

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

1. File Number: <p style="text-align: center;">50,207</p>	2. Status Change Date: <p style="text-align: center;"><u>3/21/2019</u></p>	3. Field Office: <p style="text-align: center;">02</p>	4. GMD: <p style="text-align: center;">0</p>
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

<p>7a. Applicant(s) Person ID 66617 New to system <input type="checkbox"/> Add Seq# _____</p> <p>TRIPLE H INVESTMENTS OF KS LLC PO BOX 726 ANDOVER KS 67002-0726</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input checked="" type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2020²¹ 11. Perfection Date: 12/31/2024²⁵ 12. Exp Date: _____

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

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

THIS IS A SURFACE WATER STORAGE

Date Prepared: **3/20/2019** By: **DWS**
Date Entered: 3/21/2019 By: UM

File No. 50,207	15. Formation Code:	Drainage Basin: WALNUT RIVER	County: BU	Special Use:	Stream: ELM CREEK (WALNUT)																	
16. Points of Diversion			17. Rate and Quantity																			
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized	Additional	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files							
√	25293	SW SE NE	35	26	4E	1	2847	1096							NONE							
STRUCTURE PERMIT DBU-0046																						
18. Storage: Rate <u> </u> NF Quantity <u> </u> 141 ac/ft Additional Rate <u> </u> NF Additional Quantity <u> </u> 141 ac/ft																						
19. Limitation: <u> </u> af/yr at <u> </u> gpm (<u> </u> cfs) when combined with file number(s) <u> </u>																						
Limitation: <u> </u> af/yr at <u> </u> gpm (<u> </u> cfs) when combined with file number(s) <u> </u>																						
20. Meter Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by <u> </u> Date Acceptable Meter Installed <u> </u>																						
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
T MOD DEL ENT	PUSE	S	T	R	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					
√	69305	35	26	4E	2	RESERVOIR (NE)														7a.	NO	NONE
Comments:																						

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: March 20, 2019

FROM: Doug Schemm

RE: Application, File No. 50,207

Triple H Investments of Kansas LLC has filed the above-referenced new application to appropriate 141 acre-feet of surface water storage at a rate not to exceed natural flows of Elm Creek (Walnut) for recreational use in an existing reservoir. The application is designed to cover the indirect use of water (evaporation and seepage) from a reservoir located in the Northeast Quarter of Section 35, in Township 26 South, Range 4 East, Butler County, Kansas. Based on information in the associated structures permit, the reservoir was built in 1957. The point of diversion represents the point at which the center of the dam intersects the stream, and a representative of the applicant has signed the form stating they have access to this point of diversion. The reservoir is already permitted by the DWR Water Structures Program under File No. DBU-0046. The dam is being modified, and DWR appropriation staff assiduously determined that this existing reservoir did not have the required appropriation permit, and assisted in bringing the applicant into compliance with regulations.

Note that a previous application (File No. 40,550) was filed by Kansas Jaycee's Cerebral Palsy Ranch in January 1992 to authorize recreational use at this same reservoir, but it was dismissed prior to approval.

The requested quantity of 141 acre-feet appears to be reasonable for indirect use, based on the following information. The reservoir surface area at normal pool storage elevation is estimated at 22 acres and the storage volume is 78 acre-feet. Potential net evaporation in inches, based on K.A.R. 5-6-3, is 17 inches; therefore the natural evaporation can be estimated as follows:

22 acres x 17 inches of evaporation / 12 inches = 31 acre-feet (1 year of evaporation)
31 acre-feet x 3 years = 93 AF
Additional 48 acre-feet for seepage: 22 acres x 0.5"/week x 52 weeks / 12 = 48 AF
Total = 141 Acre-Feet

A runoff calculation was not prepared because it is reasonable to assume that with a drainage area in excess of 2,400 acres, engendering the requested 141 acre-feet of runoff in 1 out of every five (5) years (20% annually), will be readily accomplished. The capacity of the reservoir is the controlling factor. As noted above, the dam is already permitted under DWR Water Structures Program, File No. DBU-0046. Since the reservoir is currently storing water, no Special Condition on the Permit is needed to provide an initial fill quantity.

