

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Interim Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50707
This item to be completed by the Division of Water Resources.

WATER RESOURCES
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**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.)

FEB 07 2019
12:33
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): TRIPLE H INVESTMENTS OF KANSAS LLC
Address: PO BOX 726
City: ANDOVER State: KS Zip Code: 67002-0726
Telephone Number: () _____

2. The source of water is: surface water in ELM CREEK (WALNUT) 617
(stream)
OR groundwater in WALNUT RIVER Basin 51
(drainage basin)

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

3. The maximum quantity of water desired is 141 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of Natural Flow gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:							
F.O. Code	<u>2</u>	GMD	<u>—</u>	Meets K.A.R. 5-3-1 (YES/NO)	Use	<u>REC</u>	Source
		REG		Fee \$	<u>200</u>	TR #	
						County	<u>BU</u>
						Receipt Date	<u>2/7/19</u>
						By	<u>DWB</u>
						Check #	<u>319</u>
						Date	<u>2/7/19</u>

2/13/2019 LLM

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 SW quarter of the SE quarter of the NE quarter of Section 35, more particularly described as being near a point 2847 feet North and 1096 feet West of the Southeast corner of said section, in Township 26 South, Range 4 East, BUTLER 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):

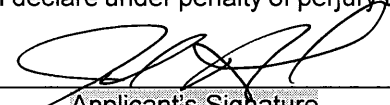
Applicant _____
 (name, address and telephone number)

(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 _____, 2019.



 Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM AND RESERVOIR
 (number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) Existing dam _____
 (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 Spring 2019 _____
 (Mo/Day/Year)

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

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

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

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

- If yes, show the Water Structures permit number here DBU-0046.
- If no, explain here why a Water Structures permit is not required _____

The dam is being reviewed by DWR structures program to determine structures permitting.

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

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

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

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

NONE

See Supplemental Sheet for Quantity determination.

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KO. DEPT. OF AGRICULTURE

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):

Applicant _____
(name, address and telephone number)

(name, address and telephone number)

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

Dated at Rose Hill, Kansas, this 4th day of February, 2019.
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

(Date)

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

Re: Application
File No. 50207

Minimum Desirable Streamflow

Dear Sir:

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

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

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

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



Signature of Applicant

State of Kansas)
County of Butler) ss

JACOB HACKER

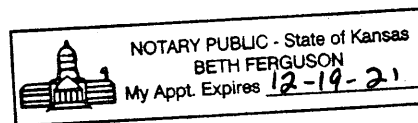
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 4th day of February, 2019.



Notary Public

My Commission Expires: 12-19-21



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**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 50207

Name of Applicant (Please Print): TRIPLE H INVESTMENTS OF KANSAS LLC

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
FISHING, SWIMMING

2. Please summarize how the water will be used and justify the quantity of water requested: _____

Surface Area of Reservoir = 22 acres. 22 acres x 17" / 12 = 31 acre-feet of annual evaporation

31 acre-feet x 3 years = 93 acre-feet (3 years of evaporation).

Additional 48 acre-feet for seepage: 22 acres x 0.5"/week x 52 weeks / 12 = 48 AF.

TOTAL REQUESTED QUANTITY = 93 AF + 48 ACRE-FEET = 141 ACRE-FEET

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	141 AF
Year 2	
Year 3	
Year 4	
Year 5	141 AF

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.

1 Reservoir Located in the Northeast Quarter of Section 35, in Township 26 South, Range 4 East, Butler Co.

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

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Real Estate Information



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50207

Parcel Details for 008-207-35-0-00-00-020.01-0 - Printer Friendly Version

Owner Information	
Owner's Name (Primary):	BURNS, PATRICIA K & TED J
Mailing Address:	6494 SW 60th St Augusta, KS 67010-7790

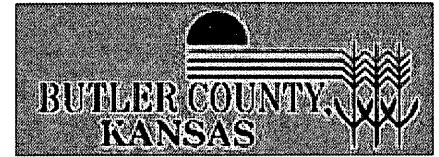
Property Address	
Address:	6494 SW 60th St Augusta, KS 67010

General Property Information	
Property Class:	Residential - R
Living Units:	1
Zoning:	
Neighborhood:	009.0
Taxing Unit:	126

Deed Information	
Document #	Document Link
0924-0218	View Deed Information
0925-0115	View Deed Information
0793-0289	View Deed Information

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50207

Parcel Details for 008-207-35-0-00-00-001.00-0 - Printer Friendly Version

Owner Information	
Owner's Name (Primary):	VOTH, MARY ANNE; LIV TR
Mailing Address:	18001 W HWY 54 GODDARD, KS 67052-9302

Property Address	
Address:	6411 SW 50th St El Dorado, KS 67042

General Property Information	
Property Class:	Farm Homesite - F
Living Units:	1
Zoning:	
Neighborhood:	009.0
Taxing Unit:	126

Deed Information	
Document #	Document Link
2018-8311	View Deed Information
D317-0419	View Deed Information
D305-0486	View Deed Information

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Parcel Details for 008-207-35-0-00-00-020.00-0 - Printer Friendly Version

Owner Information

Owner's Name (Primary): MILLER, DALE L & MARY E
Mailing Address: 6260 SW 60th St
 El Dorado, KS 67042-9145

Property Address

Address: 6260 SW 60th St
 El Dorado, KS 67042

General Property Information

Property Class: Farm Homesite - F
Living Units: 1
Zoning:
Neighborhood: 009.0
Taxing Unit: 126

Deed Information

Document #	Document Link
0844-0148	View Deed Information
0794-0141	View Deed Information
0791-0078	View Deed Information
0772-0171	View Deed Information

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Parcel Details for 008-207-35-0-00-00-025.02-0 - Printer Friendly Version

