



File No. **49981**      15. Formation Code: **190**      Drainage Basin: **Arkansas River**      County: **HV**      Special Use:      Stream:

16. Points of Diversion	T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
<b>CHK</b>					<b>86573</b>	<b>SE SE NW</b>	<b>31</b>	<b>24S</b>	<b>3W</b>	<b>4</b>	<b>2694</b>	<b>2694</b>
												<b>2699</b>

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>800</b>	<b>292</b>	<b>800</b>	<b>292</b>	<b>None</b>

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 **12/31/2019** <sup>2020</sup>      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use	T	MOD	DEL	ENT	PUSE	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>CHK 68731</b>					<b>31</b>							<b>15</b>	<b>19</b>	<b>40</b>	<b>39</b>	<b>38</b>	<b>39</b>					<b>190</b>	<b>7a</b>	<b>N</b>	<b>None</b>
<b>CHK 68732</b>					<b>36</b>				<b>X</b>									<b>40</b>			<b>32</b>	<b>72</b>	<b>7a</b>	<b>N</b>	<b>None</b>
<b>CHK 68733</b>					<b>1</b>	<b>25S</b>	<b>4W</b>	<b>4</b>														<b>28</b>	<b>7a</b>	<b>N</b>	<b>None</b>

Comments:

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

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

**TO:** Files

**DATE:** January 24, 2019

**FROM:** Brandon Milner

**RE:** Application, File No. 49,981

Victor Blubaugh has filed the referenced application to appropriate 292 acre-feet of groundwater at diversion rate of 800 gallons per minute for irrigation use. The proposed point of diversion is a single (1) well located in the Northwest Quarter of Section 31, Township 24 South, Range 3 West, Harvey, County, Kansas. The proposed appropriation is located within the Arkansas River Basin and the source of supply will be the Equus Beds aquifer. The 290-acre place of use and point of diversion are both owned by Victor Blubaugh. The applicant has signed the application form affirming legal access to the point of diversion.

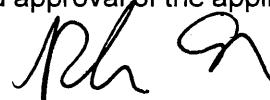
The requested quantity of 292 acre-feet applied to 290 acres will provide 1.01 acre-feet per acre, which is a reasonable quantity for irrigation use in Reno County, per K.A.R. 5-3-24.

A test hole log at the point of diversion shows a brown clay layer extending from 2 to 7 feet depth wise. A medium to coarse sand layer is located from 7 to 25 feet with a small clay layer at 25 to 35 feet. A medium sand and gravel were encountered from 35 to 67 feet. This is underlain by a foot of clay. A medium sand layer extends from 68 to 73 feet. Finally, there is a gray clay layer at 73 to 75 feet. Static water level was encountered at 7 feet which would give approximately 20 feet of saturated thickness. Perforations at the well were at 55' extending to 75'.

The point of diversion is located within the Equus Bed Groundwater Management District. (GMD 2). A copy of the application was provided to GMD 2 for their review and recommendation. A letter was received from GMD 2 on November 15, 2018 recommending approval of the application. Based upon the GMD2 analysis, safe yield was determined to be 4021 acre-feet. Existing water rights would have 3972.8 AF appropriated if the application was approved as proposed. Thus, there is a sufficient quantity of water available for appropriation, and the application meets safe yield criteria.

The application identified no domestic wells within a half mile of the point of diversion. There were three non-domestic wells within half of a mile of the point of the diversion. Letters were sent to these individuals on August 3, 2018 as no response was received. The proposed point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-22-2.

This application was recommended for approval by the Stafford field office on January 25, 2019. Well spacing and safe yield criteria are met, GMD2 recommended approval of the application on November 15, 2018.



Brandon Milner  
Environmental Scientist  
Permits Unit

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, Interim Secretary

Laura Kelly, Governor

VICTOR J & SUSAN J BLUBAUGH  
9102 S WOODBERRY RD  
BURRTON KS 67020-8935

February 21, 2019

**FILE COPY**

RE: Application, File No. 49,981

Dear Mr. Blubaugh:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:bmm  
Enclosures

pc: Stafford Field Office  
GMD#2

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Interim Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

## APPROVAL OF APPLICATION and PERMIT TO PROCEED (This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No.49,981** of the applicant

VICTOR J & SUSAN J BLUBAUGH  
9102 S WOODBERRY RD  
BURRTON KS 67020-8935

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **January 26, 2018**
2. That the water sought to be appropriated shall be used for irrigation use on land, all located in the land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL	
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
31 24S 3W							15	19	40	39	38	39					190	
36 24S 4W													40				32	72
1 25S 4W	26	2																28

3. That the authorized source from which the appropriation shall be made is groundwater to be withdrawn by means of one (1) well located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE¼ SE¼ NW¼) of Section 31, more particularly described as being near a point 2694 feet North and 2699 feet West of the Southeast corner of said section, in Township 24 South, Range 3 West, Harvey County, Kansas located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **292 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2020** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2024** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

13. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of accordance with specifications adopted by, the Chief Engineer.

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 18<sup>th</sup> day of February, 2019, 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<sup>th</sup> day of February, 2019 by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Danielle Wilson*  
 Notary Public

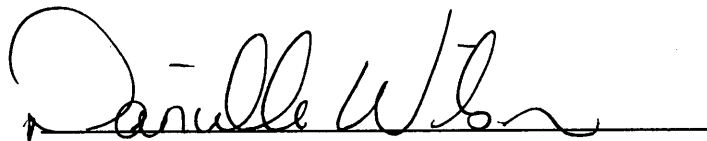
### CERTIFICATE OF SERVICE

On this 21<sup>st</sup> day of February, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,981, dated February 18<sup>th</sup>, 2019 was mailed postage prepaid, first class, US mail to the following:

VICTOR J & SUSAN J BLUBAUGH  
9102 S WOODBERRY RD  
BURRTON KS 67020-8935

With photocopies to:

Stafford Field Office  
GMD #2



Division of Water Resources





APPLICATION COMPLETE  
1/25/18  
Reviewer DA

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49981  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

**APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE**

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

JAN 26 2018  
11:04  
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): Victor Blubaugh  
Address: 9102 S Woodberry Rd.  
City: Burrton State KS Zip Code 67020  
Telephone Number: (620) 899-0727

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Arkansas River Basin - Equus Beds Aquifer (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 292 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR \_\_\_\_\_ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):  
(a)  Artificial Recharge (b)  Irrigation (c)  Recreational (d)  Water Power  
(e)  Industrial (f)  Municipal (g)  Stockwatering (h)  Sediment Control  
(i)  Domestic (j)  Dewatering (k)  Hydraulic Dredging (l)  Fire Protection  
(m)  Thermal Exchange (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:  
F.O. 2 GMD 2 Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source G/S County HV By AM Date 1-26-18  
Code RE2 Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 1/26/18 Check # 1411

SCANNED

*Handwritten signature/initials*

5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the SE quarter of the SE quarter of the NW quarter of Section 31, more particularly described as being near a point 2694 feet North and 2699 feet West of the Southeast corner of said section, in Township 24 South, Range 3W East/West (circle one), Harvey County, Kansas.

(B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

VICTOR J & SUSAN J BLUBAUGH TR, 9102 S WOODBERRY RD, 620-899-0727

(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1/24, 2018.

*Victor Blubaugh*  
\_\_\_\_\_  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 Well and pump

(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) 10/1/2018

(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 4/1/2019

(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes  No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

no overlapping point or place of use

---



---



---



---



---

WATER RESOURCES RECEIVED

JAN 26 2018

Applicant requests 60 days to conduct test drilling and locate well

File No. \_\_\_\_\_

- 13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes  Well as completed  Drillers log attached

Table with 5 columns: Well location as shown in paragraph No., (A), (B), (C), (D). Rows include Date Drilled, Total depth of well, Depth to water bearing formation, Depth to static water level, and Depth to bottom of pump intake pipe.

- 14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner (owner, tenant, agent or otherwise)

- 15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

VICTOR J & SUSAN J BLUBAUGH TR, 9102 S WOODBERRY RD, 620-899-0727 (name, address and telephone number)

(name, address and telephone number)

- 16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Halstead, Kansas, this 24 day of Jan, 2018 (month) (year)

Victor Blubaugh (Applicant Signature)

By (Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by S. Flaherty

GMD2 / Hydrogeologist (office/title)

Date: 1/24/2018

2018 JAN 24

# IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49981

Name of Applicant (Please Print): Victor Blubaugh

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

**Landowner of Record** NAME: VICTOR J & SUSAN J BLUBAUGH TR,

ADDRESS: 9102 S WOODBERRY RD, 620-899-0727

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31	24	3W							15	19	40	39	38	39					190
36	24	4W													40			32	72
1	25	4W	26	2															28

*290 Ac Total*

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

WATER RESOURCES  
RECEIVED

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
<u>Imano Clay Loam</u>	<u>83</u>	<u>0.20 - 0.60</u>	<u>                    </u>
<u>Willowbrook fine sand lom</u>	<u>2</u>	<u>2.00 - 6.00</u>	<u>                    </u>
<u>Mahone Loamy fine sand</u>	<u>4</u>	<u>0.60 - 2.00</u>	<u>                    </u>
<u>Farnum Loam</u>	<u>4</u>	<u>0.20 - 0.60</u>	<u>                    </u>
<u>Carwile Fine sand lom</u>	<u>7</u>	<u>0.00 - 0.06</u>	<u>                    </u>
Total:	100 %		

b. Estimate the average land slope in the field(s): 1 %

Estimate the maximum land slope in the field(s): 3 %

c. Type of irrigation system you propose to use (check one):

- Center pivot                       Center pivot - LEPA                       "Big gun" sprinkler  
 Gravity system (furrows)                       Gravity system (borders)                       Sideroll sprinkler  
 Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater: Will apply watering based on crop needs to eliminate runoff.

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: Not yet available psi
- (2) What is the sprinkler package design rate? Not yet available gpm
- (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? Not yet available feet
- (4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: Corn, Soy, Wheat, Milo

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation). Crop Consultant

You may attach any additional information you believe will assist in informing the Division of the need for your request.

\_\_\_\_\_  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Application File No. 49981

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

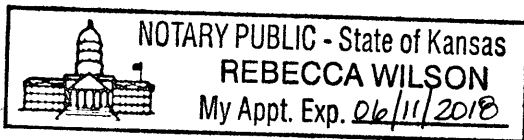
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

*Victor J. Blubaugh*  
Signature of Applicant

State of Kansas )  
County of HARVEY ) ss

Victor J. Blubaugh  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 24th day of JANUARY, 2018.



*Rebecca Wilson*  
Notary Public

My Commission Expires: 06/11/2018

WATER RESOURCES  
RECEIVED

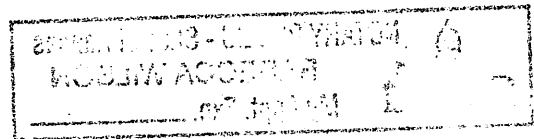
JAN 26 2018

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

Ninnescah River  
North Fork Ninnescah River  
Rattlesnake Creek  
Republican River  
Saline River  
Smoky Hill River  
Solomon River  
South Fork Ninnescah  
Spring River  
Walnut River  
Whitewater River





49981

Wells Within ½ mile

- 1) Irrigation Well No. 36511  
Victor J & Susan J Blubaugh Tr.  
9102 S Woodberry Rd.  
Burrton, KS 67020
  
- 2) Irrigation Well Nos. 32163, 41314, and 47724  
Ty D & Virginia G Miller  
19524 SW 84<sup>th</sup> St  
Burrton, KS 67020
  
- 3) Irrigation Well No. 30345  
HWHY TRUST KINCAID, ADRIENNE;TRT;ETAL  
5553 Avenida Fiesta  
La Jolla, CA 92037

WATER RESOURCES  
RECEIVED

JAN 26 2018

KS DEPT OF AGRICULTURE

SCANNED

## Milner, Brandon [KDA]

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Thursday, January 24, 2019 3:40 PM  
**To:** Milner, Brandon [KDA]; Conant, Cameron [KDA]  
**Subject:** FW: Application No 49981 for Blubaugh  
**Attachments:** Memo to file 49981.docx; GMD 2 Recommendation.pdf

Brandon. I agree with Cameron. This one can be approved as is.

