

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

1. File Number: <p style="text-align: center;"><b>49,766</b></p>	2. Status Change Date: <p style="text-align: center;"><i>6/28/2018</i></p>	3. Field Office: <p style="text-align: center;"><b>02</b></p>	4. GMD: <p style="text-align: center;"><b>02</b></p>
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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 **59898**  
New to system     Add Seq# \_\_\_\_\_

**MCGINN LAND CO LLC**  
**1123 W 4TH ST**  
**SEDGWICK KS 67135**

7b. Landowner(s)    Person ID **65372**  
New to system     Add Seq# \_\_\_\_\_

**KLAASSEN FAMILY FARMS LLC**  
**JOSH GROH**  
**2509 W CHICKADEE TRAIL**  
**ROCKFORD IL 61107**

7c. Landowner(s)    Person ID **59898**  
New to system     Add Seq# \_\_\_\_\_

**MCGINN LAND CO LLC**  
**1123 W 4TH ST**  
**SEDGWICK KS 67135**

7d. Landowner    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: 12/31/2019    11. Perfection Date: 12/31/2023    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: 12/31/2019    Date WLMD Installed: \_\_\_\_\_

Date Prepared: **6/5/18**    By: **MJM**  
Date Entered: *7/3/2018*    By: *WM*

File No. **49,766**      15. Formation Code: 190      Drainage Basin: **Little Arkansas River**      County: **HV**      Special Use:      Stream:

16. Points of Diversion

MOD	DEL	ENT	PDIV Qualifier	S	T	R	ID	N	W
√			<b>85863 NENWSW</b>	<b>9</b>	<b>24S</b>	<b>1W</b>	<b>9</b>	<b>2550</b>	<b>4400</b>

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
<b>800</b>	<b>143</b>	<b>800</b>	<b>143</b>	<i>None</i>

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

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

20. Meter Required?  Yes  No      To be installed by **12/31/2019**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use

MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? YES	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				
<i>DEL</i>			<b>62244</b>	<b>9</b>	<b>24S</b>	<b>1W</b>	<b>2</b>									<b>9</b>	<b>7</b>							<b>16</b>	<b>7c.</b>		<i>None</i>
√			<b>MOD 68196</b>	<b>9</b>	<b>24S</b>	<b>1W</b>	<b>4</b>					<b>18</b>	<b>29</b>	<b>19</b>	<b>31</b>									<b>97</b>	<b>7b</b>		<i>None</i>
			<b>ENT ? 68952</b>	<b>9</b>	<b>24S</b>	<b>1W</b>										<b>9</b>	<b>7</b>							<b>16</b>	<b>7c</b>		

Comments: **PU modified during processing of application. Based on maps, there is no PU overlap between File No. 49131 & File No. 49766**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** June 5, 2018

**FROM:** Matt Meier

**RE:** Application, File No. 49,766

The McGinn Land Co. LLC has filed the referenced application to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of 143 acre-feet, and a diversion rate of 800 gallons per minute. The proposed well is to be located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE¼ NW¼ SW¼) of Section 9, more particularly described as being near a point 2,550 feet North and 4,400 feet West of the Southeast corner of said section, in Township 24 South, Range 1 West, Harvey County, within the Little Arkansas drainage basin. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2. There are no existing water rights overlapping the proposed point of diversion and place of use. The proposed place of use is owned by the McGinn Land Co. LLC. The applicant signed the application form stating that they have legal access to the point of diversion.

The applicant identified 5 domestic wells within one-half mile of the proposed well and 4 non-domestic wells, which WRIS confirmed. Nearby well notification letters were sent out on October 16, 2017. Letters were received from Quintin Taylor (who also called in) & Kevin Schmidt to express concerns and that they were generally against approval of the application. According to the WRIS database, the nearest non-domestic point of diversion (File No. 49,131) is located 2,198 feet away. Based on the site map the nearest domestic well is approximately 1,100 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-22-2(a) for wells located within Equus Beds Groundwater Management District No. 2, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

A test hole log submitted with the application shows top soil from 0 to 5 feet, sticky clay from 5 to 35 feet, very fine to medium sand from 35 to 60 feet, very fine to medium sand with clay from 60 to 90 feet, fine sand from 90 to 154 feet, and shale from 154 to 155 feet below ground. Static water level was listed at 49 feet which provides a saturated thickness of 105 feet.

The requested quantity of water, 143 acre-feet, is to irrigate the proposed 113 acres identified in the application. This is 1.27 acre-feet per acre which is less than the maximum allowable of 1.3 acre-feet per acre for Harvey County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

A copy of the application was submitted to Equus Beds Groundwater Management District No. 2 on November 15, 2017. GMD #2 recommended approval of the application in a letter received on May 29, 2018. In the letter they said the modified application complies with all GMD #2s rules and Regulations, K.A.R. 5-22-1 through 5-22-17, and recommended approval of the application.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

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

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on May 31, 2018. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Matthew J. Meier  
Environmental Scientist  
Water Appropriations Unit

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

July 5, 2018

FILE COPY

McGinn Land Co. LLC  
1123 W. 4<sup>th</sup> Street  
Sedgwick, KS 67135

RE: Application, File No. 49,766

Dear Water User:

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

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

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

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

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

Enclosures

pc: Stafford Field Office  
GMD#2  
Klaassen Family Farms LLC



**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. 49,766** of the applicant

**McGinn Land Co. LLC  
1123 W. 4<sup>th</sup> Street  
Sedgwick, KS 67135**

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 **January 23, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
09 24S 1W					18	29	19	31	9	7							113

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well, which is to located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE¼ NW¼ SW¼) of Section 9, more particularly described as being near a point 2,550 feet North and 4,400 feet West of the Southeast corner of said section, in Township 24 South, Range 1 West, Harvey County, located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.783 c.f.s.)** and to a quantity not to exceed **143 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2023** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with 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 all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.





### CERTIFICATE OF SERVICE

On this <sup>5<sup>th</sup></sup> day of July, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,766, dated June 28<sup>th</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

McGinn Land Co. LLC  
1123 W. 4<sup>th</sup> Street  
Sedgwick, KS 67135

With photocopies to:  
Stafford Field Office  
GMD #2

Klaassen Family Farms LLC  
Attn: John Groh  
2509 W. Chickadee Trail  
Rockford, IL 61107



Division of Water Resources

THE STATE OF KANSAS



5/31/18  
APPLICATION COMPLETE  
3-20-17  
Reviewer MTM

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49766  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

JAN 23 2017

12:45  
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, Kansas 66502:

1. Name of Applicant (Please Print): McGinn Land Co. LLC  
Address: 1123 W. 4th Street  
City: Sedgwick State KS Zip Code 67135  
Telephone Number: ( 316 ) 772-5050

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

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

3. The maximum quantity of water desired is 143 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR \_\_\_\_\_ cubic feet per second.

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

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

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

For Office Use Only:  
F.O. 2 GMD 2 Meets K.A.R. 5-3-1 (YES/NO) Use IR12 Source G S County HV By AW Date 1/25/17  
Code REA Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 1/23/17 Check # 8840

SCANNED 1/24/2017 ULM

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

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

(A) One in the NE quarter of the NW quarter of the SW quarter of Section 9, more particularly described as being near a point 2550 feet North and 4400 feet West of the Southeast corner of said section, in Township 24 South, Range 1W East/West (circle one), Harvey 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):

McGinn Land Co. LLC, 1123 W. 4th Street, Sedgwick, KS 67135. 316-772-5050

(name, address and telephone number)

(name, address and telephone number)

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

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

Executed on 1-19, 20 17.   
Applicant's Signature

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

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

and (was)(will be) completed (by) 5/1/2017  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 6/1/2017  
(Mo/Day/Year)

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

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

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

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

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

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

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

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

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

None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WATER RESOURCES  
RECEIVED

JAN 23 2017

*Applicant requests 60 days to drill test well & submit the log*

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 Co - 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):

McGinn Land Co. LLC, 1123 W. 4th Street, Sedgwick, KS 67135. 316-772-5050  
(name, address and telephone number)

Klaassen Family Farms LLC, 2509 W. Chickadee Trail, Rockford, IL 61107. Attn: John Groh. 815-298-5278  
(name, address and telephone number)

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

Dated at Halstead, Kansas, this 19th day of January, 2017.  
(month) (year)

McGinn Land Co.  
(Applicant Signature)

By [Signature]  
(Agent or Officer Signature)

Michael P. McGinn, Member  
(Agent or Officer - Please Print)

Assisted by T. Boese GMD2/Manager Date: January 19, 2017  
(office/title)

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 49766

Name of Applicant (Please Print): McGinn Land Co. LLC

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: McGinn Land Co. LLC

ADDRESS: 1123 W. 4<sup>th</sup> Street, Sedgwick, KS 67135

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09	24S	1W										9	7						16

*[Handwritten Signature]*  
2-22-2018

**Landowner of Record** NAME: Klaassen Family Farms LLC, ATTN: John Groh

ADDRESS: 2509 W. Chickadee Trail, Rockford, IL 61107

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09	24	1W					18	29	19	31									97

*[Handwritten Signature]*  
113

**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	

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

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

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
<u>Crete Silt Loam</u>	<u>37</u>	<u>0.06-0.20</u>	<u>3</u>
<u>Hobbs Silt Loam</u>	<u>3</u>	<u>0.60-2.00</u>	<u>5</u>
<u>Geary Silt Loam, 1-3%</u>	<u>58</u>	<u>0.20-0.60</u>	<u>5</u>
<u>Geary Silt Loam, 3-7%</u>	<u>2</u>	<u>0.20-0.60</u>	<u>5</u>
<u>Total:</u>	<u>100 %</u>		

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

Estimate the maximum land slope in the field(s): 3 %

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: Will schedule and apply irrigation to eliminate run-off

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: Not available psi

(2) What is the sprinkler package design rate? Not available 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? Not available 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: Corn, Wheat, Milo, 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). Will contract with crop consultant.

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

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

# 49766

2550 ft N and 4400 ft W of the SE Corner of Section 9, T 24S, R 1W

Located at: 97.441991 West Longitude and 37.977493 North Latitude

GROUNDWATER ONLY

Meets spacing

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 1489	00	MUN	NK	G	10456	--	SW	SW	SW	600	5130	32	23	1W	16	299.98	299.98	AF
Same					9864	--	NE	NE	NE	4818	156	6	24	1W	1	346.60	346.60	AF
Same					9010	--	NE	SE	NE	3648	156	6	24	1W	2	353.38	353.38	AF
A__ 16566	00	IRR	NK	G	8026	--	NW	NE	NE	5050	990	5	24	1W	2	49.00	49.00	AF
A__ 28680	00	IRR	NK	G	7626	--	--	NC	NE	3960	1280	7	24	1W	1	113.00	113.00	AF
Same					7601	--	--	NC	SE	1320	1280	7	24	1W	2	159.00	159.00	AF
A__ 29392	00	IRR	NK	G	8579	--	SW	NW	NW	4600	4900	21	24	1W	1	90.00	90.00	AF
A__ 30885	00	IRR	NK	G	10456	--	NW	SE	SW	664	3659	6	24	1W	4	30.00	30.00	AF
A__ 31615	00	IRR	NK	G	5996	--	NW	SW	NW	3930	5160	15	24	1W	1	31.00	31.00	AF
Same					6148	--	NW	SW	NW	3930	4960	15	24	1W	2	29.00	29.00	AF
A__ 32856	00	IRR	NK	G	4919	--	--	NC	NW	3960	3800	8	24	1W	2	112.00	112.00	AF
A__ 41418	00	MUN	KE	G	4310	--	NE	NE	SE	2590	90	9	24	1W	2	572.50	572.50	AF
A__ 41419	00	MUN	KE	G	4867	--	NE	SW	NE	3930	1510	16	24	1W	1	572.50	.00	AF
A__ 41475	00	IRR	NK	G	5141	--	NW	NW	NW	5031	5165	10	24	1W	1	182.00	182.00	AF
A__ 42127	00	MUN	KE	G	3286	--	NW	SE	NE	3520	1260	9	24	1W	5	500.01	.00	AF
A__ 42128	00	MUN	KE	G	6367	--	SE	SE	NE	2700	650	16	24	1W	2	500.01	.00	AF
A__ 42889	00	IRR	NK	G	1562	--	--	CE	SE	1312	5	8	24	1W	3	91.00	91.00	AF
A__ 43672	00	IRR	NK	G	1734	--	--	CE	NE	3999	68	8	24	1W	4	89.00	89.00	AF
A__ 47110	00	IRR	LR	G	6593	--	NW	NW	SW	2100	5230	3	24	1W	1	200.20	200.20	AF
A__ 47876	00	IRR	KE	G	4492	--	--	NC	NE	3960	1300	17	24	1W	6	84.50	84.50	AF
A__ 47895	00	IRR	KE	G	8412	--	SW	NW	NW	4355	5210	3	24	1W	2	78.00	78.00	AF
A__ 47896	00	IRR	LO	G	4874	--	NW	SE	SE	900	1150	4	24	1W	2 G 3	67.60	67.60	AF
Same					4971	--	NW	SE	SE	850	950	4	24	1W	3 B 3			
Same					4740	--	NW	SE	SE	810	1250	4	24	1W	4 B 3			
Same					4916	--	NW	SE	SE	1040	1250	4	24	1W	5 B 3			
A__ 47982	00	IRR	KE	G	2524	--	SW	SW	SW	50	4750	9	24	1W	8	45.50	45.50	AF
A__ 49102	00	IRR	GY	G	8026	--	NE	NE	NW	5230	3200	21	24	1W	9	140.40	50.40	AF
A__ 49131	00	IRR	GY	G	2198	--	NE	SE	SW	1220	2650	9	24	1W	7	201.50	201.50	AF
A__ 49134	00	IRR	GY	G	4184	--	NW	NE	NE	5267	1105	16	24	1W	3	174.20	174.20	AF
A__ 49766	00	IRR	AY	G	0	--	NE	NW	SW	2550	4400	9	24	1W	9	143.00	143.00	AF
A__ 49875	00	IRR	AY	G	5835	--	--	--	SW	1320	3960	10	24	1W	2	189.80	189.80	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	332.80	.00
Total Permitted Amount (AF) =	1206.60	.00
Total Inspected Amount (AF) =	267.80	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1974.97	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3782.17	.00

An \* after the source of supply indicates a pending application for change for the file number.

