

Kansas Department of Agriculture  
Division of Water Resources  
**CLOSURE OF NEW APPLICATION WORKSHEET**

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>51,004</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;"><b>11/2/2023</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>03</b></p>	4. GMD:
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5. Status:     Approved                       Denied by DWR/GMD                       Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve             N of C Form             Water Tube             Driller Copy             Meter

<p>7a. Applicant(s)                      Person ID 54369 _____ New to system <input type="checkbox"/>                      Add Seq# _____</p> <p style="text-align: center; font-weight: bold; margin-top: 20px;"><b>ALLEN &amp; BARB HURLEY 2055 REPUBLIC LN REPUBLIC, KS 66964</b></p>	<p>7c. Landowner(s)                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p>
<p>7b. Landowner(s)                      Person ID 66030 _____ New to system <input type="checkbox"/>                      Add Seq# _____</p> <p style="text-align: center; font-weight: bold; margin-top: 20px;"><b>HURLEY &amp; HURLEY LLC 2055 REPUBLIC LN REPUBLIC, KS 66964</b></p>	<p>7d. Misc                                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p>

<p>8. WUR Correspondent                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____ Overlap File (s) WUC                      Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No <b>7a</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater                      <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR                      <input type="checkbox"/> REC                      <input type="checkbox"/> DEW                      <input type="checkbox"/> MUN</p> <p><input checked="" type="checkbox"/> STK                      <input type="checkbox"/> SED                      <input type="checkbox"/> DOM                      <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR                      <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND    SIC: _____                      <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: \_\_\_\_\_                      11. Perfection Date: \_\_\_\_\_                      12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No    Date to Comply: \_\_\_\_\_    Date WLMD Installed: \_\_\_\_\_

Date Prepared: 11/1/23 Date Reviewed: 11/2/2023 Date Entered: <b>11/6/2023</b> <span style="color: blue; font-weight: bold;">KAnderson</span>	By: BMM By: KAK By:
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File No. **51,004**      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
<b>DEL</b>	<b>90244</b>	<b>SE</b>	<b>28</b>	<b>1S</b>	<b>4W</b>	<b>1</b>	<b>1320</b>	<b>1320</b>		<b>800</b>	<b>96</b>			<b>NA</b>

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	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								
<b>DEL</b>	<b>71325</b>	<b>28</b>	<b>1S</b>	<b>4W</b>	<b>2</b>													<b>40</b>			<b>40</b>	<b>305</b>	<b>7a,7b</b>	<b>N</b>	<b>NA</b>				

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:** November 2, 2023

**FROM:** Brandon Milner

**RE:** Application, File No. 51,004

Allen Hurley filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on March 31, 2023. The application was returned to the applicant on April 17<sup>th</sup>, 2023, providing 60 days to locate the point of diversion, provide additional information, and return the application by June 17<sup>th</sup>, 2023 deadline. The applicant was given multiple extensions with the latest being October 17<sup>th</sup>, 2023.

The application has not been returned with locations identified by the October 17<sup>th</sup>, 2023, 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. 51,004**

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 31, 2023, the Chief Engineer received an application from Allen Hurley, for a permit to appropriate groundwater for beneficial use, assigned File No. 51,004, proposing the appropriation of 96 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use.
2. 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 Southeast Quarter (SE $\frac{1}{4}$ ) of Section 28, Township 1 South, Range 4 West, Republic County, Kansas, within 60 days.
3. Upon receipt and examination, the application was also determined to be otherwise defective, inadequate or insufficient to determine the nature and amount of the proposed appropriation.
4. That on April 17, 2023, a letter was mailed to the applicant, detailing the additional information which must be submitted in order to complete the application, including the specific well location, and giving the applicant until June 17, 2023, in which to provide the required information, and 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 extended deadline of October 17, 2023.
6. That the required information was not submitted by the October 17, 2023, 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. 51,004, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *2<sup>nd</sup>* day of *November*, 2023, in Manhattan, Riley County, Kansas.



*[Handwritten Signature]*  
\_\_\_\_\_  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this *2<sup>nd</sup>* day of *November*, 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*[Handwritten 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

November 6, 2023

ALLEN & BARB HURLEY  
2055 REPUBLIC LN  
REPUBLIC KS 66964

Re: Dismissal of Application  
File No. 51,004

Dear Sir or Madam:

A letter was mailed to you on April 17, 2023 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. 51,004, for failure to provide the required information, prior to the deadline of October 17, 2023.

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 documents.

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 style.

Kristen Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:kak:bmm  
Enclosures  
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 6 day of November, 2023, I hereby certify that the foregoing Dismissal of Application, File No. 51,004, dated November 2, 2023, was mailed postage prepaid, first class, US mail to the following:

ALLEN & BARB HURLEY  
2055 REPUBLIC LN  
REPUBLIC KS 66964

With photocopies to:

KDA-DWR Stockton Field Office



Division of Water Resources