

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 28, 2022

FROM: Kris Neuhauser

RE: New Application,
File No. 50,492

Kyle Morey filed the above referenced application to appropriate groundwater for recreational use (wildlife marsh), with a water control structure representing the point of diversion. The application requested a quantity of 75 acre-feet of water per calendar year, at a diversion rate of natural flows.

Application, File No. 50,492 and corresponding application, File No. 50,491 (for direct diversion to the same marsh) were approved on February 7, 2022. After further review of the project, it was determined File No. 50,492 was not necessary to properly permit the marsh. A voluntary dismissal was supplied to Mr. Morey, who submitted the signed form on May 26, 2022 via email. Mr. Morey will also be refunded his original application fee.

Therefore, based on the above discussion, it is recommended that the referenced application be dismissed.



Kris Neuhauser
New Applications Lead
Water Appropriation Program

**VOLUNTARY DISMISSAL OF A
WATER RIGHT OR PERMIT
& WAIVER OF HEARING**

Water Resources
Received

KS Dept Of Agriculture

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

Re: Appropriation of Water
Water Right
Vested Right
Term Permit

File No. 50492

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right or permit freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I/we am indicating my/our understanding and agreement that I/we am relinquishing all right, title and interest in said water right or permit.

The signature(s) below represent all present owners (or an authorized agent) for the file number(s) shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) 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 file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Check the following if applicable:

- Processing dismissal is contingent upon approval of: _____
New or Change Application, etc., include File No.
- I wish to retain the point(s) of diversion for domestic use (water right not required).

Kyle Morey
Signature of Owner or Authorized Agent

KYLE MOREY
Print Name

146 SE 40TH LN
Address

LAMAR, MO 64759
City, State, Zip

Shandi Morey
Signature of Spouse or Title of Authorized Agent

SHANDI MOREY
Print Name

146 SE 40TH LN
Address

LAMAR, MO 64759
City, State, Zip

State of ~~Kansas~~ ^{Missouri})
County of Barton) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 26th day of May, 2022.

Chloe Anne Baldwin
Notary Public

My Commission Expires: 2/13/26



SMD
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

DISMISSAL OF PERMIT TO APPROPRIATE WATER
FILE NO. 50,492

This is to certify that on May 26, 2022, a voluntary request to dismiss Permit to Appropriate Water, File No. 50,492, was filed with the office of the Chief Engineer by the following water right owner(s):

SHANDI & KYLE MOREY
146 SE 40TH LN
LAMAR, MO 64759

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 Permit to Appropriate Water, File No. 50,492, and forfeiture of its priority. The dismissed file pertains to point(s) of diversion and place of use described as:

a dam located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 9, more particularly described as being near a point 2,620 feet North and 975 feet West of the Southeast corner of said section, Township 32 South, Range 21 East, Labette County, Kansas, for recreational use in a waterfowl marsh located in Lot 1 of Section 9 and Lot 1 of Section 10, both in Township 32 South, Range 21 East, Labette County, Kansas.

Any further non-domestic 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.

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, 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.

ORDERED THIS 20 DAY OF August, 2022, 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 20 day of August, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

CERTIFICATE OF SERVICE

I do hereby certify that on this _____ day of _____, 2022, I sent a true copy of this ORDER via U.S. Mail, first class, postage prepaid, to the following:

SHANDI & KYLE MOREY
146 SE 40TH LN
LAMAR, MO 64759

Photocopies sent via U.S. First Class Mail to:

Topeka Field Office

DWR Staff

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

August 30, 2022

SHANDI & KYLE MOREY
146 SE 40TH LN
LAMAR, MO 64759

Re: Application, File No. 50,492

Dear Mr. Morey:

Reference is made to Permit to Appropriate Water, File No. 50,492, authorizing water to be diverted for recreational use.

In the voluntary dismissal form received on May 26, 2022, the Chief Engineer was advised that this permit to appropriate water is no longer needed and a dismissal of the file was requested.

According to State Law (K.S.A. 82a-718), a hearing must be held before any water right or appropriation of water is declared abandoned. The voluntary dismissal described is considered a waiver of any such hearing. Therefore, the appropriation of water is dismissed as of the date of the enclosed order. Any further non-domestic diversion of water pursuant to the conditions and terms of the dismissed permit shall be unlawful and subject to the penalties of K.S.A. 82a-728 and K.S.A. 82a-737.

This order should be recorded with the Register of Deeds Office in the county wherein the point of diversion was located.

Thank you for your cooperation 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,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive, flowing style.

Kristen Baum
New Applications and Changes Unit Supervisor
Water Appropriation Program

KAB: kjn
Enclosures
pc: Topeka Field Office

ORDERED THIS 26 DAY OF August, 2022, 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 26 day of August, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

CERTIFICATE OF SERVICE

I do hereby certify that on this 30 day of August, 2022, I sent a true copy of this ORDER via U.S. Mail, first class, postage prepaid, to the following:

SHANDI & KYLE MOREY
146 SE 40TH LN
LAMAR, MO 64759

Photocopies sent via U.S. First Class Mail to:

Topeka Field Office

Ashlee Freeman
DWR Staff