A list of upstream and downstream landowners was provided, and notification letters were sent out on February 27, 2019. Multiple telephone calls were received from the landowners. Dale Miller and the Burns' own the downstream properties. Dale has 3 horses that use the stream, the Burns' have no domestic use, but they had concerns about the impact on wildlife that use the stream. However, there were no specific impairment concerns. The upstream landowner (Mr. Corbin) who owns the quarter section to the North, stated that water does back up onto his property, but he doesn't have any concern unless additional water backs up onto his property. Kevin Voth owns the property adjacent to the west side of the reservoir, and he claimed that the lake extends onto his property even at normal pool (100% of the time). He mentioned that he still wants to submit an application at some point for the reservoir, but he does not have access to the point of diversion (center of the dam). Further review of the property boundaries, based on Butler County parcel maps, clearly show that the reservoir does not extend onto Mr. Voth's property at normal pool. In addition, according to structures information, the dam is to be lowered slightly, which would decrease the size of the reservoir pool. It appears based on the available information, and the above discussion, that no senior water rights will be impaired by approval of this application, and the applicant owns the entire place of use (the extent of the reservoir at normal pool). As noted above, the reservoir has been in place for over 60 years.

There is only one other permitted surface water right within a two-mile radius circle, which is a sediment control reservoir (File No. 45,789) on a different stream, almost 2 miles away, and would not be impacted in any way. As noted above, this is an existing reservoir (in place since 1957), and the appropriation permit is merely to authorize the on-going beneficial, recreational use of water at the reservoir.

The applicant has submitted a signed Minimum Desirable Streamflow (MDS) statement, which has been notarized. By completing this statement, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under this permit.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the application in a March 20, 2019 e-mail.

Based upon the above discussion, the area is open to new applications, the structure has been properly permitted under DWR water structures program, approval will bring this beneficial use of water into compliance, and there is no indication that the proposed beneficial use of water will impair existing water rights, it is recommended that the referenced application be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

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, Acting Secretary

Laura Kelly, Governor

March 22, 2019

FILE COPY

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

RE: Appropriation of Water, File No. 50,207

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, 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 Application Unit Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Stafford Field Office

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting 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. 50,207** of the applicant

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

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 **February 7, 2019**.
2. That the water sought to be appropriated shall be used for recreational use at a reservoir located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 35, in Township 26 South, Range 4 East, Butler County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of Elm Creek, designated in the office of the Chief Engineer as Elm Creek (Walnut), not needed to satisfy all vested rights and prior appropriation rights to be stored to a maximum extent of **141 acre-feet** per calendar year, in a reservoir created by a dam located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 35, more particularly described as being near a point 2,847 feet North and 1,096 feet West of the Southeast corner of said section, in Township 26 South, Range 4 East, Butler County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the structure creating the above referenced reservoir has been assigned Division of Water Resources Structures Permit No. DBU-0046.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2021**, 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 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, 2025**, 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 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.

12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

13. 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.

14. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

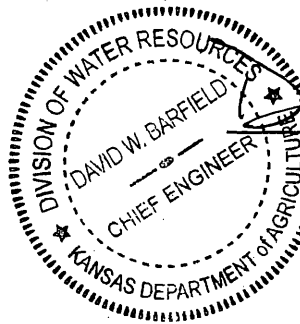
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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

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

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

Ordered this 21st day of March, 2019, in Manhattan, Riley County, Kansas.



David W. Barfield
David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 21st day of March, 2019, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

CERTIFICATE OF SERVICE

On this 22nd day of March, 2019, I hereby certify that the foregoing Approval of Application, File No. 50,207, dated March 21st, 2019 was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:
Stafford Field Office

David W. Barfield

Division of Water Resources

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 RECEIVED

APPLICATION COMPLETE
3/20/19
Reviewer CAB

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: [x] 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) [x] Recreational (d) [] Water Power
(e) [] Industrial (f) [] Municipal (g) [] Stockwatering (h) [] Sediment Control
(i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection
(m) [] Thermal Exchange (n) [] Contamination Remediation

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

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

2/13/2019 ULM
SCANNED

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.

