

Kansas Department of Agriculture  
Division of Water Resources  
**MISCELLANEOUS WORKSHEET**

1. File No(s). <b>49,055</b>	1a. <input type="checkbox"/> Vested Right <input type="checkbox"/> Water Right <input checked="" type="checkbox"/> Appropriation of Water	2. Field Office: <b>01</b>	3. GMD: <b>0</b>
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4. Type and Purpose of Letter

Type of Extension \_\_\_\_\_ Completion Date \_\_\_\_\_

Date Received \_\_\_\_\_ Perfection Date \_\_\_\_\_

Completion of Diversion Works:     Permit     Change Approval

Meter Installed \_\_\_\_\_

Dismissal **Voluntary Request to Dismiss form was submitted by owner.**

Other \_\_\_\_\_

5a. Name & Address Person ID **63730**

DILL FARMS LLC  
1976 RAOD 110  
HARTFORD KS 66854-9233

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5c. Name & Address Person ID \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5b. Name & Address Person ID **63731**

MDB NEW CENTURY FARMS LLC  
22851 KISSINGER RD  
LEAVENWORTH KS 66048-7147

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5d. Name & Address Person ID \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. General Information

Priority Date **04/21/2014**

Certificate Date Document Date: 3/6/2017

Vested Right Order Date \_\_\_\_\_

Approval Date **09/29/2014**

Priority Date of Change \_\_\_\_\_

Approval of Change Date \_\_\_\_\_

Completion Date \_\_\_\_\_

Perfection Date \_\_\_\_\_

7. Use of Water:     Groundwater     Surface Water

IRR     REC     DEW     MUN

STK     SED     DOM     CON

HYD DRG     WTR PWR     ART RECHRG

IND SIC: \_\_\_\_\_     OTHER: \_\_\_\_\_

8. Battery Number \_\_\_\_\_

9. Special Use \_\_\_\_\_

10. Aquifer \_\_\_\_\_

Date Prepared: **2/20/2017**    By: **DWS**  
Date Entered: 3/6/2017    By: UM

(see reverse for p/d and p/u)

File No(s) **49,055**

11. Points of Diversion										12. Rate and Quantity						
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
												Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
	<b>DEL</b>			<b>82984</b>	<b>NW SW NW</b>	<b>6</b>	<b>20</b>	<b>13E</b>	<b>3</b>	<b>3700</b>	<b>4900</b>					<b>NONE</b>

13. Storage: Rate \_\_\_\_\_ NF Quantity \_\_\_\_\_ ac/ft Additional Rate \_\_\_\_\_ NF Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. Place of Use	T	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
										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>4638</b>																			<b>5a.</b>	<b>No</b>	<b>MULTIPLE</b>			
√					<b>65864</b>																			<b>5b.</b>	<b>No</b>	<b>MULTIPLE</b>			

16. Comments:

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

March 7, 2017

DILL FARMS LLC  
% JOHN DILL  
1976 ROAD 110  
HARTFORD KS 66854-9233

**FILE COPY**

Re: Appropriation of Water, File No. 49,055

Dear Mr. Dill:

There is enclosed the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Appropriation of Water, File No. 49,055 as you requested in the "Voluntary Waiver of Hearing & Dismissal of Water Right" form received in our office on February 16, 2017.

This Order 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 prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

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,



Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT:dws  
Enclosures

pc: Topeka Field Office  
MDB New Century Farms LLC

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** February 20, 2017

**FROM:** Doug Schemm

**RE:** Appropriation of Water, File No. 49,055

On February 16, 2017, John K. Dill, representing Dill Farms, LLC submitted a voluntary dismissal request for the above referenced file. This owner has not had time to develop this project, and does not anticipate completing the diversion works in the future.

A Findings and Order has been prepared to dismiss this file as requested by the owner.

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER  
IN THE MATTER OF  
DISMISSAL OF APPROPRIATION OF WATER  
FILE NO. 49,055**

This is to certify that on February 16, 2017, a voluntary request to dismiss Appropriation of Water, File No. 49,055, was filed with the office of the Chief Engineer by the following Water Right owner:

**DILL FARMS LLC  
% JOHN K DILL  
1976 ROAD 110  
HARTFORD KS 66854-9233**

Per this request, those above have agreed to waive any and all rights that they might have to a hearing pursuant to K.S.A. 82a-718 or any other applicable statute.

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, acknowledges this request, and so orders the dismissal of Appropriation of Water, File No. 49,055, and forfeiture of its priority. The dismissed file pertains to the point of diversion and place of use described as:

A groundwater pit with a geographic center located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 6, more particularly described as being near a point 3,700 feet North and 4,900 feet West of the Southeast corner of said section, in Township 20 South, Range 13 East, Lyon County, Kansas, for irrigation use on land described as follows:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1	20S	12E			6	6	40			30	13			0.5	40	40	40	40	255.5

Any further diversion of water pursuant to the conditions and terms of the dismissed file shall be unlawful and subject to the penalties of K.S.A. 82a-728.

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 prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Ordered this 6<sup>th</sup> day of March, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of March, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



**CERTIFICATE OF SERVICE**

On this 7<sup>th</sup> day of March, 2017, I hereby certify that the foregoing Dismissal of Appropriation of Water, File No. 49,055 dated March 6, 2017 was mailed postage prepaid, first class, US mail to the following:

DILL FARMS LLC  
1976 ROAD 110  
HARTFORD KS 66854-9233

With photocopies to:

MDB NEW CENTURY FARMS LLC  
22851 KISSINGER RD  
LEAVENWORTH KS 66048-7147

Topeka Field Office

Danielle Wilson

Division of Water Resources

**VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT**

To: Kansas Department of Agriculture  
Division of Water Resources (DWR)  
1320 Research Park Drive  
Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

Re: Appropriation of Water   
Water Right   
Vested Right   
Term Permit   
(Check Appropriate Box Above)  
File No. 49,055

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

John K. Dill  
(Signature of Owner or Authorized Agent)

\_\_\_\_\_  
(Signature of Spouse or Title of Authorized Agent)

John K Dill (Dill Farms LLC)  
(Please print name here)

\_\_\_\_\_  
(Please print name here)

1976 Rd 110  
(Mailing Address)

\_\_\_\_\_  
(Mailing Address)

Hartford, KS 66854  
(City, State, Zip)

\_\_\_\_\_  
(City, State, Zip)

RECEIVED

FEB 16 2017

Topeka Field Office  
DIVISION OF WATER RESOURCES

**ACKNOWLEDGMENT**

State of Kansas )  
County of Shawnee )

This instrument was acknowledged before me this 16<sup>th</sup> day of February, 2017 by  
(owners:) John K Dill

(Seal)



Lloyd Hemphill  
Notary Public

My appointment expires:

\_\_\_\_\_  
DWR Initials