

FINDINGS & ORDER

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

1. File Number: 50470	2. Status Change Date: 5/6/2021	3. Field Office: 01	4. GMD: 0
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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

7a. Applicant(s) New to system Person ID **66783**
Add Seq# _____

CAREY INDUSTRIAL INC
6225 KANSAS AVE
KANSAS CITY, KS 66111

7b. Landowner(s) New to system Person ID _____
Add Seq# _____

7A

7c. Landowner(s) New to system Person ID _____
Add Seq# _____

7d. Misc New to system Person ID _____
Add Seq# _____

8. WUR Correspondent New to system Person ID _____
Overlap File (s) WUC Add Seq# _____
Agree Yes No Notarized WUC Form

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: **2499** 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: **1/28/21** By: **BM**
Date Entered: **5/10/2021** By: **LMoody**

4/22/2021
Lireland

File No. **50470** 15. Formation Code: Drainage Basin: **Missouri River** County: **JO** 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		
												Rate gpm	Quantity mgy	Rate gpm	Quantity af	Overlap PD Files
CHK				88478	SE 10	7	15S	25E	1	1320	1320	500	9.776			NA
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																		Owner	Chg? NO	Overlap Files								
T	MOD	DEL	ENT	PUSE	S	T	R	ID		NE¼				NW¼				SW¼				SE¼				Total		
										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			
ENT				70171	7	15S	25E	1		Wood Mulch Facility in 7-15S-25E																7a	N	NO
DEL																												

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 28, 2021

FROM: Brandon Milner

RE: Application, File No. 50470

Chris Carey filed the above referenced application to appropriate groundwater for industrial use and requested 60 days to locate the point of diversion on November 6, 2020. The application was returned to the applicant on November 16, 2020 providing 60 days to locate the point of diversion, provide additional information, and return the application by a January 16, 2021.

The application has not been returned with locations identified by the January 16, 2021 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. 50,470

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 November 6, 2020, the Chief Engineer received an application from Chris Carey for a permit to appropriate groundwater for beneficial use, assigned File No. 50,470, proposing the appropriation of 9.776 million gallons (30 acre-feet) of water, at a maximum requested diversion rate of 150 gallon per minute for industrial use. The applicant requested 60 days to locate the specific point of diversion within the Southeast Quarter (SE $\frac{1}{4}$) of Section 7, Township 15 South, Range 25 East, Johnson County, Kansas.
2. That on November 16, 2020, the original application was returned to the applicant, with a cover letter requesting that additional information be submitted in order to complete the application. The applicant was provided a deadline of January 16, 2021, 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.
3. That a reminder letter was sent to the applicant on December 18, 2020, stating the required return date January 16, 2021, as the date the original application was required to be returned as a final deadline.
4. That the original application was not returned by the January 16, 2021, deadline.
5. That the application 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. 50,470, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *6e* day of *may*, 2021, 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 *6e* day of *may*, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

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

May 12, 2021

CAREY INDUSTRIAL INC
CHRIS CAREY
6225 KANSAS AVE
KANSAS CITY, KS 66111

Re: Application, File No. 50,470

Dear Mr. Carey:

The referenced application was returned to you on November 16, 2020. Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,470, for failure to return the original application and provide the requested information, prior to the deadline of January 16, 2021.

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 order.

If you have any questions, please contact our office AT (785) 564- 6640. 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 cursive script that reads "Kristen Baum".

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: bmm: li

Enclosures

pc: Topeka 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 *13* day of *May*, 2021, I hereby certify that the foregoing Dismissal of Application, File No. 50,470, dated *6 May*, 2021, was mailed postage prepaid, first class, US mail to the following:

CAREY INDUSTRIAL INC
CHRIS CAREY
6225 KANSAS AVE
KANSAS CITY, KS 66111

With photocopies to:

Topeka Field Office



Division of Water Resources