Thank you.

Jeff

---

**From:** Conant, Cameron [KDA]  
**Sent:** Thursday, January 24, 2019 3:11 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: Application No 49981 for Blubaugh

Jeff, back when Alex began processing this one we noted that Steve F had filled out the application for 292 AF on 290 acres which is the absolute minimum reasonable. Based on some emails at that time, we were ok with this moving forward with a new application that requested the "minimum" quantity based on our change app regs. We noted that it would have made sense to fill it out for a full 1.3AF/acre quantity just in case some additional water opened up during processing....turns out another 50AF did open up but we can't increase the quantity once filed, so it doesn't matter, just thought it was an interesting side note. *In the previous emails you had also mentioned that you may want to add additional AR gear and seal to pipe conditions since this would be a "shorter" right.*

*I would prefer to not saddle this water right with the additional metering conditions upon approval. I think we are looking at an application with what we would consider a "reasonable" quantity on the acreage even though it is the minimum reasonable. I don't want to add metering conditions for life on this one. I'd like to keep this application with standard conditions and only go to enhanced metering conditions if he does something to "earn" the additional metering requirements. (if this was a change application we would approve it with no additional metering conditions b/c it meets min reasonable for a change)*

It appears that all nearby wells were notified, spacing to all nearby wells is met, a 6" full 2 mile safe yield analysis showed 50AF remaining, the well log appears ok with 55' of good water bearing formation (med sand and gravel) in the 75' deep hole with a SWL of 7'. Based on the 2 hydrographs shown below, area water level appears high and pretty stable with a record from 1939 to present and a 1990 to present record. This is in SW Harvey county less than 1 mile from the Arkansas River.

[http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=375448097405502](http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375448097405502) (104' deep well in same section as application)  
[http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=375537097431203](http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375537097431203) (40' deep well 1 mile west)

I think this application can be recommended for approval with no additional conditions. Please pass on to Brandon if you agree.

Cameron

---

**From:** Milner, Brandon [KDA]  
**Sent:** Thursday, January 24, 2019 2:12 PM  
**To:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Cc:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** Application No 49981 for Blubaugh

Cameron,

Attached is a memo for the above referenced application. This is a new well proposed for irrigation in Harvey County It is within the boundaries of GMD2 and they recommended approval. Three non-domestic wells were located within ½ mile of the point of the diversion and no comments were received. This is one of Alex's old files that I am not too familiar with but am trying to move it forward. There has been some correspondence in the past between yourself and Steve of GMD #2. I apologize if left anything else of this memo and review as I think that there some initial concern about the quantity of this application.

Please provide your recommendation. Thanks!

***Brandon Milner*** | Environmental Scientist  
Kansas Dept. of Agriculture | Division of Water Resources  
**Address:** 1320 Research Park Dr., Manhattan, KS 66502  
**Phone:** 785-564-6631  
**Website:** <http://agriculture.ks.gov/divisions-programs/dwr>

JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNÉR  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

November 15, 2018

Chief Engineer, Division of Water Resources  
Attn: Kristen Baum  
1320 Research Park Dr.  
Manhattan, KS 66502

Re: Appropriation Application File No. 49981 – Victor Blubaugh

Dear Ms. Baum:

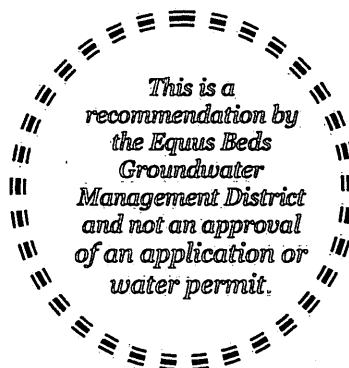
The Equus Beds Groundwater Management District No. 2 reviewed the referenced new application on November 15, 2018, using the District's Revised Management Program (effective May 1, 1995), and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The new application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Therefore, the new application is recommended for approval by the Equus Beds Groundwater Management District No. 2.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/db



Enclosures

pc: Victor J. Blubaugh, Applicant / Landowner  
Jeff Lanterman, Division of Water Resources - Stafford

WATER RESOURCES  
RECEIVED

NOV 20 2018

KS DEPT OF AGRICULTURE

# EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

- 1) Application No. 49981 Date filed: 1/26/18  
 2) Applicant: Victor Blubaugh County: Harvey  
 3) Proposed maximum quantity: 292 acre-feet/year Rate: 800 GPM  
 4) Proposed Use: Irrigation  
 5) P/D location: SE SE NW 31-24S-3W Geo Center: North 2694 ft, West 2699 ft  
 6) Number and type of points of diversion listed on the application 1 Well

7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8?  Yes  No, Why \_\_\_\_\_

8) Meets Safe Yield K.A.R. 5-22-7?  Yes  No  N/A

- (a) Total allowable appropriations: 4021.00 af/yr  
 (b) Total existing appropriations: 4238.69 af/yr  
 (c) Total small user exemptions: 15.00 af/yr  
 (d) Total non-consumptive use: 265.89 af/yr  
 (e) Total consumptive use: 3972.80 af/yr  
 (Total existing appropriations) - (Total non-consumptive use)  
 (f) exempt from regulation?  Yes  No,  
 Cite exemption: \_\_\_\_\_

9) Meets Well Spacing K.A.R. 5-22-2?  Yes  No  N/A

- (a) POD in enhanced well spacing area?  Yes  No  
 (b) Domestic well spacing interval: >660 ft  
 (c) Non-Domestic well spacing interval: >1320 ft

10) Meets Max Reasonable Quantity K.A.R. 5-22-14?  Yes  No  N/A

- (a) Irrigation max quantity: 1.01 acre-feet / acre  
 application paragraph 3 value (acre-feet) / proposed acres = Q  
 (b) Stockwater max quantity: \_\_\_\_\_ GPD \_\_\_\_\_ unit  
 (c) Industry max quantity: \_\_\_\_\_ Acre  
 Industry standard: \_\_\_\_\_  
 (d) Municipal max quantity: \_\_\_\_\_ GCD  
 Lesser of either 200 GCD or  
 $1.10 * (X - Y) * 365 d * (z + t)$   
 X - Average of last three years usage in Gallons per Capita per Day (GCD)  
 Y - water usage for industries that use over 200,000 gal/yr (GCD)  
 Z - Projected population in 20 years  
 T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)  
 (e) Pond max quantity is \_\_\_\_\_  
 (Net evap + seepage)/12 x pond area + any initial fill  
 (f) Groundwater pit max Q: \_\_\_\_\_  
 Net evap \* pit area/12

11) Reasonable rate for intended use?  Yes  No  N/A

12) Depth to water: 9 FT bls at observation well: EB243B

13) Date reviewed: 11/15/18

14) Reviewed by: T. Boese

Title: Manager

15) District recommendation:

Approve

Deny

Other, see comment

## 16) Comments and Calculations:

Review complete for a new application submitted by Victor J Blubaugh for irrigation use in Harvey County.

No Overlapping Place of Use

No Overlapping Point of Diversion

Surrounding Well Owners Notified, no apparent comments

Item 10(a): 292 AF / 290 acres = 1.01 AF/A

No rate / quantity limitations

Recommend Approval, complies with K.A.R. 5-22-2 through 5-22-17

JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

November 15, 2018

Victor Blubaugh  
9102 S. Woodberry Road  
Burrton, KS 67020

Re: Appropriation Application File No. 49981

Dear Mr. Blubaugh:

The Equus Beds Groundwater Management District No. 2 made a recommendation to the Division of Water Resources that new application No. 49981 be approved. Pursuant to K.A.R. 5-22-4a, the well described in the application must be equipped with a District approved water flowmeter. The well is located in the Southeast quarter of the Southeast quarter of the Northwest Quarter of Section 31, Township 24 South, Range 3 West, Harvey County.

The well must be properly equipped with an approved meter within 30 days after the approved well is operational and prior to its operation. If more time is needed to install the meter or modify an existing meter installation, you may request an extension of time. The request must be made to the District before the end of the 30-day period.

Enclosed is a Flow Meter Installation form to be completed and returned to this office after completion of the meter installation or modifications. A copy of the Division of Water Resources' meter installation notification form (Notice and Proof of Completion of Works) may be substituted for the District form. Upon receiving the completed form, the District will inspect the installation.

Also enclosed is a copy of water meter and installation specifications. The water meter must meet these specifications and the list of certified water meters provided under K.A.R. 5-1-12, for District approval. The list of certified water meters can be obtained by contacting the District or at the following link: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you have any questions about the District's metering program or the enclosed material, please contact the District for assistance.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/tb

Enclosures

Pc: Jeff Lanterman, Division of Water Resources, Stafford

WATER RESOURCES  
RECEIVED

NOV 20 2018

KS DEPT OF AGRICULTURE



1000 Corey Road  
 P.O. Box 886  
 Hutchinson, KS 67504-0886  
 620-665-5661  
 FAX: 620-665-0559  
 TOLL FREE: 877-464-0623  
 www.sdklabs.com

Sample # 4647.18  
 Sample: Water  
 Other ID: VJ Blubaugh

Date Received: 09/17/2018  
 Date/Time Sampled: 9/14/2018 0:00:00  
 Date Reported: 09/19/2018  
 Total Fee: \$48.00

DARLING DRILLING  
 3916 WEST 56TH  
 HUTCHINSON, KS 67502

ANALYSIS

	Result	Units	Date/Time Analyzed	Analyst
++pH - SM 4500-H+ B	7.29	s.u.	9/14/2018 15:10	SE
++Chloride - SM 4500-Cl B	77.40	mg/L	9/17/2018 14:00	SE
++Total Hardness - SM 2340B	315	mg/L		
++Nitrate-Nitrogen - SM 4500-NO3 D	Less than 1.0	mg/L	9/14/2018 15:45	SE
++Calcium - SM 3111B	98.60	mg/L	9/17/2018 11:00	JC
++Magnesium - SM 3111B	16.60	mg/L	9/17/2018 11:00	JC
++Sodium - SM 3111B	66.40	mg/L	9/17/2018 11:00	JC
++Sulfate - SM 4500 SO4 E	173.00	mg/L	9/18/2018 15:00	SE
% Sodium	36.60	%		
SAR-Sodium Absorption Ratio	1.625	s.u.		
++Electrical Conductivity - SM 2510B	952	umhos/cm	9/17/2018 09:15	SE
TDS-Total Dissolved Solids - Calculated	675	mg/L		
Irrigation Quality Rating	AS FOLLOWS			
Light Soil - Salinity Hazard	Low			
Light Soil - Sodium Hazard	Low			
Medium Soil - Salinity Hazard	Low			
Medium Soil - Sodium Hazard	Medium			
Heavy Soil - Salinity Hazard	Medium			
Heavy Soil - Sodium Hazard	Medium			
General Comment:	Good to Permissible			

\*\*Sample receipt temperature = 27.8 degrees C.  
 \*\*Sample beyond hold time for pH.  
 \*\*No sample time listed.

\* Denotes analysis was subcontracted to another laboratory for state compliance - see attached.  
 Methods of analysis per EPA-600 or EPA SW-940, 3rd Ed., 1989 or Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992.  
 ++Denotes NELAP/KDHE Accredited Method. Lab Certificate #E-10192. Results meet all requirements of NELAC unless noted.

WATER RESOURCES  
 RECEIVED

NOV 20 2018

KS DEPT OF AGRICULTURE

Approved By:

*M. Hogan*  
 Matt Hogan  
 Quality Assurance Officer

RECEIVED

OCT 23 2018



Copies:

The results reported pertain only to the samples as received by the laboratory

Equus Beds GMD #2

## Baum, Kristen [KDA]

---

**From:** Rebecca Wilson <rwilson@gmd2.org>  
**Sent:** Tuesday, November 20, 2018 9:26 AM  
**To:** Baum, Kristen [KDA]; Engelbrecht, Jessica [KDA]  
**Subject:** 49981 Approval Letter and Meter Installation Letter  
**Attachments:** 49981 New App Approval Letter 11-15-18.pdf; 49981 Meter Installation Letter 11-15-18.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

*EXTERNAL:* This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good morning!

Attached you will find the Application Approval Letter and Meter Installation Letter from Manager Tim Boese for #49981.

Please let me know if you have any difficulties opening the attachments.

Thanks!

*Rebecca Wilson*

Rebecca Wilson  
Administrative Assistant  
Equus Beds GMD2  
313 Spruce Street  
Halstead, KS 67056  
316-835-2224  
316-835-2225 Fax  
rwilson@gmd2.org  
www.gmd2.org



## Whitesell, Alex [KDA]

---

**From:** Steve <sflaherty@gmd2.org>  
**Sent:** Monday, September 17, 2018 10:53 AM  
**To:** Whitesell, Alex [KDA]  
**Subject:** 49981

*EXTERNAL:* This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Alex,

We will need an extension on 49981 until the applicant sends over the drillers log (the application is still incomplete).

Thanks,  
Steve

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

**FILE COPY**

August 21, 2018

EQUUS BEDS GMD NO 2  
313 SPRUCE ST  
HALSTEAD KS 67056

Re: Application  
File No. 49,981

Dear Sir or Madam:

We are enclosing a copy of the application referred to above which appears to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me a 785-564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Whitesell".

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

Enclosure(s)

pc: Stafford City Field Office

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

August 3, 2018

HWHY TRUST KINCAID ADRIENNE TRT ETAL  
5553 AVENIDA FIESTA  
LA JOLLA CA 92037

RE: Application  
File No. 49,981

Dear Sir or Madam:

This is to advise you that Victor Blubaugh has filed the application referred to above for permit to appropriate 292 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well or wells located as follows:

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 31, more particularly described as being near a point 2,694 feet North and 2,699 feet West of the Southeast corner of said section, in Township 24 South, Range 3 West, Harvey County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:

Enclosure(s)

pc: Stafford Field Office  
GMD No. 2

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

**FILE COPY**

August 3, 2018

TY D & VIRGINIA G MILLER  
19524 SW 84<sup>TH</sup> ST  
BURRTON KS 67020

RE: Application  
File No. 49,981

Dear Sir or Madam:

This is to advise you that Victor Blubaugh has filed the application referred to above for permit to appropriate 292 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well or wells located as follows:

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 31, more particularly described as being near a point 2,694 feet North and 2,699 feet West of the Southeast corner of said section, in Township 24 South, Range 3 West, Harvey County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:

Enclosure(s)

pc: Stafford Field Office  
GMD No. 2

**SCANNED**

## Whitesell, Alex [KDA]

---

**From:** Conant, Cameron [KDA]  
**Sent:** Friday, August 03, 2018 7:46 AM  
**To:** Whitesell, Alex [KDA]; Lanterman, Jeff [KDA]  
**Subject:** RE: Victor Blubaugh 49981

Yep, I say notify away so we can get it moved on to GMD for recommendation.

If I were in Steve's shoes I'd have filled it out for the full quantity and told the guy SY was only 292 but we'll fill it out for full just in case a bit more water opens up during the processing.

Cameron

---

**From:** Whitesell, Alex [KDA]  
**Sent:** Thursday, August 2, 2018 4:12 PM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** FW: Victor Blubaugh 49981

Cameron and Jeff,

I reached out to Steve, who assisted with this new application that is proposing the minimum reasonable quantity (292 AF on 290 acres) and here is what I received. Are you okay with me moving forward and notifying nearbys?

---

**From:** Steve Flaherty [<mailto:sflaherty@gmd2.org>]  
**Sent:** Thursday, August 02, 2018 3:44 PM  
**To:** Whitesell, Alex [KDA]  
**Subject:** RE: Victor Blubaugh

Alex,

You got it, there is only 292 acre feet of water available at this location.

-Steve

---

**From:** Whitesell, Alex [KDA] <[Alex.Whitesell@ks.gov](mailto:Alex.Whitesell@ks.gov)>  
**Sent:** Thursday, August 2, 2018 10:52 AM  
**To:** Stephen Flaherty <[sflaherty@gmd2.org](mailto:sflaherty@gmd2.org)>  
**Subject:** Victor Blubaugh

Good morning Steve,

I'm working this new application that is requesting 292 acre-feet on 290 acres and I was wondering what might have been the thought process on the quantity? We typically see new applications filed for the maximum reasonable quantity (1.3 for Harvey Co) and we can then reduce later.

Was it a safe yield concern?

I spoke with Jeff and Cameron and they are okay with the quantity but wanted some clarification first.

Thanks!

Alex Whitesell  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS  
(785) 564 - 6631

**My email has changed [alex.whitesell@ks.gov](mailto:alex.whitesell@ks.gov).**

## Whitesell, Alex [KDA]

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Thursday, August 02, 2018 10:49 AM  
**To:** Conant, Cameron [KDA]; Whitesell, Alex [KDA]  
**Subject:** RE: 49981 Quantity

Yes. I think I can maybe get on board with minimum reasonable q being met since we use that as a bar for changes.

Since we are allowing a pretty short water right I think I will want some super metering requirements such as AR gears and Sealed to the pipe. Just to make sure there are no shenanigans when pumping because they are short on water.

---

**From:** Conant, Cameron [KDA]  
**Sent:** Thursday, August 2, 2018 10:42 AM  
**To:** Whitesell, Alex [KDA] <Alex.Whitesell@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** RE: 49981 Quantity

Well, that makes some sense at least (I should have checked the minimum we use for changes, sorry about that). New apps only define a max they can request, they don't define a minimum you can request...just has to be "reasonable".

Since it meets minimum reasonable, we can probably get on board with that. I wonder why they requested the min, that makes no sense unless SY was a limiting factor.

Cam

---

**From:** Whitesell, Alex [KDA]  
**Sent:** Thursday, August 2, 2018 10:35 AM  
**To:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** RE: 49981 Quantity

I have not spoken with them yet. Kristen and I looked at it and it seems like they came up with the number via 50% N.I.R at 85% efficiency. I'll ask the GMD and see what they were thinking.

---

**From:** Conant, Cameron [KDA]  
**Sent:** Thursday, August 02, 2018 10:15 AM  
**To:** Whitesell, Alex [KDA]; Lanterman, Jeff [KDA]  
**Subject:** RE: 49981 Quantity

I'm not ok with a short water right directly out of the gate. I don't see any additional reasoning/justification for the low quantity per acre request in the application.

As this is a new app we'd prefer he be at 1.3AF/acre, he is at 1.01 AF/acre. He could reduce his requested acreage to 224.6 acres.

GMD assisted with filling this out, have you spoken with them?

Cameron

---

**From:** Whitesell, Alex [KDA]

**Sent:** Thursday, August 2, 2018 10:04 AM

**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>

**Subject:** 49981 Quantity

Good morning,

I'm working a file in Harvey Co, GMD 2 that is requesting 292 AF on 290 acres. Would you both be okay with that quantity / acres?

Alex Whitesell

Division of Water Resources

Kansas Department of Agriculture

1320 Research Park Drive

Manhattan, KS

(785) 564 - 6631

**My email has changed** [alex.whitesell@ks.gov](mailto:alex.whitesell@ks.gov)





1320 Research Park Drive  
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

January 30, 2018

VICTOR BLUBAUGH  
9102 S WOODBERRY RD  
BURRTON KS 67020

RE: Application  
File No. 49981

Dear Sir or Madam:

Your application for permit to appropriate water in 31-24S-3W in Harvey County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

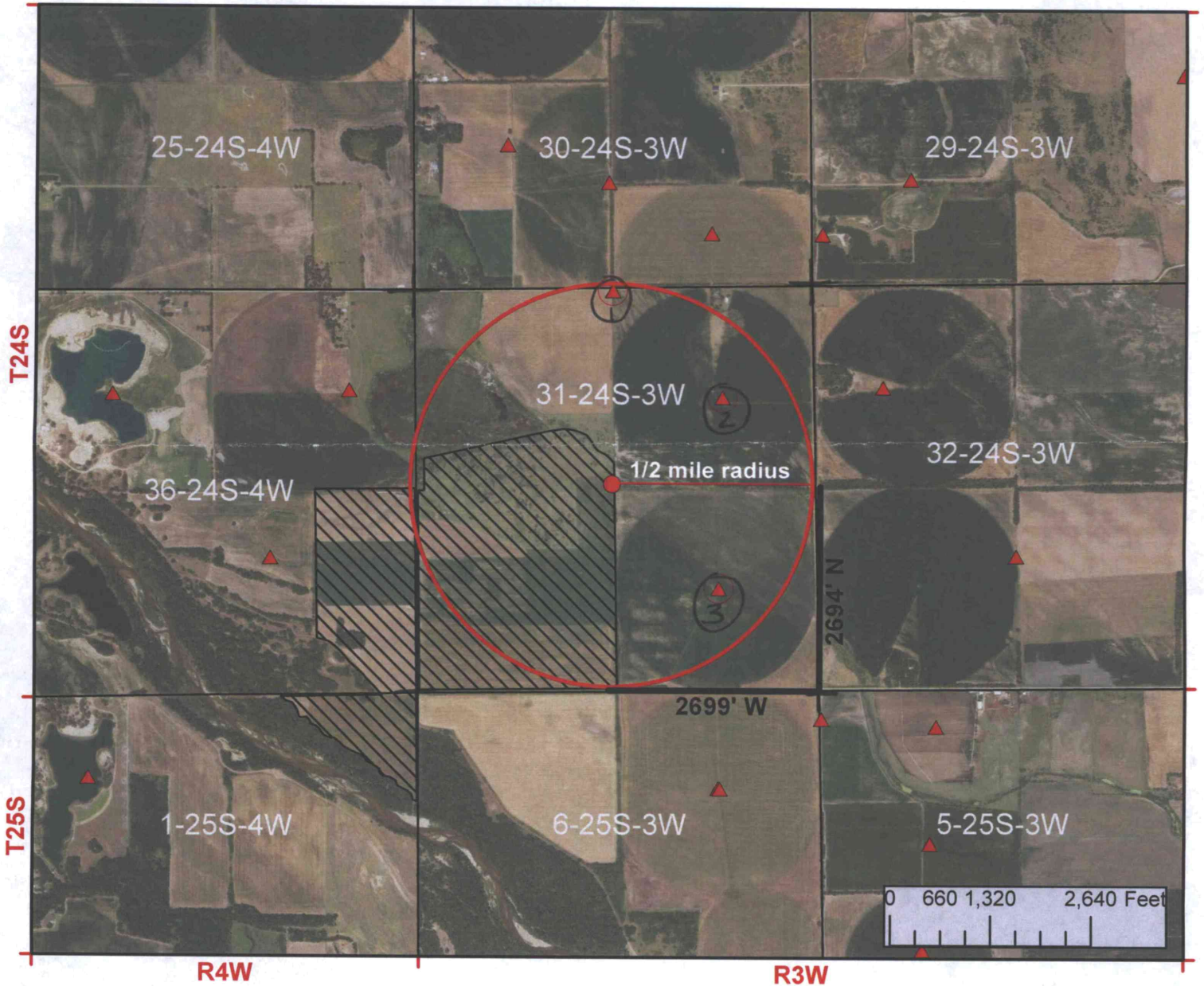
Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: STAFFORD Field Office  
GMD 2

SCANNED

# New Application Map

49981



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

*Vinton Blubaugh*  
Signature

*1/24/2018*  
Date



- New Application
- Application No. To Change:
  - Point of Diversion
  - Place of Use
  - Use Made of Water

- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

WATER RESOURCES RECEIVED

See attached for well owners within 1/2 mile.

JAN 26 2018

Completed By GMD2 Staff  
S. Flaherty - 1/24/2018

SCANNED

KS DEPT OF AGRICULTURE

# Equus Beds Groundwater Management District No. 2

## Safe Yield Evaluation - No. 49981 - Victor Blubaugh

### SESENW (2694'N & 2699'W) 31-24S-03W, Harvey County

Prepared By: T. Boese      Date: 11/15/2018



<ul style="list-style-type: none"> <li><span style="color: red;">●</span> Proposed Point of Diversion</li> <li><span style="color: red;">⚡</span> Area of Consideration Boundary</li> <li><span style="color: red;">●</span> Monitoring Wells</li> <li><span style="color: red;">▲</span> Points of Diversion</li> <li><span style="border: 2px solid blue; display: inline-block; width: 20px; height: 10px;"></span> District Boundary</li> </ul>	<p style="text-align: center;"><b>Map Legend</b></p> <ul style="list-style-type: none"> <li><span style="border-bottom: 2px solid black; width: 20px; display: inline-block;"></span> Major Highway</li> <li><span style="border-bottom: 1px solid black; width: 20px; display: inline-block;"></span> Other Roadway</li> <li><span style="border-bottom: 2px solid blue; width: 20px; display: inline-block;"></span> Major Stream</li> <li><span style="border-bottom: 1px solid blue; width: 20px; display: inline-block;"></span> Other Water Feature</li> <li><span style="border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></span> County Boundary</li> <li><span style="background-color: lightblue; width: 20px; height: 10px; display: inline-block;"></span> City Boundary</li> </ul>	<p style="color: blue;">WATER RESOURCES RECEIVED</p> <p style="color: red; font-weight: bold; font-size: 1.2em;">NOV 20 2018</p> <p style="color: blue;">KS DEPT OF AGRICULTURE</p>
<p style="font-size: 0.8em; margin: 0;">Equus Beds Groundwater Management District No. 2 313 Spruce Street, Halstead, KS 67056 316-835-2224, equusbeds@gmd2.org</p>		

SAFEYIELD EVALUATION - NO. 49981

LOCATION: SESENW (2694'N & 2699'W) 31-24S-03W, Harvey County

SPECIAL USE AREA: None

EVALUATION DATE:- 11/15/2018

Total Areas: 8,042 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 8,042 acres

FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00520900	3597	24S	03W	29	26370310	IRR	75
A00520900	124	24S	03W	29	26300420	IRR	0
A00520900	123	24S	03W	29	26450200	IRR	0
A02210400	973	24S	03W	30	13262664	IRR	40
A02362100	977	24S	03W	30	39652590	IRR	171
A02740900	542	24S	03W	32	39604380	IRR	183
A02855000	949	25S	03W	6	40001350	IRR	184
A02893500	1826	24S	04W	25	39601310	IRR	179
A03034500	399	24S	03W	31	13201309	IRR	195
A03055100	966	25S	03W	5	48003750	IRR	56
A03055100	967	25S	03W	5	32703850	IRR	52
A030991R	1683	24S	03W	29	6455206	IRR	77.3
A030991RE	2833	24S	03W	29	6455206	REC	31.7
A03101200	1648	24S	03W	30	18203984	IRR	70
A03163200	1197	24S	03W	28	39505120	IRR	3
A03216300	1650	24S	03W	31	38301240	IRR	35
A03277400	63	25S	03W	5	49155260	IRR	48
A03296600	1161	24S	04W	25	39603950	IRR	128
A03316800	1299	24S	04W	24	14301340	IRR	11
A03335600	1743	24S	03W	19	12753960	IRR	118
A03422700	982	24S	03W	30	13262664	IRR	66
A03447700	1632	24S	03W	30	39603972	IRR	195
A03651000	569	24S	03W	30	6601320	IRR	78
A03651100	922	24S	03W	31	52472665	IRR	83
A03943100	1747	25S	03W	5	15911485	IRR	76
A04008700	2993	24S	03W	29	26370310	IRR	0
A04008700	943	24S	03W	29	26450200	IRR	0
A04008700	944	24S	03W	29	26300420	IRR	0
A04039700	478	25S	03W	5	18673959	IRR	77
A04039700	2479	25S	03W	5	20713945	IRR	0
A04039700	2480	25S	03W	5	16643974	IRR	0
A04110800	285	25S	04W	1	41804320	REC	39
A04131400	942	24S	03W	31	38301240	IRR	58
A04151200	2151	25S	03W	7	39154001	IRR	87
A04169000	2179	24S	04W	36	39603960	IND	205
A04171800	2140	25S	03W	7	39154001	IRR	81
A04331200	2555	24S	03W	29	13284005	IRR	99
A04332300	2558	24S	03W	30	39651271	IRR	88
A04433100	2798	25S	03W	5	15911485	IRR	39
A04459200	2858	25S	03W	6	40001350	IRR	67
A04462800	2861	25S	04W	1	8791171	IRR	40
A04471700	2878	24S	03W	29	38194885	REC	21
A04526900	2989	24S	04W	36	17601917	REC	41
A04578400	3137	25S	04W	2	35611366	IRR	98
A04663600	3423	24S	03W	32	17162664	IRR	156
A04664200	3505	24S	04W	36	39600860	IRR	168
A04772400	3768	24S	03W	31	38301240	IRR	83.8
A04979300P	4958	24S	03W	29	38194885	REC	63
A04994100P	5136	24S	03W	20	13903813	IND	15
A04998100P	5213	24S	03W	31	26942699	IRR	292
A20179072P	5225	24S	03W	20	13903813	HYD	99.89
A99901200	3599	24S	04W	36	39603960	HYD	166
<b>Allowable Appropriations</b>	<b>4,021.00</b>	<b>Total Existing Appropriation</b>				<b>4,238.69</b>	
<b>Small User Quantity</b>	<b>15</b>	<b>Non Consumptive Appropriations</b>				<b>265.89</b>	
<b>Remaining SUQ</b>	<b>30</b>	<b>Consumptive Appropriations</b>				<b>3,972.80</b>	
<b>Note- Values are in acre-feet</b>		<b>Available Appropriations</b>				<b>48.2</b>	

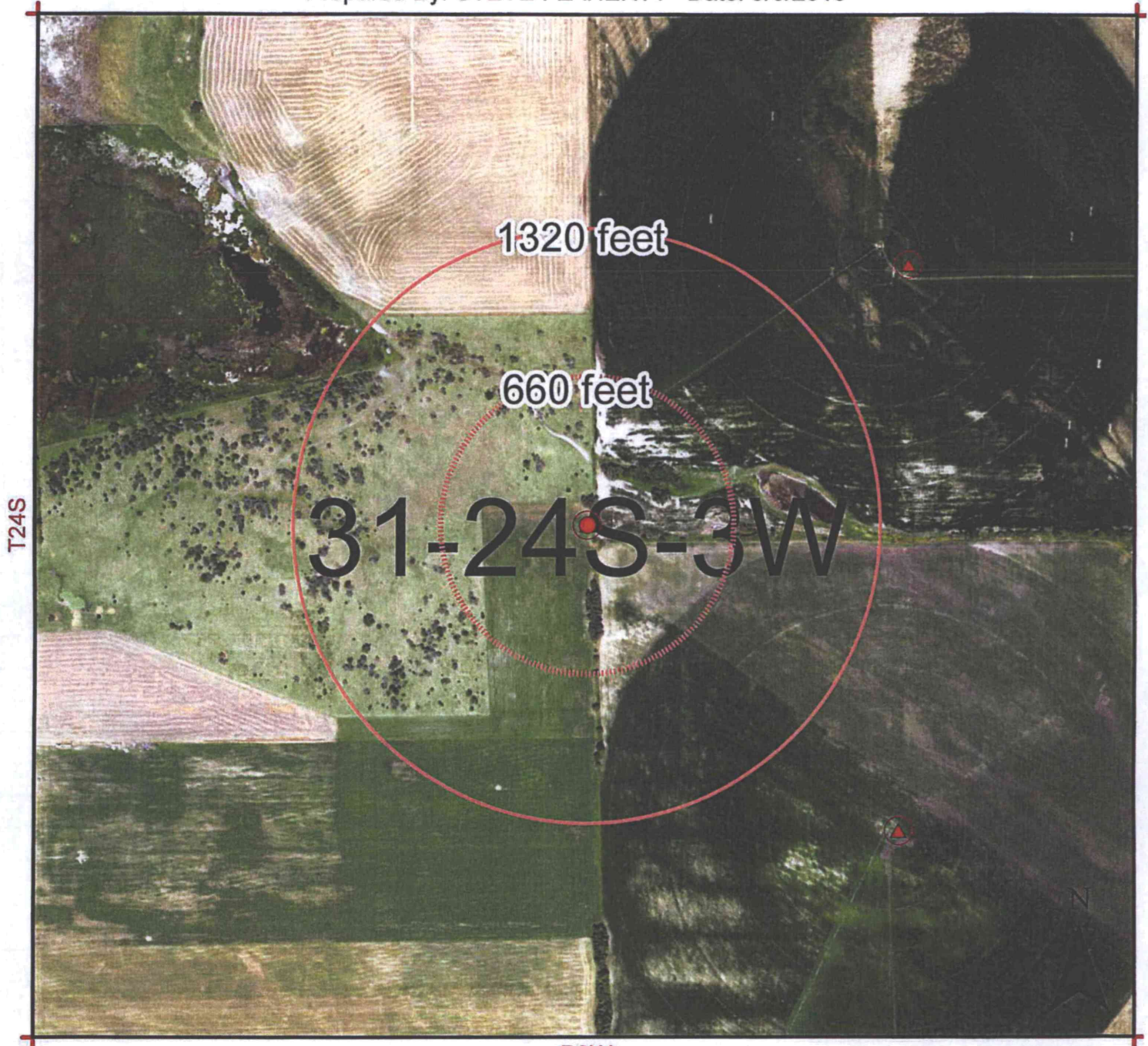
# Equus Beds Groundwater Management District No. 2

SPACING EVALUATION 49981 VICTOR BLUBAUGH

LOCATION: SESENW (2694'N & 2699'W) 31-24S-03W, Harvey County

SPECIAL USE AREA: None

Prepared By: STEVE FLAHERTY Date: 9/6/2018



T24S

R3W

0 660 1,320 Feet

WATER RESOURCES RECEIVED

NOV 20 2018

KS DEPT OF AGRICULTURE

## Map Legend

- Monitoring Well
- GMD2 Boundary
- Legal Sections

- Proposed Point of Diversion
- Existing Point of Diversion

- Burton IGUCA
- Hollow Nikkel SWQUA
- McPherson IGUCA
- Enhanced Well Spacing Area
- Application Suspension Area



