

File No. **50441** 15. Formation Code: Drainage Basin: Kansas River County: DG Special Use: Stream:

vc16. Points of Diversion										
T	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W
ENT										
DEL	88396	SW SW NW	8	12S	20E	4	4075	2364		

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity mgy	Overlap PD Files
1400	107.5			NA

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										Total	Owner	Chg?	Overlap Files														
T	MOD	DEL	PUSE	S	T	R	ID	NE¼						NW¼				SW¼				SE¼					
ENT								NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
DEL	70116	8	12S	20E	4				38	38		24			7.5									107.5	7a	N	NA

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 17, 2024

FROM: Brandon Milner

RE: Application, File No. 50414

Juniper Hill Farms LLC has filed the above referenced application to appropriate groundwater for an application to appropriate water on September 9th, 2020 and was labeled as application no. 50,441.

The application was incomplete, since the applicant did not provide a stratigraphic log to help determine which formation water was being drawn from. K.A.R. 5-4-3d requires that an applicant supply a well log located within 300' of the proposed point of diversion for a new water appropriation application. The applicant was notified by E-mails dated February 17, 2021, and May 10, 2021, that a stratigraphic log would be required to complete the application. A letter was mailed to the applicant on November 7, 2023, with no response. Therefore, the application should be dismissed.

Based on the failure to supply a stratigraphic well log, as required in K.A.R. 5-4-3d, it is recommended that the file be dismissed.

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. 50,441**

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 September 9, 2020, the Chief Engineer received an application from Scott Thellman, on behalf of Juniper Hill Farms, LLC, for a permit to appropriate groundwater for beneficial use, assigned File No. 50,441, proposing the appropriation of 107.5 acre-feet of water, at a maximum requested diversion rate of 1,400 gallons per minute, for irrigation use, from one (1) well located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 8, Township 12 South, Range 20 East, Douglas County, Kansas.
2. That K.S.A. 82a-710 states that if an application is found to be defective, inadequate or insufficient to determine the nature and amount of the proposed appropriation, the applicant must correct or complete the application by submitting additional information within thirty days, or such further time as may be approved by the Chief Engineer.
3. That upon receipt and examination, the application was determined to be defective, inadequate or insufficient to determine the nature and amount of the proposed appropriation, since the application did not include a copy of a stratigraphic log for a well or test hole located within 300 feet of the proposed well, as required by K.A.R. 5-3-4d.
4. That on November 7, 2023, a letter was mailed to the applicant, detailing the additional information which must be submitted in order to complete the application, including the required stratigraphic log, giving the applicant a deadline of December 8, 2023, in which to provide the required information, and stating that the application would be dismissed if it was not submitted by that deadline, or within any authorized extension of time.
5. That the required information was not submitted by the December 8, 2023, deadline, nor did the applicant request an extension of time in which to do so.
6. That the incomplete application should be dismissed, and its priority forfeited, in accordance with 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. 50,441, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *23* day of *April*, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

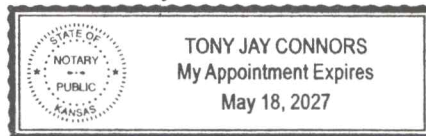
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

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

Tony Jay Connors

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 26, 2024

SCOTT THELLMAN
JUNIPER HILL FARMS LLC
1547 N 2000 RD
LAWRENCE KS 66044

Re: Dismissal of Application
File No. 50,441

Dear Mr. Thellman:

A letter was mailed to you on November 7, 2023, requesting additional information to complete the above referenced Application to Appropriate Water for Beneficial Use. Enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,441, for failure to complete your application by providing the required information, prior to the deadline of December 8, 2023.

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,

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:blm
Enclosures
pc: Topeka 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 26 day of April, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 50,441, dated April 23, 2024, was mailed postage prepaid, first class, US mail to the following:

SCOTT THELLMAN
JUNIPER HILL FARMS LLC
1547 N 2000 RD
LAWRENCE KS 66044

With photocopies to:

KDA-DWR Topeka Field Office



Division of Water Resources