Kansas Department of Agriculture Division of Water Resources

FINDINGS AND ORDER WORKSHEET NAME CHANGE

1a. File No.: 45801		1b. Document Dat 4/23/2024		c. Field Office: 1	1d. GMD:				
2a. Name & Address Pe JAMES M & CINDY A WOHLER TRUST 1127 16TH RD CLAY CENTER, KS 67432	rson ID <u>57590</u> · <add b="" trust<=""></add>	LUKE M 1133 16	2b. Name & Address Person ID 63909 LUKE M & JESSICA M WOHLER 1133 16TH RD CLAY CENTER, KS 67432						
2c. Name & Address Pe MARK J WOHLER 1013 16TH RD CLAY CENTER, KS 67432	rson ID <u>67192</u>	2d. Name	2d. Name & Address Person ID						
2e. WUR Correspondent Pe 2A	rson ID <u>57590</u>	🗆 STK	□ F □ S □ V	SED	Surface Water DEW IMUN DOM CON ART ITHX OTHER:				
Delete Delete	Corre	IITATIONS ect te uce	☐ Delete _ ☐ Add		□ Delete □ Add				
5. Old Information to be Changed (New Information to be written in 7, 8 & 11) FAILURE TO PERFECT - SHOW CAUSE LETTER SENT 7/7/2022 DISMISSAL OF APPROPRIATION OF WATER OR WATER RIGHT									
6. Previous Modifications and Amendments Document Type PERMIT TO PROCEED - 6/30/2004 PD FIELD OFFICE CHANGE - 3/7/2005 PD FIELD OFFICE CHANGE - 1/14/2010									
7. Point of Diversion Groundwater to be withdrawn by means of (well(s)) () (pit(s)) Surface water in theto be diverted (at a point) (atpoints) (pit(s)) (dam(s))									
Entered: 4/24/2024 KAnderson	Reviewed: Date: 4/17/2024 By: EKF		F	Prepared: Date: 4/8/2024 By: ETD					

no information on reverse



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 APPROPRIATION OF WATER FILE NO. 45,801

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 June 30, 2004, the Chief Engineer, in accordance with K.S.A. 82a-714 approved Appropriation of Water, File No. 45,801, for permit to appropriate water for irrigation use, as modified by subsequent orders of the Chief Engineer issued on March 7, 2005, January 14, 2010, and March 9, 2020, authorizing the applicant, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use of surface water by means of two (2) pumpsites, as follows:

one (1) pumpsite located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE¹/₄ NW¹/₄ SE¹/₄) of Section 14, more particularly described as being near a point 2,588 feet North and 1,852 feet West of the Southeast corner of said section,

and

one (1) pumpsite located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE¼ NE¼ SE¼) of Section 14, more particularly described as being near a point 2,541 feet North and 479 feet West of the Southeast corner of said section,

both in Township 8 South, Range 2 East, Clay County, Kansas, at a diversion rate not in excess of **2,000 gallons per minute (4.46 c.f.s.)** and a quantity not to exceed **277 acrefeet** of water per calendar year for **irrigation use** on the following described property:

Soc	Soo Turn Dongo		NE1⁄4			NW1⁄4			SW1/4 NE1/4 NW1/4 SW1/4 SE1/4				SE1/4				TOTAL		
Sec.	τwp.	Range	NE1⁄4	NW1/4	SW1/4	SE1/4	NE ¹ ⁄ ₄	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	TOTAL
13	8S	2F							Lot 5										8
10	00	26							8										0
14	8S	2F				Lot 4					1			13	39	33	37	31	223
	00	~ -			38	31					- 1			10	00	55	57	51	225
23	8S	2E													40			40	80
26	8S	2E	40	40	40	40	40	40	40	40									320

all in Township 8 South, Range 2 East, Clay County, Kansas.

