

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

1. File Number: <p style="text-align: center;"><b>50,113</b></p>	2. Status Change Date: <p style="text-align: center;"><b>11/29/2018</b></p>	3. Field Office: <p style="text-align: center;"><b>01</b></p>	4. GMD: <p style="text-align: center;"><b>0</b></p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/>  <b>MIKE GAUMNITZ</b> <b>16904 W 83RD ST</b> <b>LENEXA KS 66219</b>  7b. Landowner(s) New to system <input type="checkbox"/>  <b>7a.</b>	Person ID <b>66280</b> Add Seq# _____  7c. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____  7d. Misc. New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____		
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>7a.</b>	Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/>  9. Use of Water:    Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input type="checkbox"/> IRR <input checked="" type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____		
10. Completion Date: <u>12/31/2019</u>		11. Perfection Date: <u>12/31/2023</u>	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: <b>10/24/2018</b> By: <b>DWS</b> Date Entered: <b>12/3/2018</b> By: <b>UM</b>			

File No. <b>50,113</b>	15. Formation Code:	Drainage Basin: KANSAS RIVER	County: JO	Special Use:	Stream: KILL CREEK TRIB 3 (KANSAS)																
16. Points of Diversion			17. Rate and Quantity																		
T MOD DEL ENT			Authorized Rate gpm			Additional Rate gpm			Quantity af			Overlap PD Files									
PDIV Qualifier S T R ID 'N 'W			Rate gpm			Rate gpm			Quantity af			Overlap PD Files									
✓ 87032 NE SE NE 3 14 22E 1 3550 250			40			40			8			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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						To be installed by <b>12/31/2019</b>						Date Acceptable Meter Installed _____									
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T MOD DEL ENT		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				
PUSE S T R ID		POND (S2 NE)																	7a.	No	NONE
MOD 69077 3 14 22E 1																					
Comments:																					

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

**TO:** Files

**DATE:** October 24, 2018

**FROM:** Doug Schemm

**RE:** Application, File No. 50,113

Michael Gaumnitz has filed the above-referenced application to appropriate 8 acre-feet of surface water by direct diversion from Kill Creek Trib 3 in the Kansas Drainage Basin, for recreational use, at a rate of diversion of 40 gallons per minute. The application is designed to maintain water level in an existing reservoir located in the South Half of the Northeast Quarter of Section 3, Township 14 South, Range 22 East, Johnson County, Kansas. There are no overlapping files in point of diversion or place of use. The point of diversion and place of use are located on property owned by the applicant. The applicant has signed the form indicating he has legal access to the point of diversion.

By definition in K.A.R. 5-1-1 (pp), indirect use includes the total of seepage loss and annual net evaporation. The applicant has estimated the reservoir is losing 1/2" per day from a leak that was recently discovered. The pond has a surface area of one acre. Therefore, based on 1/2" per day, this would be equivalent to 182.5 inches per year, or approximately 15.2 acre-feet. The requested quantity of 8 acre-feet appears reasonable to off-set at least one-half of the potential seepage from this reservoir. Some of the loss is evaporative loss, which will be much less in the winter months. The rate of 40 gallons per minute would provide 0.177 acre-feet per day, which is more than enough to offset a loss of 0.042 acre-feet per day.

Notification letters were sent to upstream and downstream landowners on September 25, 2018. Telephone calls were received from downstream landowner Susan Curry and upstream landowner Kathy Stanley. Ms. Curry asked general questions about the application but provided no specific concerns. Ms. Stanley followed up with a letter expressing concerns regarding streamflow and reservoir management. Ms. Stanley is located upstream of the pump site and is not currently using the stream for domestic use. A response letter was sent to her on October 18, 2018.

The WRIS database indicates that there are multiple other permitted surface water points of diversion within the two-mile radius circle, with many being reservoir storage. The nearest downstream water right is over 9,400 feet away and is located directly on Kill Creek. The applicant has indicated he would limit pumping to high flow events in the spring and fall, however, with the low rate of diversion and quantity of water, water would likely be available much of the year. The proposed appropriation of water would not impair any senior water rights. In addition, it appears that much of the water will be returned to the tributary stream through the seepage process, making this a largely non-consumptive use of water.

Per K.A.R 5-3-15, since the source of supply is ultimately a tributary to the Kansas River the application is not subject to specific conditions applicable to many other streams, which stipulate strict requirements for direct surface water diversion. The permit will be conditioned such that streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. 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.

In an October 22, 2018 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

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

MICHAEL GAUMNITZ  
16904 W 83RD ST  
LENEXA KS 66219

December 6, 2018

**FILE COPY**

RE: Appropriation of Water, File No. 50,113

Dear Mr. Gaumnitz:

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 this permit.

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

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 a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT:dws  
Enclosures

pc: Topeka Field Office

THE STATE OF KANSAS



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. **50,113** of the applicant

**MICHAEL GAUMNITZ  
16904 W 83RD ST  
LENEXA KS 66219**

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 **August 27, 2018**.
2. That the water sought to be appropriated shall be used for recreational use in a reservoir located in the South Half of the Northeast Quarter (S $\frac{1}{2}$  NE $\frac{1}{4}$ ) of Section 3, in Township 14 South, Range 22 East, Johnson County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from an unnamed tributary to Kill Creek, designated in the office of the Chief Engineer as Kill Creek Trib 3 (Kansas), to be diverted by means of one (1) pump site located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 3, more particularly described as being near a point 3,550 feet North and 250 feet West of the Southeast corner of said section, in Township 14 South, Range 22 East, Johnson 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 **40 gallons per minute (0.09 c.f.s.)** and to a quantity not to exceed **8 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, which is currently \$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, which is currently \$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, which is currently \$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 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 ending 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 stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

#### **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 29th day of November, 2018, 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 29th day of November, 2018, 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 6th day of December, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,113, dated Nov. 29th, 2018 was mailed postage prepaid, first class, US mail to the following:

MICHAEL GAUMNITZ  
16904 W 83RD ST  
LENEXA KS 66219

With photocopies to:  
Topeka Field Office

Danielle Wilson  
Division of Water Resources

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50113 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50113 00 REC

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

3550 Feet North and 250 Feet West of the Southeast Corner of Section 3 T 14S R 22E

SURFACE WATER ONLY

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File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 33516 00 MUN NK S      5538 -- NC NW NE 4700 1900 11 14 22E 2      600.93 600.93 AF
A__ 39173 00 IRR NK S      5538 -- NC NW NE 4700 1900 11 14 22E 2      75.00 75.00 AF
A__ 43242 00 IRR NK S      9276 -- -- NC SE 1210 1325 26 13 22E 1      24.00 24.00 AF
Same          8813 -- NE SW SE 900 1740 26 13 22E 2
Same          8442 -- NW SW SE 840 2535 26 13 22E 3
A__ 43242 00 REC NK S      9276 -- -- NC SE 1210 1325 26 13 22E 1      14.00 14.00 AF
***** Authorized storage = 85.00 AF Additional storage = 85.00 AF
Same          8813 -- NE SW SE 900 1740 26 13 22E 2
***** Authorized storage = 85.00 AF Additional storage = 85.00 AF
Same          8442 -- NW SW SE 840 2535 26 13 22E 3
***** Authorized storage = 85.00 AF Additional storage = 85.00 AF
A__ 45232 00 IRR NK S      9413 -- SW NW NE 4401 2129 33 13 22E 1      36.00 36.00 AF
A__ 46129 00 REC NK S      8460 -- NE NE SE 2150 150 9 14 22E 3      .00 .00 AF
A__ 47824 00 IRR KK S      8873 -- SE SE SW 500 3160 10 14 22E 4      100.00 12.00 AF
A__ 48867 00 IRR LO S      9276 -- -- NC SE 1210 1325 26 13 22E 1      85.50 61.50 AF
Same          8813 -- NE SW SE 900 1740 26 13 22E 2
***** Authorized storage = .00 AF Additional storage = .00 AF
Same          8442 -- NW SW SE 840 2535 26 13 22E 3
***** Authorized storage = .00 AF Additional storage = .00 AF
A__ 50113 00 REC AY S      0 -- NE SE NE 3550 250 3 14 22E 1      8.00 8.00 AF
VJO 5 00 IND AA S      5538 -- NC NW NE 4700 1900 11 14 22E 2      307.00 307.00 AF
VJO 5 00 MUN AA S      5538 -- NC NW NE 4700 1900 11 14 22E 2      307.00 .00 AF
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Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      8.00      .00
Total Permitted Amount (AF) =     12.00      .00
Total Inspected Amount (AF) =     61.50     142.08
Total Pro_Cert Amount (AF) =      .00      .00
Total Certified Amount (AF) =     749.93     462.38
Total Vested Amount (AF) =     307.00      .00
TOTAL AMOUNT (AF) =     1138.43     604.46

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An \* after the source of supply indicates a pending application for change under the file number.  
 An \* after the ID indicates a 15 AF exemption was granted under the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

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

3550 Feet North and 250 Feet West of the Southeast Corner of Section 3 T 14S R 22E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

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=====
File Number   Use ST SR
A__ 33516 00 MUN NK S
> CITY OF GARDNER

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DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619

STATE OF KANSAS



PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

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

October 18, 2018

SHRIVER PROPERTIES LLC  
% KATHY STANLEY  
30910 W 151<sup>ST</sup> ST  
GARDNER KS 66030

Re: Pending Application, File No. 50,113 – Michael Gaumnitz

Dear Ms. Stanley:

This will acknowledge receipt of your letter in our office on October 5, 2018 in which you expressed concerns related to streamflow and reservoir management under the above referenced application. Mr. Gaumnitz is proposing the appropriation of surface water from a tributary to Kill Creek for recreational use. We are in the process of thoroughly reviewing this application to ensure that it complies with the Kansas Water Appropriations Act and applicable rules and regulations. The Chief Engineer is required to approve applications for water appropriations unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest. While the Kansas Water Appropriation Act protects prior water rights, the law also recognizes that some reasonable fluctuations in streamflow are allowable, provided senior water right holders are able to continue their beneficial use of water.

Note that if approved, the permit will be conditioned such that stream flow cannot be stopped at the first riffle below the point of diversion while diversion is taking place, and the applicant cannot allow the waste of any water. Any use of water from the reservoir, except for domestic use, would require additional permitting by the Division of Water Resources. You may certainly utilize the stream for domestic use (cattle watering) at any point in the future, and this downstream pump site would not be detrimental to your future domestic use.

Your comments will be considered, and approval of the application if granted, will authorize diversion of water only when it does not impair existing rights. 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, and you believe the diversion of water is impairing existing water rights, you should notify Katie Tietsort, Water Commissioner, Topeka Field Office, as follows, so that an investigation can be made.

Division of Water Resources  
Topeka Field Office  
6531 SE Forbes Avenue, Suite B  
Topeka, Kansas 66619  
Telephone: 785-296-5733

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 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,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Department of Agriculture  
Division of Water Resources  
Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619

10-4-18

RECEIVED

OCT 05 2018

Topeka Field Office  
DIVISION OF WATER RESOURCES

Re: **Pending Application, File No. 50,113**

Dear Mr. Schemm,

I do appreciate you taking the time to answer my questions. After consideration of the use and the quantity of water that is being applied for by Mr. Gaumnitz, I would like to voice my concerns as a property owner along this creek.

Mr. Gaumnitz indicated on his application the water will be used to mitigate his pond leak. According to the application, the pond is used for fishing and swimming. Mr. Gaumnitz stated he purchased the land in the spring of 2018, and didn't realize the pond had a leak at the time of purchase. He has stated he only plans on pumping water from the creek during the spring and fall months, when the levels allow.

My concern, based on the information he's provided is the following:

- 1.) Requesting more than 2.6 million gallons per year, due to a faulty pond is an inexcusable waste of water. The pond should be repaired, as pond leaks do not stay the same size. If he's losing  $\frac{1}{2}$ " of depth per day this year, inevitably it will grow larger with each passing year.
- 2.) Once the water has been pumped into his pond, what would prevent him from using his "pond water" for purposes other than fishing and swimming? Once the water reaches an existing reservoir, he could use it for whatever means he sees fit.
- 3.) At this time we are not using the creek water for livestock, but if the creek levels were to be affected during the spring and fall months of the year, this would be detrimental to the future value of the property. Potential livestock water should always take a higher priority over present day recreational use.
- 4.) Mr. Gaumnitz stated the creek typically flows at greater than 5000 GPM during the spring and fall. I question how this calculation was obtained. If Mr. Gaumnitz only purchased his property in the spring of 2018, he has not witnessed a typical season whatsoever. As anyone in our immediate area would confirm, the weather during 2018 has been anything but typical.
- 5.) Has Mr. Gaumnitz confirmed that he indeed has a leak in his pond? Typically during the summer months, a one acre pond would expect to see a loss of roughly  $\frac{1}{3}$ " per day, due to evaporation. During the summer of 2018 our temperatures far exceeded the normal range, for much longer periods of time. A loss of  $\frac{1}{2}$ " per day would have fallen well within normal expectations, based on the heat and extreme drought conditions.
- 6.) The spring and fall are typically our wettest months, so why would Mr. Gaumnitz need to fill his pond during our rainy seasons? The runoff from the rains should be enough to offset a leak during those months.

