Kansas Department of Agriculture Division of Water Resources

Division of Water Resources MISCELLANEOUS WORKSHEET DISMISSAL

1.	File No(s). 50504	1a. ☐ Vested Right ☐ Water Right ☑ Appropriation of Water	1b.Document Date: 10/18/2022	2. Field Office:	3. GMD:							
4.	Type and Purpose of Letter											
	Type of Extension		Completion Date									
	Date Received		Perfection Date									
	☐ Completion of Diversion Works:											
	☐ Meter Installed	_										
	☐ Dismissal Failure to supply add				_							
	-		-									
	Other											
5a.	Name & Address	Person ID 63643	5b. Name & Address	Person	D 64136							
	BRYAN DAKE 2438 210 RD MUNDEN, KS 66959		DONALD & MARY CA Attn: BRYAN DAKE 2438 210 RD MUNDEN, KS 66959	ANFIELD								
5c.	Name & Address	Person ID	5d. Name & Address	Person	ID							
6.	General Information		7. Use of Water: ⊠ Groun	ndwater 🔲 Su	rface Water							
	Priority Date <u>1/11/2020</u> 2021		│ │ ⊠ IRR	☐ DEW	☐ MUN							
	Certificate Date	_	│ │ ☐ STK	☐ DOM	☐ CON							
	Vested Right Order Date		│ │	☐ ART REC	CHRG							
	Approval Date		☐ IND SIC: ☐ OTHER:									
	Priority Date of Change											
	Approval of Change Date		8. Battery Number 9. Special Use									
	Completion Date Perfection Date		10. Aquifer									
			Date Prepared: 9/27 Date Entered: 10									

File No	50504	4		Pr	iority Da	ate:		Co	unty: F	RP	В	asin: I	_ittle B	lue R	liver			Strea	m:					Forr	nation Code:		
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14. Plac NC MOD DEL ENT	PUSE	s 4	T 1S	R 2W	CIN 2		IE NV	NE¼ v sw	SE	NE	NV NW	V ¹ / ₄ SW 1/ ₄	SE 1/4	NE	NW 1/4 34.02	V1/4 SW 1/4	SE	NE	S	SE½ SW		70.02	5b	Chg?	Overlap PU	Files	
14. Plac NC MOD DEL ENT	PUSE	s 4	T 1S	R 2W	CIN 2		IE NV	NE¼ v sw	SE	NE	NV NW	V ¹ / ₄ SW 1/ ₄	SE 1/4	NE	NW 1/4 34.02	V1/4 SW 1/4	SE	NE	S	SE½ SW		70.02	5b	Chg?	Overlap PU	Files	
14. Plac NC MOD DEL ENT	PUSE 65546 70079	s 4	T 1S	R 2W	CIN 2		IE NV	NE¼ v sw	SE	NE	NV NW	V ¹ / ₄ SW 1/ ₄	SE 1/4	NE	NW 1/4 34.02	V1/4 SW 1/4	SE	NE	S	SE½ SW		70.02	5b	Chg?	Overlap PU	Files	
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14. Place NC MOD DEL ENT DEL	PUSE 65546 70079	s 4	T 1S	R 2W	CIN 2		IE NV	NE¼ v sw	SE	NE	NV NW	V ¹ / ₄ SW 1/ ₄	SE 1/4	NE	NW 1/4 34.02	V1/4 SW 1/4	SE	NE	S	SE½ SW		70.02	5b	Chg?	Overlap PU	Files	

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

<u>MEMORANDUM</u>

TO: Files DATE: September 27, 2022

FROM: Kris Neuhauser RE: New Application,

File No. 50,504

Bryan Dake filed the above referenced application to appropriate groundwater for irrigation use, requesting one (1) well, with a quantity of 87.6 acre-feet of water per calendar year, at a diversion rate of 1,200 gallons per minute. During an email conversation with the applicant on February 16, 2022, Mr. Dake noted his decision to use the drilled test hole for watering livestock, rather than for irrigation use. The well will now be considered domestic, and no permitting will be required from the Division of Water Resources.

A letter was mailed to Mr. Dake on March 4, 2022, outlining the above discussion and allowing him a period of 30 days to change his mind and keep the application alive in the approval process. No information was submitted, and no contact was made prior to the April 3, 2022 deadline. Therefore, based on the above discussion, it is recommended that the referenced application be denied and dismissed.

Kris Neuhauser

New Applications Lead

Water Appropriation Program

KANSAS DEPARTMENT OF AGRICULTURE

Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCESEarl D. Lewis Jr., Chief Engineer

FINDINGS AND ORDER IN THE MATTER OF THE DISMISSAL OF APPLICATION FILE NO. 50,504

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 January 11, 2021, the Chief Engineer received an application from Bryan Dake for a permit to appropriate groundwater for beneficial use, assigned File No. 50,504, proposing the appropriation of 87.6 acre-feet of water, at a maximum requested diversion rate of 1,200 gallon per minute, from a one (1) well for irrigation use.
- 2. That during an email conversation with the applicant on February 16, 2022, Mr. Dake noted his decision to use the drilled test hole for watering livestock, rather than for irrigation use. The well will now be considered domestic, and no permitting will be required from the Division of Water Resources.
- 3. That in order to give Mr. Dake more time to decide on his path forward with the application, a letter was mailed providing 30 days (deadline of April 3, 2022) to supply further information. If no information was supplied, the application is to be recommended for denial and dismissed.
- 4. That no information has been presented and no contact of any kind has been received from the applicant to date.
- 5. That the application should be dismissed and its priority forfeited as provided by K.S.A. 82a-710.

April 21, 2024

<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. 50,504, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this	$\ensuremath{V}\ensuremath{g}$ day of	October	, 2022, in	Manhattan, F	Riley County, Kansas.
				fane?	Letourneau
				Water Appro Division	P. Letourneau, P.G. priation Program Manager of Water Resources epartment of Agriculture
State of Kansas)) SS				
County of Riley)				
The foregoing ir Lane P. Letourneau Department of Agri	ı, P.G., Water	acknowledged b Appropriation Pro	pefore me t	his 18 day ager, Division	y of October, 2022, by n of Water Resources, Kansas
				Notary Pu	ablic
				MOTARY PIER IC	ASHLEE FREEMAN My Appointment Expires

1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov



October 26, 2022

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

Mike Beam, Secretary

Laura Kelly, Governor

BRYAN DAKE 2438 210 RD MUNDEN, KS 66959

Re: Application, File No. 50,504

Dear Mr. Dake:

A letter was mailed to you on March 4, 2022, outlining your decision to move ahead without a water appropriation. Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,504, for failure to provide the requested information, prior to the final deadline of April 3, 2022. The well will be considered domestic (watering livestock) and no permitting is required from the Division of Water Resources.

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 Applications and Changes Supervisor

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Water Appropriation Program

KAB: kjn Enclosures

pc: Topeka Field Office

DONALD & MARY CANFIELD

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 Hoday of October, 2022, I hereby certify that the foregoing Dismissal of Application, File No. 50,504, dated 18 October, 2022, was mailed postage prepaid, first class, US mail to the following:

BRYAN DAKE 2438 210 RD MUNDEN, KS 66959

With photocopies to:

Topeka Field Office

DONALD & MARY CANFIELD Attn: BRYAN DAKE 2438 210 RD MUNDEN, KS 66959

Division of Water Resources