

File No. **49,573** 15. Formation Code: **190** Drainage Basin: **Arkansas** County: **RN** Special Use: Stream:

16. Points of Diversion

T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
✓	85074	NW SE SE	5	24S	4W	3	1300	1200

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm/cfs	Quantity af/mgy	
800	76	800	76	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 **12/31/2019** Date Acceptable Meter Installed _____

21. Place of Use

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
						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						
MOD	67608	5	24S	4W	6																	34.5	33.5	68	7A	no	none

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: December 12, 2017

FROM: Alex Whitesell

RE: Application, File No. 49,573

Kevin Schoenhals has filed the referenced application to appropriate 108.22 acre-feet of groundwater at a diversion rate of 800 gallons per minute for irrigation use. The proposed point of diversion is a single (1) well located in the Southeast Quarter of Section 5, Township 24 South, Range 4 West, Reno County, Kansas. The proposed application is within the boundaries of Groundwater Management District No. 2.

The application has been modified from the original submittal based on safe yield analysis conducted by GMD 2 and reasonable acreage. The applicant initially requested 108.22 acre-feet of groundwater to irrigate 77.3 acres. After review of the application it was determined that 76 acre-feet was the maximum quantity of water that could be requested. The applicant agreed to the reduced quantity of water and place of use to 76 acre-feet and 68 acres respectively.

Based on email conversation with Jeff Lanterman, Water Commissioner of the Stafford Field Office, the minimum reasonable quantity guideline must be 1.11 AF/acre. With the application as proposed, there is 1.12 acre-feet per acre, therefore the quantity is reasonable.

The source of water for the pending application was determined to be Equus Beds based on area wells logs and Kansas Geological Survey Bulletin 120.

Five wells were identified by the applicant including three irrigation wells and two domestic wells. Well owners were notified of the applicant's intention to appropriate groundwater in a letter dated November 8, 2016. A domestic well owner, the Lake Family Real Estate Trust which is approximately 1,500 feet away and complies with domestic well spacing requirements. The WRIS database shows that the nearest non-domestic well is over 1,399 feet away. Thus, the proposed point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-4-4.

The point of diversion is located within the Equus Beds Groundwater Management District No. 2 (GMD 2). A copy of the application was submitted to GMD 2 for their review and recommendation on March 1, 2017. A letter was received from GMD 2 on April 12, 2017 recommending denial of the application for failure to meet Safe Yield. The applicant appealed to the District's decision and after modifying the application, was resubmitted for review. In a letter dated July 26, 2017, GMD No. 2 recommended approval of the application as modified.

In an email message on November 16, 2017, Jeff Lanterman, Water Commissioner of the Stafford Field Office recommended approval of the application.

Based on the above discussion and the available information, it is recommended that the referenced application be approved.



Alex Whitesell
Environmental Scientist
Water Appropriation Program

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

January 23, 2018

FILE COPY

KEVIN & NIKKI SCHOENHALS
16818 S KENT RD
HAVEN KS 67543

RE: Appropriation of Water
File No. 49,573

Dear Sir or Madam:

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 with specific reference to Paragraph No. 17, which states that you shall ensure that the well is located such that the required spacing of 1,320 feet is maintained to the irrigation well located in Section 8, pursuant to K.A.R. 5-4-4. 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.

Enclosed is a form which must be used to notify the Chief Engineer that the proposed diversion works have been completed. 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. 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 enclosed permit. 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 this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:ajw

Enclosures

pc: Stafford Field Office
GMD 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. 49,573** of the applicant

KEVIN AND NIKKI SCHOENHALS
16818 S KENT RD
HAVEN KS 67543

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 **March 7, 2016**.
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		
5	24S	4W																34.5	33.5	68

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 Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW¼ SE¼ SE¼) of Section 5, more particularly described as being near a point 1,300 feet North and 1,200 feet West of the Southeast corner of said section, in Township 24 South, Range 4 West, Reno 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 **800 gallons per minute (1.783 c.f.s.)** and to a quantity not to exceed **76 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, 2019** 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, 2023** 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 an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the 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.

16. 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.

17. That the well drilled and constructed under the authority of this permit shall comply with the required minimum well spacing of 1,320 feet to any senior irrigation well pursuant to K.A.R. 5-4-4.

(over)

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, KS 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, KS 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

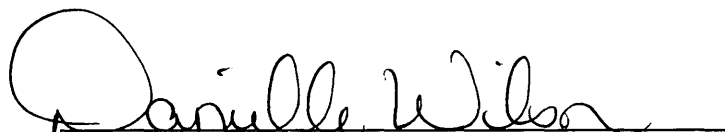
CERTIFICATE OF SERVICE

On this 23rd day of January, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,573, dated January 17, 2018 was mailed postage prepaid, first class, US mail to the following:

KEVIN & NIKKI SCHOENHALS
16818 S KENT RD
HAVEN KS 67543

With photocopies to:

Stafford Field Office
Groundwater Management District No. 2



Division of Water Resources

Ordered this 17th day of January, 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 17th day of January, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

APPLICATION COMPLETE
11/16/17
Reviewer: [Signature]



THE STATE OF KANSAS

WATER RESOURCES RECEIVED
MAR 07 2016
12:53
KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WATER RESOURCES RECEIVED

File Number 49,573
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY
FEB 25 2016

MAY 26 2017

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.)

12:43
KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Kevin Schoenhals
Address: 16818 S. Kent Road
City: Haven State KS Zip Code 67543
Telephone Number: (620) 960-2323

2. The source of water is: surface water in _____ (stream)
OR groundwater in 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 ^{KS} 488.22 76 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 800 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

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 IR12 Source Q1 County LN By AJW Date 3/7/16
Code LF2 Fee \$ 300 TR # 16033162 Receipt Date _____ Check # 5238

3/10/2016 LLM

2309A-3-11-10/W
REVISED

File No. _____

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 NW quarter of the SE quarter of the SE quarter of Section 5, more particularly described as being near a point 1300 feet North and 1200 feet West of the Southeast corner of said section, in Township 24 South, Range 4W East/West (circle one), Reno 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):

Kevin & Nikki Schoenhals, 16818 S. Kent Road, Haven, KS 67543. 620-960-2323

(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 February 24, 2016. Kevin J. Schoenhals
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

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

and (was)(will be) completed (by) May 1, 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 June 1, 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 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

WATER RESOURCES RECEIVED

MAY 26 2017

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

MAR 07 2016 SCANNED

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

FEB 29 2016 SCANNED

KS DEPT OF AGRICULTURE

*Applicant requests 60 days to conduct test drilling & submit the log.

File No. _____

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

(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):

Kevin & Nikki Schoenhals, 16818 S. Kent Road, Haven, KS 67543. 620-960-2323

(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 Halstead, Kansas, this 24th day of February, 2016.
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by T. Boese

GMD2/Manager

(office/title)

Date: February 24, 2016

RECEIVED
WATER RESOURCES
DIVISION
3105 W & 27th
2016 FEB 24 AM
BY: [unclear]

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,573

Name of Applicant (Please Print): Kevin Schoenhals

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: Kevin & Nikki Schoenhals

ADDRESS: 16818 S. Kent Road, Haven, KS 67543. 620-960-2323

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5	24	4W															39.1	38.2	77.3
5	24	4W	WS														34.5	33.5	68.0 WS

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				WATER RESOURCES RECEIVED
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																			MAY 26 2017
																			KS DEPT OF AGRICULTURE

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>Nickerson fine sandy loam</u>	<u>8</u>	<u>0.60-2.00</u>	<u>9</u>
<u>Punkin-Taver Complex</u>	<u>30</u>	<u>0.00-0.06</u>	<u>1</u>
<u>Dillhut fine sand</u>	<u>28</u>	<u>0.60-2.00</u>	
<u>Taver loam</u>	<u>34</u>	<u>0.00-0.06</u>	<u>1</u>
Total:	100 %		

b. Estimate the average land slope in the field(s): 1 %

Estimate the maximum land slope in the field(s): 2 %

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: Possible Flood or Subsurface Drip Irrigation for corners

d. System design features:

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

ii. For sprinkler systems:

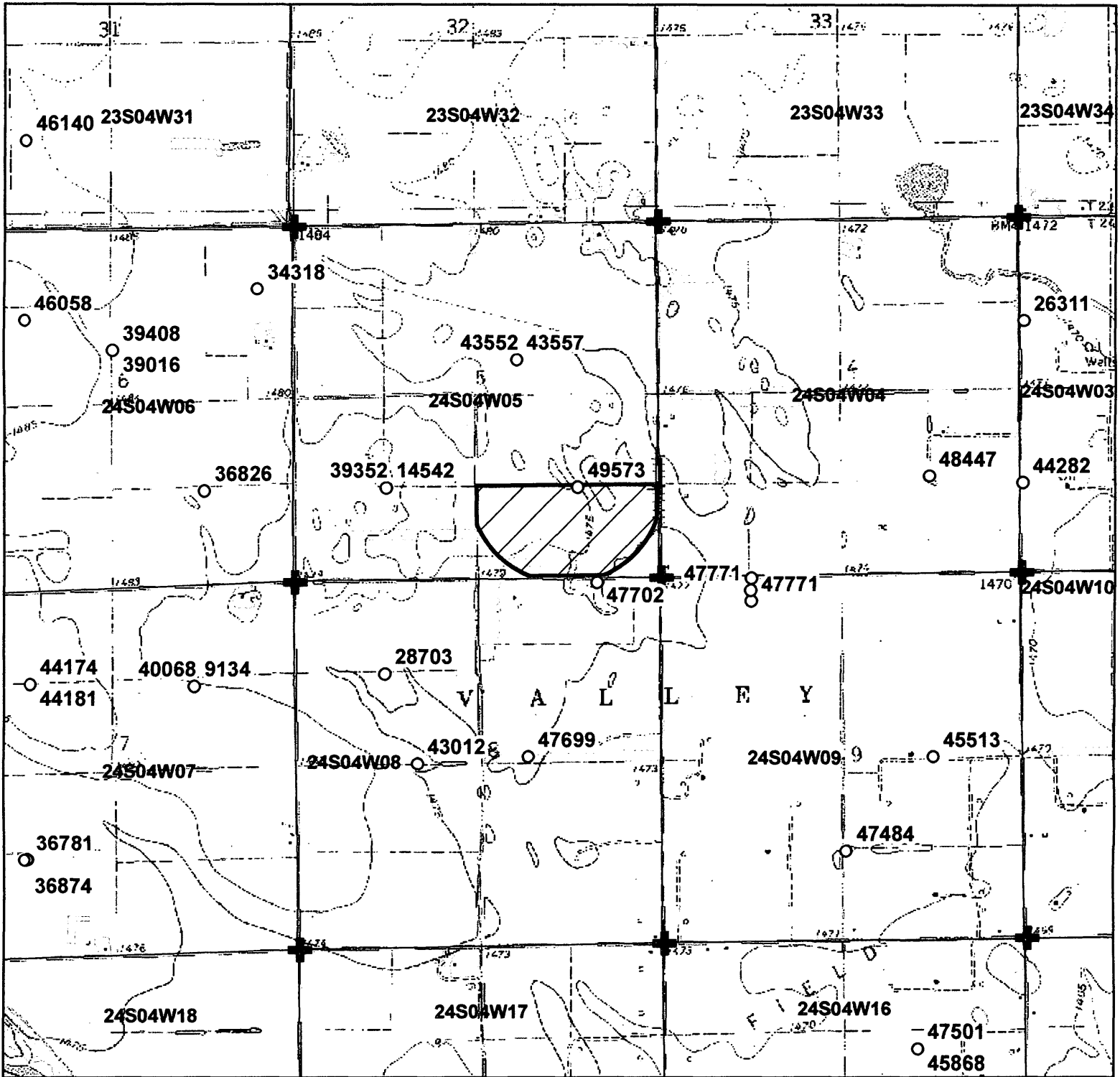
- (1) Estimate the operating pressure at the distribution system: _____ psi
- (2) What is the sprinkler package design rate? _____ gpm
- (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet
- (4) Please include a copy of the sprinkler package design information.

NOT available at this time

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: Corn, soybeans, milo, wheat

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). Applicant / Owner is a professional crop consultant

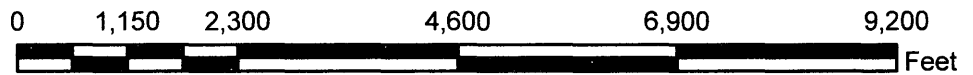
You may attach any additional information you believe will assist in informing the Division of the need for your request.



Legend

- Water Appropriations
- ⊕ Section Corner
- ▭ Section Line
- ▨ Proposed Place of Use

5/12/17 EKF-SFFO 1:24,000 scale



Water Appropriation, File No. 49573
 Revised New Application Map
 5-24S-4W
 Reno County

SESE: 33.5ac.
 SWSE: 34.5ac
 Total: 68ac

WATER RESOURCES RECEIVED

MAY 26 2017

KS DEPT OF AGRICULTURE

SCANNED



Whitesell, Alex [KDA]

From: Lanterman, Jeff
Sent: Thursday, November 16, 2017 2:44 PM
To: Whitesell, Alex; Conant, Cameron; Baum, Kristen
Subject: FW: Recomendation 49573
Attachments: _Memo To File.docx; 49573 spacing map.pdf; 49573 concern letter.pdf

Alex;

I wonder if we could make this methodology a reg eventually for approving apps. We just have to have a reasonable amount of acres on these things for approval? (50% NIR with 85% efficiency as follows: $76 \text{ AF} / 0.95' = 80 \times 0.85 = 68$ acres)

We would like to add the condition so that it meets spacing of 1320' to the well to the south shown on the attached spacing map. Playing the 300' game it could potentially get a lot closer.

Anyway this one looks good and can be approved.

Thanks
Jeff

From: Conant, Cameron
Sent: Thursday, November 16, 2017 10:31 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: Recomendation 49573

Jeff, this application is for irrigation in RN County. As filed, it didn't meet SY. They revised the application based on the quantity available of 76 AF. You, Brent, and Tim had some emails about approving with a reasonable quantity. You recommended our standard (but not in reg) formula for determining minimum acres. 50% NIR with 85% efficiency as follows: $76 \text{ AF} / 0.95' = 80 \times 0.85 = 68$ acres This reduction allows 1.12 AF/acre which is less than the normal 1.4 AF/acre in RN County but should be considered reasonable.

Alex worked with the applicant and the application has been revised to cover 68 acres with the available 76AF.

I can't find a test log in the file. I would assume it has been submitted and would assume the wells will be completed anywhere from 40-70' deep based on other wells in this section.

Spacing is met to everything, the nearest domestics are ~1500'+ away. We sent nearby letters and did receive a letter of concern back from one (attached).

Area water levels are stable. There were declines of up to 2' during the 2011-2013 drought but levels have recovered half of that back. The longest available data from 1989-2017 shows a 1.5' total drop.
http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375917097535401 (½ mile west of proposed well)
http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375931097541101 (3/4 mile NW of proposed well)
http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=375859097520003 (1¼ mile East of proposed well)-this is a 3 well nest shallow, mid, deep, attached link is the shallow at 48' deep-all 3 wells show no change

I think we can recommend approval of this application. Spacing is met, area water levels are stable, revised to meet SY and has a reasonable quantity. We should add the additional condition that the completed well must maintain the 1320' spacing to all nearby permitted water rights (47702 is ~1390' away as proposed). Please pass on to Alex if you agree.

Cameron

From: Whitesell, Alex
Sent: Wednesday, November 15, 2017 4:22 PM
To: Conant, Cameron <Cameron.Conant@ks.gov>
Subject: RE: Recommendation 49573

Cameron,

Those paragraphs about spacing were leftovers from a copy and paste and no not belong to this file.

I've attached the updated memo.

From: Conant, Cameron
Sent: Wednesday, November 15, 2017 1:44 PM
To: Whitesell, Alex
Subject: RE: Recommendation 49573

Hey Alex, can you send me the good final map of p/d location for this file? I was going through your memo and I just don't see the domestic that it doesn't meet spacing to...so maybe I'm looking at a "not revised" well location or something. I also don't see where this doesn't meet spacing to another irrigation well that supplies water to the same project.

I'm really tired right now for some reason, so maybe I'm just missing something?

Cameron

From: Whitesell, Alex
Sent: Wednesday, October 25, 2017 4:16 PM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>; Conant, Cameron <Cameron.Conant@ks.gov>
Subject: Recommendation 49573

Good afternoon,

Could you please provide your recommendation on this file? Thank you!

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS
(785) 564 - 6631

My email has changed alex.whitesell@ks.gov

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

1300 ft N and 1200 ft W of the SE Corner of Section 5, T 24S, R 4W

Located at: 97.779234 West Longitude and 37.988754 North Latitude

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__ 4604	00	IRR	NK	G	9330	--	NE	NW	NW	-----	-----	32	23	4W	1	36.00	36.00	AF
A__ 9134	00	IRR	NK	G	6260	--	NE	SW	NE	3800	1490	7	24	4W	7	120.00	120.00	AF
A__ 14542	00	IRR	NK	G	2781	--	--	NC	SW	1325	3974	5	24	4W	1	180.00	180.00	AF
A__ 26311	00	IRR	NK	G	6942	--	NW	SW	NW	3650	5260	3	24	4W	4	115.00	115.00	AF
A__ 28703	00	IRR	NK	G	3833	--	--	NC	NW	-----	-----	8	24	4W	1	225.00	225.00	AF
A__ 34318	00	IRR	NK	G	5483	--	SE	NE	NE	4290	495	6	24	4W	1	25.00	25.00	AF
A__ 36781	00	IRR	NK	G	9657	--	--	NC	SW	1330	3975	7	24	4W	8 G 5	90.00	90.00	AF
Same					9649	--	--	NC	SW	1330	3965	7	24	4W	9 B 5			
Same					9661	--	--	NC	SW	1330	3980	7	24	4W	10 B 5			
Same					9674	--	--	NC	SW	1330	3995	7	24	4W	11 B 5			
Same					9678	--	--	NC	SW	1330	4000	7	24	4W	12 B 5			
Same					9636	--	--	NC	SW	1330	3950	7	24	4W	13 B 5			
A__ 36826	00	IRR	NK	G	5426	--	--	NC	SE	1320	1305	6	24	4W	2	195.00	195.00	AF
A__ 36874	00	IRR	NK	G	9657	--	--	NC	SW	1330	3975	7	24	4W	8 G 5	90.00	90.00	AF
Same					9649	--	--	NC	SW	1330	3965	7	24	4W	9 B 5			
Same					9661	--	--	NC	SW	1330	3980	7	24	4W	10 B 5			
Same					9674	--	--	NC	SW	1330	3995	7	24	4W	11 B 5			
Same					9678	--	--	NC	SW	1330	4000	7	24	4W	12 B 5			
Same					9636	--	--	NC	SW	1330	3950	7	24	4W	13 B 5			
A__ 36963	00	IRR	NK	G	9104	--	NE	NE	NW	5240	2787	10	24	4W	11	90.00	90.00	AF
A__ 39016	00	IRR	NK	G	7068	--	NW	SW	NE	3415	2613	6	24	4W	3	95.00	95.00	AF
A__ 39352	00	IRR	NK	G	2781	--	--	NC	SW	1325	3974	5	24	4W	1	36.00	36.00	AF
A__ 39408	00	IRR	NK	G	7068	--	NW	SW	NE	3415	2613	6	24	4W	3	68.50	68.50	AF
A__ 40068	00	IRR	NK	G	6260	--	NE	SW	NE	3800	1490	7	24	4W	7	117.90	117.90	AF
A__ 40285	00	IRR	NK	G	9104	--	NE	NE	NW	5240	2787	10	24	4W	11	97.00	97.00	AF
A__ 43012	00	IRR	NK	G	4689	--	NW	NE	SW	2556	3610	8	24	4W	2	195.00	195.00	AF
A__ 43552	00	IRR	NK	G	2057	--	SW	SW	NE	3167	2064	5	24	4W	2	244.50	244.50	AF
A__ 43557	00	IRR	NK	G	2057	--	SW	SW	NE	3167	2064	5	24	4W	2	82.50	82.50	AF
A__ 43904	00	IRR	NK	G	9129	--	--	NC	S2	1340	2661	3	24	4W	6	154.00	154.00	AF
A__ 44174	00	IRR	NK	G	8450	--	--	NC	NW	3865	3882	7	24	4W	14	97.50	97.50	AF
A__ 44181	00	IRR	NK	G	8450	--	--	NC	NW	3865	3882	7	24	4W	14	97.50	97.50	AF
A__ 44282	00	IRR	NK	G	6498	--	--	CW	SW	1275	5292	3	24	4W	7	84.00	84.00	AF
A__ 45513	00	IRR	LR	G	6487	--	--	NC	E2	2640	1320	9	24	4W	1	190.40	190.40	AF
A__ 45868	00	IRR	NK	G	9510	--	NE	SW	NE	3700	1600	16	24	4W	8	90.00	90.00	AF
A__ 46058	00	IRR	NK	G	8402	--	--	NC	NW	3826	3888	6	24	4W	4	190.00	188.00	AF ✓
A__ 46140	00	IRR	LR	G	9570	--	--	NC	SW	1320	3960	31	23	4W	2	182.00	182.00	AF
A__ 47484	00	IRR	LO	G	6538	--	NW	SW	SE	1300	2610	9	24	4W	2	92.40	92.40	AF
A__ 47501	00	IRR	LO	G	9510	--	NE	SW	NE	3700	1600	16	24	4W	8	138.60	46.20	AF ✓
A__ 47699	00	IRR	KE	G	3947	--	SE	SW	NE	2700	1950	8	24	4W	3	86.00	86.00	AF
A__ 47702	00	IRR	KE	G	1399	--	NW	NE	NE	5200	925	8	24	4W	4	152.20	152.20	AF
A__ 47771	00	IRR	LO	G	2936	--	NC	N2	NW	5065	3960	9	24	4W	3 G 2	187.60	187.60	AF
Same					2855	--	NC	N2	NW	5230	3960	9	24	4W	4 B 2			
Same					3024	--	NC	N2	NW	4900	3960	9	24	4W	5 B 2			
A__ 48447	00	IRR	KE	G	5145	--	--	NC	SE	1370	1320	4	24	4W	5	190.40	190.40	AF
A__ 49378	00	IRR	AY	G	9936	--	SE	NW	NE	4620	1320	33	23	4W	2	105.00	105.00	AF
A__ 49573	00	IRR	AY	G	0	--	NW	SE	SE	1300	1200	5	24	4W	3	108.22	108.22	AF

