

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

| | | | |
|---|------------------------|--|---------|
| 1. File Number: <p style="text-align: center; font-size: 1.2em;">50,743</p> | 2. Status Change Date: | 3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</p> | 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 68223 _____
New to system Add Seq# _____

DD-CO LLC
Attn: SCOTT DOORNBOS
520 S ROCK CLIFF RD
PONCA CITY, OK 74604-7201

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: **10/10/22** By: **BMM**
Date Entered: 12/2/2022 By: **L Moody**

File No. **50743** 15. Formation Code: Drainage Basin: Arkansas River County: CL Special Use: Stream:

| 16. Points of Diversion | | | | | | | | | | 17. Rate and Quantity | | | | | |
|-------------------------|------------|-----|------|-----------|-----------|------------|-----------|----------|-------------|-----------------------|------------|--------------|------------|-------------|------------------|
| MOD | DEL | ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Authorized | | Additional | | |
| | | | | | | | | | | | Rate gpm | Quantity af | Rate gpm | Quantity af | Overlap PD Files |
| CHK | DEL | | | SE | 28 | 33S | 3E | 1 | 1320 | 1320 | 800 | 223.2 | | | NA |
| | | | | | | | | | | | | | | | |
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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 |
|------------------|------------|-----|------|-----------|------------|-----------|----------|------|------|----------|-----------|------|------|------|------|------|------|------|------|-----------|-----------|-----------|-----------|------------|-----------|----------|-----------|---------|---------------|
| 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 | | | | | | |
| CHK | DEL | | | 28 | 33S | 3E | 1 | | | 6 | 25 | | | | | | | | | 40 | 35 | 40 | 40 | 186 | 7a | N | NA | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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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: October 10, 2022

FROM: Brandon Milner

RE: Application, File No. 50,743

DD-CO LLC filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on March 11, 2022. The application was returned to the applicant on March 21, 2021, providing 60 days to locate the point of diversion, provide additional information, and return the application by a May 21, 2022 deadline. Multiple extensions were given with the latest being for September 21, 2022.

The application has not been returned with locations identified by the September 21, 2022, 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. 50,743

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 11, 2022, the Chief Engineer received an application from DD-CO LLC for a permit to appropriate groundwater for beneficial use, assigned File No. 50,743, proposing the appropriation of 223.2 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use.
2. That the applicant requested 60 days to locate the specific point of diversion within the Southeast Quarter (SE $\frac{1}{4}$) of Section 28, Township 33 South, Range 3 East, Cowley County, Kansas.
3. That on March 21, 2022, the incomplete application was returned to the applicant, with a cover letter stating that additional information must be submitted in order to complete the application. The applicant was provided a deadline of May 21, 2022, 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.
4. That the applicant requested and was granted multiple extensions of time, with the last extension allowing until September 21, 2022, for return of the application with the required information.
5. That electronic correspondence received in the office of the Chief Engineer on October 17, 2022, indicated that all plans to proceed with the pending application had been abandoned and that the application should be dismissed.
6. That since the application was not returned by the September 21, 2022, deadline, it 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. 50,743, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 23 day of November, 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 23 day of November, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

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

December 5, 2022

DD-CO LLC
ATTN: SCOTT DOORNBOS
520 S ROCK CLIFF RD
PONCA CITY OK 74604-7201

Re: Application, File Nos. 50,739, 50740, 50,742 and 50,743

Dear Mr. Doornbos:

The referenced applications were accepted for filing on March 11, 2022, with the condition that you would provide detailed well locations within 60 days. The applications were returned to you on March 21, 2022, for additional information, including specific well locations. Although multiple extensions of time have been granted, the applications have not been returned with the required information within the time allowed.

Enclosed are Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing the applications for failure to return the applications with the required information, prior to the deadline of September 21, 2022.

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

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:bmm
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.

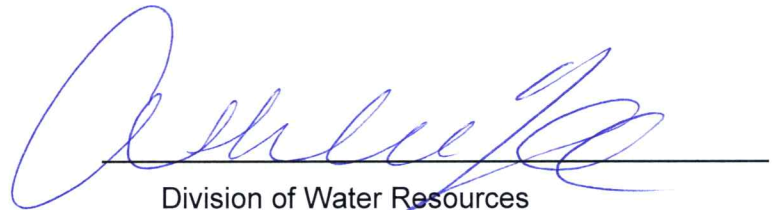
CERTIFICATE OF SERVICE

On this 5 day of December, 2022, I hereby certify that the foregoing Dismissal of Application, File No. 50,743, dated 23 November 2022 was mailed postage prepaid, first class, US mail to the following:

DD-CO LLC
ATTN: SCOTT DOORNBOS
520 S ROCK CLIFF RD
PONCA CITY, OK 74604-7201

With photocopies to:

Stafford Field Office



Division of Water Resources