

File No.51,120 **Error! Reference source not found.**
 Structures File No: 13. County: Nemaha Basin: **S.F. Big Nemaha River** Stream:
 Aquifer Code: Special Use Area:

14. Points of Diversion, Rates & Quantities

| PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment (AKA Line) | Qty AF | | Rate gpm | | Storage Qty AF | | Storage Rate | |
|------------|--------------|-----------|-----------|----------|-----------|------------|----------|--------------------|-------------|------------|----------|-------------|----------------|-----|--------------|----------|
| | | | | | | | | | Auth | Add | Auth | Add | Auth | Add | Auth/Add | Overlaps |
| DEL | 90609 | NW | NW | 8 | 1S | 14E | 1 | 4620 | 4620 | 420 | | 1000 | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
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15. Limitations **NEW** Type: Quantity: **AF** Rate: **gpm** combined with file no(s):
NEW Type: Quantity: **AF** Rate: **gpm** combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date:

17. Place of Use

| PUSE | S | T | R | ID | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner(s) | Chg? | Overlaps | | |
|------------|--------------|----------|-----------|------------|----------|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|----------|------|----------|-----------|--------------------------|
| | | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | | | | |
| DEL | 71554 | 8 | 1S | 14E | 1 | | | | | | | 39 | 39 | | | | | | | | | | | 78 | 5A | <input type="checkbox"/> |
| DEL | 71555 | 8 | 1S | 14E | 2 | | | | | | | | | | | | | 40 | 32 | | | | | 72 | 5B | <input type="checkbox"/> |
| DEL | 71556 | 8 | 1S | 14E | 3 | 38 | 38 | 40 | 40 | 38 | | | | 40 | | | | | | | | | | 234 | 5B | <input type="checkbox"/> |
| | | | | | | | | | | | | | | | | | | | | | | | | 0.00 | | <input type="checkbox"/> |
| | | | | | | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> |
| | | | | | | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> |

18. Point of Diversion and Place of Use Overlaps

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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 26, 2024

FROM: Brandon Milner

RE: Application, File No. 51,120

Brian & Christie Strahm have filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on October 25, 2023. The application was returned to the applicant on November 1, 2023, providing 60 days to locate the point of diversion, provide additional information, and return the application by a January 1, 2024 deadline. The applicant was given multiple extensions with the latest being November 1, 2204. The requested information was not provided by the November 1, 2024 deadline and does not comply with K.S.A. 82a-710 so it is recommended that 51,120 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. 51,120

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 25, 2023, the Chief Engineer received an application from Brian Strahm, for a permit to appropriate groundwater for beneficial use, assigned File No. 51,120, proposing the appropriation of 420 acre-feet of water, at a maximum requested diversion rate of 1,000 gallons per minute, for irrigation use.
2. That the Kansas Water Appropriation Act, in K.S.A. 82a-710, states that if an application is found to be defective, inadequate or insufficient to determine the nature and amount of the proposed appropriation, the applicant must correct or complete the application by submitting additional information within such time as may be approved by the Chief Engineer.
3. That in accordance with K.A.R. 5-3-1, the application was accepted for filing provided the applicant supply a more specific location for the proposed point of diversion within the nominal legal quarter-section in the Northwest Quarter (NW¼) of Section 8, Township 1 South, Range 14 East, Nemaha County, Kansas, within 60 days.
4. That on November 1, 2023, a letter was mailed to the applicant, describing the additional information which must be submitted in order to complete the application, including the specific well location(s), a stratigraphic log of a well or test hole within 300 feet of the proposed well(s), and a topographic map depicting the location of the proposed point of diversion and place of use, giving the applicant until January 1, 2024, in which to provide the required information, stating that the application would be dismissed if it was not submitted by that deadline, or within any authorized extension of time.
5. That the applicant requested and was provided multiple extensions of time to submit the required information, with an extended deadline of November 1, 2024.
6. That the required information was not submitted by the deadline of November 1, 2024, and no further requests for extension have been submitted.
7. That the incomplete application should be dismissed, and its priority forfeited, in accordance with 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

December 11, 2024

BRIAN STRAHM
2990 T RD
SABETHA KS 66534

Re: Dismissal of Application
File No. 51,120

Dear Mr. Strahm:

A letter was mailed to you on November 1, 2023, requesting additional information to complete the above referenced Application to Appropriate Water for Beneficial Use. Enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 51,120, for failure to provide the required information, prior to the deadline of November 1, 2024.

You may refile an Application to Appropriate Water for Beneficial Use should you wish to proceed with the project proposed under the above referenced file number.

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:kak:bmm

Enclosures

pc: Topeka Field Office
Eldo & Virginia Sylvester Trust

**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 *11th* day of *December*, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 51,120, dated *December 3*, 2024, was mailed postage prepaid, first class, US mail to the following:

BRIAN J & CHRISTIE J STRAHM
2990 T RD
SABETHA KS 66534

With photocopies to:

KDA-DWR Topeka Field Office

ELDO & VIRGINIA SYLVESTER TRUST
1850 X RD
SABETHA KS 66534



Division of Water Resources