

File No. 51,016	13. County:	Basin:	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	90287	19	29	8W	2												

15. Limitations	NEW Type: Quantity: AF Rate: gpm combined with file no(s): NEW Type: Quantity: AF Rate: gpm combined with file no(s):
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16. Metering <input type="checkbox"/> Metering Required <input type="checkbox"/> Anti-Reverse Required <input type="checkbox"/> 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					
DEL	71353	19	29	8W	2																	0.00	5a	<input type="checkbox"/>	
																						0.00		<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	
* + # ^	** ++ ## ^^

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: January 21, 2024

From: Colin Barclay, Environmental Scientist

Re: New Application File No. 51,016 – Randy & Sarah Thimesch

Summary

Randy & Sarah Thimesch filed the above referenced applications to appropriate 27.43 acre-feet of surface water, at a rate of natural flows in a pond for recreational purposes. The proposed point of diversion would be a dam located in Kingman County, Kansas. The applicant was informed that the location chosen for the proposed pond would require additional structures permitting as it was located in a designated floodplain. The applicant elected to move the proposed pond to a nearby tributary, outside of the designated floodplain. The alternate location that was chosen by the applicant is located in a tributary/drainage basin that would only accumulate ~13 acre-feet of natural flows. The applicant was informed that the new location would make the pond non-jurisdictional and the pond would no longer require permitting from DWR. The applicant was provided with a voluntary dismissal form or the option to continue processing the application. After an absence in correspondence, DWR followed up with the applicant, in which the applicant elected to dismiss the application entirely in an email dated January 2, 2025. The applicant was provided with a second voluntary dismissal form; however, the applicant has not returned the form, and no other communication has been received from the applicant. Therefore, it is recommended the above referenced application be dismissed as per the applicants request in the email dated January 2, 2025.



Colin Barclay
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 TO APPROPRIATE WATER FOR BENFICIAL USE
FILE NO. 51,016

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:

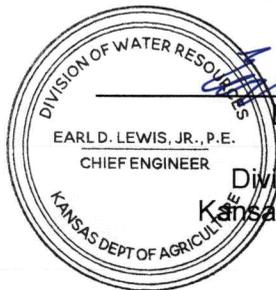
FINDINGS

- 1. That on April 19, 2023, an Application to Appropriate Water for Beneficial Use was received in the office of the Chief Engineer, assigned File No. 51,016, proposing to use water for recreational use from the following point of diversion:
a reservoir located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW1/4 SE1/4 NE1/4) of Section 19, more particularly described as being near a point 2,746 feet North and 1,055 feet West of the Southeast corner of said section, in Township 29 South, Range 8 West, Kingman County, Kansas.
2. That on January 2, 2025, the applicant submitted a statement to office of the Chief Engineer indicating that all plans to proceed with the proposed appropriation had been abandoned and that the application should be dismissed.
3. That Application, File No. 51,016, 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. 51,016, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 24th day of January, 2025, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 24th day of January, 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



[Signature]
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

January 28, 2025

RANDY & SARAH THIMESCH
9205 SW 100 AVE
SPIVEY KS 67142-9135

Re: Dismissal of Application
File No. 51,016

Dear Mr. and Mrs. Thimesch:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 51,016, as you had requested in your e-mail dated January 2, 2025.

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:ccb
Enclosure
pc: Stafford 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

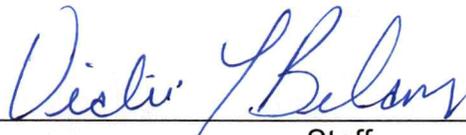
On this 28 day of January, 2025, I hereby certify that the attached Dismissal of Application, File No. 51,016, dated January 24, 2025, was mailed postage prepaid, first class, US mail to the following:

Original to:

RANDY & SARAH THIMESCH
9205 SW 100 AVE
SPIVEY KS 67142-9135

Photocopy to:

KDA-DWR Stafford Field Office



Staff