

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. 50,896

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 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) 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 stratigraphic 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 stratigraphic 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

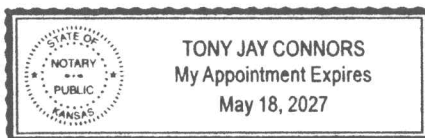
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *16* day of *May*, 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
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900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

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,

A handwritten signature in blue ink that reads "Kristen Baum". The signature is written in a cursive style.

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*, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 50,896, dated *May 16*, 2024, was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources