

# FINDINGS & ORDER

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

1. File Number: <b>50585</b>	2. Status Change Date: <b>7/29/2022</b>	3. Field Office: <b>02</b>	4. GMD: <b>0</b>
5. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> <b>JOHN PAUL GROTHER 11804 S HYDRAULIC ST PECK, KS 67120-9702</b>	Person ID <b>6608</b> Add Seq# _____	7c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
7b. Landowner(s) New to system <input type="checkbox"/> <b>7A</b>	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 <b>7a</b>	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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
		Date Prepared: <b>5/31/22</b>	By: <b>BM</b>
		Date Entered: <b>8/1/2022</b> LMoody	By:

File No. **50585**      15. Formation Code:      Drainage Basin: **Bluff Creek**      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
<del>CHK</del>	<b>88836</b>	<b>SE</b>	<b>10</b>	<b>31S</b>	<b>8W</b>	<del>4</del> <b>6</b>	<b>1320</b>	<b>1320</b>		<b>800</b>	<b>224</b>	<b>800</b>	<b>224</b>	<b>NA</b>
<del>DEL</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												
<del>ENT</del>	<b>70414</b>	<b>10</b>	<b>31S</b>	<b>8W</b>	<del>5</del> <b>6</b>																												
<del>DEL</del>																																	

Comments: 7/8/2022  
KJN



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

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

**TO:** Files

**DATE:** May 31, 2022

**FROM:** Brandon Milner

**RE:** Application, File No. 50,585

John Paul Grother filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on May 17, 2021. The application was returned to the applicant on May 19, 2021 providing 60 days to locate the point of diversion, provide additional information, and return the application by a July 19, 2021 deadline. The applicant was provided five extensions of time with the latest being May 17, 2022.

The application has not been returned with locations identified by the May 17, 2022 deadline. Therefore, it is recommended that the application be dismissed.

7/8/2022  
KJN

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. 50,585**

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 17, 2021, the Chief Engineer received an application from Jon Paul Grother for a permit to appropriate groundwater for beneficial use, assigned File No. 50,585, proposing the appropriation of 224 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use. The applicant requested 60 days to locate the specific point of diversion, within the Southeast Quarter of Section 10, Township 31 South, Range 8 West, Harper County, Kansas.
2. That on May 19, 2021, 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 July 19, 2021, 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 the applicant requested and was provided extensions of time with the final deadline being May 17, 2022.
4. That the original application was not returned by the May 17, 2022 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. 50,585, is herewith dismissed and the priority assigned to it is considered to be forfeited.

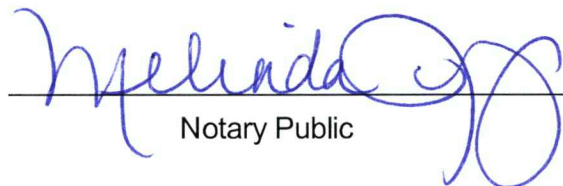
It is so ordered this 29 day of July, 2022, in Manhattan, Riley County, Kansas.



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 29 day of July, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

  
Notary Public

## **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 \_\_\_\_\_ day of \_\_\_\_\_, 2022, I hereby certify that the foregoing Dismissal of Application, File No. 50,585, dated \_\_\_\_\_ was mailed postage prepaid, first class, US mail to the following:

JOHN PAUL GROTHER  
11804 S HYDRAULIC ST  
PECK, KS 67120-9702

With photocopies to:

Stafford Field Office

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Division of Water Resources

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

JOHN PAUL GROTHER  
11804 S HYDRAULIC ST  
PECK, KS 67120-9702

August 4, 2022

Re: Application, File No. 50,585

Dear Mr. Grother:

The referenced application was returned to you on May 19, 2021. Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,585, for failure to return the original application and provide the requested information, prior to the deadline of May 17, 2022.

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 style.

Kristen Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB: bmm  
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 4 day of August, 2022, I hereby certify that the foregoing Dismissal of Application, File No. 50,585, dated 29 July 2022 was mailed postage prepaid, first class, US mail to the following:

JOHN PAUL GROTHER  
11804 S HYDRAULIC ST  
PECK, KS 67120-9702

With photocopies to:

Stafford Field Office

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