

Kansas Department of Agriculture
Division of Water Resources
CLOSURE OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,422</p>	2. Status Change Date: <p style="text-align: center; color: purple; font-size: 1.2em;">10/3/2023</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</p>	4. GMD:
5. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
<p>7a. Applicant(s) Person ID <u>67482</u> New to system <input type="checkbox"/> Add Seq# <u>1</u></p> <p style="margin-left: 20px;">SUZANNE R DROUHARD 926 E US HWY 160 DANVILLE, KS 67036</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>7b. Landowner(s) Person ID <u>50152</u> New to system <input type="checkbox"/> Add Seq# <u>1</u></p> <p style="margin-left: 20px;">JEAN TOMPKINS PAGE 125 N FILMORE ST ARLINGTON, VA 22201</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>8. WUR Correspondent Person ID <u>50152</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">JEAN TOMPKINS PAGE 125 N FILMORE ST ARLINGTON, VA 22201</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: _____ 11. Perfection Date: _____ 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: 9/28/23 By: JNE Date Reviewed: 9/28/2023 By: KAK Date Entered: 10/16/2023 By: KAnderson</p>			

File No. **50,422** 15. Formation Code: Drainage Basin: **Chikaskia River** County: **HP** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized		Additional		
DEL										Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL	88476	SW	1	32S	6W	6	1320	2960		800	224	800	224	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																		Total	Owner	Chg?	Overlap Files				
MOD	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼							
DEL						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				
DEL	50082	1	32S	6W	2									40.0	40.0	40.0	40.0					160.0	7b	NO	SEE COMMENTS

Comments: **P/U OVERLAP WITH DISMISSED FILE NOS. 42,546 AND 42,853**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 28, 2023

FROM: Jessica Engelbrecht

RE: Application, File No. 50,422

Suzanne R Drouhard filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 224 acre-feet of groundwater for irrigation use. The application proposed a battery of four (4) wells in the Chikaskia River basin in Harper County. The proposed point of diversion is also located within Designated Unit Area (DUA) No. 14, as provided in K.A.R. 5-3-11.

While the DUA does not appear to be fully appropriated, the application does not comply with the following 2-mile circle safe yield as required in K.A.R. 5-3-11:

$$\begin{aligned}\text{Safe Yield} &= 8042 \text{ acres} \times 2 \text{ inches/year recharge} \times 50\% \div 12 \text{ inches} \\ \text{Safe Yield} &= 670 \text{ acre-feet}\end{aligned}$$

The applicant was mailed a letter on October 6, 2021, explaining the safe yield evaluation and stating that it would be recommended to the Chief Engineer that pending application, File No. 50,422 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 to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information.

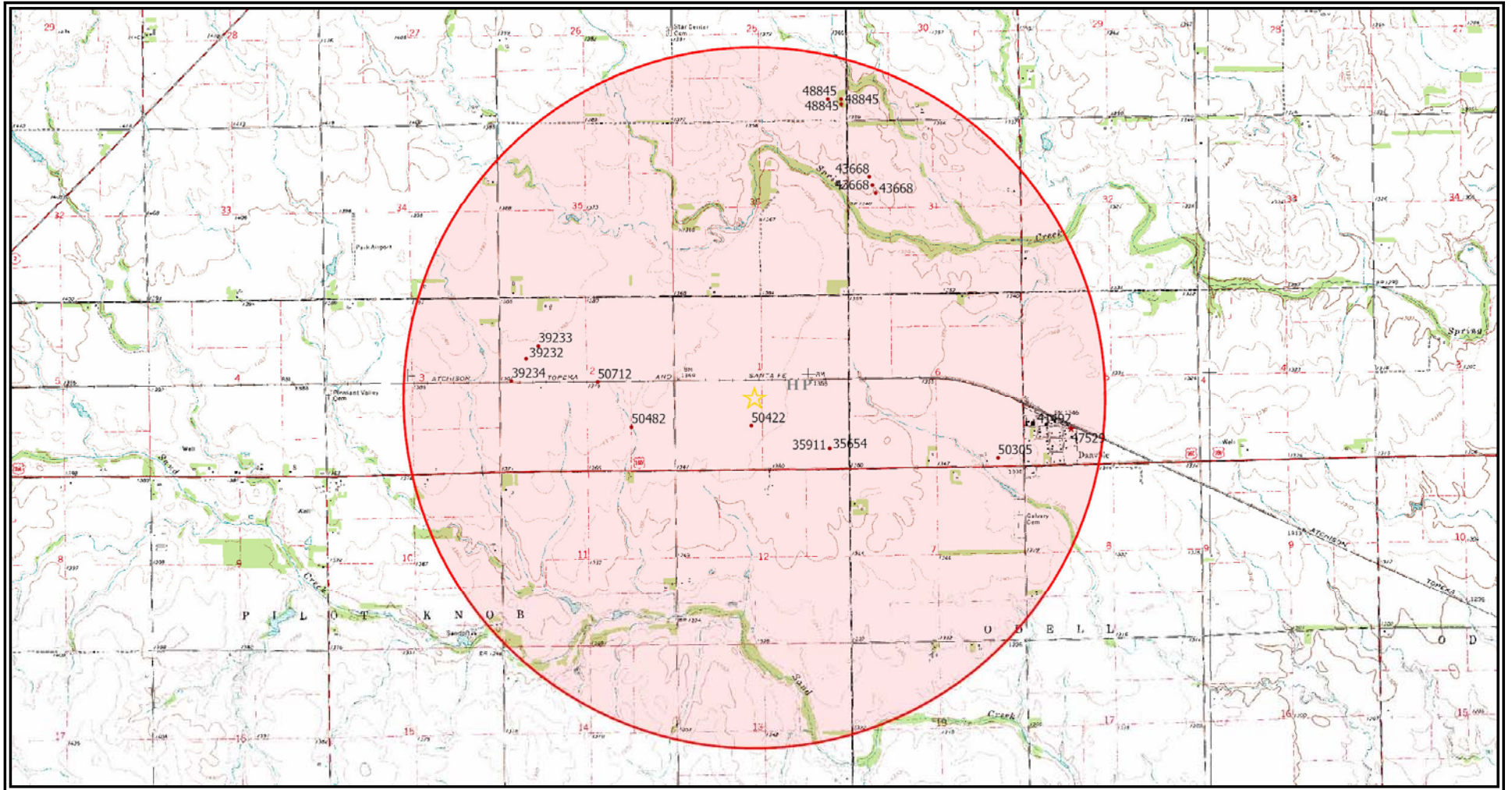
No response of any kind was received from the applicant. Therefore, based on the existing information, it is recommended that the referenced application be denied and dismissed for failure to meet safe yield criteria.

Safe Yield Report Sheet

Water Right- Proposed Point of Diversion

Point of Diversion in 01-32S-06W

Footages from SE corner- 2,178 feet North 2,868 feet West



Analysis Results

***DOES NOT MEET SAFE YIELD**

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

The safe yield based on the variables listed below is 670.21 AF – 920.67 AF = **-250.46 AF**

Total prior appropriations in the circle is 1,516.31 AF – 595.64 AF = 920.67 AF

Total quantity of water available for appropriation is 0.00 AF.

(206.64 AF + 165 AF + 224 AF = 595.64 AF)

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 14-FEB-2022 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 13 water rights and 16 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 35654 00	IRR	NK	G		SW	SE	SE	430	1200	01	32	06W	1	WR	85.00	85.00	130.00	130.00
A 35911 00	IRR	NK	G		SE	SE	SE	600	600	01	32	06W	2	WR	93.00	93.00	130.00	0.00
A 39232 00	IRR	NK	G		NC	SW	NW	3410	4500	02	32	06W	1	WR	65.00	65.00	126.00	126.00
A 39233 00	IRR	NK	G		NE	SW	NW	3800	4130	02	32	06W	2	WR	65.00	65.00	126.00	0.00
A 39234 00	IRR	NK	G		SW	SW	NW	2775	5050	02	32	06W	3	WR	63.00	59.00	126.00	0.00
A 41492 00	IND	NK	G		NW	SE	SW	1000	3900	05	32	05W	1	WR	1.00	1.00		
A 43668 00	IRR	NK	G					3286	4460	31	31	05W	5	WR	131.00	131.00	92.00	92.00
Same	IRR	NK	G					3528	4556	31	31	05W	6	WR				
Same	IRR	NK	G					3044	4364	31	31	05W	7	WR				
A 47529 00	IND	LR	G		NW	SE	SW	1000	3900	05	32	05W	1	WR	3.68	2.67		
A 48845 00	IRR	KK	G		SE	SE	SE	650	350	25	31	06W	2	WR	195.00	195.00	160.00	160.00
Same	IRR	KK	G		SE	SE	SE	650	150	25	31	06W	3	WR				
Same	IRR	KK	G		SE	SE	SE	650	550	25	31	06W	4	WR				
A 50305 00	IRR	AY	G					254	771	06	32	05W	1	WR	224.00	224.00	160.00	160.00
A 50422 00	IRR	AY	G		SW			1320	2960	01	32	06W	6	WR	224.00	224.00	160.00	160.00
A 50482 00	IRR	AY	G		N2	SE		1320	1320	02	32	06W	4	WR	165.00	165.00	80.00	80.00
A 50712 00	IRR	AY	G		SW	SW	NE	2700	2340	02	32	06W	5	WR	206.64	206.64	147.60	147.60

Limitations

File Number	Seq Num	Limitations
A 35654 00	1	MAINTAIN OBSERVATION WELLS TO MANITOR WATER LEVEL
A 35911 00	1	MAINTAIN OBSERVATION WELLS TO MONITOR WATER LEVEL
A 39234 00	1	189AF/YR COM/W #39232 & 39233
A 47529 00	1	1.2MGY @ 99GPM COM/W #41492

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

FINDINGS AND ORDER

IN THE MATTER OF THE DISMISSAL OF APPLICATION FILE NO. 50,422

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 August 13, 2020, the Chief Engineer received an application from Suzanne R. Drouhard for a permit to appropriate water for beneficial use, assigned File No. 50,422, proposing the appropriation of 224 acre-feet of groundwater, for irrigation use, from a proposed battery of four (4) wells, with a geographical center located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 2,178 feet North and 2,868 feet West of the Southeast corner of said section, in Township 32 South, Range 6 West, Harper County, Kansas.
2. That the Kansas Water Appropriation Act, in K.S.A. 82a-711, requires the Chief Engineer to take into consideration the area, safe yield and recharge rate of the appropriate water supply to ascertain whether a proposed well will prejudicially and unreasonably affect the public interest.
3. That safe yield means the long-term sustainable yield of the source of supply, including hydraulically connected surface water or groundwater.
4. That based on the provisions of K.A.R. 5-3-10 and K.A.R. 5-3-11, the application was determined to not meet safe yield.
5. That on October 6, 2021, a letter was mailed to the applicant stating that the application did not comply with safe yield and that the application would be submitted to the Chief Engineer with a recommendation that the pending application be denied and dismissed.
6. That the applicant was provided until October 29, 2021, to either submit additional information to our office to be considered or to request additional time to do so, prior to final action on the application.
7. That the applicant, has not submitted additional information for consideration, nor requested an extension of time, for Application, File No. 50,422, thus the applicant should be denied and dismissed, and its priority forfeited for failure to comply with the safe yield requirements as noted above.

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. 50,422, is hereby dismissed and the priority assigned to it is considered to be forfeited.

ORDERED this **3** day of **October**, 2023, Manhattan, Riley County, Kansas.

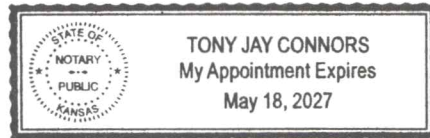
Lane P. Letourneau

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 **3** day of **October**, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors
Notary Public



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



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

Mike Beam, Secretary

Laura Kelly, Governor

October 17, 2023

SUZANNE R DROUHARD
926 E US HWY 160
DANVILLE KS 67036

Re: Application
File No. 50,422

Dear Ms. Drouhard:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,422, for failure to meet safe yield criteria, as indicated in our letter to you dated October 6, 2021.

If you have any questions, please contact our office at (785) 564-6640. Please reference a file number when calling so that we may help you more efficiently.

Sincerely,

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

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:kak:jne

Enclosure

pc: Stafford Field Office
Jean Tompkins Page

**RIGHT TO PETITION FOR REVIEW
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

CERTIFICATE OF SERVICE

On this 17 day of October, 2023, I hereby certify that the attached Dismissal of Application, File No. 50,422, dated October 3, 2023, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

SUZANNE R DROUHARD
926 E US HWY 160
DANVILLE KS 67036

Photocopy to:

KDA-DWR Stafford Field Office

JEAN TOMPKINS PAGE
125 N FILMORE ST
ARLINGTON VA 22201



DWR Staff