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =    213.22      .00
Total Permitted Amount (AF) =    428.60      .00
Total Inspected Amount (AF) =    698.60      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =   2813.40      .00
Total Vested Amount (AF) =         .00      .00
TOTAL AMOUNT (AF) =    4153.82      .00
  
```

An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for 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:
 97.779234 West Longitude and 37.988754 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__  4604 00 IRR NK G
>  DALTON S & ANNA L HILL
>
>  8915 E ILLINOIS AVE
>  HUTCHINSON KS 67501
>-----
A__  9134 00 IRR NK G
>  RICHARD E & KRISTINE SECK
>
>  6614 E EALES RD
>  HUTCHINSON KS 67501
>-----
A__  14542 00 IRR NK G
>  RICHARD E & KRISTINE SECK
>
>  6614 E EALES RD
>  HUTCHINSON KS 67501
>-----
A__  26311 00 IRR NK G
>  FIRST NATIONAL BANK (HUTCHINSON)
>  FARM MANAGEMENT DEPT
>  PO BOX 913
>  HUTCHINSON KS 67504
>-----
A__  28703 00 IRR NK G
>  RICHARD E & KRISTINE SECK
>
>  6614 E EALES RD
>  HUTCHINSON KS 67501
>-----
A__  34318 00 IRR NK G
>  VERNON G & CYNTHIA L BOGNER
  
```

WELL DRILLING

TRENCHING & BACKHOES

IRRIGATION SUPPLIES

PETERSON IRRIGATION, INC.

copy to:
Dean Johnson

130 W. HARRISON ST.

P.O. BOX 180

PHONE 785-327-3420

FAX 785-327-3720

LINDSBORG, KANSAS 67456-0150

WATER WELL RECORD

DRILLERS LOG OF WELL

DEPTH	DESCRIPTION
0 1	Top Soil
1 45	SAND - Coarse with LARGE GRAVEL
45 46	CLAY - Brown
46 75	SAND - Coarse with GRAVEL - Fine to Med.
75 77	CLAY - Brown + Black
77 122	SAND - Med. to Coarse with GRAVEL - Fine
Cased 122 ft	
Took water sample at 122 ft AND 30 ft	
at Center	
APR 20 1999	
KANSAS DEPT. OF AGRICULTURE	

Well Owner: Dean Johnson c/o Richard Beck
 Address: 5613 E. Strong Rd. Hutchinson
 District: 67501

Drillers: Ken + Tim Drillers

Date Drilled: 10-30-98

Method of Drilling: Rotary

Casing Schedule: 3" PVC 111 ft
From 0 to 111 ft

Screen Data (if any): 2 1/2" PVC 11 ft
From 111 to 122 ft

Measured depth to water on completed well (Static Level) is
3' ft below Land Surface

Est. Yield: 2000 gallons per min

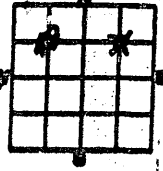
as determined by _____

DRAWDOWN: _____ ft. after _____ hrs.
 pumping at _____ gal. per minute.

WELL TYPE: Irr. test well

NEAREST CONTAMINATORS: OLD SLUSH PIT
South - North

LOCATION OF WELL (Show location in Section Plot) Topographic Sheet _____
 Elevation _____
 NE
 NW
 SE
 SW
 T. 24 S. R. 54 W.
 County: RENO



A__ 40285 00 IRR NK G

> KEITH B KINCAID TRUST
> KEITH B KINCAID
> 11009 E LONGVIEW RD
> BURRTON KS 67020

>-----
> RICHARD H MILLER ET UX
> WILLIAM P & NANCY K MORGAN
> 6616 S WORTHINGTON RD
> BURRTON KS 67020

>-----
A__ 43012 00 IRR NK G

> KEEL R & NANCY J HENDRICKS
>
> 2939 COUNTRY CLUB DR
> COLORADO SPRINGS CO 80909

>-----
A__ 43552 00 IRR NK G

> RICHARD E & KRISTINE SECK
>
> 6614 E EALES RD
> HUTCHINSON KS 67501

>-----
A__ 43557 00 IRR NK G

> RICHARD E & KRISTINE SECK
>
> 6614 E EALES RD
> HUTCHINSON KS 67501

>-----
A__ 43904 00 IRR NK G

> LOUIS W & VIRGINIA L GUHL TRUSTS
>
> 11702 S VICTORY RD
> HAVEN KS 67543

>-----
A__ 44174 00 IRR NK G

> RICHARD E & KRISTINE SECK
>
> 6614 E EALES RD
> HUTCHINSON KS 67501

>-----
A__ 44181 00 IRR NK G

> RICHARD E & KRISTINE SECK
>
> 6614 E EALES RD
> HUTCHINSON KS 67501

>-----
A__ 44282 00 IRR NK G

> DAVID R & DEBRA S WHITTLE
>
> 12100 E LAKE CABLE RD
> HAVEN KS 67543

>
> 5017 S WILLISON RD
> HUTCHINSON KS 67501
>-----

A__ 36781 00 IRR NK G
> SECK FAMILY TRUST
> RICHARD SECK TRUSTEE
> 6614 E EALES RD
> HUTCHINSON KS 67501
>-----

A__ 36826 00 IRR NK G
> RICHARD E & KRISTINE SECK
>
> 6614 E EALES RD
> HUTCHINSON KS 67501
>-----

A__ 36874 00 IRR NK G
> SECK FAMILY TRUST
> RICHARD SECK TRUSTEE
> 6614 E EALES RD
> HUTCHINSON KS 67501
>-----

A__ 36963 00 IRR NK G
> KEITH B KINCAID TRUST
> KEITH B KINCAID
> 11009 E LONGVIEW RD
> BURRTON KS 67020
>-----

A__ 39016 00 IRR NK G
> RICHARD E & KRISTINE SECK
>
> 6614 E EALES RD
> HUTCHINSON KS 67501
>-----

A__ 39352 00 IRR NK G
> RICHARD E & KRISTINE SECK
>
> 6614 E EALES RD
> HUTCHINSON KS 67501
>-----

A__ 39408 00 IRR NK G
> RICHARD E & KRISTINE SECK
>
> 6614 E EALES RD
> HUTCHINSON KS 67501
>-----

A__ 40068 00 IRR NK G
> RICHARD E & KRISTINE SECK
>
> 6614 E EALES RD
> HUTCHINSON KS 67501
>-----

> PO BOX 913
> HUTCHINSON KS 67504

>-----
A__ 48447 00 IRR KE G
> GARY R WELCH TRUST
> FIRST NATIONAL BANK
> PO BOX 913
> HUTCHINSON KS 67504

>-----
A__ 49378 00 IRR AY G
> GREGORY & SHERRYL MORRIS
>
> 501 S WILDCAT CT
> HUGOTON KS 67951

>-----
A__ 49573 00 IRR AY G
> KEVIN & NIKKI SCHOENHALS
>
> 16818 S KENT RD
> HAVEN KS 67543
>-----
=====

>-----
A__ 45513 00 IRR LR G
> JAMES L BOGNER
>
> 6807 S WILLISON ROAD
> BURRTON KS 67020
>-----
A__ 45868 00 IRR NK G
> KEITH B KINCAID TRUST
> KEITH B KINCAID
> 11009 E LONGVIEW RD
> BURRTON KS 67020
>-----
A__ 46058 00 IRR NK G
> RICHARD E & KRISTINE SECK
>
> 6614 E EALES RD
> HUTCHINSON KS 67501
>-----
A__ 46140 00 IRR LR G
> BOGNER FARMS
>
> 6807 S WILLISON RD
> BURRTON KS 67020
>-----
A__ 47484 00 IRR LO G
> KEITH B KINCAID TRUST
> KEITH B KINCAID
> 11009 E LONGVIEW RD
> BURRTON KS 67020
>-----
A__ 47501 00 IRR LO G
> KEITH B KINCAID TRUST
> KEITH B KINCAID
> 11009 E LONGVIEW RD
> BURRTON KS 67020
>-----
A__ 47699 00 IRR KE G
> JEFF A BRAUNER
>
> 9409 E EALES RD
> BURRTON KS 67020
>-----
A__ 47702 00 IRR KE G
> JEFF A BRAUNER
>
> 9409 E EALES RD
> BURRTON KS 67020
>-----
A__ 47771 00 IRR LO G
> GARY R WELCH TRUST
> FIRST NATIONAL BANK

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



DIRECTORS:
DAVID BOGNER
JOE PAJOR
DALE SCHMIDT
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

July 26, 2017

Chief Engineer, Division of Water Resources
Attn: Alex Whitesell
1320 Research Park Dr.
Manhattan, KS 66502

WATER RESOURCES
RECEIVED

JUL 26 2017

Re: Appropriation Application File No. 49,573 – Kevin Schoenhals

KS DEPT OF AGRICULTURE

Dear Mr. Whitesell:

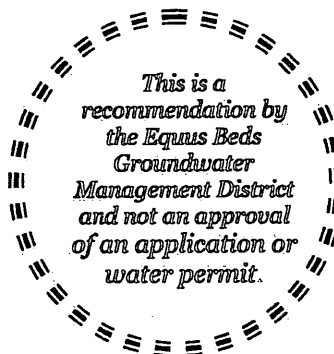
The Equus Beds Groundwater Management District No. 2 reviewed the referenced modified application on July 26, 2017, using the District's Revised Management Program (effective May 1, 1995), and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The applicant modified the proposed quantity to 76 acre-feet per year to comply with the District's Safe Yield Regulation K.A.R. 5-22-7, and modified the proposed place of use to 68 acres, resulting in a water to land ratio of 1.12 acre feet per acre. The modified application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Therefore, the application is recommended for approval by the Equus Beds Groundwater Management District No. 2.

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.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/STF
Enclosures



pc: Kevin Schoenhals, Applicant and Landowner
Jeff Lanterman, Division of Water Resources, Stafford
Lake Family Real Estate Trust, c/o Orley Leon Lake, Trustee

H:\MSOFFICE\LETTERS\APP\NewApp\Recommendation\Approve\#49573_Schoenhals.docx

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

1) Application No. 49573 Date filed: 3/07/16
 2) Applicant: Kevin Schoenhals County: Reno
 3) Proposed maximum quantity: 76 acre-feet/year Rate: 800 GPM
 4) Proposed Use: Irrigation
 5) P/D location: NW SE SE 5-24S-4W Geo Center: North 1300 ft, West 1200 ft
 6) Number and type of points of diversion listed on the application 1 Well

7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8? Yes No, Why _____

8) Meets Safe Yield K.A.R. 5-22-7? Yes No N/A

(a) Total allowable appropriations: 4021.00 af/yr
 (b) Total existing appropriations: 4021 af/yr
 (c) Total small user exemptions: 0.00 af/yr
 (d) Total non-consumptive use: 0.00 af/yr
 (e) Total consumptive use: 4021.00 af/yr
 (Total existing appropriations) - (Total non-consumptive use)
 (f) exempt from regulation? Yes No,
 Cite exemption: _____

9) Meets Well Spacing K.A.R. 5-22-2? Yes No N/A

(a) POD in enhanced well spacing area? Yes No
 (b) Domestic well spacing interval: >1320 ft
 (c) Non-Domestic well spacing interval: >660 ft

10) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A

(a) Irrigation max quantity: 1.12 acre-feet / acre
 application paragraph 3 value (acre-feet) / proposed acres = Q
 (b) Stockwater max quantity: _____ GPD _____ unit
 (c) Industry max quantity: _____ Acre
 Industry standard: _____
 (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)
 (e) Pond max quantity is _____
 (Net evap + seepage)/12 x pond area + any initial fill
 (f) Groundwater pit max Q: _____
 Net evap * pit area/12

11) Reasonable rate for intended use? Yes No N/A

12) Depth to water: 13 ft bls at observation well: EB213C

13) Date reviewed: 7/26/17 *Review 7-26-17*

14) Reviewed by: S Flaherty Title: Hydrogeologist

15) District recommendation: Approve Deny Other, see comment

16) Comments and Calculations:

New Application submitted by Kevin Schoenhals for Irrigation use in Reno County. Original application was recommended for denial for not complying with safe yield.
 Applicant modified quantity to comply with safe yield and modified place of use per DWR requirements for reasonable water to land ratio
 Item No 10 (a) 76 acre feet / 68 acres = 1.12 AF/Ac.
 No Overlapping Place of Use
 No Overlapping Point of Diversion
 Once letter of concern from a nearby well owner
 No Rate/Quantity Limitations
 Nearby Quantity/Quantity Concerns: ~ 1 mile west of oilfield developments
 No Special Use Areas or IGUCAs
 Recommend Approval, complies with K.A.R 5-22-1 through 5-22-17

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

FILE COPY

June 30, 2017

EQUUS BEDS GMD NO 2
313 SPRUCE ST
HALSTEAD KS 67056

Re: Application
File No. 49,573

Dear Sir or Madam:

We are enclosing a copy of the application referred to above, which was submitted by Kevin Schoenhals. This application has been modified by the applicant to reduce the quantity and irrigated acres from the last request for recommendation.

We are delaying any further action for a period of 15 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 785-564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

Enclosure(s)

pc: Stafford 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

April 27, 2017

KEVIN SCHOENHALS
16818 S KENT ROAD
HAVEN KS 67543

FILE COPY

RE: Application
File No. 49,573

Dear Mr. Schoenhals:

Reference is made to the application for permit to appropriate water for beneficial use referenced above. Upon review of the recommendation by Equus Beds Groundwater Management District No. 2, regarding your application, we find that the following issues must be resolved in order to continue processing the application.

Because it has been proposed that the application be reduce to a quantity of 76 acre-feet of water to comply with K.A.R. 5-22-7, the proposed place of use must also be reduced accordingly to allow for sufficient quantity of water per acre of irrigated land. Based upon the 50% Net Irrigation requirement for Reno County at an efficiency of 85%, a total of 68 acres may be irrigated with 76 acre-feet of water.

Based upon the above, you must reduce the acres requested on your application to no more than 68. Please modify the map accompanying the application and the irrigation use supplemental sheet to reflect the reduced acres. It is recommended that you contact Jeff Lanterman at our Stafford Field Office (620-234-5162) if you require assistance in modifying your application.

Please indicate changes to your application on paragraph no. 3, the "Irrigation Use Supplemental Sheet" and the map, initialing each change to the application.

Your application is being returned so that you may supply the requested information. In order for the application to retain priority of filing, the requested information must be supplied to complete the applications on or before **May 27, 2017**. According to law, default in supplying the requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application under the above referenced file number.

Should you need additional time in which to review and or provide the information, you must request an extension in writing, before the 30 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

If you have any questions, please contact me at (785) 564 - 6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office
Groundwater Management District No. 2

SCANNED

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

FILE COPY

April 14, 2017

KEVIN SCHOENHALS
16818 S KENT ROAD
HAVEN KS 67543

RE: Application
File No. 49,573

Dear Mr. Schoenhals:

We have received a recommendation from the Equus Beds Groundwater Management District No. 2 that the referenced Application for Permit to Appropriate Water for Beneficial Use be denied. This recommendation has been 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 to this office any additional information you wish to have considered before the Chief Engineer.

We will delay any further action on the referenced application until April 29, 2017, 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) 564 - 6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office
Groundwater Management District No. 2

SCANNED

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

April 12, 2017

Chief Engineer, Division of Water Resources
Attn: Alex Whitesell
1320 Research Park Drive
Manhattan, Kansas 66502

WATER RESOURCES
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APR 14 2017

Re: Appropriation Application File No. 49573 – Kevin Schoenhals

KS DEPT OF AGRICULTURE

Dear Mr. Whitesell:

The Equus Beds Groundwater Management District reviewed the referenced application on April 12, 2017, 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 District's review found that the application does not comply with the District's Safe Yield Regulation K.A.R. 5-22-7(a), as the existing and proposed consumptive appropriations exceed the maximum allowable for the area of consideration (2 mile radius circle) by 32.22 acre-feet.

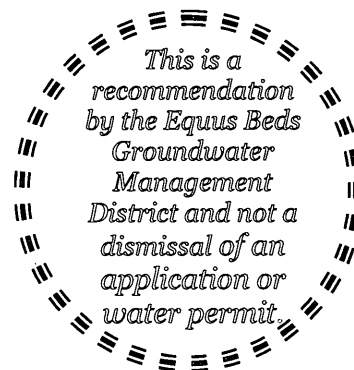
Based upon the review findings, the application is recommended for denial by the Equus Beds Groundwater Management District.

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 the 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.

Please contact the District should you have any questions regarding the review or recommendation.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese,
Manager
TDB/STF



Enclosures

pc: Kevin Schoenhals, Applicant and Landowner, with copy of K.A.R. 5-22-12
Jeff Lanterman, Division of Water Resources, Stafford
Lake Family Real Estate Trust, c/o Orley Leon Lake, Trustee

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

1) Application No. 49573 Date filed: 03/07/16
 2) Applicant: Kevin Schoenhals County: RN
 3) Proposed maximum quantity: 108.22 acre-feet/year Rate: 800 GPM
 4) Proposed Use: Irrigation
 5) P/D location: NW SE SE 5-24S-4W Geo Center: North 1300 ft, West 1200 ft
 6) Number and type of points of diversion listed on the application 1 Well

7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8? Yes No, Why _____

8) Meets Safe Yield K.A.R. 5-22-7? Yes No N/A
 (a) Total allowable appropriations: 4021.00 af/yr
 (b) Total existing appropriations: 4053.22 af/yr
 (c) Total small user exemptions: 0.00 af/yr
 (d) Total non-consumptive use: 0.00 af/yr
 (e) Total consumptive use: 4053.22 af/yr
 (Total existing appropriations) - (Total non-consumptive use)
 (f) exempt from regulation? Yes No,
 Cite exemption: _____

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

10) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A
 (a) Irrigation max quantity: 1.4 acre-feet / acre
 application paragraph 3 value (acre-feet) / proposed acres = Q
 (b) Stockwater max quantity: _____ GPD _____ unit
 (c) Industry max quantity: _____ Acre
 Industry standard: _____
 (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)
 (e) Pond max quantity is _____
 (Net evap + seepage)/12 x pond area + any initial fill
 (f) Groundwater pit max Q: _____
 Net evap * pit area/12

11) Reasonable rate for intended use? Yes No N/A
 12) Depth to water: 8 ft bls at observation well: EB213B

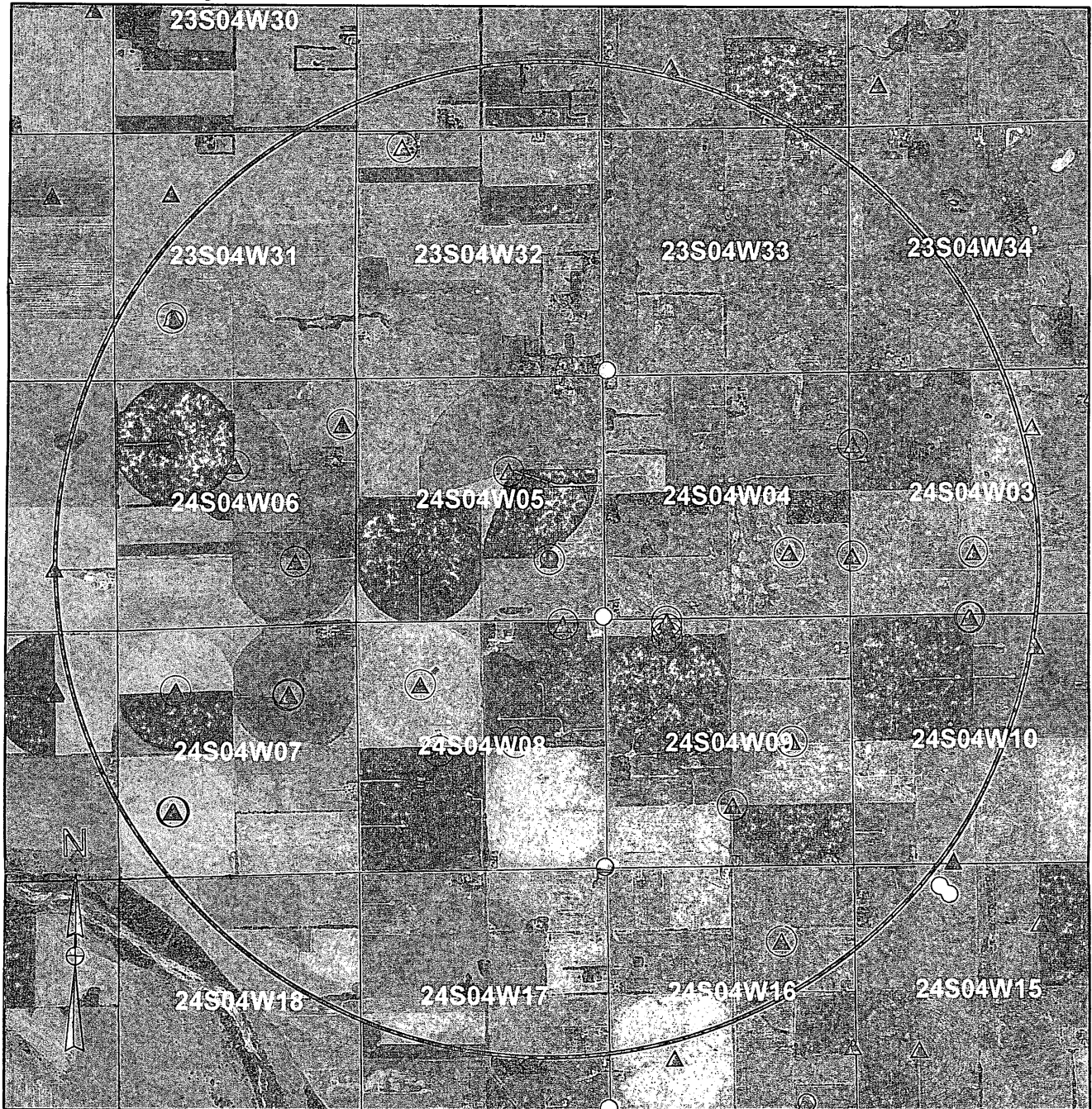
13) Date reviewed: 4/12/2017 *Revised 4-12-17*
 14) Reviewed by: S. Flaherty Title: Hydrogeologist
 15) District recommendation: Approve Deny Other, see comment

16) Comments and Calculations:
 New Application submitted by Kevin Schoenhals for irrigation use in Reno County.
 Item No 3. If applicant reduces quantity to 76 AF, the application would comply with safe yield and would comply with all District Rules and Regulations K.A.R. 5-22-1 through 5-22-17.
 Item No 10 (a) 108.22 acre feet / 77.3 acres = 1.4 AF/Ac.
 No Overlapping Place of Use
 No Overlapping Point of Diversion
 One letter of concern from a nearby well owner concerned about water quantity and quality
 No Additional Rate/Quantity Limitations
 Nearby Quantity/Quantity Concerns: West of heavy oilfield development
 No Special Use Areas or IGUCAs
 Recommend Denial, Does not comply with Safe Yield Regulation K.A.R. 5-22-7

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APR 14 2017

Equus Beds Groundwater Management District No. 2
 Safe Yield Evaluation - No. 49573 - Kevin Schoenhals
 NWSESE (1300'N & 1200'W) 05-24S-04W, Reno County
 Prepared By: T. Boese Date: 4/12/2017



<ul style="list-style-type: none"> ● Proposed Point of Diversion ⚡ Area of Consideration Boundary ⊙ Monitoring Wells ▲ Points of Diversion ▭ District Boundary 	<p>Map Legend</p> <ul style="list-style-type: none"> ══ Major Highway — Other Roadway — Major Stream — Other Water Feature ▭ County Boundary ▭ City Boundary 	<ul style="list-style-type: none"> ▨ Burrton IGUCA ▨ Hollow Nikkel SWQUA ▨ McPherson IGUCA ▨ Enhanced Well Spacing Area ▨ Permian Surface Bedrock
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0.5 0.25 0 0.5 Miles

WATER RESOURCES RECEIVED
 APR 14 2017
 MS DEPT OF AGRICULTURE

SCANNED

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

SAFEYIELD EVALUATION - NO. 49573 - KEVIN SCHOENHALS
LOCATION: NWSESE (1300'N & 1200'W) 05-24S-04W, Reno County
SPECIAL USE AREA: None
EVALUATION DATE:- 4/12/2017

Total Areas: 8,042 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 8,042 acres

FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00460400	1763	23S	04W	32	NENWNW	IRR	36
A00913400	1628	24S	04W	7	38001490	IRR	120
A01454200	1238	24S	04W	5	13253974	IRR	180
A02631100	568	24S	04W	3	36505260	IRR	115
A02870300	334	24S	04W	8	NCNW	IRR	225
A03431800	1506	24S	04W	6	SENE	IRR	25
A03678100	1223	24S	04W	7	13303950	IRR	18
A03678100	1224	24S	04W	7	13303965	IRR	18
A03678100	1225	24S	04W	7	13303980	IRR	18
A03678100	1226	24S	04W	7	13303995	IRR	18
A03678100	1227	24S	04W	7	13304000	IRR	18
A03682600	1365	24S	04W	6	13201305	IRR	195
A03687400	373	24S	04W	7	13303950	IRR	18
A03687400	374	24S	04W	7	13303965	IRR	18
A03687400	375	24S	04W	7	13303980	IRR	18
A03687400	376	24S	04W	7	13303995	IRR	18
A03687400	377	24S	04W	7	13304000	IRR	18
A03696300	1814	24S	04W	10	52302746	IRR	90
A03901600	140	24S	04W	6	34152613	IRR	95
A03935200	1062	24S	04W	5	13253974	IRR	36
A03940800	1055	24S	04W	6	34152613	IRR	68.5
A04006800	1116	24S	04W	7	38001490	IRR	117.9
A04028500	398	24S	04W	10	52402787	IRR	97
A04301200	2496	24S	04W	8	25563610	IRR	195
A04355200	2632	24S	04W	5	31672064	IRR	244.5
A04355700	2633	24S	04W	5	31672064	IRR	82.5
A04390400	2715	24S	04W	3	13402661	IRR	154
A04417400	2764	24S	04W	7	39653890	IRR	97.5
A04418100	2765	24S	04W	7	39653890	IRR	97.5
A04428200	2787	24S	04W	3	12755292	IRR	84
A04551300	3036	24S	04W	9	26401320	IRR	190.4
A04586800	3162	24S	04W	16	37001600	IRR	90
A04605800	3227	24S	04W	6	38263888	IRR	190
A04614000	3252	23S	04W	31	13203960	IRR	182
A04748400	3644	24S	04W	9	13002610	IRR	92.4
A04750100	3654	24S	04W	16	37001600	IRR	48.6
A04769900	3737	24S	04W	8	27001950	IRR	86
A04770200	3744	24S	04W	8	52000925	IRR	152.2
A04777100	3815	24S	04W	9	50653960	IRR	187.6
A04777100	3816	24S	04W	9	52303960	IRR	0
A04777100	3817	24S	04W	9	49003960	IRR	0
A04844700	4096	24S	04W	4	13701320	IRR	190.4
A04957300P	4862	24S	04W	5	13001200	IRR	108.22

3945

Allowable Appropriations	4,021.00	Total Existing Appropriation	4,053.22
Small User Quantity	0	Non Consumptive Appropriations	0
Remaining SUQ	45	Consumptive Appropriations	4,053.22
Note- Values are in acre-feet		Available Appropriations	0

WATER RESOURCES RECEIVED

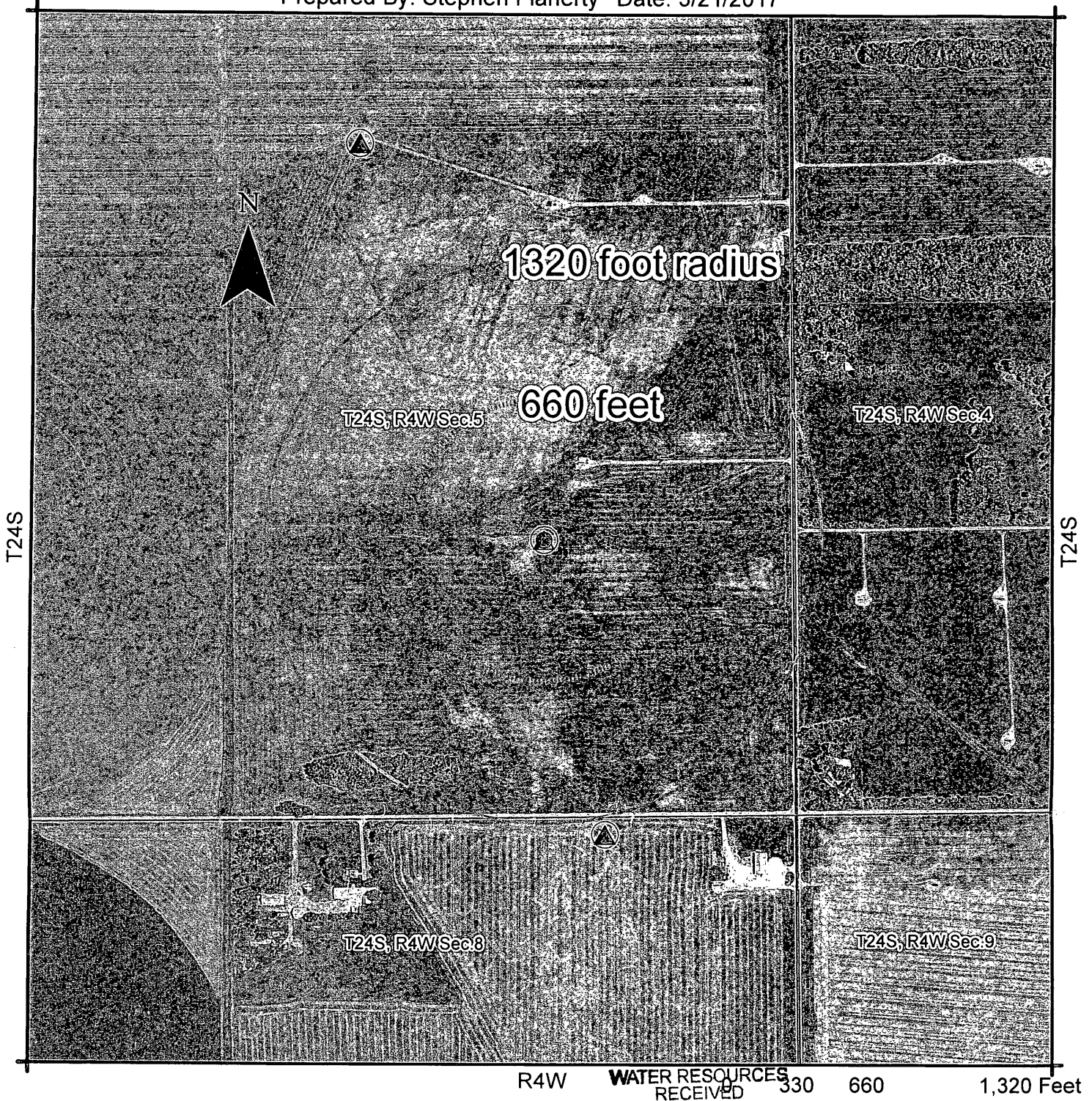
APR 14 2017

Equus Beds Groundwater Management District No. 2

SPACING EVALUATION No 49573

NWNESE (1300'N & 1200'W) 05-24S-04W, Reno County

Prepared By: Stephen Flaherty Date: 3/21/2017



Map Legend

- Observation Well
- Bedrock
- ▨ Authorized Place of Use
- ▩ Proposed Place of Use
- Proposed Point of Diversion
- ▲ Authorized Location
- ▨ Burrton IGUCA
- ▩ New Nikkel SWQUA
- ▩ McPherson IGUCA
- ▩ Enhanced Well Spacing Area
- ▩ Application Suspension Area

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

APR 14 2017

SCANNED

Whitesell, Alex

From: Whitesell, Alex
Sent: Tuesday, March 21, 2017 4:12 PM
To: 'Steve Flaherty'
Subject: RE: file 49573

Steve,

There were nearby calls and letters. I apologize that those didn't get to you in the original package. I will scan and send them shortly.

Please extend the deadline for review 15 days from today, until **April 5, 2017.**

Thanks,

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS
(785) 564 - 6631

My email has changed alex.whitesell@ks.gov

From: Steve Flaherty [<mailto:sflaherty@gmd2.org>]
Sent: Tuesday, March 21, 2017 12:00 PM
To: Whitesell, Alex
Subject: FW: file 49573

Alex,

Could I have a 15 day extension on this file as well? We just finished our annual meeting.

Thanks,

Steve Flaherty, Hydrogeologist
Equus Beds GMD No. 2
313 Spruce Street * Halstead, KS 67056
P: (316) 835-2224 * F: (316) 835-2225
www.gmd2.org

From: Steve Flaherty [<mailto:sflaherty@gmd2.org>]
Sent: Tuesday, March 21, 2017 11:44 AM
To: 'Alex.Whitesell@ks.gov' <Alex.Whitesell@ks.gov>
Subject: file 49573

Alex,

Were there any phone calls or comments received from surrounding well owners of file no 49573?

Thanks,

Steve Flaherty, Hydrogeologist

Equus Beds GMD No. 2

313 Spruce Street * Halstead, KS 67056

P: (316) 835-2224 * F: (316) 835-2225

www.gmd2.org

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 1, 2017

EQUUS BEDS GMD 2
313 SPRUCE ST
HALSTEAD KS 67056-1925

Re: Application
File No. 49,573

FILE COPY

Dear Sir or Madam:

We are enclosing a copy of the application referred to above which appears to be in proper form.

We are delaying any further action for a period of 15 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 a 785-564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

Enclosure(s)

pc: Stafford Field Office

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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

November 8, 2016

FILE COPY

LAKE FAMILY REAL ESTATE TRUST
6470 KILIMANJARO DR
EVERGREEN CO 80439

Re: Pending Application
File No. 49,573

Dear Mr. Lake:

This will acknowledge receipt of your letter dated November 3, 2016, in which you expressed comments concerning the proposed appropriation of groundwater by Kevin Schoenhals under the above referenced application.

Your comments have been considered, and approval of the application, if granted, will authorize diversion of water only when it does not impair existing rights. Should the diversion of water under this application substantially impair your earlier rights, you should notify the field office in your area. The field office in your area is:

Kansas Department of Agriculture
Division of Water Resources - Stafford Field Office
300 S. Main Street
Stafford, KS 67578

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

If you have any questions, please contact me at 785-564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

Pc: Stafford Field Office

SCANNED

Lake Family Real Estate Trust

3 November 2016

6470 Kilimanjaro Dr
Evergreen, CO 80439

WATER RESOURCES
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NOV 10 2016

Kansas Department of Agriculture
Attention: Alex Whitesell
1320 Research Parke Drive
Manhattan, KS 66502-5000

KS DEPT OF AGRICULTURE

Reference your letter of 20 October 2016 received on 28 October 2016 subject,
"Application File No. 49,573"

The Lake Family Real Estate Trust has serious concern regarding the Schoenhals application for a permit to appropriate 108.33 acre-feet of water per calendar year for irrigation at a rate of 800 gallons per minute. As noted in your letter the proposed location of the irrigation well is located proximate to two domestic residential water wells located on the Trust property. The Trust has the following concerns regarding the permit application.

1. **Quantity:** The requested usage of water from the well, 108.33 acre-feet of water per calendar year will over time lower the water table on the Trust property there by requiring the Trust's domestic wells to be made deeper at the Trust's expense.
2. **Quality:** At the stated rate and quantity, the return flow irrigation ground water could convey fertilizer and pesticide products still within stated persistence times into the water table and contaminate the water pumped from the Trust's water wells. Byproducts of any chemicals utilized are also a concern. These wells are used for drinking water and domestic uses by the inhabitants of the Trust's farm home.
3. **Human Health:** The liability of contaminated water consumption by inhabitants, which could affect human health, would fall to the Trust. The

SCANNED

responsibility of negatively affecting human health is a concern far greater than the liability.

The Trust asks that these concerns be addressed in your deliberations to grant a permit to Application File No. 49,573. Should you find these concerns to have merit, and without possible mitigation then the Trust asks that you do not grant the requested irrigation well permit. In addition we request that you inform us of each step taken toward the decision in a timely manner.



Orley Leon Lake

Trustee of the Lake Family Real Estate Trust

WATER RESOURCES
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NOV 10 2016

KS DEPT OF AGRICULTURE

SCANNED

Water appropriation Application File 49,573

From : fizlake@comcast.net

Fri, Nov 04, 2016 03:48 PM

Subject : Water appropriation Application File 49,573 1 attachment**To :** alex whitesell <alex.whitesell@ks.gov>

Alex,

It was very helpful to speak to you on the phone Nov. 3, 2016. I reviewed the database of water wells in Reno county and did indeed find our domestic use wells. The property has been put into the Lake Family Real Estate Trust, and the well owner column should reflect that. I am not sure how to do that, but will try to get the appropriate information to do so.

My husband is the Trustee, and prepared the attached letter relating our concerns. He will mail a signed copy to you. He would be happy to discuss the matter with you. He can be reached at 720-480-8061 (cell), or the land line listed below. You indicated that we should send our concerns at this time via email. I hope this is satisfactory. Please advise if legal council is recommended or required in this matter.

Margaret Lake, Environmental Chemist ret., Department of the Interior (USDI)
6470 Kilimanjaro Dr.
Evergreen CO 80439
fizlake@comcast.net
303-674-1037
303-250-7449 (cell)

 **Lake Trust Ltr Irrigation Permit Request Rev1.docx**
21 KB

WATER RESOURCES
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NOV 10 2016

KS DEPT OF AGRICULTURE

SCANNED

Lake Family Real Estate Trust

3 November 2016

6470 Kilimanjaro Dr
Evergreen, CO 80439

Kansas Department of Agriculture
Attention: Alex Whitesell
1320 Research Parke Drive
Manhattan, KS 66502-5000

WATER RESOURCES
RECEIVED

NOV 04 2016

KS DEPT OF AGRICULTURE

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responsibility of negatively affecting human health is a concern far greater than the liability.

The Trust asks that these concerns be addressed in your deliberations to grant a permit to Application File No. 49,573. Should you find these concerns to have merit, and without possible mitigation then the Trust asks that you do not grant the requested irrigation well permit. In addition we request that you inform us of each step taken toward the decision in a timely manner.

Orley Leon Lake
Trustee of the Lake Family Real Estate Trust

Whitesell, Alex

From: fizlake@comcast.net
Sent: Friday, November 04, 2016 4:48 PM
To: Whitesell, Alex
Subject: Water appropriation Application File 49,573
Attachments: Lake Trust Ltr Irrigation Permit Request Rev1.docx

WATER RESOURCES
RECEIVED

NOV 04 2016

KS DEPT OF AGRICULTURE

Alex,

It was very helpful to speak to you on the phone Nov. 3, 2016. I reviewed the database of water wells in Reno county and did indeed find our domestic use wells. The property has been put into the Lake Family Real Estate Trust, and the well owner column should reflect that. I am not sure how to do that, but will try to get the appropriate information to do so.

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Margaret Lake, Environmental Chemist ret., Department of the Interior (USDI)
6470 Kilimanjaro Dr.
Evergreen CO 80439
fizlake@comcast.net
303-674-1037
303-250-7449 (cell)

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

October 20, 2016

FILE COPY

DEAN K JOHNSON REV TRUST
DELORES DREW REV TRUST
9533 VISTA DRIVE
LENEXA KS 66220

Re: Application
File No. 49,573

Dear Sir or Madam:

This is to advise you that Kevin Schoenhals has filed the application referred to above for permit to appropriate 108.22 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well or wells located as follows:

one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 5, more particularly described as being near a point 1300 feet North and 1200 feet West of the Southeast corner of said section, in Township 24 South, Range 4 West, Reno County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. 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(s) of the applicant's point(s) 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, please contact me at (785) 564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

AJW:
Enclosure(s)
pc: Stafford Field Office
Groundwater Management District No. 2

SCANNED

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

October 20, 2016

JEFF & CALLIE LYNN BRAWNER
9409 E EALES RD
BURRTON KS 67020

Re: Application
File No. 49,573

Dear Sir or Madam:

This is to advise you that Kevin Schoenhals has filed the application referred to above for permit to appropriate 108.22 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well or wells located as follows:

one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 5, more particularly described as being near a point 1300 feet North and 1200 feet West of the Southeast corner of said section, in Township 24 South, Range 4 West, Reno County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. 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(s) of the applicant's point(s) 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, please contact me at (785) 564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

AJW:
Enclosure(s)
pc: Stafford Field Office
Groundwater Management District No. 2

SCANNED

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

October 20, 2016

LAKE FAMILY REAL ESTATE TRUST
6470 KILIMANJARO DR
EVERGREEN CO 80439

Re: Application
File No. 49,573

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Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

AJW:

Enclosure(s)

pc: Stafford Field Office
Groundwater Management District No. 2

SCANNED

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

October 20, 2016

LB BRAWNER PROPERTIES LC
10 E SALINA DR
HAVEN KS 67543

Re: Application
File No. 49,573

Dear Sir or Madam:

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If you have any questions, please contact me at (785) 564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

AJW:
Enclosure(s)
pc: Stafford Field Office
Groundwater Management District No. 2

SCANNED

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

October 20, 2016

ROGER AND GENEVIE RICE
5400 S HAVEN ROAD
BURRTON KS 67020

Re: Application
File No. 49,573

Dear Sir or Madam:

This is to advise you that Kevin Schoenhals has filed the application referred to above for permit to appropriate 108.22 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well or wells located as follows:

one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 5, more particularly described as being near a point 1300 feet North and 1200 feet West of the Southeast corner of said section, in Township 24 South, Range 4 West, Reno County, Kansas.

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If you have any questions, please contact me at (785) 564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

AJW:
Enclosure(s)
pc: Stafford Field Office
Groundwater Management District No. 2

SCANNED

Application Map - File No. 49,573



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.

Kevin J. Schrock
Signature

2-24-2016
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) *See Attached*
- 2)
- 3)

WATER RESOURCES RECEIVED

FEB 29 2016

WATER RESOURCES RECEIVED

KS DEPT OF AGRICULTURE

MAR 07 2016

SCANNED

Wells Within 1/2 Mile

1. Irrigation Well – Nos. 43552 & 43557
Dean K. Johnson Rev. Trust
Delores Drew Rev. Trust
9533 Vista Drive
Lenexa, KS 66220-3631

2. Domestic Well
Roger & Genevie Rice
5400 S. Haven Road
Burrton, KS 67020

3. Domestic Well
Lake Family Real Estate Trust
6470 Kilimanjaro Drive
Evergreen, CO 80439

4. Irrigation Well No. 47702
Jeff & Callie Lynn Brawner
9409 E. Eales Road
Burrton, KS 67020
&
LB Brawner Properties LC
10 E. Salina Drive
Haven, KS 67543

5. Domestic Well
Jeff & Callie Lynn Brawner
9409 E. Eales Road
Burrton, KS 67020

WATER RESOURCES
RECEIVED

MAY 26 2017

KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED

FEB 29 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED

SCANNED

MAR 07 2016

KS DEPT OF AGRICULTURE

2-24-2016

(Date)

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

Re: Application 49, 573
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.

Kevin J. Schoenhals
Signature of Applicant

State of Kansas)
County of Beno) ss

Kevin J. Schoenhals
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 24 day of Feb, 2016.

WATER RESOURCES
RECEIVED

MAY 26 2017



Sarah Telleen
Notary Public

My Commission Expires: 8-28-19

WATER RESOURCES
RECEIVED

WATER RESOURCES
RECEIVED

SCANNED 07 2016

FEB 29 2016

KS DEPT OF AGRICULTURE

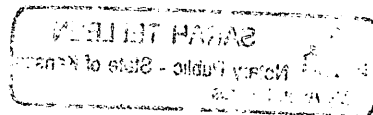
KS DEPT OF AGRICULTURE

**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



RECEIVED
FEB 2 1964
RECEIVED
FEB 2 1964
RECEIVED
FEB 2 1964



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

March 8, 2016

KEVIN SCHOENHALS
16818 S KENT ROAD
HAVEN KS 67543

RE: Application
File No. 49573

Dear Sir or Madam:

Your application for permit to appropriate water in 5-24S-4W in Reno 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) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kenneth A. Kopp, P.G.
New Application Unit Supervisor
Water Appropriation Program

KAK: DLW
pc: STAFFORDField Office
GMD 2

SCANNED

Application Map - File No. 49,573



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.

Kevin J. Schaeuble
Signature

2-24-2016
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) *See Attached* WATER RESOURCES RECEIVED
MAY 26 2017
- 2) KS DEPT OF AGRICULTURE
WATER RESOURCES RECEIVED
- 3) FEB 29 2016
WATER RESOURCES RECEIVED
KS DEPT OF AGRICULTURE

MAR 07 2016
SCANNED

Equus Beds Groundwater Management District No. 2

SPACING EVALUATION No 49573

NWNESE (1300'N & 1200'W) 05-24S-04W, Reno County

Prepared By: Stephen Flaherty Date: 3/21/2017



Map Legend

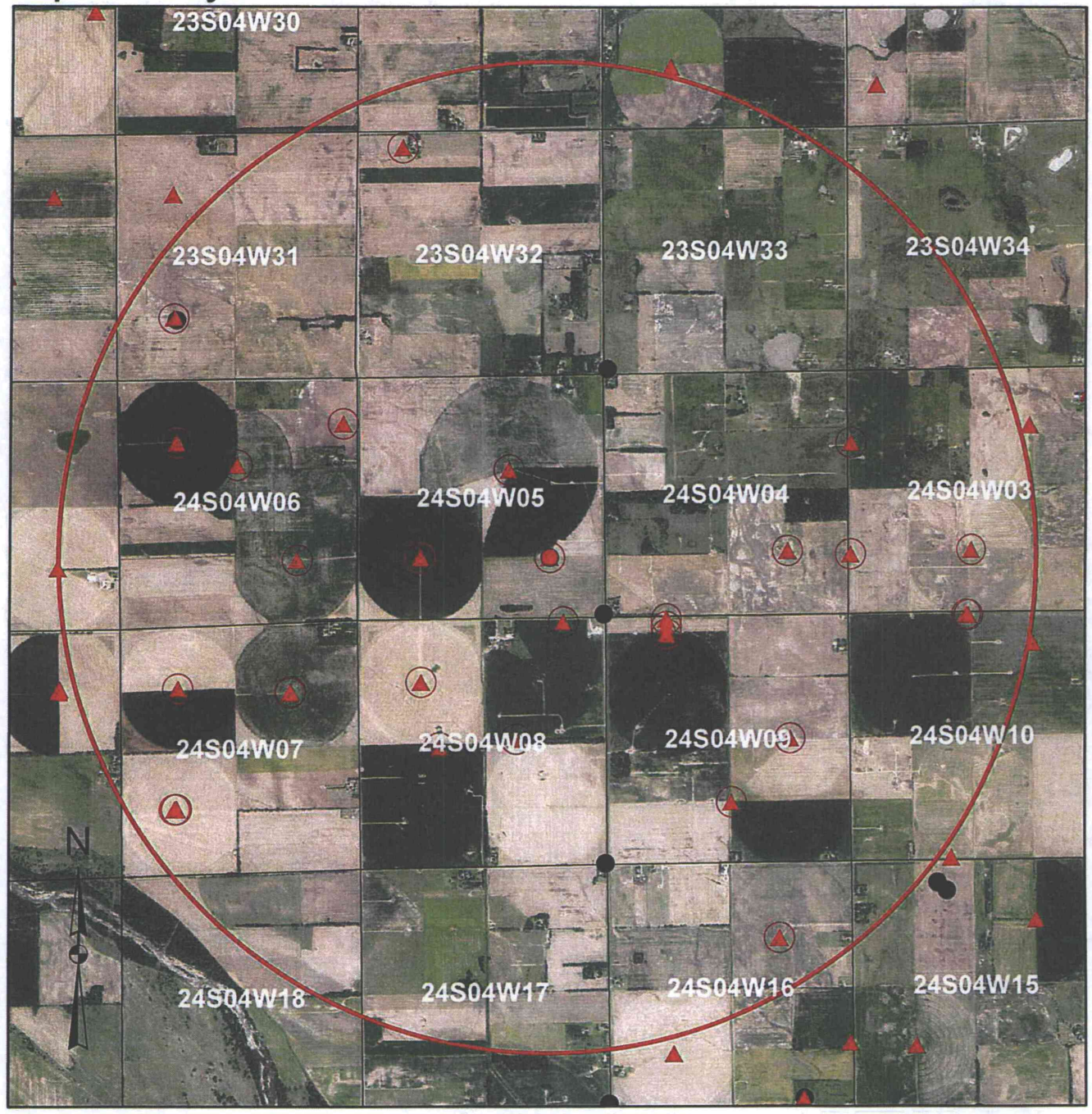
- | | | | |
|-------------------------|-------------------------------|-----------------------------|--|
| ● Observation Well | ● Proposed Point of Diversion | Burrton IGUCA | |
| ■ Bedrock | ▲ Authorized Location | Hollow Nikkel SWQUA | |
| Authorized Place of Use | | McPherson IGUCA | |
| Proposed Place of Use | | Enhanced Well Spacing Area | |
| | | Application Suspension Area | |



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

SCANNED

Equus Beds Groundwater Management District No. 2
 Safe Yield Evaluation - No. 49573 - Kevin Schoenhals
 NWSESE (1300'N & 1200'W) 05-24S-04W, Reno County
 Prepared By: T. Boese Date: 4/12/2017



Proposed Point of Diversion	Map Legend	Burrton IGUCA
Area of Consideration Boundary	Major Highway	Hollow Nikkel SWQUA
Monitoring Wells	Other Roadway	McPherson IGUCA
Points of Diversion	Major Stream	Enhanced Well Spacing Area
District Boundary	Other Water Feature	Permian Surface Bedrock
	County Boundary	
	City Boundary	

SAFEYIELD EVALUATION - NO. 49573 - KEVIN SCHOENHALS
LOCATION: NWSESE (1300'N & 1200'W) 05-24S-04W, Reno County
SPECIAL USE AREA: None
EVALUATION DATE:- 4/12/2017

Total Areas: 8,042 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 8,042 acres

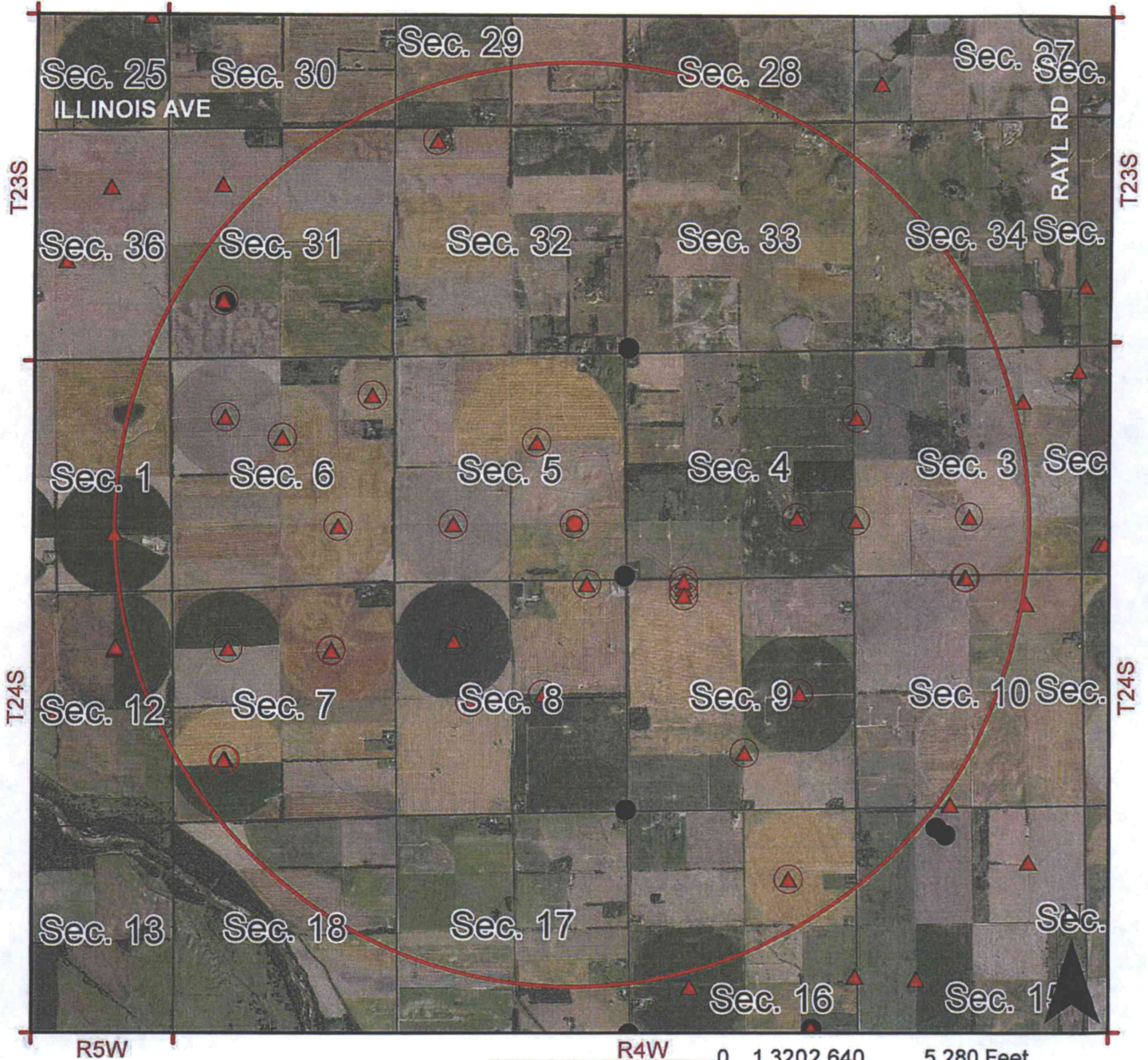
FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00460400	1763	23S	04W	32	NENWNW	IRR	36
A00913400	1628	24S	04W	7	38001490	IRR	120
A01454200	1238	24S	04W	5	13253974	IRR	180
A02631100	568	24S	04W	3	36505260	IRR	115
A02870300	334	24S	04W	8	NCNW	IRR	225
A03431800	1506	24S	04W	6	SENE	IRR	25
A03678100	1223	24S	04W	7	13303950	IRR	18
A03678100	1224	24S	04W	7	13303965	IRR	18
A03678100	1225	24S	04W	7	13303980	IRR	18
A03678100	1226	24S	04W	7	13303995	IRR	18
A03678100	1227	24S	04W	7	13304000	IRR	18
A03682600	1365	24S	04W	6	13201305	IRR	195
A03687400	373	24S	04W	7	13303950	IRR	18
A03687400	374	24S	04W	7	13303965	IRR	18
A03687400	375	24S	04W	7	13303980	IRR	18
A03687400	376	24S	04W	7	13303995	IRR	18
A03687400	377	24S	04W	7	13304000	IRR	18
A03696300	1814	24S	04W	10	52302746	IRR	90
A03901600	140	24S	04W	6	34152613	IRR	95
A03935200	1062	24S	04W	5	13253974	IRR	36
A03940800	1055	24S	04W	6	34152613	IRR	68.5
A04006800	1116	24S	04W	7	38001490	IRR	117.9
A04028500	398	24S	04W	10	52402787	IRR	97
A04301200	2496	24S	04W	8	25563610	IRR	195
A04355200	2632	24S	04W	5	31672064	IRR	244.5
A04355700	2633	24S	04W	5	31672064	IRR	82.5
A04390400	2715	24S	04W	3	13402661	IRR	154
A04417400	2764	24S	04W	7	39653890	IRR	97.5
A04418100	2765	24S	04W	7	39653890	IRR	97.5
A04428200	2787	24S	04W	3	12755292	IRR	84
A04551300	3036	24S	04W	9	26401320	IRR	190.4
A04586800	3162	24S	04W	16	37001600	IRR	90
A04605800	3227	24S	04W	6	38263888	IRR	190
A04614000	3252	23S	04W	31	13203960	IRR	182
A04748400	3644	24S	04W	9	13002610	IRR	92.4
A04750100	3654	24S	04W	16	37001600	IRR	48.6
A04769900	3737	24S	04W	8	27001950	IRR	86
A04770200	3744	24S	04W	8	52000925	IRR	152.2
A04777100	3815	24S	04W	9	50653960	IRR	187.6
A04777100	3816	24S	04W	9	52303960	IRR	0
A04777100	3817	24S	04W	9	49003960	IRR	0
A04844700	4096	24S	04W	4	13701320	IRR	190.4
A04957300P	4862	24S	04W	5	13001200	IRR	108.22
Allowable Appropriations		4,021.00				Total Existing Appropriation	4,053.22
Small User Quantity		0				Non Consumptive Appropriations	0
Remaining SUQ		45				Consumptive Appropriations	4,053.22
Note- Values are in acre-feet						Available Appropriations	0

Equus Beds Groundwater Management District No. 2

SAFETYIELD EVALUATION No 49573

LOCATION: SWNESE (1300'N & 1200'W) 05-24S-04W, Reno County

Prepared By: Stephen Flaherty Date: 7/18/2017



Map Legend

- Observation Well
- Bedrock
- Proposed Point of Diversion
- ▲ Authorized Location

0 1,320 2,640 5,280 Feet

- Burrton IGUCA
- Hollow Nikkel SWQUA
- McPherson IGUCA
- Enhanced Well Spacing Area
- Application Suspension Area

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

JUL 26 2017

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

SAFEYIELD EVALUATION No 49573

LOCATION: SWNESE (1300'N & 1200'W) 05-24S-04W, Reno County

SPECIAL USE AREA: None

EVALUATION DATE:- 7/18/2017

Total Areas: 8,042 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 8,042 acres

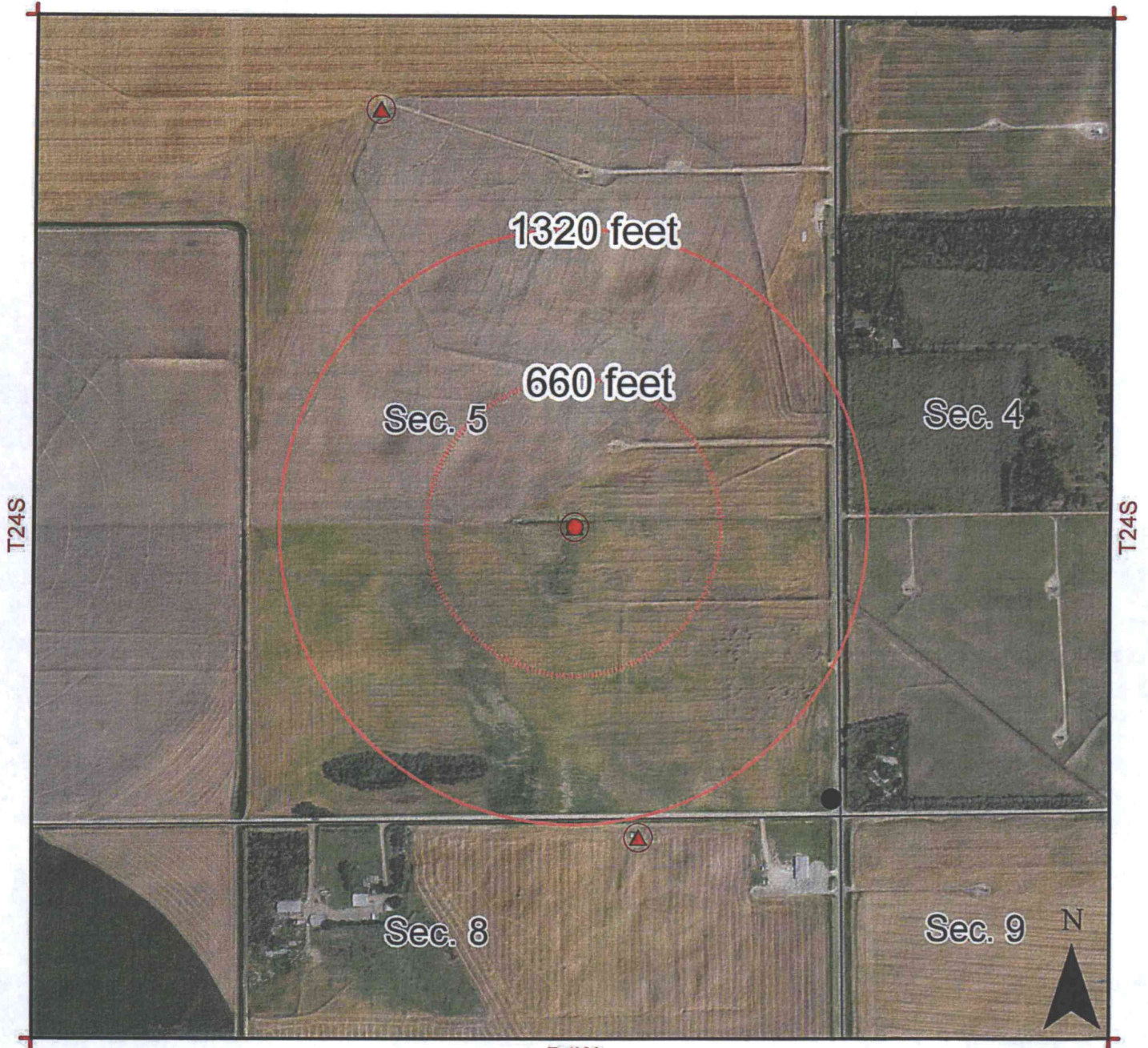
FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY	
A00460400	1763	23S	04W	32	NENWNW	IRR	36	
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A01454200	1238	24S	04W	5	13253974	IRR	180	
A02631100	568	24S	04W	3	36505260	IRR	115	
A02870300	334	24S	04W	8	NCNW	IRR	225	
A03431800	1506	24S	04W	6	42900495	IRR	25	
A03678100	1223	24S	04W	7	13303950	IRR	18	
A03678100	1224	24S	04W	7	13303965	IRR	18	
A03678100	1225	24S	04W	7	13303980	IRR	18	
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A03687400	377	24S	04W	7	13304000	IRR	18	
A03696300	1814	24S	04W	10	52302746	IRR	90	
A03901600	140	24S	04W	6	34152613	IRR	95	
A03935200	1062	24S	04W	5	13253974	IRR	36	
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A04355200	2632	24S	04W	5	31672064	IRR	244.5	
A04355700	2633	24S	04W	5	31672064	IRR	82.5	
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A04428200	2787	24S	04W	3	12755292	IRR	84	
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A04605800	3227	24S	04W	6	38263888	IRR	190	
A04614000	3252	23S	04W	31	13203960	IRR	182	
A04748400	3644	24S	04W	9	13002610	IRR	92.4	
A04750100	3654	24S	04W	16	37001600	IRR	48.6	
A04769900	3737	24S	04W	8	27001950	IRR	86	
A04770200	3744	24S	04W	8	52000925	IRR	152.2	
A04777100	3815	24S	04W	9	50653960	IRR	187.6	
A04777100	3816	24S	04W	9	52303960	IRR	0	
A04777100	3817	24S	04W	9	49003960	IRR	0	
A04844700	4096	24S	04W	4	13701320	IRR	190.4	
A04957300P	4862	24S	04W	5	13001200	IRR	76	
Allowable Appropriations		4,021.00					Total Existing Appropriation	4,021.00
Small User Quantity		0					Non Consumptive Appropriations	0
Remaining SUQ		45					Consumptive Appropriations	4,021.00
Note- Values are in acre-feet							Available Appropriations	0

Equus Beds Groundwater Management District No. 2

SPACING EVALUATION No 49573

LOCATION: SWNESE (1300'N & 1200'W) 05-24S-04W, Reno County

Prepared By: Stephen Flaherty Date: 7/18/2017



Map Legend

0 330 660 1,320 Feet

● Observation Well

■ Bedrock

● Proposed Point of Diversion

▲ Authorized Location

■ Burrton IGUCA

■ Hollow Nikkel SWQUA

■ McPherson IGUCA

■ Enhanced Well Spacing Area

■ Application Suspension Area

WATER RESOURCES RECEIVED JUL 26 2017

KS DEPT OF AGRICULTURE

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