

File No. **50222** 15. Formation Code: Drainage Basin: **Black Vermillion River** County: **NM** Special Use: Stream:

16. Points of Diversion									
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
CHK	87376	NE	27	4S	11E	1	3960	1320	
DEL									

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
1200	176			

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
T 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								
CHK	69339	27	4S	11E	1	40	40	40	40														160	7a					
DEL																													

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

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

July 17, 2019

FILE COPY

JAMES WOOLSONCROFT
PO BOX 205
FRANKFORT KS 66427

Re: Application, File Nos. 50,221 & 50,222

Dear Mr. Woolsoncroft,

The referenced applications were returned to you on April 4th, 2019. Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Applications, File Nos. 50,221, and 50,222 for failure to return the original applications and provide the requested information, prior to the deadline of June 4th, 2019.

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,

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: BM
Enclosures
pc: Topeka Field Office

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 50,222**

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 18, 2019, the Chief Engineer received an application from Jim Woolsoncroft for a permit to appropriate ground water for beneficial use, assigned File No. 50,222, proposing the appropriation of 176 acre-feet of water, at a maximum requested diversion rate of 1200 gallon per minute, for irrigation use. The applicant requested 60 days to locate the specific point of diversion within the Northeast Quarter of Section 27, Township 4 South, Range 11 East, Nemaha County, Kansas.

2. That on April 4, 2019, 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 60 days, 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 a reminder letter was sent to the applicant on May 7, 2019, stating that the deadline to return the application with the requested info was June 4, 2019.
4. That the original application was not returned by the June 4, 2019 deadline, nor did the applicant request any extension of time in which to do so.
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. 50,222, is herewith dismissed and the priority assigned to it is considered to be forfeited.

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.

It is so ordered this 9th day of July, 2019, 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 9th day of July, 2019, 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 17th day of July, 2019, I hereby certify that the foregoing Dismissal of Application, File No. 50,222, dated July 9th, 2019 was mailed postage prepaid, first class, US mail to the following:

JAMES WOOLSONCROFT
PO BOX 205
FRANKFORT KS 66427

With photocopies to:
Topeka Field Office

Danielle Wilson

Division of Water Resources

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, Interim Secretary

Laura Kelly, Governor

May 7, 2019

FILE COPY

Jim Woolsoncroft
Box 205
Frankfort, KS 66427

Re: Pending Applications,
File Nos. 50,221 & 50,222

Dear Sir or Madam:

The Division of Water Resources returned the above referenced applications to you for additional information on April 4, 2018, and the current deadline for your response is June 4, 2019. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original applications and requested information needs to be returned to this office on or before **June 4, 2019**, or within any authorized extension of time thereof. According to law, default in refiling of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the applications.

If an extension of time is necessary to supply the requested information, please request the extension of time in writing before **June 4, 2019**. Provide information as to why the additional time is needed and how much additional time is requested. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you have any questions, please contact me at (785) 564-6627 or by email at kristen.baum@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

SCANNED

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, Acting Secretary

Laura Kelly, Governor

April 4, 2019

FILE COPY

Jim Woolsoncroft
Box 205
Frankfort, KS 66427

Re: Pending Applications,
Files No. 50,221-50,222

Dear Mr. Woolsoncroft:

After a preliminary review of your above referenced applications for permit to appropriate water received in this office on March 18, 2019, it is being returned to you for additional information. In your original applications, you requested a 60-day period of time in which to determine the precise location for your point of diversions within a specified quarter section tract of land described as the Southeast Quarter (SE ¼) of section 33 and Northeast Quarter (NE ¼) of Section 27, in Township 4 South, Range 11 East, Nemaha County, Kansas. Due to our delay in returning the original applications to you, the 60-day period of time will start as of the date of this letter.

Once you've determined the precise location for your point of diversions, complete the rest of Paragraph No. 5 of your applications by providing the descriptions for the 10-acre tract location of the point of diversions as well as the feet distances North and West of the Southeast corner of the Section. In the case of a battery of wells, please provide the description of the locations of the proposed geographic center of the well battery, as well as **the locations for each of the individual wells comprising the battery of wells**.

The locations of all other water wells of every kind within one-half mile (½) of the point of diversions must be plotted on the topographical map as well. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner**. A signed statement should be included on the map declaring that all wells within one-half mile (½) of the point of diversions have been plotted, or it should declare that none exist. Please provide this information once you have established your point of diversion.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed well may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed points of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application.

SCANNED

In order to retain its priority of filing, the original applications and attachments must be returned to this office with the requested information on or before January 29, 2019, or within any authorized extension of time thereof. According to law, default in refiling of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6627 or by email at Kristen.Baum@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:bmm

pc: Topeka Field Office

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Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Interim Secretary

Laura Kelly, Governor

March 19, 2019

JAMES WOOLSONCROFT
BOX 205
FRANKFORT, KS 66427

RE: Application, File No. **50222**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

SCANNED