

File No. **49251** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT Qualifier S T R ID 'N 'W

17. Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm af gpm af Overlap PD Files

DEL 83922

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 _____ Date Acceptable Meter Installed _____

21. Place of Use T MOD DEL ENT PUSE S T R ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	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				
DEL 63455																				

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: February 9, 2017

FROM: Kristen Baum

RE: Application, File No. 49,251

Mikko Ahola filed the above referenced application to appropriate 195 acre-feet of groundwater for irrigation use in the North Fork Solomon River Basin. This application was filed to replace Dismissed Application, File No. 48,222, which was filed on August 13, 2012 and ultimately dismissed on January 5, 2015 for failure to return after multiple extensions of time and an extensive analysis of safe yield.

Per K.A.R. 5-3-11, the North Fork Solomon River, its tributaries and their alluviums, and any other aquifer that has a substantial hydraulic connection to an alluvium shall be closed to further new groundwater appropriations. The Chief Engineer decided that any application with an estimated annual impact to Republican River stream flows greater than 10 acre-feet, as determined by the Republican River Compact Administration (RRCA) groundwater model, would be diverting water from an aquifer with a substantial hydraulic connection to an alluvium and must be denied. The point of diversion had a modeled impact of 50.2 acre-feet as proposed, and in order to move forward with processing, the quantity of water requested had to be reduced to 39 acre-feet in order to achieve an estimated annual impact of 10 acre-feet or less. The applicant refiled in order to explore the possibility of obtaining an offset using an existing Water Right in order to make a sufficient quantity of water available for this application. A Water Right was identified as a potential candidate and a plan was developed for using it as an offset, however, the applicant wasn't able to finalize an agreement with the owner.

The application was returned to the applicant on January 20, 2016. He was given 30 days to concur with the reduction in the quantity of water requested and propose a corresponding reduction in the place of use, or submit additional information. The applicant requested extensions of time and was ultimately provided until January 20, 2017 to submit additional information and return the original application. The application was not returned prior to this deadline. Based on the available information, it is recommended that the file be dismissed for failure to return, as provided by K.S.A. 82a-710.



Kristen A. Baum
Environmental Scientist
Permits Unit

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

February 20, 2017

MIKKO AHOLA
757 CAPEGLEN RD
COLORADO SPRINGS CO 80906

FILE COPY

Re: Application, File No. 49,251

Dear Sir or Madam:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,251 for failure to return the original application and provide the requested information, prior to the deadline of January 20, 2017.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

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

Sincerely,

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

BAT:kab

Enclosures

pc: Stockton Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 49,251**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on January 2, 2015, the Chief Engineer received an application from Mikko Ahola for permit to appropriate ground water for beneficial use, assigned File No. 49,251, proposing the appropriation of 195 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use. The specific location of the point of diversion was to be within the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, Township 4 South, Range 26 West, Decatur County, Kansas.
2. That per K.A.R. 5-3-11, the North Fork Solomon River, its tributaries and their alluviums, and any other aquifer that has a substantial hydraulic connection to an alluvium shall be closed to further new groundwater appropriations. The Chief Engineer decided that any application with an estimated annual impact to Republican River stream flows greater than 10 acre-feet, as determined by the Republican River Compact Administration (RRCA) groundwater model, would be diverting water from an aquifer with a substantial hydraulic connection to an alluvium and must be denied.
3. That the point of diversion had a modeled impact of 50.2 acre-feet as proposed, and in order to move forward with processing, the quantity of water requested had to be reduced to 39 acre-feet in order to achieve an estimated annual impact of 10 acre-feet or less.
4. That on January 20, 2016, the original application was returned to the applicant, with a cover letter requesting that additional information be submitted in order to complete the application. The applicant was provided a deadline of February 22, 2016. The applicant was informed that the application would be dismissed if it was not returned by the February 22, 2016 deadline, or within any authorized extension of time.
5. That the applicant requested, and was provided multiple extensions of time with the latest deadline being January 20, 2017. The applicant was informed in the letter that this would be the final deadline. A reminder letter was sent to the applicant on December 21, 2016, once again stating the January 20, 2017 date that the original application was required to be returned.
6. That the original application was not returned by the January 20, 2017 deadline.
7. That the application should be dismissed and its priority forfeited as provided by K.S.A. 82a-710.

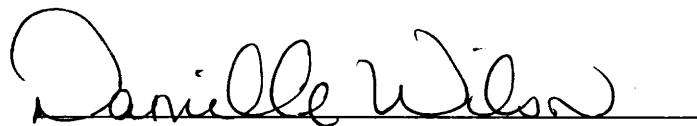
CERTIFICATE OF SERVICE

On this 20th day of February, 2017, I hereby certify that the foregoing Dismissal of Application, File No. 49,251, dated February 17, 2017 was mailed postage prepaid, first class, US mail to the following:

MIKKO AHOLA
757 CAPEGLEN RD
COLORADO SPRINGS CO 80906

With photocopies to:

Stockton Field Office

A handwritten signature in cursive script that reads "Danielle Wilson". The signature is written in black ink and is positioned above a horizontal line.

Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49251
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

**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.)

JAN 02 2015
2:40 p
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): MIKKO AHOLA
Address: 757 CAPELEN ROAD
City: COLORADO SPRINGS State CO Zip Code 80906
Telephone Number: 719 640-2408

2. The source of water is: surface water in _____
OR groundwater in N.F. Solomon River
(stream)
(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 195 acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of 300 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. 3 GMD 0 Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source @/S County DC By LAG Date 1/5/15
Code RF-2 Fee \$ 300 TR # 15021349 Receipt Date 1/2/15 Check # 4440

1/13/2015 LLM

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

January 20, 2016

MIKKO AHOLA
757 CAPEGLEN RD
COLORADO SPRINGS CO 80906

Re: Pending Application, File No. 49,251

Dear Mr. Ahola:

We have completed our review of your application referenced above. This application is subject to K.A.R. 5-3-11, which states that the North Fork Solomon River, its tributaries and their alluviums, and **any other aquifer that has a substantial hydraulic connection to an alluvium**, have been determined to be fully appropriated based on safe yield criteria, and shall be closed to further new groundwater appropriations.

In order to conduct our evaluation, DWR chose the Republican River Compact Administration (RRCA) groundwater model to determine the potential impact on Republican River Compact Model Domain stream flows, if this application were to be approved. After a thorough evaluation of modeling scenarios, it was determined by the Chief Engineer that any application resulting in an annual impact to Republican River stream flows that is greater than 10 acre-feet, would be diverting water from an aquifer with a substantial hydraulic connection to an alluvium, and must be denied for failure to meet safe yield.

We have completed our analysis of your pending application, and have determined that it would have a significant annual impact of 50.2 acre-feet as proposed, exceeding the allowed quantity of 10 acre-feet of impact on streamflow. Impact on streamflow is directly (linearly) related to the requested quantity of water. Therefore, if the requested quantity of water from your application was reduced such that it would result in an annual impact of 10 acre-feet or less to streamflow, then the application would comply with K.A.R. 5-3-11.

