

File No. **50308** 15. Formation Code: Drainage Basin: **Big Blue River** County: **WS** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
CHK	87721	SE	9	5S	3E	1	1320	1320		1400	505			NA
DEL														

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	69649	9	5S	3E	1																		28	28	7A	No	None
CHK	69650	9	5S	3E	2										40	40	40						120	7A	No	None	
CHK DEL	69651	9	5S	3E	3	40	40	40	40														160	7A	No	None	
CHK DEL	69652	9	5S	3E	4						40	40	35	38									153	7A	No	None	

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 12, 2020

FROM: Brandon Milner

RE: Application, File No. 50,308

Ronald Ohlde filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on October 29, 2019. The application was returned to the applicant on November 20, 2019 providing 60 days to locate the point of diversion, provide additional information, and return the application by a January 20, 2020 deadline. The applicant was provided three extensions of time with the latest being September 29, 2020.

The application has not been returned with locations identified by the October 29, 2020 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. 50,308

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 October 29, 2019, the Chief Engineer received an application from Ronald Ohlde for a permit to appropriate groundwater for beneficial use, assigned File No. 50,308, proposing the appropriation of 505 acre-feet of water, at a maximum requested diversion rate of 1,400 gallon per minute, for irrigation use. The applicant requested 60 days to locate the specific point of diversion within the Southeast Quarter of Section 9, Township 5 South, Range 3 East, Washington County, Kansas.
2. That on November 20, 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 a deadline of January 20, 2020, 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 the applicant requested and was provided extensions of time with the final deadline being October 29, 2020.
4. That a reminder letter was sent to the applicant on September 29, 2020, once again stating the October 29, 2020 date that the original application was required to be returned as a final deadline.
5. That the original application was not returned by the October 29, 2020 deadline.
6. That the application should be dismissed and its priority forfeited as provided by K.S.A. 82a-710, for failure to return the application.

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. 50,308, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *28* day of *April*, 2021, 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 *28* day of *April*, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
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

May 6, 2021

RONALD R & ANITA K OHLDE
1579 4TH RD
PALMER, KS 66962

Re: Application, File No. 50,308

Dear Mr. & Mrs. Ohlde:

The referenced application was returned to you on November 20, 2019. Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,308, for failure to return the original application and provide the requested information, prior to the deadline of October 29, 2020.

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 order.

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 black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: bmm: li

Enclosures

pc: Topeka Field Office
Shane Ohlde

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

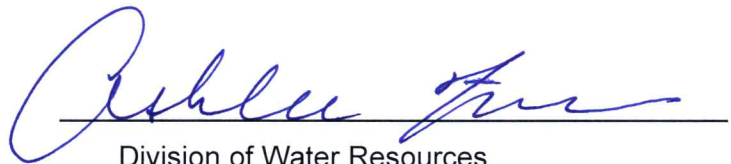
On this 6 day of May, 2021, I hereby certify that the foregoing Dismissal of Application, File No. 50,342, dated 28 April, 2021, was mailed postage prepaid, first class, US mail to the following:

RONALD R & ANITA K OHLDE
OHLDE FARMS INC
1579 4TH RD
PALMER, KS 66962

SHANE OHLDE
1519 4TH RD
PALMER, KS 66962

With photocopies to:

Topeka Field Office


Division of Water Resources