

Kansas Department of Agriculture
Division of Water Resources

CHANGE: PU WORKSHEET & ORDER TO BETTER DESCRIBE PD

Document Signature DWB

1. File Number: 28286.05	2. Status Change Date: 5/4/2017	3. Change Num: C4	4. Field Office: 02	5. GMD:
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 2/27/17
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8a. Applicant(s) New to system <input type="checkbox"/> TRIPLE T LIVESTOCK LLC DOUGLAS THIESSEN 14429 NW 100TH ST WHITEWATER KS 67154-8961	Person ID 58783 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> TRIPLE T LIVESTOCK LLC DOUGLAS THIESSEN 14429 NW 100TH ST WHITEWATER KS 67154-8961	Person ID 58783 Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> Person ID 58783 Add Seq# _____ 8c
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/17 N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **4/29/2017** By: **LI**
Date Entered: **5/8/2017** By: **UM**

File No. **28286.05** 11. County: BU Basin: WALNUT RIVER Stream: NA Formation Code: 533 Special Use:

12. Points of Diversion											Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
												Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
MOD			73926	NW NW NE	16	24	3E	5	4684	2055	GEO CTR BATT ID 1034	120	10.843	120	10.843	46373
MOD			72226	NW NW NE	16	24	3E	3	4926	2023	BATT WELL 1 - 3 BATT ID 1034					46373
MOD			73927	SE NW NE	16	24	3E	6	4601	1931	BATT WELL 1 - 3 BATT ID 1034					46373
MOD			73928	SW NW NE	16	24	3E	7	4525	2211	BATT WELL 1 - 3 BATT ID 1034					46373

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NONE - NO CHANGE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use					NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
MOD	DEL	ENT	PUSE	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
MOD			57527	16 24 3E 1	FEEDLOT W½ NE¼ & E½ NW¼																	8c	NO	46373	

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 28, 2017

FROM: Leslie Ireland

RE: Water Right, File No. 28,286.05
Appropriation of Water, File No. 46,373

Douglas Thiessen on behalf of Triple T Livestock LLC, filed applications for approval to change the place of use authorized for stockwatering use. The applications for change were received in the Office of the Chief Engineer on February 27, 2017.

The applications are to correct the place of use that is utilized for a cattle and swine operation watering on land that is not authorized. Additionally, the somewhat old compliance investigation, 2009, determined the actual location of the wells comprising the battery of three (3) wells. The geographic center authorized by both of the reference files will be corrected by the change approval. The rights comply with K.S.A. 82a-718 and K.S.A. 82a-732 and the applications are in compliance with K.A.R 5-5-2a.

File No. 28,286.05 authorizes 10.843 million gallons (46.2 acre-feet) at 120 gallons per minute with the overlapping right, File No. 46,373, authorized to divert additional quantity at a higher rate but not to exceed 24.88 million gallons (76.354 acre-feet) per year at 300 gallons per minute when combined with File No. 28,286.05. An extension to perfect has been approved thru 2017. The place of use has historically been described as being located in the North half of Section 16, Township 21 South, Range 3 East, Butler County. The maps which were referenced by the previous approvals depicted the place of use more in the center of the north half of the section. The place of use will be updated for their feedlot & swine facility for the stockwatering in the West Half of the Northeast Quarter (W1/2 NE1/4) and the East Half of the Quarter (E1/2 NW1/4) rights that cover this place of use.

The applications will increase the place of use but should not result in an increase in consumptive use as required by K.A.R. 5-5-3, *Consumptive use* as stockwatering is considered 100% consumptive. A review of their water use found only a maximum of approximately 60% of the total authorized quantity had been diverted.

The actual location of the points of diversion were determined by GPS. The largest difference was 243 feet from the currently authorized well. The GPS correction of each well will shift the geographic center of the battery of three (3) wells approximately 18 feet. The history of the file indicates the location should be corrected as allowed by part (a) of K.A.R. 5-5-6. The correction is a clerical action, so the local source of supply will not change.

The applicant indicated that there are no water wells construct within one-half (1/2) mile of the actual geographic center of the battery of wells. No notices were set.

The proposed changes meet the requirements of the rules and regulations, Jeff Lanterman, Water Commissioner of the Stafford Field Office were contacted for a comment. In an e-mail dated April 27, 2017 he recommended approval.

A condition of the approvals will be the requirement of a flow meters pursuant to K.S.A. 82a-706c. A check valve will be required if there will be any chemigation. A notice and completion of the diversion works will not be required as the order is to only correct the wells to their actual location and update the geographic center of the battery.

Based on the above discussion, that the changes are reasonable, consumptive use will not increase, impairment of existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications for change be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

May 9, 2017

FILE COPY

TRIPLE T LIVESTOCK LLC
DOUGLAS THIESSEN
14429 NW 100TH ST
WHITEWATER KS 67154-8961

RE: Water Right, File No. 28,286.05
Appropriation of Water, File No. 46,373

Dear Mr. Thiessen:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change and correcting the point of diversion authorized under the referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flowmeter meeting the specifications of the Chief Engineer must be installed on the diversion works authorized. Records in this office indicate that the required meters are installed, however if this has changed you are required to notify the Stafford Field Office at (620) 234-5311. Additionally, meter information and forms are available on our web site of: agriculture.ks.gov/dwr.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. 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

BAT:LI:li
Enclosures
pc: Stafford 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
FOR
CHANGE IN PLACE OF USE
AND
ORDER TO BETTER DESCRIBE THE LOCATION
OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT, FILE NO. 28,286.05**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Douglas Thiessen on behalf of Triple T Livestock, LLC, 14429 NW 100th Street, Whitewater, Kansas 67154, received in this office on February 27, 2017, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated October 17, 2006, approving the application to change the use made of water and by the Correctional Order of the Chief Engineer dated October 18, 2006, to correct the authorized place of use and by the Orders of the Chief Engineer dated February 7, 2007, and April 9, 2007, approving the applications to change the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

a feedlot located in the West Half of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4}$) and the East Half of the Northwest Quarter ($E\frac{1}{2} NW\frac{1}{4}$), all in Section 16, Township 24, Range 3 East, Butler County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

That information in the office of the Chief Engineer finds that the authorized point of diversion would more accurately be defined as:

a battery of three(3) wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4} NW\frac{1}{4} NE\frac{1}{4}$) of Section 16, more particularly described as being near a point 4,684 feet North and 2,055 feet West of the Southeast corner of said section, in Township 24 South, Range 3 East, Butler County, Kansas.

All diversion works 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.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 28,286.05, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 17, 2006, as modified and amended by the aforementioned orders.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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

Ordered this 4th day of May, 2017, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 4th day of May, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this *9th* day *May*, 2017, I hereby certify that the attached Approval of Application for Change in Place of Use and Order to Better Describe the Location of the Authorized Point of Diversion under Water Right, File No. 28,286.05 dated, *May 4, 2017* was mailed postage prepaid, first class, US mail, to the following:

Triple T Livestock LLC
Douglas Thiessen
14429 NW 100th St
Whitewater, KS 67154-8961

With photocopies to:

Stafford Field Office


Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

WATER RESOURCES
RECEIVED

FEB 27 2017

3:14
KS DEPT OF AGRICULTURE

File No. 28286-05

2. Name of applicant: Triple T Livestock LLC

Address: Douglas Thiessen, 14429 NW 100th St

City, State and Zip: Whitewater KS 67154-8961

Phone Number: (316)210-6636

E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Triple T Livestock LLC

Address: Douglas Thiessen, 14429 NW 100th St

City, State and Zip: Whitewater KS 67154-8961

Phone Number: (316) 210-6636

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): This change application will cover a past expansion of the feedlot that is currently not on the authorized place of use as well as allowing for any future expansions.

The change(s) were completed by December 2015.