Per K.A.R. 5-3-11(c)(2) if there is sufficient water available to reasonably satisfy part of the request, then the application shall be approved for the quantity available if the remaining quantity is reasonable for the proposed use. Therefore, if you elect to pursue your proposed irrigation project, the quantity of water you requested **must be reduced to 39 acre-feet**. In addition, you must reduce the acreage for your proposed place of use to ensure that this quantity is reasonable for the proposed use. In order to comply with K.A.R. 5-3-19 for Decatur County, the maximum reasonable annual quantity of water for irrigation use is 1.5 acre-feet per acre. With your reduced quantity of water, this would equate to approximately **26 acres that could be irrigated, up to a maximum of 31 acres**. Your original application is being returned to you so that you may revise the requested quantity of water and place of use. Please revise the enclosed topographic map and the "Irrigation Use Supplemental Sheet" to depict the reduced acreage. Please initial any changes you make, and return the originals to our office when completed.

N39.68195 W100.197464

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 NW quarter of the NW quarter of Section 25, more particularly described as being near a point 4153 feet North and 5034 feet West of the Southeast corner of said section, in Township 4 South, Range 26 East (West) (circle one), Decatur County, Kansas.
Geo-Center of Battery

(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.

WATER RESOURCES RECEIVED

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

SAME AS APPLICANT JAN 02 2015
(name, address and telephone number)

(name, address and telephone number) KS DEPT OF AGRICULTURE

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 29th, 2014. Mukho Hula (Land Owner)
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 up to a battery of 4 wells.
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) as soon as approved is granted.
(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 A.S.A.P.
(Mo/Day/Year)

JAN 02 2015

File No. 49251

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 N/A
- If no, explain here why a Water Structures permit is not required No reservoir involved.

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

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

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

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

None.

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>9/26/2012</u>	<u>9/26/2012</u>		
Total depth of well	<u>230'</u>	<u>230'</u>		
Depth to water bearing formation	<u>140'</u>	<u>140'</u>		
Depth to static water level	<u>140'</u>	<u>140'</u>		
Depth to bottom of pump intake pipe	<u>230'</u>	<u>230'</u>		

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):

Same as applicant
(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 Norton, Kansas, this 29 day of December, 2014
(month) (year)

M. P. Ahola
(Applicant Signature)

WATER RESOURCES
RECEIVED

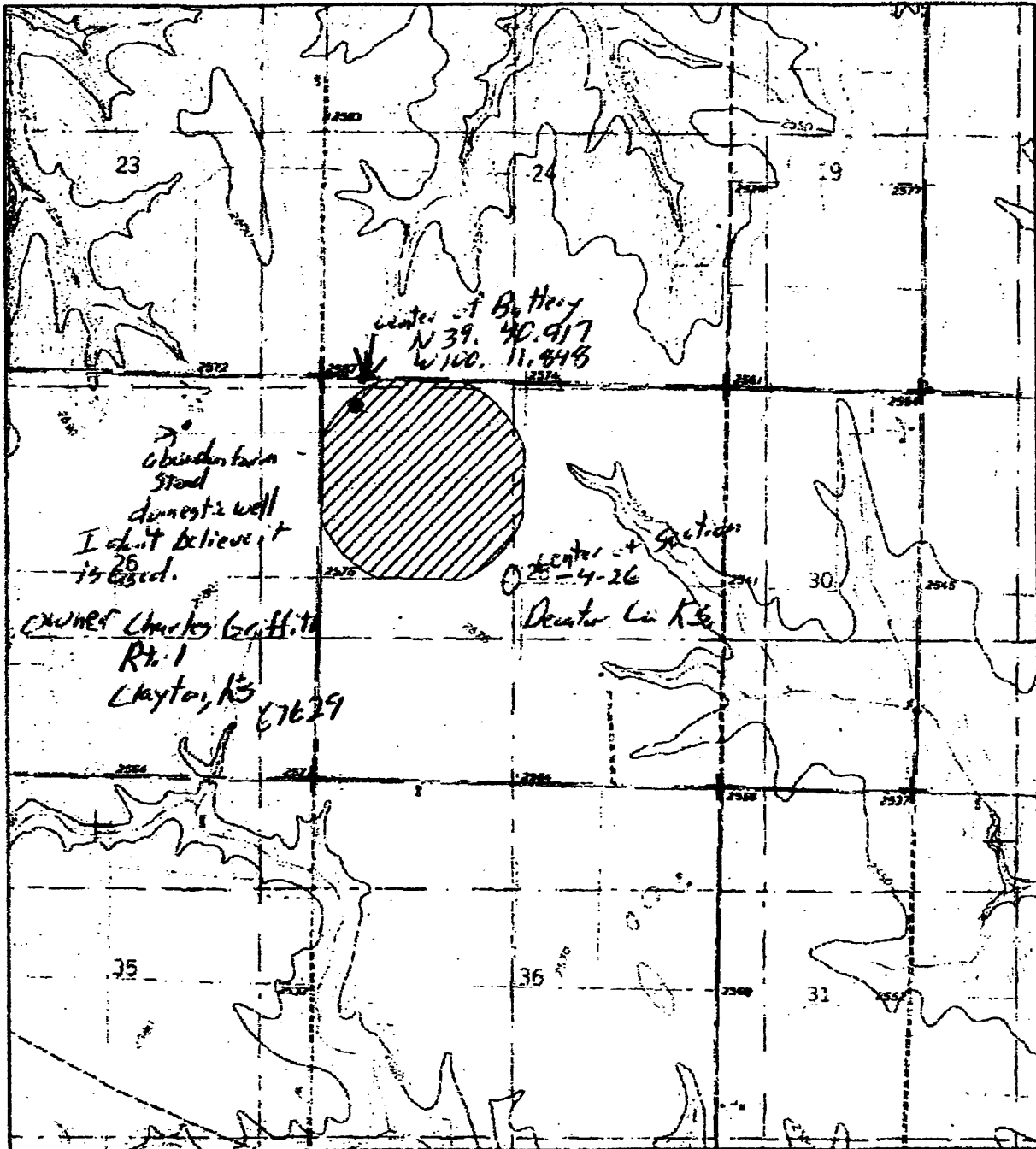
JAN 02 2015

KS DEPT OF AGRICULTURE

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)



Proposed Place of Use



Proposed Point(s) of Diversion

WATER RESOURCES RECEIVED

JAN 02 2015

KS DEPT OF AGRICULTURE



1:24,000

WATER RESOURCES RECEIVED

AUG 13 2012

KS DEPT OF AGRICULTURE

All wells of any kind within 1/2 mile of the proposed points of diversion are shown:

Le Johnson, 10-112
Signature

Date

Matthew P. Atala 12/29/2011
(Re-Filing)

SCANNED

JAN 02 2015

KS DEPT OF AGRICULTURE

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49251

Name of Applicant (Please Print): MIKKO AHOLA

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: MIKKO AHOLA
ADDRESS: 757 Capoglen Rd, Colorado Springs, Co

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	4	26W					325	325	325	325									130

Landowner of Record NAME: _____
ADDRESS: _____

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

Landowner of Record NAME: _____
ADDRESS: _____

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

JAN 02 2015

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
(H ₂) Holdrege Silt Loam	100%	0.6 to 2.0	5
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100%	_____	_____

b. Estimate the average land slope in the field(s): 1.0 %

Estimate the maximum land slope in the field(s): 3.0 %

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

- Center pivot ___ Center pivot - LEPA ___ "Big gun" sprinkler
 ___ Gravity system (furrows) ___ Gravity system (borders) ___ Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

Controlled by pivot and terraces (already in place)

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: 20 psi
- (2) What is the sprinkler package design rate? 900 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? 163 feet
- (4) Please include a copy of the sprinkler package design information.

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

Current plan is to rotate between corn & soybeans.

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

Soil Probe

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

idx	File	PRIORITY	Use	Modeled Quantity Q, af	Final Quantity Q, af
121	49251	2-Jan-15	IRR	195	39
122	49260	16-Jan-15	STK	43	43
123	49262	20-Jan-15	IRR	213	203
124	49263	20-Jan-15	IRR	51	51
125	49264	20-Jan-15	IRR	51	51
126	49205	5-Nov-14	IRR	335	335
127	49206	5-Nov-14	IRR	335	335
128	49290	18-Feb-15	STK	122.75	0
129	49288	17-Feb-15	IRR	335	335
130	49199	24-Oct-14	IRR	90	45
131	49325	2-Mar-15	IRR	86	86
132	49351	23-Mar-15	STK	122.76	122.76
133	49202	3-Nov-14	STK	41.4	41.4
134	49365	9-Apr-15	IRR	231	231
135	49422	6-Jul-15	IRR	30	30
136	49423	9-Jul-15	IND	5	5
137	49379	30-Apr-15	MUN	192.36	192.36
138	49411	18-Jun-15	IRR	54	54
139	49412	18-Jun-15	IRR	55	55
140	49418	29-Jun-15	REC	5	5
141	49428A	20-Jul-15	IRR	195	96
142	49449	31-Aug-15	IRR	195	195
143	49455	8-Sep-15	IRR	240	178

sum				14650.11
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		IRR	20300.36	12751.68
		IND	638.00	308.60

scaling factor	modeled avg50-yr impact 2050-2069	final avg50-yr impact 2050-2069	avg 50-yr response 2050-2069	reduced quantity with est. 10af impact
0.2	50.205	10.04	0.2575	39
1	1.945	1.95	0.0452	
0.953051643	10.49	10.00	0.0492	203
1	1.565	1.57	0.0307	
1	2	2.00	0.0392	
1	6.76	6.76	0.0202	
1	7.295	7.30	0.0218	
0	7.635	0.00	0.0622	
1	0	0.00	0.0000	
0.5	20.145	10.07	0.2238	45
1	8.195	8.20	0.0953	
1	3.705	3.71	0.0302	
1	2.585	2.59	0.0624	
1	9.035	9.04	0.0391	
1	0.085	0.09	0.0028	
1	0.68	0.68	0.1360	
1	0	0.00	0.0000	
1	9.735	9.74	0.1803	
1	9.995	10.00	0.1817	
1	0	0.00	0.0000	
0.492307692	20.21	9.95	0.1036	96
1	9.335	9.34	0.0479	
0.741666667	13.455	9.98	0.0561	178

1621.57	563.15		
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1459.68	479.68	0.0719
15.52	11.49	0.0243

Needs reduced to meet REC restrictions

Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 462.42 AF.
 Total prior appropriation in the circle is ~~202.71 AF.~~ - () -
 Total quantity of water available for appropriation is 259.71 AF. → 462.42 AF available

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.
 Potential annual recharge of the area is estimated to be 0.92 inches.
 The percent of recharge available for appropriation is 75%.

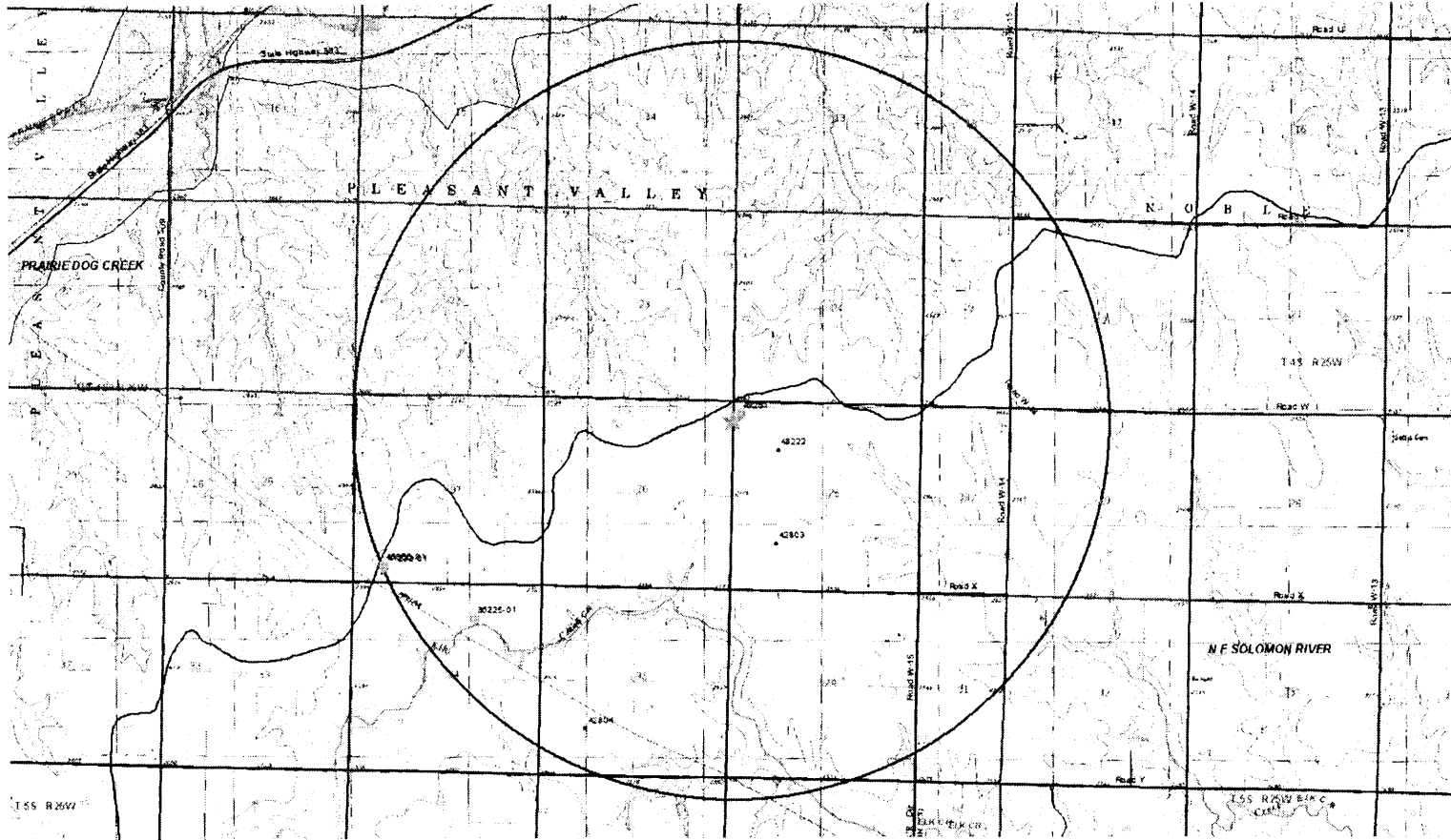
meets safe yield

Authorized Quantity values are as of 20-JAN-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 4 water right(s) and 4 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A	36225	01	DOM	NK	G	SE	NW	NE	4329	1850	34	04	26W	1	WR	0.50	0.50	
A	41233	01	DOM	NK	G	SE	SW	SW	398	4392	27	04	26W	1	WR	3.86	3.86	
A	45955	01	DOM	NK	G	SE	SW	SW	449	4428	27	04	26W	2	WR	3.35	3.35	
A	49251	00	IRR	AY	G	NW	NW	NW	4953	5034	25	04	26W	3	WR	195.00	195.00	130.00 130.00

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in SWNWNWNW 25-04S-26W



TEST LOG

Woofter Pump & Well, Inc.

NAME: Lee Juennemann / MIKKO AROLA

1024 Oak, P.O. Box 689

DATE: 9/26/2012

Hoxie, Kansas 67740

TEST # #3

Ph (785)-675-3991, Fax (785)-675-3990

LEGAL: 25-4-26 Decatur

E-Mail woofpw@ruraltel.net

N 39 40.960

W 100 11.876

WATER RESOURCES
RECEIVED

Static: 14'

Total Depth: 230'

JAN 02 2015

KS DEPT OF AGRICULTURE

0	2	Surface
2	23	Loess
23	46	Sandy clay w/clay & caliche strks
46	73	Sandstone w/clay & caliche strks
73	87	Clay & caliche w/sandy clay strks
87	100	Sandy clay w/clay & caliche strks
100	131	Clay & caliche w/sandy clay strks
131	140	Fine sand w/clay & caliche strks
140	157	Fine & med sand w/clay lenses
157	180	Clay & caliche w/sand strks
180	205	Fine to some med sand w/clay strks
205	218	Fine sand w/yellow ochre strks
218	230	Black shale

TEST LOG

Woofter Pump & Well, Inc.

NAME: Lee Juenemann / MIKKO ANTOLA

1024 Oak, P.O. Box 689

DATE: 9/26/2012

Hoxie, Kansas 67740

TEST # #2

Ph (785)-675-3991, Fax (785)-675-3990

LEGAL: 25-426 Decatur

E-Mail woofpw@ruraltel.net

N 39 40.946
W 100 11.780

WATER RESOURCES
RECEIVED

Static: 140'

JAN 02 2015

Total Depth: 230'

KS DEPT OF AGRICULTURE

0	2	Surface
2	20	Loess
20	30	Clay w/caliche strks
30	37	Fine sand w/clay & caliche strks
37	48	Clay & caliche w/sand lenses
48	84	Sandstone w/clay & caliche strks
84	92	Clay w/caliche strks
92	100	clay & caliche w/fine sand lenses
100	112	Sandy clay w/clay & caliche strks
112	126	Clay & caliche w/fine sand lenses
126	132	Sandy clay w/clay & caliche strks
132	140	Fine & med sand w/clay & caliche strks
140	152	Fine & med sand w/clay lenses
152	165	Clay & caliche w/sandy clay strks
165	181	Clay & caliche w/sand strks
181	203	Fine & med sand w/clay lenses
203	218	Yellow ochre/sand strks
218	230	Black shale

12/29/14

(Date)

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

Re: Application
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.

Mikko P. Ahola

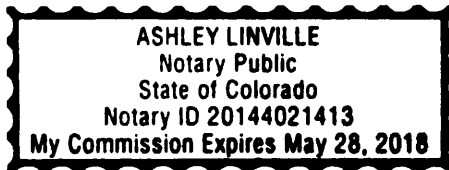
Signature of Applicant

MIKKO AHOLA

(Print Applicant's Name)

State of Kansas)
 Colorado) ss
County of El Paso)

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



Ashley Linville
Notary Public

My Commission Expires: May 28, 2018

WATER RESOURCES
RECEIVED

JAN 02 2015

**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

→ Prairie Dog Creek
Tributary

WATER RESOURCES
RECEIVED

JAN 02 2015

KS DEPT OF AGRICULTURE

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

December 21, 2016

FILE COPY

MIKKO AHOLA
757 CAPEGLEN RD
COLORADO SPRINGS CO 80906

Re: Pending Application, File No. 49,251

Dear Mr. Ahola:

The Division of Water Resources returned the above referenced application to you for additional information on January 20, 2016, and the current deadline for your response is January 20, 2017. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original application and requested information needs to be returned to this office on or before **January 20, 2017**, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

In our letter to you dated September 20, 2016, you were informed that K.S.A. 82a-710 of the Kansas Water Appropriation Act states in part, that "no application shall lose its priority of filing on account of such defects, provided acceptable data, proofs, maps, plats, plans and drawings are filed in the office of the chief engineer within thirty days following the date of the posting of the return of such application or such further time **not exceeding one year** as may be given by the chief engineer". Therefore, failure to return the completed application and attachments within one year shall constitute forfeiture of priority date and dismissal of the application. Thus, **January 20, 2017 is your final deadline.**

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **January 20, 2017**. No further extensions of time are allowable per the statute noted above. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6627 or by email at kristen.baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

pc: Scott Ross – Water Rights Investigative Services LLC

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

September 20, 2016

MIKKO AHOLA
757 CAPEGLEN RD
COLORADO SPRINGS CO 80906

FILE COPY

Re: Pending Application, File No. 49,251

Dear Mr. Ahola:

In response to a written request by email submitted on your behalf by Scott Ross, and received in this office on September 19, 2016, the Chief Engineer is allowing an extension of time in which to supply further information concerning the above referenced file. The original application was returned to you on January 20, 2016, and with this extension of time, the revised deadline will be January 20, 2017.

Please note, section 82a-710 of the Kansas Water Appropriation Act states in part, that "no application shall lose its priority of filing on account of such defects, provided acceptable data, proofs, maps, plats, plans and drawings are filed in the office of the chief engineer within thirty days following the date of the posting of the return of such application or such further time not exceeding one year as may be given by the chief engineer". Therefore, failure to return the completed application and attachments within one year (by January 20, 2017) shall constitute forfeiture of priority date and dismissal of the application. Thus, **January 20, 2017 will be your final deadline**. No further extensions of time are allowable per the statute noted above.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **January 20, 2017**, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6627 or by email at kristen.baum@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive, flowing style.

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

pc: Scott Ross – Water Rights Investigative Services LLC, 209 S Ash St., Stockton KS 67669

SCANNED

Baum, Kristen

From: Baum, Kristen
Sent: Tuesday, September 20, 2016 10:26 AM
To: 'Scott Ross'
Subject: RE: Application File No. 49,251

Scott,

I'm sending a formal extension in the mail today. I've actually extended the deadline to January 20, 2017, which is one year from the date the application was originally returned. It is important to note this will be the final deadline as per KSA 82a-710.

