

File No. **49,842** 15. Formation Code: **100** Drainage Basin: **CHIKASKIA RIVER** County: **KM** Special Use: Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√			86139	NE SE SW	8	29S	9W	3	700	2800

17. Rate and Quantity MOD QTY				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
1200	105	1200	105	NONE

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? Yes No To be installed by **12/31/2018** Date Acceptable Meter Installed _____

21. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files			
MOD	DEL	ENT	PUSE	S	T R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
√			67780	8	29S 9W	1					39				39									78.0	7a	NO	49,644	
ENT			68544	8	29S 9W							39	39											78.0	7c	NO	49,644	

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: August 24, 2017

FROM: Doug Schemm

RE: Application, File Nos. 49,644 & 49,842

Dan Thimesch has filed the referenced applications to appropriate groundwater for irrigation use. Application, File No. 49,644 had initially requested 109.5 acre-feet at 1,200 gallons per minute, however this application failed to meet safe yield. The applicant requested that this senior application be processed under a 15 acre-foot exemption, which required it to be reduced to 15 acre-feet at a diversion rate of 50 gallons per minute. Application, File No. 49,842 is requesting 105 acre-feet from a single well, at a diversion rate of 1,200 gallons per minute. Note these are two separate wells, but they will overlap in place of use.

The wells are located in the West Half of Section 8, Township 29 South, Range 9 West, Kingman County, within the drainage basin of the Chikaskia River. The proposed acreage (156 acres) is partly owned by the applicant, and partly owned by Judy Kinsler. Note the acreage for Ms. Kinsler was added in at the request of the applicant to allow a full pivot swing. The applicant has signed both the application forms stating that he has legal access to the points of diversion.

For File No. 49,644, the applicant had identified four domestic wells within one-half mile of the proposed point of diversion, including one owned by his father Jack Thimesch. Nearby well owner letters were sent out on June 28, 2017 to the domestic well owners. A telephone call was received from one of the domestic well owners who objected to the application, but provided no specific impairment concerns. A written (e-mail) letter was received from a second domestic well owner (Nola Swope) expressing concerns about this irrigation well impacting her domestic well. A response letter was sent to her on July 14, 2017. According to the WRIS database, the nearest non-domestic point of diversion is located over a mile away. The site map indicates that the nearest domestic well is over 1,200 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells. As noted above, the reduction to a pumping rate of only 50 gallons per minute should alleviate potential drawdown concerns.

For File No. 49,842, the applicant had identified two domestic wells within one-half mile of the proposed point of diversion, including one owned by his father Jack Thimesch. A nearby well owner letter was sent out on June 28, 2017 to the other domestic well owner. No responses of any kind were received. According to the WRIS database, the nearest non-domestic point of diversion (the applicant's senior file) is located over 3,200 feet away. The site map indicates that the nearest domestic well is over 1,000 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

Test hole logs were submitted with pending application, File No. 49,644, which show coarse sands and gravels, with interbedded clays, extending to total depths of 115 feet and 137 feet. The deeper hole encountered shale bedrock "red bed". Static water level was 48 feet below ground surface. The points of diversion are located within South Central Kansas Designated Unit Area CHK-3.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. However, for points of diversion located within a Designated Unit Area, safe yield evaluation is a two-step approach. The first step is to determine that water is available in the specific Designated Unit Area, and then the 2-mile area of consideration is reviewed. For this application, it was determined that Designated Unit Area CHK-3 still has over 2,000 acre-feet of water available for appropriation.

As noted above, File No. 49,644 failed safe yield with a safe yield of 603.15 acre-feet and prior appropriations of 838 acre-feet. For File No. 49,842, evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 8042 acres. With a potential annual recharge of 1.8 inches, and 50% of recharge available for appropriation, safe yield was determined to be 603.15 acre-feet. Existing water rights have appropriated 498 acre-feet (including the 15 AF under 49,644), providing a difference of 105.2 acre-feet available for appropriation, and the application reduced to 105 acre-feet complies with safe yield criteria.

