

CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 49277

Field Office No. 2

GMD No. _____

1. **Plugging agreement obtained for GMD?** Yes No Non Applicable
2. **Is Landowner correct as currently shown in WRIS?** Yes No **Address Change?** NO
If applicable, list Place of Use Overlap File Nos. 9315 (49276 is associated and needs same ownership change)
3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes No **Address Change?** NO
Name of Former WUC Greg Blanchat (PersonID 64368) Name of New WUC Randal L & Debra L Blanchat
4. a. **Point of diversion computer ID No(s).** 1 **for point(s) being changed.**
- b. **Show feet distances from the** SE **corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers
ENT		N/A	18	32	5W	1575	4884	Harper	LOT 3 (SW NW)
DEL	29043	N/A	18	32	5W	2000	4660	Harper	LOT 3 (NW SW)

- c. **If multiple points of diversion exist and rates and quantities are individually assigned, show:**

Old PDIV ID	Authorized Rate	Additional Rate	Authorized Quantity	Additional Quantity
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy

- d. **Name of Stream** Sand Creek 1 (Chikaskia) **Is this correctly shown in WRIS?** Yes No
- e. **Formation Name & No.** --- **Special Use Area** ---

5. **Distances from the original p/d:** _____ 425 ' S _____ 224 ' W

6. WATER RIGHT ACTION TRAIL COMMENTS

7/21/16 Change Application Received (date accepted for priority)
8 / 23 / 16 Change Approved
 _____ Notice and Proof by 12/31/16
 _____ Completion Requirement Removed (Change No. C _____)

7. METER ACTION TRAIL COMMENTS

8 / 23 / 16 DWR Meter Required by 12/31/16
 _____ Anti-Reverse Meter Required by _____
 _____ Meter Seal Required by _____

8. Base Acres --- Year --- Minimum Reasonable Quantity ---

Date Created **8/22/16** by **EKF**
 Date Entered by

CHECK SHEET ATTACHMENT

9. Changes to the place of use will be:

File Number 49277

Action	Owner Person ID	Place Use ID #	Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
						NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
MOD	61597	21194	18	32	5W	Acres Authorized																	
						New Acres																	
						Acres Authorized																	
						New Acres																	
						Acres Authorized																	
						New Acres																	
						Acres Authorized																	
						New Acres																	

Names and Address:

1. Person ID # <u>61597</u> William D & Verna L Blanchat Rev Trusts 404 W 22 nd Harper KS 67058	2. Person ID # <u>33122</u> Randal L & Debra L Blanchat 847 NE 90 th Ave Danville KS 67036	3. Person ID # _____
---	--	--

GENERAL INSTRUCTIONS

- | | | |
|--|---|---|
| 1. Give to Applicant:
a. Original application/approval
b. Original receipt (one for each application)
c. Information packet containing:
<ul style="list-style-type: none"> • Notice and Proof form • Water Meter Specifications • Acceptable Meter list • Water level measurement tube specifications • Check Valve specifications • Pink Sheet - K.S.A. 82a-728 letter • Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED) | 2. Send to headquarters:
a. Good, scannable copy of application and/or approval and this check sheet
b. Original check and copy of receipt
c. Test hole log
d. GMD recommendation, if any
e. Map or aerial photograph, if any
3. Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well. <input type="checkbox"/> | 4. Date stamp received and approved.
5. Complete ownership and WUC change information. |
|--|---|---|

CONDITIONS

1. Insert notice and proof date.
2. Type or print applicant's/owner's name on line.
3. Complete notary statement.

ADDITIONAL PHOTOCOPIES

Headquarters


Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

August 23, 2016

Randal Blanchat
847 NE 90th Ave
Danville, KS 67036

Re: Water Right, File No(s). 9315, 49277

Dear Water Right Owner:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number(s).

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

This order requires that a notice and completion of works form be submitted once the diversion works are completed, including a properly installed flowmeter. This form is available at the referenced website.

Any abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Should you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,



Jeff Lanterman
Water Commissioner

Enclosures
pc: Water Rights Section

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:
 Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

**DWR FIELD OFFICE
 APPLICATION FOR APPROVAL
 TO CHANGE THE PLACE OF
 USE AND/OR THE
 POINT OF DIVERSION**



WATER METER REQUIRED STATE OF KANSAS

**Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.**

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

RECEIVED
 10:07am
 JUL 21 2016

File No. 49277

Stafford Field Office
 Division of Water Resources

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: Randal Blanchat

847 NE 90th Ave, Danville KS 67036

Phone Number: (620)243-2544 Email address: _____

Name and address of Water Use Correspondent: Randal & Debra Blanchat

847 NE 90th Ave, Danville KS 67036

Phone Number: (620)243-2544 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: William D & Verna L Blanchat Rev Trusts

