

Kansas Department of Agriculture
Division of Water Resources
 FINDINGS AND ORDER DISMISSAL OF NEW APPLICATION WORKSHEET

1. File No.: 50712	2. Status Change Date: 7/2/2024	4. Field Office: 02 - Stafford GMD: Structures File No.: Filing/Priority Date: 12/04/2020
3. Package File No(s):		
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 66946 Add Seq# 1 RANDAL L & DEBRA L BLANCHAT 847 NE 90TH AVE DANVILLE KS 67036	5b. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
6. Change No.: --- <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: --- Year: --- Min Reasonable Q: --- Previous UMW: Not changing MDS Gauge: --- Active Admin? <input type="checkbox"/> Completion/Start Date: --- Perfection/Expiration Date: ---		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: IRR-Irrigation UMW: UMW:
8. Action Trail ---		
9. Special Conditions ---		
10. 5YR Allocation Type: Start Year: --- 5YR Quantity: --- Base Acres: --- Comment: ---		
11. Sand & Gravel Proj ID: --- <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: --- <input type="checkbox"/> New Date Requested: --- Applies: --- Rule No.: --- Rule Type: --- Justification: --- Rule SubType: ---		
Comments	Processed 06/21/24 JNE	Entered 7/9/2024 KAnderson
	Reviewed	

File No. **50712** 13. County: **HP** Basin: **48 - Chikaskia River** Stream:
 Structures File No: Aquifer Code: **100 - Quaternary System** Special Use Area: --- ---

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
DEL	89267	SW SW	2	32S	6W	5	2700	2340		206.64	206.64	800	800				

15. Limitations Type: Quantity: **AF** Rate: **gpm** combined with file no(s):
 Type: Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date:

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
PUSE	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
DEL	70708	2	32S	6W	3	35.0	35.0	38.0	39.60															5a	<input type="checkbox"/>
																									<input type="checkbox"/>
																									<input type="checkbox"/>
																									<input type="checkbox"/>
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18. Point of Diversion and Place of Use Overlaps

<p>* + # ^</p>	<p>** ++ ## ^^</p>
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 21, 2024

FROM: Jessica Engelbrecht

RE: Application, File No. 50,547

Randal L & Debra L Blanchat filed the referenced application for a permit to appropriate water for beneficial use, proposing to appropriate 206.64 acre-feet of groundwater for irrigation use. The application proposed one well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 2, more particularly described as being near a point 2,700 feet North and 2,340 feet West of the Southeast corner of said section, in Township 32 South, Range 6 West, in Harper County Kansas, within the boundaries of the Arkansas River basin.

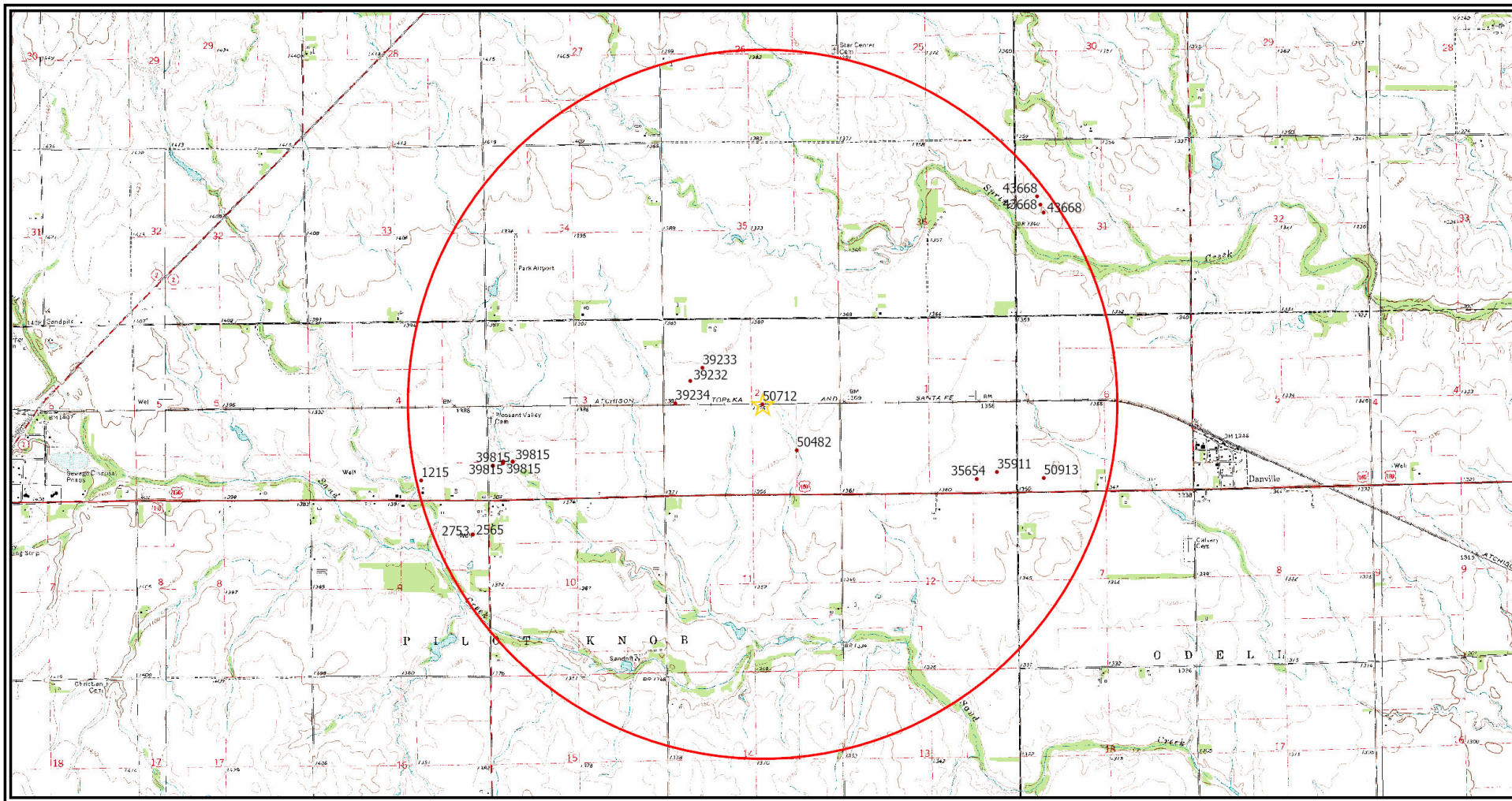
The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. Per K.A.R. 5-3-11(d)(1), the safe yield area of consideration represents the portion of the two-mile circle located within the limit of the unconfined aquifer express in acres (8,042 acres for this file). Calculated recharge is 2.0 inches, and 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: $8,042 \times 2.0 \text{ inches} \times 50\% = 11,345 \text{ acre-inches} / 12 = 670.21 \text{ acre-feet}$. Prior appropriations within the same area of consideration total 1,704.64 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 on November 7, 2023, explaining the safe yield evaluation and stating that it would be recommended to the Chief Engineer that pending application, File No. 50,712 be denied and dismissed due to 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 (November 30, 2023) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. The applicant called to protest the safe yield calculation but could provide no information to prove his claim.

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 02-32S-06W
Footages from SE corner- 2,700 feet North 2,340 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 – 899.0 AF = **-228.79 AF**

Total prior appropriations in the circle is 1,480.64 AF – 581.64 AF = 899.0 AF

Total quantity of water available for appropriation is 0.00 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.

(210.0 AF + 206.64 AF + 165.0 AF = 581.64 AF)

The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 28-DEC-2023 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 15 water rights and 17 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 1215 00	IRR	NK	G		SW	SW	SE	610	2000	04	32	06W	3	WR	99.00	99.00	66.00	66.00
A 2565 00	IRR	NK	G		CS	NE	NE	0	0	09	32	06W	1	WR	69.00	69.00	46.00	46.00
A 2753 00	IRR	NK	G		CS	NE	NE	0	0	09	32	06W	1	WR	38.00	38.00	81.00	81.00
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 39815 00	IRR	NK	G		NE	SW	SW	1054	4531	03	32	06W	8	WR	78.00	78.00	130.00	130.00
Same	IRR	NK	G		NW	SW	SW	936	5128	03	32	06W	7	WR				
Same	IRR	NK	G	NC	N2	SW	SW	1054	4823	03	32	06W	6	WR				
Same	IRR	NK	G	NC	N2	SW	SW	1015	4827	03	32	06W	5	WR				
A 39816 00	IRR	NK	G		NE	SW	SW	1054	4531	03	32	06W	8	WR	35.00	35.00	130.00	0.00
Same	IRR	NK	G		NW	SW	SW	936	5128	03	32	06W	7	WR				
Same	IRR	NK	G	NC	N2	SW	SW	1054	4823	03	32	06W	6	WR				
Same	IRR	NK	G	NC	N2	SW	SW	1015	4827	03	32	06W	5	WR				
A 41244 00	IRR	NK	G		NE	SW	SW	1054	4531	03	32	06W	8	WR	195.00	82.00	130.00	0.00
Same	IRR	NK	G		NW	SW	SW	936	5128	03	32	06W	7	WR				
Same	IRR	NK	G	NC	N2	SW	SW	1054	4823	03	32	06W	6	WR				
Same	IRR	NK	G	NC	N2	SW	SW	1015	4827	03	32	06W	5	WR				
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 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

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 50913 00	IRR	AY	G			SE	SW	380	4465	06	32	05W	2	WR	210.00	210.00	150.00	150.00

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 39816 00	2	450GPM COM/W #39815
A 41244 00	1	195AF/YR @ 600GPM COM/W #39815 & 39816

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. 50,712

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 February 3, 2022, the Chief Engineer received an application from Randal L. and Debra L. Blanchat, for a permit to appropriate groundwater for beneficial use, assigned File No. 50,712, proposing the appropriation of 206.64 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use, from one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 2, 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 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, based on aquifer recharge values for the State of Kansas, published by the United States Geological Survey (USGS).
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 December 28, 2023, 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 January 19, 2024, or within any authorized extension of time.

- 6. That a response was received from the applicant, on January 22, 2024, which requested that the safe yield calculation be reconsidered, but provided no engineering or hydrologic analyses to refute the safe yield methodology or the recharge values published by the USGS, that the burden shall be on the applicant to make such a showing to the satisfaction of the Chief Engineer, and that no request for an extension of time was received from the applicant in which to do so.
- 7. That Application, File No. 50,712, 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. 50,712, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 2 day of July, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

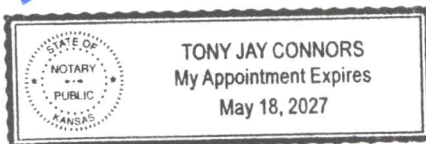
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 2 day of July, 2024, 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

July 10, 2024

RANDAL L & DEBRA L BLANCHAT
847 NE 90TH AVE
DANVILLE KS 67036

RE: Dismissal of Application
File No. 50,712

Dear Mr. and Mrs. Blanchat:

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 December 28, 2023.

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 written in a cursive style.

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:kak
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 10 day of July
File No. 50,712, dated July 2
mail to the following:

, 2024, I hereby certify that the foregoing Dismissal of Application,
, 2024, was mailed postage prepaid, first class, U.S.

RANDAL L & DEBRA L BLANCHAT
847 NE 90TH AVE
DANVILLE KS 67036

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources