

File No. **50559** 15. Formation Code: Drainage Basin: **Republican River** County: **RP** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized	Additional			
DEL										Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
CHK	88717	NW	31	2S	4W	3960	3960			800	5	800	5	NA
DEL														

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use																		Total	Owner	Chg? NO	Overlap Files				
MOD	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼							
DEL						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
ENT	70338	31	2S	4W	8	Crop Spraying																	7a	N	NO
DEL																									

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 10, 2021

FROM: Brandon Milner

RE: Application, File No. 50,559

Bestifor Farms filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on March 25, 2021. The application was returned to the applicant on March 26th, 2021, providing 60 days to locate the point of diversion, provide additional information, and return the application by a May 26, 2021, deadline.

The application has not been returned with locations identified by the May 26, 2021, deadline. Therefore, it is recommended that the application 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. 50,559

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 March 25, 2021, the Chief Engineer received an application from Bestifor Farms for a permit to appropriate groundwater for beneficial use, assigned File No. 50,559, proposing the appropriation of 5 acre-feet of water, at a maximum requested diversion rate of 800 gallon per minute, for irrigation use. The applicant requested 60 days to locate the specific point of diversion within the Northwest Quarter of Section 31, Township 2 South, Range 4 West, Republic County, Kansas.
2. That on March 26, 2021, the original application was returned to the applicant, with a cover letter requesting that additional information be submitted in order to complete the application. The applicant was provided a deadline of May 26, 2021, the time in which to provide the requested information and return the application. The applicant was informed that the application would be dismissed if it was not returned by the deadline, or within any authorized extension of time.
3. That a reminder letter was sent to the applicant on April 26, 2021, stating the May 26, 2021, date that the original application was required to be returned as a final deadline.
4. That the original application was not returned by the May 26, 2021, deadline.
5. That the application should be dismissed, and its priority forfeited as provided by 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. 50,559, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *29* day of *June*, 2021, 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 *29* day of *June*, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public
Ashlee Freeman

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

June 30, 2021

BESTIFOR FARMS
CHASE L LARSON
PO BOX 220
BELLEVILLE, KS 66935

Re: Application, File No. 50,559

Dear Mr. Larson:

The referenced application was returned to you on March 26, 2021. Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,559, for failure to return the original application and provide the requested information, prior to the deadline of May 26, 2021.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner set forth in the enclosed order.

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 black ink that reads "Kristen Baum". The signature is written in a cursive style.

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: bmm:li

Enclosure

pc: Stockton 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 30 day of June, 2021, I hereby certify that the foregoing Dismissal of Application, File No. 50,559, dated 29 June, 2021, was mailed postage prepaid, first class, US mail to the following:

BESTIFOR FARMS
PO BOX 220
BELLEVILLE, KS 66935

With photocopies to:

Stockton Field Office


Division of Water Resources