------------------

5. Status:  Approved  Denied by DWR/GMD  Dismiss by Request/Failure to Return

6. Enclosures:  Check Valve  N of C Form  Water Tube  Driller Copy  Meter

7a. Applicant(s)  New to system  Person ID **66650**  
Add Seq# \_\_\_\_\_  
**JAEGER ENTERPRISES LLC**  
**PO BOX 538**  
**MINNEOLA, KS 67865**

7b. Landowner(s)  New to system  Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

**7a**

7c. Landowner(s)  New to system  Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

7d. Misc.  New to system  Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

8. WUR Correspondent  New to system  Person ID \_\_\_\_\_  
Overlap File (s) WUC Add Seq# \_\_\_\_\_  
 Notarized WUC Form  
Agree  Yes  No  
**7a**

9. Use of Water: Changing?  Yes  No  
 Groundwater  Surface Water  
 IRR  REC  DEW  MUN  
 STK  SED  DOM  CON  
 HYD DRG  WTR PWR  ART RECHRG  
 IND SIC: \_\_\_\_\_  OTHER: \_\_\_\_\_

10. Completion Date: \_\_\_\_\_ 11. Perfection Date: \_\_\_\_\_ 12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

Date Prepared: **1/19/2021** By: **KJN**  
Date Entered: **4/22/2021** By: **Lmoody**  
**Lireland**

File No. **50,243**      15. Formation Code:      Drainage Basin: **Bluff Creek (Cimarron)**      County: **CA**      Special Use:      Stream:

16. Points of Diversion										
T	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W
<b>DEL</b>	<b>87446</b>									

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
				<b>NONE</b>

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	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						
<b>DEL</b>	<b>69396</b>																								<b>7a</b>	<b>No</b>	<b>NONE</b>		

Comments: **DUA, BLC-67 FULL**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** January 19, 2021

**FROM:** Kris Neuhauser

**RE:** Application, File No. 50,243

Jaeger Enterprises LLC filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 224 acre-feet of groundwater for irrigation use. The application proposed the geographic center of a four (4) well battery located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 2,910 feet North and 2,760 feet West of the Southeast corner of said section, in Township 30 South, Range 25 West, Clark County, Kansas.

That the proposed point of diversion is located within South-Central Kansas Designated Unit Area, BLC-67. Based on the original quantity of water available in this designated unit (5,557 acre-feet) and the current quantity of water appropriated (5,558 acre-feet), there remains no water available in Designated Unit Area, BLC-67.

The applicant was sent a letter on December 10, 2020, explaining the safe yield evaluation and stating that it would be recommended to the Chief Engineer that pending application, File No. 50,243 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-10 and K.A.R. 5-3-11. The applicant was provided 15 days (until December 25, 2020) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information.

No response of any kind was received from the applicant. Therefore, based on the existing information, it is recommended that the referenced application be denied and dismissed for failure to meet safe yield criteria.



Kris Neuhauser  
Environmental Scientist  
Water Appropriation Program

# 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. 50,243**

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 22, 2019, the Chief Engineer received an application from Jaeger Enterprises LLC for a permit to appropriate water for beneficial use, assigned File No. 50,243, proposing the appropriation of 224 acre-feet of groundwater for irrigation use. The application proposed the geographic center of a four (4) well battery to be located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 2,910 feet North and 2,760 feet West of the Southeast corner of said section, in Township 30 South, Range 25 West, Clark County, Kansas.
2. That the proposed point of diversion is located within South-Central Kansas Designated Unit Area, BLC-67. Based on the original quantity of water available in this designated unit (5,557 acre-feet) and the current quantity of water appropriated (5,558 acre-feet), there remains **no water available** in Designated Unit Area, BLC-67.
3. That on December 10, 2020, a letter was mailed to the applicant stating that the application did not comply with the safe yield requirements of K.A.R. 5-3-10 and K.A.R. 5-3-11, and that the application would be submitted to the Chief Engineer with a recommendation that the pending application be denied and dismissed, for failure to meet safe yield criteria. The applicant was provided 15 days, until December 25, 2020, to either submit additional information to our office or request additional time, prior to final action on the application.
4. That the applicant, has not submitted additional information for consideration, nor requested an extension of time, for Application, File No. 50,243, thus the application should be denied and dismissed, and its priority forfeited for failure to comply with K.A.R. 5-3-10 and K.A.R. 5-3-11.

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. 50,243, is herewith dismissed and the priority assigned to it is considered to be forfeited.

Ordered this this *6* day of *May*, 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 *6* day of *May*, 2021, by Lane P. Letourneau, P.G., Water Appropriation 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

May 12, 2021

JAEGER ENTERPRISES LLC  
PO BOX 538  
MINNEOLA, KS 67865

RE: Application, File No. 50,243

Dear Mr. Jaeger:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,243 for failure to meet safe yield criteria.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-71 1(c) and K.S.A. 82a-1 90 1(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing. Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Secretary of Agriculture; Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

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,

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

LPL: kjn: li  
Enclosures

pc: Stafford Field Office

## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, 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: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If neither a request for an evidentiary hearing nor a 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 either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

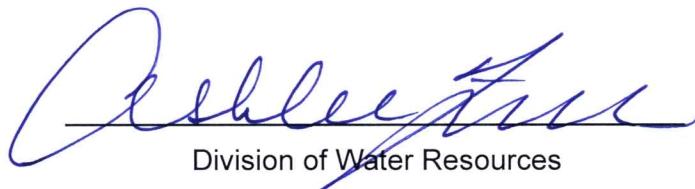
## CERTIFICATE OF SERVICE

On this 13 day of may, 2021, I hereby certify that the foregoing Dismissal of Application, File No. 50,243, dated 16 may 2021 was mailed postage prepaid, first class, US mail to the following:

JAEGER ENTERPRISES LLC  
LUKE JAEGER  
PO BOX 538  
MINNEOLA, KS 67865

With photocopies to:

Stafford Field Office



Division of Water Resources