

File No. 50959	13. County: SF Stafford Basin: NF Ninescah River Stream: NF Ninescah River		
Structures File No:	Aquifer Code:	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Storage Rate		
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
DEL	90047	SE	NE	NW	23	25	12W	3	4107	2679					15	15	NF	+
																		+
																		#
																		^
																		**
																		++

15. Limitations	Type:	Quantity:	Rate:	combined with file no(s):
	Type:	Quantity:	Rate:	combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date:

17. Place of Use										NE¼		NW¼		SW¼		SE¼		Total	Owner(s)	Chg?	Overlaps
PDIV	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
																					<input type="checkbox"/> +
																					<input type="checkbox"/> +
																					<input type="checkbox"/> #
																					<input type="checkbox"/> ^
DEL	71227	23	25	12W	3	POND (NE) 4.75 AC													5a	<input type="checkbox"/>	**
																				<input type="checkbox"/>	++

18. Point of Diversion and Place of Use Overlaps	
*	**
+	++
#	##
^	^^

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: August 1, 2024

From: Colin Barclay, Environmental Scientist

Re: New Application File No. 50,959 – Farm House Terrace LLC

Summary

Farm House Terrace LLC has filed the above referenced application to appropriate 15 acre-feet of surface water directly out of the North Fork of the Ninnescah River at a rate of natural flows for storage in a recreational 4.75 acre reservoir located in Stafford County, Kansas and within the Big Bend Groundwater Management District #5. File No. 50,959 is paired with File no. 50,960 which is a proposed groundwater well located nearby that would be used to keep the reservoir full. DWR Structures has determined that no permitting is required as the reservoir appears to be natural and has existed since pre-1985. Upon closer examination of the existing reservoir, it was discovered that the total capacity of the reservoir is less than 15 acre-feet and therefore, does not require water permitting. After speaking with the applicant about the reservoir not being jurisdictional, the applicant decided to dismiss the application and has signed the dismissal form. Therefore, it is recommended that the application be dismissed as per the applicant's request.

RE: 50,959 dismissal form

Holtgrieve,Dakota W <Dakota.Holtgrieve@edwardjones.com>

Thu 8/1/2024 4:00 PM

To:Barclay, Colin [KDA] <Colin.Barclay@ks.gov>

📎 1 attachments (21 KB)

1-500-6 Voluntary Dismissal of Application.pdf;

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Colin,

Please see signed dismissal for surface water application (50,959).

Thank you very much for your help in this matter, and I look forward to proceeding with processing of groundwater application (50,960).

Please let me know if you have any other question or need any additional information.

Take Care,

Dakota Holtgrieve



DAKOTA HOLTGRIEVE ^{CFP®}
FINANCIAL ADVISOR

📞 620-672-6404 📠 888-882-9569

✉ dakota.holtgrieve@edwardjones.com

🌐 edwardjones.com/dakota-holtgrieve

📍 401 S Main St, PO Box 8686
Pratt, KS 67124

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From:

Sent: Thursday, August 1, 2024 12:18 PM

To:

Subject: RE: 50,959 dismissal form

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Holtgrieve,

As discussed over the phone, it appears your reservoir is non-jurisdictional as it has a capacity of less than 15 acre-feet and has been in existence for many years without any concerns. A surface water permit will not be required.

Please fill out and sign the attached form and email it back to me, we will dismiss the surface water application (50,959) and continue processing your groundwater application (50,960).

Best regards,

Colin Barclay

Environmental Scientist

Division of Water Resources

Kansas Department of Agriculture

Phone: (785) 564-6628

Colin.Barclay@ks.gov

Dakota Holtgrieve
Financial Advisor
Edward Jones
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Pratt, KS 67124
(620) 672-6404
www.edwardjones.com

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**VOLUNTARY DISMISSAL OF AN
APPLICATION FOR PERMIT TO APPROPRIATE WATER**

To: Chief Engineer
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application,
File No. 50959

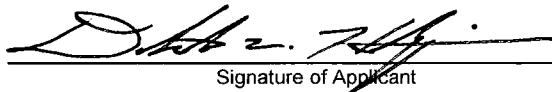
Date: 8/1/2024

The undersigned applicant(s) of the above referenced application freely and voluntarily request that the application be dismissed and its priority forfeited.

The signature(s) below indicate a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced application. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this application and forfeit any priority associated with it forever.

Check the following if applicable:

Processing this dismissal is contingent upon approval of: _____
New or Change Application, etc., include File No.



Signature of Applicant

Dakota Holtgrieve

Print Name

619 S. Jackson St.

Address

Pratt, KS 67124

City, State, Zip

Signature of Applicant

Print Name

Address

City, State, Zip

DWR Initials

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 FOR BENEFICIAL USE
FILE NO. 50,959**

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 February 6, 2024, an Application to Appropriate Water for Beneficial Use was received in the office of the Chief Engineer, assigned File No. 50,959, proposing to impound surface water for recreational use at the following point of diversion:

one (1) dam located in the Southeast Quarter Northeast Quarter Northwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 4,107 feet North and 2,679 feet West of the Southeast corner of said section, in Township 25 South, Range 12 West, Stafford County, Kansas.
2. That the Kansas Water Appropriation Act, in K.S.A. 82a-728, provides an exception from permitting for the annual diversion and beneficial use of not more than 15 acre-feet of surface water impounded in any reservoir having a total water volume of less than 15 acre-feet.
3. That information in the office of the Chief Engineer indicates the reservoir proposed in Application, File No. 50,959, would impound less than 15 acre-feet of water.
4. That on August 1, 2024, the office of the Chief Engineer received a voluntary dismissal form, signed by the applicant, Dakota Holtgrieve, on behalf of Farm House Terrace, pertaining to File No. 50,959, requesting that the application be dismissed.
5. That Application, File No. 50,959, should be dismissed 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. 50,959, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *8th* day of *August*, 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 *8th* day of *August*, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

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

August 21, 2024

DAKOTA HOLTGRIEVE
FARM HOUSE TERRACE LLC
619 S JACKSON ST
PRATT KS 67124-2622

RE: Appropriation of Water
File No. 50,960

Dismissal of Application
File No. 50,959

Dear Mr. Holtgrieve:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit. Also enclosed is a Findings and Order, dismissing Application, File No. 50,959, as you had requested in your form letter dated August 1, 2024.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswateruserreport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Stafford Field Office at 620-234-6900. 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:ccb

Enclosure(s)

pc: Stafford Field Office
Big Bend GMD No. 5

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this *21st* day of *August*, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,960, dated *August 8*, 2024, was mailed postage prepaid, first class, US mail to the following:

FARM HOUSE TERRACE LLC
619 S JACKSON ST
PRATT KS 67124-2622

With photocopies to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5



Division of Water Resources