WATER RESOURCES RECEIVED

FEB 07 2019

KG 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):

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]
Signature of Applicant

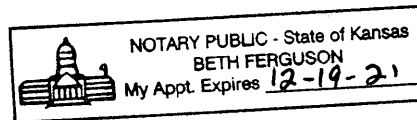
State of Kansas)
County of Butler) ss

JACOB HOCKER
(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.

Beth Ferguson
Notary Public

My Commission Expires: 12-19-21



WATER RESOURCES
RECEIVED

SCANNED FEB 07 2019

**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.

WATER RESOURCES
RECEIVED

FEB 07 2019

SCANNED
KS DEPT. OF AGRICULTURE

#50,207

Schemm, Doug [KDA]

Subject: FW: 50,207 Triple H Pond

From: Lanterman, Jeff [KDA]
Sent: Wednesday, March 20, 2019 10:23 AM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: 50,207 Triple H Pond

Doug;

I've been aware of this application for a long time. I was actually in the Jaycees back in the early 90's and think I visited the ranch once. If structures is happy I am happy.

Anyway. I recommend approval.

Jeff

From: Schemm, Doug [KDA]
Sent: Wednesday, March 20, 2019 8:50 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: 50,207 Triple H Pond

Hello Stafford,
This one is good to go. All of the concerns have been addressed, and there won't be any impairment of senior water rights. It's been there for over 60 years.
The applicant appears to own the entire lake.
Please review,
Thanks, Doug

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50207 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50207 00 REC

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

2847 Feet North and 1096 Feet West of the Southeast Corner of Section 35 T 26S R 4E

SURFACE WATER ONLY

=====

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 45789	00	SED	NK	S	10514	--	SE	SW	SE	220	1332	31	26	5E	1		.00	.00	AF

***** Authorized storage = 50.12 AF Additional storage = 50.12 AF

=====

Total Net Quantities Authorized: Direct Storage

Total Requested Amount (AF) = .00 .00

Total Permitted Amount (AF) = .00 .00

Total Inspected Amount (AF) = .00 .00

Total Pro_Cert Amount (AF) = .00 .00

Total Certified Amount (AF) = .00 50.12

Total Vested Amount (AF) = .00 .00

TOTAL AMOUNT (AF) = .00 50.12

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:

2847 Feet North and 1096 Feet West of the Southeast Corner of Section 35 T 26S R 4E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A__ 45789 00 SED NK S

> UPPER WALNUT WATERSHED JOINT DIST #33

>

> 2503 ENTERPRISE STE B

> EL DORADO KS 67042

>-----

=====

#####

Schemm, Doug [KDA]

Subject: FW: 50207 Triple H Investments DBU-46

From: Schemm, Doug [KDA]
Sent: Monday, March 04, 2019 4:10 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>; Ketter, Ambrose [KDA] <Ambrose.Ketter@ks.gov>; Meier, Matt [KDA] <Matt.Meier@ks.gov>
Subject: RE: 50207 Triple H Investments DBU-46

I agree. I'm going ahead with the approval based on the parcel map. I believe that Triple H owns all of the PU. It will likely only get smaller. The rest of the concerns will also be adequately addressed.

Thank you everybody for the input and information.

Doug

From: Conant, Cameron [KDA]
Sent: Monday, March 04, 2019 3:54 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>; Ketter, Ambrose [KDA] <Ambrose.Ketter@ks.gov>; Meier, Matt [KDA] <Matt.Meier@ks.gov>
Subject: RE: 50207 Triple H Investments DBU-46

Elizabeth may be able to speak to this a little better since she met with Mr. Voth, but I was under the impression that Mr. Voth only owned land to the west of the existing pond and only in flood pool could the water be on the property now owned by him (see attached parcel map, I have it labeled Jaycees). I certainly didn't think it was 100% of the time at normal pool. Back in October I pulled a parcel map and I don't show that Voth owns any of the existing pond...unless the Triple H people have done a bunch of work and expanded the area to the west a bunch which doesn't make sense since they don't own it.

I don't know what to say about Mr. Corbin, the neighbor to the north...providing Triple H didn't make the dam higher, it won't back up any more than it has in the past, which Mr. Corbin says is ok.