7.) The monitoring of the usage takes place via an annual report, filled out by the property owner. If problems arise with the creek levels, neighboring property owners can alert the Department of Agriculture. Neighbors are then put in the position of monitoring the creek, to make sure Mr. Gaumnitz is in compliance. This is an unnecessary burden to be placed on property owners, only because Mr. Gaumnitz is not willing to be a good steward of his land.

In closing, I trust the Department of Agriculture will take into consideration what's best for all of the residents, wildlife, and livestock that benefit and enjoy this portion of our creek.

Sincerely,

A handwritten signature in black ink that reads "Kathy Stanley". The signature is written in a cursive style with a large, looping initial "K".

Kathy Stanley  
Shriver Properties LLC  
30910 W. 151<sup>st</sup> St.  
Gardner, KS 66030

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619



PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

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

September 25, 2018

SHRIVER PROPERTIES LLC  
30910 W 151<sup>ST</sup> STREET  
GARDNER KS 66030

Re: Pending Application, File No. 50,113

Dear Sir or Madam:

This is to advise you that Michael Gaumnitz has filed the new application referred to above for a permit to appropriate 8 acre-feet of surface water per calendar year from a tributary to Kill Creek, to be diverted at a maximum rate of 40 gallons per minute, for recreational use. Please note that the purpose of this application, if approved, would be to divert surface water when available in the stream, to maintain water level in an existing reservoir. Surface water will be diverted from a pump site at the following location:

In the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 3, in Township 14 South, Range 22 East, Johnson County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Michael Gaumnitz

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619



PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

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

September 25, 2018

GARY C YOUNGER  
30920 W 151<sup>ST</sup> STREET  
GARDNER KS 66030

Re: Pending Application, File No. 50,113

Dear Sir or Madam:

This is to advise you that Michael Gaumnitz has filed the new application referred to above for a permit to appropriate 8 acre-feet of surface water per calendar year from a tributary to Kill Creek, to be diverted at a maximum rate of 40 gallons per minute, for recreational use. Please note that the purpose of this application, if approved, would be to divert surface water when available in the stream, to maintain water level in an existing reservoir. Surface water will be diverted from a pump site at the following location:

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Environmental Scientist  
Topeka Field Office

pc: Michael Gaumnitz

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

September 25, 2018

TROY KRENTZEL  
SARAH B KRENTZEL  
31003 W 143<sup>RD</sup> STREET  
GARDNER KS 66030

Re: Pending Application, File No. 50,113

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Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Michael Gaumnitz

STATE OF KANSAS

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

September 25, 2018

GORDON PATRICK JONES  
RUTH ELAINE L JONES TRUST  
31285 W 143<sup>RD</sup> STREET  
GARDNER KS 66030

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Environmental Scientist  
Topeka Field Office

pc: Michael Gaumnitz

STATE OF KANSAS

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

September 25, 2018

SUSAN C CURRY  
14455 KILL CREEK ROAD  
GARDNER KS 66030

Re: Pending Application, File No. 50,113

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Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Michael Gaumnitz



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

September 25, 2018

JOHNSON CO PARK & REC DISTRICT  
7900 RENNER RD  
SHAWNEE KS 66219

Re: Pending Application, File No. 50,113

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Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Michael Gaumnitz

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 50113  
This item to be completed by the Division of Water Resources.

Water Resources  
Received

**AUG 27 2018**  
**12:55**  
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:

- Name of Applicant (Please Print): MICHAEL GAUMNITZ  
Address: 16904 W 83RD ST  
City: LENEXA State KS Zip Code 66219  
Telephone Number: (913) 492-4568 (H) (CELL: 913-233-6828) (OFFICE: 913-458-2632)
- The source of water is:  surface water in UN-NAMED TRIBUTARY OF KILL CREEK  
(stream) Stream # 1643  
OR  groundwater in KANSAS RIVER BASIN  
(drainage basin) KILL CREEK TRIB 3

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.

- The maximum quantity of water desired is 8 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 40 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.

