

File No. 51063	13. County: CL - COWLEY Basin: WALNUT RIVER Stream: WALNUT RIVER TRIB 11A		
Structures File No:	Aquifer Code:	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty AF		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
CHK	90418	NW	NE	SW	13	34	4E	1	2415	3452	18.2	18.2	800	800	18.2	18.2	NF

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

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: ~~12/31/2025~~ **12/31/2026**

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					
CHK	71446	13	34	4E	1									20.0								20.00	5a	<input type="checkbox"/>	
																						0.00		<input type="checkbox"/>	
																						0.00		<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: October 22, 2024

From: Colin Barclay, Environmental Scientist

Re: New Application File No. 51,063 – Chance and Cortney Blatchford

Summary

Chance and Cortney Blatchford have filed the above referenced application to appropriate 18.2 acre-feet of natural flows surface water from a tributary of Walnut River designated as Walnut River Trib 11A for storage and re-diversion in a half-acre reservoir. The rate of diversion is at a rate of natural flows and a re-diversion rate of 800 gallons per minute to irrigate 20 acres of ground in Cowley 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. Structures has determined that the reservoir does not require any additional structures permitting.

Reasonable Quantity and Safe Yield

Maximum reasonable quantity for storage was determined to be 18.2 acre-feet. As per K.A.R. 5-6-5 maximum reasonable annual quantity for storage of water for beneficial use in a reservoir. The maximum reasonable annual quantity in a reservoir shall be limited to the lesser of the following.

As per K.A.R. 5-6-4, a runoff calculation was prepared and found that 18.2 acre-feet of runoff could be expected on a 20% chance of occurrence from the following variables.

- 16.55-acre drainage area.
- Mean annual precipitation of 34 inches per year.
- Soil covers complex number of 78.

As per K.A.R. 5-6-5(b)(1)(A) and (B) Three years of direct and indirect use was calculated to be 74.125 acre-feet of water.

- 20 acres of ground x 1.2 acre-feet per acre per year in Cowley County = 24 acre-feet of direct use
- 17 inches of net evaporation /12 inches per foot = 1.417 feet of net evaporation x .5 surface acres = .708 acre-feet of indirect use
- 24 acre-feet of direct use + .708 acre-feet of indirect use = 24.708 acre-feet per year
- 24.708 acre-feet per year x 3 years = 74.125 acre-feet.

As per K.A.R. 5-6-5(2)(A) 1 year of direct, indirect, and reservoir capacity was calculated to be 27.708 acre-feet of water.

- 20 acres of ground x 1.2 acre-feet per acre per year in Cowley County = 24 acre-feet of direct use
- 17 inches of net evaporation /12 inches per foot = 1.417 feet of net evaporation x .5 surface acres = .708 acre-feet of indirect use
- .5 acres x 6 feet of depth = 3 acre-feet of reservoir capacity
- 24 acre-feet of direct use + .708 acre-feet of indirect use + 3 acre-feet of reservoir capacity = 27.708 acre-feet.

The place of use is identified as 20 acres. The requested quantity of 18.2 acre-feet will only provide for .91 acre-feet per acre. However, the requested quantity is the maximum that can be requested because of the limitations of the drainage area and should be considered reasonable. The applicant will need to manage the limited water that is available on the 20-acre place of use.

Nearby Water Rights

Two (2) nearby neighbors were found to be within one-half ($\frac{1}{2}$) mile upstream and downstream of the applicant's property boundary. Nearby notification letters were sent out on September 27, 2024. No comments of any kind were received during the 15-day period open to comments and concerns.

Recommendations

The application was sent to Jeff Lanterman, Water Commissioner of the Stafford field office and was recommended for approval in an email dated October 21, 2024.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. Approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Colin Barclay
Environmental Scientist
Water Appropriation Program

RE: 51063 review and recommendation request

From Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Date Mon 10/21/2024 4:06 PM

To Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Barclay, Colin [KDA] <Colin.Barclay@ks.gov>

Colin; I think that this can be approved. I am not too worried about the acres here as I don't think he has the water to do what he is wanting to do anyway. I think we will eventually whittle this down at certification time.

Honestly I don't think a permit is required here in the first place but if he wants to try to get something going im ok with it.

Thanks
Jeff.

