



File No. **50504**      Priority Date:      County: **RP**      Basin: **Little Blue River**      Stream:      Formation Code:

11. Points of Diversion Rate and Quantity  
 NC  G  S  
 MOD Authorized Additional  
 DEL PDIV Qualifier S T R CIN 'N 'W Comment Rate gpm Quantity AF Rate gpm Quantity AF Overlap PD Files  
 ENT

**DEL 88548 SW NE SW 4 1S 2W 4 1609 3894**

12. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ AF      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ AF

13. Limitation: \_\_\_\_\_  AF  mgy at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_  AF  mgy at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

14. Place of Use NC MOD DEL ENT	PUSE	S	T	R	CIN	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap PU 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 65546</b>	<b>4</b>	<b>1S</b>	<b>2W</b>	<b>2</b>							<b>11</b>	<b>6</b>	<b>19</b>	<b>34.02</b>	<b>40</b>					<b>70.02</b>	<b>5b</b>				
<b>DEL 70079</b>	<b>4</b>	<b>1S</b>	<b>2W</b>	<b>3</b>										<b>2.98</b>						<b>2.98</b>	<b>5a</b>				

15. Comments:

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

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

**TO:** Files

**DATE:** September 27, 2022

**FROM:** Kris Neuhauser

**RE:** New Application,  
File No. 50,504

Bryan Dake filed the above referenced application to appropriate groundwater for irrigation use, requesting one (1) well, with a quantity of 87.6 acre-feet of water per calendar year, at a diversion rate of 1,200 gallons per minute. During an email conversation with the applicant on February 16, 2022, Mr. Dake noted his decision to use the drilled test hole for watering livestock, rather than for irrigation use. The well will now be considered domestic, and no permitting will be required from the Division of Water Resources.

A letter was mailed to Mr. Dake on March 4, 2022, outlining the above discussion and allowing him a period of 30 days to change his mind and keep the application alive in the approval process. No information was submitted, and no contact was made prior to the April 3, 2022 deadline. Therefore, based on the above discussion, it is recommended that the referenced application be denied and dismissed.



Kris Neuhauser  
New Applications Lead  
Water Appropriation Program

# 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. 50,504**

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 11, 2021, the Chief Engineer received an application from Bryan Dake for a permit to appropriate groundwater for beneficial use, assigned File No. 50,504, proposing the appropriation of 87.6 acre-feet of water, at a maximum requested diversion rate of 1,200 gallon per minute, from a one (1) well for irrigation use.
2. That during an email conversation with the applicant on February 16, 2022, Mr. Dake noted his decision to use the drilled test hole for watering livestock, rather than for irrigation use. The well will now be considered domestic, and no permitting will be required from the Division of Water Resources.
3. That in order to give Mr. Dake more time to decide on his path forward with the application, a letter was mailed providing 30 days (deadline of April 3, 2022) to supply further information. If no information was supplied, the application is to be recommended for denial and dismissed.
4. That no information has been presented and no contact of any kind has been received from the applicant to date.
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. 50,504, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 18 day of October, 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 18 day of October, 2022, by Lane P. Letourneau, P.G., Water Appropriation 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

BRYAN DAKE  
2438 210 RD  
MUNDEN, KS 66959

October 26, 2022

Re: Application, File No. 50,504

Dear Mr. Dake:

A letter was mailed to you on March 4, 2022, outlining your decision to move ahead without a water appropriation. Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,504, for failure to provide the requested information, prior to the final deadline of April 3, 2022. The well will be considered domestic (watering livestock) and no permitting is required from the Division of Water Resources.

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 orders.

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,

Kristen Baum  
New Applications and Changes Supervisor  
Water Appropriation Program

KAB: kjn  
Enclosures  
pc: Topeka Field Office  
DONALD & MARY CANFIELD

**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 26 day of October, 2022, I hereby certify that the foregoing Dismissal of Application, File No. 50,504, dated 18 October, 2022, was mailed postage prepaid, first class, US mail to the following:

BRYAN DAKE  
2438 210 RD  
MUNDEN, KS 66959

With photocopies to:

Topeka Field Office

DONALD & MARY CANFIELD  
Attn: BRYAN DAKE  
2438 210 RD  
MUNDEN, KS 66959

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