The requested quantity of water when combined of 120 acre-feet, is less than the maximum allowable of 1.4 acre-feet per acre for Kingman County, Kansas. The applicant is aware of the limited quantity on the proposed acreage, and will manage his water use accordingly.

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 these permits, check valves will also need to be installed. A water level measurement tube is required for File No. 49,842 because this is a proposed new well exceeding 100 gpm.

The proposed applications are subject to minimum desirable streamflow requirements. The applicant signed, notarized, and submitted the required forms to our office.

In an August 15, 2017 meeting, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced applications. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications 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

September 7, 2017

DAN THIMESCH
11716 SW 60TH ST
SPIVEY KS 67142

FILE COPY

Re: Appropriation of Water, File Nos. 49,644 and 49,842

Dear Mr. Thimesch:

There are enclosed permits 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 sources and at the locations specified in these permits, and to use it for the purpose and at the location described in these permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits. Water meters are required and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports. 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 these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file.

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 these permits 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 these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights.

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

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws

Enclosures

pc: Stafford Field Office
Jack Thimesch
Judy Kinsler



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. 49,842** of the applicant

**DAN THIMESCH
11716 SW 60TH ST
SPIVEY KS 67142**

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 17, 2017**.

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	
8	29S	9W		39	39		39			39									156

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE¼ SE¼ SW¼) of Section 8, more particularly described as being near a point 700 feet North and 2,800 feet West of the Southeast corner of said section, in Township 29 South, Range 9 West, Kingman 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 **1,200 gallons per minute (2.67 c.f.s.)** and to a quantity not to exceed **105 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 of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

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 of \$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 all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. 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).

14. 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.

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

16. 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.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That the applicant shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 5th day of September, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 5th day of September, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 7th day of September, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,842, dated September 5, 2017 was mailed postage prepaid, first class, US mail to the following:

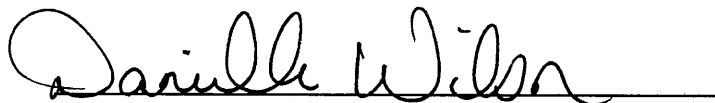
DAN THIMESCH
11716 SW 60TH ST
SPIVEY KS 67142

With photocopies to:

JACK THIMESCH
11716 SW 80TH ST
SPIVEY KS 67142

JUDY KINSLER
2746 NW 30TH ST
KINGMAN KS 67068

Stafford Field Office



Division of Water Resources

APPLICATION COMPLETE
8/24/2017
Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,842
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

MAY 17 2017
4:05

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,
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): DAN THIMESCH
Address: 11716 SW 80TH ST
City: SPIVEY State: KS Zip Code: 67142
Telephone Number: (620) 388-3582

2. The source of water is: surface water in _____ (stream)
OR groundwater in CHIKASKIA RIVER BASIN - DUA CHK3 (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 105 * DWS/DWR ~~420~~ acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1200 gallons per minute OR _____ cubic feet per second.

*Reduced Quantity to meet safe yield of 105 AF. Applicant agreed in 8/24/17 phone call. ^{DWS/DWR}

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

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 1 Meets K.A.R. 5-3-1 (YES/NO) Use JRR Source G S County KM By AW Date 5/18/17
Code REG REL Fee \$ 300 TR # _____ Receipt Date 5/17/17 Check # credit

5/18/17 DWS
SCANNED

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 NE quarter of the SE quarter of the SW quarter of Section 8, more particularly described as being near a point 700 feet North and 2,800 feet West of the Southeast corner of said section, in Township 29 South, Range 9 WEST, KINGMAN 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):

Jack Thimesch 11716 SW 80th St, Spivey, KS 67142
(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 _____, 2017. Jack Thimesch
Applicant's Signature

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

and (was) completed (by) Summer 2017
(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 Summer 2017
(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 _____

