

Kansas Department of Agriculture
Division of Water Resources
MISCELLANEOUS WORKSHEET

1. File No(s). 50232	1a. <input type="checkbox"/> Vested Right <input type="checkbox"/> Water Right <input checked="" type="checkbox"/> Appropriation of Water	1b. Document Date: 10/3/2024	2. Field Office: 02	3. GMD:
4. Type and Purpose of Letter Type of Extension _____ Completion Date _____ Date Received _____ Perfection Date _____ <input type="checkbox"/> Completion of Diversion Works: <input type="checkbox"/> Permit <input type="checkbox"/> Change Approval <input type="checkbox"/> Meter Installed _____ <input checked="" type="checkbox"/> Dismissal Failed to Complete - Show Cause Letter Mailed February 2, 2024 <input type="checkbox"/> Other _____				
5a. Name & Address CITIZENS STATE BANK OF CHENEY KS INC PO BOX 509 CHENEY KS 67025-0509		5b. Name & Address Person ID <u>19497</u>		
5c. Name & Address Person ID _____		5d. Name & Address Person ID _____		
6. General Information Priority Date 04/01/2019 Certificate Date _____ Vested Right Order Date _____ Approval Date 09/13/2021 Priority Date of Change _____ Approval of Change Date _____ Completion Date _____ Perfection Date _____		7. Use of Water: <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 checked="" 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: _____		
		8. Battery Number 4 9. Special Use _____ 10. Aquifer _____		
Date Prepared: 10/3/24 By: TJC Date Reviewed: 10/3/2024 By: KAK Date Entered: 10/4/2024 By: KAnderson				
(no info on reverse)				

File No. **50232** Priority Date: _____ County: **SUMNER** Basin: **NINNESCAH** Stream: _____ Formation Code: _____

11. Points of Diversion Rate and Quantity
 NC G S
 MOD Authorized Additional
 DEL PDIV Rate Quantity Rate Quantity
 ENT Qualifier S T R CIN 'N 'W Comment gpm AF gpm AF Overlap PD Files

DEL 28761 **34058**

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				
DEL 19497																							5a		34058

15. Comments:

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. 50,232**

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 April 22, 2021, the Chief Engineer approved Appropriation of Water, File No. 50,232, for permit to appropriate water for thermal exchange use, authorizing the applicant, subject to vested rights and prior appropriations, to proceed with all steps necessary for the application of water to the approved and proposed beneficial use of water and construction of the proposed diversion works at the following location:

one (1) well located in Lot 14 of Section 8, more particularly described as being near a point 3,994 feet North and 2,775 feet West of the Southeast corner of said section, in Township 28 South, Range 4 West, Sedgwick County, Kansas.
2. That a condition to the Approval of Application and Permit to Proceed issued on April 22, 2021, was that the installation of diversion works was to be completed on or before December 31, 2022, or within any extension of time.
3. That "diversion works" (K.A.R. 5-1-1 (aa)), means any well, pump, power unit, power source, dam, and any other devices necessary to bring water under control for delivery to a distribution system by which the water will be distributed to the proposed use and any other equipment required as a condition of the permit, including a check valve, water level measurement tube, meter, or other measuring device.
4. That on January 11, 2023, the Chief Engineer granted an extension of time, per the applicant's written request, ultimately allowing until December 31, 2023, for completion of the diversion works and submission of the statutorily required field inspection fee.
5. That on October 18, 2023, a certified letter was mailed reminding the permit holder(s) of the December 31, 2023, completion deadline.

6. That on February 2, 2024, a letter was sent by U.S. First Class mail, advising that the permit holder(s) had until March 1, 2024, to show that the diversion works were completed within the time allowed, in accordance with the terms of the permit.
7. That no additional information has been submitted to the office of the Chief Engineer to show that the applicant has complied with the terms, conditions and limitations of the approved permit, or has paid the statutorily required field inspection fee of \$400.00.
8. Reference Kansas Administrative Regulation 5-8-4(e):
 - “(1) The applicant shall file a notice of completion of diversion works and the statutorily required field inspection fee with the chief engineer no later than March 1 following the deadline to construct diversion works. The notice of completion of diversion works shall be filed on a form prescribed by the chief engineer.
 - “(2) If a water flowmeter has been required by the chief engineer as a condition of the permit, the applicant shall also file a notice of completion of installation of a water flowmeter on a form prescribed by the chief engineer. This form shall be due at the same time that the notice of completion of diversion works form is due.”
9. Reference Kansas Administrative Regulation 5-8-4(f)(2):

