

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.

Submit To: CHIEF ENGINEER
 Division of Water Resources
 Kansas Department of Agriculture
 1320 Research Park Drive
 Manhattan, KS 66502
www.ksda.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
- (Check one or more) Point of Diversion
- Use Made of Water

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 APR 13 2020
 11:30
 KS Dept Of Agriculture

File No. 42,928

2. Name of applicant: Triple H Feeders LLC

Address: 24052 140 Road

City, State and Zip: Lebanon, KS 66952

Phone Number: (785)282-0124 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 H Feeders LLC

Address: 24052 140 Road

City, State and Zip: Lebanon, KS 66952

Phone Number: (785)282-0124 E-mail address: pete514@hotmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Wells are existing but 1 of them is more than 300 feet from the actual location. Place of use being changed due to expansion of the feedlot. Three new apps are being filed concurrently that will cover the same place of use and one of them will completely overlap in p/d with 42928.
 The change(s) (was) (will be) completed by 12/31/21
 (Date)

For Office Use Only:											
F.O. <u>3</u>	GMD <u>-</u>	Meets K.A.R. 5-5-1	<input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	Use	STK	Source	<input type="checkbox"/> G / <input type="checkbox"/> S	County	SM	By <u>KJN</u>	Date <u>4/13/2020</u>
Code <u>CPU</u>		Fee \$ <u>200</u>	TR #			Receipt Date <u>4/13/2020</u>	Check # <u>3517</u>				
OLT	CGT	100	200	\$200							4/30/20

4/14/2020
 LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: Triple H Feeders LLC

ADDRESS: 24052 140 Road Lebanon, KS 66952

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	
1	3	12W													Feed	lot in	SE¼		
12	3	12W	Feed	lot in	NE¼														

List any other water rights that cover this place of use. None.

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.)

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

Owner of Land — NAME: Triple H Feeders LLC

ADDRESS: 24052 140 Road Lebanon, KS 66952

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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		
1	3	12W									Feed	lot in	SW¼		Feed	lot in	SE¼			
12	3	12W	Feed	lot in	NE¼		Feed	lot in	NW¼											

List any other water rights that cover this place of use. None.

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 are 4 wells
(Provide description and number of points)

7. The proposed point(s) of diversion are 4 wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** KS Dept Of Agriculture

One in the NE Quarter of the SW Quarter of the NE Quarter of Section 12, Township 3 South, Range 12 W, in Smith County, Kansas, 3,518 feet North 1,800 feet West of Southeast corner of section.
 Authorized Rate 27.25 gpm Authorized Quantity 14.328 mgd
 (DWR use only: Computer ID No. 2 GPS feet North 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 SE Quarter of the SE Quarter of the SW Quarter of Section 1, Township 3 South, Range 12 W, in Smith County, Kansas, 206 feet North 2,712 feet West of Southeast corner of section.
 Proposed Rate 27.25 gpm Proposed Quantity 14.328 mgd
 This point is: Additional Well Geo Center List other water rights that will use this point None.

9. **Presently authorized point of diversion:**

One in the NW Quarter of the NW Quarter of the NE Quarter of Section 12, Township 3 South, Range 12 W, in Smith County, Kansas, 5,207 feet North 2,030 feet West of Southeast corner of section.
 Authorized Rate 27.25 gpm Authorized Quantity 14.328 mgd
 (DWR use only: Computer ID No. 1 GPS 5,232 feet North 2,029 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) *Better describing by GPS. No actual re-drill.
 One in the NW Quarter of the NW Quarter of the NE Quarter of Section 12, Township 3 South, Range 12 W, in Smith County, Kansas, 5,232 feet North 2,029 feet West of Southeast corner of section.
 Proposed Rate 27.25 gpm Proposed Quantity 14.328 mgd
 This point is: Additional Well Geo Center List other water rights that will use this point None.

10. **Presently authorized point of diversion:**

One in the SW Quarter of the SW Quarter of the SE Quarter of Section 1, Township 3 South, Range 12 W, in Smith County, Kansas, 80 feet North 2,614 feet West of Southeast corner of section.
 Authorized Rate 27.25 gpm Authorized Quantity 14.328 mgd
 (DWR use only: Computer ID No. 2 GPS 122 feet North 2,624 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) *Better describing by GPS. No actual re-drill.
 One in the SW Quarter of the SW Quarter of the SE Quarter of Section 1, Township 3 South, Range 12 W, in Smith County, Kansas, 122 feet North 2,624 feet West of Southeast corner of section.
 Proposed Rate 27.25 gpm Proposed Quantity 14.328 mgd
 This point is: Additional Well Geo Center List other water rights that will use this point None.

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Place of use is being changed to cover proposed expansion of the feedlot. 3 new applications are being filed concurrently with this change application to cover the additional water needed for expansion.

(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 (____ 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.

Same source of supply. All regs met.
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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 waiver requested.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 49-2020 Smith Co Kansas, this 9 day of April, 2020.

<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>Steve Peterson mgr</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

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State of Kansas }
County of Smith } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of April, 2020.