- The water is intended to be appropriated for (Check use intended):
 

(a) <input type="checkbox"/> Artificial Recharge	(b) <input type="checkbox"/> Irrigation	(c) <input checked="" type="checkbox"/> Recreational	(d) <input type="checkbox"/> Water Power
(e) <input type="checkbox"/> Industrial	(f) <input type="checkbox"/> Municipal	(g) <input type="checkbox"/> Stockwatering	(h) <input type="checkbox"/> Sediment Control
(i) <input type="checkbox"/> Domestic	(j) <input type="checkbox"/> Dewatering	(k) <input type="checkbox"/> Hydraulic Dredging	(l) <input type="checkbox"/> Fire Protection
(m) <input type="checkbox"/> Thermal Exchange	(n) <input type="checkbox"/> 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. Code	GMD <u>165</u>	Meets K.A.R. 5-3-1 (YES/NO) Use <u>REC</u>	Source G/E County <u>JO</u>
Fee \$	<u>200</u>	TR #	By <u>AW</u> Date <u>8/27/18</u>
		Receipt Date <u>8/27/18</u>	Check # <u>4145</u>

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8/30/2018 LCM

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

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

- (A) One in the NE quarter of the SE quarter of the NE quarter of Section 3, more particularly described as being near a point 3550 feet North and 250 feet West of the Southeast corner of said section, in Township 14 South, Range 22 East/West (circle one), JOHNSON 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):

N/A - APPLICANT IS THE OWNER OF THE POINT OF DIVERSION  
 \_\_\_\_\_  
 (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 August 22, 2018. \_\_\_\_\_  
 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 40 GPM SURFACE PUMP  
 and (was will be) completed (by) 3/1/2019  
 (number of wells, pumps or dams, etc.)  
 (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 3/1/2019  
 (Mo/Day/Year)

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 AUG 27 2018  
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 KS Dept Of Agriculture

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. N/A

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.

N/A

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KS Dept Of Agriculture **SCANNED**

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

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

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

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

OWNER  
(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):

N/A  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

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

Dated at LENEXA, Kansas, this 22 day of AUGUST, 2018.  
(month) (year)

  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by \_\_\_\_\_ Date: \_\_\_\_\_  
(office/title)

Water Resources  
Received  
**AUG 27 2018**  
KS Dept Of Agriculture  
**SCANNED**

**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

File No. 50113

Name of Applicant (Please Print): MIKE GAUNNITZ

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): POND USED FOR FISHING/SWIMMING. POND IS ON LAND THAT I RECENTLY PURCHASED IN SPRING 2018.

2. Please summarize how the water will be used and justify the quantity of water requested: THE WATER WILL BE USED TO MITIGATE A 1/2" PER DAY POND LEAK. THE EXTENT OF THE LEAK WAS UNKNOWN UNTIL AFTER THE LAND WAS PURCHASED. I WILL PUMP DIVERTED WATER ONLY IN THE SPRING AND FALL WHEN THE STREAM IS FLOWING AT ELEVATED LEVELS (TYPICALLY > 5000 GPM)

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	8 ACRE-FEET
Year 2	8 "
Year 3	8 "
Year 4	8 "
Year 5	8 "

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

LOCATION OF POND IS AS SHOWN ON THE ATTACHED USGS MAP. DESCRIPTION IS: NW QUARTER OF THE SE QUARTER OF THE NE QUARTER OF SECTION 3, T14S, R22E

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

Water Resources  
Received

AUG 27 2018

# 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

8/28/2018

MICHAEL GAUMNITZ  
16904 W 83RD ST  
LENEXA, KS 66219

RE: Application, File No. **50113**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

