



File No. **50,502**      15. Formation Code:      Drainage Basin: **N F Ninnescah River**      County: **RN**      Special Use:      Stream:

16. Points of Diversion									
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	
<b>DEL</b>	<b>88545</b>	<b>SW SW NW</b>	<b>23</b>	<b>26S</b>	<b>7W</b>	<b>1</b>	<b>3950</b>	<b>3960</b>	

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>1200</b>	<b>98</b>	<b>1200</b>	<b>98</b>	<b>NONE</b>

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																		Total	Owner	Chg? <b>NO</b>	Overlap Files											
										NE¼				NW¼				SW¼				SE¼										
MOD	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											
<b>DEL</b>	<b>70227</b>	<b>23</b>	<b>26S</b>	<b>7W</b>	<b>4</b>																	<b>37.0</b>	<b>38.0</b>					<b>74.00</b>	<b>7a</b>	<b>NO</b>	<b>NONE</b>	

Comments:

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

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

**TO:** Files

**DATE:** September 12, 2022

**FROM:** Jessica Engelbrecht

**RE:** Application, File Nos. 50,502

John E Yoder has filed the referenced application to appropriate groundwater from one well for irrigation use on 74 acres of ground. The point of diversion and place of use are located in the ~~Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>)~~ of Section 36, Township 23 South, Range 7 West, Reno County, Kansas. **Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>)**

The application was reviewed by the Groundwater Management District No. 2 and denied based on K.A.R. 5-22-2(d)(2)(A) for failure to meet spacing criteria to nearby non-domestic wells. The proposed point of diversion would be located in the enhanced well spacing area, which requires a proposed non-domestic well with a rate diversion exceeding 400 gallons per minute to be located a minimum of 2,640 feet from senior non-domestic well(s).

The applicant was given a 30-day deadline to respond to the District review in a letter dated May 20, 2022. The applicant was sent an additional letter from the Division of Water Resources outlining the denial from the District and instructed to respond by the deadline of June 24, 2022. No further correspondence has been received from the applicant by the DWR stated deadline.

Therefore, based on the denial from Groundwater Management District No. 2 Application, File No. 50,502 will be dismissed.

# 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. 50,502**

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 January 06, 2021, the Chief Engineer received an application from John A Yoder for a permit to appropriate water for beneficial use, assigned File No. 50,502, proposing the appropriation of 98 acre-feet of groundwater for irrigation use. The application proposed one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 23, more particularly described as being near a point 3,950 feet North and 3,960 feet West of the Southeast corner of said section, in Township 26 South, Range 7 West, Reno County, Kansas.
2. That on April 4, 2022, a copy of the application was submitted to Groundwater Management District No. 2. Groundwater Management District No. 2 recommended denial of the application in a letter received on May 18, 2022. In the letter Groundwater Management District No. 2 recommended denial of the application based on K.A.R. 5-22-2(d)(2)(A) for failure to meet spacing to nearby non-domestic wells.
3. That on May 20, 2022, a letter was sent to the applicant from the Division of Water Resources informing the applicant of the District's recommendation for denial and giving the applicant a deadline of June 24, 2022 to appeal the District's decision.
4. That no response of any kind has been received from the applicant for this application as of this date.

**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. 50,502, is hereby dismissed and the priority assigned to it is considered to be forfeited.

ORDERED this 27 day of September, 2022, 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 27 day of September, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Ashlee Freeman*  
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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

JOHN A YODER  
7002 W MILLS AVE  
HUTCHINSON, KS 67501

October 5, 2022

RE: Application, File No. 50,502

Dear Sir or Madam:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,502 for failure to meet spacing criteria to nearby non-domestic wells.

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.

**Petition for Review.** The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-71 1(c) and K.S.A. 82a-1 90 1(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, 1320 Research Park Dr, Manhattan, KS 66506.

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,

Kristen A. Baum  
New Applications and Changes Supervisor  
Division of Water Resources

KAB: jne  
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 5 day of October, 2022, I hereby certify that the attached Dismissal of Application, File No. 50,502, dated 21 September, 2022, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:  
JOHN A YODER  
7002 W MILLS AVE  
HUTCHINSON, KS 67501

Photocopy to:  
Stafford Field Office

Groundwater Management District No. 2

  
\_\_\_\_\_  
DWR Staff