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Sent: Monday, October 21, 2024 11:27 AM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Subject: FW: 51063 review and recommendation request

Jeff, I'm not sure what to make of this application/irrigation project. It doesn't seem very feasible to me but I'll try to explain it as I understand it. To me, it will still take a revision on the p/u to get that to a reasonable quantity for irrigation.

The application is requesting to pull water from a small, existing pond to irrigate nearby land with, the pond is located on a tributary to Walnut Creek. Per the application, the pond is about ½ surface acre and is ~6' deep at the deepest point. Based on this, at most it holds 3 AF but probably less than 2 AF when you account for the sloped sides. There was an apparent runoff calculation done and the area shows 18.2 AF of runoff potential at this location. I didn't check that but providing it is correct, the runoff calculation would be the limiting factor on this one. The application is basically allowing the pond will be emptied and filled up to 6 to 9 times each year to fully pump the 18.2 requested AF which is the entirety of the calculated runoff into the pond. At the requested rate of 800 GPM they will vacate the pond in 13-20 hours of pumping.

They are requesting 18.2 AF on 20 acres. I think the place of use needs to be reduced down to 15.2 acres (18.2 AF / 1.2 Cowley County reasonable quantity = 15.2 acres) of authorized land. I don't want to create a short water right on paper right out of the gate. If this is some type of specialty crop that requires less water, the applicant can provide information supporting that. If they intend to irrigate "normal" crops I think 15.2 acres is appropriate.

This will be subject to MDS and I can't imagine it impairing anyone as there is nothing between this pond and the upper reach of the little trib to the Walnut River. My take is that they will struggle to pump much collected surface water here, but they can give it a go I guess. I think we can recommend approval of this providing the application is revised to 15.2 acres on the place of use, please pass on to Colin if you agree. Let me know if you have any other questions,

Cameron

From: Barclay, Colin [KDA] <Colin.Barclay@ks.gov>

Sent: Wednesday, October 16, 2024 2:53 PM

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

Subject: 51063 review and recommendation request

Jeff and Cameron,

Please disregard my previous recommendation request, I did not confirm that my memo was attached.

I have attached my draft memo for 51063 for your review and recommendation. I sent out nearby notification letters on September 27 and have not heard back from anyone.

Please let me know if you have any questions.

Thanks,

Colin Barclay

Environmental Scientist

Division of Water Resources

Kansas Department of Agriculture

Phone: (785) 564-6628

Colin.Barclay@ks.gov

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., 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. 51,063** of the applicant

**CHANCE AND CORTNEY BLATCHFORD
27731 115TH ROAD
ARKANSAS CITY KS 67005**

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 **June 23, 2023**.
2. That the water sought to be appropriated shall be used for irrigation use on 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	
13 - 34S - 4E									20								20

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary of the Walnut River, designated in the office of the Chief Engineer as Walnut River Trib 11A, not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **18.2 acre-feet** of water per calendar year in a reservoir created by a dam located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW¼ NE¼ SW¼) of Section 13, more particularly described as being near a point 2,415 feet North and 3,452 feet West of the Southeast corner of said section, in Township 34 South, Range 4 East, Cowley County, Kansas, to provide **18.2 acre-feet** of water as needed for direct irrigation use, to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **800 gallons per minute (1.78 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2026**, 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.

5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2030**, 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The required 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).

12. 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.

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

14. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

15. 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.

16. That failure without cause to comply with the provisions of this 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.

Ordered this 24 day of October, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

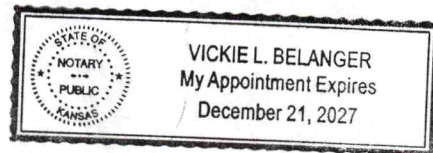
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 24 day of October, 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

October 31, 2024

CHANCE AND CORTNEY BLATCHFORD
27731 115TH RD
ARKANSAS CITY KS 67005-6060

RE: Appropriation of Water
File No. 51,063

Dear Chance and Cortney Blatchford:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit, with specific reference to Paragraph Nos. 14 and 15.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:kak:ccb
Enclosure(s)
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 31 day of October, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,063, dated October 24, 2024, was mailed postage prepaid, first class, US mail to the following:

CHANCE AND CORTNEY BLATCHFORD
27731 115TH ROAD
ARKANSAS CITY KS 67005-6060

With photocopies to:

KDA-DWR STAFFORD Field Office



Division of Water Resources