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

SCANNED

JOHNSON COUNTY PARK AND RECREATION DISTRICT  
7900 RENNER RD  
SHAWNEE, KS 66219

JONES, GORDON PATRICK AND  
JONES, RUTH ELAINE L. TRUST  
31285 W 143RD ST  
GARDNER, KS 66030

CURRY, SUSAN C.  
14455 KILL CREEK RD  
GARDNER, KS 66030

KRENTZEL, TROY  
KRENTZEL, SARAH B.  
31003 W 143RD ST  
GARDNER, KS 66030

YOUNGER, GARY C.  
30920 W 151ST ST  
GARDNER, KS 66030

SHRIVER PROPERTIES LLC  
30910 W 151ST ST  
GARDNER, KS 66030

Small Barn Farm

PUMP

OWNER/APPLICANT PROPERTY

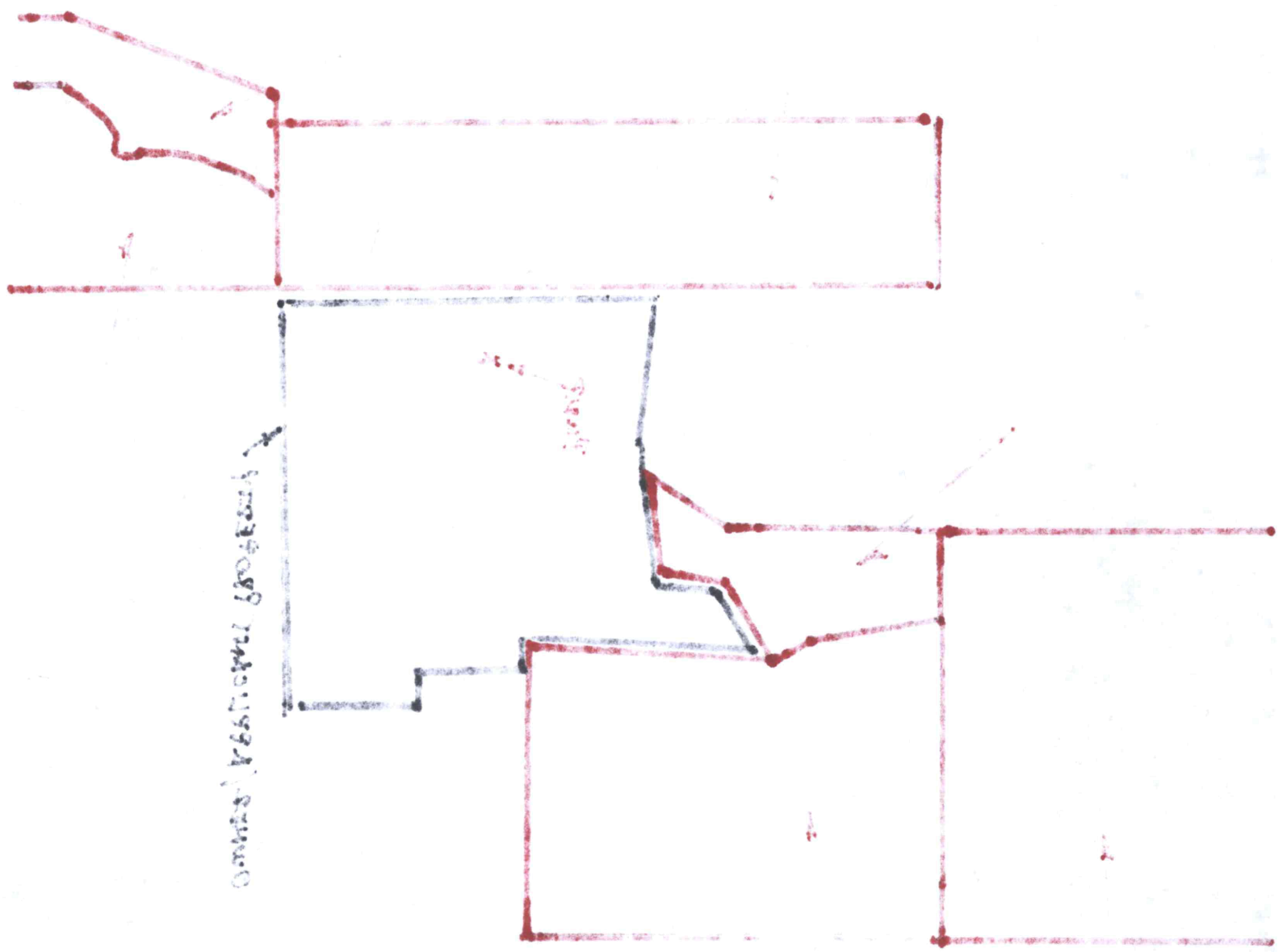
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Received  
AUG 27 2018  
KS Dept of Agriculture

5192





Handwritten text at the top of the page, possibly a title or header, including the word "Diagram" and some illegible characters.