ADDRESS: 404 W 22nd, Harper KS 67058

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
No	Change																		

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: _____

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

For Office Use Only: Code _____ Fee \$ 200 TR # _____ Receipt Date _____ Check # 1948

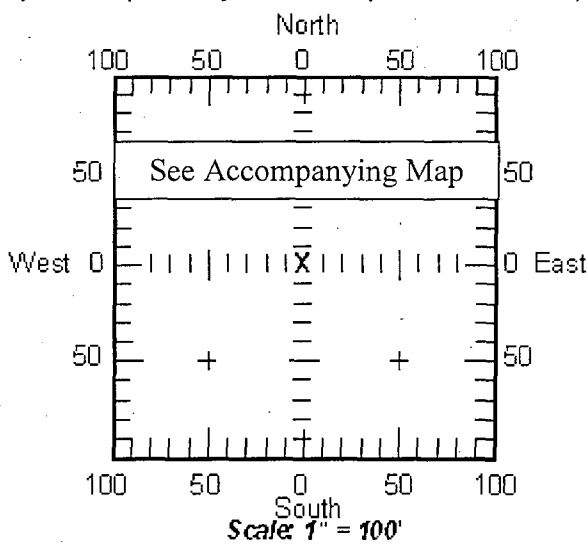
5. **Presently authorized point of diversion:**
 One in the --- Quarter of the --- Quarter of the Lot 3 (NW SW) Quarter of Section 18, Township 32 South, Range 5 W, in Harper County, Kansas, 2,000 feet North 4,660 feet West of Southeast corner of section. Authorized Rate 1,200 gpm (limited) Authorized Quantity 110.6 AF (limited) Depth of well N/A (feet) (DWR use only: Computer ID No. 1 GPS N/A feet North N/A feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the --- Quarter of the --- Quarter of the Lot 3 (SW NW) Quarter of Section 18, Township 32 South, Range 5 W, in Harper County, Kansas, 1,575 feet North 4,884 feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) N/A.
 This point is: Additional Well Geo Center List other water rights that will use this point 9315

6. **Presently authorized point of diversion:**
 One in the --- Quarter of the --- Quarter of the --- Quarter of Section ---, Township --- South, Range --- (E/W), in --- County, Kansas, --- feet North --- feet West of Southeast corner of section. Authorized Rate --- Authorized Quantity --- Depth of well --- (feet) (DWR use only: Computer ID No. --- GPS --- feet North --- feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the --- Quarter of the --- Quarter of the --- Quarter of Section ---, Township --- South, Range --- (E/W), in --- County, Kansas, --- feet North --- feet West of Southeast corner of section. Proposed Rate --- Proposed Quantity --- Proposed well depth (feet) ---.
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. Why do you need a new point of diversion? Relocate
authorized point of diversion to the currently used location

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)

8. If a well, is the test hole log attached? Yes No



9. When do you propose to complete the new point of diversion?
ASAP

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
N/A--Surface Diversion
 (b) When will this be done? N/A

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by EKF/SFFO

13b. If the proposed point of diversion will be relocated more than 100 feet but within 2640 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

RECEIVED

JUL 21 2016

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Harper, Kansas, this 14th day of July, 20 16.

Bill Blankenship
 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

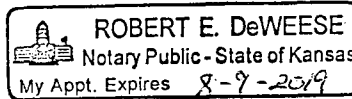
 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

State of Kansas }
 County of Harper } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14 day of July, 20 16.

Robert E. DeWeese
 Notary Public

My Commission Expires 8-9-2019

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

RECEIVED

JUL 21 2016

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et. seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 49277.

1. A change application was received on July 21, 2016 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 300 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than 780 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
5. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2016**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
7. **Installation of the works for diversion of water shall be completed on or before December 31, 2016**, or within any authorized extension of time. By March 1, 2017 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
8. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
10. Additional Conditions are attached. Yes No
11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Jeff Lanterman
Duly Authorized Designee of the Chief Engineer

(Print Name): Jeff Lanterman
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 8/23/2016

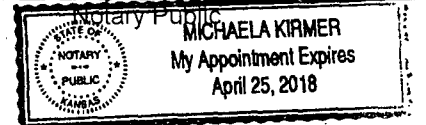
State of Kansas)

County of Stafford) SS

Acknowledged before me on 8/23/2016

by Jeff Lanterman

Signature: Michaela Kirmer

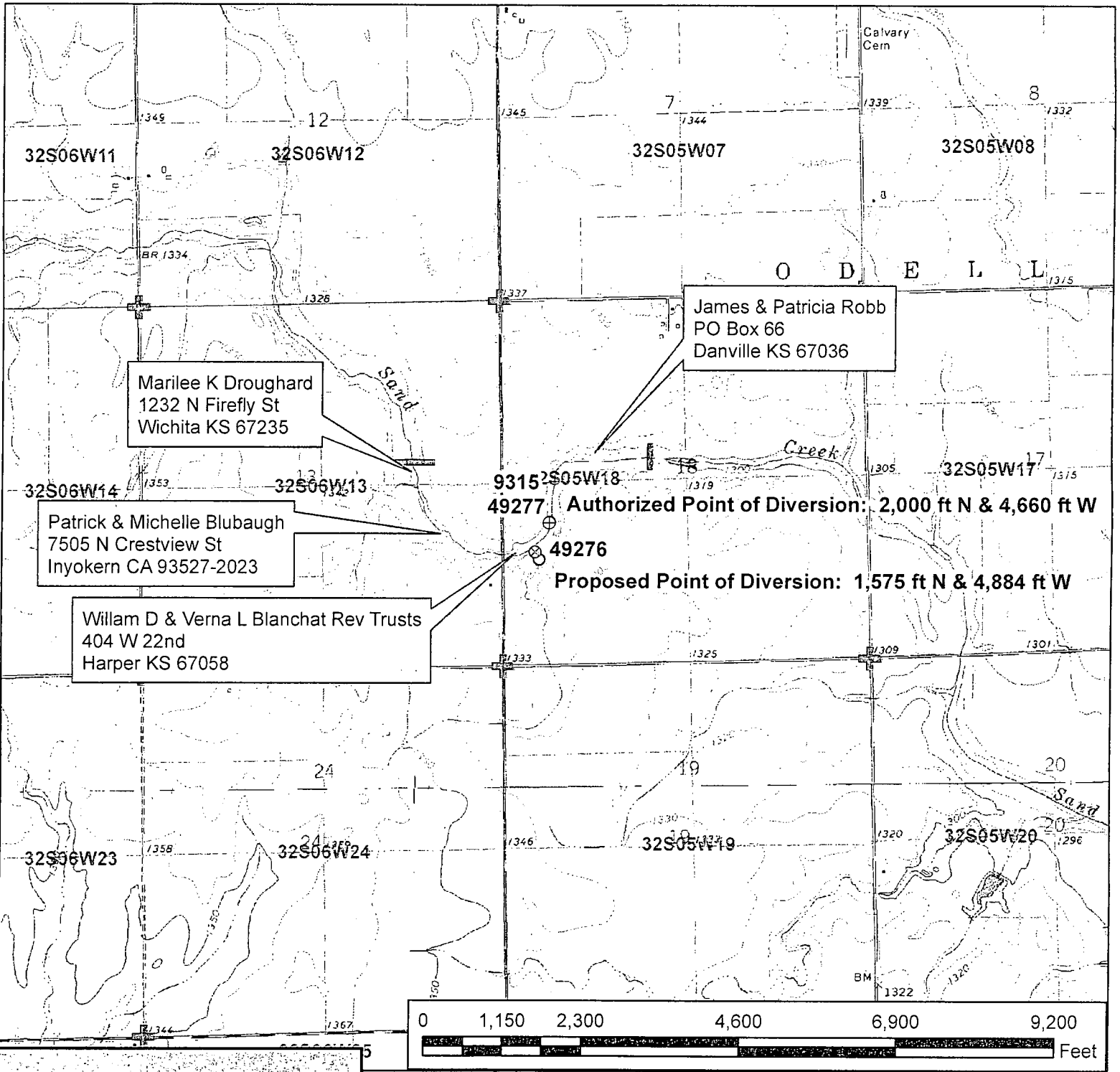


My commission expires: _____

(Notary Seal)

RECEIVED

JUL 21 2016



Marilee K Droughard
1232 N Firefly St
Wichita KS 67235

James & Patricia Robb
PO Box 66
Danville KS 67036

Patrick & Michelle Blubaugh
7505 N Crestview St
Inyokern CA 93527-2023

Willam D & Verna L Blanchat Rev Trusts
404 W 22nd
Harper KS 67058

9315
49277
Authorized Point of Diversion: 2,000 ft N & 4,660 ft W
49276
Proposed Point of Diversion: 1,575 ft N & 4,884 ft W

Legend

- Water Appropriations
- ⊕ Actual Point of Diversion
- ⊗ Proposed Point of Diversion
- ⊕ Section Corner
- Half Mile Circle
- Section Line

Water Appropriation, File No. 49277

Change in Point of Diversion Application Map
Overlap w/ File No. 9315
18-32S-5W Harper County



To the best of my knowledge, all of the landowners 1/2 mile upstream and downstream of the proposed point of diversion have been shown.

