Kansas Department of Agriculture Division of Water Resources FINDINGS AND ORDER DISMISSAL OF NEW APPLICATION WORKSHEET

1. File No.: 50,896	2. Status Change Date:	5/16/2024	GMD:	 Field Office: 02 - Stafford GMD: Structures File No.: 								
3. Package File No(s):	Filing/Priority Date: 10/24/2022 Application Complete Date:											
5a. ⊠ Applicant ⊠ Owner ⊠ WU □ Address Change LUKE THEURER	C Person ID 67166 Add Seq#	5b. Owner	☐ WUC s Change		erson ID ld Seq#							
524 E 120TH ST S SOUTH HAVEN, KS 67140												
5c. Owner WUC	Person ID	5d. Owner			son ID							
Address Change	Add Seq#	Address	s Ghange	Au	l Seq#							
Base Acres:Year:Min FPrevious UMW:MDS Gauge:Active Admin?	PU 🔲 UMW Reasonable Q: n/Expiration Date:	7	 7. Use of Water 									
8. Action Trail												
9. Special Conditions												
10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres: Comment:												
11. Sand & Gravel Proj ID:	Active Dredge	□ IND Evap □] Jr Evap 🛛	Other Diversion	☐ Rpt on Sr							
12. Waiver Rule ID: Image: New Date Requested: Applies: Rule No.: Justification: Rule SubType:												
Comments				Processed CLA 5/9/2024	Entered 5/17/2024							
				Reviewed KAK 5/10/2024	KAnderson							

File	No. 50,8	13.	13. County: SU-Sumner Basin: 48-Chikaskia River Stream:																					
Str	uctures File	e No:	Aqu	Aquifer Code: Special Use Area:																				
14. I	Points of Dive	Quantities	ies					Oty Rate					Rate	Storage Qty			Dtv	y Storage Rate						
	PDIV	Qualifier	S	Т		R	ID	'N	'W	Comment (A		AKA Lii	AKA Line)		Auth A		Auth	Add		uth Ad		-		Overlaps
DEL	89881	SE SE SE	7	33	BS	1W	1	2640	2640															
15.	Limitations	s Type: Type:		ntity: ntity:			Rate:	e:				with file e no(s):		:										
16.	Metering	Meterin	g Requi	red		nti-Re	verse	Require	ed [] Sea	ıl Requ	iired	Comp	liance	Date:									
17.	Place of Use	e																						
	PDIV S	TR		NE	NN NW	E¼ sw	W SE NI		NV NW	/1⁄4 SW SE		NE NW		V¼ SW	¹ ⁄ ₄ SW SE		SE ¹ / ₄		SE	Tota	al	Owner(s) (Chg?	Chg? Overlaps
DEL	71096 7	33S 1W	1													40	40	40	40	160)	5a		
							I					1						<u> </u>	1					
	Point of D	iversion and Pla	ace of U	se Ov	verlap	s																		
*												**												
+ #												++ ##												
^												^^												



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. 50,896

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 October 24, 2022, the Chief Engineer received an application from Luke Theurer, for a permit to appropriate groundwater for beneficial use, assigned File No. 50,896, proposing the appropriation of 224 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use, from a battery of four (4) wells with a geographic center located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼ SE¼ SE¼) of Section 7, Township 33 South, Range 1 West, Sumner County, Kansas.
- 2. That the Kansas Water Appropriation Act, in 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 stratographic well log, as required by K.A.R. 5-3-4d.
- 4. That on May 3, 2023, and March 21, 2024, letters were mailed to the applicant, detailing the additional information which must be submitted in order to complete the application, including the required stratographic well log, giving the applicant a deadline of April 20, 2024, 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 deadline of April 20, 2024, 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. 50,896, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 16 day of May

, 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 the day of Macy , 2024, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Notary Public



TONY JAY CONNORS My Appointment Expires May 18, 2027 1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov

Mike Beam, Secretary



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

Laura Kelly, Governor

May 22, 2024

LUKE THEURER 524 E 120TH ST S SOUTH HAVEN KS 67140

> Re: Dismissal of Application File No. 50,896

Dear Mr. Theurer:

A letter was mailed to you on March 21, 2024, 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. 50,896, for failure to complete your application by providing the required information, prior to the deadline of April 20, 2024.

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:kak:cla Enclosures 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 22 day of May Application, File No. 50,896, dated May 16 class, US mail to the following:

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

LUKE THEURER 524 E 120TH ST S SOUTH HAVEN KS 67140

With photocopies to:

KDA-DWR Stafford Field Office

Division of Water Resources