

**Kansas Department of Agriculture  
Division of Water Resources**

FINDINGS AND ORDER WORKSHEET  
NAME CHANGE

1a. File No.: <p align="center"><b>45801</b></p>		1b. Document Date: <p align="center"><b>4/23/2024</b></p>		1c. Field Office: <p align="center"><b>1</b></p>		1d. GMD:			
2a. Name & Address <b>JAMES M &amp; CINDY A WOHLER TRUST &lt;--ADD TRUST</b> 1127 16TH RD CLAY CENTER, KS 67432				2b. Name & Address <b>LUKE M &amp; JESSICA M WOHLER</b> 1133 16TH RD CLAY CENTER, KS 67432					
2c. Name & Address <b>MARK J WOHLER</b> 1013 16TH RD CLAY CENTER, KS 67432				2d. Name & Address					
2e. WUR Correspondent <b>2A</b>				3. Use of Water <input type="checkbox"/> Groundwater <input checked="" 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 <input type="checkbox"/> WTR <input type="checkbox"/> ART <input type="checkbox"/> THX <input type="checkbox"/> IND    SIC: _____ <input type="checkbox"/> OTHER: _____					
4a. PD <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____		4b. PU <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____		4c. LIMITATIONS <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____		4d. RATE <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____		4e. QUANTITY <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	
5. Old Information to be Changed (New Information to be written in 7, 8 & 11) <b>FAILURE TO PERFECT - SHOW CAUSE LETTER SENT 7/7/2022</b> <b>DISMISSAL OF APPROPRIATION OF WATER OR WATER RIGHT</b>									
6. Previous Modifications and Amendments Document Type <b>PERMIT TO PROCEED - 6/30/2004</b> <b>PD/PU FIELD OFFICE CHANGE - 3/9/2020</b> <b>PD FIELD OFFICE CHANGE - 3/7/2005</b> <b>PD FIELD OFFICE CHANGE - 1/14/2010</b>									
7. Point of Diversion Groundwater to be withdrawn by means of ( _____ well(s)) ( _____ ) ( _____ pit(s)) Surface water in the _____ to be diverted (at a point) (at _____ points) ( _____ pit(s)) ( _____ dam(s))									
Entered: <p align="center"><b>4/24/2024</b> <b>KAnderson</b></p>		Reviewed: Date: <b>4/17/2024</b> By: <b>EKF</b>			Prepared: Date: <b>4/8/2024</b> By: <b>ETD</b>				

no information on reverse



# 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 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 (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) 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 (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) 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 acre-feet** of water per calendar year for **irrigation use** on the following described property:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13 8S 2E							Lot 5 8										8
14 8S 2E			Lot 3 38	Lot 4 31					1			13	39	33	37	31	223
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.



THE STATE OF KANSAS

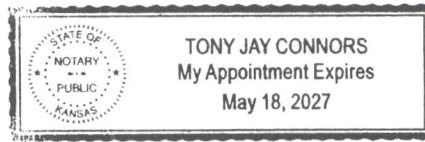


**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

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

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

  
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

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](mailto:ellie.dulchinos@ks.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Elizabeth Fitch". The signature is fluid and cursive, with a large initial "E" and "F".

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 the Approval of Application and Permit to Proceed, File No. 45,801, dated April 23, 2024, was mailed postage prepaid, first class, U.S. Mail to 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

  
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DWR Staff