

File No. **50565** 15. Formation Code: Drainage Basin: Saline River County: EL Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
CHK			88753	SE	36	11S	20W	2	1320	1320	800	42	800	42	NA

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										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	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	NE ¼	NW ¼	SW ¼	SE ¼						
CHK			70358	36	11S	20W	3			17.5	12									0.5	2						32	7b	N	NA			

Comments: **Dismissal for failure to locate wells**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 12, 2022

FROM: Brandon Milner

RE: Application, File No. 50,565

Jeff Weilert filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on April 8, 2021. The application was returned to the applicant on April 2, 2022, providing 60 days to locate the point of diversion, provide additional information, and return the application by a July 2, 2022 deadline.

The application has not been returned with locations identified by the July 2, 2022, 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. 50,565

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 8, 2021, the Chief Engineer received an application from Jeff Weilert for a permit to appropriate groundwater for beneficial use, assigned File No. 50,565, proposing the appropriation of 42 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 Southeast Quarter of Section 36, Township 11 South, Range 20 West, Ellis County, Kansas.
2. That on May 2, 2022, 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 July 2, 2022, 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 the applicant was provided a reminder letter on May 31, 2022, to return the requested information and application by the July 2, 2022.
4. That the original application was not returned by the July 2, 2022, 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. 50,565, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 21 day of September, 2022, 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 21 day of September, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman

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

September 28, 2022

JEFF & JENNIFER WEILERT
1550 HILLTOP DR
HAYS, KS 67601

Re: Application, File No. 50,565

Dear Whom it may concern:

The referenced application was returned to you on May 2, 2022. Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,565, for failure to return the original application and provide the requested information, prior to the deadline of July 2, 2022.

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 orders.

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,

A handwritten signature in blue ink that reads "Kristen Baum". The signature is written in a cursive, flowing style.

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: bmm
Enclosures

pc:
Jesse & Josilynn Weilert
Stockton Field Office

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

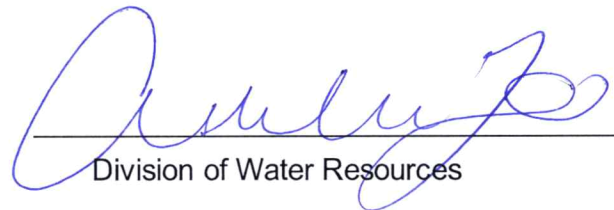
On this 28 day of September, 2022, I hereby certify that the foregoing Dismissal of Application, File No. 50,565, dated 21 September 2022 was mailed postage prepaid, first class, US mail to the following:

JEFF & JENNIFER WEILERT
1550 HILLTOP DR
HAYS, KS 67601

With photocopies to:

JESSE & JOSILYNN WEILERT
32723 STAGECOACH RD
WINDSOR, CO 80550

Stafford Field Office



Division of Water Resources