RECEIVED
JUL 21 2016

Stafford Field Office
Division of Water Resources
Signature

Water Rights and Points of Diversion Within .50 miles of point defined as:

4575 ft N and 4884 ft W of the SE Corner of Section 18, T 32S, R 5W

Located at: 97.910550 West Longitude and 37.267570 North Latitude

SURFACE WATER ONLY

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=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__  9315 00 IRR NK S*      2585 -- -- -- -- 2000 4660 18 32 5W 1          12.00    12.00 AF
A__  49277 00 IRR GY S*     2585 -- -- -- -- 2000 4660 18 32 5W 1          110.60     .00 AF
=====

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Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =           .00             .00
Total Permitted Amount (AF) =           .00             .00
Total Inspected Amount (AF) =           .00             .00
Total Pro_Cert Amount (AF) =           .00             .00
Total Certified Amount (AF) =          12.00             .00
Total Vested Amount (AF) =             .00             .00
TOTAL AMOUNT (AF) =          12.00             .00
=====

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An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within .50 miles of point defined as:

97.910550 West Longitude and 37.267570 North Latitude

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__  9315 00 IRR NK S
>  RANDAL L & DEBRA L BLANCHAT
>
>  847 NE 90TH AVE
>  DANVILLE KS 67036
>-----
A__  49277 00 IRR GY S
>  GREG BLANCHAT
>
>  PO BOX 444
>  HARPER KS 67058
>-----
=====

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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: August 22, 2016

FROM: Elizabeth K Fitch

RE: Water Right, File No. 9315 & Water
Appropriation, File No. 49277

Randal Blanchat, on behalf of the William D & Verna L Blanchat Rev Trusts, has filed an application for approval to change the point of diversion authorized by the referenced file numbers, which are for irrigation use from Sand Creek in the Chikaskia River Basin. A trustee of the trusts, where applicable, signed the change application.

The referenced water rights does not appear abandoned as per K.S.A. 82a-718.

File No. 9315 and 49277 currently authorize one surface water diversion from Sand Creek. The diversion is currently authorized in Lot 3 (NW SW) of Section 18, more specifically described as 2,000 feet North and 4,660 feet West of said section of Township 32 South, Range 5 West, Harper County, Kansas. There are not any GPS coordinates on file for this diversion location.

The owners propose to move the diversion upstream approximately 500 feet of the currently authorized location. The proposed location will be in Lot 3 (SW NW) of Section 18, more specifically described as 1,575 feet North and 4,884 feet West of said section of Township 32 South, Range 5 West, Harper County, Kansas.

WRIS and the application map indicate there are not any other permitted surface diversions within one-half mile upstream or downstream of the proposed surface diversion point. There are two upstream landowners and one downstream landowner within one-half mile of the proposed location. A letter was sent to these landowners on July 22, 2016. A written response was received via email from Patrick and Michelle Blubaugh, one of the upstream landowners, on August 19, 2016. This was after several phone conversations with Michelle which are documented in the file. The letter raised concerns with the proposal allowing the applicant to increase the total water use consumption and the level of accountability/oversight present regarding the water use permitted under the referenced file numbers.

A phone conversation was held with another upstream landowner, Byron Nordhus(?). His wife, Marilee Droughard, received a nearby letter. He did not indicate any opinion one way or the other about the proposed changes, but he did ask several questions about the pending applications and what the process would be if he desired to file an application for a permit on his wife's land.

Memorandum
File Nos. 9315 & 49277
August 22, 2016

The same local source of supply does not appear to change, which is determined to be Sand Creek 1 (Chikaskia River).

A water flow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that the referenced application be approved.

Elizabeth K. Fitch
Environmental Scientist

Consent w/ Recommendation
Jeff Patterson W.C.

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner


Kansas
Department of Agriculture
Division of Water Resources

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

August 22, 2016

Patrick & Michelle Blubaugh
7505 N Crestview St
Inyokern CA 93527-2023

RE: Water Right, File No. 9315 &
Water Appropriation, File No. 49276 & 49277

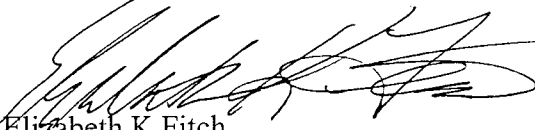
Dear Mr. & Mrs. Blubaugh:

This is to acknowledge receipt of your letter via email on August 19, 2016, in which you expressed comments concerning the proposed change in the point of diversion location authorized by File No. 9315 and 49277. Your comments will be considered, and approval of the application if granted, will authorize diversion of water only when it does not impair prior existing rights and domestic surface water users.

During the review of these requests, this office attempts to dismiss or grant approvals using reasonable care so that impairment of existing water rights does not occur. However, there are no guarantees in this endeavour and there have been rare instances where impairment has become an issue after a change application has been approved. If this request is granted and you do become adversely affected by the approval of this request you should notify our office. In addition, if you observe the use of water for oil companies or water being piped from or to the reservoirs authorized by File No. 49276 for any reason other than to provide water to the irrigation system, do not hesitate to contact our office.

If you have any questions, please feel free to 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,



Elizabeth K Fitch
Environmental Scientist
elizabeth.fitch@ks.gov

SCANNED

Fitch, Elizabeth

From: Fitch, Elizabeth
Sent: Friday, August 19, 2016 12:54 PM
To: 'Michelle Blubaugh'
Subject: RE: Kansas Water Letter

Michelle,

I received your email with the three attachments. Thank you for your response. I'll send a follow-up letter for your records.

Elizabeth K Fitch, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
(620) 234-5311

My e-mail address has changed: elizabeth.fitch@ks.gov
agriculture.ks.gov

From: Michelle Blubaugh [mailto:bbmitchbb@yahoo.com]
Sent: Friday, August 19, 2016 12:17 PM
To: Fitch, Elizabeth
Subject: Fw: Kansas Water Letter

Michelle Blubaugh

On Friday, August 19, 2016 10:13 AM, Michelle Blubaugh <bbmitchbb@yahoo.com> wrote:

Elizabeth:

Enclosed, please find 3 attachments.

1. The letter in response to the change in the "point of diversion" on Blanchats' land.
2. The copy of the letter from KS Dept. of Agriculture (2102).
3. The picture of the "obstruction" they (Blanchats') put on Sand Creek in 2012.

Thank you for all of your assistance with this issue and please keep us posted on any further changes.

Michelle Blubaugh

RECEIVED

AUG 19 2016

Stafford Field Office
Division of Water Resources

Fitch, Elizabeth

From: Michelle Blubaugh <bbmitchbb@yahoo.com>
Sent: Friday, August 19, 2016 12:17 PM
To: Fitch, Elizabeth
Subject: Fw: Kansas Water Letter
Attachments: 14 August 2016 Blubaugh Letter of Concern Water Application-1.docx;
Blanchatobstruction2012.pdf; Blanchatpicobs2012.pdf

Michelle Blubaugh

On Friday, August 19, 2016 10:13 AM, Michelle Blubaugh <bbmitchbb@yahoo.com> wrote:

Elizabeth:

Enclosed, please find 3 attachments.

1. The letter in response to the change in the "point of diversion" on Blanchats' land.
2. The copy of the letter from KS Dept. of Agriculture (2102).
3. The picture of the "obstruction" they (Blanchats') put on Sand Creek in 2012.

Thank you for all of your assistance with this issue and please keep us posted on any further changes.

Michelle Blubaugh

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AUG 19 2016

Stafford Field Office
Division of Water Resources

14 August 2016

Ms Elizabeth K. Fitch
Environmental Scientist

In response to the letter dated 22, July 2016 from the Kansas Department of Agriculture Division of Water Resources, I am concerned about the approval of this application. I do not have the water expertise to know what or how the location change will adversely affect my home or property directly across the road and I am dependent on the Kansas Department of Agriculture, Division of Water Resources to evaluate the impact of this permit. Will this permit negatively impact use of this water source by others in the community who wish to use this same water source?

As I have investigated this permit's possible impact, **I am gravely concerned for how the amount of requested water has increased over the years even though the water level in the state is reported to continue to be depleted.** The original permit (9315) allocation was determined to be limited to 12 Acre Feet of water at 800 gallons per minute. This new permit (49277) is requesting 110.6 Acre Feet at 1200 gallons per minute limit. This is an 89.15% increase for use of total allowed water consumption.

In the past, I have noted the use of the Sand Creek to supply the Blanchat's small irrigation system on this property. I have noted the use of the large pond on this same property to be used for a "holding vessel". I have witnessed this same pond (which is now being expanded) used via large pipes, to supply water for the Oil Companies for their drilling requirements. During this same time frame I have witnessed the pond being filled, not only by a large pump along Sand Creek but by a large pipe from the irrigation system on Highway 160 two miles to the north.

My concern now stems from future depletion of available water on my property directly west of this property and for anyone else that might be considering use of this same water. I am sure the owners of the land downstream will be most dramatically affected. If the water consumption is to be limited, how will this be tracked and monitored? I am not confident a water meter will be effective in determining total use of water from this location.

In 2012, I witnessed the wrongful damming up of the creek in order to increase available water. This latest known violation was addressed by Kansas Department of Agriculture Division of Water, dated 19 October 2012, for an Unlawful Stream Obstruction SW NW SW 18-32S-05W Sand Creek; Harper County. It took months to resolve this violation and removal of the obstruction.

In summary, if the water is going to be used for crop irrigation on the property it is taken from, I cannot determine there to be a negative impact. As you are the authority, I request that you investigate and monitor closely.

