

File No. 49,069	15. Formation Code: 190	Drainage Basin: LITTLE ARKANSAS RIVER	County: MP	Special Use:	Stream:																																																																																										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="10" style="width:50%; vertical-align: top;"> 16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W </td> <td colspan="5" style="width:50%; vertical-align: top;"> 17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files </td> </tr> <tr> <td style="text-align:center">√</td> <td style="text-align:center">83031</td> <td style="text-align:center">SW NE SE</td> <td style="text-align:center">15</td> <td style="text-align:center">21</td> <td style="text-align:center">3W</td> <td style="text-align:center">4</td> <td style="text-align:center">1635</td> <td style="text-align:center">1265</td> <td></td> <td style="text-align:center">50</td> <td style="text-align:center">8.45</td> <td style="text-align:center">50</td> <td style="text-align:center">8.45</td> <td style="text-align:center">NONE</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>						16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W										17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files					√	83031	SW NE SE	15	21	3W	4	1635	1265		50	8.45	50	8.45	NONE																																																												
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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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by 12/31/2018 Date Acceptable Meter Installed _____																																																																																															
21. Place of Use																																																																																															
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Comments: *APPROVED UNDER SMALL USE EXEMPTION (<15 AF)

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 6, 2017

FROM: Doug Schemm

RE: Application, File No. 49,069

Tim Kaminkow has filed the referenced application to appropriate 8.45 acre-feet of groundwater for irrigation use at a diversion rate of 50 gallons per minute. The proposed appropriation is located within the boundaries of Groundwater Management District No. 2, and the source of water is the Equus Beds Aquifer. There are no overlapping water rights in point of diversion or place of use. The place of use is 6.5 acres in the Southeast Quarter of Section 15, Township 21 South, Range 3 West, McPherson County. Based on the proposed 6.5 acres and with 1.3 Acre-Feet per acre allowed in McPherson County, the maximum quantity of water that could be requested is 8.45 acre-feet. The applicant has signed the application form stating he has access to the point of diversion.

The applicant identified three nearby domestic wells, including one owned by him, within one-half mile. Notification letters were sent out on December 11, 2014. No responses of any kind were received. Per K.A.R. 5-22-2. Well spacing requirements. (a) The minimum spacing interval from a proposed well to all nondomestic well, groundwater pit, and baseflow nodes shall be 1,320 feet. The minimum spacing interval from a proposed well to all domestic wells shall be 660 feet. The nearest permitted well is over 2,700 feet away, and the nearest domestic well (not owned by the applicant) is over 1,400 feet away. However, the proposed well does not comply with spacing criteria to the applicant's own domestic well. The applicant has provided a signed, "Domestic Water Well Owner Water Well Spacing Consent Form" acknowledging the reduced spacing interval.

The applicant did not provide a test hole log. However, nearby well logs show clay extending from ground surface to approximately 40 feet, underlain by sand and gravel extending over 100 feet in depth. Static water level is approximately 35 feet below ground surface.

A copy of the application was submitted to the Equus Beds Groundwater Management District No. 2 (GMD #2) for their review on March 23, 2016. In a September 28, 2016 letter, GMD #2 recommended denial of the application based on their review found that the proposed application is inconsistent with the District's Management Program goal to balance groundwater withdrawals with annual recharge and approval of the application is not in the public's interest due to the declining groundwater levels in the application area. The applicant appealed the District's decision, and GMD #2 Board of Directors subsequently recommended the application be approved under the Safe Yield Rule and Regulation small use exemption criteria K.A.R. 5-22-7(b)(1) in a letter received on February 27, 2017.

A review of the KGS Wizard data base shows that water levels decreased several feet during the extreme drought period of 2011 to 2012, and several of the observation wells have continued to show water level declines. However, other wells show some recovery in 2013, and appear to show a steady water level over the last few years. With the small rate of diversion and quantity of water requested, approval of this application will not impair existing water rights nor prejudicially and unreasonably affect the public interest.

Please note that this pending application is junior in priority to another application within the same two-mile circle (File No.48,965), which is located over 7,700 feet away. This senior pending application is being held by GMD #2 and will not be processed for some time. In addition, File No. 49,069 is being processed under a small use exemption, which would not be applicable to the senior pending file for irrigation use. Therefore, it is recommended that File No. 49,069 be processed out of priority order with File No. 48,965.

Tim Kaminkow
Application, File No. 49,069
Page 2

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is not required because this is a proposed new well of less than 100 gpm.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

In a March 3, 2017 e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application. Based on the above discussion, well spacing and safe yield criteria are met (under small use exemption), GMD 2 recommended approval of the application, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

March 30, 2017

TIM KAMINKOW
311 16TH AVE
MOUNDRIDGE KS 67107

FILE COPY

RE: Appropriation of Water, File No. 49,069

Dear Mr. Kaminkow:

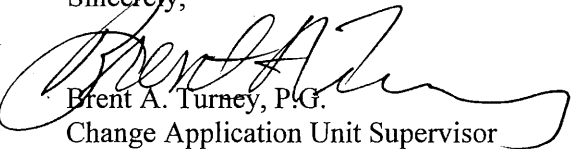
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. 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,



Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:dws
Enclosures

pc: Stafford Field Office
Groundwater Management District No. 2



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, 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. **49,069** of the applicant

**TIM & JAMIE KAMINKOW
311 16TH AVE
MOUNDRIDGE KS 67107**

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 **May 2, 2014**.

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	
15 21S 3W													0.4	6.0		0.1	6.5

3. That the authorized source from which the appropriation shall be made is groundwater from the Equus Beds aquifer, to be withdrawn by means of one (1) well located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW¼ NE¼ SE¼) of Section 15, more particularly described as being near a point 1,635 feet North and 1,265 feet West of the Southeast corner of said section, in Township 21 South, Range 3 West, McPherson County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **50 gallons per minute** (0.11 c.f.s.) and to a quantity not to exceed **8.45 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2018**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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 accompanied by the required statutory fee, which is currently \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022**, 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, which is currently \$100.00.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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. This 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).

13. 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.

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

15. That failure without cause to comply with provisions of the 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.

CERTIFICATE OF SERVICE

On this 30th day of March, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,069, dated March 24, 2017 was mailed postage prepaid, first class, US mail to the following:

TIM & JAMIE KAMINKOW
311 16TH AVE
MOUNDRIDGE KS 67107

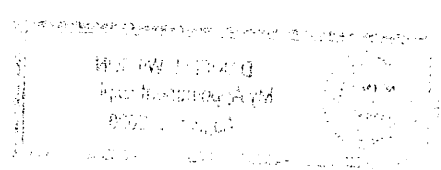
With photocopies to:

Groundwater Management District No. 2

Stafford Field Office



Division of Water Resources



APPLICATION COMPLETE

2/27/2017

Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE

Dale A. Rodman, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

File Number 49069

This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

MAY 02 2014 12:57 p.m.

KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application

(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, 109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): Tim Kaminkow
Address: 311 16th Avenue
City: Moundridge State KS Zip Code 67107
Telephone Number: (620) 345-3103

2. The source of water is: surface water in _____ (stream)
OR groundwater in Little Arkansas River Basin - Equus Beds Aquifer (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 8.45 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 50 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

SCANNED

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:

F.O. 2 GMD 2 Meets K.A.R. 5-3-1 (YES/NO) Use 1 M Source (G/S) County MP By AGL Date 5-2-14
Code _____ REG Fee \$ 20 TR # 14046783 Receipt Date 5-2-14 Check # 5635

5/6/2014 LLM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the SW quarter of the NE quarter of the SE quarter of Section 15, more particularly described as being near a point 1635 feet North and 1265 feet West of the Southeast corner of said section, in Township 21 South, Range 3 West, McPherson County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.


6. The owner of the point of diversion, if other than the applicant is (please print):

Tim & Jamie Kaminkow, 311 16th Avenue, Moundridge, KS 67107. 620-345-3103
 (name, address and telephone number)

 (name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4-28, 2014. 
 Applicant's Signature

7. The proposed project for diversion of water will consist of One well
 (number of wells, pumps or dams, etc.)

and will be completed (by) 5/1/2015
 (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 6/1/2015
 (Mo/Day/Year)

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here NA
 - If no, explain here why a Water Structures permit is not required NA
-
-

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

None

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No. (A) (B) (C) (D)

Date Drilled _____

Total depth of well _____

Depth to water bearing formation _____

Depth to static water level _____

Depth to bottom of pump intake pipe _____

* Applicant requests a waiver of the test log requirement & will submit the log for the well as constructed

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Tim & Jamie Kaminkow, 311 16th Avenue, Moundridge, KS 67107. 620-345-3103
(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at _____, Kansas, this 28 day of April, 2014.
(month) (year)

(Applicant Signature)

216 - 21 - 1028

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

Assisted by T. Boese GMD2/Manager Date: April 16, 2014
(office/title)

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,069

Name of Applicant (Please Print): Tim Kaminkow

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Tim & Jamie Kaminkow

ADDRESS: 311 16th Avenue, Moundridge, KS 67107

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
15	21S	3W														.40	6		.10	6.5

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

SCANNED

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
<u>Tobin Silt Loam</u>	<u>44</u>	<u>0.60-2.00</u>	<u>5</u>
<u>Longford SC Loam</u>	<u>55</u>	<u>0.06-0.20</u>	<u>3</u>
<u>Crete Silt Loam</u>	<u>1</u>	<u>0.06-0.20</u>	<u>3</u>
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): 2 %

Estimate the maximum land slope in the field(s): 4 %

c. Type of irrigation system you propose to use (check one):

Center pivot Center pivot - LEPA "Big gun" sprinkler

Gravity system (furrows) Gravity system (borders) Sideroll sprinkler

Other, please describe: Hand move sprinkler or drip irrigation

d. System design features:

i. Describe how you will control tailwater: Will schedule and apply irrigation to eliminate run-off

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: Pumpkins, watermelons, etc

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation). Soil moisture and plant needs

You may attach any additional information you believe will assist in informing the Division of the need for your request.

**DOMESTIC WATER WELL OWNER
WATER WELL SPACING CONSENT FORM**

K.A.R. 5-22-2(e)(4)

I, Tim Kaninkow, own a domestic well at 311 16th Avenue,
Name Domestic Water Well Owner Address
Moundridge, KS, 67107, 620-345-3103,
City State Postal Code Telephone

to supply water for domestic needs and use. That said water well was drilled and constructed on 10 / 10 / 2000.
MM DD YY

I understand and acknowledge that Tim Kaninkow has either filed a change in
Applicant Name
point of diversion application on existing water permit # _____ or new application # 49,069 for a water permit to withdraw or appropriate groundwater for non-domestic beneficial use.

That the application described the location of a proposed non-domestic water well or water well battery in the SW 1/4 NE 1/4 SE 1/4 of Section 15, Township 21 South, Range 3 West, McPherson County, and will allow the withdrawal of 8.45 acre-feet per year at 50 gallons per minute for irrigation use.

The applicant has informed me that the proposed non-domestic water well or water well battery is within the minimum required spacing interval of 660 or 960 feet, respectively, of my domestic well.

Having full knowledge of the above and without waiving any right to file an impairment complaint with the Chief Engineer, Division of Water Resources, I grant my permission to locate said well or well battery less than the minimum required spacing interval from my domestic well.

Dated at Moundridge, Kansas, this 29 day of April 20 14.

Signed by: [Signature]
Domestic Well Owner

Witnessed by: [Signature]

Address: 201 S Christian Ave
Moundridge KS 67107

Telephone: 620-345-6317

4-29-14
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Re: Application
File No. 49,069

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

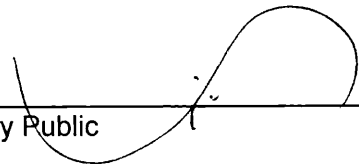


Signature of Applicant

State of Kansas)
County of McPherson) ss

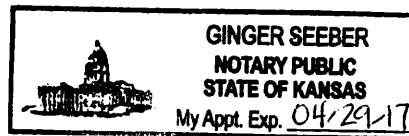
Tim Kaminski
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 29th day of April, 2014.



Notary Public

My Commission Expires: 04-29-2017



SCANNED

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

Schemm, Doug

From: Lanterman, Jeff
Sent: Friday, March 3, 2017 10:45 AM
To: Schemm, Doug
Cc: Conant, Cameron
Subject: FW: Tim Kaminkow
Attachments: 49069 Memo To File.docx; #49069_Kaminkow.pdf

Doug; I am OK with processing and approving this 15 a'er out of order with the Stucky application. It would be approved on the exemption regardless of the Stucky application over appropriating the area. (I guess its already over ☺)

I would like to go ahead and deny the Stucky permit based on the failure to meet safe yield. That one has been hanging too long. I don't really get it. Blaze Fork and Circle S had to be processed because they met the rules at the time so shouldn't this one be dismissed based on the rules at the time.

Go for it.

Jeff

From: Conant, Cameron
Sent: Wednesday, March 1, 2017 9:01 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: Tim Kaminkow

Jeff, this was just reviewed at the February 22 GMD#2 board meeting. I've attached the board meeting review packet if you want to look it over, I've typed and sent my GMD notes if you want to look at those as well.

File No. 49069 itself is pretty straight forward and falls under the 15AF small user exemption regarding the SY calculation. This application requests 8.45AF @ 50gpm from a new well to water a 6.5 acre pumpkin patch. The new well will not meet spacing to the owners existing domestic well. The owner provided a spacing consent form.

GMD originally recommended denial for not meeting the management program goals...based on the GMD review, this is in an area that shows a declining trend. Also, the recent KGS study shows this township and "region" to be over appropriated. That said, the denial was appealed and board heard the appeal and voted to approve this application b/c of the small rate and Q, the app meets spacing to any wells not owned by the applicant, and it meets all current SY for the exemption.

