



File No. **51,321** **Error!**  
**Reference source not found.**

13. County: Harvey Basin: Little Arkansas River Stream:

Aquifer Code:

Special Use Area:

Structures File No:

14. Points of Diversion, Rates & Quantities

PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty AF		Rate gpm		Storage Qty AF		Storage Rate	
									Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
<b>DEL</b>	<b>91257</b>	<b>NW</b>	<b>34</b>	<b>23S</b>	<b>1W</b>	<b>9</b>	<b>3960</b>	<b>3960</b>			<b>204.1</b>	<b>800</b>				

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

PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
					<b>DEL</b>	<b>60961</b>	<b>34</b>	<b>23S</b>	<b>1W</b>	<b>1</b>					40	37	40	40							
																						0.00		<input type="checkbox"/>	*
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																						0.00		<input type="checkbox"/>	
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																								<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:** April 8, 2025

**FROM:** Brandon Milner

**RE:** Application, File No. 51,321

Merle Wenger has filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on September 23, 2024. The application was returned to the applicant on September 30, 2024 providing 60 days to locate the point of diversion, provide additional information, and return the application by a November 11, 2024 deadline. The applicant was given multiple extensions with the latest deadline of April 1, 2025. The requested information was not provided by the April 1, 2025 deadline nor was an extension requested so therefore does not comply with K.S.A. 82a-710 so it is recommended that 51,321 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. 51,321**

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 September 23, 2024, the Chief Engineer received an application from Merle Wenger, for a permit to appropriate groundwater for beneficial use, assigned File No. 51,321, proposing the appropriation of 204.1 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 Northwest Quarter (NW $\frac{1}{4}$ ) of Section 34, Township 23 South, Range 1 West, Harvey County, Kansas, within 60 days.
4. That on September 30, 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 within 300 feet of the proposed well(s), and a topographic map depicting the location of the proposed point of diversion and place of use, giving the applicant until November 11, 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.
5. That the applicant requested and was provided extensions of time to submit the required information, with the last extended deadline granted to April 1, 2025.
6. That the required information was not submitted by the April 1, 2025, deadline, nor did the applicant request an extension of time in which to do so.
7. 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. 51,321, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 17 day of April, 2025, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

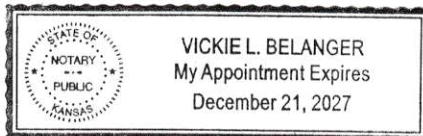
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 17 day of April, 2025, by Lane P. Letourneau, P.G., Water Appropriation 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

April 23, 2025

DYLAN CROSSON  
915 RIFLE RD  
MINNEAPOLIS KS 67467

Re: Dismissal of Application  
File No. 51,231

Dear Mr. Crosson:

A letter was mailed to you on May 7, 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. 51,231, for failure to provide the required information, prior to the deadline of April 3, 2025.

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

Kristen Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:kak:bmm

Enclosures

pc: Stockton Field Office  
Melvin Don Allison

**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**

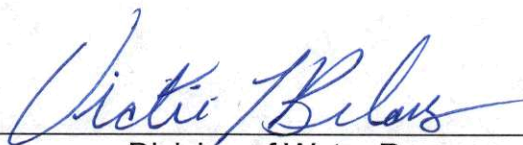
On this 23 day of April, 2025, I hereby certify that the foregoing Dismissal of Application, File No. 51,231, dated April 22, 2025, was mailed postage prepaid, first class, US mail to the following:

DYLAN CROSSON  
915 RIFLE RD  
MINNEAPOLIS KS 67467

With photocopies to:

MELVIN DON ALLISON  
4817 SW MARGUERITE  
BLUE SPRINGS, MO 64015

KDA-DWR Stockton Field Office



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Division of Water Resources