Owner Information

Owner's Name (Primary): HARROUFF, MICHAEL J & STEPHANIE D
Mailing Address: 5509 SW Shumway Rd
 El Dorado, KS 67042-8932

Property Address

Address: 5509 SW Shumway Rd
 El Dorado, KS 67042

General Property Information

Property Class: Farm Homesite - F
Living Units: 1
Zoning:
Neighborhood: 009.0
Taxing Unit: 126

Deed Information

Document #	Document Link
1342-1238	View Deed Information
1325-0168	View Deed Information

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Parcel Details for 008-207-35-0-00-00-025.00-0 - Printer Friendly Version

Owner Information	
Owner's Name (Primary):	COLLINS, NICHOLAS T
Mailing Address:	5487 SW Shumway Rd El Dorado, KS 67042-8931
Property Address	
Address:	5487 SW Shumway Rd El Dorado, KS 67042
General Property Information	
Property Class:	Farm Homesite - F
Living Units:	2
Zoning:	
Neighborhood:	009.0
Taxing Unit:	126
Deed Information	
Document #	Document Link
2016-4839	View Deed Information
2012-2217	View Deed Information
2011-4816	View Deed Information
1086-0025	View Deed Information
0936-0035	View Deed Information
0933-0035	View Deed Information
0938-0027	View Deed Information




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Real Estate Information


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Parcel Details for 008-207-26-0-00-00-004.00-0 - Printer Friendly Version

Owner Information 	
Owner's Name (Primary):	CORBIN, TED W & KAREN E
Mailing Address:	6514 SW 50th St El Dorado, KS 67042-7909

Property Address 	
Address:	4752 SW Ohio Street Rd El Dorado, KS 67042

General Property Information 	
Property Class:	Farm Homesite - F
Living Units:	1
Zoning:	
Neighborhood:	009.0
Taxing Unit:	126

Deed Information 	
Document #	Document Link
0574-0360	View Deed Information
D222-0562	View Deed Information
D215-0023	View Deed Information
D214-0097	View Deed Information

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 KS DEPT OF AGRICULTURE

50207



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

Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

January 29, 2019

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TRIPLE H INVESTMENTS OF KANSAS LLC
PO BOX 726
ANDOVER KS 67002-0726

FEB 07 2019

RE: New Application for Appropriation of Water
DWR Structures Program File No. DBU-0046

KS DEPT OF AGRICULTURE

Dear Sir or Madam:

The Department of Agriculture Division of Water Resources has information that indicates you are diverting surface water for recreational use by means of a dam located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW¼ SE¼ NE¼) of Section 35, in Township 26 South, Range 4 East, Butler County, Kansas (see enclosed map).

There is nothing in the office of the Chief Engineer to show this use of water is covered by any vested right or approved application for permit to appropriate water for beneficial use, which may be required under the Kansas Water Appropriation Act. Kansas Statutes Annotated (K.S.A.) 82a-728 (copy enclosed) makes it 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 Kansas Water Appropriation Act and provides for criminal penalties for violation.

Enclosed is the required application to cover the indirect use (evaporation and seepage) of water at this existing reservoir. Please review the "Application For Permit To Appropriate Water For Beneficial Use" form, and make any necessary changes or modifications. The application form **must be signed at both Paragraph Nos. 6 and 16**. In addition, you must submit the names and addresses of the landowner(s) adjacent to the stream within ½ mile downstream and ½ mile upstream from your property lines. Please sign the site map where indicated. The new application must be accompanied by the required filing fee of **\$200**, based on the requested quantity of 141 acre-feet of storage. You must submit the application and filing fee by **March 1, 2019**.

You will find additional information about the application process at:
<http://agriculture.ks.gov/dwr>

Please notify me immediately if you are not the owner of this project. You may contact me to discuss this matter before the **March 1, 2019** deadline at (785) 296-3495, or if you need any assistance in completing the application form.

Sincerely,

Douglas Schemm
Environmental Scientist
Topeka Field Office

Enclosures

50207

K.S.A. 82a-728. Unlawful acts; penalties. (a) Except for the appropriation of water for the purpose of domestic use, the production and return of salt water in connection with the operation of oil and gas wells in accordance with the written approval granted therefor by the Kansas corporation commission pursuant to K.S.A. 55-901, and amendments thereto, the withdrawal and use of water in accordance with provisions of K.S.A. 82a-1313, and amendments thereto, and the annual diversion and beneficial use of not more than 15 acre feet of surface water impounded in any reservoir having a total water volume of less than 15 acre feet, 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 chapter 7 of article 82a of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto 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. As used in this subsection salt water shall mean water containing more than 5,000 milligrams per liter chlorides.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor. (2) Each day that any such violation occurs after notice of the original violation is given by the chief engineer to any such violator by restricted mail shall constitute a separate offense. (**History:** L. 1977, ch. 356, § 2; L. 1981, ch. 397, § 2; July 1.)

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KS DEPT OF AGRICULTURE

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Interim Secretary

Laura Kelly, Governor

February 11, 2019

TRIPLE H INVESTMENTS OF KANSAS, LLC
PO BOX
726, ANDOVER KS

RE: Application, File No. **50207**

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. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

50207

TRIPLE H INVESTMENTS OF KANSAS LLC
SEC. 35, T26S, R4E - BUTLER CO.

1:12,000



Proposed Point of Diversion - Dam
2,847' N & 1,096' W

Southeast Corner of Section 35
Township 26 South
Range 4 East

Copyright © 2013 National Geographic Society, i-cubed



Proposed Place of Use

● Proposed Point of Diversion

All upstream and downstream landowners adjacent to the stream within 1/2 mile of the property lines are listed.

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