

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center; font-size: 1.2em;">49,644</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">9/1/2017</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">2</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
---	---	---	--

5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

7a. Applicant(s) Person ID **65007**
New to system Add Seq# _____

DAN THIMESCH
11716 SW 60TH ST
SPIVEY KS 67142

7b. Landowner(s) Person ID **65008**
New to system Add Seq# _____

JACK THIMESCH
11716 SW 80TH ST
SPIVEY KS 67142

7c. Landowner(s) Person ID **63397**
New to system Add Seq# _____

JUDY KINSLER
2746 NW 30TH ST
KINGMAN KS 67068

7d. Misc Person ID _____
New to system Add Seq# _____

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

7a

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

10. Completion Date: **12/31/2018** 11. Perfection Date: **12/31/2022** 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **8/24/17** By: **DWS**
Date Entered: **9/6/2017** By: **LCM**

File No. **49,644** 15. Formation Code: **100** Drainage Basin: **CHIKASKIA RIVER** County: **KM** Special Use: Stream:

16. Points of Diversion

MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD	85337			SE NE NW	8	29S	9W	1	4000	2650

17. Rate and Quantity **MOD RATE AND QTY**

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
50	15	50	15	NONE

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

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

21. Place of Use

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				
√	67780			8	29S	9W	1					39				39								78.0	7a 76	NO	49,842
ENT	68544			8	29S	9W							39	39										78.0	7c	NO	49,842

Comments: **15 ac-ft exemption pursuant to KAR 5-3-16**

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

TO: Files

DATE: August 24, 2017

FROM: Doug Schemm

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

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

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

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

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

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

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

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

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

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under these permits, check valves will also need to be installed. A water level measurement tube is required for File No. 49,842 because this is a proposed new well exceeding 100 gpm.

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

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

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

September 7, 2017

DAN THIMESCH
11716 SW 60TH ST
SPIVEY KS 67142

FILE COPY

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

Dear Mr. Thimesch:

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

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

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

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

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws

Enclosures

pc: Stafford Field Office

Jack Thimesch

Judy Kinsler



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,644** of the applicant

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

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **May 23, 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	
8	29S	9W		39	39		39			39									156

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE¼ NE¼ NW¼) of Section 8, more particularly described as being near a point 4,000 feet North and 2,650 feet West of the Southeast corner of said section, in Township 29 South, Range 9 West, Kingman County, Kansas located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **50 gallons per minute (0.11 c.f.s.)** and to a quantity not to exceed **15 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2018** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That 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.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

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

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

Ordered this 1st day of September, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 1st day of September 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 7th day of September, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,644, dated September 1, 2017 was mailed postage prepaid, first class, US mail to the following:

DAN THIMESCH
11716 SW 60TH ST
SPIVEY KS 67142

With photocopies to:

JACK THIMESCH
11716 SW 80TH ST
SPIVEY KS 67142

JUDY KINSLER
2746 NW 30TH ST
KINGMAN KS 67068

Stafford Field Office

A handwritten signature in cursive script, reading "Danielle Wilson", is written over a horizontal line.

Division of Water Resources

APPLICATION COMPLETE

8/24/2017

Reviewed: DWS

THE STATE OF KANSAS



WATER RESOURCES RECEIVED

MAY 23 2016

1:55

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

JUL 11 2016

11:36

KS DEPT OF AGRICULTURE

File Number 49,644
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

MAY 2016

11:16

UNACCEPTABLE FOR PRIORITY
KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

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

1. Name of Applicant (Please Print): Dan Thimesch
Address: 11716 SW 80th St
City: Spivey State KS Zip Code 67142
Telephone Number: (620) 388-3582

2. The source of water is: surface water in _____ (stream)
OR groundwater in Chikaskia River (S.C. KS D.U.A. : CHK3) (drainage basin)

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

3. The maximum quantity of water desired is ~~409.2~~ 15 ⁵⁻¹⁷⁻¹⁷ acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of ~~1,200~~ 50 ⁵⁻¹⁷⁻¹⁷ 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 0 Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source GM County KM By AM Date 5/23/16
Code REZ Fee \$ 300 TR # 1609610 Receipt Date 5/23/16 Check # 327043245

1609610 TR #15AF Exemption DWS/DWR 5/16/17

SCANNED 5/26/2016 LCM

Requesting 60 days to locate

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 SE quarter of the NE quarter of the NW quarter of Section 8, more particularly described as being near a point 4,000 feet North and 2,100 feet West of the Southeast corner of said section, in Township 29 South, Range 9 West, Kingman County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

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

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

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

Jack Thimmsch
(name, address and telephone number)
11716 Sw 80th St Spicy KS 67142 620-243-3350
(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 May 16, 2016 Jack Thimmsch
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 1 Well and Pump
(number of wells, pumps or dams, etc.)
 and will be completed (by) ASAP
(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 ASAP
(Mo/Day/Year)

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

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

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

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

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required N.A.

- 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 PU overlap 49,842

WATER RESOURCES RECEIVED

JUL 11 2016

SCANNED

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

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

Owner Son
(owner, tenant, agent or otherwise)

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

11776 Sun 80th St Spivey, Ks 67142
(name, address and telephone number)

Judy Kinsler, 2746 NW 30th St, Kingman, KS 67068
(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 Stafford 5-16-16, Kansas, this 16 day of May, 2016
(month) (year)

[Signature] 5-16-16
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by MJM/SFFO ESII Date: 5/2/2016
(office/title)

WATER RESOURCES
RECEIVED

MAY 23 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED

UNACCEPTABLE PRIORITY

KS DEPT OF AGRICULTURE

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49,644

Name of Applicant (Please Print): Dan Thimesch

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

Landowner of Record NAME: Jack Thimesch

ADDRESS: 11716 Sw 80th SE Spivey Ks 67142

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

Landowner of Record NAME: JUDY KINSLER

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

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

Total = 156

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	

WATER RESOURCES RECEIVED
DWR 1-100.23 (7/7/2000)
JUL 11 2016

WATER RESOURCES RECEIVED
MAY 23 2016

WATER RESOURCES RECEIVED
UNACCEPTABLE FOR PROPERTIES
MAY 19 2016

SCANNED

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

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

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

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

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

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

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

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

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

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

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

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

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

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

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


Kansas
Department of Agriculture
Division of Water Resources

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

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

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

July 14, 2017

NOLA SWOPE
11668 SW 70TH ST
CUNNINGHAM KS 67035

Re: Pending Application, File No. 49,644

Dear Ms. Swope:

This will acknowledge receipt of an e-mail on your behalf from Ralph Lilja, received in our office on July 13, 2017 in which you expressed concerns regarding the proposed appropriation of groundwater by Dan Thimesch under the above referenced application. The application is proposing to appropriate groundwater for irrigation use. We are in the process of thoroughly reviewing this pending application to ensure that it complies with the Kansas Water Appropriation Act and applicable rules and regulations. The Chief Engineer is required to approve applications for water appropriation unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest. Impairment is indicated if existing water rights will experience an unreasonable lowering of the static water level.

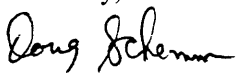
The applicable rules and regulations (K.A.R. 5-4-4) require that new non-domestic wells must meet specific spacing guidelines based on the source of water supply in order to minimize the potential that existing water wells of any kind would be impaired. The source of water for this pending application is Quaternary System deposits (likely either the Holdrege or Grand Island Formations), based on the test hole log that was submitted. This aquifer requires a minimum well spacing of 1,320 feet from any existing non-domestic well, and 660 feet from any existing domestic well in the same source of supply. Based on the location of your domestic well, it is over 1,300 feet away, which is beyond this minimum well spacing distance.

Additionally, the rules and regulations (K.A.R. 5-4-1) require the Chief Engineer to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights. Therefore, if this permit application is approved by the Chief Engineer and you believe the diversion of water is impairing your existing water right, you should notify Jeff Lanterman, Water Commissioner, Stafford Field Office, as follows, so that an investigation can be made.

Division of Water Resources
Stafford Field Office
300 S Main Street
Stafford, Kansas 67578
Telephone: 620-234-5311

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

Sincerely,


Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug

From: Ralph Lilja <rliljare@gmail.com>
Sent: Thursday, July 13, 2017 12:53 PM
To: Schemm, Doug
Subject: Pending File No. 49,644

RECEIVED

JUL 13 2017

Topeka Field Office
DIVISION OF WATER RESOURCES

Doug,

As a follow up to our earlier telephone conversation concerning Dan Thimesch's application to drill a irrigation well. Nola Swope has ask me to contact you to determine what rights she may have to any issue that may result from this irrigation well that could possibly affect her water well at her home? I am representing Ms. Swope as her Relator. Ms. Swope has had discussion with me about possibly selling her home and property and is concerned that this issue may affect the sale of her property now and in the future. Any information you would provided that explains what rights Ms. Swope may have concerning this issue will be appreciated.

Ralph Lilja
Gerber Auction & Real Estate


Kansas
Department of Agriculture
Division of Water Resources

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

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

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

June 28, 2017

DAN & NOLA SWOPE
11668 SW 70TH STREET
CUNNINGHAM KS 67035

Re: Pending New Application, File No. 49,644

Dear Sir or Madam:

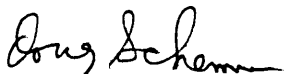
This is to advise you that Dan Thimesch has filed the application referred to above for a permit to appropriate 15 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 50 gallons per minute from a well located as follows:

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

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

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

Sincerely,



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Dan Thimesch


Kansas
Department of Agriculture
Division of Water Resources

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

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

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

June 28, 2017

LORETTA SCHWARTZ
2520 N MAIN
KINGMAN KS 67068

Re: Pending New Application, File No. 49,644

Dear Sir or Madam:

This is to advise you that Dan Thimesch has filed the application referred to above for a permit to appropriate 15 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 50 gallons per minute from a well located as follows:

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

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

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

Sincerely,



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Dan Thimesch

The logo features the word "Kansas" in a large, serif font. Above the letters "a", "n", and "s" is a stylized sunburst or starburst pattern. Below "Kansas" are the words "Department of Agriculture" and "Division of Water Resources" in a smaller, sans-serif font.

Kansas
Department of Agriculture
Division of Water Resources

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

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

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

June 28, 2017

KENT & BOBETTA MOORE
11755 SW 70 ST
CUNNINGHAM KS 67035

Re: Pending New Application, File No. 49,644

Dear Sir or Madam:

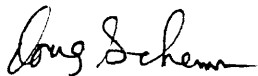
This is to advise you that Dan Thimesch has filed the application referred to above for a permit to appropriate 15 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 50 gallons per minute from a well located as follows:

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

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

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

Sincerely,

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

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Dan Thimesch



This database was last updated on 8/24/2017 at 5:18 AM

[Return to County Website](#) | [Log Out](#)

[New Search](#)

Parcel Search Results

Select	Owner	Tract	Property	Appraised	Current
Item	Information	Description	Class	Entities	Values
(s)					
<input type="checkbox"/>	048-173-08-0-00-00-001.00-0 KINSLER, JUDY Property Address: 0 SW 70th St Cunningham, KS 67035	S08 , T29 , R09W , ACRES 156.1 , NE4 LESS R/W	Agricultural Use - A	Land: Building: Total:	\$29,350 \$00 \$29,350
<input type="checkbox"/>	048-173-08-0-00-00-002.01-0 MOORE, KENT L & BOBETTA L Property Address: 11755 SW 70th St Cunningham, KS 67035	S08 , T29 , R09W , ACRES 38.9 , NW4 NW4 LESS R/W	Farm Homesite - F	Land: Building: Total:	\$4,000 \$53,680 \$57,680
<input type="checkbox"/>	048-173-08-0-00-00-001.01-0 SCHWARTZ, WAYNE & DEBRA Property Address: 0 SW 110th Ave Cunningham, KS 67035	S08 , T29 , R09W , ACRES 156.8 , SE4 LESS R/W	Agricultural Use - A	Land: Building: Total:	\$17,060 \$00 \$17,060
<input type="checkbox"/>	048-173-08-0-00-00-002.00-0 THIMESCH, JACK E & DIANE M LIV TR Property Address: 0 SW 70th St Cunningham, KS 67035	S08, T29, R09W, ACRES 119.3, S2 NW4 & NE4 NW4 LESS R/W	Agricultural Use - A	Land: Building: Total:	\$13,750 \$00 \$13,750
<input type="checkbox"/>	048-173-08-0-00-00-003.00-0 THIMESCH, JACK E & DIANE M LIV TR Property Address: 0 SW 80th St Kingman, KS 67068	S08, T29, R09W, ACRES 149.2, SW4 LESS A TR 1073.6 E SWC SW4 ; E566.25; NLY 652.77; WLY 493 .06; SLY 700.77 TO POB LESS RW	Agricultural Use - A	Land: Building: Total:	\$14,290 \$00 \$14,290
<input type="checkbox"/>	048-173-08-0-00-00-003.01-0 THIMESCH, JACK E & DIANE M LIV TR	S08, T29, R09W, ACRES 7.8, A TR 1073.6 W SWC SW4; E566.25 ; NLY652.77; WLY493.06; SLY700 .77 TO POB LESS RW	Farm Homesite - F	Land: Building: Total:	\$1,900 \$108,550 \$110,450

49,644 Safe Yield
 Failed safe yield
 Processed under
 15 AF Exemption

Analysis Results

 The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 603.15 AF.
 Total prior appropriation in the circle is 947.20 AF. $-109.2 = 838$
 Total quantity of water available for appropriation is 0.00 AF.

[234.85AF over]

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 1.8 inches.
 The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 27-MAR-2017 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 7 water right(s) and 9 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	36359	00	IRR	NK	G		NC SE	1335	1324	31	28	09W	4	WR	173.00	173.00	155.00	155.00
A	39217	00	IRR	NK	G		NC SW	1320	3960	31	28	09W	2	WR	198.00	198.00	132.00	132.00
A	40187	00	IRR	NK	G		NW SW SE	1269	2388	18	29	09W	2	WR	201.00	201.00	134.00	134.00
A	42309	00	IRR	NK	G		NW SE NE	3391	1236	16	29	09W	1	WR	49.00	49.00	60.00	60.00
A	45121	00	IRR	NK	G		NW SE NE	3391	1236	16	29	09W	1	WR	84.00	35.00	60.00	0.00
A	47829	00	IRR	KE	G		NW SE SW	1206	3747	32	28	09W	2	WR	182.00	182.00	130.00	130.00
Same			IRR	KE	G		NW SE SW	1299	3934	32	28	09W	5	WR				
Same			IRR	KE	G		NW SE SW	1299	3654	32	28	09W	6	WR				
Same			IRR	KE	G		NW SE SW	1019	3654	32	28	09W	7	WR				
A	49644	00	IRR	AY	G		NW	1320	1320	08	29	09W	1	WR	109.20	109.20	78.00	78.00

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

4000 ft N and 2650 ft W of the SE Corner of Section 8, T 29S, R 9W

Located at: 98.327544 West Longitude and 37.540465 North Latitude

GROUNDWATER ONLY

49,644
all wells over mile
away
clearly meets
spacing
1,320'

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit		
A__ 36359	00	IRR	NK	G	8644	--	--	NC	SE	1335	1324	31	28	9W	4	173.00	173.00	AF		
A__ 39217	00	IRR	NK	G	10123	--	--	NC	SW	1320	3960	31	28	9W	2	198.00	198.00	AF		
A__ 40187	00	IRR	NK	G	9514	--	--	NW	SW	SE	1269	2388	18	29	9W	2	201.00	201.00	AF	
A__ 42309	00	IRR	NK	G	8867	--	--	NW	SE	NE	3391	1236	16	29	9W	1	49.00	49.00	AF	
A__ 45121	00	IRR	NK	G	8867	--	--	NW	SE	NE	3391	1236	16	29	9W	1	84.00	35.00	AF	
A__ 47829	00	IRR	KE	G	7666	--	--	NW	SE	SW	1206	3747	32	28	9W	2 G	3	182.00	182.00	AF
Same					7787	--	--	NW	SE	SW	1299	3934	32	28	9W	5 B	3			
Same					7745	--	--	NW	SE	SW	1299	3654	32	28	9W	6 B	3			
Same					7467	--	--	NW	SE	SW	1019	3654	32	28	9W	7 B	3			
A__ 49644	00	IRR	AY	G	2992	--	--	--	NW	1320	1320	8	29	9W	1	109.20	109.20	AF		
A__ 49842	00	IRR	AY	G	3303	--	--	NE	SE	SW	700	2800	8	29	9W	3	120.00	120.00	AF	

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	229.20	.00
Total Permitted Amount (AF) =	182.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	656.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1067.20	.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:

98.327544 West Longitude and 37.540465 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR	
A__ 36359	00	IRR	NK	G
>	ADELHARDT BROTHERS			
>	JOE ADELHARDT			
>	5567 SW 120TH AVE			
>	CUNNINGHAM KS 67035			

A__ 39217	00	IRR	NK	G
>	SYLVESTER G & ROSE A ADELHARDT			
>				
>	PO BOX 100			
>	NASHVILLE KS 67112			

A__ 40187	00	IRR	NK	G
>	RICHARD MOLITOR			
>				

> 11558 SW 90 ST
> ZENDA KS 67159

A__ 42309 00 IRR NK G
> WAYNE & DEBRA ANN SCHWARTZ
>
> 8311 SW 100 AVE
> SPIVEY KS 67142

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

A__ 47829 00 IRR KE G
> BRIAN STAUFFER
>
> 20918 W PRETTY PRAIRIE RD
> ARLINGTON KS 67514

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

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

=====

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 2, 2016

DAN THIMESCH
11716 SW 80TH ST
SPIVEY KS 67142

Re: Pending Application,
File No. 49,644

Dear Mr. Thimesch:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on May 23, 2016, it is being returned to you for additional information. In your original application, you requested a 60-day period of time in which to determine the precise location for your point of diversion within a specified quarter section tract of land described as the Northwest Quarter (NW $\frac{1}{4}$) of Section 8, in Township 29 South, Range 9 West, Kingman County, Kansas.

Once you've determined the precise location for your point of diversion, complete the rest of Paragraph No. 5 of your application by providing the description for the 10-acre tract location of the point of diversion as well as the feet distances North and West of the Southeast corner of the Section. The location of the point of diversion must also be plotted on the topographical map included.

The locations of all other water wells of every kind within one-half mile ($\frac{1}{2}$) of the point of diversion must be plotted on the topographical map as well. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner**. A signed statement should be included on the map declaring that all wells within one-half mile ($\frac{1}{2}$) of the point of diversion have been plotted, or it should declare that none exist. Please provide this information once you have established your point of diversion.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed well may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application.

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 **July 25, 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.

(over)

SCANNED

THIMESCH

June 2, 2016

Page 2 of 2

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@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 black ink, appearing to read "Alex Whitesell". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Alex Whitesell
Environmental Scientist
Water Appropriation Program

enclosures

pc: Stafford Field Office

WELL CONSTRUCTION

JOB # 13890 WELL OWNER Jack Thimesco WELL NO. TH-

HOLE DIA. _____" TD _____ REAMED OUT FROM _____ DIA. HOLE DRILLING METHOD _____

SIZE CASING _____" DIA. _____" WALL WT _____ LBS/FT _____ MATERIAL _____

SIZE SCREEN _____" DIA. _____" WALL _____ MATERIAL _____

SCREEN TYPE _____

CASING AND SCREEN

GRAVEL PACK / ANNULAR SEAL

DESCRIPTION	FROM	TO	FEET	OPENING

MATERIAL	FROM	TO	FEET	TYPE

Casing left above ground _____
Total Casing and Screen _____

Water Samples

FROM	TO	Cl (ppm)	OTHER TESTS

Development

Method	Notes

Disinfected with _____ Quantity _____
 What is the nearest source of possible contamination? _____
 Direction from well _____ How many feet _____
 Water level measurement tube installed? Yes No Locking cap installed? Yes No

NOTE: All measurements are from ground level DESIGNED BY _____

49,644

WATER WELL RECORD

Form WWC-5

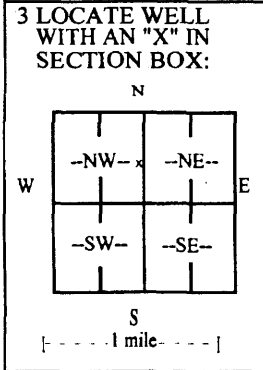
Division of Water Resources App. No.

1 LOCATION OF WATER WELL: County: Kingman	Fraction 1/4 1/4 CE 1/4 NW 1/4	Section Number 8	Township No. T 29 S	Range Number R 9 <input type="checkbox"/> E <input checked="" type="checkbox"/> W
--	---	----------------------------	-------------------------------	---

Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here
 Approximately 6.5 miles north and 9 miles west of Spivey.

Global Positioning System (GPS) information:
 Latitude: **37.540199** (in decimal degrees)
 Longitude: **-98.327854** (in decimal degrees)
 Elevation: **Unknown**
 Datum: WGS 84, NAD 83, NAD 27
 Collection Method: GPS unit (Make/Model: **WAAS**)
 Digital Map/Photo, Topographic Map, Land Survey
 Est. Accuracy: <3 m, 3-5 m, 5-15 m, >15 m

2 WATER WELL OWNER: **Jack Thimesch**
 RR#, Street Address, Box #: **11716 SW 80th St.**
 City, State, ZIP Code : **Spivey, KS 67142**



4 DEPTH OF COMPLETED WELL **114** ft.
 Depth(s) Groundwater Encountered (1) _____ ft. (2) _____ ft. (3) _____ ft.
 WELL'S STATIC WATER LEVEL **48** ft. below land surface measured on mo/day/yr **06/16/16**
 Pump test data: Well water was **not checked** ft. after _____ hours pumping _____ gpm
 EST. YIELD _____ gpm. Well water was _____ ft. after _____ hours pumping _____ gpm
 Bore Hole Diameter **9** in. to **115** ft., and _____ in. to _____ ft.
 WELL WATER TO BE USED AS: Public water supply Geothermal Injection well
 Domestic Feedlot Oil field water supply Dewatering Other (Specify below)
 Irrigation Industrial Domestic-lawn & garden Monitoring well **Supply Well**
 Was a chemical/bacteriological sample submitted to Department? Yes No
 If yes, mo/day/yr sample was submitted _____
 Water well disinfected? Yes No

5 TYPE OF CASING USED: Steel PVC Other
 CASING JOINTS: Glued Clamped Welded Threaded Other (Specify)
 Casing diameter **5** in. to _____ ft., Diameter _____ in. to _____ ft., Diameter _____ in. to _____ ft.
 Casing height above land surface **24** in., Weight **2.36** lbs./ft., Wall thickness or gauge No. **.214**
 TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel PVC Other (Specify) _____
 Brass Galvanized Steel None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE:
 Continuous slot Mill slot Gauze wrapped Torch cut Drilled holes None (open hole)
 Louvered shutter Key punched Wire wrapped Saw cut Other (specify) _____
 SCREEN-PERFORATED INTERVALS: From **92** ft. to **112** ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 GRAVEL PACK INTERVALS: From **20** ft. to **115** ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.

6 GROUT MATERIAL: Neat cement Cement grout Bentonite Other
 Grout Intervals: From **0** ft. to **20** ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 What is the nearest source of possible contamination:
 Septic tank Lateral lines Pit privy Livestock pens Insecticide storage Other (specify below)
 Sewer lines Cesspool Sewage lagoon Fuel storage Abandoned water well
 Watertight sewer lines Seepage pit Feedyard Fertilizer storage Oil well/gas well **None Known**
 Direction from well _____ Distance from well _____

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	2	Topsoil			gravel
2	7	Clay, yellow, white	56	60	Clay, yellow, white, caliche
7	20	Sand, gravel, fine to medium	60	63	Clay, gray, brown, yellow, caliche
20	30	Clay, brown	63	76	Sand, fine to coarse, fine to medium gravel
30	34	Clay, yellow	76	77	Clay, brown, gray
34	40	Sand, fine to coarse	77	79	Sand, fine to coarse
40	50	Sand, fine to coarse, fine to medium	79	81	Clay, brown, gray
		gravel	81	85	Clay, brown, sandy, sand streaks
50	52	Clay, yellow, white	85	100	Sand, fine to coarse, fine to medium gravel
52	56	Sand, fine to coarse, fine to medium			Continued on back side

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) **06/16/16** and this record is true to the best of my knowledge and belief.
 Kansas Water Well Contractor's License No. **185** This Water Well Record was completed on (mo/day/year) **06/17/16**
 under the business name of **Clarke Well & Equipment, Inc.** by (signature) _____

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send three copies (white, blue, pink) to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

599 13890 Supply Well

WATER WELL RECORD

Form WWC-5

Division of Water Resources App. No.

1 LOCATION OF WATER WELL:	Fraction	Section Number	Township No.	Range Number
County: Kingman	1/4 1/4 CE 1/4 NW 1/4	8	T 29 S	R 9 <input type="checkbox"/> E <input checked="" type="checkbox"/> W

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
100	101	Clay, brown			
101	110	Sand, fine to coarse, fine gravel, brown clay streaks			
110	115	Sand, fine to coarse, fine gravel, occasional brown or white clay streak			

RECEIVED
 JUL 08 2016
 KS GEO SURVEY

(Date)

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

Re: Application
File No. 49,644

Minimum Desirable Streamflow

Dear Sir:

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

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

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

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

[Signature]
Signature of Applicant

State of Kansas)
County of Stafford) ss

Dan Themesch
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 16 day of May, 2016.



Michaela Kirmer
Notary Public

My Commission Expires.

WATER RESOURCES
RECEIVED

JUL 11 2016

WATER RESOURCES
RECEIVED

MAY 23 2016

WATER RESOURCES
RECEIVED

SCANNED

MAY 19 2016
UNACCEPTABLE FOR PRIORITY

KS DEPT OF AGRICULTURE
DWR 1-100.171 (Revised 03/27/2008)

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

1. [unclear] [unclear] [unclear] [unclear]

[unclear] [unclear] [unclear] [unclear]

[unclear] [unclear] [unclear] [unclear]

Cunha's KS 67035

SW 705T

Nolan + Dan Swope

Cunha's KS 67035

Kent Moore 11755 SW 705T



1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700

Fax: (785) 564-6777

Email: ksag@kda.ks.gov

www.agriculture.ks.gov

Sam Brownback, Governor

May 26, 2016

DAN THIMESCH
11716 SW 80TH ST
SPIVEY KS 67142

RE: Application
File No. 49644

Dear Sir or Madam:

Your application for permit to appropriate water in 8-29S-9W in Kingman County, was received and has been assigned the file number noted above.

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

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

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

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

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

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

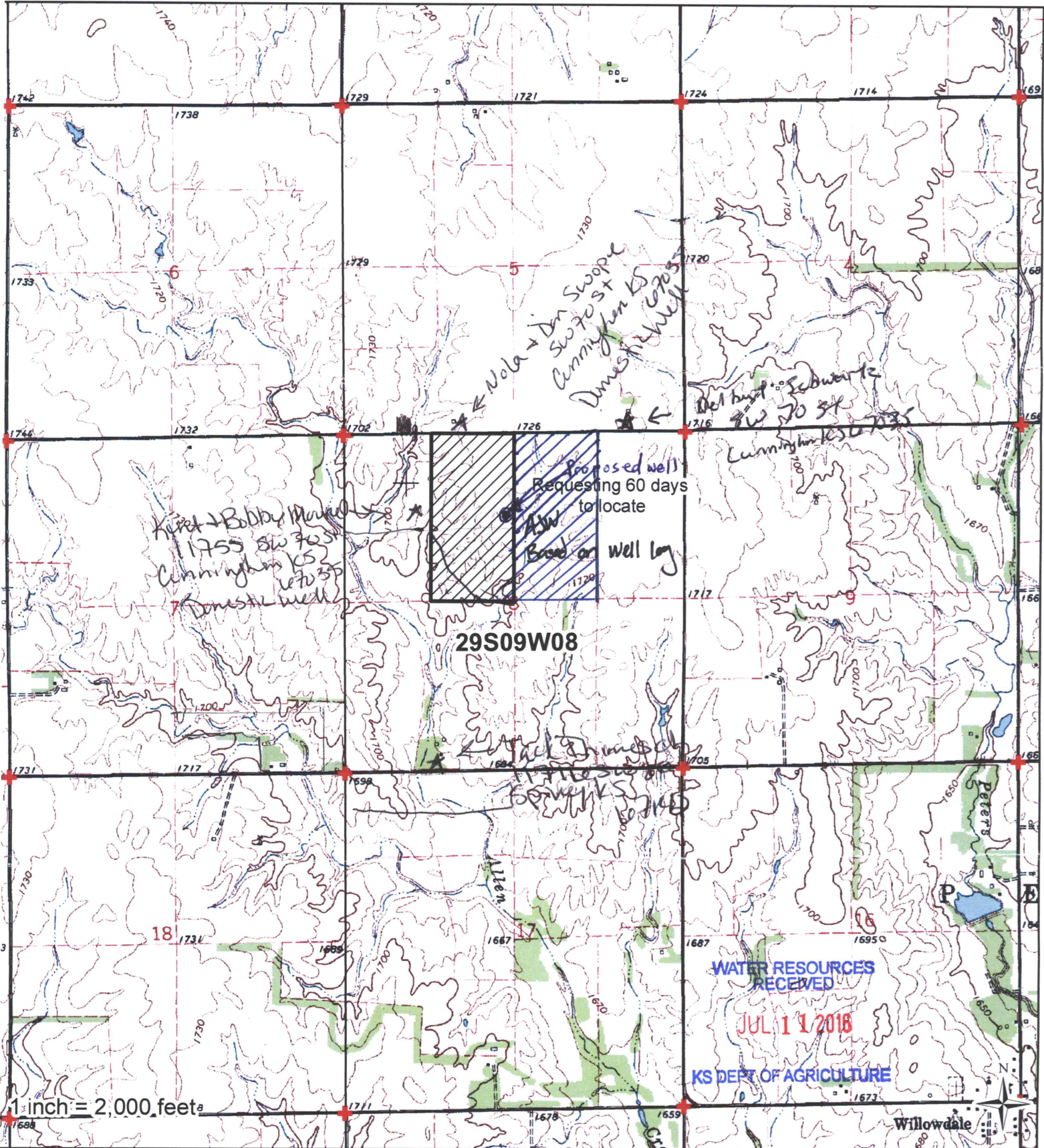
Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: ALH
pc: STAFFORD Field Office
GMD

SCANNED



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.

- Proposed PD
- ▲ Water Rights
- ★ Domestic Wells
- ⊕ SFFOsec_corners
- ▨ Proposed Place of Use

[Signature]
Signature

7-7-16
MAY 23 2016

UNACCEPTABLE FOR PRIORITY
Date: 5/2/2016
Created By: Matt Meier

0 800 1,600 3,200 4,800 6,400 Feet

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

JUL 11 2016

KS DEPT OF AGRICULTURE

SCANNED

KS DEPT OF AGRICULTURE



1 inch = 2,000 feet

WATER RESOURCES RECEIVED
JUL 11 2016
KS DEPT OF AGRICULTURE

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.

- Proposed PD
- Water Rights
- Domestic Wells
- SFFOsec_corners
- Proposed Place of Use

SCANNED

Dustin 7-7-16 **MAY 23 2016** UNACCEPTABLE
 Signature Date
 0 800 1,600 3,200 4,800 6,400 Feet
 KS DEPT OF AGRICULTURE
 WATER RESOURCES RECEIVED
 MAT 1 11 2016
 P.O. 2
 Date: 5/2/2016
 KS DEPT OF AGRICULTURE