

FINDINGS & ORDER

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

| | | | |
|----------------------------------|--------------------------------------------|-------------------------------|---------|
| 1. File Number: 50,328 | 2. Status Change Date: 4/28/2021 | 3. Field Office: 02 | 4. GMD: |
|----------------------------------|--------------------------------------------|-------------------------------|---------|

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 <input type="checkbox"/> BYRON NORDHUS 1232 N FIREFLY WICHITA, KS 67235 | Person ID 67119 _____ Add Seq# _____ | 7c. Landowner(s) New to system <input type="checkbox"/> | Person ID _____ Add Seq# _____ |
| 7b. Landowner(s) New to system <input type="checkbox"/> | Person ID _____ Add Seq# _____ | 7d. Misc New to system <input type="checkbox"/> | Person ID _____ Add Seq# _____ |

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7a | Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/> | 9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No <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: _____ |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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: **8/20/20** By: **BMM**
Date Entered: **5/5/2021** By: **L Moody**

4/16/2021
L Ireland

File No. ~~50,322~~ 50328 15. Formation Code: Drainage Basin: **Chikaskia River** County: **HP** 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 | 87815 | SW | 34 | 31S | 5W | 8 | 1320 | 3960 | | 800 | 224 | | | |
| 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 | 69745 | 34 | 31S | 5W | 3 | | | | | | | | | 40 | 40 | 40 | 40 | | | | | 160 | 7b | 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: May 26, 2021

FROM: Brandon Milner

RE: Applications, File Nos. 50,328

Bryon Nordhus 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 June 1st, 2020, providing 60 days to locate the points of diversion, provide additional information, and return the application by the August 1st, 2020 deadline. A reminder letter of the upcoming deadline was sent to the applicant on July 1, 2020. The application has not been returned as by the August 1st, deadline and is recommended for dismissal.

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. 50,328

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 December 23, 2019, the Chief Engineer received an application from Bryon Nordhus for a permit to appropriate groundwater for beneficial use, assigned File No. 50,328, proposing the appropriation of 224 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 34, Township 31 South, Range 5 West, Harper County, Kansas.
2. That on June 1, 2020, 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 August 1, 2020, 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 July 1, 2020, once again stating the August 1, 2020 date that the original application was required to be returned.
4. That the original application was not returned by the August 1, 2020 deadline.
5. 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. 50,328, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 28 day of April, 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 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

May 6, 2021

BYRON NORDHUS
1232 N FIREFLY
WICHITA, KS 67235

Re: Application, File No. 50,328

Dear Mr. Nordhus:

The referenced application was returned to you on June 1, 2020. Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,328, for failure to return the original application and provide the requested information, prior to the deadline of August 1, 2020.

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 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.

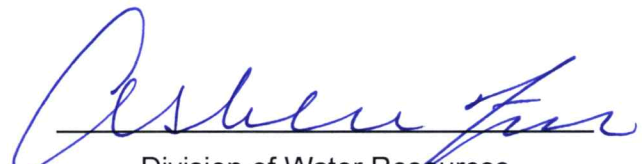
CERTIFICATE OF SERVICE

On this 6 day of May, 2021, I hereby certify that the foregoing Dismissal of Application, File No. 50,328, dated 28 April, 2021, was mailed postage prepaid, first class, US mail to the following:

BYRON NORDHUS
1232 N FIREFLY
WICHITA, KS 67235

With photocopies to:

Stafford Field Office


Division of Water Resources