

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Joshua Svaty, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS
AND
ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 47,422**

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 27, 2009, the Chief Engineer received an application to appropriate water for beneficial use, assigned File No. 47,422, proposing the appropriation of 15 acre-feet of water, to be diverted at a maximum rate of 800 gallons per minute, for irrigation use.
2. That in a letter dated July 12, 2010, the applicant requested to voluntarily withdraw the application, and the applicant requested that the application be dismissed and whatever priority it may have had to be forfeited.
3. That the application should be dismissed and its priority forfeited as requested by the applicant.

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. 47,422, is herewith dismissed and the priority assigned to it is considered to be forfeited.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

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STATE ENGINEER, DIVISION OF WATER RESOURCES

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Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, Fax: (785) 368-6668.

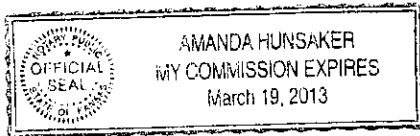
Dated at Topeka, Kansas, this 4th day of August, 2010.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Shawnee)

The foregoing instrument was acknowledged before me this 4th day of August, 2010, by Lane P. Letourneau, L.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Amanda Hunsaker

Notary Public

CERTIFICATE OF SERVICE

On this 4th day of August, 2010, I hereby certify that the attached Findings and Order, Application, File No. 47,422 dated August 4, 2010 was mailed postage prepaid, first class, US mail to the following:

STANLEY DIRKS
15523 SW 84TH ST
SEDGWICK KS 67135

True and correct copy to:
JOHN F AND ILEEN L WEBER
247 MAIN ST
HALSTEAD KS 67056

With photocopies to:

Stafford Field Office
Groundwater Management District No. 2

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STAFFORD FIELD OFFICE
DIVISION OF WATER RESOURCES

Amanda Hunsaker

Staff

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