An \* after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

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



97.441991 West Longitude and 37.977493 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A\_\_ 1489 00 MUN NK G

> CITY OF NEWTON

>

> PO BOX 426

> NEWTON KS 67114

>-----

A\_\_ 16566 00 IRR NK G

> JOE & DONNA L HARPER TRUST

>

> 8100 S RIDGE RD

> SEDGWICK KS 67135

>-----

A\_\_ 28680 00 IRR NK G

> CALVIN E JOHNSON

>

> 9511 NW 12TH ST

> HALSTEAD KS 67056

>-----

A\_\_ 29392 00 IRR NK G

> MICHAEL P & SUSANNAH M MCGINN REV TRUSTS

>

> 1123 W 4TH ST

> SEDGWICK KS 67135

>-----

A\_\_ 30885 00 IRR NK G

> TIMOTHY & BONNIE WIGGERS

>

> 5017 S ESSEX HEIGHTS RD

> HALSTEAD KS 67056

>-----

A\_\_ 31615 00 IRR NK G

> C G & DEBORAH K MCGINN

>

> 6618 S RIDGE RD

> SEDGWICK KS 67135

>-----

A\_\_ 32856 00 IRR NK G

> MELVIN BECKER

>

> 317 POPLAR

> HALSTEAD KS 67056

>-----

A\_\_ 41418 00 MUN KE G

> PUBLIC WHOLESALE WATER SUPPLY DIST #17

>

> PO BOX 426

> NEWTON KS 67114

-----  
A\_\_ 41419 00 MUN KE G  
> PUBLIC WHOLESALE WATER SUPPLY DIST #17  
>  
> PO BOX 426  
> NEWTON KS 67114  
-----

A\_\_ 41475 00 IRR NK G  
> JOHN D & MARGARET SCHMIDT  
>  
> 613 FERN ST  
> SEDGWICK KS 67135  
-----

A\_\_ 42127 00 MUN KE G  
> PUBLIC WHOLESALE WATER SUPPLY DIST #17  
>  
> PO BOX 426  
> NEWTON KS 67114  
-----

A\_\_ 42128 00 MUN KE G  
> PUBLIC WHOLESALE WATER SUPPLY DIST #17  
>  
> PO BOX 426  
> NEWTON KS 67114  
-----

A\_\_ 42889 00 IRR NK G  
> EDWARD J & TRICIA R WEBER  
>  
> 247 MAIN ST  
> HALSTEAD KS 67056  
-----

A\_\_ 43672 00 IRR NK G  
> EDWARD J & TRICIA R WEBER  
>  
> 247 MAIN ST  
> HALSTEAD KS 67056  
-----

A\_\_ 47110 00 IRR LR G  
> MARGIE K BUSENITZ  
>  
> 5095 S WOODLAWN RD  
> NEWTON KS 67114  
-----

A\_\_ 47876 00 IRR KE G  
> MCGINN LAND CO LLC  
>  
> 1123 W 4TH ST  
> SEDGWICK KS 67135  
-----

A\_\_ 47895 00 IRR KE G  
> DANIEL & BARBARA ANDREW  
>

> 4605 S RIDGE RD  
> SEDGWICK KS 67135

-----  
A\_\_ 47896 00 IRR LO G  
> DANIEL & BARBARA ANDREW

>  
> 4605 S RIDGE RD  
> SEDGWICK KS 67135

-----  
A\_\_ 47982 00 IRR KE G  
> MCGINN LAND CO LLC

>  
> 1123 W 4TH ST  
> SEDGWICK KS 67135

-----  
A\_\_ 49102 00 IRR GY G  
> MICHAEL P & SUSANNAH M MCGINN REV TRUSTS

>  
> 1123 W 4TH ST  
> SEDGWICK KS 67135

-----  
A\_\_ 49131 00 IRR GY G  
> MCGINN LAND CO LLC

>  
> 1123 W 4TH ST  
> SEDGWICK KS 67135

-----  
A\_\_ 49134 00 IRR GY G  
> MCGINN LAND CO LLC

>  
> 1123 W 4TH ST  
> SEDGWICK KS 67135

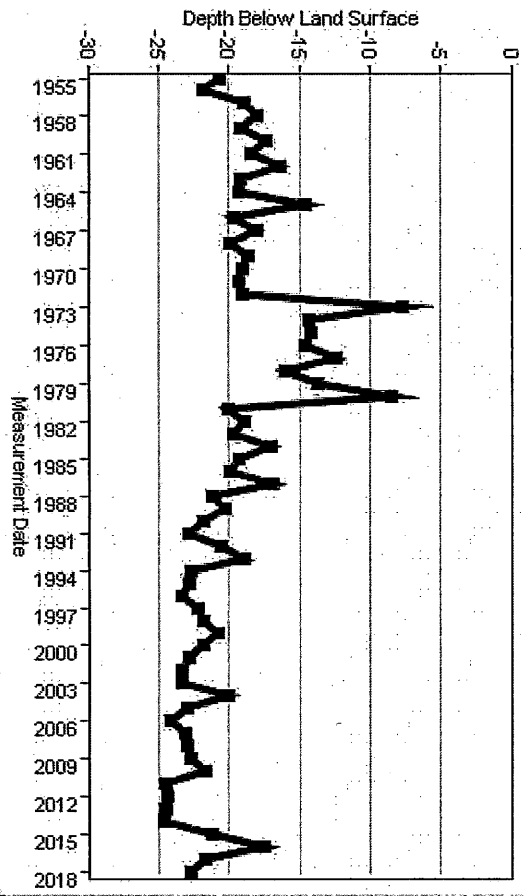
-----  
A\_\_ 49766 00 IRR AY G  
> MCGINN LAND CO LLC