Thank you.

Patrick S. Blubaugh

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AUG 19 2016

Stafford Field Office
Division of Water Resources


Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

phone: (620) 234-5311
fax: (620) 234-6900
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Sam Brownback, Governor

October 19, 2012

Verna & William Blanchat Revocable Trust
404 W 22nd
Harper, KS 67058

Re: Unlawful Stream Obstruction
SW NW SW 18-32S-05W
Sand Creek; Harper County

Dear Landowner(s):

It has come to my attention that a sand berm has been constructed across Sand Creek on property you own in the SW ¼ of the NW ¼ of the SW ¼ of Section 18, Township 32 South, Range 05 West, Harper County, Kansas. The berm appears to serve as both a cattle crossing and as a low head dam to create a pool from which to pump irrigation water. The Obstructions in Streams Act (KSA 82a-301 to 305a) makes it unlawful for anyone to change or diminish the cross section of a stream without first obtaining a permit from the Division of Water Resources (DWR). A search of our database reveals no such permit. Further, Condition No. 10 of your Water Right File No. 9315 explicitly denies authority to build any dam or other obstruction. Therefore, we are considering the obstruction as illegal at this time.

Normally you would have the options of (i) applying for an after-the-fact permit for the structure, or (ii) removing the obstruction and restoring the channel to original condition. However, since the berm is not a designed structure, DWR could not approve the obstruction in its current form and condition. Therefore, you must remove the obstruction and restore the stream channel to the lines and grades that existed before the berm was built.

Since the project involves fill in a water of the United States, the Corps of Engineers is being informed of the situation by copy of this letter. Similarly, the Harper County Floodplain Administrator is also being notified.

Please reply to this letter by November 16, 2012, with your plan of action for addressing the situation and a time line for accomplishment. If I can answer questions or provide other assistance, please contact me at (620) 234-5311 or John.Roth@kda.ks.gov.

Sincerely,



John R. Roth, PE
Water Structures Engineer

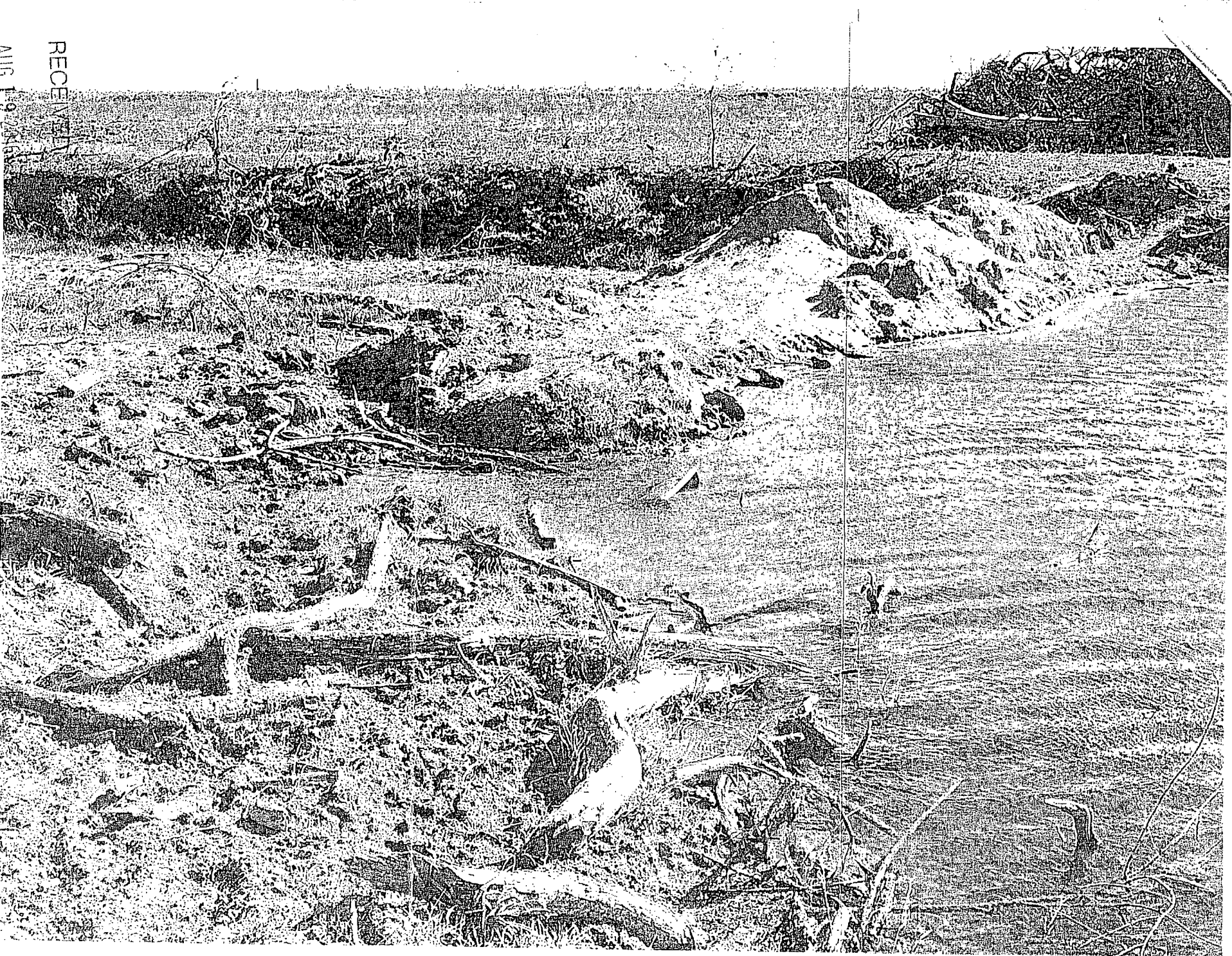
pc: Lucius Duerksen, Corps of Engineers
Leroy Leland, HP County Floodplain Administrator

bc: Patricia Beltz

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AUG 19 2016

Stafford Field Office
Division of Water Resources



RECEIVED

AUG 19 2004

Stafford Field Office
Division of Water Resources

Fitch, Elizabeth

From: Conant, Cameron
Sent: Monday, August 08, 2016 10:26 AM
To: Fitch, Elizabeth
Subject: FW: Phone Call

From: Minks, Michaela
Sent: Monday, August 08, 2016 8:52 AM
To: Conant, Cameron
Subject: Phone Call

Michelle Blubaugh
760 977 6628

8/8/16

Called & talked to Michelle. ^{She} Wanted to know why they filed change. I explained the situation. She asked who keeps them in check (apparently there are past issues). I ~~told~~ ^{our reporting/} meter requirements, but said we do ~~not~~ ^{rely} some on locals if something seems off. She asked what she should write. I said to submit any concerns / complaints / protests. We extended deadline to 8/9/16.

ELF

Fitch, Elizabeth

From: Engelbrecht, Jessica
Sent: Tuesday, August 02, 2016 11:40 AM
To: Fitch, Elizabeth
Subject: Phone Message

Byron Nordhus called about the letter his wife received from you.
File Number 9315 and 49277.

316-393-0298

Jessica Engelbrecht, Administrative Assistant
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
(620) 234-5311
jessica.engelbrecht@ks.gov (Please note change of email address)

8/2/16 - called back & left voice message. EKT

Fitch, Elizabeth

From: Conant, Cameron
Sent: Thursday, July 28, 2016 9:31 AM
To: Fitch, Elizabeth
Subject: 9315 & 49277 (Randy Blanchat applications)

Follow Up Flag: Follow up
Flag Status: Flagged

Hey Elizabeth, I got saddled with this and by the time I figured out it was you who sent the letters, I figured I'd just finish the conversation. Michelle Blubaugh has requested an extension of time based on a surrounding letter you recently sent.

They live in rural California and just received the letter. Since the mail takes such a long time for them, Michelle wanted to request an extension of time to submit information and a written response against the proposed applications. Michelle requested the deadline be extended until August 15. Based on what I was told and spur of the moment decision, this seems like a reasonable extension request.

She plans to send a written letter as well as pictures and possibly additional documents. She is against the applications. She doesn't need called back, but for future reference, her phone number is (760) 977-6628.

Cameron

HPCENTRAL Property Record Card

Parcel ID: 039-104-18-0-00-003.00-0

Quick Ref: R3288

Tax Year: 2016

Run Date: 3/24/2016 1:43:22 PM

OWNER NAME AND MAILING ADDRESS

BLANCHAT, WILLIAM D REV TR; BLANCH.100 %
BLANCHAT, GREGORY A GIFTING TR 0 %

404 W TWENTY SECOND
HARPER, KS 67058

PROPERTY SITUS ADDRESS

00000 NE 70 RD
Danville, KS 67036

No Image Available

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact	Code
05/29/2015	8:13 AM	5	AGR	MB		
08/09/2010		1				

9315
49276
49277

LAND-BASED CLASSIFICATION SYSTEM

Function: 9010 Farming / ranch Sfx: 0
Activity: 8100 Farming, plowing, tilling, harv
Ownership: 1100 Private-fee simple
Site: 3100 Dev Site - crops, grazing etc.