My Commission Expires January 29 2022 01-29-2022

[Signature]
Notary Public

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.**

\$ 400

- 1. The presently authorized point(s) of diversion is 4 wells
(Provide description and number of points)
- 2. The proposed point(s) of diversion is 4 wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the SE Quarter of Section 1, Township 3 South, Range 12 W, in Smith County, Kansas, 62 feet North 2,620 feet West of Southeast corner of section.
 Authorized Rate 27.25 gpm Authorized Quantity 14.328 mgy
 (DWR use only: Computer ID No. 3 GPS 108 feet North 2,622 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) *Better describing by GPS. No actual re-drill.
 One in the SW Quarter of the SW Quarter of the SE Quarter of Section 1, Township 3 South, Range 12 W, in Smith County, Kansas, 108 feet North 2,622 feet West of Southeast corner of section.
 Proposed Rate 27.25 gpm Proposed Quantity 14.328 mgy
 This point is: Additional Well Geo Center List other water rights that will use this point None.

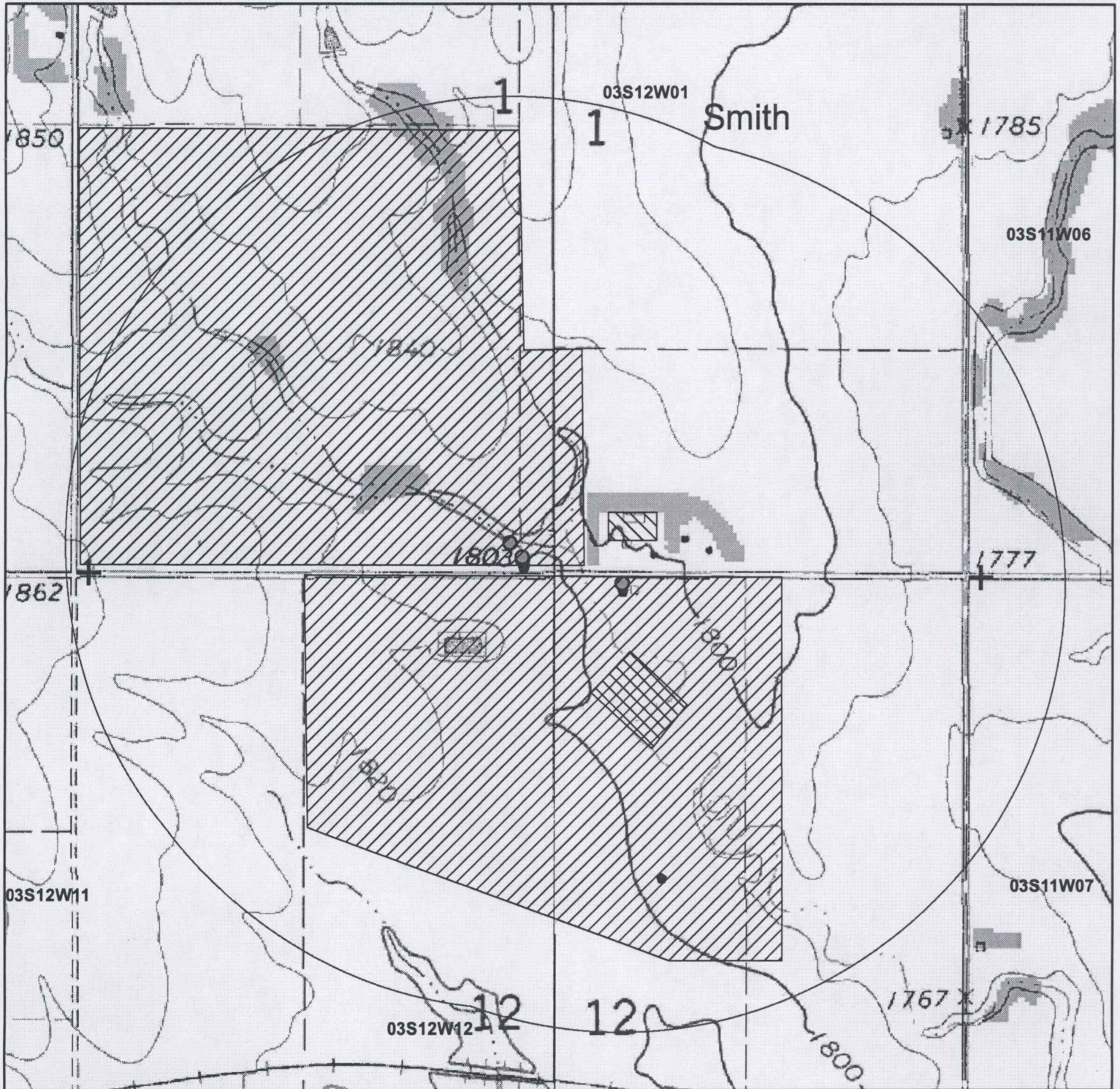
9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ 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 _____ 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 _____.

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ 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 _____.

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

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Application for Change in Place of Use & Point of Diversion, Water Right, File No. 42,928



- ◆ Authorized Points of Diversion
- Proposed Points of Diversion
- Currently Authorized Place of Use
- Proposed Place of Use
- 1/2 mile line

1:10,000

All wells of any kind within 1/2 mile of the proposed points of diversion are shown.

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Signature Required

KS Dept Of Agriculture