

File No.51,250 51250	13. County: Sedgwick Basin: Arkansas River Stream:		
Structures File No:	Aquifer Code:	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty AF		Storage Rate	Overlaps
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add		
DEL	91040	S/2	NW	35	26S	3W	1	3300	3960	78	800	800					

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									
DEL	71777	35	26S	3W	1						14	32										46	5A	<input type="checkbox"/>					
DEL	71778	35	26S	3W	2										7	7						14.00	5B	<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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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 18, 2024

FROM: Brandon Milner

RE: Application, File No. 51,250

Ken Weninger has filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on June 13, 2024. The application was returned to the applicant on July 15, 2024, providing 60 days to locate the point of diversion, provide additional information, and return the application by a August 20, 2024 deadline. The applicant requested and was granted an extension of time until October 20, 2024, to provide further information. The requested information was not provided nor was an extension requested so it is recommended that 51,250 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. 51,250

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 June 13, 2024, the Chief Engineer received an application from Kenneth Weninger, for a permit to appropriate groundwater for beneficial use, assigned File No. 51,250, proposing the appropriation of 78 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use.
2. That in accordance with K.A.R. 5-3-1, the application was accepted for filing provided the applicant supply a more specific location for the proposed point of diversion, within a nominal legal quarter-section, in the Northwest Quarter (NW $\frac{1}{4}$) of Section 35, Township 26 South, Range 3 West, Sedgwick County, Kansas, within 60 days.
3. That on June 20, 2024, a letter was mailed to the applicant, describing the additional information which must be submitted in order to complete the application, including the specific well location(s), a stratigraphic log of a well or test hole located within 300 feet of the proposed well(s), and a topographic map depicting the location of the point of diversion and place of use, giving the applicant until August 20, 2024, in which to provide the required information, stating 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 an extension of time to submit the required information, with an extended deadline of October 20, 2024.
5. That the required information was not submitted by the October 20, 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. 51,250, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *21* day of *November*, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

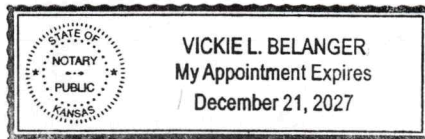
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *21* day of *November*, 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

November 27, 2024

KENNETH WENINGER
3542 N 24TH ST WEST
ANDALE KS 67001

Re: Dismissal of Application
File No. 51,250

Dear Mr. Weninger:

A letter was mailed to you on June 20, 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. 51,250, for failure to provide the required information, prior to the deadline of October 20, 2024.

You may refile a new Application to Appropriate water for Beneficial Use should you wish to proceed with this project in the future.

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,

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:kak:bmm

Enclosures

pc: Stafford Field Office
Equus Beds GMD No. 2
Jared Schneider

**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 *November*, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 51,250, dated *November 21*, 2024, was mailed postage prepaid, first class, US mail to the following:

KENNETH WENINGER
3542 N 24TH ST WEST
ANDALE KS 67001

With photocopies to:

JARED DANIEL SCHNEIDER
3400 N 247TH ST WEST
ANDALE KS 67001

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2



Division of Water Resources