Neighbors to the south, who has priority? Pond or them? I don't know but providing Triple H doesn't impound more water than the pond always has, there shouldn't be any difference in what is being "released" to downstream people...at the worst if Triple H is junior to the downstream guys use of water, Triple H will need to have equipment on-site and be ready and willing to pass inflow during dry times if no water is exiting the pond to make sure the downstream uses (if senior) can make use of the water that otherwise would have been available had the dam not been there.

My biggest question right now is, "what has Triple H done to the dam or pond to change it from what is shown in the attached aerial photos and when where those changes made?" Answering that question should help address the Voth question about ownership, the owner to the north issue, and the guys worried to the south.

Cameron

From: Schemm, Doug [KDA]

Sent: Monday, March 4, 2019 3:18 PM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Cc: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>; Ketter, Ambrose [KDA] <Ambrose.Ketter@ks.gov>

Subject: 50207 Triple H Investments DBU-46

I've received phone calls from every neighbor upstream and downstream. Dale Miller and the Burn's own the downstream properties. Dale has 3 horses that use the stream, the Burn's have no domestic use.

Kevin Voth claims he visited your office sometime in October (he may have talked with Elizabeth) to discuss this project. Mr. Voth and Triple H bought their property from the original owner at the same time. Mr. Voth claims that the lake extends onto his property at normal pool (100% of the time). Mr. Voth says he was going to submit a permit but there were issues with access to the point of diversion, perhaps? He still wants to submit at some point. There is also an ongoing lawsuit between these 2 parties. I don't see anyway that Mr. Voth could ever file without access to the pd.

Finally, Mr. Corbin who owns the quarter section to the North, says that water does back up onto his property, but he doesn't have any concern unless additional water backs up, then he won't be happy.

All of the neighbors claim that Triple H has done some physical work on the dam and reservoir over the last couple of years.

Doug

50,207
DBU-0046

69 Query: ENGINEERING DATA

ENGINEERING INFORMATION


Eng Data Id: 1026	Group: Miscellaneous	Type Of Dam:	Pt Type:	<input type="checkbox"/> Phase 1 Insp
National Id: 289	Water Right#: NONE	Dam Length: 1020	Pt Material: M	<input checked="" type="checkbox"/> Plans
Haz Class: 1	Size Class: 2	Dam Height: 14	Pt Size: 12	<input type="checkbox"/> Priv On Fed
Purpose: 1	Nearest City Town: AUGUSTA	Volume Of Fill: 14729	Es Type: C	<input type="checkbox"/> Rec Updated
Purpose 2:	Distance To City Town: 4	Spillway Type:	Es Width: 29	<input checked="" type="checkbox"/> State Regulated
Purpose 3:	Funding:	Assessment: POOR	Eap Status: PENDING EAP	<input checked="" type="checkbox"/> APPROVED MAP
Elevation Streambed: 94	Area:	Storage(ac-ft):	Discharge (cfs):	Amc B:
PS: 103.5	PS: 22	PS: 78	ES:	Drawd D: 4
ES: 104	ES: 22	ES: 78	TOD:	Core:
TOD: 108	TOD: 33	TOD: 189		Foundation:
				Rotation Schedule: 11
Oth D/ Name: KSNONAME 289	Dam Former Name:	Designer: UNKNOWN	Hydraulic Height: 14	
Remarks: UNAPPROVED MODIFICATIONS	Rv/Str: ELM CREEK	Structural Height: 15	Outlet Gates:	



WSI: EAP HAZARD

D	Type	County	Num	EXT	Application Recd Date	File Location	Applicant
5172	D	BU	46		12-26-2018	UAD	KANSAS JAYCEES CEREBRAL PALSY FOUNDATION

