### Kansas Department of Agriculture Division of Water Resources

### FINDINGS AND ORDER DISMISSAL OF NEW APPLICATION WORKSHEET

1. File No.: <b>51,220 51120</b>	GMD:											
3. Associated File No(s):			Structures File Filing/Priority	2023								
5a. ⊠ Applicant ⊠ Owner ⊠ WU ☐ Address Change	C Person ID <b>69220</b> Add Seq#	5b. ⊠ Owne □ Addre	r	Person ID 69221 Add Seq#								
BRIAN J & CHRISTIE J STRA 2990 T RD SABETHA, KS 66534	MHA	ELDO & VIRGINIA SYLVESTER TRUST 1850 X RD SABETHA, KS 66534										
5c.  Owner  WUC  Address Change	Person ID Add Seq#	5d. ☐ Owne ☐ Addre	r □ WUC ss Change		son ID I Seq#							
Previous UMW:  MDS Gauge: Active Admin?	PU UMW Reasonable Q: on/Expiration Date:		<ol> <li>Use of Water</li> <li>☑ Groundwater</li> <li>UMW: IRR-Irriç</li> <li>UMW:</li> <li>UMW:</li> </ol>	<del></del>	Surface Water							
8. Action Trail												
9. Special Conditions												
10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres:  Comment:												
11. Sand & Gravel Proj ID:	☐ Active ☐ Dredge	☐ IND Evap [	☐ Jr Evap ☐ Othe	er Diversion	☐ Rpt on Sr							
12. Waiver Rule ID: New Date Requested:  Applies: Rule No.: Rule Type: Rule SubType:												
Comments			BMI 11/2 Rev KAI	<b>26/24</b> viewed	Entered 12/4/2024 KAnderson							

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	und. uctures File	No:	Aquifer	Code:										Spec	ial Use	Area:						
14. F	Points of Dive	rsion, Rates & Qua	ntities										Oty	<b>AF</b>		Rate g	pm	S	torage Qty	<b>AF</b>	Storage	Rate
	PDIV	Qualifier	s <sup>-</sup>	Т	R	ID	'N	'W	Coi	mment	(AKA Li	ne)	Aut		Add	Auth	Add		uth A		Auth/Add	
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15.	Limitations	<b>NEW</b> Type: <b>NEW</b> Type:		uantity: uantity:			Rate: Rate:				ned wi ned wi		. ,									
16.	Metering	☐ Metering F	Required		Anti-Re	everse	Requir	ed [	] Sea	al Requ	uired	Comp	liance	Date:								
17.	Place of Use																				( )	01.00.1
	PUSE S	T R ID	NE	NW	E¼ sw	SE	NE	NW	V <sup>1</sup> / <sub>4</sub> sw	SE	NE	S\ NW	V <sup>1</sup> / <sub>4</sub> sw	SE	NE	SE NW	sw	SE	Total	Own	ier(s)	Chg? Overlaps
DEL	71554 8	1S 14E 1						39	39										78	5A		
DEL	71555 8	1S 14E 2										40	32						72	5B		
DEL	71556 8	1S 14E 3	38	38	40	40	38			40									234	5B		
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18. *	Point of Div	version and Place	of Use (	Overlap	os						**											
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### KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

### <u>MEMORANDUM</u>

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



## 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 stratographic 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.

### **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. 51,120, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 3 day of December , 2024, in Manhattan, Riley County, Kansas.

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

**Notary Public** 

NOTARY

PUBLIC

VICKIE L. BELANGER
My Appointment Expires
December 21, 2027

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

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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 I 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