

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 28, 2024

FROM: Brandon Milner

RE: Application, File No. 50,812

Gerald Gerstner had filed the above referenced application to appropriate groundwater, received on June 15, 2022, assigned Application, File No. 50,812. A voluntary dismissal of that application has now been received, on March 13, 2024.

Upon review of the application, it was noted that the applicant did not provide documentation of permission from the watershed district to use water from the sediment pool of the watershed dam, as required by K.A.R. 5-6-2. The applicant was given ample time to obtain permission, with a final deadline to produce an agreement of March 22, 2024. The applicant has elected to build his own reservoir, and has filed Application, File No. 51,202, which will be processed separately.

Based on the voluntary dismissal received by the applicant, 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 TO APPROPRIATE WATER
FILE NO. 50,812**

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 15, 2022, an Application for Permit to Appropriate Water for Beneficial Use was received in the office of the Chief Engineer and assigned File No. 50,812.
2. That on March 13, 2024, a form signed by the applicant, requesting dismissal of the application described in Paragraph No. 1 of these Findings, was received in the office of the Chief Engineer.
3. That the application should be dismissed, and its priority forfeited, as requested by the applicant.

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. 50,812, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 2 day of April, 2024, in Manhattan, Riley County, Kansas.

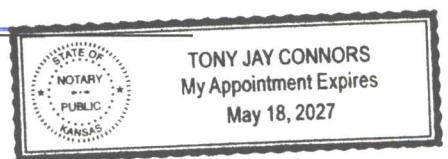


Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 2 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

GERALD GERSTNER TRUST
300 E 10TH STREET
FRANKFORT KS 66427

RE: Dismissal of Application
File No. 50,812

Dear Sir or Madam:

In response to your form letter, received in this office on March 13, 2024, enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing the above referenced application for permit to appropriate water for beneficial use.

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 blue ink that reads "Kristen A. Baum". The signature is fluid and cursive.

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:kak:bmm
Enclosure
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 25 day of April
File No. 50,812 dated April 2
mail to the following:

, 2024, I hereby certify that the foregoing Dismissal of Application,
, 2024, was mailed postage prepaid, first class, US

GERALD GERSTNER TRUST
300 E 10TH STREET
FRANKFORT KS 66427

With photocopies to:

KDA-DWR Topeka Field Office



Division of Water Resources