50113

W 143RD ST

S WAVERLY RD

KILL CREEK RD

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AUG 27 2018

KS Dept Of Agriculture

Center of  
Section 3, T14S, R22E

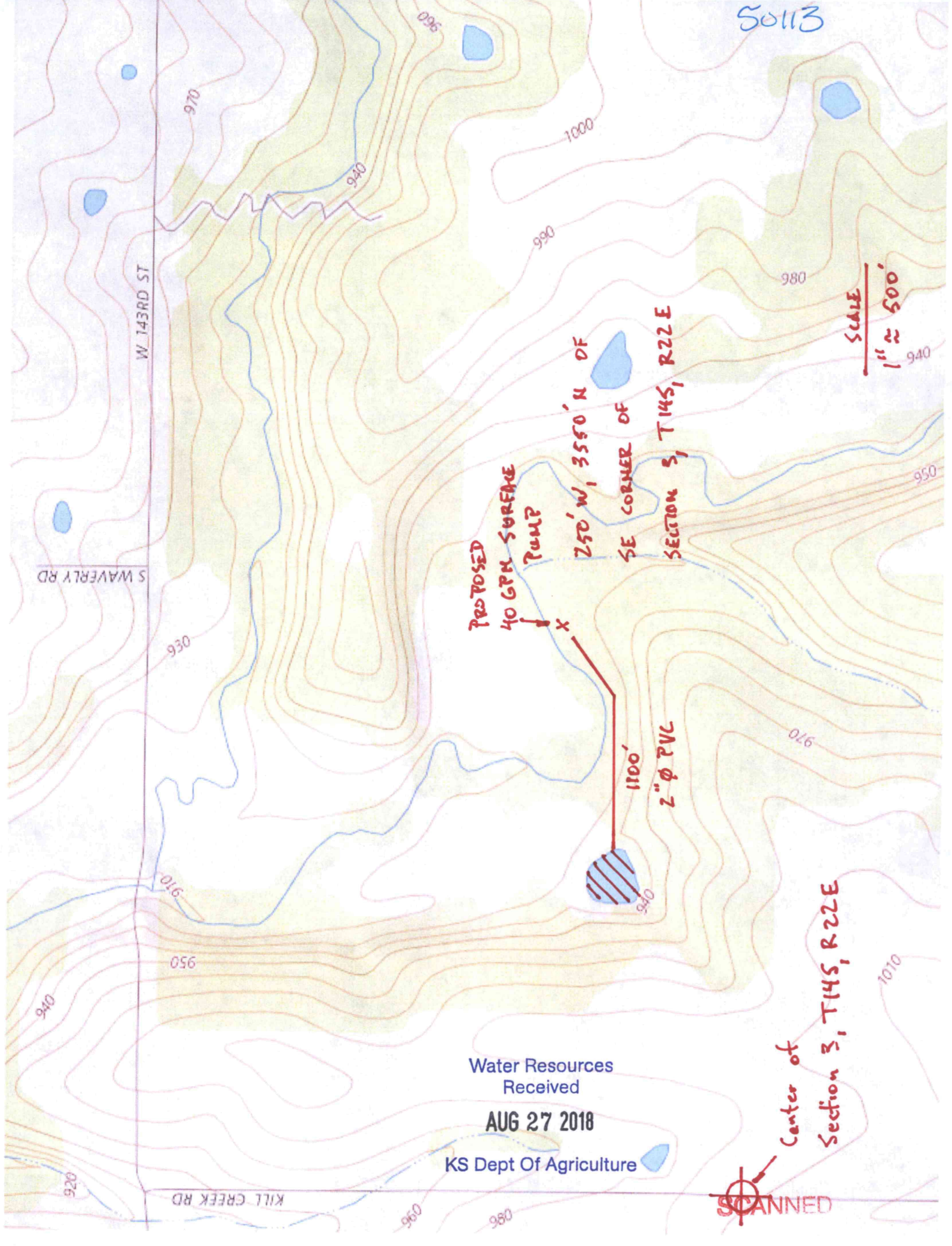
SCANNED

SCALE  
1" = 500'

PROPOSED  
40 GPM SURFACE  
PUMP

250' W, 350' N OF  
SE CORNER OF  
SECTION 3, T14S, R22E

1100'  
2" Ø PVC





SECTION 2' 11R2' 8S5E  
Center of

SECTION 2' 11R2' 8S5E

SECTION 2' 11R2' 8S5E



SECTION 2' 11R2' 8S5E

1000'

SECTION 2' 11R2' 8S5E  
2E CORNER OF  
520' x 320' N OF  
500' x 500' SQUARE  
PROPOSED

115 200'  
204E