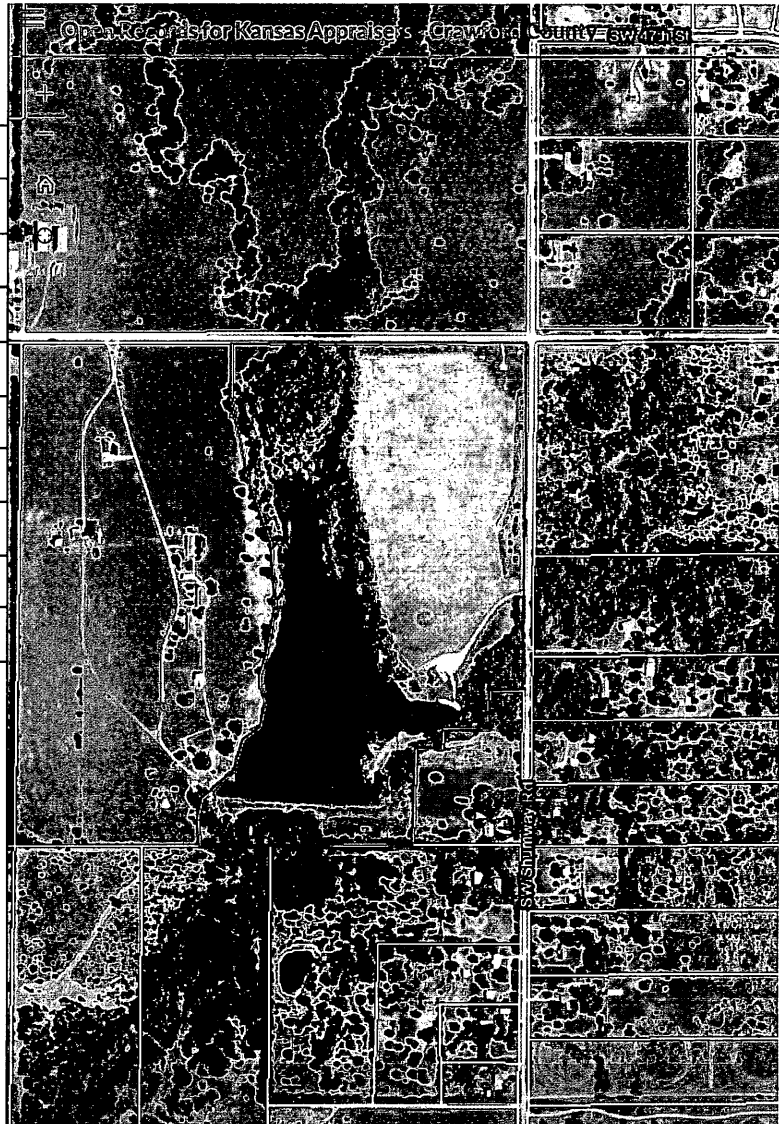
2451 Acres of drainage

Find | Layers | Search Results | Print

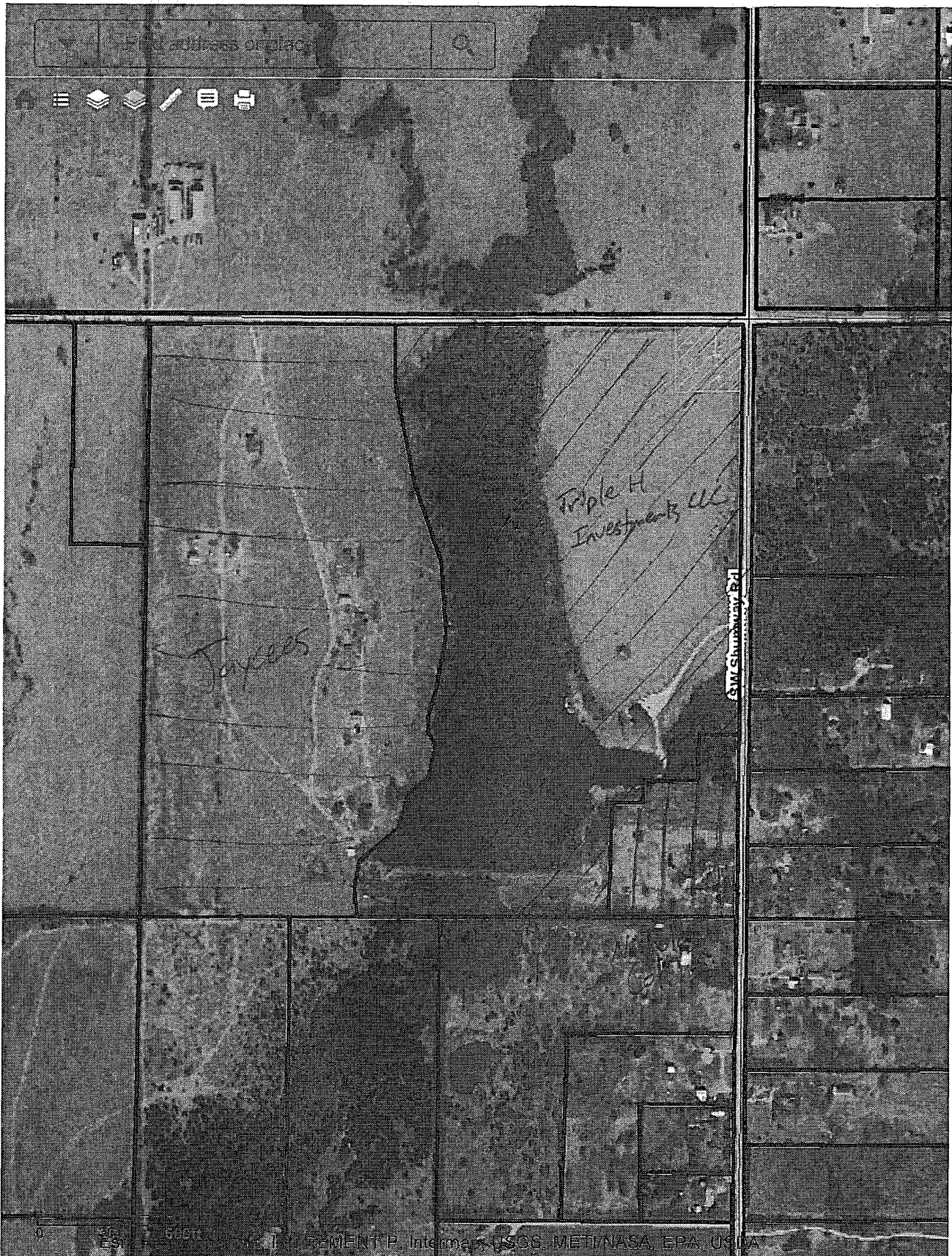
Layers* 

- Labels
- Parcels
- NRCS Soils  
- School Districts
- County Aerials 2014
- NG911 Aerials 2015
- NAIP Aerials 2017
- NAIP Aerials 2015
- NAIP Aerials 2014
- Base Map

* Some layers only visible when zoomed in



Property boundaries -
All of Reservoir on Applicant Property



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, Acting Secretary

Laura Kelly, Governor

February 27, 2019

NICHOLAS COLLINS
5487 SW SHUMWAY RD
EL DORADO KS 67042-8931

Re: Pending New Application, File No. 50,207

Dear Sir or Madam:

This is to advise you that Triple H Investments of Kansas, LLC has filed the new application referred to above for a permit to appropriate 141 acre-feet of surface water per calendar year to be stored in an existing reservoir, for recreational use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 35, in Township 26 South, Range 4 East, Butler County, Kansas. This permit is to authorize the indirect use of water (evaporation and seepage) from the reservoir.

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: Triple H Investments of Kansas LLC

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, Acting Secretary

Laura Kelly, Governor

February 27, 2019

MICHAEL & STEPHANIE HARROUFF
5509 SW SHUMWAY RD
EL DORADO KS 67042-8932

Re: Pending New Application, File No. 50,207

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This is to advise you that Triple H Investments of Kansas, LLC has filed the new application referred to above for a permit to appropriate 141 acre-feet of surface water per calendar year to be stored in an existing reservoir, for recreational use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 35, in Township 26 South, Range 4 East, Butler County, Kansas. This permit is to authorize the indirect use of water (evaporation and seepage) from the reservoir.

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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Triple H Investments of Kansas LLC

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, Acting Secretary

Laura Kelly, Governor

February 27, 2019

DALE & MARY MILLER
6260 SW 60TH ST
EL DORADO KS 67042-9145

Re: Pending New Application, File No. 50,207

Dear Sir or Madam:

This is to advise you that Triple H Investments of Kansas, LLC has filed the new application referred to above for a permit to appropriate 141 acre-feet of surface water per calendar year to be stored in an existing reservoir, for recreational use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 35, in Township 26 South, Range 4 East, Butler County, Kansas. This permit is to authorize the indirect use of water (evaporation and seepage) from the reservoir.

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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Triple H Investments of Kansas LLC

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, Acting Secretary

Laura Kelly, Governor

February 27, 2019

MARY ANNE VOTH LIV TRUST
18001 W HWY 54
GODDARD KS 67052-9302

Re: Pending New Application, File No. 50,207

Dear Sir or Madam:

This is to advise you that Triple H Investments of Kansas, LLC has filed the new application referred to above for a permit to appropriate 141 acre-feet of surface water per calendar year to be stored in **an existing reservoir**, for recreational use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 35, in Township 26 South, Range 4 East, Butler County, Kansas. This permit is to authorize the indirect use of water (evaporation and seepage) from the reservoir.

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Environmental Scientist
Topeka Field Office

pc: Triple H Investments of Kansas LLC

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



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

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 27, 2019

PATRICIA & TED BURNS
6494 SW 60TH ST
AUGUSTA KS 67010-7790

Re: Pending New Application, File No. 50,207

Dear Sir or Madam:

This is to advise you that Triple H Investments of Kansas, LLC has filed the new application referred to above for a permit to appropriate 141 acre-feet of surface water per calendar year to be stored in an existing reservoir, for recreational use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 35, in Township 26 South, Range 4 East, Butler County, Kansas. This permit is to authorize the indirect use of water (evaporation and seepage) from the reservoir.

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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Triple H Investments of Kansas LLC

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



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

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 27, 2019

TED & KAREN CORBIN
6514 SW 50TH ST
EL DORADO KS 67042-7909

Re: Pending New Application, File No. 50,207

Dear Sir or Madam:

This is to advise you that Triple H Investments of Kansas, LLC has filed the new application referred to above for a permit to appropriate 141 acre-feet of surface water per calendar year to be stored in an existing reservoir, for recreational use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 35, in Township 26 South, Range 4 East, Butler County, Kansas. This permit is to authorize the indirect use of water (evaporation and seepage) from the reservoir.

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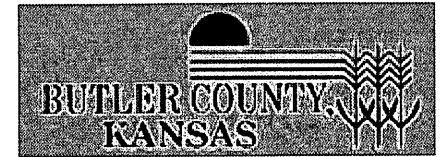
Sincerely,

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

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Triple H Investments of Kansas LLC

Real Estate Information



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This database was last updated on 2/3/2019 at 9:26 PM

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

50207

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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FEB 07 2019

KO DEPT OF AGRICULTURE

Real Estate Information



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50207

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

SCANNED

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

WATER RESOURCES
RECEIVED

FEB 07 2019

KS DEPT OF AGRICULTURE

50207

Real Estate Information



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SCANNED

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

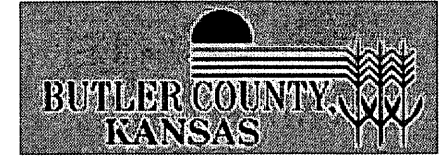
Document #	Document Link
0844-0148	View Deed Information
0794-0141	View Deed Information
0791-0078	View Deed Information
0772-0171	View Deed Information

WATER RESOURCES
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FEB 07 2019

KS DEPT OF AGRICULTURE

50207 Real Estate Information



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

SCANNED

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

WATER RESOURCES
 RECEIVED
 FEB 07 2019
 KS DEPT OF AGRICULTURE



150207

Real Estate Information

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

SCANNED

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



Real Estate Information

This database was last updated on 2/3/2019 at 9:26 PM

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

50207

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

SCANNED

WATER RESOURCES
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FEB 07 2019
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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FEB 07 2019

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

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 (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) 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 $\frac{1}{2}$ mile downstream and $\frac{1}{2}$ 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,

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

Douglas Schemm
Environmental Scientist
Topeka Field Office

Enclosures

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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 AGR. CULTURE

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

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50207

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

1:12,000



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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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