FINDINGS & ORDER

Kansas Department of Agriculture Division of Water Resources CLOSURE OF NEW APPLICATION WORKSHEET

1. File Number:	50327		2. Status 5/6/202	Change Date: 21	3. Field Office: 01		4. GMD:				
5. Status:	Approved	Denied by DV	🛛 Dis	I miss by Request	/Failure to	I Return					
6. Enclosures:	Check Valve	N of C Form	Vater Tube 🗌 Driller Copy 🗌 Meter								
7a. Applicant(s New to sys		Person ID 653 Add Seq#	13	7c. Landown New to sy		Person ID Add Seq#					
8152 S I	DIBBEN TRUST HWY K57 E ON CITY, KS 664 ^{r(s)} tem 🗌	441-7978 Person ID Add Seq#		7d. Misc New to sy	/stem 🗌		Person ID Add Seq#				
8. WUR Corre New to sys Overlap Fil Agree	tem 🗌	Person ID Add Seq# Notarized WUC	Form 🗌	9. Use of Wat [□ IRR □ STK □ HYD DRG □ IND SIC:	Groundwater		Yes No Gurface Water DEW MUN DOM CON ART RECHRG R:				
10. Completion	Date:	11. Perfec	ction Date:		12.	Exp Date	:				
13. Conservation Plan Required? Yes INO Date Required: Date Approved: Date to Comply: 14. Water Level Measuring Device? Yes INO Date to Comply: Date WLMD Installed:											
	Date Prepared: 1/26/21 By: BMM Date Entered: 5/10/2021 By: LMoody										
DWR 1-660 (Revi	sed 09/19/2008)				/21/2021 Ireland						

File No.	50327	7			15. F	ormatic	on Cod	e:	Drainage Basin: Kansas River				er	C	County	RL Special U			lse: Stream:									
16. Points of Diversion										17. Rate and Quantity																		
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18. Storage: Rate NF Quantity ac/ft Additional Rate NF Additional Quantity ac/ft									ac/ft																			
19. Limitation: af/yr at gpm (cfs) when combined with file number(s)																												
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20. Meter Required? Yes No To be installed by Date Acceptable Meter Installed																												
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KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

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TO: Files

DATE: January 26, 2021

FROM: Brandon Milner

RE: Application, File No. 50,327

The Craig Dibbon Trust had filed the above referenced application to appropriate groundwater for irrigation purposes on December 13, 2019.

A voluntary dismissal was received from the applicant on August 6, 2020 after a misunderstanding on completion of Water Appropriation No. 48,824.

Based on the voluntary dismissal received by the applicant, it is recommended that the file be dismissed.

Brandon Milner Environmental Scientist New Applications Unit



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 THE APPLICATION FOR APPROPRIATION, FILE NO. 50,327

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 13, 2019 a new application appropriation was received in the office of the Chief Engineer and assigned File No. 50,327.
- 2. That a voluntary dismissal of an application for permit to appropriate water form signed by the applicant was received at the Kansas Department of Agriculture headquarters on August 6, 2020.
- 3. That New Application File No. 50,327 should be dismissed, and its priority forfeited as requested.

<u>ORDER</u>

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. 50,327, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *(e)* day of

ray

, 2021, in Manhattan, Riley County, Kansas.

Alloweaus

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

State of Kansas

County of Riley

The foregoing instrument was acknowledged before me this day of Mary, 2021, by Lane P. Letourneau, P.G. Program Manager, Division of Water Resources, Kansas Department of Agriculture.

ASHLEE FREEMAN My Appointment Expires April 21, 2024

) SS

file

Notary Public



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

Mike Beam, Secretary

Laura Kelly, Governor

May 12, 2021

CRAIG DIBBEN TRUST 8152 S HWY K57 E JUNCTION CITY, KS 66441-7978

Re: Application, File No. 50,327

Dear Mr. Dibben:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing the application for appropriation of water under the file number referenced above as requested in the voluntary dismissal form received on August 6, 2020.

This order shall become final agency action without further notice to the parties, if a request for hearing or a petition for administrative review is not filed in a manner set forth in the enclosed order.

If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

KristendBaum

Kristen A. Baum New and Change Application Unit Supervisor Water Appropriation Program

KAB:bmm:li

Enclosures

pc: Topeka 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 3 day of 20 Application, File No. 50,327, dated a may class, US mail to the following:

, 2021, I hereby certify that the foregoing Dismissal of , 2021, was mailed postage prepaid, first

CRAIG DIBBEN TRUST 8152 S HWY K57 E JUNCTION CITY, KS 66441-7978

With photocopies to:

Topeka Field Office

Division of Water Resources

From:	Bunger, Brett [KDA]
Sent:	Fri 7/24/2020 6:49 AM
То:	Baum, Kristen [KDA]
Cc:	Tietsort, Katie [KDA]
Subject:	File Nos. 48824 & 50327

Kristen, just FYI. As per our recent discussion, I met with Craig Dibben yesterday in the field and we completed the Field Inspection under 48824. At the same time we completed the N&P form. Craig said he was going home to complete the \$400 check and would be mailing it shortly. I also secured a signed form to close out pending application, 50327. The unfortunate part with that is I have it with me here at home and no way to scan it. Ooops! I am on vacation next week so this form will be a priority for me upon my return.

Brett