(Date)

For Office Use Only:

F.O. 2 GMD Meets K.A.R. 5-5-1 (YES/NO) Use ATK/Dam Source S County BU By ADW Date 2/22/17
Code CPU Fee \$ 200 TR # _____ Receipt Date 2/22/17 Check # 4190

APPLICATION COMPLETE

4/4/17
Reviewer LI

4. The presently authorized place of use is:

Owner of Land — NAME: Triple T Livestock LLC

ADDRESS: Douglas Thiessen, 14429 NW 100th St, Whitewater KS 67154-8961

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16	21	3E	a feedlot located in the North Half (N1/2)																

List any other water rights that cover this place of use. 46373

Owner of Land: — NAME:

ADDRESS:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use.

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Triple T Livestock LLC

ADDRESS: Douglas Thiessen, 14429 NW 100th St, Whitewater KS 67154-8961

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16	21	3E	a feedlot located in the West Half of the Northeast Quarter (W1/2 NE1/4) and the East Half of the Northwest Quarter (E1/2 NW1/4)																

List any other water rights that cover this place of use. 46373

Owner of Land — NAME:

ADDRESS:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion is a battery of three wells
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) no change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NE Quarter of Section 16, Township 24 South, Range 3 E, in Butler County, Kansas, 4,676 feet North 2,037 feet West of Southeast corner of section.
 Authorized Rate 120 gpm Authorized Quantity 10.843 mgd
 (DWR use only: Computer ID No. 5 GPS 4,684 feet North 2,055 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested):
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point 46373

9. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NE Quarter of Section 16, Township 24 South, Range 3 E, in Butler County, Kansas, 4,915 feet North 2,009 feet West of Southeast corner of section.
 Authorized Rate see geocenter Authorized Quantity see geocenter
 (DWR use only: Computer ID No. 3 GPS 4,926 feet North 2,023 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point 46373

10. **Presently authorized point of diversion:**
 One in the SE Quarter of the NW Quarter of the NE Quarter of Section 16, Township 24 South, Range 3 E, in Butler County, Kansas, 4,596 feet North 1,921 feet West of Southeast corner of section.
 Authorized Rate see geocenter Authorized Quantity see geocenter
 (DWR use only: Computer ID No. 6 GPS 4,601 feet North 1,931 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point 46373

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used _____

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for stock watering purposes.
It is proposed that the use be changed to no change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Overlapping File No. 46373 is still in it's perfection period, so the final consumptive use is not yet set.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (N/A c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

No impairment is anticipated at this time.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

No waivers are anticipated to be needed.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 28286-05

Presently authorized point of diversion:

One in the SW Quarter of the NW Quarter of the NE Quarter
of Section 16, Township 24 South, Range 3 W,
in Butler County, Kansas, 4,516 feet North 2,181 feet West of Southeast corner of section.

Authorized Rate see geocenter Authorized Quantity see geocenter Depth of well --- (feet)

(DWR use only: Computer ID No. 7 GPS 4,525 feet North 2,211 feet West)

This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____

This point is: Additional Well Geo Center List other water rights that will use this point 46373

WATER RESOURCES
RECEIVED

FEB 27 2017

KS DEPT OF AGRICULTURE

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Patton, Kansas, this 21st day of February, 2017.

Signature lines for Owner and Spouse with labels: (Owner), (Spouse), (Please Print), (Owner), (Spouse), (Please Print), (Owner), (Spouse), (Please Print).

State of Kansas }
County of Butler } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21st day of February, 2017.

LORI DELLETT
Notary Public - State of Kansas
My Appt. Expires 11-14-18

Lori Dellett
Notary Public

My Commission Expires 11-14-18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES
RECEIVED
FEB 27 2017
KS DEPT OF AGRICULTURE
SCANNED

Ireland, Leslie

From: Lanterman, Jeff
Sent: Thursday, April 27, 2017 11:49 AM
To: Ireland, Leslie
Cc: Conant, Cameron
Subject: FW: Recommendation for Change in PU, File Nos. 28286.05 & 46,373 Triple T Livestock LLC
Attachments: 46373 pu map.jpg; 28286.05xx pu STK with PD geocent batt correction_2_0.docx

Leslie;

Go ahead and approve these changes as is.