You and I have discussed the priority issue in the office. During the recent board meeting just prior to recommending approval of this application, they tabled file no. 48,965 (Larry Stucky) which is in the same 2 mile circle. 48,965 does not meet safe yield based on current methodology and the board was not willing to waive SY...but they also weren't willing to deny it for a variety of "what if" scenarios.

This application should be fine to recommend for approval as long as we all understand and are ok with processing it out of order due to the ongoing delays with 48965 (Brent and Lane and David need to be on board with this). I'd hate to punish this applicant or jeopardize his intended water use in 2017 because of the GMD#2 board decision to table 48965 for another 120 days, or until the CE approves the boundary expansion so 48965 can be reviewed again. Just as an FYI, GMD#2 has held file no. 48965 for about 17 months now (based on my calculation) and plans to extend another 4 months.

Cameron

From: Schemm, Doug
Sent: Tuesday, February 28, 2017 9:39 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron <Cameron.Conant@ks.gov>
Subject: Tim Kaminkow

Hello,
Updated Tim's memo. Recommending it be processed out of priority order with File No. 48,965.
Thanks, Doug

FRED SEILER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
JEFF WINTER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
DAVID BOGNER
ALAN BURGHART
JOE PAJOR
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

February 23, 2017

Chief Engineer, Division of Water Resources
Attn: Doug Schemm, Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS, 66619

RECEIVED

FEB 27 2017

Topeka Field Office
DIVISION OF WATER RESOURCES

Re: Application No. 49069 – Tim Kaminkow

Dear Mr. Schemm:

The referenced application was reviewed by the Equus Beds Groundwater Management District No. 2, Board of Directors at the February 22, 2017, meeting. District staff and the applicant presented information regarding the application. A copy of the District's Application Review Information report is enclosed for your information.

Based on District findings and information provided by the applicant that:

1. Application No. 49069 requests 8.45 acre-feet at 50 GPM for irrigating 6.5 acres.
2. The proposed point of diversion meets the minimum spacing requirements.
3. The application complies with the District's Safe Yield Rule and Regulation K.A.R. 5-22-7(b)(1) exemption criteria, as the application is for a small user quantity.
4. Declining water levels as recorded from nearby observation wells indicates that discharge has exceeded recharge since at least the year 2000.
5. Saturated high yielding materials in the application area is approximately 80 feet and that groundwater levels in this area have been steadily declining.
6. The application is not consistent with the District's Aquifer Management Program goal of managing the groundwater supplies within the District boundaries by balancing groundwater withdrawals with annual recharge to the aquifer to prevent groundwater mining.
7. The recent Sustainability Assessment report published by the Kansas Geological Survey indicates that the sustainable usage in this area is 7.3% to 10.8% lower than current reported usage and 39.1% to 43.7% below current authorized quantity.
8. The proposed quantity and rate are relatively minimal, reducing the chance of impairment to existing senior water rights and reducing the impact to the groundwater level.
9. The proposed crop (pumpkins) is generally less water intensive than typical row crops (corn, soybeans), and the applicant intends to install drip irrigation.
10. The proposed quantity, rate, and place of use would be similar to three domestic wells each irrigating 2 acres of trees and lawn.

Doug Schemm
February 23, 2017
Page 2

It was the decision of the Board of Directors to recommend the application for approval under the Safe Yield Rule and Regulation small use exemption criteria K.A.R. 5-22-7(b)(1).

A District Board of Director's decision may be requested for reconsideration by the Board by submitting a written request to the District office within 15 days from the date of this notification, pursuant to K.A.R. 5-22-12.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

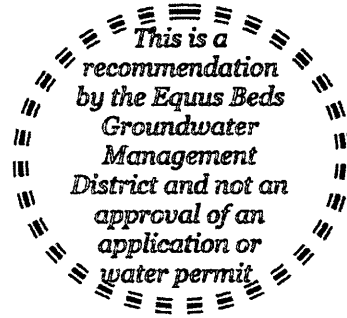


Tim Boese
Manager

TDB/db

Enclosure

pc: Tim & Jamie Kaminkow, Applicant/Landowner,
Jeff Lanterman, Division of Water Resources, Stafford



FRED SEILER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
JEFF WINTER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
DAVID BOGNER
ALAN BURGHART
JOE PAJOR
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

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February 23, 2017

Tim & Jamie Kaminkow
311 16th Avenue
Moundridge, KS 67107

Re: Appropriation Application No. 49069

Dear Mr. Kaminkow:

The Equus Beds Groundwater Management District No. 2 made a recommendation to the Division of Water Resources that Appropriation Application No. 49069 be approved. Pursuant to K.A.R. 5-22-4a, the well described in the application must be equipped with a District approved water flowmeter: The well is located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 15, Township 21 South, Range 3 West, McPherson County.

The well must be properly equipped with an approved meter within 30 days after the approved well is operational and prior to its operation. If more time is needed to install the meter or modify an existing meter installation, you may request an extension of time. The request must be made to the District before the end of the 30-day period.

Enclosed is a Flow Meter Installation form to be completed and returned to this office after completion of the meter installation or modifications. A copy of the Division of Water Resources' meter installation notification form (Notice and Proof of Completion of Works) may be substituted for the District form. Upon receiving the completed form, the District will inspect the installation.

Also enclosed is a copy of water meter and installation specifications. The water meter must meet these specifications and the list of certified water meters provided under K.A.R. 5-1-12, for District approval. The list of certified water meters can be obtained by contacting the District or at following link: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you have any questions about the District's metering program or the enclosed material, please contact the District for assistance.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/db

Enclosures

pc: Jeff Lanterman, Division of Water Resources, Stafford

RECEIVED

FEB 27 2017

Topeka Field Office
DIVISION OF WATER RESOURCES



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

March 23, 2016

GROUNDWATER MANAGEMENT DISTRICT NO 2
% TIM BOESE
313 SPRUCE ST
HALSTEAD KS 67056-1925

Re: Pending Application, File No. 49,069

Dear Mr. Boese:

We are enclosing a copy of the application referred to above which appears to be in proper form. Nearby well owner notification letters were sent out on December 11, 2014. No comments of any kind were received. The applicant has submitted a water well spacing consent form for his own domestic well.

We are delaying any further action for a period of 30 days from the date of this letter to allow you time to submit your recommendations concerning this application. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

SCANNED

Enclosure



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

September 29, 2016

TIM & JAMIE KAMINKOW
311 16TH AVE
MOUNDRIDGE KS 67107

RE: Application, File No. 49,069

Dear Sir or Madam:

On September 28, 2016, we received a recommendation from the Equus Beds Groundwater Management District No. 2 that the above referenced Application for Permit to Appropriate Water for Beneficial Use be denied. This recommendation was based upon the groundwater management program adopted by the District and approved by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

We are advising you of this recommendation in order to allow you an opportunity to consult with the District regarding their recommendation if you have not already done so. If you have already contacted the District regarding this recommendation, then we are allowing you this opportunity to submit any additional information you wish to have considered before the Chief Engineer.

We will delay any further action on the referenced application until **October 28, 2016**, at which time the application will be submitted to the Chief Engineer for a final decision.

If you have any questions, please contact me at (785) 296-3495, and please have the specific file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Doug Schemm
Environmental Scientist
Topeka Field Office

pc: Stafford Field Office
Groundwater Management District No. 2

Schemm, Doug

From: Rebecca Wilson <rwilson@gmd2.org>
Sent: Wednesday, September 28, 2016 2:14 PM
To: Schemm, Doug
Cc: Engelbrecht, Jessica
Subject: Denial Letter - Permit No. 49069
Attachments: Appropriation App. No. 49069 Denial Letter.pdf

Doug,

Attached is a Denial letter and documentation from Manager Tim Boese.

Please let me know if you have any difficulty opening the attachment!

Thanks!

Rebecca

Rebecca Wilson
Administrative Assistant
Equus Beds GMD2
313 Spruce Street
Halstead, KS 67056
316-835-2224
316-835-2225 Fax
rwilson@gmd2.org
www.gmd2.org

FRED SEILER, PRESIDENT
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JEFF WINTER, SECRETARY
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TIM BOESE, MANAGER
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September 28, 2016

Chief Engineer, Division of Water Resources
Attn: Doug Schemm
6531 SE Forbes Ave., Suite B
Topeka, KS 66619

Re: Appropriation Application No. 49069 – Tim Kaminkow

Dear Mr. Schemm:

The Equus Beds Groundwater Management District reviewed the referenced application on September 28, 2016, using the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The review found that the application complies with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. However, the application does not comply with the District's Revised Management Program, as the application area is experiencing a long term groundwater decline trend.

The District's approved Management Program dictates, "It is the goal of the District to manage the groundwater supplies within its boundaries by balancing groundwater withdrawals with annual recharge to prevent groundwater mining and protect the natural water quality of the aquifer and remediate groundwater contamination." The District's review found that the proposed application is inconsistent with the District's Management Program goal to balance groundwater withdrawals with annual recharge and approval of the application is not in the public's interest due to the declining groundwater levels in the application area. The additional pumping proposed by the application will increase the rate of groundwater decline and further exacerbate the groundwater mining problem occurring in the application area.

Therefore, the application is recommended for denial by the Equus Beds Groundwater Management District.

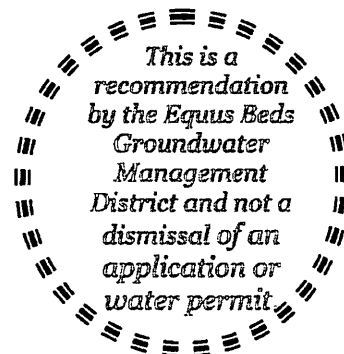
A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12. An appeal petition must state the basis for the appeal and must include information/documentation supporting the appeal.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese,
Manager
TDB/STF

Enclosures

pc: Tim and Jamie Kaminkow, Applicant and Landowner, with copy of K.A.R. 5-22-12
Jeff Lanterman, Division of Water Resources, Stafford



FILED AT SPRUCE STREET, HALSTEAD, KANSAS, SEPTEMBER 28, 2016, BY: [Signature]



EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

- 1) Application No. 49069 Date filed: May 2, 2014
 2) Proposed maximum quantity: 8.45 acre-feet/year Rate: 50 GPM
 3) Proposed Use: Irrigation
 4) P/D location: SWNESE 15-21S-3W Geo Center: North 1635 ft, West 1265 ft
 5) Number and type of points of diversion listed on the application 1 Well

- 6) Is the well location on the app the same on the evaluation sheet? Yes No
 7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8? Yes No, Why
 8) Meets change app requirements K.A.R. 5-22-8? Yes No N/A

- 9) Meets Safe Yield K.A.R. 5-22-7? Yes No N/A
 9(b) Safe yield total allowable appropriations: 1959.5 af/yr
 9(a) Safe yield analysis total existing appropriations: 2812.25 af/yr
 9(c) Total appropriations for small user exemptions: 8.45 af/yr
 9(d) Total appropriations for non-consumptive use: 0.00 af/yr
 9(e) Total appropriations for consumptive use: 2812.25 af/yr
 (total existing appropriations) – (non-consumptive appropriations)
 9(f) exempt from regulation? Yes No,
 Cite exemption: 5-22-7 (b)(1)(A)

- 10) Meets Well Spacing K.A.R. 5-22-2? Yes No N/A
 10(a) POD in enhanced well spacing area? Yes No
 10(b) Domestic well spacing interval: <660 ft
 10(c) Non-Domestic well spacing interval: >1320 ft

- 11) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A
 11(a) Irrigation max quantity: 1.3 acre-feet / acre
 application paragraph 3 value (acre-feet) / proposed acres = Q
 11(b) Stockwater max quantity: GPD unit
 11(c) Industry max quantity: Acre
 Industry standard:
 11(d) Municipal max quantity: GCD
 Lesser of either 200 GCD or
 $1.10 * (X - Y) * 365 d * (z + t)$
 X - Average of last three years usage in Gallons per Capita per Day (GCD)
 Y - water usage for industries that use over 200,000 gal/yr (GCD)
 Z - Projected population in 20 years
 T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)
 11(e) Pond max quantity is
 (Net evap + seepage)/12 x pond area + any initial fill
 11(f) Groundwater pit max Q:
 Net evap * pit area/12

- 12) Reasonable rate for intended use? Yes No N/A
 13) Depth to water: 47 ft bls at observation well: EB307C

- 14) Date reviewed: 9/15/16
 15) Reviewed by: S. Flaherty Title: Hydrogeologist *Reviewed 9-28-16*
 16) District recommendation: Approve Deny Other, see comment *TS*

17) Comments and Calculations:

