

File No. **50,475** 15. Formation Code: Drainage Basin: **Arkansas River** County: **SG** Special Use: Stream:

16. Points of Diversion									
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	
DEL	88489	SW SE SE	24	26S	2W	5	609	843	
ENT									

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
150	13.3	150	13.3	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										NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Total	Owner	Chg? NO	Overlap Files
MOD	PUSE	S	T	R	ID	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4								
DEL	70186	32	26X	1W	4																								
ENT																													

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 12, 2022

FROM: Jessica Engelbrecht

RE: Application, File Nos. 50474 & 50475

Unified School District No. 266 has filed the referenced applications to appropriate groundwater from one well for irrigation use on 8.17 acres of landscaping. The point of diversion and place of use are located in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 32, Township 26 South, Range 1 West, Sedgwick County, Kansas.

The application was reviewed by the Groundwater Management District No. 2 and denied based on K.A.R. 05-22-2(a)(1) for failure to meet spacing criteria to nearby non-domestic wells additionally, Application, File No. 50,475 was also denied based on K.A.R. 55-22-7(b)(1)(H), as the proposed pumping rate of 150 gallons per minute exceeds the maximum allowable 50 gallons per minute for safe yield exemption.

The applicant was given a 30-day deadline to respond to the District review in a letter dated January 3, 2022. The applicant was sent an additional letter from the Division of Water Resources outlining the denial from the District and instructed to respond by the deadline of February 4, 2022.No further correspondence has been received from the applicant by the DWR stated deadline.

Therefore, based on the denial from Groundwater Management District No. 2 Application, File Nos. 50,474 and 50,475 will be dismissed.

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. 50,475

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 November 20, 2020, the Chief Engineer received an application from Unified School District No. 266 for a permit to appropriate water for beneficial use, assigned File No. 50,475, proposing the appropriation of 13.3 acre-feet of groundwater for irrigation use. The application proposed one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24, more particularly described as being near a point 609 feet North and 843 feet West of the Southeast corner of said section, in Township 24 South, Range 2 West, Sedgwick County, Kansas.
2. That on September 7, 2021, a copy of the application was submitted to Groundwater Management District No. 2. Groundwater Management District No. 2 recommended denial of the application in a letter received on December 27, 2021. In the letter Groundwater Management District No. 2 recommended denial of the application based on K.A.R. 05-22-2(a)(1) for failure to meet spacing criteria to nearby non-domestic wells and K.A.R. 5-22-7(b)(1)(H) as the proposed pumping rate of 150 gallons per minute exceeds the maximum allowable of 50 gallons per minute for safe yield exemption.
3. That on January 3, 2022, a letter was sent to the applicant from the Division of Water Resources informing the applicant of the District's recommendation for denial and giving the applicant a deadline of February 4, 2022 to appeal the District's decision.
4. That no response of any kind has been received from the applicant for this application as of this date.

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. 50,475, is hereby dismissed and the priority assigned to it is considered to be forfeited.

ORDERED this 11 day of October, 2022, 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 11 day of October, 2022, 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

UNIFIED SCHOOL DISTRICT #266
905 W ACADEMY AVE
MAIZE, KS 67101-4000

October 14, 2022

RE: Application, File No. 50,475

Dear Sir or Madam:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,474 for failure to meet spacing criteria to nearby non-domestic wells and the proposed pumping rate of 150 gallons per minute exceeds the maximum allowable of 50 gallons per minute for safe yield exemptions.

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: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr, Manhattan, KS 66506.

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 A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB: jne

Enclosures pc:
Stafford Field Office
GMD 2

**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 14 day of October, 2022, I hereby certify that the attached Dismissal of Application, File No. 50,475, dated 11 October, 2022, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:
UNIFIED SCHOOL DISTRICT #266
309 W. ACADEMY
MAIZE KS 67101-4000

Photocopy to:
Stafford Field Office

Groundwater Management District No. 2


DWR Staff