Kristen A. Baum
Division of Water Resources – Water Appropriations
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan KS 66502
(785) 564-6627

My email address has changed: kristen.baum@ks.gov

From: Scott Ross [<mailto:water.rights.llc@gmail.com>]
Sent: Monday, September 19, 2016 1:11 PM
To: Baum, Kristen
Subject: Application File No. 49,251

Kristen,

We want to request another 60 days extension to try to complete our negotiations with Mike Porsch. We have been hoping to have a current sale of some comparable irrigated land. The last sale was at the end of August and we just found out that the irrigated land didn't sell separately. We are trying to find another sale that looks similar to this land situation.

Unfortunately, the land sales have generally been dryland and their values have been dropping like a stone. The realtors and appraisers we have been speaking with don't have any irrigated land sales to compare. The most recent sale prices of irrigated land are based on last fall and early spring 2016. So, the difference between irrigated and dryland values are skewed at the moment. We are hoping with harvest, some irrigated land will come up for sale and we'll have something current to compare.

SCANNED

Scott

Scott E. Ross

General Manager

Water Rights Investigative Service LLC

209 South Ash ST. Stockton, KS. 67669

785-543-8254

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

August 18, 2016

FILE COPY

MIKKO AHOLA
757 CAPEGLEN RD
COLORADO SPRINGS CO 80906

Re: Pending Application, File No. 49,251

Dear Mr. Ahola:

The Division of Water Resources has reviewed your proposal submitted on your behalf by Scott Ross with Water Rights Investigative Services LLC and received on June 15, 2016. Your proposal was submitted in response to a letter from the Division of Water Resources dated January 20, 2016 in which you were informed that the projected impact of your application on Republican River streamflow would exceed the threshold established by the Division of Water Resources as representing a substantial hydraulic connection to the North Fork Solomon and Prairie Dog Creek alluviums and would therefore be in an area closed to new applications. The quantity of water you requested would have to be reduced significantly in order to be below the threshold for a substantial hydraulic connection.

Your application's projected annual streamflow depletion as determined using the Republican River Compact groundwater model is 50.2 acre-feet as proposed. In order to meet the 10 acre-foot threshold, you would have to reduce the quantity of water requested from 195 acre-feet down to 39 acre-feet. In lieu of a reduction that substantial, you are proposing to acquire two existing Water Rights (File Nos. 7,799 and 30,252) that would be placed in "offset" status. The Division of Water Resources has reviewed these two Water Rights and determined that they are both in good standing and not abandoned, they are impacting the same river basin as your pending application (Prairie Dog Creek), and there appears to be no active surface water rights that could potentially be impaired if streamflow depletions were shifted downstream. On the basis of these findings, the Division of Water Resources concludes that these Water Rights would be viable candidates for placement in offset status.

The projected streamflow depletion from Water Right, File Nos. 7,799 and 30,252 is a combined total of 28.85 acre-feet, which would be equivalent to an additional 112 acre-feet of water that could be pumped at your proposed point of diversion. Should you wish to proceed with the placement of Water Right, File Nos. 7,799 and 30,252 into offset status, the enclosed "Consent Agreement For Offset Status" forms must be properly executed with a notarized signature from each landowner and their spouse, or a duly authorized agent. The maximum quantity of water that could be authorized by your pending application would then be 151 acre-feet and a maximum of 121.1 acres would be considered reasonable for your place of use. Once your original application is returned with the above-mentioned revisions and properly executed consent agreements, the processing of your pending application can proceed.

SCANNED

Mikko Ahola
August 18, 2016
Page 2 of 2

You have a period of 30 days (**until September 19, 2016**) to either submit the original application with additional information to our office or request additional time beyond the 30 days to submit additional information. If you wish to request additional time, you must do so **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 do not request more time within the 30 day period, or if your request is not granted, it will be recommended to the Chief Engineer that Application, File No. 49,251 be denied and dismissed due to failure to meet safe yield criteria, as required by K.A.R. 5-3-11. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the applications. If you have any questions, please contact me at (785) 564-6627 or by email at kristen.baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Kristen A. Baum
Environmental Scientist
Water Appropriation Program

pc: Scott Ross – Water Rights Investigative Services LLC, 209 S Ash St., Stockton KS 67669



FILE COPY

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

CONSENT AGREEMENT FOR OFFSET STATUS

Water Right, File No. 30,252

I, Michael A Porsch, owner or authorized agent for Water Right, File No. 30,252 hereby confer said Water Right to the Division of Water Resources, State of Kansas, for an offset contingent upon the approval of Pending Application, File No. 49,251.

I hereby certify that this Water Right:

1. has an authorized point of diversion located in the Southwest Quarter of Section 22, Township 5 South, Range 29 West, Decatur County, Kansas,
2. has an authorized rate of diversion of 280 gallons per minute,
3. has an authorized maximum annual quantity of 58 acre-feet,
4. is authorized for irrigation use,
5. has an annual average projected streamflow depletion of 15.11 acre-feet as determined by the Division of Water Resources using the Republican River Compact groundwater model,
6. is in good standing and not abandoned,
7. will no longer be exercised after 12/31/2016, and

This agreement is binding on the owner of the water right, his or her heirs, successors and assigns.

(Owner)

(Please Print)

(Spouse)

(Please Print)

State of Kansas)
) SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____.

Notary Public

My Appointment Expires:

SCANNED

The Division of Water Resources hereby agrees to accept the information on the reverse as fully satisfying the water right owner's obligation to confer Water Right, File No. 30,252 to the Division of Water Resources, State of Kansas. The Division of Water Resources also agrees to assume the responsibility of filing the annual water use report on the conferred water right as required under Kansas Law (ref. K.S.A. 82a-732). This agreement is binding on the owner of the water right, his or her heirs, successors and assigns.

Water Appropriation Program Manager

State of Kansas)
) SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____.

Notary Public

My Appointment Expires:



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

CONSENT AGREEMENT FOR OFFSET STATUS

Water Right, File No. 7,799

I, Michael A Porsch, owner or authorized agent for Water Right, File No. 7,799 hereby confer said Water Right to the Division of Water Resources, State of Kansas, for an offset contingent upon the approval of Pending Application, File No. 49,251.

I hereby certify that this Water Right:

1. has an authorized point of diversion located in the Southwest Quarter of Section 22, Township 5 South, Range 29 West, Decatur County, Kansas,
2. has an authorized rate of diversion of 225 gallons per minute,
3. has an authorized maximum annual quantity of 55 acre-feet,
4. is authorized for irrigation use,
5. has an annual average projected streamflow depletion of 13.74 acre-feet as determined by the Division of Water Resources using the Republican River Compact groundwater model,
6. is in good standing and not abandoned,
7. will no longer be exercised after 12/31/2016, and

This agreement is binding on the owner of the water right, his or her heirs, successors and assigns.

(Owner)

(Please Print)

(Spouse)

(Please Print)

State of Kansas)
) SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____.

Notary Public

My Appointment Expires:

SCANNED

The Division of Water Resources hereby agrees to accept the information on the reverse as fully satisfying the water right owner's obligation to confer Water Right, File No. 7,799 to the Division of Water Resources, State of Kansas. The Division of Water Resources also agrees to assume the responsibility of filing the annual water use report on the conferred water right as required under Kansas Law (ref. K.S.A. 82a-732). This agreement is binding on the owner of the water right, his or her heirs, successors and assigns.