>  
> 1123 W 4TH ST  
> SEDGWICK KS 67135

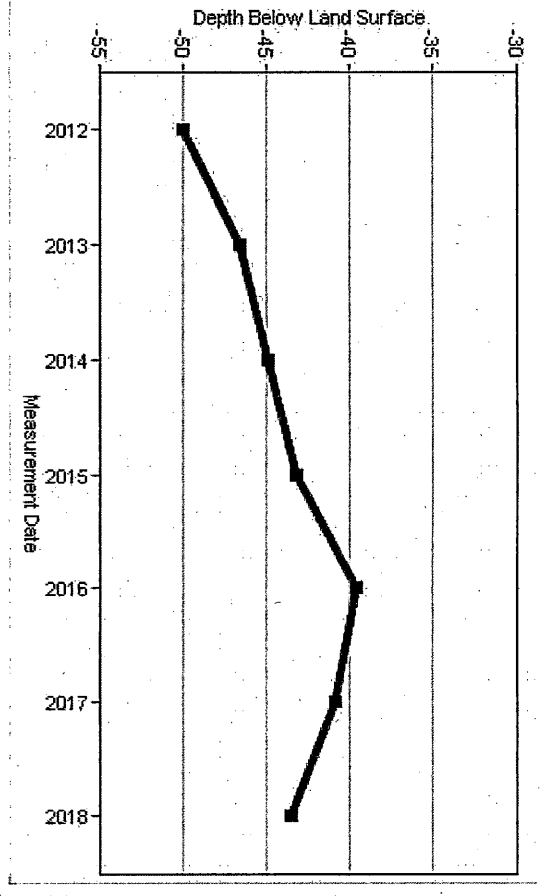
-----  
A\_\_ 49875 00 IRR AY G  
> FRANK J & MARY M HARPER

>  
> 8426 S RIDGE RD  
> SEDGWICK KS 67135

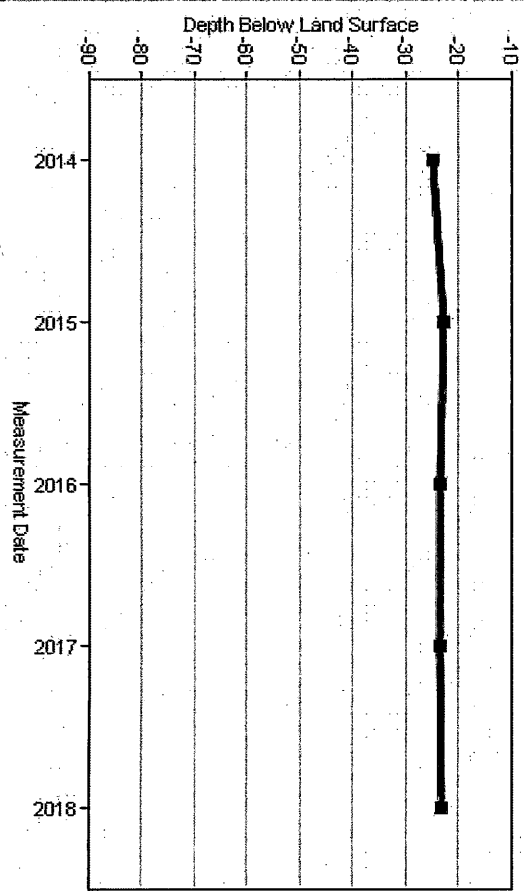
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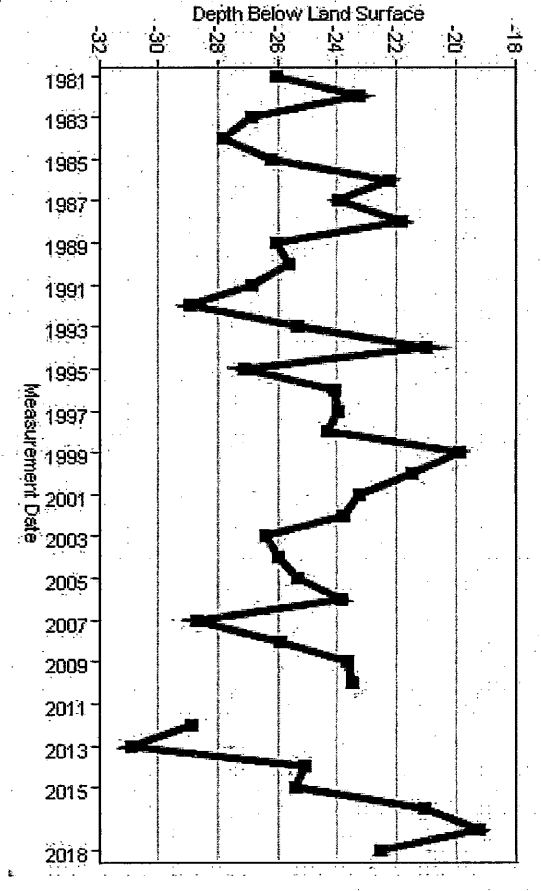
Sec 18 T 24S R 1W (~2 Miles SW)



Sec 9 T24S R1W (Same Section)



Sec 16 T 24S R1W (~1 Mile South)



Sec 5 T24S R1W (~1 Mile NW)

Draft

**KANSAS DEPARTMENT OF AGRICULTURE  
Division of Water Resources**

**MEMORANDUM**

**TO:** Files

**DATE:** May 31, 2018

**FROM:** Matt Meier

**RE:** Application, File No. 49,766

The McGinn Land Co. LLC has filed the referenced application to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of 143 acre-feet, and a diversion rate of 800 gallons per minute. The proposed well is to be located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 2,550 feet North and 4,400 feet West of the Southeast corner of said section, in Township 24 South, Range 1 West, Harvey County, within the Little Arkansas drainage basin. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2. There are no existing water rights overlapping the proposed point of diversion and place of use. The proposed place of use is owned by the McGinn Land Co. LLC. The applicant signed the application form stating that they have legal access to the point of diversion.

The applicant identified 5 domestic wells within one-half mile of the proposed well and 4 non-domestic wells, which WRIS confirmed. Nearby well notification letters were sent out on October 16, 2017. Letters were received from Quintin Taylor (who also called in) & Kevin Schmidt to express concerns and that they were generally against approval of the application. According to the WRIS database, the nearest non-domestic point of diversion (File No. 49,131) is located 2,198 feet away. Based on the site map the nearest domestic well is approximately 1,100 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-22-2(a) for wells located within Equus Beds Groundwater Management District No. 2, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

A test hole log submitted with the application shows top soil from 0 to 5 feet, sticky clay from 5 to 35 feet, very fine to medium sand from 35 to 60 feet, very fine to medium sand with clay from 60 to 90 feet, fine sand from 90 to 154 feet, and shale from 154 to 155 feet below ground. Static water level was listed at 49 feet which provides a saturated thickness of 105 feet.

The requested quantity of water, 143 acre-feet, is to irrigate the proposed 113 acres identified in the application. This is 1.27 acre-feet per acre which is less than the maximum allowable of 1.3 acre-feet per acre for Harvey County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

A copy of the application was submitted to Equus Beds Groundwater Management District No. 2 on November 15, 2017. GMD #2 recommended approval of the application in a letter received on May 29, 2018. In the letter they said the modified application complies with all GMD #2s rules and Regulations, K.A.R. 5-22-1 through 5-22-17, and recommended approval of the application.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

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

Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Matthew J. Meier  
Environmental Scientist  
Water Appropriations Unit

5/31/16

Concur w/ Recommendation w/ concurrent reduction of  
incomplete overlaps on 49131.

JL W.C.

