

Kansas Department of Agriculture
Division of Water Resources
FINDINGS AND ORDER DISMISSAL OF NEW APPLICATION WORKSHEET

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| 1. File No.: 51,146 | 2. Status Change Date: 12/24/2024 | 4. Field Office: 03 - Stockton GMD: Structures File No.: Filing/Priority Date: |
| 3. Associated File No(s): | | |
| 5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change GARY BADEN PO BOX 278 DESHLER, NE 68340 | Person ID 69352 Add Seq# | 5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq# |
| 5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change | Person ID Add Seq# | 5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq# |
| 6. Change No.: <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: Perfection/Expiration Date: | | 7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: IRR-Irrigation UMW: UMW: |
| 8. Action Trail | | |
| 9. Special Conditions | | |
| 10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres: Comment: | | |
| 11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr | | |
| 12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Justification: Rule Type: Rule SubType: | | |
| Comments | | Processed 12/23/24 BMM Reviewed 12/24/24 KAB |
| | | Entered 12/30/2024 KAnderson |

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| File No.51,146 Error! Reference source not found. Structures File No: | 13. County: Barton Basin: Saline River Stream: Aquifer Code: Special Use Area: |
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| 14. Points of Diversion, Rates & Quantities | | | | | | | | | | Qty AF | | Rate gpm | | Storage Qty AF | | Storage Rate | |
|---|--------------|-----------|-----------|------------|-----------|----------|-------------|--------------------|--|---------------|-----|-----------------|-----|-----------------------|-----|--------------|----------|
| PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment (AKA Line) | | Auth | Add | Auth | Add | Auth | Add | Auth/Add | Overlaps |
| DEL | 90690 | SE | 15 | 12S | 8W | 1 | 1320 | 1320 | | 350 | | 750 | | | | | |
| | | | | | | | | | | | | | | | | | |
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| 15. Limitations | NEW Type: Quantity: AF Rate: gpm combined with file no(s): NEW Type: Quantity: AF Rate: gpm combined with file no(s): |
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| 16. Metering | <input checked="" type="checkbox"/> Metering Required <input type="checkbox"/> Anti-Reverse Required <input type="checkbox"/> Seal Required Compliance Date: |
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| 17. Place of Use | | | | | | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner(s) | Chg? | Overlaps |
|------------------|--------------|-----------|------------|-----------|----------|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|-----------|--------------------------|-----------|
| PUSE | S | T | R | ID | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | | |
| DEL | 71620 | 15 | 12S | 8W | 1 | | | | | | | | | | | | | 35 | 35 | 35 | 35 | 140 | 5A | <input type="checkbox"/> | ** |
| | | | | | | | | | | | | | | | | | | | | | | 0.00 | | <input type="checkbox"/> | |
| | | | | | | | | | | | | | | | | | | | | | | 0.00 | | <input type="checkbox"/> | |
| | | | | | | | | | | | | | | | | | | | | | | 0.00 | | <input type="checkbox"/> | |
| | | | | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | |
| | | | | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | |

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| 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: December 23, 2024

FROM: Brandon Milner

RE: Application, File No. 51,146

Gary Baden has filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on December 1, 2023. The application was returned to the applicant on December 18, 2023, providing 60 days to locate the point of diversion, provide additional information, and return the application by February 18, 2024 deadline. Extensions were requested with the latest being December 18, 2024. The requested information was not provided by the December 18, 2024 deadline nor was an extension requested so it is recommended that 51,146 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. 51,146**

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 December 1, 2023, the Chief Engineer received an application from Gary Baden, for a permit to appropriate groundwater for beneficial use, assigned File No. 51,146, proposing the appropriation of 350 acre-feet of water, at a maximum requested diversion rate of 750 gallons per minute, for irrigational 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 Southeast Quarter (SE¼) of Section 15, Township 12 South, Range 8 West, Lincoln County, Kansas, within 60 days.
4. That on December 18, 2023, 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 February 18, 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 extended deadline of December 18, 2024.
6. That the required information was not submitted by the December 18, 2024.
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. 51,146, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 24 day of December, 2024, 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 24th day of December, 2024, by Lane P. Letourneau, P.G., 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

January 15, 2025

GARY BADEN
PO BOX 278
DESHLER, NE 68340

Re: Dismissal of Application
File No. 51,146

Dear Sir or Madam:

A letter was mailed to you on December 18, 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. 51,146, for failure to provide the required information, prior to the deadline of December 18, 2024.

You may refile an Application to Appropriate Water for Beneficial Use should you wish to proceed with the project proposed under the above referenced file number.

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 Applications and Changes Supervisor
Water Appropriation Program

KAB: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 15 day of January, 2025, I hereby certify that the foregoing Dismissal of Application, File No. 51,146, dated December 24, 2024, was mailed postage prepaid, first class, US mail to the following:

GARY BADEN
PO BOX 278
DESHLER, NE 68340

With photocopies to:

KDA-DWR Stockton Field Office



Division of Water Resources