Water Appropriation Program Manager

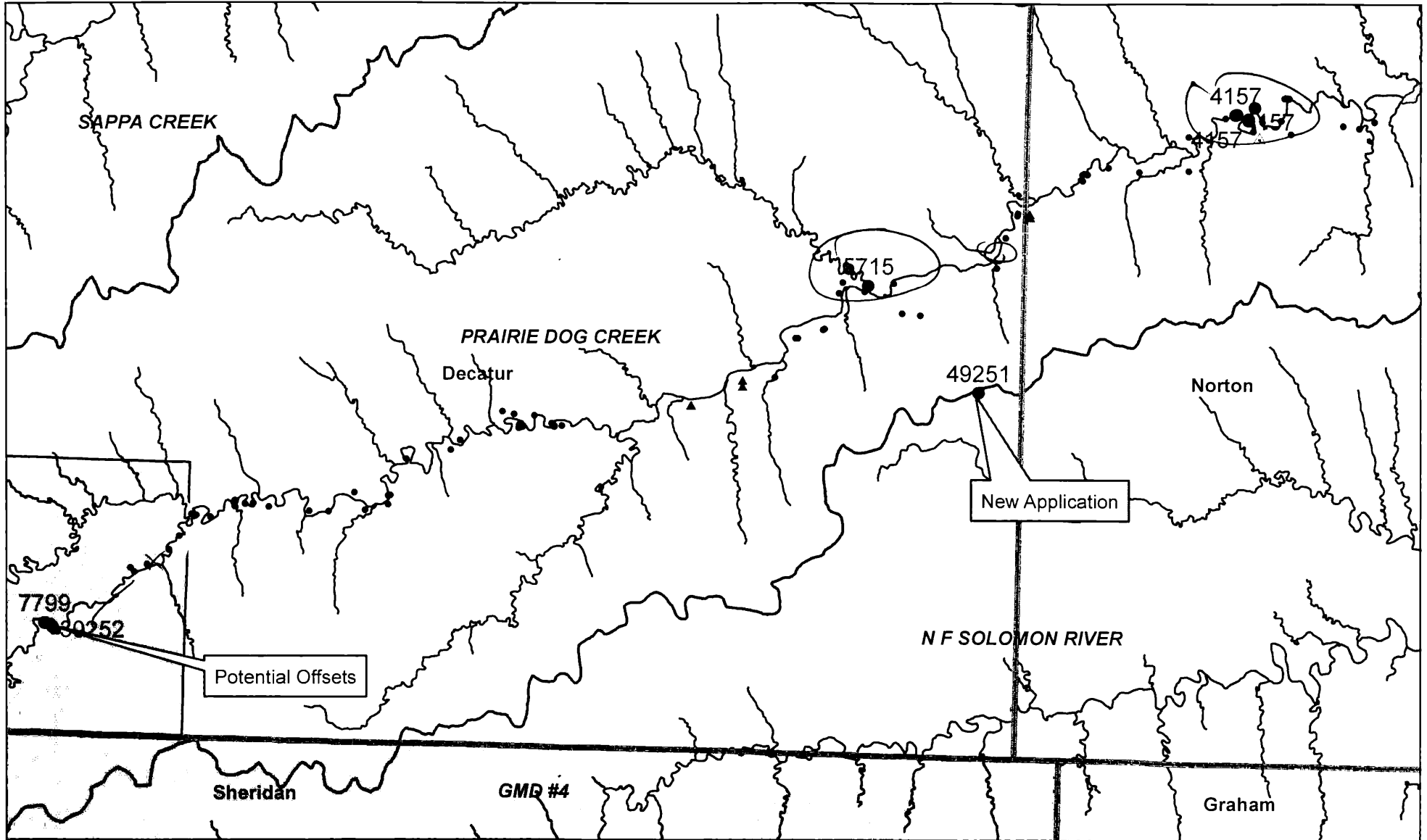
State of Kansas)
) SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____.

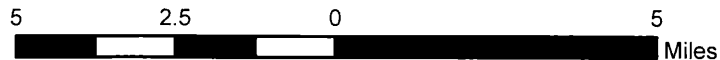
Notary Public

My Appointment Expires:

Applicant Mikko Ahola - File No. 49,251



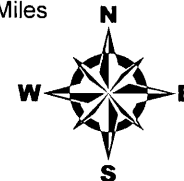
CN	RA	DC	NT	PL	SM
SH	TH	SD	GH	RO	OB
WA	LG	GO	TR	EL	RS



Active Appropriations along Prairie Dog Creek that are located within mapped alluvium.

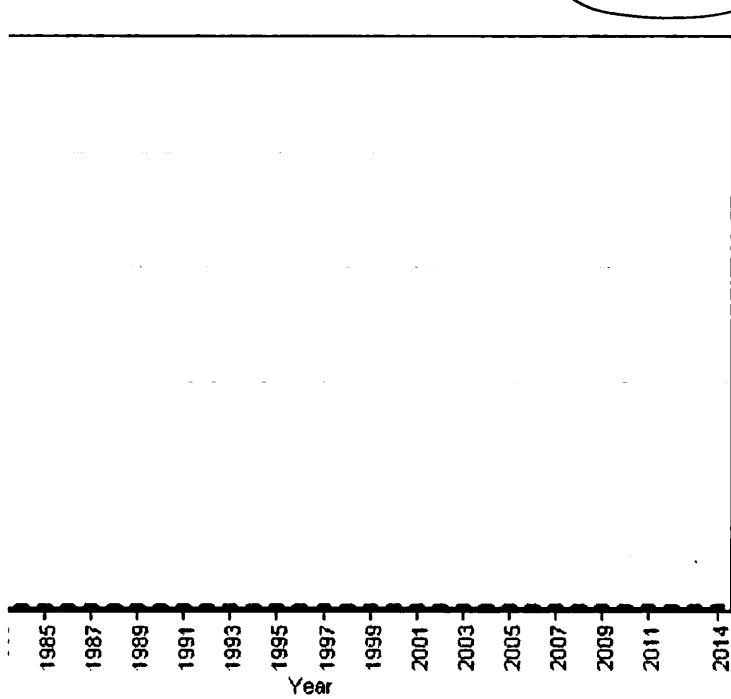
K. Baum - KDA Division of Water Resources

Date: 6/21/2016



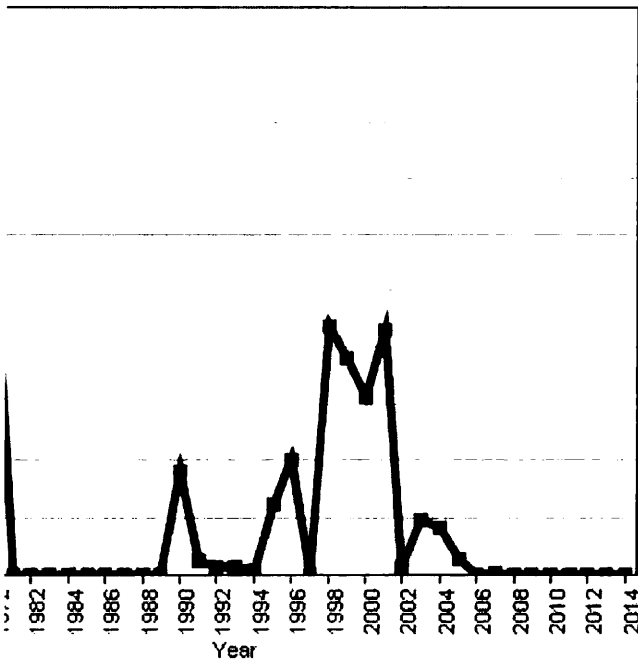
▲ G_DOM	Alluvial Deposits
• G_IRR	GMDs
▲ G_MUN	DWR Basins
• S_IRR	Counties
— Major Streams	

ported Water Use History for Water Right 5715 - 00, Pd 9-4S-26W 6 and Use IRR



Year	AF Used	1992	0.00
1979	0.00	1993	0.00
1980	0.00	1994	0.00
1981	0.00	1995	0.00
1982	0.00	1996	0.00
1983	0.00	1997	0.00
1984	0.00	1998	0.00
1985	0.00	1999	0.00
1986	0.00	2000	0.00
1987	0.00	2001	0.00
1988	0.00	2002	0.00
1989	0.00	2003	0.00
1990	0.00	2004	0.00
1991	0.00	2005	0.00

d Water Use History for Water Right 4157 - 00, Pd 23-3S-25W 1 and Use IRR



Year	AF Used	1985	0.00	1999
1957	53.47	1986	0.00	2000
1958	5.30	1987	0.00	2001
1959	1.84	1988	0.00	2002
1960	2.71	1989	0.00	2003
1961	0.00	1990	20.25	2004
1963	93.45	1991	2.76	2005
1964	46.40	1992	1.84	2006
1970	13.81	1993	1.84	2007
1972	62.00	1994	0.92	2008
1981	0.00	1995	13.81	2009
1982	0.00	1996	22.83	2010
1983	0.00	1997	0.00	2011
1984	0.00	1998	49.52	2012

Surface water rights nearby

WR File No. 7,799: 55AF @ 225gpm

Response map impact – 13.74AF (0.2498%)

1995	26.15AF
1996	20.49
1997	48.51
1998	87.57
1999	59.57
2000	80.74
2001	72.15
2002	96.91
2003	40
2004	57.18
2005	29.86
2006	37
2007	55
2008	55
2009	55
2010	55
2011	55
2012	45
2013	55
2014	55
2015	46

WR File No. 30,252: 58AF @ 280gpm

Response map impact – 15.11AF (0.2605%)

1995	17.68AF
1996	31.06
1997	54.91
1998	0
1999	40.87
2000	64.44
2001	42.45
2002	62.40
2003	40
2004	54.92
2005	58.26
2006	57.25
2007	57.5
2008	56.90
2009	56.84
2010	57
2011	58
2012	37.40
2013	52.24
2014	57.00
2015	68.61

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

June 21, 2016

MIKKO AHOLA
757 CAPEGLEN RD
COLORADO SPRINGS CO 80906

Re: Pending Application, File No. 49,251

Dear Mr. Ahola:

In response to a written request by email submitted on your behalf by Scott Ross, and received in this office on June 20, 2016, the Chief Engineer is allowing an extension of time for sixty (60) days, in which to supply further information concerning the above referenced file. The original application was returned to you on January 20, 2016, and with this extension of time, the revised deadline will be August 22, 2016.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting this extension, you are being allowed an additional 60 days. If you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before August 22, 2016, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6627 or by email at kristen.baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

pc: Scott Ross – Water Rights Investigative Services LLC, 209 S Ash St., Stockton KS 67669

SCANNED

Baum, Kristen

From: Scott Ross <water.rights.llc@gmail.com>
Sent: Monday, June 20, 2016 1:40 PM
To: Baum, Kristen
Subject: Application File No. 49,251

Kristen,

It looks like I'll need another extension on this file. How about 60 days this time?

Scott

Scott E. Ross
General Manager
Water Rights Investigative Service LLC
209 South Ash ST. Stockton, KS. 67669
785-543-8254

Baum, Kristen

From: Scott Ross <water.rights.llc@gmail.com>
Sent: Wednesday, June 15, 2016 6:57 AM
To: Letourneau, Lane; Baum, Kristen; Turney, Brent
Subject: Proposed Off-Sets
Attachments: Proposed Off-set Ahola, Porsch, Peterson and Lindsborg.odt; PhotoScan (2).jpg; PhotoScan.jpg

Lane,

Attached is a summary of the current projects I'd like to discuss with DWR. As we discussed, these are only two of several potential off-set projects. Let me know when we can discuss them in more detail.

Scott

Scott E. Ross
General Manager
Water Rights Investigative Service LLC
209 South Ash ST. Stockton, KS. 67669
785-543-8254

Proposed Off-Set Projects

Scott E. Ross L.G.

Water Rights Investigative Service

- **Case One**

MIKKO AHOLA AND MIKE PORSCHE

Application File No. 49,251

Is a pending application proposing to divert 195 acre-feet at a rate of 800 gallons per minute from a battery of wells located in the NW NW NW approximately 4953 feet north by 5034 feet west of the southeast corner of Section 25, Township 4 South, Range 26 West in Decatur County, Kansas. This application further proposes to apply this water to the irrigation of 130 acres under a pivot in the Northwest Quarter of said section. During the initial review of this application DWR found that while this application met the safe-yield criteria, the streamflow depletion created by this application at this would be 50.2 acre-feet within the 50-year period being examined. Thus, exceeding the 10 acre-feet being used to define "substantially hydraulically connected aquifers". Based on this evaluation by the RRCA model, the application was recommended for denial.

The applicant Mr. Mikko Ahola contacted me, asking that I review the application and attempt to find a solution. It was as this point I began to look at the concept of off-setting this streamflow depletion through the acquisition of another water right with sufficient streamflow depletion senior to the RRCA model to off-set the streamflow being depleted by this application. As you know closing an area to new appropriations doesn't close the economy for this area.

After one failed attempt, I made contact with Michael Porsch, another resident of Decatur County. My search criteria were limited by existing water rights senior to the Final Settlement Stipulation (FSS), and those rights having sufficient streamflow depletion to off-set that of the pending application. Mr. Porsch seems to meet both criteria, he has two senior applications which have been regularly used during the period since the adoption of the FSS and whose authorized quantities could be reasonably estimated to meet the depletion criteria.

These water rights are as follows:

Water Right File No. 7799

This right is currently authorized to divert water for the irrigation of 90 acres with a quantity of 55 acre-feet at a rate of 225 gallons per minute. The source of this diversion is groundwater from the Prairie Dog Creek Alluvium. The well is located 2255 feet north and 5270 feet west of the southeast corner of Section 22, Township 5, Range 29 West in Decatur County, Kansas, approximately 200 feet from the axis of Prairie Dog Creek.

Water Right File No. 30,252

This right currently authorizes the irrigation of the same 90 acres authorized under the above water right. Further, it authorizes the diversion of 58 acre-feet per year at a rate of 280 gallons per minute, from the Prairie Dog Creek Alluvium. The well authorized under this right is located approximately 1650 feet north and 4300 feet west of the southeast corner of Section 22, Township 5 South, Range 29 West in Decatur County, Kansas, approximately 100 feet from the axis of Prairie Dog Creek.

Given the location of the wells streamflow depletion is expected to be nearly instantaneous, with nearly the complete quantity depleted from streamflow.

Mr. Porsch has agreed to sell these rights provided the off-set can be approved by the Division of Water Resources and the price is acceptable. Mr. Ahola would like to have some assurance of approval by DWR before investing any additional money in appraisals and legal drafting.

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 22, 2016

MIKKO AHOLA
757 CAPEGLEN RD
COLORADO SPRINGS CO 80906

Re: Pending Application, File No. 49,251

Dear Mr. Ahola:

In response to a written request by email submitted on your behalf by Scott Ross, and received in this office on April 20, 2016, the Chief Engineer is allowing an extension of time for sixty (60) days, in which to supply further information concerning the above referenced file. The original application was returned to you on January 20, 2016, and with this extension of time, the revised deadline will be **June 22, 2016**.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting this extension, you are being allowed an additional 60 days. If you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **June 22, 2016**, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6627 or by email at kristen.baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

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

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

pc: Scott Ross – Water Rights Investigative Services LLC, 209 S Ash St., Stockton KS 67669

SCANNED

Baum, Kristen

From: Scott Ross <water.rights.llc@gmail.com>
Sent: Wednesday, April 20, 2016 1:32 PM
To: Baum, Kristen
Subject: RRCA model questions

Kristen,

I imagine everyone is as glad to have you back as I am. So, welcome back.

I have been working on the Mikko Ahola file 49,251 and my proposed off set. We found a gentleman, Mike Porsch that is willing to entertain a discussion, but he has two files for 113 AF. He doesn't think a single file will do him much good, so this discussion is subject to a total sale of all the water rights.

Mr. Ahola really doesn't want to have to buy 113 AF to get 52 AF. Especially at the asking price. So, we have been looking for someone else that might be interested. I have several folks that look like might be potential buyers, but one is another of my clients.

My question on Scott Sproul are these. Under File Nos. 47,974 and 47,976, which stream node does the model attach to these two points of diversion? If the depletion is attributed to the upper gage, I think Mr. Sproul might be interested.

Second, Rusty Miller got two applications approved 48,839 and 49,119. Those approvals were pretty small quantities. Were the quantities under the original filings reduced to the approved values? If a reduction was needed, what do those numbers look like?

Finally, I know this may take a while for you to get back into. Can we get an extension of time for 60 days to complete this investigation process?

I'll give you a call in a couple of days.

SCANNED

As always, feel free to call me with questions.

Scott

Scott E. Ross

General Manager

Water Rights Investigative Service LLC

209 South Ash ST. Stockton, KS. 67669

785-543-8254

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

February 10, 2016

MIKKO AHOLA
757 CAPEGLEN RD
COLORADO SPRINGS CO 80906

Re: Pending Application, File No. 49,251

Dear Mr. Ahola:

In response to a written request by email submitted on your behalf by Scott Ross, and received in this office on February 9, 2016, the Chief Engineer is allowing an extension of time for sixty (60) days, in which to supply further information concerning the above referenced file. The original application was returned to you on January 20, 2016, and with this extension of time, the revised deadline will be **April 22, 2016**.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting this extension, you are being allowed an additional 60 days. If you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **April 22, 2016**, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6632 or by email at kristen.baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

pc: Scott Ross – Water Rights Investigative Services LLC, 209 S Ash St., Stockton KS 67669

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

January 20, 2016

MIKKO AHOLA
757 CAPEGLEN RD
COLORADO SPRINGS CO 80906

Re: Pending Application, File No. 49,251

Dear Mr. Ahola:

We have completed our review of your application referenced above. This application is subject to K.A.R. 5-3-11, which states that the North Fork Solomon River, its tributaries and their alluviums, and **any other aquifer that has a substantial hydraulic connection to an alluvium**, have been determined to be fully appropriated based on safe yield criteria, and shall be closed to further new groundwater appropriations.

In order to conduct our evaluation, DWR chose the Republican River Compact Administration (RRCA) groundwater model to determine the potential impact on Republican River Compact Model Domain stream flows, if this application were to be approved. After a thorough evaluation of modeling scenarios, it was determined by the Chief Engineer that any application resulting in an annual impact to Republican River stream flows that is greater than 10 acre-feet, would be diverting water from an aquifer with a substantial hydraulic connection to an alluvium, and must be denied for failure to meet safe yield.

We have completed our analysis of your pending application, and have determined that it would have a significant annual impact of 50.2 acre-feet as proposed, exceeding the allowed quantity of 10 acre-feet of impact on streamflow. Impact on streamflow is directly (linearly) related to the requested quantity of water. Therefore, if the requested quantity of water from your application was reduced such that it would result in an annual impact of 10 acre-feet or less to streamflow, then the application would comply with K.A.R. 5-3-11.

Per K.A.R. 5-3-11(c)(2) if there is sufficient water available to reasonably satisfy part of the request, then the application shall be approved for the quantity available if the remaining quantity is reasonable for the proposed use. Therefore, if you elect to pursue your proposed irrigation project, the quantity of water you requested **must be reduced to 39 acre-feet**. In addition, you must reduce the acreage for your proposed place of use to ensure that this quantity is reasonable for the proposed use. In order to comply with K.A.R. 5-3-19 for Decatur County, the maximum reasonable annual quantity of water for irrigation use is 1.5 acre-feet per acre. With your reduced quantity of water, this would equate to approximately **26 acres that could be irrigated, up to a maximum of 31 acres**. Your original application is being returned to you so that you may revise the requested quantity of water and place of use. Please revise the enclosed topographic map and the "Irrigation Use Supplemental Sheet" to depict the reduced acreage. Please initial any changes you make, and return the originals to our office when completed.

SCANNED

Mikko Ahola
January 20, 2016
Page 2 of 2

We are advising you of this recommendation in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. You have a period of 30 days (**until February 22, 2016**) to either (1) submit additional information to our office or (2) request additional time beyond the 30 days to submit additional information. If you wish to request additional time, you must do so **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 do not request more time within the 30 day period, or if your request is not granted, it will be recommended to the Chief Engineer that Application, File No. 49,251 be denied and dismissed due to failure to meet safe yield criteria, as required by K.A.R. 5-3-11. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the applications.

Finally, if you no longer wish to pursue this irrigation project, please sign the enclosed "Voluntary Dismissal of an Application for Permit to Appropriate Water" form where indicated, and return it to our office. If you have any questions, please contact me at (785) 564-6632 or Kristen.Baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Kristen A. Baum
Environmental Scientist
Water Appropriation Program

enclosure
pc: Stockton Field Office



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

January 13, 2015

MIKKO AHOLA
757 CAPEGLEN RD
COLORADO SPRINGS CO 80906

RE: Application
File No. 49251

Dear Sir or Madam:

Your application for permit to appropriate water in 25-4S-26W IN DECATUR 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) 564-6643. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Richard Rockel
New Application Unit Supervisor
Water Appropriation Program

DWS: dlw
pc: STOCKTON Field Office

SCANNED