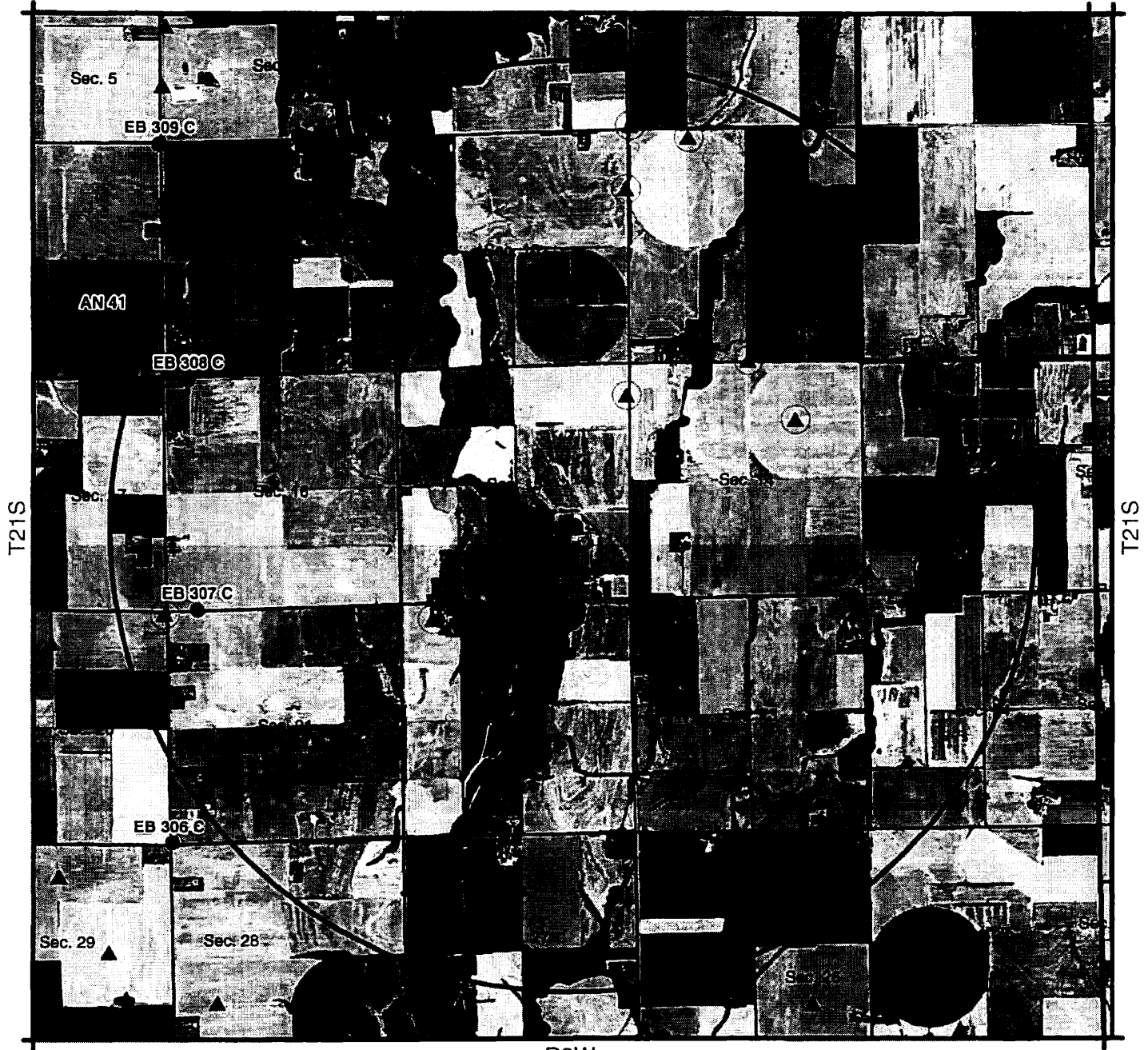
Review completed for a small user application submitted by Tim Kaminko for Irrigation use in McPherson County.
 Nearby domestic well spacing consent form received.
 Item #11(a) – 8.45 acre-feet / 6.5 acres = 1.3 acre-feet / acre
 Recommend denial, does not comply with the Aquifer Management Program. Application is in area of long term water level declines.

Equus Beds Groundwater Management District No. 2

SAFE YIELD EVALUATION #49069

SWNESE (1634'N & 1265'W) 15-21S-03W, McPherson County

Prepared By: Stephen Flaherty Date: 9/15/2016



R3W

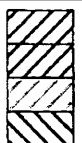
0 1,150,300 4,600 Feet

Map Legend

- Observation Well
- Bedrock
- ▨ Authorized Place of Use
- ▩ Proposed Place of Use

- Proposed Point of Diversion
- ▲ Existing Points of Diversion

Burrton IGUCA
 Hollow Nikkel SWQUA
 McPherson IGUCA
 Enhanced Well Spacing Area



Equus Beds Groundwater Management District No. 2
 313 Spruce Street, Halstead, KS 67056
 316-835-2224, equusbeds@gmd2.org

SAFETYIELD EVALUATION #49069

LOCATION: SWNESE (1634'N & 1265'W) 15-21S-03W, McPherson County

SPECIAL USE AREA: None

EVALUATION DATE:- 9/15/2016

Total Areas: 7,838 acres; Area in 3 inch discharge zone: 7,838 acres; Area in 6 inch discharge zone: 0 acres

FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00619000	221	21S	03W	22	49204540	IRR	88
A02961300	120	21S	03W	9	13105220	IRR	195
A03255200	1400	21S	03W	13	9253760	IRR	138
A03542200	537	21S	03W	20	52400050	IRR	119
A03630500	232	21S	03W	9	305200	IRR	207
A03682000	1364	21S	03W	27	40602640	IRR	149
A04051700	961	21S	03W	14	39971506	IRR	64
A04069900	1220	21S	03W	13	5205188	IRR	91
A04118500	1808	21S	03W	14	39971506	IRR	46
A04121300	1211	21S	03W	10	12731298	IRR	87
A04121400	1119	21S	03W	10	12731298	IRR	87
A04123700	175	21S	03W	26	39131429	IRR	154
A04250800	2404	21S	03W	14	39971506	IRR	167
A04596000	3197	21S	03W	2	1005180	IRR	93.6
A04611800	3242	21S	03W	11	37501100	IRR	100
A04611900	3243	21S	03W	11	11111167	IRR	152.9
A04612000	3244	21S	03W	11	37501100	IRR	52
A04612100	3245	21S	03W	11	11111167	IRR	52
A04633500	3308	21S	03W	2	1005180	IRR	93.6
A04720900	3567	21S	03W	11	482554	IRR	0.37
A04739000	3612	21S	03W	15	46200050	IRR	104
A04739400	3617	21S	03W	11	51003850	IRR	138.2
A04746700	3638	21S	03W	14	39971506	IRR	0
A04794000	3822	21S	03W	23	13004096	IRR	94.25
A04795200	3933	21S	03W	26	41964398	IRR	105.3
A04834100	4055	21S	03W	14	34754580	IRR	38.38
A04896500P	4863	21S	03W	10	39600010	IRR	187.2
A04906900P	4223	21S	03W	15	16351265	IRR	8.45
Allowable Appropriations		1,959.50			Total Existing Appropriation		2,812.25
Small User Quantity		8.45			Non Consumptive Appropriations		0
Remaining SUQ		36.55			Consumptive Appropriations		2,812.25
Note- Values are in acre-feet					Available Appropriations		0

Equus Beds Groundwater Management District No. 2

Spacing Evaluation #49069 Kaminkow
SWNESE (1635'N & 1265'W) 15-21S-03W, McPherson County

Prepared By: Stephen Flaherty Date: 4/14/2016



Map Legend

● Observation Well

● Proposed Point of Diversion

□ Authorized Place of Use

▲ Points of Diversion

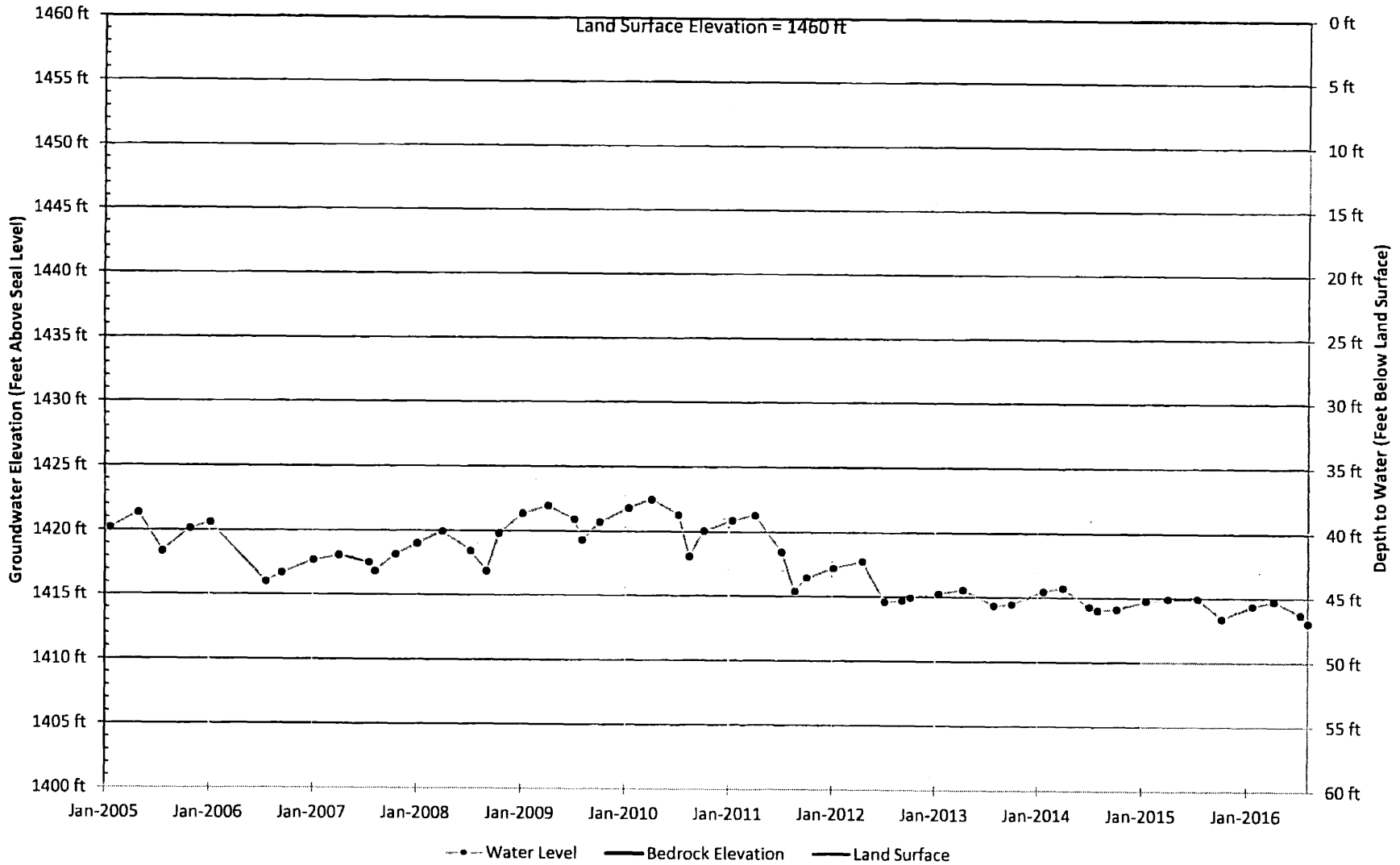
Burton IGUCA
Hollow Nikkel SWQUA
McPherson IGUCA
Enhanced Well Spacing Area



Equus Beds Groundwater Management District No. 2
313 Spruce Street, Halstead, KS 67056
316-835-2224, equusbeds@gmd2.org

Hydrograph WELL: EB307C

Depth to Bedrock:
167 ft



Schemm, Doug

From: Tim Boese <tboese@gmd2.org>
Sent: Friday, October 28, 2016 11:53 AM
To: jamiestaninkow@gmail.com
Cc: Schemm, Doug
Subject: RE: Application File No. 49,069

Thank you Mr. & Mrs. Kaminkow. I have received your emailed appeal petition and will respond by mail. The appeal will be scheduled for the next available Board meeting, which will be either Tuesday, December 13, 2016 at 1:00 PM, or Tuesday, January 10, 2017 at 1:00 PM. I will let you know for sure when the appeal will be heard.

Doug – Please grant the Kaminkow’s a 90 day extension of time until January 26, 2017 to allow time for the appeal to heard by the District Board of Directors.

Thanks.

Tim Boese, Manager
Equus Beds GMD2
313 Spruce, Halstead, Kansas 67056
316-835-2224
Fax: 316-835-2225
tboese@gmd2.org
www.gmd2.org

From: Rebecca Wilson [<mailto:rwilson@gmd2.org>]
Sent: Thursday, October 27, 2016 2:58 PM
To: tboese@gmd2.org
Subject: FW: Application File No. 49,069

From: Jamie Kaminkow [<mailto:jamiestaninkow@gmail.com>]
Sent: Thursday, October 27, 2016 2:56 PM
To: equusbeds@gmd2.org; doug.schemm@ks.gov
Subject: Re: Application File No. 49,069

Please confirm to us that you have received our previous email.

Thank-you,

Tim and Jamie Kaminkow

On Thu, Oct 27, 2016 at 2:53 PM, Jamie Kaminkow <jamiestaninkow@gmail.com> wrote:
Dear Sirs,

This letter is to notify you of our decision to appeal the denial of our Application for Permit to Appropriate Water for Beneficial Use. Our reasonings for this appeal are based on the fact that we are not conventional

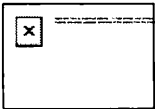
farmers (row crops) and do not need the water for that purpose. We are a small pumpkin patch and need the small user permit to water this crop 2 months out of the year at most. Most normal precipitation years we would not even use it, so our usage would be very minimal, even in comparison to what the smaller user permit would allow. Also, we would plan on using a drip system that would be placed beside the plant each year, so we are conserving water more than conventional ways of watering. We have spoken with some irrigation companies on the size of well that this would require and cost, and have been advised that this could be done out of a normal size house well and a submersible pump system, which would then mean again a lot less water being pumped.

