

Kansas Department of Agriculture  
Division of Water Resources

~~CHANGE: P/D WORKSHEET~~

**FINDINGS & ORDER: DISMISSAL OF  
CHG APP**

1. File Number: <b>SC 088</b>	2. Status Change Date: <b>5/31/2022</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>01</b>
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request				7. Filing Date of Change: <b>4/26/2021</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>HIGH CHOICE ENTITIES DOUGLAS CLAUSSEN CEO 553 WEST ROAD 40 SCOTT CITY, KS 67871</b>		8c. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/>  <b>HIGH CHOICE FEEDERS LLC 553 WEST ROAD 40 SCOTT CITY, KS 67871</b>		8d. WUC New to system <input type="checkbox"/>  <b>8b</b>  Person ID <b>59593</b> Add Seq# _____		
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/22</b> <input type="checkbox"/> N & P Date to Comply: <b>12/31/22</b> <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: <b>4/8/2022</b> By: <b>LI</b> Date Entered: <b>6/1/2022</b> By: <b>LMoody</b>				

NO INFORMATION ON BACK

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**MEMORANDUM**

**TO:** Files

**DATE:** April 7, 2022

**FROM:** Leslie Ireland

**RE:** Vested Right, File No. SC 088

Ty Rumford on behalf of High Choice Feeders LLC, owner of the referenced file applied on April 26, 2021, to change the point of diversion authorized for irrigation use. The application for change the point of diversion appeared to request to return to an old well. As received the application did not clearly identify the location of the proposed well.

During the time frame of filing and review it appears there has been a change in management and on April 6, 2022, Doug Claussen, CFO, High Choice Entities, requested the application be dismissed.

Based on the above discussion, it is recommended that the application to change the point of diversion filed on April 26, 2021, for File No. SC 088 be dismissed by a Findings and Order.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

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 AN APPLICATION FOR APPROVAL  
TO CHANGE THE AUTHORIZED POINT OF DIVERSION  
UNDER  
VESTED RIGHT, FILE NO. SC 088**

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 March 4, 1955, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to Vested Right, File No. SC 088, for permit to appropriate water for irrigation use.
2. That on April 26, 2021, an Application for Approval to Change the Point of Diversion for the file described in paragraph No. 1 of these findings was received in the office of the Chief Engineer.
3. That by means of a written request received in the office of the Chief Engineer on April 6, 2022, Douglas Claussen, Chief Executive Officer, High Choice Entities, 553 West Road 40, Scott City, Kansas 67871, as an owner of the place of use authorized under the file described in paragraph No. 1, request the Application for Approval to Change the Point of Diversion, Vested Right, File No. SC 088 received on April 26, 2021, described in Finding No. 2 above be dismissed.

**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, the Application for Approval to Change the Point of Diversion Under an Existing Water Right, received in the Office of the Chief Engineer on April 26, 2021, under Vested Right, File No. SC 088, shall be dismissed and its priority forfeited.

(over)

In all other respects, the vested right order determining and establishing a vested right to continue the beneficial use of water, identified in the office of the Chief Engineer as Vested Right, File No. SC 088 is as stated and set forth in the vested right order executed by the Chief Engineer on March 4, 1955, remains as authorized.

Ordered this 31 day of May, 2022, at Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

Lane P. Letourneau, P.G.  
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 31 day of May, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Ashlee Freeman*  
\_\_\_\_\_  
Notary Public



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

June 6, 2022

HIGH CHOICE ENTITIES  
DOUGLAS CLAUSSEN CEO  
553 WEST ROAD 40  
SCOTT CITY, KS 67871

RE: Vested Right, File Nos. SC 088  
Findings and Order, Dismissal of Application for Change

Dear Mr. Claussen :

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismisses the *Application for Approval to Change the Point of Diversion* for File No. SC 088, received in our office on April 26, 2021, and requested to be dismissed via the *Voluntary Dismissal of an Application for Change* received on April 6, 2022.

The order dismissing the application for change does not need to be recorded with the register of deeds as no modification of the referenced file has been ordered by the Chief Engineer.

If you have any questions, please contact our office at (785) 564-6640. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:LI:li

Enclosures  
pc: Garden City Field Office  
Groundwater Management District No. 1



**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.

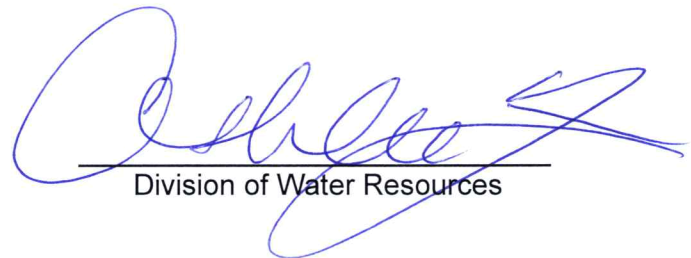
**CERTIFICATE OF SERVICE**

On this 6 day of June, 2022, I hereby certify that the foregoing Findings and Order in the Matter of the Dismissal of an Application for Approval to Change the Authorized Point of Diversion, under Vested Right, File No. SC 088, dated 25 May 2022, was mailed postage prepaid, first class, US mail to the following:

HIGH CHOICE ENTITIES  
DOUGLAS CLAUSSEN CEO  
553 WEST ROAD 40  
SCOTT CITY, KS 67871

With photocopies sent to:

Garden City Field Office  
Groundwater Management District No. 1

  
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Division of Water Resources