Image Date:

BUILDING PERMITS

Number	Amount	Type	Issue Date	Status	% Comp

GENERAL PROPERTY INFORMATION

Prop Class: A Agricultural Use - A
Living Units:
Zoning:
Neighborhood: 101.0 101.0 Northeastern Rural
Economic Adj. Factor:
Map / Routing:
Tax Unit Group: 041

PROPERTY FACTORS

Topography: Level - 1, Rolling - 4
Utilities: None - 8
Access: Semi Improved Road - 2
Fronting: Secondary Street - 3
Location: Neighborhood or Spot - 6
Parking Type: Off Street - 1
Parking Quantity: Adequate - 2
Parking Proximity: On Site - 3
Parking Covered:
Parking Uncovered:

2016 APPRAISED VALUE

Cls	Land	Building	Total
A	23,920	0	23,920
Total	23,920	0	23,920

2015 APPRAISED VALUE

Cls	Land	Building	Total
A	22,620	0	22,620
Total	22,620	0	22,620

TRACT DESCRIPTION

RURAL TOWNSHIP PARCEL, S18, T32, R05,
ACRES 159.9, LOTS 3 4 & E2 SW4 LESS RD
R/W SECTION 18 TOWNSHIP 32 RANGE 05

PARCEL COMMENTS

Prop-NC: AN

MARKET LAND INFORMATION

Method	Type	AC/SF	Eff	FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	OVRD	Rsn	Cls	Model	Base Size	Base Val	Inc Val	Dec Val	Value Est	
Total Market Land Value																				0

Total Market Land Value 0

SCANNED

Fitch, Elizabeth

From: Lanterman, Jeff
Sent: Tuesday, August 23, 2016 2:43 PM
To: rdblanchat@hotmail.com
Cc: Fitch, Elizabeth
Subject: RE: Permission to pump water on File no 9315, 49277.

Randy and Debra;

I approved the PD changes under these water rights today. So you will be receiving those by mail probably before the end of the week.

Because of this and because of the notice to cease diversion under the files I wanted to go ahead and give you permission to use the pump site pursuant to the rates, quantities and limitations approved under the water appropriations.

We will also be vacating the cease diversion under these files.

Let me know if you have any questions.

Thanks

Jeff Lanterman, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
(620)234-5311
Jeff.Lanterman@ks.gov
www.ksda.gov/dwr

Please note my new email address jeff.lanterman@ks.gov and update your contacts. Thanks!

From: Lanterman, Jeff
Sent: Tuesday, August 16, 2016 1:08 PM
To: 'rdblanchat@hotmail.com' <rdblanchat@hotmail.com>
Cc: Fitch, Elizabeth <Elizabeth.Fitch@ks.gov>
Subject: FW: Permission to pump water on File no 9315, 49277.
Importance: High

Randy and Debra;

I was not sure if this was the one that you were asking about the other day when you called.

Right now the direct diversion you are currently using from Sand Creek is not authorized by any water right or water appropriation so I am unable to give permission to pump from that location. As soon as the public notice period is over we can approve the changes you have submitted that will correct your point of diversion under 9315 and 49277.

I do believe that the storage pond is as authorized so I don't have any problem if you want to use the water you have already stored to irrigate with, and you have permission to do so.

Thanks

Jeff Lanterman, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
(620)234-5311
Jeff.Lanterman@ks.gov
www.ksda.gov/dwr

Please note my new email address jeff.lanterman@ks.gov and update your contacts. Thanks!

From: Debra Blanchat [<mailto:rdblanchat@hotmail.com>]
Sent: Monday, August 15, 2016 10:27 PM
To: Fitch, Elizabeth
Subject: Permission to pump water on File no 9315, 49277.

Elizabeth and Jeff,
Kansas Department of Agriculture - Division of Water Resources
Stafford Field Office

I am asking for permission to pump water on File # 49277, out of sand creek in Harper, County, KS. on to the center pivot used in File # 9315.

Respectfully,

Debra & Randy Blanchat
620-243-4095 Debra
620-243-2544 Randy

Fitch, Elizabeth

From: Lanterman, Jeff
Sent: Tuesday, August 16, 2016 1:08 PM
To: rdblanchat@hotmail.com
Cc: Fitch, Elizabeth
Subject: FW: Permission to pump water on File no 9315, 49277.

Importance: High

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Thanks

Jeff Lanterman, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
(620)234-5311
Jeff.Lanterman@ks.gov
www.ksda.gov/dwr

Please note my new email address jeff.lanterman@ks.gov and update your contacts. Thanks!

From: Debra Blanchat [<mailto:rdblanchat@hotmail.com>]
Sent: Monday, August 15, 2016 10:27 PM
To: Fitch, Elizabeth
Subject: Permission to pump water on File no 9315, 49277.

Elizabeth and Jeff,
Kansas Department of Agriculture - Division of Water Resources
Stafford Field Office

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Respectfully,

Debra & Randy Blanchat
620-243-4095 Debra