

# FINDINGS & ORDER

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

1. File Number: <p style="text-align: center;"><b>50,452</b></p>	2. Status Change Date: <p style="text-align: center;"><b>6/28/2021</b></p>	3. Field Office: <p style="text-align: center;"><b>03</b></p>	4. GMD:
5. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> <u>Dismiss by Request</u> Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/>  <b>BETHANY HOME ASSOC 321 N CHESTNUT ST LINDSBORG, KS 67456</b>  7b. Landowner(s) New to system <input type="checkbox"/>	Person ID <b>64214</b> Add Seq# _____	7c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No <b>7a</b>	Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/>	9. Use of Water:    Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND    SIC: _____ <input type="checkbox"/> OTHER: _____	
10. Completion Date: _____    11. Perfection Date: _____    12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    Date Required: _____    Date Approved: _____    Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    Date to Comply: _____    Date WLMD Installed: _____			
Date Prepared: <b>4/28/21</b> By: <b>BM</b> Date Entered: <span style="border: 1px solid blue; padding: 2px;">6/29/2021</span> By: <span style="border: 1px solid blue; padding: 2px;">LMoody</span>			

6/22/2021  
L'Ireland

File No. **50452**      15. Formation Code:      Drainage Basin: **Smoky Hill River**      County: **MP**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity						
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
												Rate gpm	Quantity af	Rate gpm	Quantity af	
<del>CHK</del>				<b>88427</b>	<b>SE SW SW</b>	<b>9</b>	<b>17S</b>	<b>3W</b>	<b>5</b>	<b>540</b>	<b>4610</b>	<b>80</b>	<b>10</b>			<b>NA</b>
<del>DEL</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										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T	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								
<del>ENT</del>				<b>70134</b>	<b>9</b>	<b>17S</b>	<b>3W</b>	<b>8</b>																									
<del>DEL</del>																																	

Comments:



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

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

**TO:** Files

**DATE:** April 28, 2021

**FROM:** Brandon Milner

**RE:** Application, File No. 50,452

The Bethany Home Association had filed the above referenced application to appropriate groundwater for beneficial use on October 5, 2020.

A voluntary dismissal of an application for permit to appropriate water was received on March 29, 2021.

Based on the voluntary dismissal received by the applicant, it is recommended that the file be dismissed.

Brandon Milner  
Environmental Scientist  
New Applications Unit

**VOLUNTARY DISMISSAL OF AN  
APPLICATION FOR PERMIT TO APPROPRIATE WATER**

To: Chief Engineer  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Application,  
File No. \_\_\_\_\_

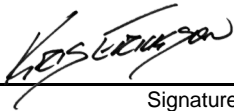
Date: \_\_\_\_\_

The undersigned applicant(s) of the above referenced application freely and voluntarily request that the application be dismissed and its priority forfeited.

The signature(s) below indicate a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced application. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this application and forfeit any priority associated with it forever.

Check the following if applicable:

Processing this dismissal is contingent upon approval of: \_\_\_\_\_  
New or Change Application, etc., include File No.



\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
DWR Initials

03/29/2021

Water Resources  
Received

**VOLUNTARY DISMISSAL OF AN  
APPLICATION FOR PERMIT TO APPROPRIATE WATER**

KS Dept Of Agriculture

To: Chief Engineer  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Application,  
File No. \_\_\_\_\_

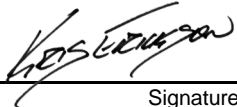
Date: \_\_\_\_\_

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Check the following if applicable:

Processing this dismissal is contingent upon approval of: \_\_\_\_\_  
New or Change Application, etc., include File No.



\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
DWR Initials

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 NEW APPLICATION
FILE NO. 50,452

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 October 5, 2020, a new application for a permit to appropriate water for beneficial use was received in the office of the Chief Engineer and assigned File No. 50,452.
2. That on March 15, 2021 the applicant requested that Application No. 50,452 be voluntary dismissed via electronic mail.
3. That a voluntary dismissal of an application for permit to appropriate water form was signed and returned to the Manhattan Office on March 29, 2021.
4. That New Application File No. 50,452 should be dismissed and its priority forfeited as requested.

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. 50,452, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 28 day of June, 2021, in Manhattan, Riley County, Kansas.

[Signature of 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 28 day of June, 2021, by Lane P. Letourneau, P.G. Program Manager, Division of Water Resources, Kansas Department of Agriculture



[Signature of 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

June 30, 2021

BETHANY HOME ASSOC  
KRIS ERICKSON CEO  
321 N CHESTNUT ST  
LINDSBORG, KS 67456

Re: Application, File No. 50,452

Dear Mr. Erickson:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing the application to appropriate water for beneficial use application as requested in the voluntary dismissal form received on March 29, 2021.

This order shall become final agency action without further notice to the parties, if a request for hearing or a petition for administrative review is not filed in a manner set forth in the enclosed order.

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 Application Unit Supervisor  
Water Appropriation Program

KAB:bmm:li

Enclosures

pc: Stockton 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.

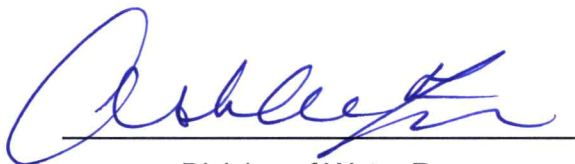
**CERTIFICATE OF SERVICE**

On this 30 day of June, 2021, I hereby certify that the foregoing Dismissal of New Application, File No. 50,452, dated 28 June 2021 was mailed postage prepaid, first class, US mail to the following:

BETHANY HOME ASSOC  
321 N CHESTNUT ST  
LINDSBORG, KS 67456

With photocopies to:

Stockton Field Office



Division of Water Resources