

Kansas Department of Agriculture  
Division of Water Resources  
**CLOSURE OF NEW APPLICATION WORKSHEET**

1. File Number: <b style="font-size: 1.2em;">50,366</b>	2. Status Change Date: <b style="font-size: 1.2em; color: purple;">4/28/2021</b>	3. Field Office: <b style="font-size: 1.2em;">02</b>	4. GMD:
--	---	---	---------

5. Status:     Approved                   Denied by DWR/GMD                   Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve     N of C Form     Water Tube     Driller Copy     Meter

7a. Applicant(s)    Person ID **22766**  
New to system     Add Seq# \_\_\_\_\_

**KENT KOSTER**  
**RT 1 BOX 275**  
**CHENEY, KS 67025**

7b. Landowner(s)    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

**7A**

7c. Landowner(s)    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

7d. Misc    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

8. WUR Correspondent    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_  
Overlap File (s) WUC    Notarized WUC Form   
Agree  Yes  No

**7a**

9. Use of Water:    Changing?     Yes     No

Groundwater     Surface Water

IRR     REC     DEW     MUN

STK     SED     DOM     CON

HYD DRG     WTR PWR     ART RECHRG

IND    SIC: \_\_\_\_\_     OTHER: \_\_\_\_\_

10. Completion Date: \_\_\_\_\_    11. Perfection Date: \_\_\_\_\_    12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No    Date to Comply: \_\_\_\_\_    Date WLMD Installed: \_\_\_\_\_

Date Prepared: **3/9/21**    By: **BMM**  
Date Entered: **5/3/2021**    By: **LMoody**

File No. **50366**      15. Formation Code:      Drainage Basin: **N.F. Ninescah River**      County: **SG**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity						
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
												Rate gpm	Quantity af	Rate gpm	Quantity af	
<del>CHK</del>				<b>88002</b>	<b>NE</b>	<b>4</b>	<b>28S</b>	<b>4W</b>	<b>10</b>	<b>3960</b>	<b>1320</b>	<b>500</b>	<b>179</b>			<b>NA</b>
<del>DEL</del>																

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No      To be installed by \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T	MOD	DEL	ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
<del>CHK</del>				<b>69888</b>	<b>4</b>	<b>28S</b>	<b>4W</b>	<b>3</b>		<b>28</b>	<b>39</b>	<b>33</b>	<b>38</b>													<b>138</b>	<b>7a</b>	<b>N</b>	<b>NA</b>				
<del>DEL</del>																																	

Comments: **Dismissal for failure to locate wells**



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

**M E M O R A N D U M**

**TO:** Files

**DATE:** March 9, 2021

**FROM:** Brandon Milner

**RE:** Application, File No. 50366

Kent Koster filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on March 27, 2020. The application was returned to the applicant on January 15, 2021 providing 60 days to locate the point of diversion, provide additional information, and return the application by a March 15, 2021.

The application has not been returned with locations identified by the March 15, 2021 deadline. Therefore, it is recommended that the application be dismissed.

Brandon Milner  
Environmental Scientist  
New Applications Unit

# 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 APPLICATION FILE NO. 50,366**

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 27, 2020, the Chief Engineer received an application from Kent Koster for a permit to appropriate groundwater for beneficial use, assigned File No. 50,366, proposing the appropriation of 179 acre-feet of water, at a maximum requested diversion rate of 500 gallons per minute, for irrigational use. The applicant requested 60 days to locate the specific point of diversion within the Northeast Quarter of Section 4, Township 28 South, Range 4 West, Sedgwick County, Kansas.
2. That on January 15, 2021, the original application was returned to the applicant, with a cover letter requesting that additional information be submitted in order to complete the application. The applicant was provided a deadline of March 15, 2021, the time in which to provide the requested information and return the application. The applicant was informed that the application would be dismissed if it was not returned by the deadline, or within any authorized extension of time.
3. That a reminder letter was sent to the applicant on February 15, 2021 once again stating the March 15, 2021 date that the original application was required to be returned as a final deadline.
4. That the original application was not returned by the March 15, 2021 deadline.
5. That the application should be dismissed and its priority forfeited as provided by K.S.A. 82a-710, for failure to return the application.

**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. 50,366, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *28* day of *April*, 2021, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

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 *28* day of *April*, 2021, 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

May 6, 2021

KENT KOSTER  
RT 1 BOX 275  
CHENEY, KS 67025

Re: Application, File No. 50,366

Dear Mr. Koster:

The referenced application was returned to you on January 15, 2021. Enclosed is the Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,366, for failure to return the original application and provide the requested information, prior to the deadline of March 15, 2021.

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 set forth in the enclosed order.

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,

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

Kristen Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB: bmm:li

Enclosures

pc: Stafford Field Office

**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.

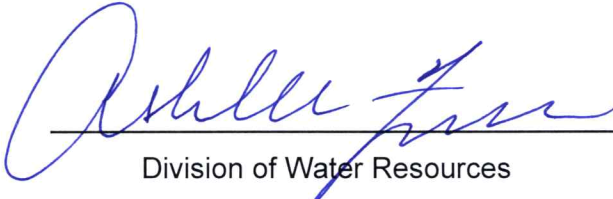
**CERTIFICATE OF SERVICE**

On this 6 day of may, 2021, I hereby certify that the foregoing Dismissal of Application, File No. 50,366, dated 29 April, 2021, was mailed postage prepaid, first class, US mail to the following:

KENT KOSTER  
RT 1 BOX 275  
CHENEY, KS 67025

With photocopies to:

Stafford Field Office

  
Division of Water Resources