I wonder about adding a whole quarter to the apps because I don't think they necessarily have the quantity available even under the new app to cover a feedlot that spans the entire quarter. Come certification time on 46373 we could adjust that to the actual feedlot but won't because the overlapping senior covers that as well.

But I can't think of a better way to do it other than asking them where they plan to expand now and giving them all that under these changes. Plans always change so this covers us.

Jeff

From: Conant, Cameron
Sent: Monday, April 24, 2017 3:58 PM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation for Change in PU, File Nos. 28286.05 & 46,373 Triple T Livestock LLC

Jeff, this is an application for 2 files to change the place of use and we will also modify the location of the wells based on GPS taken during a compliance check (46373 is still in the perfection period) at a stock facility in Butler County. See attached map showing the proposed place of use.

We determined that the current place of use was expanded and the facility had moved onto unauthorized ground. These changes fix that. The only odd thing about the changes is that they propose a place of use covering a whole quarter section while the actual facility is much smaller. Notes in the file indicate that authorizing an entire quarter seemed like a reasonable approach since one file was still in the perfection period and further expansion could still occur. Now, if the facility is expanded, further changes would not be necessary.

I think the proposed place of use makes sense and potentially could save us and the owner future work if the facility is expanded again. I think this p/u change can be recommended for approval. Please pass on to Leslie if you agree.

Cameron

From: Ireland, Leslie
Sent: Tuesday, April 4, 2017 2:48 PM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron <Cameron.Conant@ks.gov>
Subject: Recommendation for Change in PU, File Nos. 28286.05 & 46,373 Triple T Livestock LLC

Please let me know if you could recommend these changes that will correct the place of use and the points of diversion that comprise the geo center of the battery of these livestock rights.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

Water Rights and Points of Diversion Within 1.50 miles of point defined as:

4676 ft N and 2055 ft W of the SE Corner of Section 16, T 24S, R 3E.

Located at: 97.104281 West Longitude and 37.969125 North Latitude

GROUNDWATER ONLY

FILE NO. 28, 286.05

GPS GEO CENTER

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 8836 00	MUN	NK	G	7500	--	SE	SW	NW	2650	3970	17	24	3E	1		39.01	39.01	AF
Same				7686	--	CW	NE	SW	1980	3950	17	24	3E	2				
A__ 17625 00	MUN	NK	G	7500	--	SE	SW	NW	2650	3970	17	24	3E	1		96.00	57.00	AF
Same				7686	--	CW	NE	SW	1980	3950	17	24	3E	2				
A__ 28286 05	STK	NK	G*	18	--	NW	NW	NE	4676	2037	16	24	3E	5	G 3	33.28	33.28	AF
Same				243	--	NW	NW	NE	4915	2009	16	24	3E	3	B 3			
Same				156	--	SE	NW	NE	4596	1921	16	24	3E	6	B 3			
Same				204	--	SW	NW	NE	4516	2181	16	24	3E	7	B 3			
A__ 46373 00	STK	KK	G*	18	--	NW	NW	NE	4676	2037	16	24	3E	5	G 3	76.35	43.08	AF
Same				243	--	NW	NW	NE	4915	2009	16	24	3E	3	B 3			
Same				156	--	SE	NW	NE	4596	1921	16	24	3E	6	B 3			
Same				204	--	SW	NW	NE	4516	2181	16	24	3E	7	B 3			
A__ 47253 00	IRR	LO	G	4762	--	NE	NW	NE	5304	1282	21	24	3E	1		3.30	3.30	AF

Correction of 18'

18
243
156
204

NO WR nearby

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	43.08	.00
Total Inspected Amount (AF) =	3.30	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	129.28	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	175.66	.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 1.50 miles of point defined as:

97.104281 West Longitude and 37.969125 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 8836 00	MUN	NK	G
>	CITY OF WHITEWATER		
>	201 S ELM - BOX 149		
>	WHITEWATER KS 67154		
A__ 17625 00	MUN	NK	G
>	CITY OF WHITEWATER		
>	201 S ELM - BOX 149		
>	WHITEWATER KS 67154		
A__ 28286 05	STK	NK	G

> TRIPLE T LIVESTOCK LLC
> DOUGLAS THIESSEN
> 14429 NW 100TH ST
> WHITEWATER KS 67154

A_ 46373 00 STK KK G
> TRIPLE T LIVESTOCK LLC
> DOUGLAS THIESSEN
> 14429 NW 100TH ST
> WHITEWATER KS 67154

A_ 47253 00 IRR LO G
> UNIFIED SCHOOL DISTRICT #206
> JAMES E REGIER
> 110 S MAIN ST
> WHITEWATER KS 67154

=====

#2 Estimates per K.A.R. 5-3-22

5 years ago "EST"	Water diverted est	Gallons Per Hd per day
153 Gestation Sows	1,731,195	31
27 Sow & litter	423,765	43
200 Nursery	365,000	5
1720 Finish	12,592,500	20
960 Cattle	5,256,000	15
total	20,368,460	

last year "EST" & Present Year "EST"	est	
27 Sow & litter	423,765	43
200 Nursery	365,000	5
1720 Finish	12,592,500	20
1160 Cattle	6,351,000	15
total	19,732,265	

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WATER DEPARTMENT

STOCKWATER USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Douglas Thiessen

1. Please indicate type of livestock (cattle, hogs, etc.): Cattle and Hogs
2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE			
LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago			
Last year	<i>Added page</i>		
Present Year			

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

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED			
NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	2100 - Cattle 27 - Sow and Litter 200 - Nursery 1725 - Finishing	14.8 mgd <i>DBJ</i> 24.9 mgd	15 8 + 35 1 + 4 5 + 15
Year 2	same		
Year 3	same		
Year 4	same		
Year 5	same		

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. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16	24	3E			20	9			1.5										33.5

DWR 1-100-28 (2/3/94)

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DIVISION OF WATER RESOURCES

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5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

2100 head of Cattle x 15 gallons/head (avg.) x 365 days = 11.5 mgv gallons
27 head of Sow & Litter x 8 gallons/head (avg.) x 365 days = 78,840 gallons
200 head of Nursery x 1 gallons/head (avg.) x 365 days = 73,000 gallons
1725 head of Finishers x 5 gallons/head (avg.) x 365 days = 3.2 mgv gallons

COOLING

800 gallons/hour x 14 hour/day x 180 days = 2,016,000 gallons

SANITATION

30 g.p.m. x 60 min/hr x 20 hr/wk x 52 wks/yr = 1,872,000 gallons

Feed mill / servicing / flushing = 6,193,300 gallons
OTHER USE (Explain)

TOTAL 24,881,265 gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.

7. Total feed bunk space for cattle or livestock is 3000 Est. linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is 400,000 Est. square feet.

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

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DIVISION OF WATER RESOURCES

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Page 2 of 2

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KS DEPT OF AGRICULTURE
KS DEPT OF AGRICULTURE

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 28, 2017

TRIPLE T LIVESTOCK LLC
14429 NW 100TH ST
WHITEWATER, KS 67154

RE: File No. 28286

FILE COPY

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

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

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

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

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

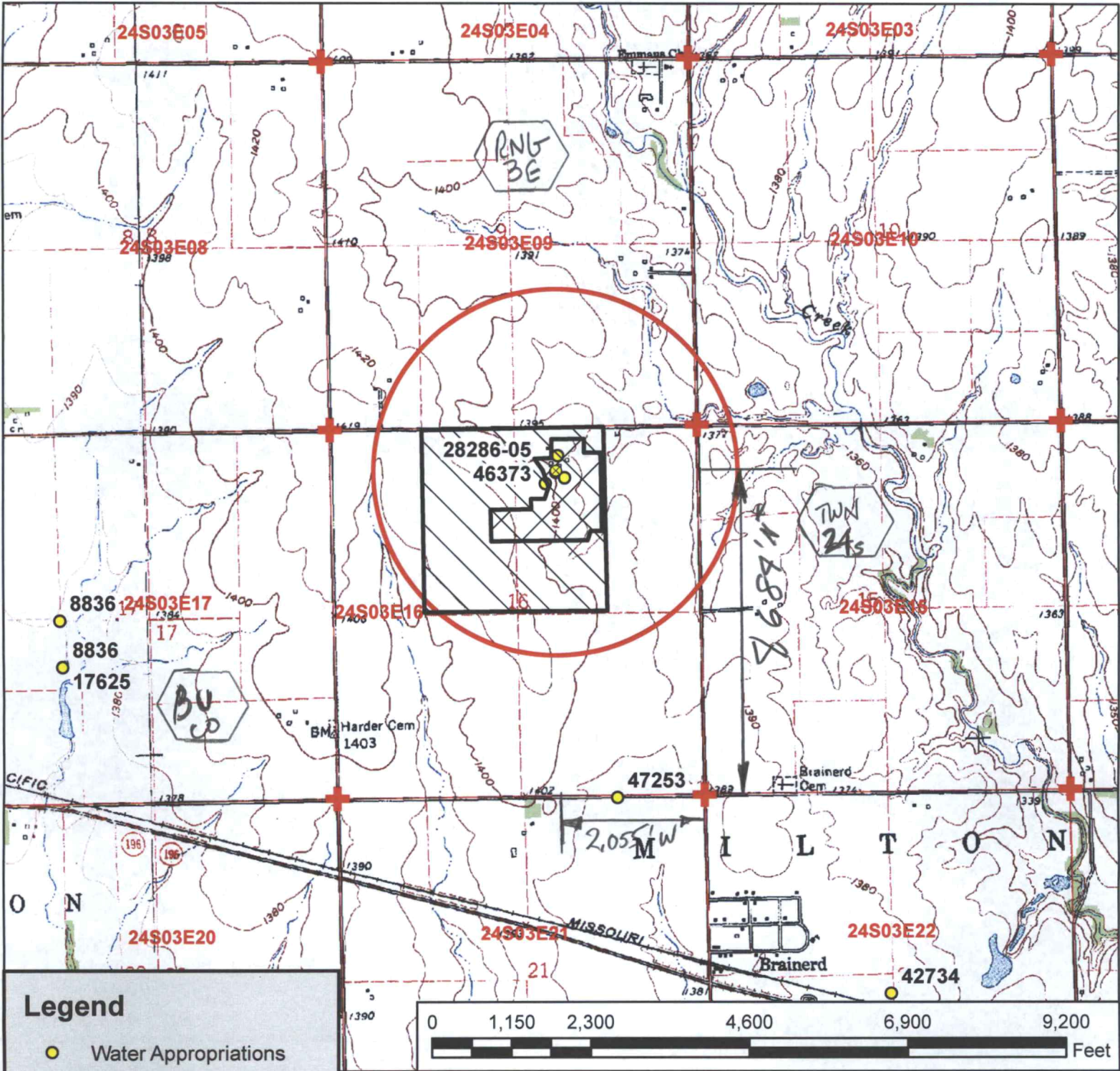
Sincerely,

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

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

BAT: dlw
pc: STAFFORD Field Office GMD

FILE NO. 28,286.05 CUG PU w/ UPDATE OF P.D *



Legend

- Water Appropriations
- ⊗ Actual Point of Diversion
- ⊕ Section Corner
- Half Mile Circle
- Section Line

Place of Use

- ▨ Proposed
- ▨ Authorized

* LE/DM
4/4/17

Water Right, File No. 28286-05 & Water Appropriation, File No. 46373

Change in Place of Use Application Map 16-24S-3E // Butler County

To the best of my knowledge, all of the wells with water rights within 1/2 mile of the proposed point of diversion have been shown

Signature

WATER RESOURCES RECEIVED
FEB 27 2017
KS DEPT OF AGRICULTURE

SCANNED

2/17/17 EKF-SFFO 1:24,000 scale