



File No. **51,106**      13. County: **SG - Sedgwick** Basin: **33- Arkansas River** Stream:  
 Structures File No:      Aquifer Code:      Special Use Area:

14. Points of Diversion, Rates & Quantities										Qty <b>mg</b>		Rate <b>gpm</b>		Storage Qty <b>AF</b>		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
<b>DEL</b>	<b>90568</b>	<b>SE NE NE</b>	<b>36</b>	<b>26S</b>	<b>2W</b>	<b>8</b>	<b>4080</b>	<b>175</b>		<b>346</b>	<b>346</b>	<b>800</b>	<b>800</b>				

15. Limitations **NEW** Type:      Quantity:      **AF** Rate:      **gpm** combined with file no(s):  
**NEW** Type:      Quantity:      **AF** Rate:      **gpm** combined with file no(s):

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

17. Place of Use																		Total	Owner(s)	Chg?	Overlaps				
PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
																					0.00		<input type="checkbox"/>		
																					0.00		<input type="checkbox"/>		
																					0.00		<input type="checkbox"/>		
<b>DEL</b>	<b>34331</b>	<b>20</b>	<b>26S</b>	<b>1W</b>	<b>3</b>	<b>USD-266 SCHOOLS - CITY OF MAIZE &amp; IMMEDIATE VICINITY</b>																	<b>5a</b>	<input type="checkbox"/>	<b>*</b>
<b>DEL</b>	<b>54261</b>	<b>19</b>	<b>26S</b>	<b>1W</b>	<b>14</b>	<b>USD-266 SCHOOLS - CITY OF MAIZE &amp; IMMEDIATE VICINITY</b>																	<b>5a</b>	<input type="checkbox"/>	<b>*</b>
<b>DEL</b>	<b>54263</b>	<b>32</b>	<b>26S</b>	<b>1W</b>	<b>8</b>	<b>USD-266 SCHOOLS - CITY OF MAIZE &amp; IMMEDIATE VICINITY</b>																	<b>5a</b>	<input type="checkbox"/>	<b>*</b>

18. Point of Diversion and Place of Use Overlaps  
 \* **43,912 & 43,913**  
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# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: September 9, 2024

From: Christa Anhold , Environmental Scientist

Re: New Application File No. 51,106 – City of Maize

## Summary

The City of Maize filed the above referenced new application, proposing to appropriate 346.054 MGY of groundwater per calendar year at a diversion rate of 800 GPM from one (1) well for municipal use in Sedgwick County. There are two (2) Water Rights, File Nos. 43,912 and 43,913, that overlap the place of use, no files overlap the point of diversion. When combined with the senior files, the new application would be limited to 94.454 MGY. In 2011 the applicant filed two (2) Water Right applications (File Nos. 47,792 and 47,800) proposing to overlap the point of diversion and place use of File Nos, 43,912 and 43,913. The 2011 applications were dismissed in 2015 for not meeting safe yield requirements per K.A.R. 5-22-7, well spacing requirements in K.A.R. 5-22-2(a)(1) and (2) and maximum reasonable quantity for beneficial use in K.A.R. 5-22-14(f).

The applicant provided over two (2) dozen nearby neighbor's names and addresses. Due to the large number of nearby neighbors to notify it was requested that the applicant publish a public notice in their local newspaper in compliance with K.S.A. 82a-1906. A letter was mailed to the applicant on July 10, 2024, requesting they publish a public notice and return an affidavit of publication with a deadline of September 8, 2024. No response was received.

Therefore, it is recommended that the application be dismissed.



Christa Anhold  
Environmental Scientist  
Water Appropriation Program

# 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. 51,106**

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 18, 2023, the Chief Engineer received an application from Nick Vesterin, on behalf of the City of Maize, for a permit to appropriate groundwater for beneficial use, assigned File No. 51,106, proposing the appropriation of 346.054 million gallons of water, at a maximum diversion rate of 800 gallons per minute, for municipal use, from one (1) well located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 36, Township 26 South, Range 2 West, Sedgwick 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 K.A.R. 5-3-4 requires the applicant to supply the locations of all other water wells of every kind within one-half mile of their proposed well, that each water well shall be identified by its use, and the applicant must supply the name and mailing address of each water well owner, in order to carry out the provisions of K.S.A 82a-1906.
4. That upon receipt and examination, the application was determined to be defective and inadequate, since the application did not include sufficient information regarding all other nearby water wells, as required by K.A.R. 5-3-4.
5. That in order to carry out the provisions of K.S.A. 82a-1906, and due to the potentially large number of nearby water wells used for domestic purposes, which are not required to be made a matter of record or otherwise permitted under the Kansas Water Appropriation Act, the Chief Engineer, by letter dated July 10, 2024, directed the applicant to publish a notice in the county newspaper of record once per week, for three consecutive weeks, and to provide an affidavit or certified copies of the published notification, providing the applicant a deadline of September 8, 2024, in which to do so, and stating that the application would be dismissed if that information was not submitted by that deadline, or within any authorized extension of time.
6. That the required information was not submitted by the September 8, 2024, deadline, nor did the applicant request an extension of time in which to do so.

- 7. 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. 51,106, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *12* day of *September*, 2024, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

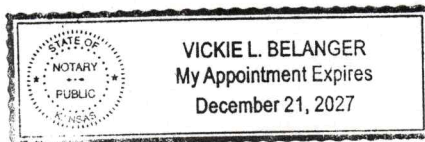
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this *12* day of *September*, 2024, by Lane P. Letourneau, P.G., 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

September 19, 2024

NICK VESTERING  
CITY OF MAIZE  
PO BOX 245  
MAIZE KS 67101

Re: Dismissal of Application  
File No. 51,106

Dear Mr. Vestering:

A letter was mailed to you on July 10, 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. 51,106, for failure to complete your application by providing the required information, prior to the deadline of September 8, 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 A 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  
GMD No. 2

**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 19 day of September, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 51,106, dated September 12, 2024, was mailed postage prepaid, first class, US mail to the following:

CITY OF MAIZE  
PO BOX 245  
MAIZE KS 67101

With photocopies to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2

  
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Division of Water Resources