

Kansas Department of Agriculture  
 Division of Water Resources  
**FINDINGS & ORDER WORKSHEET**

1. File No(s). <b>50258</b>	1a. <input type="checkbox"/> Vested Right <input type="checkbox"/> Water Right <input checked="" type="checkbox"/> Appropriation of Water	1b. Document Date: <span style="font-size: 1.2em; color: purple;">6/16/2021</span>	2. Field Office: <span style="font-size: 1.5em; font-weight: bold;">2</span>	3. GMD:
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4. Type and Purpose of Letter

Type of Extension \_\_\_\_\_ Completion Date \_\_\_\_\_

Date Received \_\_\_\_\_ Perfection Date \_\_\_\_\_

Completion of Diversion Works:     Permit     Change Approval

Meter Installed \_\_\_\_\_

Dismissal **Failure to supply additional information or request extension by deadline provided (6/10/2021)**

Other \_\_\_\_\_

5a. Name & Address _____ Person ID <b>66731</b>  <b>FRANKLIN J MORRELL</b> <b>9852 51ST WEST</b> <b>PECK, KS 67120</b>	5b. Name & Address _____ Person ID _____
5c. Name & Address _____ Person ID _____	5d. Name & Address _____ Person ID _____

6. General Information Priority Date <b>5/21/2019</b> Certificate Date _____ Vested Right Order Date _____ Approval Date _____ Priority Date of Change _____ Approval of Change Date _____ Completion Date _____ Perfection Date _____	7. Use of Water: <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: _____ 8. Battery Number _____ 9. Special Use _____ 10. Aquifer _____
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Date Prepared: **6/7/2021**    By: **KJN**  
 Date Entered: 6/17/2021    7By: **LMoody**

(no info on reverse)

File No. **50258**      Priority Date:      County: **SG**      Basin: **NINNESCAH RIVER**      Stream:      Formation Code:

11. Points of Diversion Rate and Quantity  
 NC  G  S  
 MOD Authorized Additional  
 DEL PDIV Qualifier S T R CIN 'N 'W Comment Rate gpm Quantity AF Rate gpm Quantity AF Overlap PD Files  
 ENT

<b>DEL 87555</b>																				

12. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ AF      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ AF

13. Limitation: \_\_\_\_\_  AF  mgy at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_  AF  mgy at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

14. Place of Use NC MOD DEL ENT	PUSE	S	T	R	CIN	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap PU 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					
<b>DEL 69483</b>																							<b>5a</b>	<b>no</b>	<b>none</b>	

15. Comments:

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

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

**TO:** Files

**DATE:** June 7, 2021

**FROM:** Kris Neuhauser

**RE:** New Application,  
File No. 50,258

Franklin J. Morrell filed the above referenced application to appropriate groundwater for irrigation use, requesting one (1) well, with a quantity of 25.6 acre-feet of water per calendar year, at a diversion rate of 100 gallons per minute. The proposed point of diversion failed a safe yield determination.

On May 26, 2021, a letter noting the failed safe yield was mailed to the applicant. A deadline of June 10, 2021 was administered, giving 15 days to provide additional information to show why our evaluation should be reconsidered. The applicant was also was informed that the application would be dismissed if it was not returned by the deadline, or within any authorized extension of time.

The applicant did not submit the requested information, nor request additional time to submit the information, prior to the deadline. After the letter was sent, a phone conversation between the applicant and Environmental Scientist, Kris Neuhauser, took place. Mr. Morrell noted his intent to give up on the application and his irrigation project.

Based on the above discussion, it is recommended that the referenced application be dismissed.



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. 50,258**

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 May 21, 2019, the Chief Engineer received an application from Franklin J. Morrell for a permit to appropriate groundwater for beneficial use, assigned File No. 50,258, proposing the appropriation of 25.6 acre-feet of water, at a maximum requested diversion rate of 100 gallon per minute, from one (1) well for irrigation use.
2. That a safe yield determination failed at the proposed point of diversion.
3. That on May 26, 2021, a letter noting the failed safe yield was mailed to the applicant. A deadline of June 10, 2021 was administered, giving 15 days to provide additional information to show why our evaluation should be reconsidered. The applicant was also was informed that the application would be dismissed if it was not returned by the deadline, or within any authorized extension of time.
4. That no additional information was supplied by the applicant prior to the June 10, 2021 deadline.
5. That a phone conversation between the applicant and Environmental Scientist, Kris Neuhauser, took place later that day (May 26, 2021). Mr. Morrell noted his intent to give up on the application and his irrigation project.
6. 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. 50,258, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 16 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 16 day of June, 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

June 18, 2021

FRANKLIN J MORRELL  
9852 51ST WEST  
PECK, KS 67120

Re: Application, File No. 50,258

Dear Mr. Morrell:

A letter was mailed to you on May 26, 2021, noting that a safe yield determination failed for the above referenced application. The 15-day period to supply additional information has passed (June 10, 2021), thus Application File No. 50,258 will be dismissed. It is also noted that over a phone call with Environmental Scientist, Kris Neuhauser, you noted your intent to move on from this application and corresponding project.

Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,258, for failure to supply the requested information, prior to the deadline of June 10, 2021.

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. 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, flowing style.

Kristen Baum  
New Application and Changes Supervisor  
Water Appropriation Program

KAB:kjn:li  
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.

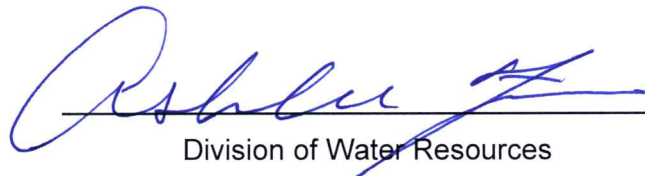
**CERTIFICATE OF SERVICE**

On this 18 day of June, 2021, I hereby certify that the foregoing Dismissal of Application, File No. 50,258, dated 16 June, 2021, was mailed postage prepaid, first class, US mail to the following:

FRANKLIN J MORRELL  
9852 51ST WEST  
PECK, KS 67120

With photocopies to:

Stafford Field Office

  
\_\_\_\_\_  
Division of Water Resources