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



DIRECTORS:  
DAVID BOGNER  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

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

May 25, 2018

McGinn Land Co. LLC.  
1123 W. 4<sup>th</sup> St.  
Sedgwick, KS 67135

Re: Appropriation Application File No. 49766

Dear Sir or Madam:

The Equus Beds Groundwater Management District No. 2 made a recommendation to the Division of Water Resources that new application No. 49766 be approved. Pursuant to K.A.R. 5-22-4a, the well described in the application must be equipped with a District approved water flowmeter. The well is located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter of Section 9, Township 24 South, Range 1 West, Harvey County.

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

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

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

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/STF

Enclosures

Pc: Klaassen Family Farms LLC, Landowner  
Jeff Lanterman, Division of Water Resources, Stafford

RECEIVED

MAY 29 2018

Stafford Field Office  
Division of Water Resources

H:\MSOFFICE\LETTERS\METER\NewApplication\#49766\_McGinn.docx



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



DIRECTORS:  
DAVID BOGNER  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

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

February 23, 2018

Matt Meier  
Kansas Department of Agriculture  
Division of Water Resources  
300 S Main Street  
Stafford, Kansas 67576

RE: Water Permit File No. 49131 & Appropriation Application No. 49766

Dear Mr. Meier:

On behalf of Mr. Michael P. McGinn, McGinn Land Co. LLC, the Equus Beds Groundwater Management District No. 2 is forwarding the enclosed items regarding the referenced file numbers:

1. Voluntary Request to Reduce a Portion of an Existing Water Right form for Water Permit No. 49131, requesting that place of use is reduced to remove the overlap with the place of use proposed by Application No. 49766.
2. A revised Irrigation Use Supplemental Sheet and a revised Application Map for pending Appropriation Application No. 49766.

The enclosed items should remove the partial place of use overlap between the files and allow the processing of Appropriation Application No. 49766 to continue. Please review and advise if the enclosed is acceptable and the District will then complete the review and submit the District's recommendation for Application No. 49766.

Should you have any questions regarding the enclosed or need additional information, please contact me.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager

TDB/db

Enclosures

PC: Michael P. McGinn

RECEIVED

FEB 26 2018

H:\MSOFFICE\LETTERS\APP\#49131\_49766\_McGinn\_PU\_overlap\_correction.docx

Stafford Field Office  
Division of Water Resources





  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

November 15, 2017

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

Re: Pending Application, File No. 49,766

Dear Mr. Boese:

We are enclosing a copy of the application referred to above which appears to be in proper form. Nearby well owner notification letters were sent out on October 16, 2017. A phone call was received from Quentin Tayler, who was against the application's approval, and a letter was received from Kevin Schmidt who was concerned about the overall level of irrigation development in the area.

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

If you have any questions, please contact me at (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriation Program

Enclosure

pc:

**SCANNED**

*NO AGRICULTURE NO PROGRESS*  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

November 17, 2017

Quintin Taylor  
1505 W. 7<sup>th</sup> Street  
Newton, KS 67114

Re: Pending Application, File No. 49,766

Dear Mr. Taylor:

This will acknowledge receipt of your letter, received in this office on October 20, 2017 in which you expressed concerns regarding the proposed appropriation of groundwater by McGinn Land Co. under the above referenced application and requested that it be denied. A copy of the letter has been added to the file. In the letter, you mentioned that you were concerned about the overall irrigation development in the area, 10 irrigation wells, as well as several county wells. Because of this development you requested that the application be denied.

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 next step in processing will be to forward the application on to Equus Bends Groundwater Management District No. 2 for their review of the application. This review will determine if the application is recommended for denial or approval.

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. 5-22-2) require that new non-domestic wells must meet specific spacing guidelines in order to minimize the potential that existing water wells of any kind would be impaired. The specific regulation in this case requires a minimum well spacing of 660 feet from any existing domestic well. Based on the location of your existing domestic well, it appears to be approximately 2,600 feet from the proposed well, and the application complies with minimum well spacing criterion.

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 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 67578-1342  
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 620-234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

  
Matt Meier  
New Application Unit  
Water Appropriation Program

pc:

**SCANNED**

  
Kansas  
Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov

Sam Brownback, Governor

November 14, 2017

**SCANNED**

Kevin & Lisa Schmidt  
5126 S. Emma Creek Rd.  
Sedgwick, KS 67135

Re: Pending Application, File No. 49,766

Dear Mr. & Mrs. Schmidt:

This will acknowledge receipt of your letter, received in this office on October 27, 2017 in which you expressed concerns regarding the proposed appropriation of groundwater by McGinn Land Co. under the above referenced application. A copy of the letter has been added to the file. In the letter, you mentioned that you were concerned about the fact that there are multiple other irrigation systems in the area and possible impact on your household well. You also listed not knowing the water level in the area. Based on a monitoring well located in Section 8, Section West of your domestic well, water levels have been varying between 44 feet and 50 feet since 1987.

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 next step in processing will be to forward the application on to Equus Bends Groundwater Management District No. 2 for their review of the application. This review will determine if the application is recommended for denial or approval.

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. 5-22-2) require that new non-domestic wells must meet specific spacing guidelines in order to minimize the potential that existing water wells of any kind would be impaired. The specific regulation in this case requires a minimum well spacing of 660 feet from any existing domestic well. Based on the location of your existing domestic well, it appears to be approximately 1,400 feet from the proposed well, and the application complies with minimum well spacing criterion.

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 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 67578-1342  
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 620-234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Matt Meier  
New Application Unit  
Water Appropriation Program

pc:

To MATTHEW MEIER

I received your letter regarding the permit for McGinn Land Co. I would like to express my concern for this considering that there are already several other irrigation systems already in the area and that my well is the only source of water for my household. I do not know what the water level is in this area and I do not know what would happen if my well goes dry. I would like to know what my options are.

THANK YOU

Kevin Schmidt

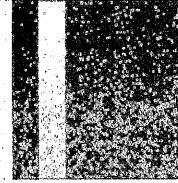
RECEIVED

OCT 27 2017

Stafford Field Office  
Division of Water Resources

SCANNED

Quintin Shawn Taylor  
1505 West 7<sup>th</sup> Street  
Newton, Kansas 67114  
316 288 5621  
taylorqst66@gmail.com



10/20/2017

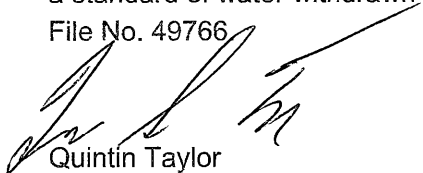
Kansas Department of Agriculture, Matt Meier  
Environmental Scientist  
300 South Main Street  
Stafford, Kansas 67578-1521

Dear Kansas Department of Agriculture, Matt Meier

We are responding to the letter written October 16, 2017 regarding the Pending Application, File No. 49,766 by McGinn Land Co. LLC. We are formally requesting that this application be denied on the basis of the current number of wells which include 3 deep water wells in which Harvey County draws water on 24 hours a day, 7 days a week, 365 days a year. Within just **the 1-1/2-mile map**, that was on the reverse side of this letter, in this area alone are already **10 irrigation wells**, two of which are deep county wells.

At the property at 6707 SW 48<sup>th</sup> Street a new well was drilled in the late 1980's due to the lowering of the water table in this area. An 80 foot well was drilled with water being established as drinkable at 38 feet. Since then, testing has shown that water table is now at 60 feet 8 years ago when the pump needed replaced. We were opposed to the deep County wells due to this fact when they were drilled at the time, to no avail.

What is the Gallonage demand in this 1-1/2-mile radius currently? What assurance's do I as property owner that the gallons withdrawn are within regulated limits? Is the County held to a standard of water withdrawn that they sell for profit? Again, we are requesting the denial of File No. 49766

  
Quintin Taylor

cc. Adrian and Pankratz



SCANNED

  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor

October 16, 2017

Weber Land LLC  
247 Main Street  
Halstead, KS 67056

Re: Pending Application, File No. 49,766

Dear Sir or Madam:

This is to advise you that the McGinn Land Co. LLC has filed the application referred to above for a permit to appropriate 143 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute. The proposed point of diversion for 49,766 is one (1) well, which is located as follows:

Northeast Quarter of the Northwest Quarter of the Southwest Quarter of Section 9, Township 24 South, Range 1 West, Harvey 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 (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

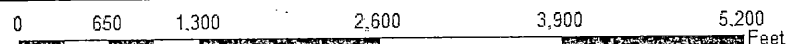
**SCANNED**

# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor



**Legend**

- Section Corners
- Section Lines

MJM-DWR 10/16/17

Proposed Water Appropriation, File No. 49,766  
9-24S-1W  
Harvey County



RECEIVED



Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor

October 16, 2017

Quintin Taylor  
C/o Shawn Taylor  
1505 W. 7<sup>th</sup> Street  
Newton, KS 67114

Re: Pending Application, File No. 49,766

Dear Sir or Madam:

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Sincerely,

A handwritten signature in cursive script that reads "Matthew J. Meier".

Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

SCANNED



# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor



**Legend**

- + Section Corners
- ▭ Section Lines

MJM-DWR 10/16/17

0 650 1,300 2,600 3,900 5,200 Feet

Proposed Water Appropriation, File No. 49,766  
9-24S-1W  
Harvey County



24S01W09

  
Kansas  
Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanternman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor

October 16, 2017

Andrew & Christina Mayfield  
6830 SW 60<sup>th</sup> Street  
Sedgwick, KS 67135

Re: Pending Application, File No. 49,766

Dear Sir or Madam:

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Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

SCANNED

# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

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www.agriculture.ks.gov  
Sam Brownback, Governor



**Legend**

- Section Corners
- Section Lines

MJM-DWR 10/16/17

Proposed Water Appropriation, File No: 49,766  
9-24S-1W  
Harvey County



924402

  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

October 16, 2017

Ram Trust  
6827 SW 60<sup>th</sup> St  
Sedgwick, KS 67135

Re: Pending Application, File No. 49,766

Dear Sir or Madam:

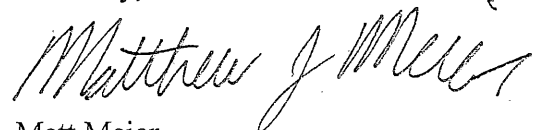
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Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

**SCANNED**

# Kansas

Department of Agriculture  
Division of Water Resources

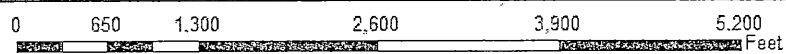
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Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor



1:12,000

2015 aerial



Legend	
+	Section Corners
—	Section Lines

MJM-DWR 10/16/17

Proposed Water Appropriation, File No. 49,766  
9-24S-1W  
Harvey County



*Handwritten scribble*



Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
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Sam Brownback, Governor

October 16, 2017

Kevin & Lisa Schmidt  
5126 S. Emma Creek Road  
Sedgwick, KS 67135

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Sincerely,

A handwritten signature in cursive script that reads "Matt Meier".

Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

SCANNED

# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

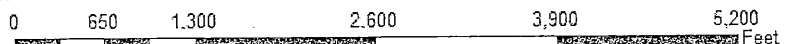
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Sam Brownback, Governor



1:12,000

2015 aerial

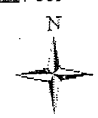


**Legend**

- Section Corners
- Section Lines

MJM-DWR 10/16/17

Proposed Water Appropriation, File No. 49,766  
9-24S-1W  
Harvey County



49766



Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor

October 16, 2017

Sidney Karlowski  
5509 S. Emma Creek Road  
Sedgwick, KS 67135

Re: Pending Application, File No. 49,766

Dear Sir or Madam:

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Sincerely,

A handwritten signature in cursive script that reads "Matt Meier".

Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

SCANNED



# Kansas

Department of Agriculture  
Division of Water Resources

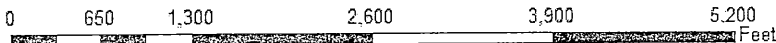
Stafford Field Office  
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Phone: (620) 234-5311  
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www.agriculture.ks.gov  
Sam Brownback, Governor



**Legend**

- Section Corners
- Section Lines



Proposed Water Appropriation, File No. 49,766  
9-24S-1W  
Harvey County



MJM,DWR 10/16/17

## Turney, Brent

---

**From:** Tim Boese <tboese@gmd2.org>  
**Sent:** Monday, March 20, 2017 3:20 PM  
**To:** Turney, Brent  
**Cc:** 'McGinn, Mike'  
**Subject:** Application No. 49766 - McGinn Land Co. LLC  
**Attachments:** 49766\_test\_log.pdf

Brent - Attached please find the test well log for application No. 49766, which the District is forwarding to you on behalf of Mike McGinn, McGinn Land Co. LLC.

If you need any additional information, please contact me or Mr. McGinn.

Thanks.

Tim Boese, Manager  
Equus Beds GMD2  
313 Spruce, Halstead, Kansas 67056  
316-835-2224  
Fax: 316-835-2225  
[tboese@gmd2.org](mailto:tboese@gmd2.org)  
[www.gmd2.org](http://www.gmd2.org)

WATER RESOURCES  
RECEIVED

MAR 20 2017

KS DEPT OF AGRICULTURE

see updated

### IRRIGATION USE SUPPLEMENTAL SHEET

File No. \_\_\_\_\_

Name of Applicant (Please Print): McGinn Land Co. LLC

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: McGinn Land Co. LLC  
ADDRESS: 1123 W. 4<sup>th</sup> Street, Sedgwick, KS 67135

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
09	24S	1W										6	7							13

*Handwritten signature/initials*

**Landowner of Record** NAME: Klaassen Family Farms LLC, ATTN: John Groh  
ADDRESS: 2509 W. Chickadee Trail, Rockford, IL 61107

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
09	24	1W					18	29	19	31										97

*Handwritten mark: 110*

**Landowner of Record** NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

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

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

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

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
<u>Crete Silt Loam</u>	<u>37</u>	<u>0.06-0.20</u>	<u>3</u>
<u>Hobbs Silt Loam</u>	<u>3</u>	<u>0.60-2.00</u>	<u>5</u>
<u>Geary Silt Loam, 1-3%</u>	<u>58</u>	<u>0.20-0.60</u>	<u>5</u>
<u>Geary Silt Loam, 3-7%</u>	<u>2</u>	<u>0.20-0.60</u>	<u>5</u>
<u>Total:</u>	<u>100 %</u>		

b. Estimate the average land slope in the field(s): 1 %  
 Estimate the maximum land slope in the field(s): 3 %

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: Will schedule and apply irrigation to eliminate run-off

ii. For sprinkler systems:

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

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: Corn, Wheat, Milo, 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). Will contract with crop consultant.

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

WATER RESOURCES RECEIVED

JAN 23 2017

SCANNED



497600

1-19-17

(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

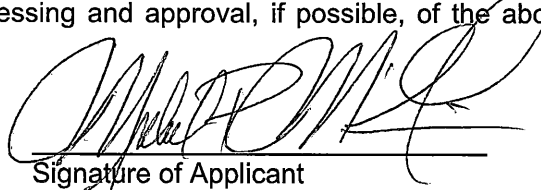
Dear Sir:

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.

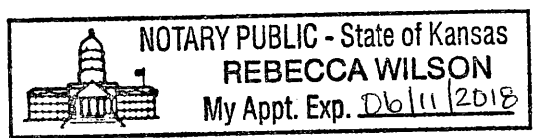


Signature of Applicant

MICHAEL P. MCGINN  
(Print Applicant's Name)

State of Kansas )  
County of HARVEY ) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 19th day of JANUARY, 2017.



Rebecca Wilson  
Notary Public

My Commission Expires: 06/11/2018

WATER RESOURCES  
RECEIVED

JAN 23 2017

KS DEPT OF AGRICULTURE

SCANNED



447660

Wells Within ½ Mile

1. Irrigation Well – Water Right No. 43672  
Weber Land LLC  
247 Main Street  
Halstead, KS 67056
2. Domestic Well  
Quintin Taylor  
C/o Shawn Taylor  
1505 W. 7<sup>th</sup> Street  
Newton, KS 67114
3. Irrigation Well – Water Permit No. 47899  
McGinn Land Co. LLC  
1123 W. 4<sup>th</sup> Street  
Sedgwick, KS 67135
4. Domestic Well  
Andrew & Christina Mayfield  
6830 SW 60<sup>th</sup> Street  
Sedgwick, KS 67135
5. Domestic Well  
RAM Trust  
6827 SW 60<sup>th</sup> Street  
Sedgwick, KS 67135
6. Irrigation Well – Water Permit No. 47982  
McGinn Land Co. LLC  
1123 W. 4<sup>th</sup> Street  
Sedgwick, KS 67135
7. Irrigation Well – Water Right No. 42889  
Weber Land LLC  
247 Main Street  
Halstead, KS 67056
8. Domestic Well  
Kevin & Lisa Schmidt  
5126 S. Emma Creek Road  
Sedgwick, KS 67135
9. Domestic Well  
Sidney Karlowski  
5509 S. Emma Creek Road  
Sedgwick, KS 67135

WATER RESOURCES  
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JAN 23 2017

KS DEPT OF AGRICULTURE

SCANNED



49766

### FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
<del>101-320</del>	<del>\$300.00</del>
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

~~MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE~~

### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

### CONVERSION FACTORS

- 1 acre-foot equals 325,851 gallons
- 1 million gallons equal 3.07 acre-feet

WATER RESOURCES  
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JAN 23 2017

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SCANNED



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 23, 2017

FILE COPY

MCGINN LAND CO. LLC  
1123 W 4TH STREET  
SEDGWICK KS 67135

RE: Application  
File No. 49766

Dear Sir or Madam:

Your application for permit to appropriate water in 09-24S-01W in Harvey 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,

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

BAT: dlw  
pc: STAFFORD Field Office  
GMD 2

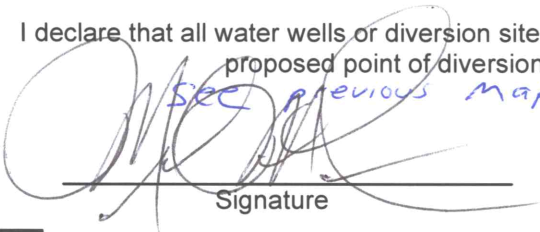
SCANNED

# Revised Application Map No 49766



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.

*See previous map for wells within 1/2 mile*

  
 \_\_\_\_\_  
 Signature

*2-22-18*  
 \_\_\_\_\_  
 Date

**New Application**

**Application No. To Change:**

- Point of Diversion
- Place of Use
- Use Made of Water

- Proposed Point of Diversion 49766
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

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See attached list for well owners within 1/2 mile.

FEB 26 2018

Stafford Field Office  
 Division of Water Resources

Completed By GMD2 Staff  
 S. Flaherty - 2/20/2018



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



DIRECTORS:  
DAVID BOGNER  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

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

May 25, 2018

Chief Engineer, Division of Water Resources  
Attn: Matt Meier  
300 S. Main Street  
Stafford, KS 67578

Re: Appropriation Application File No. 49766 – McGinn Land Co. LLC

Dear Mr. Meier:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced modified application on May 25, 2018, using the District's Revised Management Program (effective May 1, 1995), and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The modified application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Therefore, the modified application is recommended for approval by the Equus Beds Groundwater Management District No. 2.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/STF  
Enclosures



pc: McGinn Land Co. LLC, Applicant and Landowner  
Klaassen Family Farms LLC, Landowner  
Kevin Schmidt, nearby well owner  
Quintin Taylor, nearby well owner

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MAY 29 2018

Stafford Field Office  
Division of Water Resources

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

MAY 29 2018

Stafford Field Office  
Division of Water Resources

1) Application No. 49766 Date filed: 1/23/17  
2) Applicant: McGinn Land Co. County: Harvey  
3) Proposed maximum quantity: 143 acre-feet/year Rate: 800 GPM  
4) Proposed Use: Irrigation  
5) P/D location: NE NW SW 9-24S-1W Geo Center: North 2550 ft, West 4400 ft  
6) Number and type of points of diversion listed on the application 1 Well

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

8) Meets Safe Yield K.A.R. 5-22-7?  Yes  No  N/A  
(a) Total allowable appropriations: 3964.50 af/yr  
(b) Total existing appropriations: 3559.4 af/yr  
(c) Total small user exemptions: 0.00 af/yr  
(d) Total non-consumptive use: 0.00 af/yr  
(e) Total consumptive use: 3559.40 af/yr  
(Total existing appropriations) - (Total non-consumptive use)  
(f) exempt from regulation?  Yes  No,  
Cite exemption: \_\_\_\_\_

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

10) Meets Max Reasonable Quantity K.A.R. 5-22-14?  Yes  No  N/A  
(a) Irrigation max quantity: 1.26 acre-feet / acre  
application paragraph 3 value (acre-feet) / proposed acres = Q  
(b) Stockwater max quantity: \_\_\_\_\_ GPD \_\_\_\_\_ unit  
(c) Industry max quantity: \_\_\_\_\_ Acre  
Industry standard: \_\_\_\_\_  
(d) Municipal max quantity: \_\_\_\_\_ GCD  
Lesser of either 200 GCD or  
 $1.10 * (X - Y) * 365 d * (z + t)$   
X - Average of last three years usage in Gallons per Capita per Day (GCD)  
Y - water usage for industries that use over 200,000 gal/yr (GCD)  
Z - Projected population in 20 years  
T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)  
(e) Pond max quantity is  
(Net evap + seepage)/12 x pond area + any initial fill  
(f) Groundwater pit max Q:  
Net evap \* pit area/12

11) Reasonable rate for intended use?  Yes  No  N/A  
12) Depth to water: 34 ft bls at observation well: SC47899

13) Date reviewed: 5/16/18  
14) Reviewed by: S. Flaherty Title: Hydrogeologist  
15) District recommendation:  Approve  Deny  Other, see comment  
*Revised 5-25-18  
TBase*

16) Comments and Calculations:

Review modified new application for irrigation use submitted by McGinn Land Co LLC in Harvey County  
There was a partial place of use overlap with No. 49131. The proposed place of use and the place of use for No. 49131 were modified so that there is no overlapping place of use.  
No Overlapping Point of Diversion  
Surrounding Well Owner Notifications sent  
Two nearby well owners are in opposition. DWR responded to the individuals  
No Rate/Quantity Limitations  
No Special Use Areas or IGUCAs  
No monitoring well or plan required as there is adequate monitoring occurring at nearby permits.  
Recommend approval, complies with K.A.R. 5-22-1 through 5-22-17

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MAY 29 2018

# Equus Beds Groundwater Management District No. 2

## SAFETYIELD EVALUATION NO 49766

LOCATION: NENWSW (2550'N & 4400'W) 09-24S-01W, **Harvey County**

SPECIAL USE AREA: None

Harvey County Field Office  
Division of Water Resources

Prepared By: STEVE FLAHERTY Date: 5/16/2018



USDA-FSA-APFO Aerial Photography Field Office

0 2,640 5,280 Feet

### Map Legend

- Monitoring Well
- ◻ Bedrock
- ▭ GMD2 Boundary
- ◻ Legal Sections
- Proposed Point of Diversion
- ▲ Authorized Location
- Burrton IGUCA
- Hollow Nikkel SWQUA
- McPherson IGUCA
- Enhanced Well Spacing Area
- Application Suspension Area


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

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MAY 29 2018

Stafford Field Office  
Division of Water Resources

**SAFETYIELD EVALUATION NO 49766**

**LOCATION: NENWSW (2550'N & 4400'W) 09-24S-01W, Harvey County**

**SPECIAL USE AREA: None**

**EVALUATION DATE:- 5/16/2018**

Total Areas: 7,929 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 7,929 acres

FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00148900	1876	24S	01W	6	48180156	MUN	346.6
A00148900	1877	24S	01W	6	36480156	MUN	353.4
A00148900	1880	23S	01W	32	6005130	MUN	300
A01656600	1504	24S	01W	5	50500990	IRR	49
A02868000	1294	24S	01W	7	39601280	IRR	113
A02868000	1295	24S	01W	7	13201280	IRR	126
A02939200	1121	24S	01W	21	46004900	IRR	90
A03088500	113	24S	01W	6	6643659	IRR	30
A03161500	44	24S	01W	15	39304960	IRR	29
A03161500	43	24S	01W	15	39305160	IRR	31
A03285600	279	24S	01W	8	39603800	IRR	112
A04141800	2201	24S	01W	9	25900090	MUN	572.5
A04141900	2202	24S	01W	16	39301510	MUN	0
A04147500	2169	24S	01W	10	50315165	IRR	182
A04212700	2289	24S	01W	9	35201260	MUN	0
A04212800	2290	24S	01W	16	27000650	MUN	0
A04288900	2478	24S	01W	8	13120005	IRR	91
A04367200	2667	24S	01W	8	39900068	IRR	89
A04711000	3519	24S	01W	3	21005230	IRR	200.2
A04787600	3826	24S	01W	17	39601300	IRR	84.5
A04789500	3813	24S	01W	3	43555210	IRR	78
A04789600	3987	24S	01W	4	9001150	IRR	67.6
A04789600	3988	24S	01W	4	8500950	IRR	0
A04789600	3989	24S	01W	4	8101250	IRR	0
A04789600	3990	24S	01W	4	10401250	IRR	0
A04798200	3855	24S	01W	9	504750	IRR	45.5
A04910200	4222	24S	01W	21	52303200	IRR	50.4
A04913100	4230	24S	01W	9	12202650	IRR	201.5
A04913400	4229	24S	01W	16	52671105	IRR	174.2
A04976600P	4955	24S	01W	9	25504400	IRR	143
A04987500P	5197	24S	01W	10	SW	IRR	0

<b>Allowable Appropriations</b>	<b>3,964.50</b>	<b>Total Existing Appropriation</b>	<b>3,559.40</b>
<b>Small User Quantity</b>	<b>0</b>	<b>Non Consumptive Appropriations</b>	<b>0</b>
<b>Remaining SUQ</b>	<b>45</b>	<b>Consumptive Appropriations</b>	<b>3,559.40</b>
<b>Note- Values are in acre-feet</b>		<b>Available Appropriations</b>	<b>405.10</b>

# Equus Beds Groundwater Management District No. 2

SPACING EVALUATION NO 49766

LOCATION: NENWSW (2550'N & 4400'W) 09-24S-01W, Harvey County

SPECIAL USE AREA: None

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MAY 29 2018

Stafford Field Office  
Division of Water Resources

Prepared By: STEVE FLAHERTY Date: 5/16/2018









USDA-FSA-APFO Aerial Photography Field Office

R1W

0 660 1,320 Feet

## Map Legend

- |   |                               |                       |                             |   |
|---|-------------------------------|-----------------------|-----------------------------|---|
| ● Monitoring Well   | ● Proposed Point of Diversion | ▲ Authorized Location | Burton IGUCA                |  |
| □ Bedrock   |                               |                       | Hollow Nikkel SWQUA         |  |
|  GMD2 Boundary |                               |                       | McPherson IGUCA             |  |
| □ Legal Sections  |                               |                       | Enhanced Well Spacing Area  |  |
|   |                               |                       | Application Suspension Area |  |

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



VOSP, see updated

49766

# New Application Place of Use Map



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

*[Signature]*  
 \_\_\_\_\_  
 Signature

1-19-17  
 \_\_\_\_\_  
 Date

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KS DEPT OF AGRICULTURE

- New Application
- Application No. To Change:
  - Point of Diversion
  - Place of Use
  - Use Made of Water

- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

SCANNED

See attached list for surrounding well owners