

**Kansas Department of Agriculture
Division of Water Resources**

FINDINGS AND ORDER WORKSHEET

1a. File No.: <div style="text-align: center; font-size: 1.2em;">51,241</div>		1b. Document Date: <div style="text-align: center; color: blue;">4/8/2025</div>		1c. Field Office: <div style="text-align: center; font-size: 1.2em;">2</div>		1d. GMD: <div style="text-align: center; font-size: 1.2em;">5</div>	
2a. Name & Address Person ID 25303 <u>LAWRENCE L & SHERRY LEE DEBES</u> <u>805 W 4TH ST</u> <u>LARNED KS 67550 3416</u>				2b. Name & Address Person ID _____ _____ _____ _____			
2c. Name & Address Person ID _____ _____ _____ _____				2d. Person ID _____ _____ _____ _____			
2e. WUR Correspondent Person ID 25303 <u>LAWRENCE L & SHERRY LEE DEBES</u> <u>805 W 4TH ST</u> <u>LARNED KS 67550 3416</u>				3. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____			
4a. PD <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4b. PU <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4c. LIMITATIONS <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4d. RATE <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4e. QUANTITY <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____			
5. Old Information to be Changed (New Information to be written in 7, 8 & 11) <div style="color: blue; text-align: center; font-weight: bold;">DISMISSAL OF APPROPRIATION OF WATER RIGHT APPLICATION</div>							
6. Previous Modifications and Amendments Document Type 							
7. Point of Diversion Groundwater to be withdrawn by means of (_____ well(s)) (_____) (_____ pit(s)) Surface water in the _____ to be diverted (at a point) (at _____ points) (_____ pit(s)) (_____ dam(s))							
Date Prepared 4/7/25 By CLA Date Entered 4/9/2025 By KAnderson							

[illegible]

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: April 7, 2025

From: Christa Anhold , Environmental Scientist

Re: New Applications File Nos. 51,241 & 51242 – Lawrence and Sherry Lee Debes

Summary

Lawrence and Sherry Debes filed the above referenced two (2) new applications proposed to offset water from a Water Right to reallocate water out of the Rattlesnake Creek Basin per K.A.R. 5-25-22. A reduction of WR File No. 35,140 was received signed and notarized on May 14, 2024. The application for reduction of Water Right 35,140 was withdrawn by the applicant on March 3, 2025.

A letter was mailed to Lawrence and Sherry Debes on March 4, 2025, notifying them that their two (2) applications for water rights were no longer compliant with K.A.R 5-25-22 as they no longer had the necessary offsets. The applicants were given until April 3, 2025, to provide the necessary offsets. No offset was ever received in this office.

It is recommended that these files be dismissed.

Christa Anhold
Environmental Scientist
Water Appropriation Program

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. 51,241

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 May 14, 2024, the Chief Engineer received an application from Lawrence and Sherry Lee Debes, for a permit to appropriate groundwater for beneficial use, assigned File No. 51,241, proposing the appropriation of 64.8 acre-feet of water, at a maximum requested diversion rate of 748 gallons per minute, for irrigation use, from one (1) well located near the center of the Northeast Quarter (NE¼) of Section 10, Township 25 South, Range 12 West, Stafford County, Kansas, which is located within the boundaries of Big Bend Groundwater Management District (GMD) No. 5.
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. 5-1-1(vvv) and K.A.R. 5-25-1 define "safe yield" as the long-term "sustainable yield" of the source of supply, including hydraulically connected surface water or groundwater.
4. 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. 5-25-4 sets forth the methodology for determining sustainable yield within the boundaries of GMD No. 5.
5. That in accordance with K.A.R. 5-25-4 and K.A.R. 5-25-22, GMD No. 5 is closed to new applications, except in certain circumstances, including when an application proposes the movement of an authorized quantity of water from an existing water right, or a portion of an existing water right, to a new location, through an acceptable water right offset, in order to improve streamflow at the U.S.G.S. Gage near Zenith, Kansas, on Rattlesnake Creek.

6. That Application, File No. 51,241, as originally filed, contemplated an acceptable offset of an existing water right, through a "Request to Reduce a Portion of an Existing Water Right," dated May 6, 2024, in order to satisfy the requirements of K.A.R. 5-25-22, but the owners of the offsetting water right notified the Chief Engineer, on March 3, 2025, that they would withdraw their request.
7. That without an acceptable offsetting water right, Application, File No. 51,241, is considered to be defective, inadequate and insufficient, as described by K.S.A. 82a-710, and fails safe yield, as described by K.S.A. 82a-711, since the application no longer includes an acceptable offsetting water right, as provided by K.A.R. 5-25-22.
8. That on March 4, 2025, a letter was mailed to the applicant, detailing the additional information which must be submitted in order to complete the application, including an acceptable offsetting water right, giving the applicant a deadline of April 3, 2025, 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.
9. That the required information was not submitted by the April 3, 2025, deadline, nor did the applicant request an extension of time in which to do so.
10. That the incomplete application should be dismissed, and its priority forfeited, in accordance with K.S.A. 82a-710, K.S.A. 82a-711, K.A.R. 5-3-9, K.A.R. 5-25-4 and K.A.R. 5-25-22.

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. 51,241, is herewith dismissed and the priority assigned to it is considered to be forfeited.

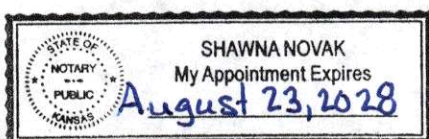
It is so ordered this 8th day of April, 2025, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr., P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 8th day of April, 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Shawna Novak
 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

April 10, 2025

LAWRENCE L & SHERRY LEE DEBES
805 W 4TH ST
LARNED KS 67550 3416

Re: Dismissal of Application
File No. 51,241 and 51,242

Dear Mr. and Mrs Debes:

A letter was mailed to you on March 4, 2025, requesting additional information to complete the above referenced Applications to Appropriate Water for Beneficial Use. Enclosed are Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File Nos. 51,241 and 51,242, for failure to complete your applications by providing the required information, prior to the deadline of April 3, 2025.

You may refile new Applications to Appropriate Water for Beneficial Use should you wish to proceed with the projects proposed by the dismissed applications, provided the applications are accompanied by an acceptable offset from an existing water right or water rights to meet the provisions of K.A.R. 5-25-22.

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,

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:kak:cla
Enclosures

pc: Stafford Field Office
Big Bend GMD No. 5

**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 10th day of April, 2025, I hereby certify that the foregoing Dismissal of Application, File No. 51,241 and 51,242, dated April 8, 2025, were mailed postage prepaid, first class, US mail to the following:

LAWRENCE L & SHERRY LEE DEBES
805 W 4TH ST
LARNED KS 67550 3416

With photocopies to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5



Division of Water Resources