

Kansas Department of Agriculture
 Division of Water Resources
MISCELLANEOUS WORKSHEET

1. File No(s). 49293	1a. <input type="checkbox"/> Vested Right <input type="checkbox"/> Water Right <input checked="" type="checkbox"/> Appropriation of Water	1b. Document Date: 2/28/2017	2. Field Office: 01	3. GMD:
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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 DISMISSAL FORM RECEIVED FEBRUARY 23, 2017**

Other _____

5a. Name & Address _____ Person ID 52135 _____ _____ _____ _____	5b. Name & Address _____ Person ID _____ _____ _____ _____ _____
5c. Name & Address _____ Person ID _____ _____ _____ _____ _____	5d. Name & Address _____ Person ID _____ _____ _____ _____ _____

6. General Information Priority Date _____ Certificate Date _____ Vested Right Order Date _____ Approval Date _____ Priority Date of Change _____ Approval of Change Date _____ Completion Date _____ Perfection Date _____	7. Use of Water: <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____ 8. Battery Number _____ 9. Special Use _____ 10. Aquifer _____
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Date Prepared: **2/27/17** By: **SAW**
 Date Entered: **3/7/2017** By: **LLH**

(no info on reverse)

1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

CALVIN WILGERS
812 S OAK ST # 246
LINN KS 66953-9005

March 7, 2017

FILE COPY

RE: Dismissal of Appropriation of Water
File No. 49,293

Dear Sir:

Reference is made to Appropriation of Water, File No. 49,293, authorizing water to be diverted for irrigation use.

In the voluntary dismissal received on February 23, 2017, the Chief Engineer was advised that this appropriation of water is no longer needed and a dismissal of the file was requested.

According to State Law (K.S.A. 82a-718), a hearing must be held before any water right or appropriation of water is declared abandoned. The voluntary dismissal described is considered a waiver of any such hearing. Therefore, the appropriation of water is dismissed as of the date of the enclosed order.

This order should be recorded with the Register of Deeds Office in the county wherein the point of diversion was located.

The abandoned water wells must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <http://kdheks.gov/waterwell>

Thank you for your cooperation in this matter. 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,

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program

LPL:SAW

Enc.

pc: Jerin Wurtz
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

**DISMISSAL OF APPROPRIATION OF WATER
FILE NO. 49,293**

This is to certify that on February 23, 2017, a voluntary request to dismiss Appropriation of Water, File No. 49,293, was filed with the office of the Chief Engineer by the following water right owner(s):

CALVIN WILGERS
812 S OAK ST # 246
LINN KS 66953-9005

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.

ORDER

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. 49,293, and forfeiture of its priority. The dismissed file pertains to point(s) of diversion and place of use described as:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 21, Township 3 South, Range 2 East, Washington County, Kansas, for irrigation use on the following described property:

30.00 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
30.00 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 60.00 acres in Section 20,

10.00 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
40.00 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
40.00 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
10.00 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 100.00 acres in Section 21,

all in Township 3 South, Range 2 East, Washington County, Kansas.

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 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.

With dismissal of the appropriation right, any non-domestic diversion of water shall be unlawful.

ORDERED THIS 28th DAY OF February, 2017, IN TOPEKA, SHAWNEE 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 28th day of February, 2017, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 7th day of March, 2017, I hereby certify that this dismissal order, File No. 49,293, was mailed postage prepaid, first class, US Mail, to:

CALVIN WILGERS
812 S OAK ST # 246
LINN KS 66953-9005

JERIN M WURTZ
1500 MISTY BLUFFS RD
SENECA KS 66538

Staff *Danielle Wilson*

FEB 23 2017

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT KS DEPT. OF AGRICULTURE

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. 49293

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):

Calvin Wilgers
(Signature of Owner or Authorized Agent)
Calvin Wilgers
(Please print name here)
812 S Oak St. #246
(Mailing Address)
Linn, KS 66953
(City, State, Zip)

Jerin M. Wurtz
(Signature of Spouse or Title of Authorized Agent)
Jerin M. Wurtz
(Please print name here)
1500 Misty Bluffs Rd.
(Mailing Address)
Seneca, KS 66538
(City, State, Zip)

ACKNOWLEDGMENT

State of Kansas)
County of Kansas)

This instrument was acknowledged before me this 14th day of February, 2017 by
(owners:) Calvin Wilgers and Jerin M. Wurtz
(Seal)

My appointment expires:



Megan Olberding
Notary Public
Megan Olberding

DWR Initials