





# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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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 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 BENEFICIAL 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 (SE1/4 NW1/4 NE1/4) 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 11 day of February, 2025, in Manhattan, Riley County, Kansas.

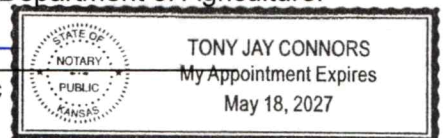
Lane P. Letourneau (signature)

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 11 day of February, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, 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

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,

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

  
Staff