

File No. **50154** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
				87135							
				87136							
				87137							
				87138							
				87139							

17. Rate and Quantity				
Authorized		Additional		
Rate	Quantity	Rate	Quantity	Overlap PD Files
gpm/cfs	af/mgy	gpm/cfs	af/mgy	
				None
				None
				None
				None
				None

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use																		Owner	Chg?	Overlap Files									
T	MOD	DEL	ENT	PUSE	S	T	R	ID		NE¼				NW¼				SW¼				SE¼				Total			
										NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
										¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼			
				69176																									

Comments: **Application fails Safe Yield**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 10, 2020

FROM: Matt Meier

RE: Application, File No. 50,154

The William D & Verna L Blanchat Rev Trusts filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 253.4 acre-feet of groundwater for irrigation use. The proposed well battery geo-center was to be located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE¼ NW¼ SW¼) of Section 3, more particularly described as being near a point 2492 feet North and 4209 feet West of the Southeast corner of said section, in Township 32 South, Range 7 West, Harper County, Kansas within the Bluff Creek (Chikaskia River) basin within the boundaries of South-Central Kansas Designated Unit Area- BLK-49 (which currently open to new appropriations).

The source of water for the pending application appears to be Quaternary System, based on the completed hole log. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. Per K.A.R. 5-3-11(d)(1), the safe yield area of consideration represents the portion of the two-mile circle located within the limit of the unconfined aquifer expressed in acres (8,042 acres for this file). Calculated recharge is 2.0 inches, and for hydrologic units within the Bluff Creek (Chikaskia River) Basin, 50 percent of the calculated recharge can be considered to be available for appropriation.

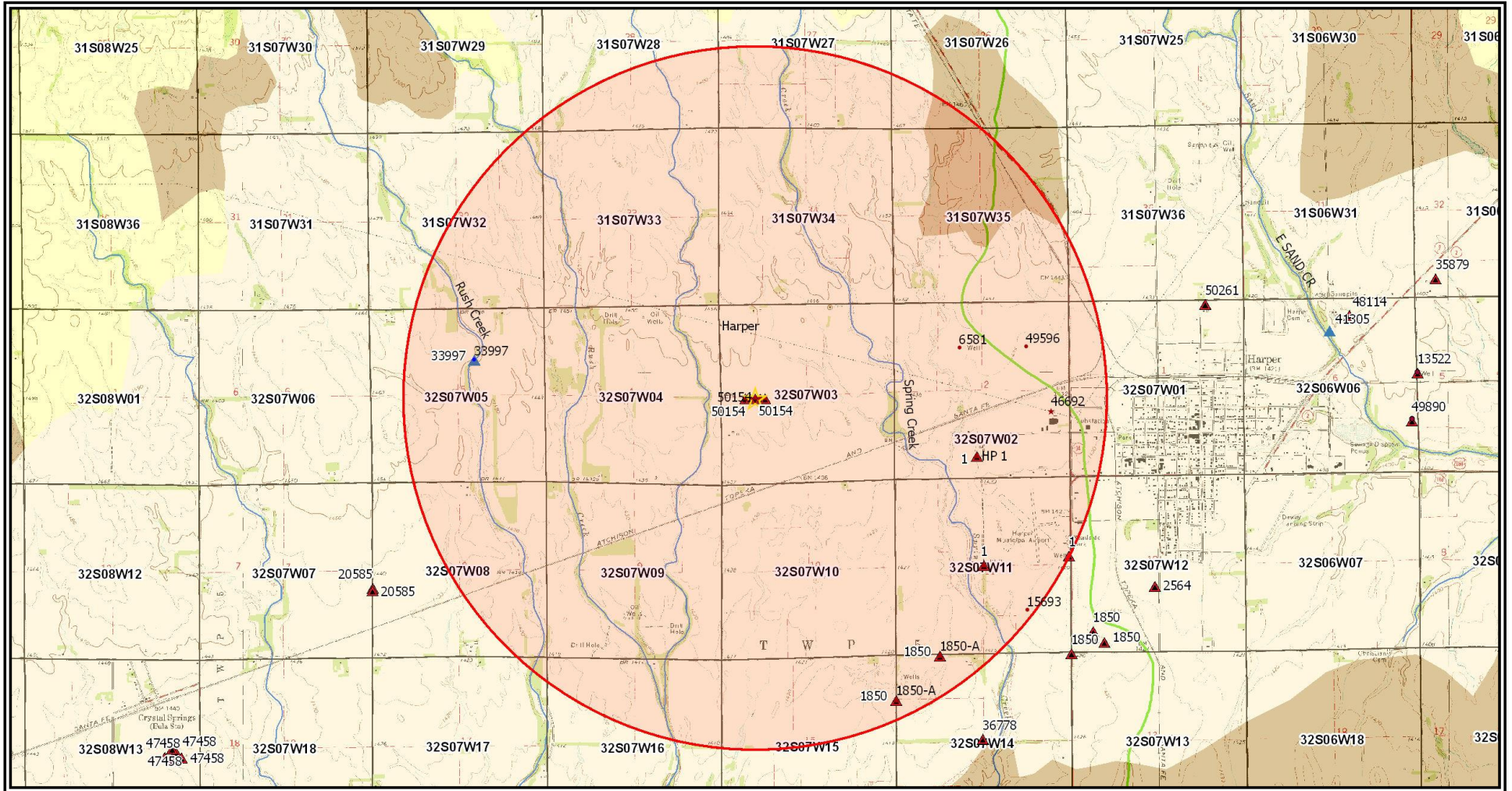
The safe yield determination was based on Area of Consideration x potential annual recharge x percent of recharge available, as follows: 8,042 acres x 2.0 inches x 50% = 8,042 acre-inches / 12 = 670.17 acre-feet. Prior appropriations within the same area of consideration total 1233.78 acre-feet, which exceeds this calculated safe yield quantity. Therefore, safe yield determination resulted in no water available for appropriation within this area of consideration.

The applicant was sent a letter (as well as the original application) on January 29, 2020 explaining the safe yield evaluation and stating that it would be recommended to the Chief Engineer that pending application, File No. 50,154 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-10 and K.A.R. 5-3-11. The applicant was provided 15 days (until February 13, 2020) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. No contact of any kind was received.

Therefore, based on the existing information, it is recommended that application File No. 50,154 be denied and dismissed for failure to meet safe yield criteria.

Matt Meier
Environmental Scientist
Permits Unit

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 03-32S-07W
Footages from SE corner- 2,492 feet North 4,209 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 670.21 AF. -1233.78 AF = -563.57 AF

Total prior appropriations in the circle is 1,487.18 AF. -253.4 AF = 1233.78 AF

Total quantity of water available for appropriation is 0.00 AF.

Pending Application No. 50154 fails to meet Safe Yield
Matt Meier SFFO

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 2.0 inches.

The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 31-DEC-2019 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 3 water rights and 9 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 1850 A	MUN	NK	G	SW	CR	NW	NW	0	0	14	32	07W	2	WR	620.00	620.00		
Same	MUN	NK	G	NE	CR	NW	NW	0	0	14	32	07W	1	WR				
V HP 1 00	MUN	AA	G		CE	SE	SW	700	2800	02	32	07W	1	WR	613.78	613.78		
Same	MUN	AA	G		SW	SW	NE	2700	2590	11	32	07W	3	WR				
A 50154 00	IRR	AY	G		NE	NW	SW	2492	4209	03	32	07W	2	WR	253.40	253.40	181.00	181.00
Same	IRR	AY	G		NE	NW	SW	2492	4509	03	32	07W	3	WR				
Same	IRR	AY	G		NE	NW	SW	2492	4359	03	32	07W	4	WR				
Same	IRR	AY	G		NE	NW	SW	2492	4059	03	32	07W	5	WR				
Same	IRR	AY	G		NW	NE	SW	2492	3909	03	32	07W	6	WR				

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

FINDINGS AND ORDER IN THE MATTER OF THE DISMISSAL OF APPLICATION TO APPROPRIATE WATER FILE NO. 50,154

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on November 1, 2018, the Chief Engineer received an application from the William D. Blanchat Revocable Trust, for a permit to appropriate groundwater for beneficial use, assigned File No. 50,154, proposing the appropriation of 253.4 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use, from a battery of four (4) wells with a geographical center to be located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, Township 32 South, Range 7 West, Harper County, Kansas.
2. That the Kansas Water Appropriation Act, in K.S.A. 82a-711, requires the Chief Engineer to consider whether a proposed use will prejudicially and unreasonably affect the public interest, and shall take into consideration established minimum desirable streamflow requirements, the area, safe yield, and recharge rate of the appropriate water supply, the priority of existing claims of all persons to use the water of the appropriate water supply, the amount of each claim to use water from the appropriate water supply, and all other matters pertaining to such question.
3. That K.A.R. 5-3-9 states that it shall be considered to be in the public interest that only the safe yield of any source of water supply, including hydraulically connected sources of water supply, shall be appropriated, and K.A.R. 5-3-10 and K.A.R. 5-3-11 set forth the methodology for determining safe yield.
4. That K.A.R. 5-1-1(vvv) defines "safe yield" as the long-term sustainable yield of the source of supply, including hydraulically connected surface water or groundwater.
5. That on January 29, 2020, a letter was mailed to the applicant, stating that the application failed to comply with the safe yield requirements, that the application would be submitted to the Chief Engineer with a recommendation for denial, and that the applicant had an opportunity to submit additional information to be considered, which must be submitted by February 13, 2020, or within any authorized extension of time.

- 6. That no additional information has been submitted within the time allowed and no request for an extension of time has been received from the applicant.
- 7. That Application, File No. 50,154, should be denied and dismissed and its priority forfeited as provided by K.S.A. 82a-711, K.A.R. 5-3-9, K.A.R. 5-3-10 and K.A.R. 5-3-11.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 50,154, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 25th day of July, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

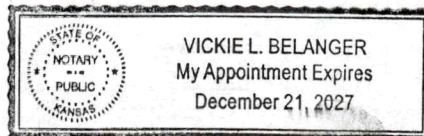
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 25th day of July, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

Notary Public



BELANGER
My Appointment Expires
December 21, 2027

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

August 2, 2024

WILLIAM D & VERNAL BLANCHAT REV TRUSTS
1420 N BURNS ST
WICHITA KS 67203-2752

RE: Dismissal of Application
File No. 50,154

Dear Sir or Madam:

Enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing the above referenced application to appropriate water for failure to meet safe yield as originally described in our letter to you, dated January 29, 2020.

Please feel free to contact this office should you have any questions. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Kristen A. Baum". The signature is fluid and cursive.

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:kak:ekf
Enclosure
pc: Stafford Field Office

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 request an evidentiary hearing before the Chief Engineer or 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 Division, 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 review 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.

CERTIFICATE OF SERVICE

On this 2 day of August, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 50,154 dated July 25, 2024, was mailed postage prepaid, first class, U.S. mail to the following:

WILLIAM D & VERNA L BLANCHAT REV TRUSTS
1420 N BURNS ST
WICHITA KS 67203-2752

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources