



File No. <b>51,122</b>	13. County: <b>DP-Doniphan</b> Basin: <b>1-Missouri River</b> Stream: <b>417 -Independence Creek (Missouri)</b>		
Structures File No:	Aquifer Code:	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty <b>AF</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>90612</b>	<b>SW SE NE</b>	<b>2</b>	<b>4S</b>	<b>19E</b>	<b>1</b>	<b>2750</b>	<b>3800</b>					<b>356.2</b>	<b>356.2</b>	<b>NF</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						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
PUSE	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
<b>DEL</b>	<b>71557</b>	<b>2</b>	<b>4S</b>	<b>19E</b>	<b>1</b>	40	40	40	40	2		22	34	40	40	40	40					378.00	<b>5a</b>	<input type="checkbox"/>	
<b>DEL</b>	<b>71558</b>	<b>1</b>	<b>4S</b>	<b>19E</b>	<b>2</b>					36	40	40	40	35	40		40	40	40	40	40	431.00	<b>5a</b>	<input type="checkbox"/>	
																						0.00		<input type="checkbox"/>	
																						0.00		<input type="checkbox"/>	
																								<input type="checkbox"/>	
																								<input type="checkbox"/>	

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

Division of Water Resources, Water Appropriation Program

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Date: September 10, 2024

From: Christa Anhold , Environmental Scientist

Re: New Application File No. 51,122 – Myers Farms Inc.

## Summary

Myers Farms Inc. filed the above referenced new application proposing to appropriate 365.2 AF of surface water per calendar year from natural flows to fill one (1) pond and to re-divert 240 AF from storage at a re-diversion rate of 1,500 GPM to irrigate 809-acres in Doniphan County. There are no overlapping water right files and the applicant owns the place of use and point of diversion.

For an application that involves a dam to be considered complete the applicant must first have permit for their proposed dam per K.A.R. 5-30-1. In this case the applicant needed to provide an Exempt Class "A" Dam registration form. This registration form and additional information was requested via email and a mailed letter on July 9, 2024, with a deadline of August 26, 2024, with no response. The registration form and additional information was requested a second time in an email on August 15, 2024. The additional information was received from the applicants engineer; however, the registration form was not included. On September 5, 2024, a letter and an email were sent to the applicant requesting the registration form with a deadline of September 20, 2024. A response was received from the applicant on September 10, 2024, outlining that the project was being cancelled and they no longer required a Water Right Permit. A voluntary dismissal for the new application for a permit to appropriate water was received from the applicant on September 10, 2024.

Therefor it is requested the above referenced new application be dismissed.



Christa Anhold  
Environmental Scientist  
Manhattan Headquarters



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 BENFICIAL USE
FILE NO. 51,122

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 26, 2023, an Application to Appropriate Water for Beneficial Use was received in the office of the Chief Engineer, assigned File No. 51,122, proposing to use water for irrigation use from the following point of diversion:
one (1) dam located in the Southwest Quarter Southeast Quarter Northeast Quarter (SW1/4 SE1/4 NE1/4) of Section 2, more particularly described as being near a point 2,703 feet North and 1,090 feet West of the Southeast corner of said section, in Township 4 South, Range 19 East, Doniphan County, Kansas.
2. That on September 10, 2024, the office of the Chief Engineer received a voluntary dismissal form, signed by the applicant, pertaining to File No. 51,122, indicating that all plans to proceed with the proposed appropriation had been abandoned.
3. That Application, File No. 51,122, 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. 51,122, is herewith dismissed and the priority assigned to it is considered to be forfeited.

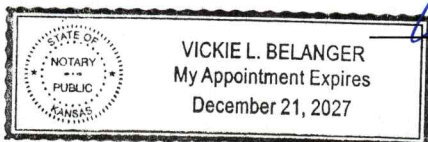
It is so ordered this 10 day of September, 2024, in Manhattan, Riley County, Kansas.

[Signature of 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 10 day of September, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



[Signature of 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 13, 2024

KEVIN THOMPSON  
MYERS FARMS INC  
845 DOVE CREEK RD  
DENTON KS 66017

Re: Dismissal of Application  
File No. 51,122

Dear Mr. Thompson:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 51,122, as you had requested in your form letter dated September 10, 2024.

If you have any questions, please contact us at 785-564-6640. Please reference a file number when calling 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 A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:kak:cla

Enclosure

pc: Topeka Field Office



## RIGHT TO PETITION ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901(c), 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 no 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 administrative review may preclude further judicial review under the Kansas Judicial Review Act.

## CERTIFICATE OF SERVICE

On this 13 day of September, 2024, I hereby certify that the attached Dismissal of Application, File No. 51,122, dated September 10, 2024, was mailed postage prepaid, first class, US mail to the following:

Original to:

MYERS FARMS INC  
845 DOVE CREEK RD  
DENTON, KS 66017

Photocopy to:

KDA-DWR Topeka Field Office



Staff