

File No. **50753** Priority Date: County: **EW** Basin: **SMOKY HILL RIVER** Stream: Formation Code:

11. Points of Diversion Rate and Quantity
 NC G S
 MOD Authorized Additional
 DEL PDIV Rate Quantity Rate Quantity
 ENT Qualifier S T R CIN 'N 'W Comment gpm AF gpm AF Overlap PD Files

DEL 89389 NE NE NE 24 17S 9W 2 4743 74

12. Storage: Rate _____ NF Quantity _____ AF Additional Rate _____ NF Additional Quantity _____ AF

13. Limitation: _____ AF mgy at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ AF mgy at _____ gpm (_____ cfs) when combined with file number(s) _____

14. Place of Use NC MOD DEL ENT	PUSE	S	T	R	CIN	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap PU Files
						NE ¼	NW ¼	SW ¼	SE ¼																
DEL 58732	24	17S	9W	2																			5b		none

15. Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 8, 2022

FROM: Kris Neuhauser

RE: New Application,
File Nos. 50,709 & 50,753

Colten Deutsch filed the above referenced applications to appropriate 208 acre-feet and 195 acre-feet of groundwater for irrigation use. The points of diversion are (50,709) one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 21, Township 17 South, Range 8 West, and (50,753) one (1) well located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 24, Township 17 South, Range 9 West, both in Ellsworth County Kansas.

After correspondence with Mr. Deutsch, it was determined that File Nos. 50,709 and 50,753 will be dismissed, contingent upon approval of File No. 50,733. Mr. Deutsch submitted a properly signed and notarized voluntary dismissal via email on November 8, 2022.

Based on the above discussion, and that the applicant has submitted a voluntary dismissal form, it is recommended that the referenced applications be dismissed.



Kris Neuhauser
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

DISMISSAL OF APPROPRIATION OF WATER
FILE NO. 50,753

This is to certify that on November 8, 2022, a voluntary request to dismiss Appropriation of Water, File No. 50,753, was filed with the office of the Chief Engineer by the following permit holder(s):

COLTEN DEUTSCH
785 N AVENUE
CHASE, KS 67524

Per this request, those above have agreed to waive any and all rights that they might have to a hearing pursuant to K.S.A. 82a-718 or any other applicable statute.

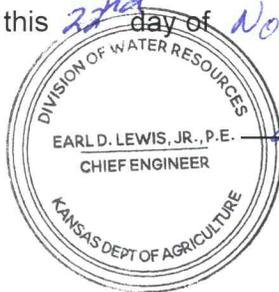
ORDER

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, acknowledges this request, and so orders the dismissal of Appropriation of Water, File No. 50,753, and forfeiture of its priority. The dismissed file pertains to the point of diversion and placeof use described as:

one (1) well located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4 NE 1/4) of Section 24, more particularly described as being near a point 4,743 feet North and 74 feet West of the Southeast corner of said section, in Township 17 South, Range 9 West, Ellsworth County, Kansas for irrigation use on 150 acres in the Southeast Quarter (SE 1/4) of Section 24, Township 17 South, Range 9 West, Ellsworth County, Kansas.

Any further diversion of water pursuant to the conditions and terms of the dismissed file shall be unlawful and subject to the penalties of K.S.A. 82a-728 and K.S.A. 82a-737.

Dated at Manhattan, Kansas, this 22nd day of November, 2022.



Earl D. Lewis, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 22 day of November, 2022, by Earl D. Lewis, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public
My Appointment Expires
April 7, 2025

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

November 23, 2022

COLTEN DEUTSCH
785 N AVENUE
CHASE, KS 67524

RE: Dismissal of Appropriation of Water, File Nos. 50,709 & 50,753

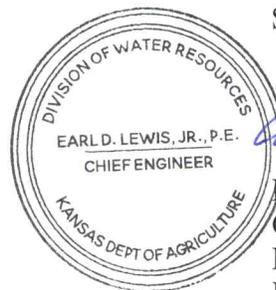
Dear Sir or Madam:

There is enclosed Orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Appropriation of Water, File Nos. 50,709 and 50,753 as requested in the "Voluntary Waiver of Hearing & Dismissal of Water Right" form received in the office of the Chief Engineer on November 8, 2022. According to State Law (K.S.A. 82a-718), a hearing must be held before any appropriation right is declared abandoned. The voluntary dismissal of Appropriation of Water, File Nos. 50,709 and 50,753 form, signed by you, is considered a waiver of any such hearing. Therefore, these appropriation rights are dismissed as of the date of the enclosed orders.

This order is a final agency action. If you choose to appeal this decision of any finding or part thereof, you must do so by filing a petition for review in the manner described in the enclosed orders.

Thank you for your consideration in this matter. 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,



Earl D. Lewis, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

EDL: kjn
enclosures

pc: Stafford Field Office
Mollhagen Inc.

RIGHT TO PETITION FOR REVIEW UNDER THE KANSAS JUDICIAL REVIEW ACT

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 prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777 , is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

CERTIFICATE OF SERVICE

On this 23 day of November, 2022, I hereby certify that the attached Dismissals of Appropriation of Water, File No. 50,709 and 50,753, dated 22 November 2022, was mailed postage prepaid, first class, US mail to the following:

MOLLHAGEN INC
2445 10TH RD
LORRAINE, KS 67459

With Photocopies to:

Stafford Field Office



Division of Water Resources