

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;">51046</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">10/17/2023</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</p>	4. GMD:
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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

<p>7a. Applicant(s) Person ID 69029 _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p style="text-align: center; font-weight: bold; font-size: 1.1em;">DENNIS HOUGHTON TRUST 904 VERANDA CT MCPHERSON, KS 67460</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p style="font-weight: bold; font-size: 1.1em;">7a</p>	<p>7d. Misc Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="font-weight: bold; font-size: 1.1em;">7a</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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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: 10/11/23	By: BMM
Date Reviewed: 10/12/2023	By: KAK
Date Entered:	By: 10/18/2023 L Moody

File No. **51046** 15. Formation Code: Drainage Basin: Little Ark River County: MP Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W			Authorized		Additional		
DEL											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL	90373	SW	2	20S	1W	3	1320	3960			800	78			NA

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	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	71413	2	20S	1W	3									20	40									60	7A	N	NA						

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 11, 2023

FROM: Brandon Milner

RE: Application, File No. 51,046

Dennis Houghton filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on May 30th, 2023. The application was returned to the applicant on June 8th, 2023, providing 60 days to locate the point of diversion, provide additional information, and return the application by August 9th, 2023 deadline. The applicant was given one extension with a final date of October 9th, 2023.

The application has not been returned with locations identified by the October 9th, 2023, 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. 51,046

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 May 30, 2023, the Chief Engineer received an application from Dennis Houghton, for a permit to appropriate groundwater for beneficial use, assigned File No. 51,046, proposing the appropriation of 78 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use.
2. That in accordance with K.A.R. 5-3-1, the application was accepted for filing provided the applicant supply a more specific location for the proposed point of diversion within the nominal legal quarter-section in the Southwest Quarter (SW $\frac{1}{4}$) of Section 2, Township 20 South, Range 5 West, McPherson County, Kansas within 60 days.
3. That on June 8, 2023, a letter was mailed to the applicant detailing the additional information which must be submitted in order to complete the application, including the specific well location, allowing the applicant until August 9, 2023, in which to provide the required information, and stating that the application would be dismissed if it was not submitted by that deadline, or within any authorized extension of time.
4. That the applicant requested and was provided an extension of time to submit the required information, with the latest deadline of October 9, 2023.
5. That on October 10, 2023, the tenant indicated on behalf of the applicant that all plans to proceed with the proposed appropriation had been abandoned.
6. That the required information was not submitted by the October 9, 2023, deadline, nor did the applicant request an extension of time in which to do so.
7. That the incomplete application should be dismissed and its priority forfeited in accordance with 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. 51,046, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *17* day of *October*, 2023, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

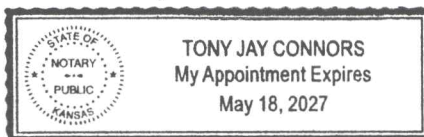
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *17* day of *October*, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors

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

October 19, 2023

DENNIS HOUGHTON TRUST
904 VERANDA CT
MCPHERSON KS 67460

Re: Dismissal of Application
File No. 51,046

Dear Sir or Madam:

A letter was mailed to you on June 8, 2023 requesting additional information to complete the above referenced Application to Appropriate Water for Beneficial Use. Enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 51,046, for failure to provide the required information, prior to the deadline of October 9, 2023.

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 documents.

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 Baum". The signature is written in a cursive style.

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:kak: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 19 day of October, 2023, I hereby certify that the foregoing Dismissal of Application, File No. 51,046, dated October 17, 2023, was mailed postage prepaid, first class, US mail to the following:

DENNIS HOUGHTON TRUST
904 VERANDA CT
MCPHERSON KS 67460

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources