

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

1. File No.: 50887	2. Status Change Date: 9/3/2024	4. Field Office: 02 - Stafford GMD: Structures File No.: Filing/Priority Date: 10/17/2022
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 B&S KANSAS RANCHES LLC 1404 S LONGMORE RD MESA, AZ 85202	Person ID 68710 Add Seq# 1	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: 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 08/27/24 JNE	Entered 9/6/2024 KAnderson
	Reviewed KAK 8/28/2024	

File No. **50887** 13. County: **HP** Basin: **50 - Sandy Creek** 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	89866 NW	4	33	9W	2	1900	3960				224	224	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																			Total	Owner(s)	Chg?	Overlaps								
PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼													
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE										
DEL	71090	4	33	9W	2					40.0				40.0	40.0					40.0					160.0	5a	<input type="checkbox"/>			
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18. Point of Diversion and Place of Use Overlaps

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MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: August 26, 2024

From: Jessica Engelbrecht, Environmental Scientist

Re: New Application File No. 50,887 – B&S Kansas Ranches LLC

Summary

B&S Kansas Ranches LLC., filed the above referenced application to appropriate 224 acre-feet of groundwater, at a rate of 800 gallons per minute, to irrigate 160 acres. The proposed point of diversion is the geometric center of a battery of four wells, located in in the Northwest Quarter of Section 4, Township 33 South, Range 9 West in Harper County, Kansas. The place of use is owned by the applicant, and they have signed the application form affirming legal access to the point of diversion.

The applicant did not supply a test log to determine saturated thickness and groundwater source. The closest well log is from a domestic well approximately 1,900 feet away from the proposed point of diversion. That domestic well is only 32 feet deep, has a static water level of 14, and an estimated yield of 20 gallons per minute.

An email was sent to the applicant on December 8, 2023, asking for a well log within 300 feet of the point of diversion. The applicant responded to the email and advised that it is an existing well and asked how he could obtain a log. A response email was sent on December 8, 2023, advising the applicant that they would need to obtain a well log. A letter was sent to the applicant on June 24, 2024, advising the applicant that the application will be dismissed as incomplete if a well log is not submitted by July 24, 2024.

The applicant failed to provide the requested information or contact this office to request an extension by the July 24, 2024, deadline. Therefore, it is recommended that the application be dismissed.

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. 50,887**

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 October 17, 2022, the Chief Engineer received an application from B&S Kansas Ranches, LLC, for a permit to appropriate groundwater for beneficial use, assigned File No. 50,887, proposing the appropriation of 224 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 located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 4, Township 33 South, Range 9 West, Harper County, Kansas.
2. That the Kansas Water Appropriation Act, in K.S.A. 82a-710, states that if an application is found to be defective, inadequate or insufficient to determine the nature and amount of the proposed appropriation, the applicant must correct or complete the application by submitting additional information within thirty days, or such further time as may be approved by the Chief Engineer.
3. That upon receipt and examination, the application was determined to be defective, inadequate or insufficient to determine the nature and amount of the proposed appropriation, since the application did not include a stratigraphic log of a well or test hole within 300 feet of the proposed battery of wells, as required by K.A.R. 5-3-4d.
4. That on June 24, 2024, a letter was mailed to the applicant, detailing the additional information which must be submitted in order to complete the application, including a stratigraphic log of a well or test hole within 300 feet of the proposed battery of wells, giving the applicant a deadline of July 24, 2024, in which to provide the required information, and stating that the application would be dismissed if it was not submitted by that deadline, or within any authorized extension of time.
5. That the required information was not submitted by the July 24, 2024, deadline, nor did the applicant request an extension of time in which to do so.
6. That the incomplete application should be dismissed and its priority forfeited in accordance with K.S.A. 82a-710.

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. 50,887, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this *29* day of *August*, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

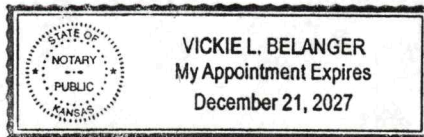
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *29* day of *August*, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

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

September 12, 2024

B&S KANSAS RANCHES LLC
1404 S LONGMORE RD
MESA AZ 85202

Re: Dismissal of Application
File No. 50,887

Dear Sir or Madam:

A letter was mailed to you on June 24, 2024, requesting additional information to complete the above referenced Application to Appropriate Water for Beneficial Use. Enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,887, for failure to complete your application by providing the required information, prior to the deadline of July 24, 2024.

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

Sincerely,

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

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:kak
Enclosures
pc: Stafford Field Office

**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 *12* day of *September*, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 50,887, dated *August 29*, 2024, was mailed postage prepaid, first class, US mail to the following:

B&S KANSAS RANCHES LLC
1404 S LONGMORE RD
MESA AZ 85202

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources