



File No. **50701**      15. Formation Code:      Drainage Basin: Kansas River      County: WB      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>CHK</b>			<b>89230</b>	<b>SE</b>	<b>20</b>	<b>10S</b>	<b>10E</b>	<b>90</b>	<b>1320</b>	<b>1320</b>	<b>1200</b>	<b>88</b>	<b>1200</b>	<b>88</b>	<b>NA</b>

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
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						
<b>CHK</b>			<b>65652</b>	<b>20</b>	<b>10S</b>	<b>10E</b>	<b>6</b>																						
<b>CHK</b>			<b>70692</b>	<b>20</b>	<b>10S</b>	<b>10E</b>	<b>8</b>																						

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



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** August 1, 2022

**FROM:** Brandon Milner

**RE:** Application, File No. 50,701

Brent Hieger filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on January 6, 2022. The application was returned to the applicant on May 23, 2022, providing 60 days to locate the point of diversion, provide additional information, and return the application by a July 23<sup>rd</sup>, 2022 deadline.

The application has not been returned with locations identified by the July 23, 2022, 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. 50,701**

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 6, 2022, the Chief Engineer received an application from Brent Hieger for a permit to appropriate groundwater for beneficial use, assigned File No. 50,701, proposing the appropriation of 88 acre-feet of water, at a maximum requested diversion rate of 1,200 gallon per minute, for irrigation use. The applicant requested 60 days to locate the specific point of diversion within the Southeast Quarter of Section 20, Township 10 South, Range 10 East, Wabaunsee County, Kansas.
2. That on May 23, 2022, 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 July 23, 2022, 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 was provided a reminder letter on June 21, 2022, to return the requested information and application by the July 23, 2022.
4. That the original application was not returned by the July 23, 2022, deadline.
5. That the application should be dismissed and its priority forfeited as provided by K.S.A. 82a-710



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

October 5, 2022

BRENT N & AUDRA HIEGER  
5155 WALSH RD  
WAMEGO, KS 66547

Re: Application, File No. 50,701

Dear Whom it may concern:

The referenced application was returned to you on May 23, 2022. Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,701, for failure to return the original application and provide the requested information, prior to the deadline of July 23, 2022.

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: bmm  
Enclosures

pc:  
Alan Soelter  
Richard & Teresa Weixelman  
Topeka Field Office

**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. 50,701, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 27 day of September, 2022, 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 )  
County of Riley ) SS

The foregoing instrument was acknowledged before me this 27 day of September, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Ashlee Freeman*  
\_\_\_\_\_  
Notary Public

**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 5 day of October, 2022, I hereby certify that the foregoing Dismissal of Application, File No. 50,701, dated 27 September 2022 was mailed postage prepaid, first class, US mail to the following:

ALAN SOELTER  
1105 PARKSIDE CIR  
LAWRENCE, KS 66049-3401

With photocopies to:

RICHARD L & TERESA WEIXELMAN  
910 5TH ST  
WAMEGO, KS 66547-1442  
Topeka Field Office

*Ashlee Freeman*  
\_\_\_\_\_  
Division of Water Resources