Kansas Department of Agriculture Division of Water Resources

FINDINGS AND ORDER DISMISSAL OF NEW APPLICATION WORKSHEET

1. File No.: 51,169	2. Status Change Date:	2/11/2025	4. Field Office: 02 - Stafford GMD: 05 - Big Bend								
3. Associated File No(s):	Structures File No.: Filing/Priority Date: 01/08/2024										
5a. ⊠ Applicant ⊠ Owner ⊠ WU0 □ Address Change	C Person ID 52811 Add Seq#	5b. 🗌 Owner 🗌 Address	WUCPerson IDs ChangeAdd Seq#								
MAX D FISHER TRUST 1031 DEAD RUN DRIVE MCLEAN, VA 22101											
5c. Owner WUC Person ID Address Change Add Seq# Address Change Add Seq#											
6. Change No.: PD Base Acres: Year: Min F Previous UMW: MDS Gauge: Active Admin? Completion/Start Date:		. Use of Water Groundwater Surface Water UMW: IRR-Irrigation UMW: UMW:									
8. Action Trail											
9. Special Conditions											
10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres: Comment:											
11. Sand & Gravel Proj ID:	Active Dredge	□ IND Evap □	Jr Evap 🗌 Other Diversion 🔲 Rpt on S	r							
12. Waiver Rule ID: Invertigation Applies: Rule No.: Justification: Justification: Rule SubType: Invertigation											
Comments			Processed Entered CCB 02/10/2025 2/14/2025 Reviewed KAK 2/11/2025								

File	No. 51, 1	69	13. C	13. County: STAFFORD Basin: N F Ninnescah River Stream:																				
Stru	ctures File	No:		Aquif	er Code	:						Special Use Area:												
14. P	oints of Dive	rsion, Rates	& Qua	ntities										Otv	AF		Rate g	Inm	St	orage Qty	ΔF	Storage Rat	٩	
	PDIV	Qualifier		S	Т	R	ID	'N	'W	Cor	mment (AKA Li	ne)	Auti		٨dd	Auth	Add			dd	Auth/Add	Overlaps	
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15.	Limitations	NEW T	vpe:		Quantity	:	AF	Rate:		apm	combi	ned wi	th file r	no(s):										
		NEW T	• •		Quantity			Rate:			combi			. ,										
16.	Metering	Mete	ring F	Require	d 🗌	Anti-Re	everse	Requir	ed [] Sea	al Requ	iired	Comp	liance	Date:									
17. Place of Use																								
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18. Point of Diversion and Place of Use Overlaps																		L						
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MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: February 10, 2025

From: Colin Barclay, Environmental Scientist

Re: New Application File Nos. 51,034, 51,169 and 51,184 – Max D Fisher Trust Water Right, File Nos. 27,580 and 37,961

Summary

Max D Fisher Trust filed the above referenced applications to appropriate water for beneficial use. Application 51,034 is located within the Rattlesnake Creek drainage basin. The applicant originally filed application 51,034 with the intention of moving water from senior file 37,961 to 51,034. Instead, the applicant has decided to move the water from 37,961 to application 51,169 and instead file a new application to replace 51,034. Application 51,184 effectively replaces 51,034 and will instead be using water from senior file 27,580. The applicant has signed the voluntary dismissal form for 51,034. Therefore, it is recommended that application 51,034 be dismissed as per the applicant's request.

After receiving a recommendation to deny applications 51,169 and 51,184 from Big Bend Groundwater Management District #5, the applicant elected to voluntarily dismiss the applications. The applicant has signed the voluntary dismissal forms for 51,169 and 51,184. Therefore, it is recommended that both application 51,169 and 51,184 be dismissed as per the applicant's request.

Colin Borchar

Colin Barclay Environmental Scientist Water Appropriation Program



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. 51,169

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 January 8, 2024, an Application to Appropriate Water for Beneficial Use was received in the office of the Chief Engineer, assigned File No. 51,169, proposing to use water for irrigation use from the following point of diversion:

> one (1) well located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE¼ NW¼ NE¼) of Section 19, more particularly described as being near a point 4,570 feet North and 1,643 feet West of the Southeast corner of said section, in Township 24 South, Range 11 West, Stafford County, Kansas.

- 2. That on December 4, 2024, the office of the Chief Engineer received a voluntary dismissal form, signed by the applicant, pertaining to File No. 51,169, indicating that all plans to proceed with the proposed appropriation had been abandoned.
- 3. That Application, File No. 51,169, 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, 169, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this II day of February

, 2025, in Manhattan, Riley County, Kansas.

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

State of Kansas

County of Riley

) SS

The foregoing instrument was acknowledged before me this // day of Florency, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

TATE OF TONY JAY CONNORS NOTARY My Appointment Expires Notary Public PUBLIC May 18, 2027

1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov

Mike Beam, Secretary



900 SW Jackson, Room 456 Topeka, KS 66612 785-296-3556

Laura Kelly, Governor

February 17, 2025

MAX D FISHER 1031 DEAD RUN DR MCLEAN VA 22101-2123

Re:

: Dismissal of Applications File Nos. 51,034, 51,169 and 51,184

Dear Mr. Fisher:

Enclosed are the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Applications, File Nos. 51,034, 51,169, and 51,184, as you had requested in your form letters dated January 24, 2024, and December 4, 2024.

You may refile new Applications to Appropriate Water for Beneficial Use should you wish to proceed with the projects originally proposed in your dismissed applications.

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,

KristenaBam

Kristen A. Baum New Application and Change Unit Supervisor Water Appropriation Program

KAB:kak:ccb Enclosures pc: Stafford Field Office Big Bend GMD No. 5

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 17 day of February , 2025, I hereby certify that the attached Dismissal of Applications, File Nos 51,034, 51,169, and 51,184., dated February 11, , 2025, was mailed postage prepaid, first class, US mail to the following:

Original to:

MAX D FISHER TRUST 1031 DEAD RUN DR MCLEAN VA 22101-2123

Photocopy to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5