Thank-you for your reconsideration in this matter of our well permit, we look forward to hearing from you soon,

Tim and Jamie Kaminkow
311 16th Ave
Moundridge, KS 67107
620-345-6749

--

Jamie Kaminkow



P and M Pumpkin Ranch, LLC
311 16th Ave
Moundridge, KS 67107
620-386-4746
www.pandmpumpkinranch.com
[P and M on Facebook!](#)
Instagram [@pandpumpkinranch](#)

No virus found in this message.
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Version: 2016.0.7859 / Virus Database: 4664/13280 - Release Date: 10/26/16

FRED SEILER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
JEFF WINTER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
DAVID BOGNER
ALAN BURGHART
JOE PAJOR
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

November 7, 2016

Tim & Jamie Kaminkow
311 16th Avenue
Moundridge, KS 67107

Re: Water Appropriation Application No. 49069

Dear Mr. & Mrs. Kaminkow:

The Equus Beds Groundwater Management District No. 2 received your Petition of Appeal on October 27, 2016, in the matter of the District's September 28, 2016, recommendation of the above referenced application. The petition was found to be in proper form and that, pursuant to K.A.R 5-22-12(b)(4), you are a valid petitioner.

The District Board of Directors will hear the appeal at the next available meeting, which will either be on Tuesday, December 13, 2016, or Tuesday, January 10, 2017, in the conference room of the Equus Beds Groundwater Management District office, 313 Spruce Street, Halstead, Kansas. A copy of the meeting agenda will be forwarded to you once it is determined at which meeting the appeal will be heard and the agenda is finalized.

At the appeal hearing, the Board will permit the petitioner to present briefs and may afford any interested party the opportunity to present oral or written arguments, if appropriate.

Please contact the District if you have any questions or need additional information.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager

TDB/db

Pc: Doug Schemm, Division of Water Resources, Topeka FO
Jeff Lanterman, Division of Water Resources, Stafford

Schemm, Doug

From: Jamie Kaminkow <jamiekaminkow@gmail.com>
Sent: Thursday, October 27, 2016 2:56 PM
To: equusbeds@gmd2.org; Schemm, Doug
Subject: Re: Application File No. 49,069

Please confirm to us that you have received our previous email.

Thank-you,

Tim and Jamie Kaminkow

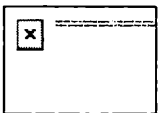
On Thu, Oct 27, 2016 at 2:53 PM, Jamie Kaminkow <jamiekaminkow@gmail.com> wrote:
Dear Sirs,

This letter is to notify you of our decision to appeal the denial of our Application for Permit to Appropriate Water for Beneficial Use. Our reasonings for this appeal are based on the fact that we are not conventional farmers (row crops) and do not need the water for that purpose. We are a small pumpkin patch and need the small user permit to water this crop 2 months out of the year at most. Most normal precipitation years we would not even use it, so our usage would be very minimal, even in comparison to what the smaller user permit would allow. Also, we would plan on using a drip system that would be placed beside the plant each year, so we are conserving water more than conventional ways of watering. We have spoken with some irrigation companies on the size of well that this would require and cost, and have been advised that this could be done out of a normal size house well and a submersible pump system, which would then mean again a lot less water being pumped.

Thank-you for your reconsideration in this matter of our well permit, we look forward to hearing from you soon,

Tim and Jamie Kaminkow
311 16th Ave
Moundridge, KS 67107
620-345-6749

--
Jamie Kaminkow



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P and M on Facebook!

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Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietz, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

October 31, 2016

TIM & JAMIE KAMINKOW
311 16TH AVE
MOUNDRIDGE KS 67107

RE: Pending Application, File No. 49,069

Dear Sir or Madam:

In response to your written request received by electronic mail in our office on October 27, 2016, you are being granted this extension of time for ninety (90) days, until **January 26, 2017**, for your appeal to the Equus Beds Groundwater Management District No. 2 Board of Directors.

Extension requests are evaluated on a case by case basis. If near the end of the current extension you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted. We will hold the processing of your application pending the receipt of any additional information. If we do not receive any additional information, on or before **January 26, 2017**, as previously proposed, it will be recommended to the Chief Engineer that Application, File No. 49,069, be denied and dismissed.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Doug Schemm
Environmental Scientist
Topeka Field Office

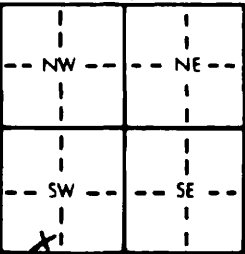
pc: Stafford Field Office
Groundwater Management District No. 2

1 LOCATION OF WATER WELL: Fraction SE 1/4 SW 1/4 SW 1/4 Section Number 15 Township Number T 21 S Range Number R 3 E
 County: Mpherson

Distance and direction from nearest town or city street address of well if located within city?

1 mi S, 7 E of Inman - 1514 Buckskin

2 WATER WELL OWNER: Larry Kaufman
 RR#, St. Address, Box #: 1514 Buckskin Board of Agriculture, Division of Water Resources
 City, State, ZIP Code: Moundridge, KS 67107 Application Number:

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:

 4 DEPTH OF COMPLETED WELL: 102 ft. ELEVATION:
 Depth(s) Groundwater Encountered 1. ft. 2. ft. 3. ft.
 WELL'S STATIC WATER LEVEL: 34 ft. below land surface measured on mo/day/yr 4-17-96
 Pump test data: Well water was 36 ft. after 1 hours pumping 25 gpm
 Est. Yield gpm: Well water was ft. after hours pumping gpm
 Bore Hole Diameter: 8 in. to 106 ft., and in. to ft.
 WELL WATER TO BE USED AS:
 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes No X; If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes X No

5 TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued X Clamped
 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded
 7 Fiberglass Threaded
 Blank casing diameter: 5 in. to 92 ft., Dia in. to ft., Dia in. to ft.
 Casing height above land surface: 12 in., weight 2.29 lbs./ft. Wall thickness or gauge No. 160
 TYPE OF SCREEN OR PERFORATION MATERIAL:
 PVC 10 Asbestos-cement
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 11 Other (specify)
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE:
 Saw cut 11 None (open hole)
 1 Continuous slot 3 Mill slot 6 Wire wrapped 9 Drilled holes
 2 Louvered shutter 4 Key punched 7 Torch cut 10 Other (specify)
 SCREEN-PERFORATED INTERVALS: From 92 ft. to 102 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From 23 ft. to 30 ft., From ft. to ft.
 From 35 ft. to 106 ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout Bentonite 4 Other
 Grout Intervals: From 0 ft. to 3 ft., From 30 ft. to 95 ft., From ft. to ft.
 What is the nearest source of possible contamination:
 Septic tank 4 Lateral lines 7 Pit privy 11 Fuel storage 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 12 Fertilizer storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 13 Insecticide storage 16 Other (specify below)

Direction from well? NE

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	36	Br clay			
36	106	Sand + Sm Gravel			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 4-17-96 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 447 This Water Well Record was completed on (mo/day/yr) 4-26-96 under the business name of Miller Drilling by (signature) G. Miller

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66820-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

December 11, 2014

KIM KREHBIEL
1620 BUCKSKIN RD
MOUNDRIDGE KS 67107

Re: Pending Application, File No. 49,069

Dear Sir or Madam:

This is to advise you that Tim Kaminkow has filed the application referred to above for a permit to appropriate 8.45 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 50 gallons per minute from one well. The well is to be located as follows:

In the Southwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 15, in Township 21 South, Range 3 West, McPherson County, Kansas.

A map is enclosed indicating the location of the proposed point of diversion. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

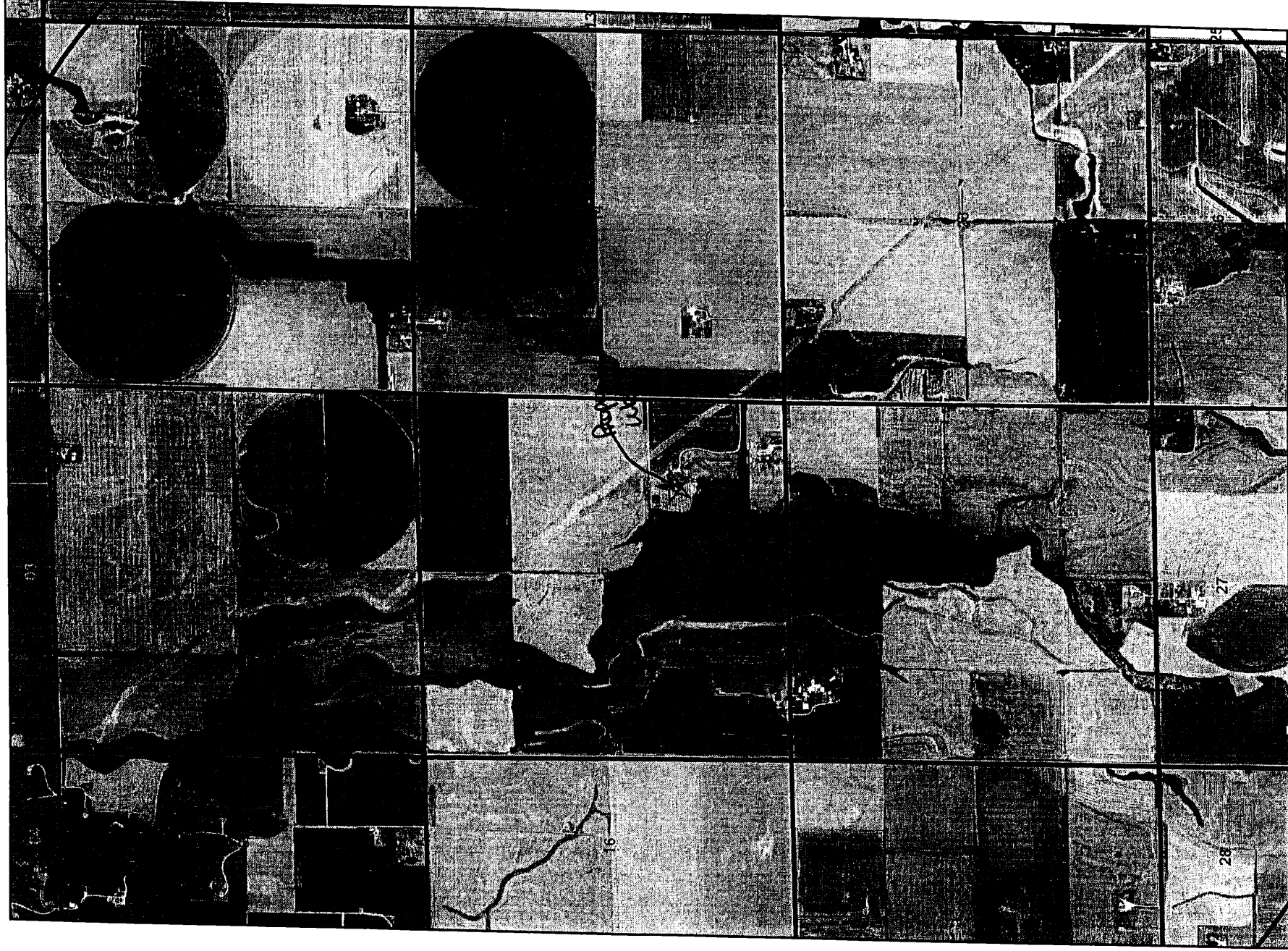
Enclosure

pc: Tim Kaminkow
Groundwater Management District No. 2

SCANNED

File # 49,069 - Site Map

1" = 2,000'





Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
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Sam Brownback, Governor

December 11, 2014

KIM KREHBIEL
1620 BUCKSKIN RD
MOUNDRIDGE KS 67107

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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

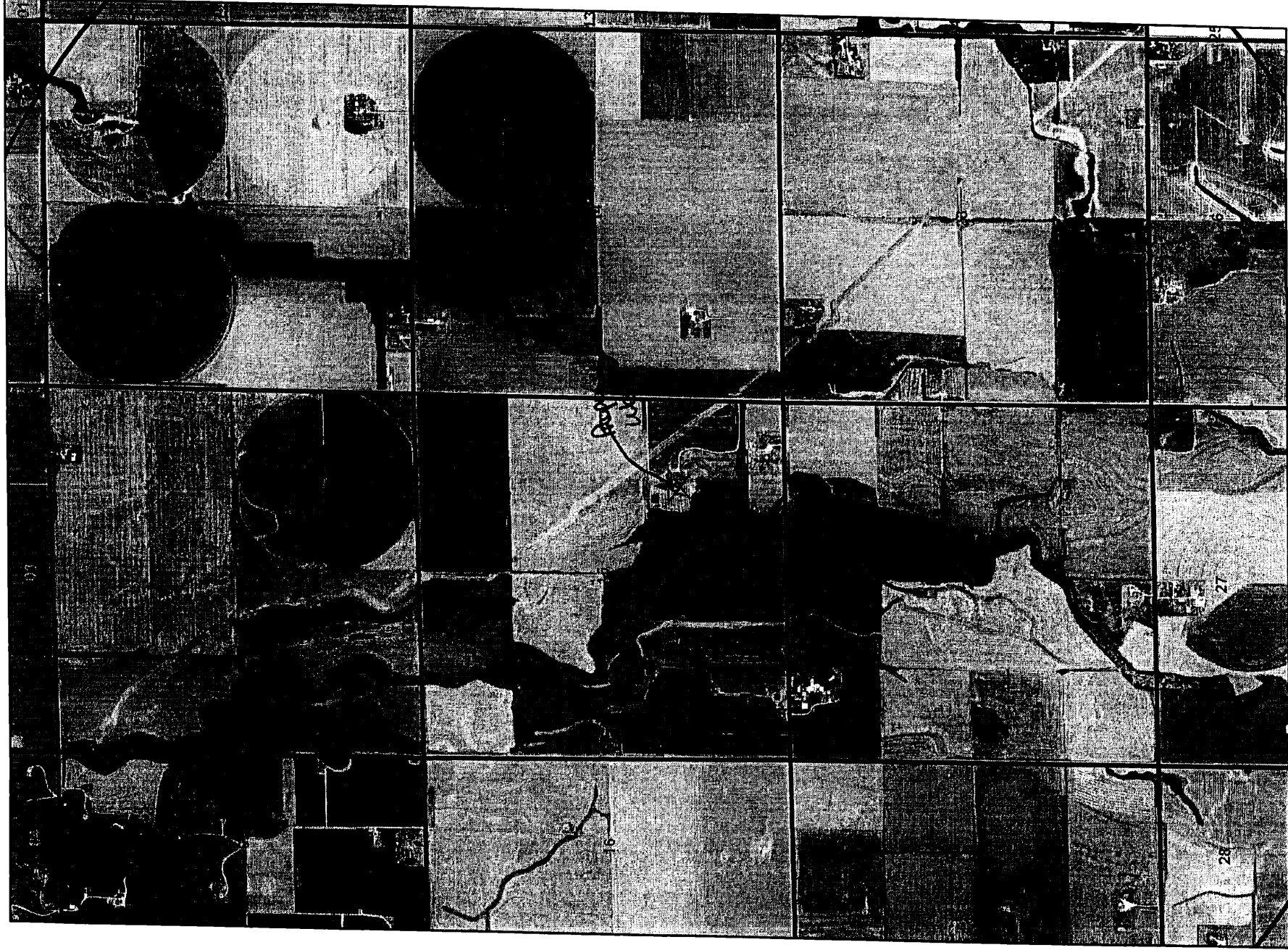
Enclosure

pc: Tim Kaminkow
Groundwater Management District No. 2

SCANNED

File # 49,069 - Site Map

1" = 2,000'



File # 49,069 - Site Map



1" = 2,000'


Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1280

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer

Phone: (785) 296-3717
Fax: (785) 296-1176
www.agriculture.ks.gov
Sam Brownback, Governor

May 5, 2014

TIM KAMINKOW
311 16TH AVENUE
MOUNDRIDGE KS 67107

RE: Application
File No. 49,069

Dear Sir or Madam:

Your application for permit to appropriate water in 15-21S-3W, in McPherson County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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,



Douglas W. Schemm
New Application Unit Supervisor
Water Appropriation Program

DWS: al
pc: Stafford Field Office
GMD 2

SCANNED

APPLICATION REVIEW INFORMATION

NAME <u>Tim Kaminkow</u>	APPLICATION NO. <u>49069</u>
ADDRESS <u>311 16th Ave.</u>	APPL. <u>New Small User Application</u>
<u>Moundridge, KS 67107</u>	COUNTY <u>McPherson</u> TRACT <u>SW-NE-SE</u>
	WELL LOCATION <u>S15 T21S R3W</u>
	QUANT <u>8.45 AF/Y</u> RATE <u>50 GPM</u>
	WELL SPACING <u>D<660', ND>1320'</u>

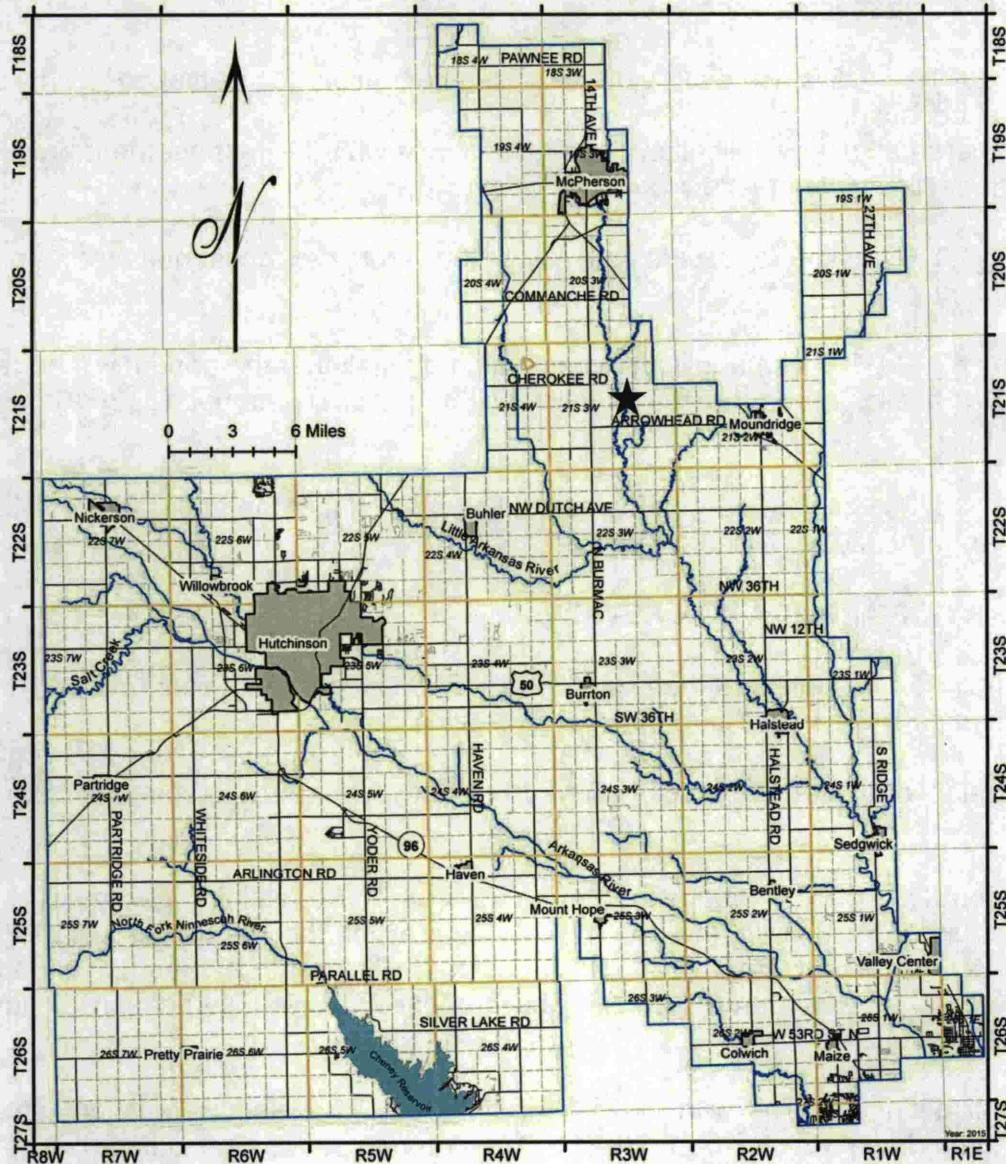


Figure 1. General location of application within the District indicated by the black star.

ISSUE:

The new application does not comply with the District's Aquifer Management Program (effective May 1, 1995).

TIMELINE OF EVENTS:

May 2, 2014 – Applicant filed a new Application No. 49069 which requests 8.45 acre-feet on 6.5 acres for irrigation use.

Sep 28, 2016 – District staff sent a recommendation for denial to DWR and the applicant because:

- 1) The small user application does not comply with the management program due to declining water levels

Oct 27, 2016 – The applicant appealed the District's recommendation for denial (Attachment A)

November 7, 2016 – The applicant was notified by mail that the appeal will be reviewed at the next available board meeting which will be either December 13, 2016 or January 10, 2017.

February 13, 2017 – The applicant was notified by mail that the application will be heard at the February 22, 2017 Board Meeting.

SUMMARY OF APPLICATION REVIEW:

The application is subject to the District's Aquifer Management Program and Rules and Regulations, K.A.R. 5-22-1 through K.A.R. 5-22-17.

The Division of Water Resources (DWR) did not receive any comments from nearby well owners

Application No. 49069 proposes 8.45 acre-feet at 50 gallons per minute from a proposed well located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter, (1635'N & 1265'W), Section 15, Township 21 South, Range 3 West, McPherson County (Figures 1 & 2). The proposed use is for irrigation of pumpkins, watermelons, etc.

The application complies with District's Safe Yield Rule and Regulation "small use" exemption criteria K.A.R. 5-22-7(b)(1). Total appropriations including the proposed application totaled 2803.15 acre-feet, which exceeds the maximum allowable quantity of 1959.5 acre-feet by 843.65 acre-feet for the area of consideration (2 mile circle). Including the proposed small use quantity of 8.45 AF, there is still 36.55 acre feet of small use quantity is available for appropriation (Figure 2).

Equus Beds Groundwater Management District No. 2

Safe Yield Evaluation #49069

SWNESE (1634'N & 1265'W) 15-21S-03W, McPherson County

Prepared By: Stephen Flaherty Date: 2/17/2017

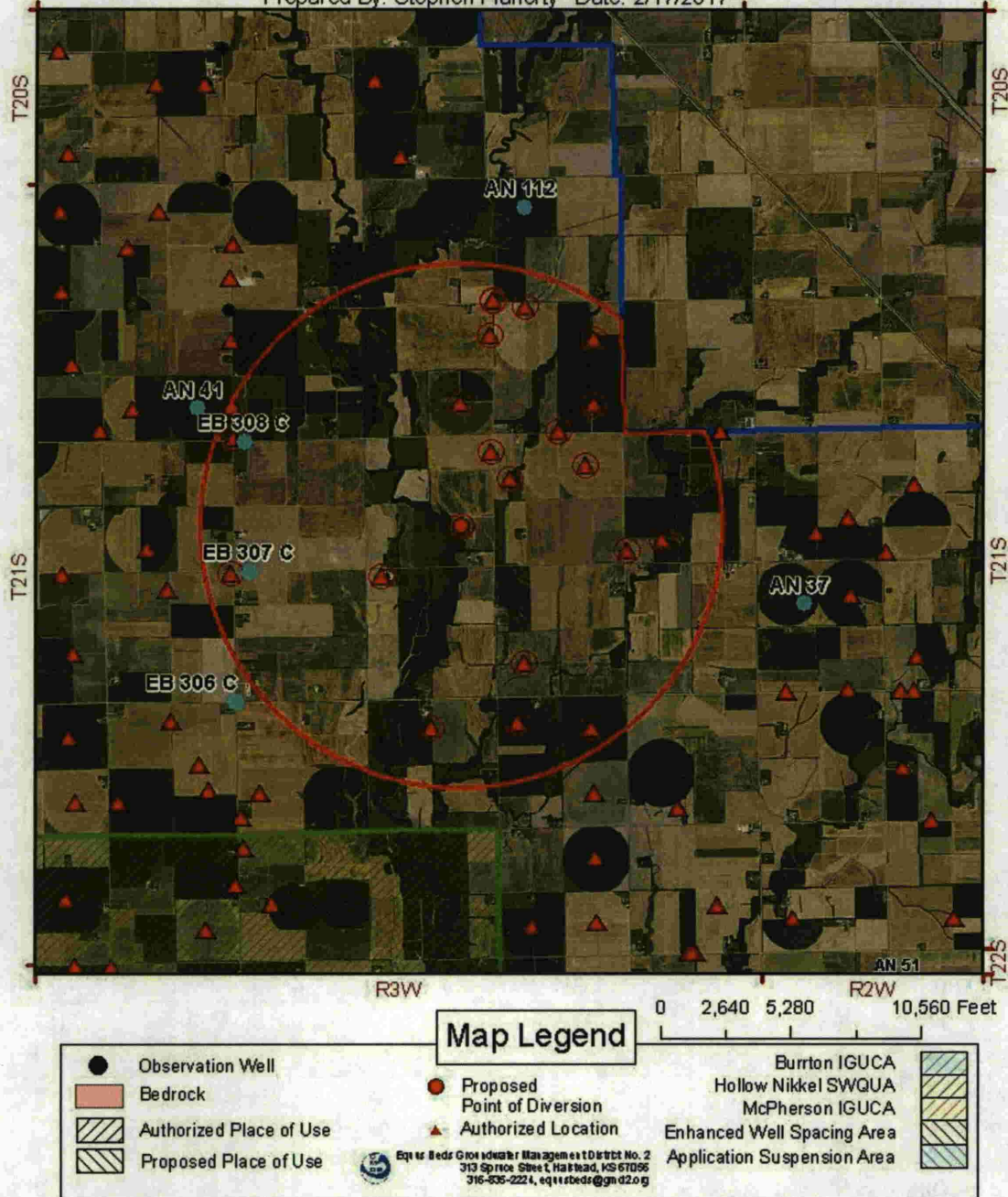


Figure 2. Safe yield at the proposed point described on the original application. The point of diversion is within the application suspension area. Nearby observation wells are highlighted.

SAFEYIELD EVALUATION #49069							
LOCATION: SWNESE (1634'N & 1265'W) 15-21S-03W, McPherson County							
SPECIAL USE AREA: None							
EVALUATION DATE:- 2/14/2017							
Total Areas: 7,838 acres; Area in 3 inch discharge zone: 7,838 acres; Area in 6 inch discharge zone: 0 acres							
FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00619000	221	21S	03W	22	49204540	IRR	88
A02961300	120	21S	03W	9	13105220	IRR	195
A03255200	1400	21S	03W	13	9253760	IRR	138
A03542200	537	21S	03W	20	52400050	IRR	119
A03630500	232	21S	03W	9	305200	IRR	207
A03682000	1364	21S	03W	27	40602640	IRR	149
A04051700	961	21S	03W	14	39971506	IRR	64
A04069900	1220	21S	03W	13	5205188	IRR	91
A04118500	1808	21S	03W	14	39971506	IRR	46
A04121300	1211	21S	03W	10	12731298	IRR	87
A04121400	1119	21S	03W	10	12731298	IRR	87
A04123700	175	21S	03W	26	39131429	IRR	154
A04250800	2404	21S	03W	14	39971506	IRR	167
A04596000	3197	21S	03W	2	445169	IRR	84.5
A04611800	3242	21S	03W	11	37501100	IRR	100
A04611900	3243	21S	03W	11	11111167	IRR	152.9
A04612000	3244	21S	03W	11	37501100	IRR	52
A04612100	3245	21S	03W	11	11111167	IRR	52
A04633500	3308	21S	03W	2	1005180	IRR	93.6
A04720900	3567	21S	03W	11	482554	IRR	0.37
A04739000	3612	21S	03W	15	46200050	IRR	104
A04739400	3617	21S	03W	11	51003850	IRR	138.2
A04746700	3638	21S	03W	14	39971506	IRR	0
A04794000	3822	21S	03W	23	13004096	IRR	94.25
A04795200	3933	21S	03W	26	41964398	IRR	105.3
A04834100	4055	21S	03W	14	34754580	IRR	38.38
A04896500P	4863	21S	03W	10	39600010	IRR	187.2
A04906900P	4223	21S	03W	15	16351265	IRR	8.45
Allowable Appropriations		1,959.50			Total Existing Appropriation		2,803.15
					Non Consumptive Appropriations		0
Small User Quantity		8.45			Consumptive Appropriations		2,803.15
Remaining SUQ		36.55			Available Appropriations		0
<i>Note- Values are in acre-feet</i>							

Table 1. Safe yield table showing 36.55 acre feet of appropriation available for small user quantity after application 49069 and that the area is over appropriated by 843.65 acre feet.