• If no, explain here why a Water Structures permit is not required _____

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 49,644 PU overlap

WATER RESOURCES
RECEIVED

MAY 17 2017

KS DEPT OF AGRICULTURE

SCANNED

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	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of owner's son
(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):
Judy Kinsler, 2746 NW 30th St. Kingman, KS 67068
(name, address and telephone number)
JACK Thimesch, 11716 SW 80th St. Spivey, KS 67142
(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 _____ day of _____, 2017.
(month) (year)


(Applicant Signature)

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)

* Revised Place of use per Discussion with Applicant on 8/24/17

DWS/DWR

**IRRIGATION USE
SUPPLEMENTAL SHEET**

WATER RESOURCES
RECEIVED

MAY 17 2017

File No. 49,842

Name of Applicant (Please Print): DAN THIMESCH **KS** DEPT OF AGRICULTURE

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: JACK THIMESCH

ADDRESS: 11716 SW 80TH ST, SPIVEY KS 67142

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8	29	9W					39				39								78

Landowner of Record NAME: JUDY KINSLER

ADDRESS: 2746 NW 30th St, Kingman, KS 67068

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
* 8	29	9W		39	39														78

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	

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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

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

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

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: _____

d. System design features:

i. Describe how you will control tailwater:

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:

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).

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

Kansas
Department of Agriculture
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

June 28, 2017

WAYNE & DEBRA SCHWARTZ
8311 SW 100TH AVE
SPIVEY KS 67142

Re: Pending New Application, File No. 49,842

Dear Sir or Madam:

This is to advise you that Dan Thimesch has filed the application referred to above for a permit to appropriate 120 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 1,200 gallons per minute from a well located as follows:

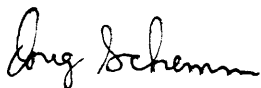
In the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 8, in Township 29 South, Range 9 West, Kingman County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are being 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.

You can find the application and site map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

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,



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Dan Thimesch

Print Page

[Back to Search Page](#) --- [Home](#)

Parcel Search Results (Click on the Parcel ID Number for Detailed Results)

Owner Information	Property Address	Property Description	Apr Amount	Prop Class
<p>048-173-08-0-00-00-001.00-0 Quick Ref ID = 5846 Tax Year = 2016 KINSLER, JUDY</p> <p>Owner Mailing Address: 2746 NW 30 ST KINGMAN, KS 67068</p>	<p>00000 SW 70 ST, Cunningham, KS 67035</p> <p>ACRES=156.1 Neighborhood=019</p>	<p>S08 , T29 , R09W , ACRES 156.1 , NE4 LESS R/W</p>	<p>\$27,720</p>	<p>Agricultural Use</p>
<p>048-173-08-0-00-00-001.01-0 Quick Ref ID = 5847 Tax Year = 2016 SCHWARTZ, WAYNE & DEBRA</p> <p>Owner Mailing Address: 8311 SW 100TH AVE SPIVEY, KS 67142</p>	<p>00000 SW 110 AVE, Cunningham, KS 67035</p> <p>ACRES=156.7 Neighborhood=019</p>	<p>S08 , T29 , R09W , ACRES 156.8 , SE4 LESS R/W</p>	<p>\$16,040</p>	<p>Agricultural Use</p>
<p>048-173-08-0-00-00-002.00-0 Quick Ref ID = 5848 Tax Year = 2016 THIMESCH, JACK E & DIANE M LIV TR</p> <p>Owner Mailing Address: 11716 SW 80 ST SPIVEY, KS 67142</p>	<p>00000 SW 70 ST, Cunningham, KS 67035</p> <p>ACRES=119.3 Neighborhood=019</p>	<p>S08, T29, R09W, ACRES 119.3, S2 NW4 & NE4 NW4 LESS R/W</p>	<p>\$12,420</p>	<p>Agricultural Use</p>
<p>048-173-08-0-00-00-002.01-0 Quick Ref ID = 5849 Tax Year = 2016 MOORE, KENT L & BOBETTA L</p> <p>Owner Mailing Address: 11755 SW 70 ST CUNNINGHAM, KS 67035</p>	<p>11755 SW 70 ST, Cunningham, KS 67035</p> <p>ACRES=38.9 Neighborhood=019</p>	<p>S08 , T29 , R09W , ACRES 38.9 , NW4 NW4 LESS R/W</p>	<p>\$5,860 A \$57,970 F</p>	<p>Farm Homesite</p>
<p>048-173-08-0-00-00-003.00-0 Quick Ref ID = 5850 Tax Year = 2016 THIMESCH, JACK E & DIANE M LIV TR</p> <p>Owner Mailing</p>	<p>00000 SW 80 ST, Kingman, KS 67068</p> <p>ACRES=149.1 Neighborhood=019</p>	<p>S08, T29, R09W, ACRES 149.2, SW4 LESS A TR 1073.6 E SWC SW4 ; E566.25; NLY 652.77; WLY 493 .06; SLY</p>	<p>\$13,590</p>	<p>Agricultural Use</p>

nearby SE 1/4



Address: 11716 SW 80 ST SPIVEY, KS 67142		700.77 TO POB LESS RW		
048-173-08-0-00- 00-003.01-0 Quick Ref ID = 5851 Tax Year = 2016 THIMESCH, JACK E & DIANE M LIV TR Owner Mailing Address: 11716 SW 80 ST SPIVEY, KS 67142	11716 SW 80 ST, Spivey, KS 67142 ACRES=7.7 Neighborhood=019	S08, T29, R09W, ACRES 7.8, A TR 1073.6 W SWC SW4; E566.25 ; NLY652.77; WLY493.06; SLY700 .77 TO POB LESS RW	\$11,520 A \$101,540 F	Farm Homesite
Back to Search Page --- Home				

Parcel Search powered by



THOMSON REUTERS

49,842

Reduced to 105 AF
meets safe yield

Analysis Results

The selected PD is in an area to new appropriations.

The safe yield, based on the variables listed below is 603.15 AF.

Total prior appropriation in the circle is 712.20 AF. $-120 = 592.2 - 94.2 = 498$

Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

105.2

The area used for the analysis is set at 8,042 acres.

Potential annual recharge of the area is estimated to be 1.8 inches.

The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 18-JUL-2017 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 6 water right(s) and 5 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A 19754	00 IRR	NK	G			NC	NW	3960	3960	20	29	09W	1	WR	198.00	198.00	160.00	160.00
A 40187	00 IRR	NK	G			NW	SW SE	1269	2388	18	29	09W	2	WR	201.00	201.00	134.00	134.00
A 42309	00 IRR	NK	G			NW	SE NE	3391	1236	16	29	09W	1	WR	49.00	49.00	60.00	60.00
A 45121	00 IRR	NK	G			NW	SE NE	3391	1236	16	29	09W	1	WR	84.00	35.00	60.00	0.00
A * 49644	00 IRR	AY	G				NW	1320	1320	08	29	09W	1	WR	109.00 2015	109.00 2015	78.00	78.00-
A 49842	00 IRR	AY	G			NE	SE SW	700	2800	08	29	09W	3	WR	120.00	120.00	78.00	0.00

* Applicant agreed to reduce senior application to 15AF. Leaving 105AF available.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49842 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49842 00 IRR

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

700 Feet North and 2800 Feet West of the Southeast Corner of Section 8 T 29S R 9W

GROUNDWATER ONLY

meet spacing to all wells

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 19754 00	IRR	NK	G	7378	--	--	NC	NW	3960	3960	20	29	9W	1		198.00	198.00	AF
A__ 40187 00	IRR	NK	G	6831	--	NW	SW	SE	1269	2388	18	29	9W	2		201.00	201.00	AF
A__ 42309 00	IRR	NK	G	7289	--	NW	SE	NE	3391	1236	16	29	9W	1		49.00	49.00	AF
A__ 45121 00	IRR	NK	G	7289	--	NW	SE	NE	3391	1236	16	29	9W	1		84.00	35.00	AF
A__ 49644 00	IRR	AY	G	1605	--	--	--	NW	1320	1320	8	29	9W	1		109.20	109.20	AF
A__ 49842 00	IRR	AY	G	0	--	NE	SE	SW	700	2800	8	29	9W	3		120.00	120.00	AF
P__20160143 00	IND	GY	G	3264	--	--	NC	N2	3960	2640	8	29	9W	2		.77	.77	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	229.20	.00
Total Permitted Amount (AF) =	.77	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	483.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	712.97	.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:
 700 Feet North and 2800 Feet West of the Southeast Corner of Section 8 T 29S R 9W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A__ 19754 00 IRR NK G

> DARLENE SCHRECK TRUST

>

> 412 S WILMOT ST

> CUNNINGHAM KS 67035

>-----

A__ 40187 00 IRR NK G

> RICHARD MOLITOR

>

> 11558 SW 90 ST

> ZENDA KS 67159

>-----

A__ 42309 00 IRR NK G

> WAYNE & DEBRA ANN SCHWARTZ

>

> 8311 SW 100 AVE

> SPIVEY KS 67142

>-----
A__ 45121 00 IRR NK G
> WAYNE & DEBRA ANN SCHWARTZ
>
> 8311 SW 100 AVE
> SPIVEY KS 67142
>-----

A__ 49644 00 IRR AY G
> DAN THIMESCH
>
> 11716 SW 60TH ST
> SPIVEY KS 67142
>-----

A__ 49842 00 IRR AY G
> JACK THIMESCH
>
> 11716 SW 80TH ST
> SPIVEY KS 67142
>-----

P__20160143 00 IND GY G
> OKLAND OIL COMPANY
>
> 110 N ROBINSON SUITE 400
> OKLAHOMA CITY OK 73102
>-----

=====

#####

17 May 2017
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

WATER RESOURCES
RECEIVED
MAY 17 2017

Re: Application 49,842 **KS DEPT OF AGRICULTURE**
File No. _____

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.

Jack Thimesch
Signature of Applicant

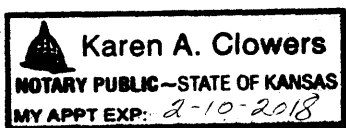
State of Kansas)
County of Shawnee) ss

Jack Thimesch
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 17th day of May, 2017.

Karen A. Clowers
Notary Public

My Commission Expires: 2-10-2018

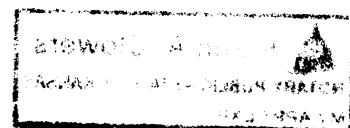


**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

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





1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700

Fax: (785) 564-6777

Email: ksag@kda.ks.gov

www.agriculture.ks.gov

Sam Brownback, Governor

May 18, 2017

DAN THIMESCH
11716 SW 80TH ST
SPIVEY KS 67142

FILE COPY

RE: Application
File No. 49842

Dear Sir or Madam:

Your application for permit to appropriate water in 8-29S-9W in Kingman 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 me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

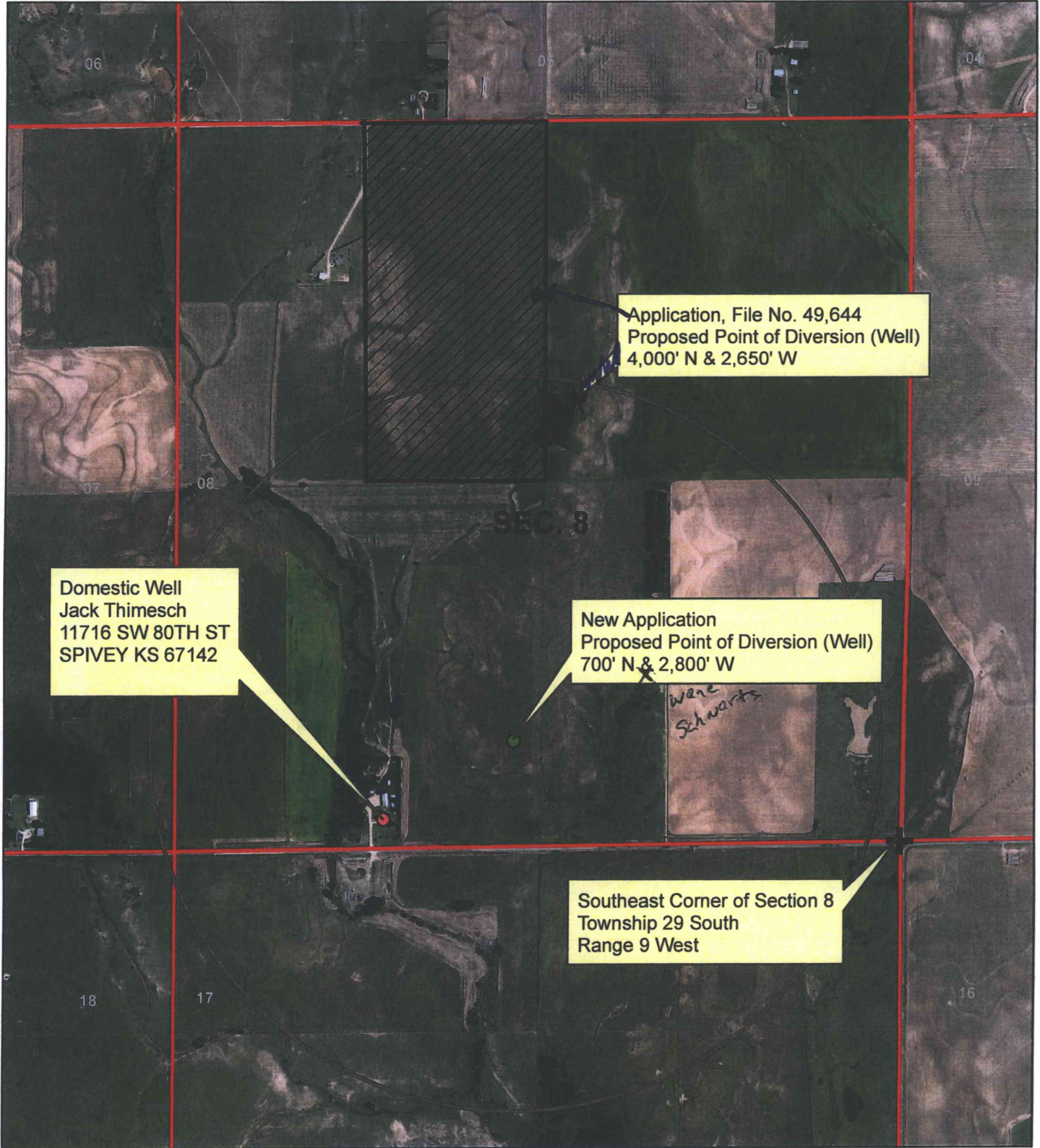
BAT: dlw
pc: STAFFORD Field Office
GMD

SCANNED

DAN THIMESCH - SITE MAP

SEC. 8, T29S, R9W

49,842



Domestic Well
Jack Thimesch
11716 SW 80TH ST
SPIVEY KS 67142

Application, File No. 49,644
Proposed Point of Diversion (Well)
4,000' N & 2,650' W

New Application
Proposed Point of Diversion (Well)
700' N & 2,800' W

Southeast Corner of Section 8
Township 29 South
Range 9 West

1:12,000

- Proposed Point of Diversion
- ▨ Proposed Place of Use

All known wells within one-half mile of the proposed point of diversion are shown on this map.

Jack Thimesch

MAY 17 2017

KS DEPT OF AGRICULTURE
SCANNED



* Revised place of
use - DWS/DWR
8/24/17

DAN THIMESCH - SITE MAP

SEC. 8, T29S, R9W

49,842



1:12,000

- Proposed Point of Diversion
- ▨ Proposed Place of Use

All known wells within one-half mile of the proposed point of diversion are shown on this map

Jack Thimesch

WATER RESOURCES
RECEIVED

MAY 17 2017

KS DEPT OF AGRICULTURE
SCANNED

