KANSAS DEPARTMENT OF AGRICULTURE

Joshua Svaty, Secretary of Agriculture

DIVISION OF WATER RESOURCES David W. Barfield, Chief Engineer

DISMISSAL OF WATER RIGHT FILE NO. 32,334

This is to certify that on September 17, 2009 and January 21, 2010, voluntary requests to dismiss Water Right, File No. 32,334, were filed with the office of the Chief Engineer by the following water right owner(s):

> JOHN H STUTZMAN TRUST JOHN H. STUTZMAN TRUSTEE 229 CHESTNUT STREET HALSTEAD KS 67056

> > AND

NICHOLAS W. WALKER 7725 SOUTH HERTZLER ROAD HALSTEAD KS 67056

Per these requests, those above have agreed to waive any and all rights that they might have to a hearing pursuant to K.S.A. 82a-718 or any other applicable statute.

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, acknowledges these requests, and so orders the dismissal of Water Right, File No. 32,334, and forfeiture of its priority. The dismissed file pertains to point(s) of diversion and place of use described as:

> one(1) well in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW1/4 SW1/4 NE1/4) of Section 23, more particularly described as being near a point 3,498 feet North and 2,600 feet West of the Southeast corner of said section, Township 24 South, Range 2 West, Harvey County, Kansas, for irrigation use on the following described RECEIVED property:

26.00 acres in the Northeast Quarter of the Northeast Quarter (NE¼ NE氣戶 28 2010

4.00 acres in the Northwest Quarter of the Northeast Quarter (NW1/s) FETO OFFICE 35.00 acres in the Southwest Quarter of the Northeast Quarter (SWATER RESOUR

40.00 acres in the Southeast Quarter of the Northeast Quarter (SE¼ NE¼),

4.00 acres in the Northeast Quarter of the Northwest Quarter (NE½ NW½),

30.00 acres in the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4),

30.00 acres in the Southeast Quarter of the Northwest Quarter (SE½ NW½).

a total of 169.00 acres in Section 23, Township 24 South, Range 2 West, Harvey County, Kansas.

Any further diversion of water pursuant to the conditions and terms of the dismissed file shall be unlawful and subject to the penalties of K.S.A. 82a-728.

SCANNED

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 prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Dated at Topeka, Kansas, this 22 nd day of September 2

WATER RESOLUTION OF THE PROPERTY OF THE PROPER

David W. Barfield, P.E. Chief Engineer

Division of Water Resources
Kansas Department of Agriculture

State of Kansas

´) SS

County of Shawnee)

The foregoing instrument was acknowledged before me this day of Let., 2010, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



CERTIFICATE OF SERVICE

On this 33 day of September 2010, I hereby certify that the attached Dismissal of Water Right, File No. 32,334, dated September 22, 2010 was mailed postage prepaid, first class, US mail to the following:

JOHN H STUTZMAN TRUST ATTN JOHN H STUTZMAN TRUSTEE 229 CHESTNUT STREET HALSTEAD KS 67056- 9314

With photocopies to:

NICHOLAS W WALKER 7725 SOUTH HERTZLER ROAD HALSTEAD KS 67056

Stafford Field Office Groundwater Management District No. 2 RECEIVED

SEP 28 2010

STAFFORD FIELD OFFICE DIVISION OF WATER RESOURCES

Division of Water Resources