The proposed well meets the minimum spacing regulation to surrounding domestic and non domestic wells (Figure 3). A spacing consent form was received for the applicant's own domestic well.

Equus Beds Groundwater Management District No. 2

Spacing Evaluation #49069

SWNESE (1634'N & 1265'W) 15-21S-03W, McPherson County

Prepared By: Stephen Flaherty Date: 2/14/2017

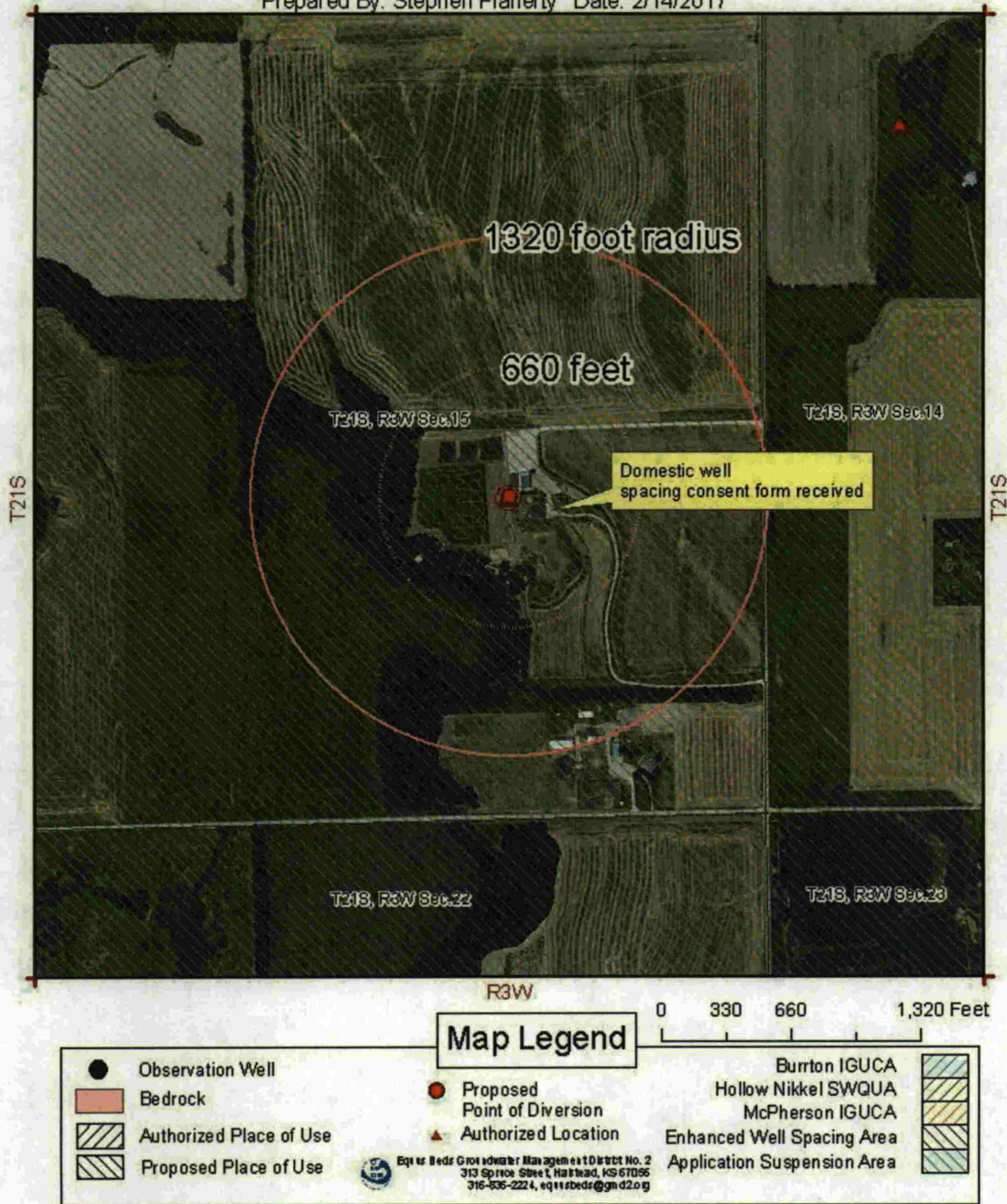
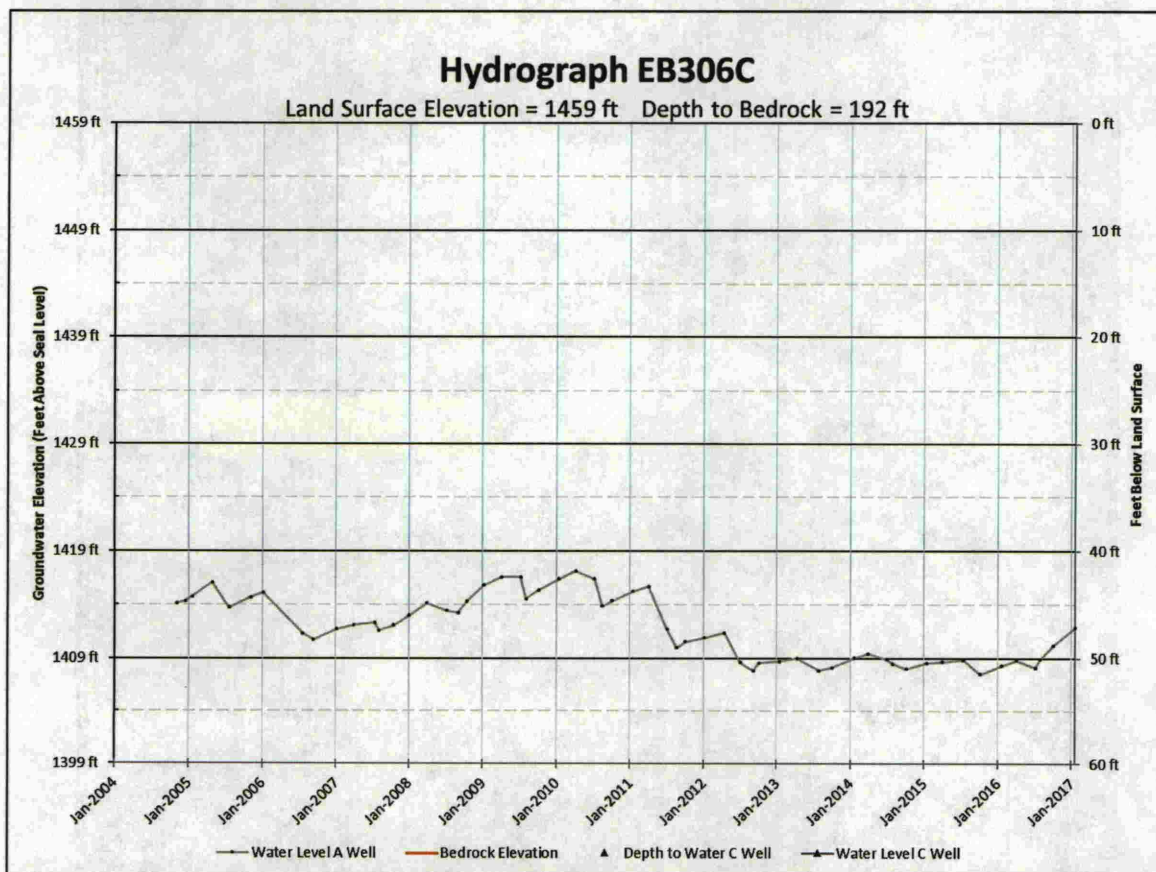


Figure 3. Spacing evaluation. The applicant submitted a domestic well spacing consent form for his own well.

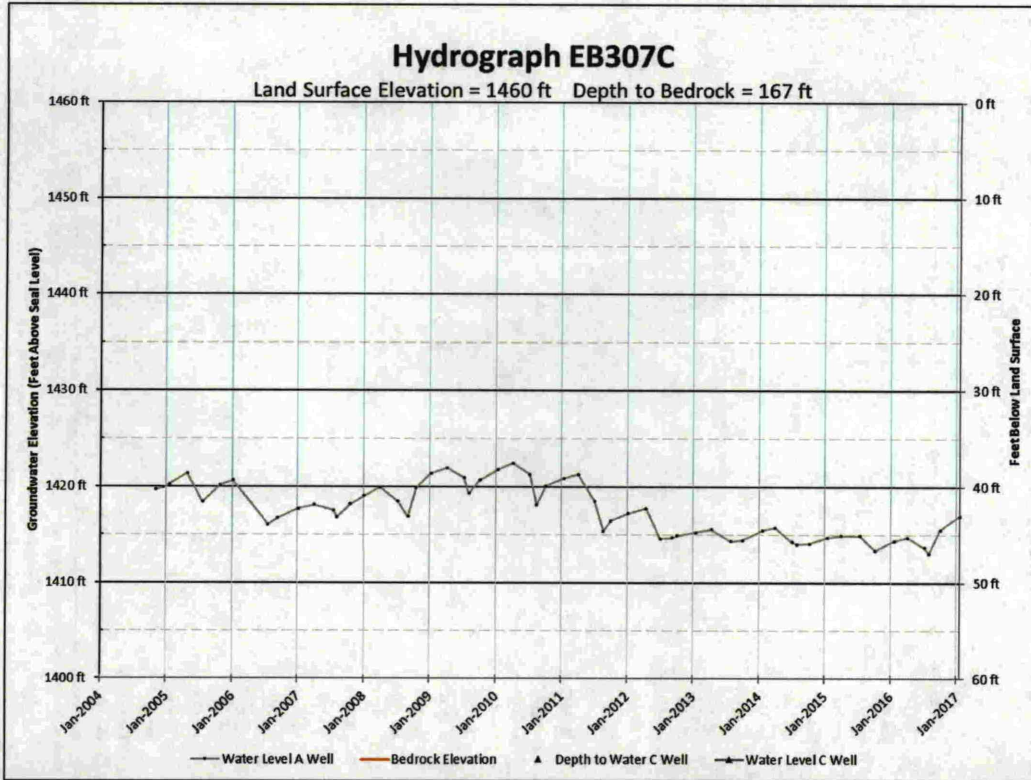
In response to the applicants appeal request, District staff collected measurements from nearby observation wells and created hydrographs (Graphs 1-6).

HYDROGEOLOGIC REVIEW:

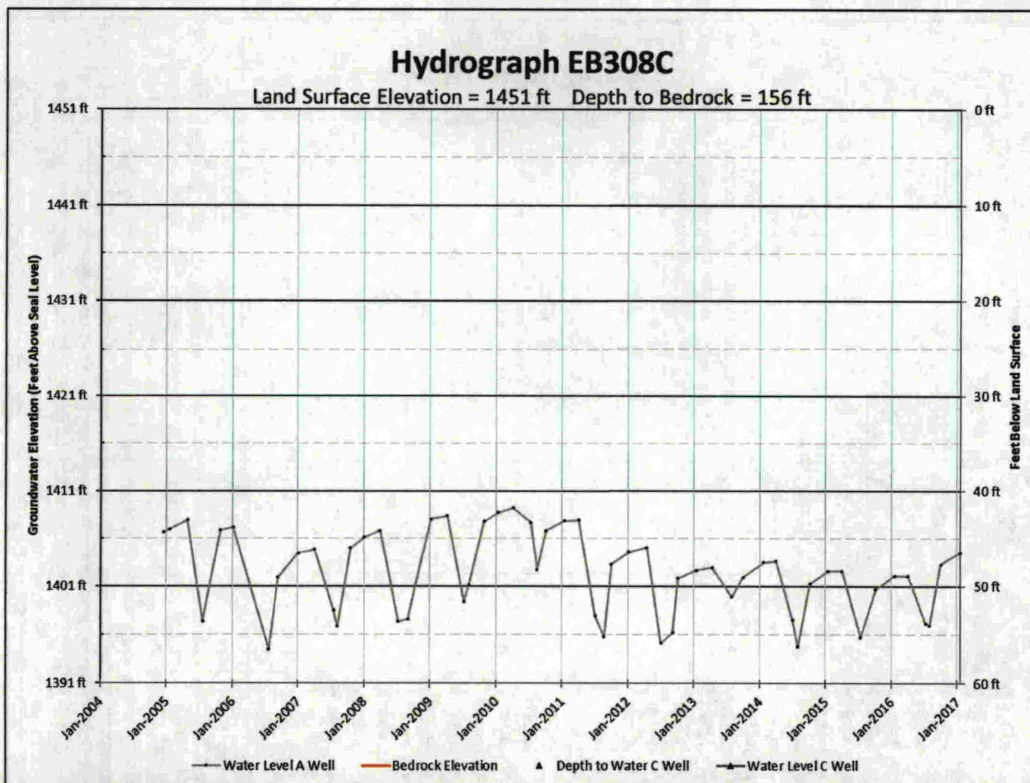
Hydrologic data indicates that depth to bedrock is approximately 170 feet below land surface at the proposed well site. Depth to static water level is approximately 45 feet below land surface creating a calculated saturated thickness of approximately 127 feet, with approximately 80 feet being higher yielding (sand and gravel) material. A test log was not submitted with the application.



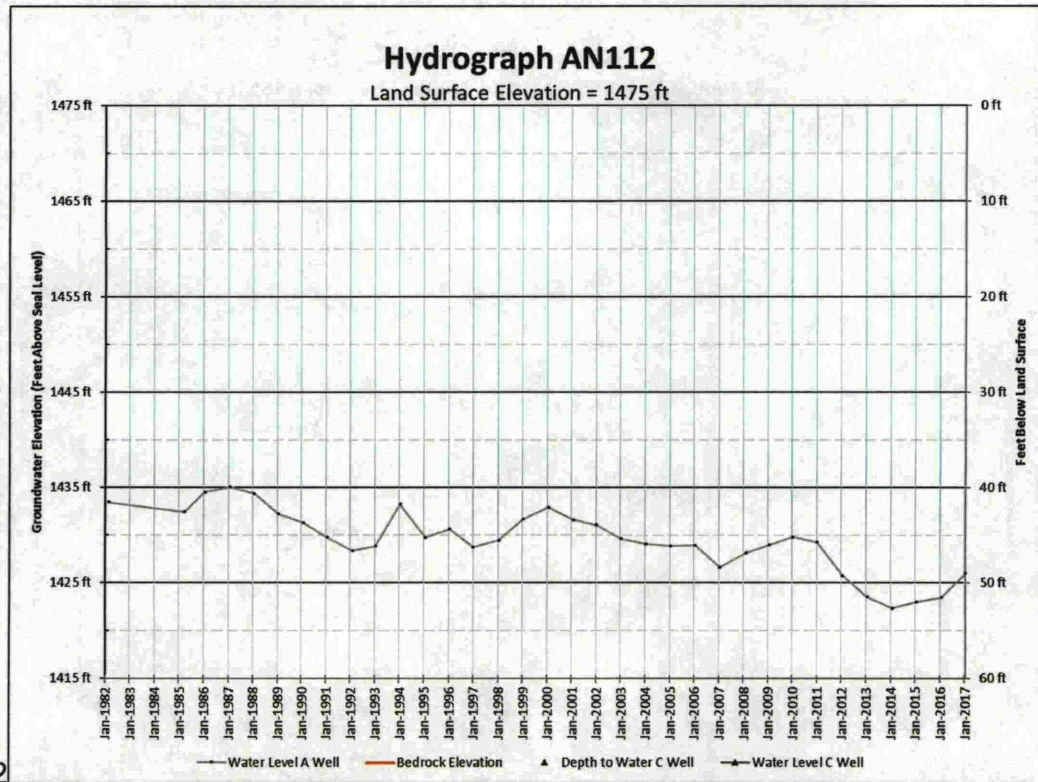
Graph 1. See Figure 2 for location. Water levels displaying a prolonged downward shift.



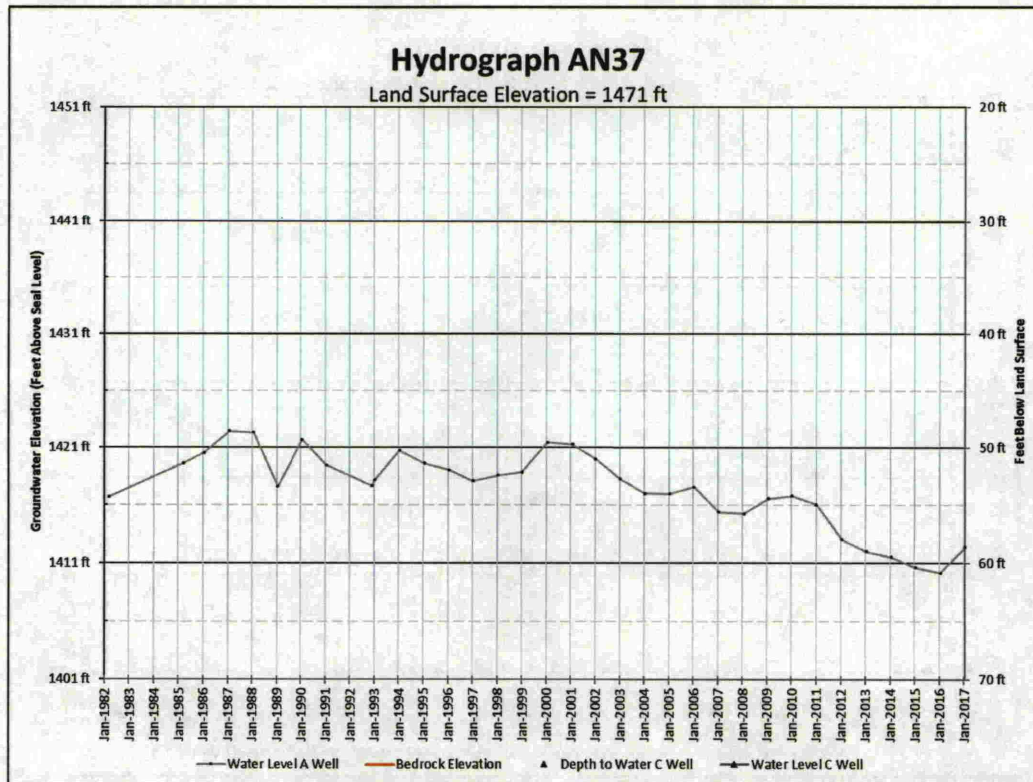
Graph 2. See Figure 2 for location. Water levels displaying a prolonged downward shift.



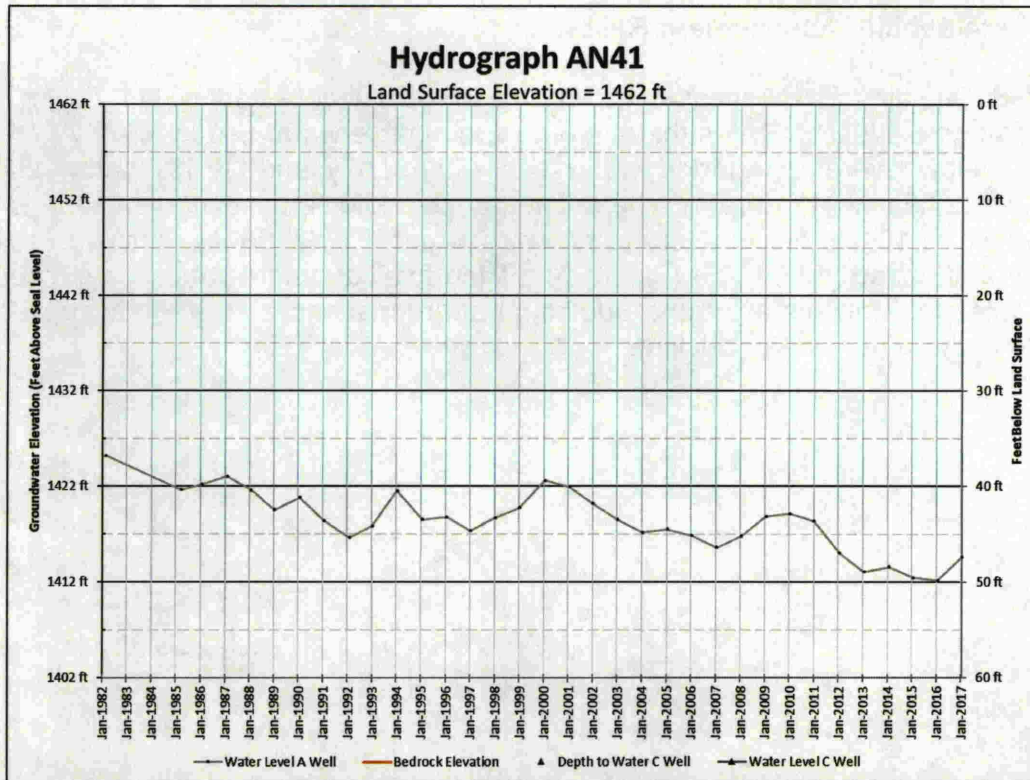
Graph 3. See Figure 2 for location. Water levels displaying a prolonged downward shift.



Graph 4. See Figure 2 for location. hydrograph displaying a declining static water level.



Graph 5. See Figure 2 for location. hydrograph displaying a declining static water level.



Graph 6. See Figure 2 for location. hydrograph displaying a declining static water level.

Additional pumping from the proposed point of diversion will contribute to regional groundwater level declines illustrated by the hydrographs in Graphs 1-6. Hydrographs in this area indicate a lowering of the water table

The application does not comply with the current District's Aquifer Management Program (effective May 1, 1995). The District's Aquifer Management Program states "It is the goal of the Equus Beds Groundwater Management District No. 2 to manage the groundwater supplies within its boundaries by balancing groundwater withdrawals with annual recharge to the aquifer to prevent groundwater mining and protect the natural quality of the aquifer and remediate groundwater contamination." Moreover, the Aquifer Management Program advises that the District was formed in 1975 and that the aquifer is managed on two fundamental principles, one being the Aquifer safe yield Principle which limits groundwater withdraws to annual groundwater recharge.

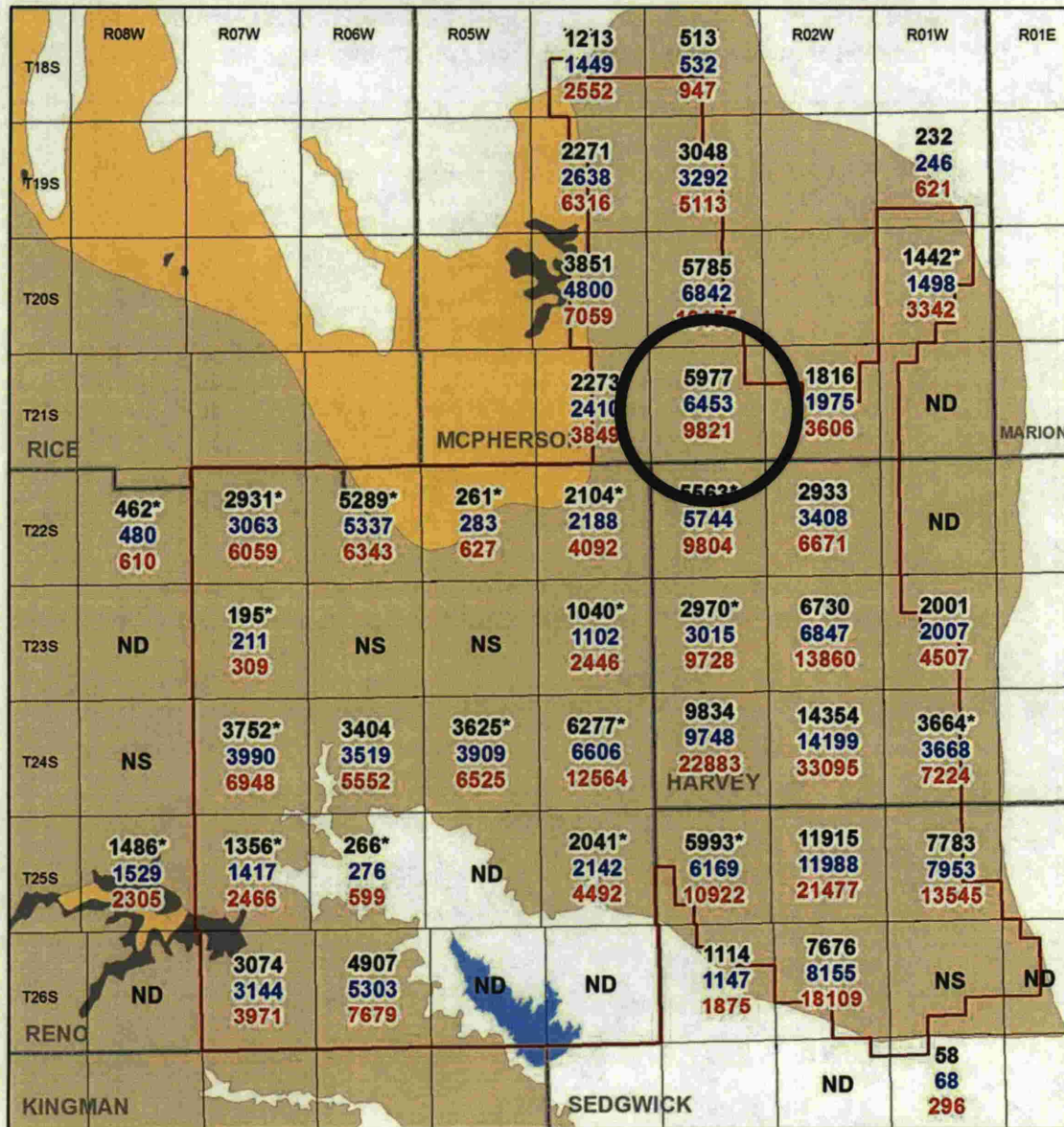
Declining water level as recorded from nearby observation wells strongly indicate that discharge has exceeded recharge. When groundwater pumping exceeds recharge, groundwater mining has occurred. Allowing additional groundwater withdrawals from new water appropriations does not comply with the goal of the District's Aquifer Management Program to balance groundwater withdrawals with recharge and to prevent groundwater mining.

KGS Sustainability Assessment Results:

The KGS Sustainability Assessment reports that data collected within Township 21 South, Range 3 West indicates that average sustainable water use is 5,977 AF/Y which is 7.3% below average reported water use (6,453 AF) and 39.1% below currently authorized (9,821 AF) (Figure 4). The defined areas indicate sustainable usage is 3,353 AF/Y, which is 10.8% below average reported water use (3760 AF) and 43.7% below currently authorized (5,964 AF) (Figure 5). Therefore, average water use exceeds the sustainable yield for this area and additional appropriations and groundwater use will only add to the groundwater decline.

Average Sustainable Water Use, Average Water Usage, and Authorized Annual Quantity, in Acre-Feet, by Township

* indicates the township is heavily dependent on infrequent high inflow years



High Plains Aquifer



- Saturated extent
- Outcrop of older formations
- Thin/Little saturation
- Non-aquifer area

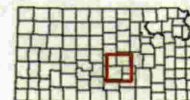


Figure 4. Sustainable usage by township. Township circled where the application proposes a point of diversion.

Average Sustainable Water Use, Average Water Usage, and Authorized Annual Quantity, in Acre-Feet, by GMD2 Defined Area

* indicates the township is heavily dependent on infrequent high inflow years

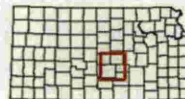
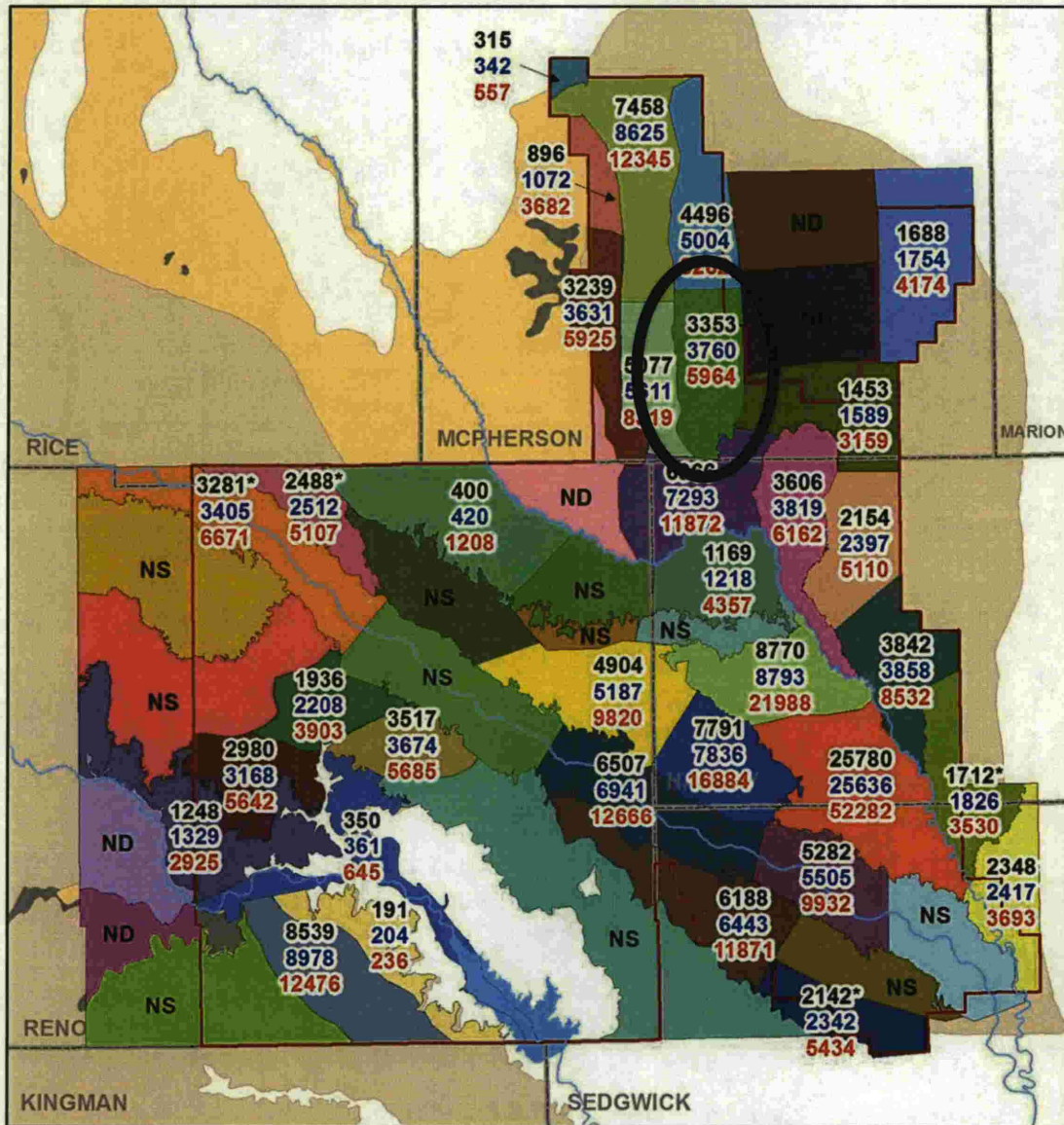


Figure 5. Sustainable usage by defined areas. Defined area circled where the application proposes a point of diversion.

The applicant's October 27, 2016, appeal letter (Attachment A), stated:

1. The applicant does not need water for conventional farming (row crop) purposes.
2. The application is for a small pumpkin patch and only need to water the crop for 2 months out of each year.
3. The water usage would be minimal, would be using a drip system, and could be sustained by a normal house sized well.

STAFF RECOMMENDATIONS:

Based on District findings and information provided by the applicant that:

1. Application No. 49069 requests 8.45 acre-feet at 50 GPM for irrigating 6.5 acres.
2. The proposed point of diversion meets the minimum spacing requirements.
3. The application complies with the District's Safe Yield Rule and Regulation K.A.R. 5-22-7(b)(1) exemption criteria, as the application is for a small user quantity.
4. Declining water levels as recorded from nearby observation wells indicates that discharge has exceeded recharge since at least the year 2000.
5. Saturated high yielding materials in the application area is approximately 80 feet and that groundwater levels in this area have been steadily declining.
6. The application is not consistent with the District's Aquifer Management Program goal of managing the groundwater supplies within the District boundaries by balancing groundwater withdrawals with annual recharge to the aquifer to prevent groundwater mining.
7. The recent Sustainability Assessment report published by the Kansas Geological Survey indicates that the sustainable usage in this area is 7.3% to 10.8% lower than current reported usage and 39.1% to 43.7% below current authorized quantity.
8. The proposed quantity and rate are relatively minimal, reducing the chance of impairment to existing senior water rights and reducing the impact to the groundwater level.
9. The proposed crop (pumpkins) is generally less water intensive than typical row crops (corn, soybeans), and the applicant intends to install drip irrigation.
10. The proposed quantity, rate, and place of use would be similar to three domestic wells each irrigating 2 acres of trees and lawn.

Staff Recommends:

OPTION A:

That the application be recommended for denial as the KGS Sustainability Assessment indicates that sustainable groundwater use is being exceeded in the application area and nearby observation wells show a decreasing water level through time.

OPTION B:

That the application be recommended for approval under the Safe Yield Rule and Regulation small use exemption criteria K.A.R. 5-22-7(b)(1), as the proposed quantity and rate are minimal, thereby reducing impairment chances and minimizing negative impacts to the aquifer.

Rebecca Wilson

From: Jamie Kaminkow [jamiekaminkow@gmail.com]
Sent: Thursday, October 27, 2016 2:53 PM
To: equusbeds@gmd2.org; doug.schemm@ks.gov
Subject: Application File No. 49,069

Dear Sirs,

This letter is to notify you of our decision to appeal the denial of our Application for Permit to Appropriate Water for Beneficial Use. Our reasonings for this appeal are based on the fact that we are not conventional farmers (row crops) and do not need the water for that purpose. We are a small pumpkin patch and need the small user permit to water this crop 2 months out of the year at most. Most normal precipitation years we would not even use it, so our usage would be very minimal, even in comparison to what the smaller user permit would allow. Also, we would plan on using a drip system that would be placed beside the plant each year, so we are conserving water more than conventional ways of watering. We have spoken with some irrigation companies on the size of well that this would require and cost, and have been advised that this could be done out of a normal size house well and a submersible pump system, which would then mean again a lot less water being pumped.

Thank-you for your reconsideration in this matter of our well permit, we look forward to hearing from you soon,

Tim and Jamie Kaminkow
311 16th Ave
Moundridge, KS 67107
620-345-6749

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7859 / Virus Database: 4664/13280 - Release Date: 10/26/16

RECEIVED

OCT 27 2016

Equus Beds Groundwater
Management District No. 2

Attachment A. Applicants appeal letter.

Application Map - File No. 49,069



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

[Signature]
Signature

4-28-14
Date

- New Application**
- Application No. _____ To Change:**
 - Point of Diversion
 - Place of Use
 - Use Made of Water
 - Proposed Point of Diversion
 - Existing Points of Diversion
 - Proposed Place of Use
 - Authorized Place of Use

Water wells within 1/2 mile of proposed point of diversion include: (type use, owner, address)

- 1) Domestic well - Applicant
- 2) Domestic well
Don + Joan Neufeldt
1586 Buckskin Rd
Moundridge, KS 67107
- 3) Domestic well
Kim Krehbiel
1620 Buckskin Rd
Moundridge, KS 67107

SCANNED

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49069 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49069 00 IRR

*All > 1,320'
meets
Spacing*

Water Right and Points of Diversion Within 2.00 miles of point defined as:

1635 Feet North and 1265 Feet West of the Southeast Corner of Section 15 T 21S R 3W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A_ 6190	00	IRR	NK	G	3797	NC	N2	NW	NW	4920	4540	22	21	3W	1	88.00	88.00	AF
A_ 29613	00	IRR	NK	G	10444	--	--	CW	SW	1310	5220	9	21	3W	5	195.00	195.00	AF
A_ 32552	00	IRR	NK	G	8172	--	NW	SE	SW	925	3760	13	21	3W	1	138.00	138.00	AF
A_ 35422	00	IRR	NK	G	9509	--	NE	NE	NE	5240	50	20	21	3W	4	119.00	119.00	AF
A_ 36305	00	IRR	NK	G	9884	--	SW	SW	SW	30	5200	9	21	3W	4	207.00	207.00	AF
A_ 36820	00	IRR	NK	G	8282	--	--	NC	N2	4060	2640	27	21	3W	1	149.00	149.00	AF
A_ 40517	00	IRR	NK	G	5620	--	--	NC	NE	3997	1506	14	21	3W	1	64.00	64.00	AF
A_ 40699	00	IRR	NK	G	6775	--	CW	SW	SW	540	5210	13	21	3W	2	91.00	91.00	AF
A_ 41185	00	IRR	NK	G	5620	--	--	NC	NE	3997	1506	14	21	3W	1	46.00	46.00	AF
A_ 41213	00	IRR	NK	G	4961	--	--	NC	SE	1273	1298	10	21	3W	1	87.00	87.00	AF
A_ 41214	00	IRR	NK	G	4961	--	--	NC	SE	1273	1298	10	21	3W	1	87.00	87.00	AF
A_ 41237	00	IRR	NK	G	9753	--	--	NC	NE	3913	1429	26	21	3W	2	154.00	154.00	AF
A_ 42508	00	IRR	NK	G	5620	--	--	NC	NE	3997	1506	14	21	3W	1	167.00	167.00	AF
A_ 45960	00	IRR	LR	G	9186	--	SW	SW	SW	100	5180	2	21	3W	2	93.60	93.60	AF
A_ 46118	00	IRR	KK	G	9250	--	NW	SE	NE	3750	1100	11	21	3W	1	100.00	100.00	AF
A_ 46119	00	IRR	KK	G	7246	--	NW	SE	SE	1111	1167	11	21	3W	4	152.90	152.90	AF
A_ 46120	00	IRR	KK	G	9250	--	NW	SE	NE	3750	1100	11	21	3W	1	52.00	52.00	AF
A_ 46121	00	IRR	KK	G	7246	--	NW	SE	SE	1111	1167	11	21	3W	4	52.00	52.00	AF
A_ 46335	00	IRR	LR	G	9186	--	SW	SW	SW	100	5180	2	21	3W	2	93.60	93.60	AF
A_ 47209	00	IRR	KE	G	5504	--	SW	SW	SE	48	2554	11	21	3W	5	205.27	.37	AF
A_ 47390	00	IRR	LO	G	3223	--	SE	NE	NE	4620	50	15	21	3W	3	104.00	104.00	AF
A_ 47394	00	IRR	LO	G	9211	--	NW	NE	NW	5100	3850	11	21	3W	6	138.20	138.20	AF
A_ 47467	00	IRR	KE	G	5620	--	--	NC	NE	3997	1506	14	21	3W	1	64.00	.00	AF
A_ 47940	00	IRR	KE	G	6148	--	NE	SW	SW	1300	4096	23	21	3W	2	94.25	94.25	AF
A_ 47952	00	IRR	KE	G	8278	--	SE	NW	NW	4196	4398	26	21	3W	4	105.30	105.30	AF
A_ 48341	00	IRR	GY	G	2744	--	NE	SW	NW	3475	4580	14	21	3W	2	94.90	30.28	AF
A_ 48965	00	IRR	AY	G	7759	--	--	NC	NE	3960	10	10	21	3W	4	187.20	187.20	AF
A_ 49069	00	IRR	AY	G	0	--	SW	NE	SE	1635	1265	15	21	3W	4	8.45	8.45	AF
T_20137047	MF	IRR	GY	G	9509	--	NE	NE	NE	5240	50	20	21	3W	4	594.00	.00	AF

- Pending Senior

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	195.65	.00
Total Permitted Amount (AF) =	587.10	.00
Total Inspected Amount (AF) =	429.40	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1592.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2804.15	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as: