



File No. **50943**      15. Formation Code:      Drainage Basin: N.F. Solomon River      County: NT      Special Use:      Stream:

16. Points of Diversion

T  
MOD  
DEL      PDIV  
ENT      Qualifier      S      T      R      ID      'N      'W

|            |              |           |          |           |            |          |             |             |
|------------|--------------|-----------|----------|-----------|------------|----------|-------------|-------------|
| <b>DEL</b> | <b>90000</b> | <b>SE</b> | <b>6</b> | <b>5S</b> | <b>22W</b> | <b>1</b> | <b>1320</b> | <b>1320</b> |
|            |              |           |          |           |            |          |             |             |
|            |              |           |          |           |            |          |             |             |
|            |              |           |          |           |            |          |             |             |
|            |              |           |          |           |            |          |             |             |
|            |              |           |          |           |            |          |             |             |

17. Rate and Quantity

| Authorized |             | Additional |             | Overlap PD Files |
|------------|-------------|------------|-------------|------------------|
| Rate gpm   | Quantity af | Rate gpm   | Quantity af |                  |
|            |             |            |             |                  |
|            |             |            |             |                  |
|            |             |            |             |                  |
|            |             |            |             |                  |
|            |             |            |             |                  |
|            |             |            |             |                  |

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

T  
MOD  
DEL  
ENT      PUSE      S      T      R      ID

|                                 | NE¼  |      |      |      | NW¼  |      |      |      | SW¼  |      |      |      | SE¼  |      |      |      | Total        | Owner        | Chg? NO      | Overlap Files |            |           |          |           |  |
|---------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------------|--------------|--------------|---------------|------------|-----------|----------|-----------|--|
|                                 | 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 |              |              |              |               |            |           |          |           |  |
| <b>del 71192 6 - 5s - 22w 1</b> |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | <b>31.25</b> | <b>31.25</b> | <b>31.25</b> | <b>31.25</b>  | <b>125</b> | <b>7A</b> | <b>N</b> | <b>NA</b> |  |
|                                 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |              |              |              |               |            |           |          |           |  |
|                                 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |              |              |              |               |            |           |          |           |  |

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 2, 2023

**FROM:** Brandon Milner

**RE:** Application, File No. 50,943

Joe Sproul filed the above referenced application to appropriate groundwater for irrigational use and requested 60 days to locate the point of diversion on January 18<sup>th</sup>, 2023. The application was returned to the applicant on January 23, 2023, providing 60 days to locate the point of diversion, provide additional information, and return the application by March 23, 2023 deadline. The applicant was given multiple extensions with the latest being September 23, 2023.

The application has not been returned with locations identified by the September 23, 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. 50,943**

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 January 18, 2023, the Chief Engineer received an application from Joe Sproul, for a permit to appropriate groundwater for beneficial use, assigned File No. 50,943, proposing the appropriation of 187.5 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 Southeast Quarter (SE¼) of Section 6, Township 5 South, Range 22 West, Norton County, Kansas, within 60 days.
3. That on January 23, 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, and giving the applicant until March 23, 2023, in which to provide the required information, and 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 extensions of time to submit the required information, with the latest deadline of September 23, 2023.
5. That the required information was not submitted by the September 23, 2023, deadline, nor did the applicant request an extension of time in which to do so.
6. 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. 50,943, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this **10** day of **October**, 2023, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

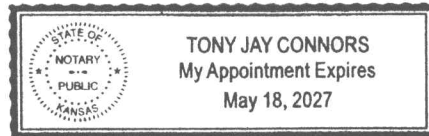
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this **10** day of **October**, 2023, by Lane P. Letourneau, P.G., 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 27, 2023

JOE SPROUL  
24496 ROAD E3  
EDMOND KS 67645-9788

Re: Dismissal of Application  
File No. 50,943

Dear Mr. Sproul:

A letter was mailed to you on January 23, 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. 50,943, for failure to provide the required information, prior to the deadline of September 23, 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 fluid and cursive.

Kristen Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:kak:bmm

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 27 day of October, 2023, I hereby certify that the foregoing Dismissal of Application, File No. 50,943, dated October 10, 2023, was mailed postage prepaid, first class, US mail to the following:

JOE SPROUL  
24496 ROAD E3  
EDMOND KS 67645-9788

With photocopies to:

KDA-DWR Stockton Field Office

  
\_\_\_\_\_  
Division of Water Resources