“The permit shall be dismissed and its priority forfeited if the applicant fails to perform the following:

 - (A) To demonstrate that the diversion works were completed within the time allowed by the approval of application; and
 - (B) To pay the statutorily required field inspection fee, if it has not already been paid. ...”
10. Reference Kansas Statute 82a-714(d), which states in part:

“... Failure to pay the field inspection fee, after reasonable notice by the chief engineer of such failure, shall result in the permit to appropriate water being revoked, forfeiture of the priority date and revocation of any appropriation right that may exist.”
11. That in accordance with Kansas Administrative Regulation 5-8-4 and Kansas Statute 82a-714(d), Appropriation of Water, File No. 50,232, shall be dismissed and its priority forfeited.

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, Appropriation of Water, File No. 50,232, is hereby dismissed and its priority forfeited, due to the failure to complete the diversion works within the time allowed (K.A.R. 5-8-4), and failure to pay the statutorily required field inspection fee as outlined under Kansas Law (K.S.A. 82a-714(d)).

Ordered this ^{3rd} day of October, 2024, in Manhattan, Riley County, Kansas.



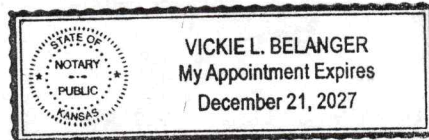
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this ^{3rd} day of October, 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

October 10, 2024

CERTIFIED MAIL

CITIZENS STATE BANK OF CHENEY
PO BOX 509
CHENEY KS 67025-0509

RE: Dismissal of Appropriation of Water
File No. 50,232

Dear Sir or Madam:

In our correspondence dated October 18, 2023, and February 2, 2024, you were notified that the time in which to complete construction of the proposed diversion works authorized under the referenced file expired on December 31, 2023. Neither a notification of completion of diversion works nor a statutorily required field inspection fee was received within the time allowed. On the basis of the above information, and the facts presented in the enclosed Findings and Order, File No. 50,232 is hereby dismissed, and its priority forfeited.

The dismissed permit pertains to your existing thermal exchange well and permitted additional water above that authorized by Water Right, File No. 34,058, which remains. You may refile a new application to appropriate water for beneficial use should you need to reauthorize additional water. Please note, there may have been other permits issued in your area, or changes in statutes, rules and regulations since your original application was filed. Therefore, there is no guarantee that subsequent applications can be approved.

If you have any questions, please contact our office at 785-564-6640. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAB:kak:tjc
Enclosure(s)
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 10 day of October, 2024, I hereby certify that the foregoing Dismissal of Appropriation of Water, File No. 50,232, dated October 3, 2024, was mailed postage prepaid, certified mail, return receipt requested to the following:

CITIZENS STATE BANK OF CHENEY
PO BOX 509
CHENEY KS 67025-0509

With photocopies to:

KDA-DWR Stafford Field Office



Staff

9589 0710 5270 0426 0329 03

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT 1606 - 006
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE



Certified Mail Fee

\$ 4.85

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ 4.10
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postage

\$ 0.97

Total Postage and Fees

\$ 9.92

10/10/24 - DSM 6661
50232

Sent To

Citizens State Bank of Cheney

Street and Apt. No., or PO Box No.

PO BOX 509

City, State, ZIP+4®

Cheney KS 67025-0509

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Citizens State Bank of Cheney
 PO Box 509
 Cheney KS 67025-0509
 10/10/24 - Dismissal
 50232



9590 9402 7568 2098 4584 62

2. Article Number (Transfer from service label)

9589 0710 5270 0426 0329 03

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:

 No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

300)

USPS TRACKING#

WICHITA KS 670



15 OCT 2024 PM 3 L



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7568 2098 4584 62

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Kansas Department of Agriculture
 Division of Water Resources
 1320 Research Park Drive
 Manhattan, KS 66502
 1606-006

WATER RESOURCES
RECEIVED

OCT 17 2024

KS DEPT OF AGRICULTURE

3502-500020

