



File No. <b>51,103</b>	15. Formation Code:		Drainage Basin: Republican River				County: CY		Special Use:		Stream:											
16. Points of Diversion							17. Rate and Quantity															
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files									
<b>DEL</b>	<b>90546</b>	<b>NE</b>	<b>21</b>	<b>8S</b>	<b>4E</b>	<b>1</b>	<b>3960</b>	<b>1320</b>	<b>1200</b>	<b>273</b>			<b>NA</b>									
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? <input type="checkbox"/> Yes <input type="checkbox"/> No    To be installed by _____    Date Acceptable Meter Installed _____																						
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	Overlap Files	
T MOD DEL ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
<b>DEL</b>	<b>65534</b>	<b>21</b>	<b>8S</b>	<b>4E</b>	<b>1</b>	<b>20</b>	<b>37</b>	<b>14.5</b>	<b>29.5</b>					<b>4</b>	<b>40</b>	<b>13.5</b>	<b>29.5</b>	<b>40</b>	<b>228</b>	<b>7a</b>	<b>N</b>	<b>NA</b>
Comments: <b>Dismissal for failure to locate wells</b>																						

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** March 26, 2024

**FROM:** Brandon Milner

**RE:** Application, File No. 51,103

Gene Braun filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on September 6<sup>th</sup>, 2023. The application was returned to the applicant on September 15<sup>th</sup>, 2023, providing 60 days to locate the point of diversion, provide additional information, and return the application by November 15<sup>th</sup>, 2023. The applicant was given multiple extensions with the latest being March 15<sup>th</sup>, 2024.

The application has not been returned with locations identified by the March 15, 2024, deadline. Therefore, it is recommended that the application 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. 51,103**

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, 2023, the Chief Engineer received an application from Gene Braun, for a permit to appropriate groundwater for beneficial use, assigned File No. 51,103, proposing the appropriation of 273 acre-feet of water, at a maximum requested diversion rate of 1,200 gallons per minute, for irrigation use.
2. That in accordance with K.A.R. 5-3-1, the application was accepted for filing provided that the applicant supply a more specific location for the proposed point of diversion within the nominal legal quarter-section within the Northeast Quarter (NE¼) of Section 21, Township 8 South, Range 4 East, Clay County, Kansas, within 60 days.
3. That on September 15, 2023, a letter was mailed to the applicant, detailing the additional information which must be submitted in order to complete the application, including the specific well location(s), providing the applicant until November 15, 2023, in which to provide the required information, and that the application would be dismissed if it was not submitted by that deadline, or within any authorized extension of time.
4. That the applicant requested and was provided consecutive extensions of time to submit the required information, with the latest extended deadline of March 15, 2024.
5. That the required information was not submitted by the March 15, 2024, 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. 51,103, 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*

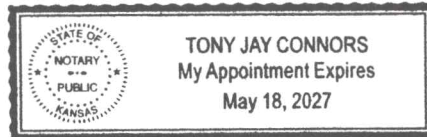
\_\_\_\_\_  
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

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.

*Tony Jay Connors*

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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

GENE BRAUN  
2133 15TH RD  
CLAY CENTER KS 67432-7432

Re: Dismissal of Application  
File No. 51,103

Dear Sir or Madam:

A letter was mailed to you on September 15, 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. 51,103, for failure to provide the required information, prior to the deadline of March 15, 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:bmm  
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. 51,103, dated April 2, 2024, was mailed postage prepaid, first class, US mail to the following:

GENE BRAUN  
2133 15TH RD  
CLAY CENTER KS 67432-7432

With photocopies to:

KDA-DWR Topeka Field Office



Division of Water Resources