

File No.51,263 Error! Reference source not found.	13. County: Barton Basin: Medicine Lodge Stream:	
Structures File No:	Aquifer Code:	Special Use Area:

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty AF		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
DEL	91154	SE	34	30S	15W	2	1320	1320		136	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	71844	34	30S	15W	1			5.75	0.16				20.05	36.72			32.99	24	35	38	27.22	220.22	5B	<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: October 22, 2024

FROM: Brandon Milner

RE: Application, File No. 51,263

Dereck & Tawnya Peery have filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on July 8, 2024. The application was returned to the applicant on August 5, 2024, providing 60 days to locate the point of diversion, provide additional information, and return the application by a October 5, 2024 deadline. The requested information was not provided nor was an extension requested so it is recommended that 51,263 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. 51,263

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 July 8, 2024, the Chief Engineer received an application from Dereck and Tawnya Peery, for a permit to appropriate groundwater for beneficial use, assigned File No. 51,263, proposing the appropriation of 136 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use.
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 such time as may be approved by the Chief Engineer.
3. 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 the nominal legal quarter-section in the Southeast Quarter (SE $\frac{1}{4}$) of Section 34, Township 30 South, Range 15 West, Barber County, Kansas, within 60 days.
4. That on August 5, 2024, 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), a stratographic log of a well or test hole located within 300 feet, and a topographic map depicting the location of the well(s) in relation to all other wells within one-half mile of the proposed wells, giving the applicant until October 5, 2024, in which to provide the required information, and stating that the application would be dismissed if it was not submitted by that deadline, or within any authorized extension of time.
5. That the required information was not submitted by the October 5, 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.

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

December 26, 2024

DERECK AND TAWNYA PEERY
1559 GATEWAY RD
ARDMORE OK 73401

Re: Dismissal of Application
File No. 51,263

Dear Mr. and Mrs. Peery:

A letter was mailed to you on August 5, 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. 51,263, for failure to provide the required information, prior to the deadline of October 5, 2024.

You may refile a new Application to Appropriate Water for Beneficial Use, should you wish to proceed with the project proposed by this dismissed application.

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, flowing style.

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:kak:bmm
Enclosures
pc: Stafford 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.

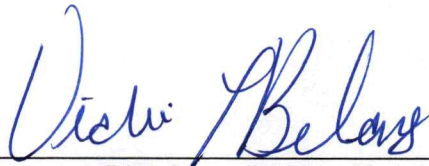
CERTIFICATE OF SERVICE

On this 26 day of December, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 51,263, dated December 17, 2024, was mailed postage prepaid, first class, US mail to the following:

DERECK AND TAWNYA PEERY
1559 GATEWAY RD
ARDMORE OK 73401

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources