## KANSAS DEPARTMENT OF AGRICULTURE

Adrian J. Polansky, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

## DISMISSAL OF VESTED RIGHT FILE NO. SG 090

This is to certify that on April 21, 2009, a voluntary request to dismiss Vested Right, File No. SG 090, was filed with the office of the Chief Engineer by the following water right owner(s):

MCCURRY BROTHERS
CECIL MCCURRY
P O BOX 398
MOUNT HOPE KS 67108

Per this request, 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 this request, and so orders the dismissal of Vested Right, File No. SG 090, and forfeiture of its priority. The dismissed file pertains to point(s) of diversion and place of use described as:

one (1) well located in the Northwest Quarter of the Southwest Quarter (NW½ SW½) of Section 1, Township 25 South, Range 3 West, Sedgwick County, Kansas, for recreational use at a reservoir located in the Northwest Quarter of the Southwest Quarter (NW½ SW½) of Section 1, Township 25 South, Range 1 West, Sedgwick County, Kansas.

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.

With dismissal of the water right, any future diversion of non-domestic water shall be unlawful and subject to the penalties under Kansas Law.

Dated at Topeka, Kansas, this 4th day of June, 2009.

Lane P. Letourneau, L.G.
Program Manager
Water Appropriation Program

Division of Water Resources
Kansas Department of Agriculture

State of Kansas

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County of Shawnee

The foregoing instrument was acknowledged before me this day of 2009, by Lane P. Letourneau, L.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Notary Public

## CERTIFICATE OF SERVICE

On this day of July , 2009, I hereby certify that the attached dismissal order, File No. SG 090, was mailed postage prepaid, first class, US Mail, to:

MCCURRY BROTHERS CECIL MCCURRY P O BOX 398 MOUNT HOPE KS 67108

staff Amanda Humlahu