

File No. **50,564** 15. Formation Code: Drainage Basin: **Little Ark** County: **MP** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
T	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
ENT											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
CHK			88740	NE	17	21S	1W	2	3969	1320	900	100			NA
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																		Total	Owner	Chg? NO	Overlap Files								
T	MOD	DEL	ENT	PUSE	S	T	R	ID		NE¼				NW¼				SW¼				SE¼							
										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			ENT	70351	17	21S	1W	1				19	19													38	7a, 7b	N	NO
DEL			ENT	70352	17	21S	1W	2				19	20													39	7a, 7b	N	NO

Comments: **FAILURE TO SUPPLY A WELL LOCATION**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 9, 2021

FROM: Brandon Milner

RE: Application, File No. 50,564

TJS Farms filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on April 2, 2021. The application was returned to the applicant on April 5, 2021 providing 60 days to locate the point of diversion, provide additional information, and return the application by a June 5, 2021 deadline. The applicant was given an extension of time on June 1, 2021 giving the applicant until April 5, 2021 to return the application.

The application has not been returned with locations identified by the August 5, 2021 deadline. Therefore, it is recommended that the application be dismissed.

Brandon Milner
Environmental Scientist
New Applications Unit

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L/DWR

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. 50,564

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 April 2, 2021, the Chief Engineer received an application from TJS Farms for a permit to appropriate groundwater for beneficial use, assigned File No. 50,564, proposing the appropriation of 100 acre-feet of water, at a maximum requested diversion rate of 900 gallons per minute, for irrigation use. The applicant requested 60 days to locate the specific point of diversion within the Northeast Quarter of Section 17, Township 21 South, Range 1 West, McPherson County, Kansas.
2. That on April 5, 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 June 5, 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 the applicant requested an extension on June 1, 2021 and was provided an extension of time with the new deadline being August 5, 2021. *
4. That a reminder letter was sent to the applicant on July 5, 2021, once again stating the August 5, 2021 date that the original application was required to be returned.
5. That the original application was not returned by the August 5, 2021 deadline.
6. That the application should be dismissed and its priority forfeited as provided by K.S.A. 82a-710

ORDER

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LI/DWR

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

TJS FARMS LLC
37 17TH AVE
MOUNDRIDGE, KS 67107

Re: Application, File No. 50,564

Dear Whom it may concern:

The referenced application was returned to you on April 5, 2021. Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,564, for failure to return the original application and provide the requested information, prior to the deadline of August 5, 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 orders.

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 Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: bmm
Enclosures
pc: Stafford Field Office

TYLER STUCKY
11087 108TH ST
MOUNDRIDGE, KS 67107

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. 50,564

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 April 2, 2021, the Chief Engineer received an application from TJS Farms for a permit to appropriate groundwater for beneficial use, assigned File No. 50,564, proposing the appropriation of 100 acre-feet of water, at a maximum requested diversion rate of 900 gallons per minute, for irrigation use. The applicant requested 60 days to locate the specific point of diversion within the Northeast Quarter of Section 17, Township 21 South, Range 1 West, McPherson County, Kansas.
2. That on April 5, 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 June 5, 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 the applicant requested an extension on June 1, 2021 and was provided an extension of time with the new deadline being August 5, 2021.
4. That a reminder letter was sent to the applicant on July 6, 2021, stating the August 5, 2021, date that the original application was required to be returned.
5. That the original application was not returned by the August 5, 2021 deadline, and no request for additional time has been received.
6. That the application should be dismissed and its priority forfeited as provided by K.S.A. 82a-710

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. 50,459, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *10* day of *January*, 2022, 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 *10* day of *January*, 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

January 11, 2022

TJS FARMS LLC
JOSH STUCKY
37 17TH AVE
MOUNDRIDGE, KS 67107

Re: Application, File No. 50,564

Dear Mr. Stucky:

The referenced application was returned to you on April 5, 2021, for additional information. Enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,564, for failure to return the original application and provide the requested information, prior to the deadline of August 5, 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 orders.

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".

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: bmm:li

Enclosures

pc: Stafford Field Office

TYLER STUCKY
11087 108TH ST
MOUNDRIDGE, KS 67107

**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

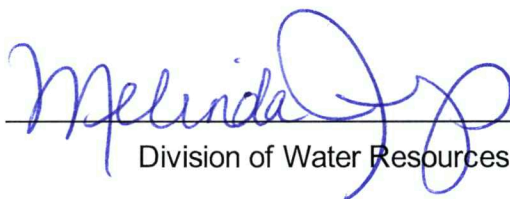
On this 11 day of January, 2022, I hereby certify that the foregoing Dismissal of Application, File No. 50,564, dated 10 January, 2022, was mailed postage prepaid, first class, US mail to the following:

TJS FARMS LLC
37 17TH AVE
MOUNDRIDGE, KS 67107

With photocopies to:

TYLER STUCKY
11087 108TH ST
MOUNDRIDGE, KS 67107

Stafford Field Office


Division of Water Resources