

File No. **50,656** Priority Date: ~~9/27/22~~ **21** County: **FO** Basin: **ARKANSAS 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

CHK	89068	SW NE SE	16	26S	26W	11	1529	1084			100	200	100	200	50,779
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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				
CHK	38178	16	26S	26W	2	FEEDLOT LOCATED IN THE S½																	5a	N	34314, 36691
																									AND 50779

15. Comments: **DO NOT DELETE PD OR PU. PD OVERLAPS FILE NO. 50,779 PU OVERLAPS FILE NOS. 34314, 36691, AND 50779.**

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: July 7, 2022

FROM: Jessica Engelbrecht

RE: Application, File No. 50,656

Mark Fischer on behalf of Howell Country Feeders, LLC., filed the above referenced application to appropriate groundwater for stockwatering use at a feedlot located in Section 16, Township 26 South, Range 26 West in Ford County Kansas. The application requested a quantity of 200 acre-feet per calendar year at a rate of 100 gallons per minute.

After further review of Application, File No. 50,656, it was found that the applicant had not requested enough water to cover the expansion of the feedlot. A new application (File No. 50,779) was submitted and a voluntary dismissal form was sent to Mr. Fischer, who submitted the signed form on July 7, 2022 via email.

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

7/8/2022
KJN

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

**IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 50,656**

This is to certify that on July 7, 2022, a voluntary request to dismiss Application for Permit to Appropriate Water, File No. 50,656, which was filed with the office of the Chief Engineer by the following applicant:

**HOWELL COUNTRY FEEDERS LLC
PO BOX 1661
DODGE CITY, KS 67801**

Per this request, those above have agreed to waive any and all rights that they might have to a hearing pursuant to K.S.A.82a-718 or any other applicable statute.

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. 50,656, is herewith dismissed and the priority assigned to it is considered to be forfeited. The dismissed application pertains to the point of diversion and place of use described as follows:

a well located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 1,529 feet North and 1,084 feet West of the Southeast corner of said section, in Township 26 South, Range 26 West, Ford County, Kansas, for stockwatering use at a feedlot located in the South-Half of Section 16, Township 26 South, Range 26 West, Ford County, Kansas.

ORDERED this 25 day of July, 2022, 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 25 day of July, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
Notary Public



THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

**IN THE MATTER OF THE
DISMISSAL OF APPROPRIATION OF WATER
FILE NO. 50656**

This is to certify that on July 7, 2022, a voluntary request to dismiss Application for Permit to Appropriate Water, File No. 50,656, was filed with the office of the Chief Engineer by the following appropriation right owner(s):

**HOWELL COUNTRY FEEDERS LLC
PO BOX 1661
DODGE CITY, KS 67801**

Per this request, those above have agreed to waive any and all rights that they might have to a hearing pursuant to K.S.A.82a-718 or any other applicable statute.

ORDER

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, acknowledges this request, and so orders the dismissal of Application for Permit to Appropriate Water, File No. 50,656, and forfeiture of its priority. The dismissed file pertains to the point of diversion and place of use described as follows:

a well located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 1,529 feet North and 1,084 feet West of the Southeast corner of said section, in Township 26 South, Range 26 West, Ford County, Kansas, for stockwatering use at a feedlot located in the South-Half of Section 16, Township 26 South, Range 26 West, Ford County, Kansas.

Any further diversion of water pursuant to the conditions and terms of the dismissed file shall be unlawful and subject to the penalties of K.S.A. 82a-728 and K.S.A. 82a-737.

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

Melinda Jennings
Notary Public



**RIGHT TO PETITION FOR REVIEW
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action. If you choose to appeal this decision or any finding part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

CERTIFICATE OF SERVICE

On this _____ day of _____, 2022, I hereby certify that the attached Dismissal of Application, File No. 50,656, dated _____, 2022, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

HOWELL COUNTRY FEEDERS LLC
PO BOX 1661
DODGE CITY, KS 67801

Photocopy to:

Stafford Field Office

GROUNDWATER MANAGEMENT DISTRICT NO. 3

DWR Staff

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

HOWELL COUNTRY FEEDERS LLC
PO BOX 1661
DODGE CITY, KS 67801

Re: Application, File No. 50,656

Dear Mr. Fischer:

Reference is made to Application for Permit to Appropriate Water, File No. 50,656, authorizing water to be diverted for stockwater use.

In the voluntary dismissal form received on July 7, 2022, the Chief Engineer was advised that this permit to appropriate water is no longer needed and a dismissal of the file was requested.

According to State Law (K.S.A. 82a-718), a hearing must be held before any water right or appropriation of water is declared abandoned. The voluntary dismissal described is considered a waiver of any such hearing. Therefore, the appropriation of water is dismissed as of the date of the enclosed order. Any further non-domestic diversion of water pursuant to the conditions and terms of the dismissed permit shall be unlawful and subject to the penalties of K.S.A. 82a-728 and K.S.A. 82a-737.

This order should be recorded with the Register of Deeds Office in the county wherein the point of diversion was located.

Thank you for your cooperation in this matter. 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 Applications and Changes Unit Supervisor
Water Appropriation Program

KAB:jne
Enclosures
pc: Stafford Field Office
Southwest Kansas GMD No. 3

**RIGHT TO PETITION FOR REVIEW
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action. If you choose to appeal this decision or any finding part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

CERTIFICATE OF SERVICE

On this 4 day of August, 2022, I hereby certify that the attached Dismissal of Application, File No. 50,656, dated 29 July 2022, 2022, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

HOWELL COUNTRY FEEDERS LLC
PO BOX 1661
DODGE CITY, KS 67801

Photocopy to:

Stafford Field Office

GROUNDWATER MANAGEMENT DISTRICT NO. 3



DWR Staff