File No. 45,801

- That this appropriation is further limited to a rate of diversion and a quantity of water, which when combined with the water rights set forth in the Certificates of Appropriation issued pursuant to File No. 17,109 and 45,526, will provide a total not to exceed **277 acre-feet** of water per calendar year for **irrgation** use from the diversion points described herein.
- 3. That on November 23, 2005, the notice of completion of diversion works required by K.S.A. 82a-714, as amended, was filed with the Division of Water Resources and subsequently acknowledged.
- 4. That the time in which to perfect a water right in accordance with the terms, conditions, and limitations of the permit for File No. 45,801, expired on December 31, 2021.
- 5. That on July 7, 2022, the landowners of record were notified that no water right was perfected (developed) during the perfection period and were given until August 12, 2022, to show good cause as to why the appropriation should not be dismissed for failure to put water to beneficial use within the time allowed, (June 30, 2004, through December 31, 2021).
- 6. That during the perfection period (June 30, 2004, through December 31, 2021), no additional rate or quantity was diverted to the authorized place of use described in Item No. 1 of these Findings, beyond what Water Right, File Nos. 17,109 and 45,526 authorize; thus, no water right was developed under File No. 45,801.
- 7. That the permit pertaining to Appropriation of Water, File No. 45,801, serves no useful purpose and therefore should be terminated.

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, the Appropriation of Water, File No. 45.801 is hereby terminated.

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 _____ day of _____, 2024, in Manhattan, Riley County, Kansas.

Pave P. Letoueneau

Lane P. Letourneau, P.G. Water Appropriation Program Manager Division of Water Resources Kansas Department of Agriculture

State of Kansas

County of Riley

) SS



KANSAS DEPARTMENT OF AGRICULTURE

Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES

Earl D. Lewis Jr., Chief Engineer

The foregoing instrument was acknowledged before me this <u>23</u> day of <u>400</u>, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Notary Public





900 SW Jackson, Room 456 Topeka, KS 66612 785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 25, 2024

JAMES M & CINDY A WOHLER TRUST 1127 16TH RD CLAY CENTER, KS 67432

RE: Dismissal of Appropriation of Water, File No. 45,801

Dear Mr. & Mrs. Wohler:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which terminates the water appropriation permit known as File No. 45,801. This dismissal has been issued due to a failure to perfect (or develop) a rate of diversion or quantity of water under Appropriation of Water, File No. 45,801. The perfection period for File No. 45,801 ran from June 30, 2004 through December 31, 2021.

A letter dated July 7, 2022, and signed by Alex Crawford, Environmental Scientist, was sent to notify the owners of record that File No. 45,801 failed to lawfully perfect a rate of diversion or quantity of water during the perfection period. A deadline of August 12, 2022 was given for the applicant, owner, or agent of the appropriation to show cause as to why File No. 45,801 should not be dismissed for failure to lawfully perfect additional rate or quantity.

As of the date of this letter, no information has been received as requested. Therefore, Appropriation of Water, File No. 45,801, has been terminated with the enclosed order.

If you have any questions, please contact me or Ellie Dulchinos at 785-564-6651; ellie.dulchinos@ks.gov.

Sincerely,

ghite &

Elizabeth Fitch Environmental Scientist Water Appropriation Program

EKF: etd Enclosure(s)

pc: Topeka Field Office

LUKE M & JESSICA M WOHLER, 1133 16TH RD, CLAY CENTER KS 67432 MARK J WOHLER, 1013 16TH RD, CLAY CENTER KS 67432

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 25 day of April	, 2024, I hereby certify that the attached Dismissal of
On this <u></u> day of <u></u> the Approval of Application and Permit to Proceed, File No	o. 45,801, dated April 23
2024, was mailed postage prepaid, first class, U.S. Mail to	o the following:

Original to: JAMES M & CINDY A WOHLER TRUST 1127 16TH RD CLAY CENTER, KS 67432

Photocopy to: Topeka Field Office

LUKE M & JESSICA M WOHLER 1133 16TH RD CLAY CENTER, KS 67432

MARK J WOHLER 1013 16TH RD CLAY CENTER, KS 67432