



File No. <b>50,256</b>	15. Formation Code: <b>500</b>	Drainage Basin: <b>SALT FORK ARKANSAS River</b>	County: <b>CM</b>	Special Use:	Stream:																
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 af	Rate gpm	Quantity af	Overlap PD Files						
<b>MOD</b>	<b>87553</b>	<b>NE SE SE</b>	<b>33</b>	<b>33</b>	<b>18W</b>	<b>2</b>	<b>1047</b>	<b>288</b>	<b>100</b>	<b>50</b>	<b>100</b>	<b>50</b>	<b>None</b>								
18. Storage: Rate _____ NF    Quantity _____ ac/ft    Additional Rate _____ NF    Additional Quantity _____ ac/ft																					
19. Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____ Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____																					
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    To be installed by <b>12/31/2021</b> Date Acceptable Meter Installed _____																					
21. Place of Use		<b>NE¼</b>				<b>NW¼</b>				<b>SW¼</b>				<b>SE¼</b>				<b>Total</b>	<b>Owner</b>	<b>Chg? NO</b>	<b>Overlap Files</b>
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				
<b>MOD</b>	<b>69481</b>	<b>33</b>	<b>33</b>	<b>18W</b>	<b>1</b>	<b>RESERVOIR (SE SE)</b>													<b>7a.</b>	<b>No</b>	<b>50,293</b>
<b>ENT</b>	<b>69822</b>	<b>33</b>	<b>33</b>	<b>18W</b>		<b>RESERVOIR (NE SE)</b>													<b>7c.</b>	<b>No</b>	<b>50,293</b>
Comments:																					

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

**TO:** Files

**DATE:** December 26, 2019

**FROM:** Doug Schemm

**RE:** Applications, File Nos. 50,256 and 50,293

Long Range Capital, LLC has filed the above referenced new applications for recreational use. File No. 50,256 is proposing to appropriate 50 acre-feet of groundwater at a diversion rate of 100 gallons per minute for recreational use in two existing reservoirs. File No. 50,293 is proposing to appropriate 161.25 acre-feet of surface water to be stored in the same two reservoirs. The applicant has signed the application forms stating he has legal access to the points of diversion. The proposed points of diversion are both located in the Southeast Quarter of Section 33, Township 33 South, Range 18 West, Comanche County. The well water will be used to fill and maintain water levels in the two interconnected reservoirs (i.e. offset evaporative and seepage losses). The surface water application is required to authorize the collection and storage of natural flows within these same two reservoirs.

After further review, it was determined that the upper portion of the larger reservoir extends onto the adjacent property to the North (Haas property) when at normal pool elevation. K.A.R. 5-6-10 states, in part, that the approval of application shall limit the authorized place of use to the actual location where the water will be put to beneficial use. If the authorized use is for recreational use within the reservoir only, the authorized place of use shall not exceed the size and location of the surface area of the reservoir at the elevation of the top of the principal spillway (i.e. normal pool elevation). Therefore, since a portion of the authorized place of use extends onto this adjacent property, they will be listed as owners under this permit. The applicant has provided an access agreement with the adjacent owner.

**FILE NO. 50,256**

The requested quantity of 50 acre-feet appears to be reasonable for indirect use, based on the following information. The two reservoirs have a surface area of 7.5 acres at normal pool elevation. Potential net evaporation in inches, based on K.A.R. 5-6-3, is 38 inches; therefore the natural evaporation can be estimated as follows:

Evaporation = 7.5 acres x 38 inches of evaporation / 12 inches = 24 acre-feet (annual loss)  
Seepage = 7.5 acres x 0.13 inch/acre/day x 365 days/12 inches = 30 acre-feet (annual loss),  
for a total of 54 acre-feet

A well log submitted with the application, shows a shallow sand layer extending from 20 feet to 30 feet below ground surface, underlain by clay to a depth of 205 feet where a void was encountered extending from 205 feet to 213 feet below ground surface. Water was encountered at both 86 feet below ground and 205 feet below ground surface (beginning of void). Static water level was 86 feet below ground, indicating the aquifer is not confined. The general geologic map indicates that the producing formation is likely the Permian age Nippewalla Group. There is no county bulletin for Comanche County, however KGS Bulletin No. 65, "Geology and Ground-Water Resources of Kiowa County, Kansas" indicates that the well log may represent the Flowerpot shale, which has an outcrop area confined to the western half of Barber County and the southeastern part of Comanche County. It is not exposed in Kiowa County but underlies the southeastern part at relatively shallow depths. This formation commonly contains gypsum, which is highly soluble and this may be the cause of the void encountered in the well log. Other nearby wells contain red shale and red rock at depths of over 100 feet, which could be indicative of the Sumner Group.

It appears that this bedrock aquifer extends across the entire two-mile circle, for an area of consideration of 8,042 acres. Based on a potential recharge of 1.2 inches, with 50% available for appropriation, safe yield was determined to be 402.1 acre-feet. There are no existing water rights within this area of consideration, leaving the entire 402.1 acre-feet available, and the application clearly meets safe yield criteria. Please note that this safe yield value per K.A.R. 5-3-11 provides the maximum allowable recharge for the area of consideration. If there is a significant quantity of water still remaining as determined by K.A.R. 5-3-11, then even with a considerable reduction in the amount of recharge reaching the deeper aquifer there would still be sufficient water available. For this application the maximum recharge could be reduced to only 0.2 inches of recharge and there would still be sufficient water available.

The applicant did not identify any nearby domestic wells within one-half mile of the proposed point of diversion. A review of aerial photographs does not show any nearby houses or other structures, also indicating there are no nearby domestic wells. The WRIS database does not contain any wells within a 2-mile radius. No nearby well owner letters were required. Obviously, the application complies with the well spacing requirements in K.A.R. 5-4-4 for all other aquifers, which states that the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

**FILE NO. 50,293**

The requested quantity of 161.25 acre-feet appears to be reasonable for indirect use, based on the following information. The two reservoirs have a surface area of 7.5 acres at normal pool elevation. Potential net evaporation in inches, based on K.A.R. 5-6-3, is 38 inches; therefore the natural evaporation can be estimated as follows:

$$\begin{aligned} \text{Evaporation} &= 7.5 \text{ acres} \times 38 \text{ inches of evaporation} / 12 \text{ inches} = 24 \text{ acre-feet (annual loss)} \\ &24 \text{ AF} \times 3 \text{ years} = 72 \text{ acre-feet} \\ \text{Seepage} &= 7.5 \text{ acres} \times 0.13 \text{ inch/acre/day} \times 365 \text{ days} / 12 \text{ inches} = 30 \text{ acre-feet (annual loss),} \\ &30 \text{ AF} \times 3 \text{ years} = 90 \text{ acre-feet} \\ &\text{for a combined total storage quantity of 162 acre-feet} \end{aligned}$$

A runoff calculation has determined that the 1,750 acre drainage area will produce 450 acre-feet (3.2") of runoff in 1 out of every five (5) years (20% annually). Runoff is not the limiting factor. Since the reservoir is currently storing water, no Special Condition on the Permit is needed to provide an initial fill quantity.

The upper dam is exempt from DWR Water Structures Program; however, the lower dam has been assigned structures File No. LCM-0003. The appropriation and structures permits will be issued together. This structure was initially investigated due to a complaint because it was failing and causing damage to a downstream county road. The applicant has submitted the required information to obtain a structures permit for the lower "overflow pond".

Upstream and downstream landowners were notified on September 12, 2019. No responses of any kind were received. No senior water rights will be impaired by approval of this application. These reservoirs have been in place for many years, and there have been no reported problems or concerns.

There are no other permitted surface water rights within a two-mile radius circle. As noted above, these are existing reservoirs, and the natural flow collector appropriation permit is merely to authorize the on-going beneficial, recreational use of water at these reservoirs.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R 5-1-12. If any chemical or foreign substance is injected into the water pumped under permit, File No. 50,256 a check valve will also need to be installed. A water level measurement tube is required because the rate of diversion is 100 gpm or more.

In a December 24, 2019 e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, stated that the referenced applications should be approved.

Based on the above discussion, that the area is open to new appropriations for groundwater, the proposed appropriation of groundwater complies with safe yield and well spacing criteria, there are no other water rights within the 2-mile circle, approval of surface water storage will bring this beneficial use of water into compliance, the reservoirs have been properly permitted by the Structures Program, and there is no evidence that senior rights will be impaired, it is recommended that the referenced applications be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

## Schemm, Doug [KDA]

---

**From:** Schemm, Doug [KDA]  
**Sent:** Tuesday, December 24, 2019 12:06 PM  
**To:** Schemm, Doug [KDA]  
**Subject:** FW: 50,256 and 50,293 - Long Range Capital  
**Attachments:** 50256 an 50293 Memo to File.docx; 50256 map.pdf

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Tuesday, December 24, 2019 11:49 AM  
**To:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** FW: 50,256 and 50,293 - Long Range Capital

Doug. I think this may be the only app I know of for Flowerpot Shale water.

I think these can be approved.

Jeff

---

**From:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Sent:** Tuesday, December 24, 2019 10:09 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** FW: 50,256 and 50,293 - Long Range Capital

---

**From:** Conant, Cameron [KDA]  
**Sent:** Wednesday, December 18, 2019 2:24 PM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** FW: 50,256 and 50,293 - Long Range Capital

Jeff, we worked to get this covered by a surface water permit for storage as well as a permit to pump ground water into the pond. The pond at capacity will back up on the neighbors property a bit so Doug has also included them as owners of the pond. The owner is currently working with structures to obtain the appropriate permitting on their end. This was an existing, not properly permitted structure so I'm thinking this makes it correct now.

My computer is not working well right now, but here is an application map. Doug notes that we notified up and downstream landowners for the SW permit (no responses) and that there are no wells (only applicant/owner dom well) in the area and no permits within the 2 mile circle.

I think we can recommend approval of the SW and GW applications with the understanding they will be processed only when structures is good to go as well. Pass on to Doug if you agree.

ps-sorry this took so long to get at you

Cameron

---

**From:** Schemm, Doug [KDA] <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>  
**Sent:** Tuesday, September 24, 2019 8:33 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** 50,256 and 50,293 - Long Range Capital

Hello Stafford,

So they submitted both a groundwater application to keep the ponds full, and a natural flow collector for these 2 reservoirs.

There is nobody else in this area. No comments from adjacent landowners.

They are working on their stream obstruction permit, as well.

Please review,

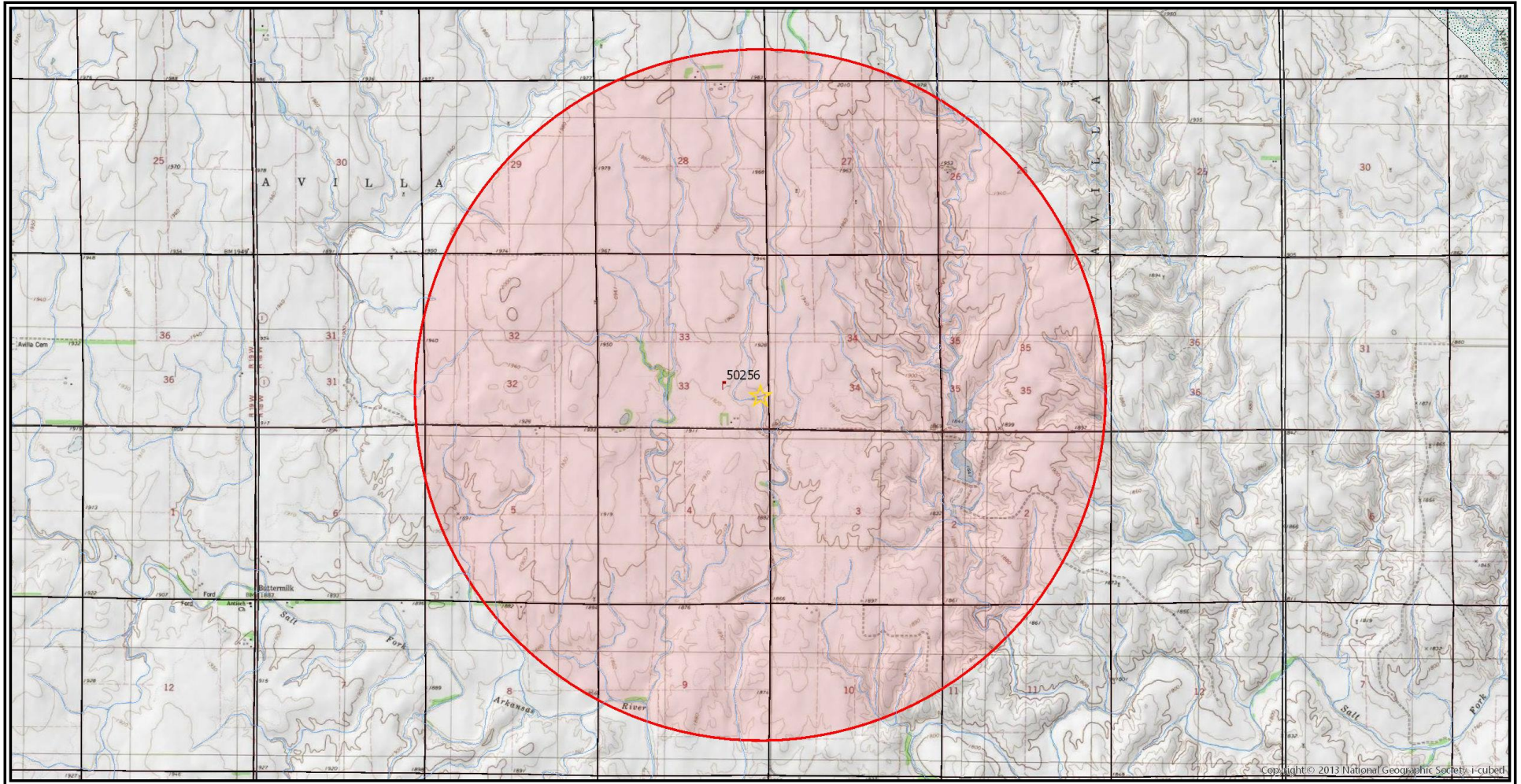
Thanks, Doug

# Safe Yield Report Sheet

## Water Right- Proposed Point of Diversion

### Point of Diversion in 33-33S-18W

Footages from SE corner- 1,047 feet North 288 feet West





## Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is ~~406.16 AF~~. 402.1 AF

Total prior appropriations in the circle is 50.00 AF. - 50 AF = 0

Total quantity of water available for appropriation is ~~356.16 AF~~.  
402.1 AF

Application, File No. 50,256  
Meets Safe Yield  
dws/dwr

## Safe Yield Variables

8,042

The area used for the analysis is set at ~~8,123~~ acres.

The potential annual recharge at the circle center is estimated to be 1.2 inches.

The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 06-AUG-2019 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There is 1 water right and 1 point of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 50256 00	REC	AY	G				SE	1320	1320	33	33	18W	2	WR	<del>-50.00</del>	<del>-50.00</del>		

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, Secretary

Laura Kelly, Governor

**FILE COPY**

LONG RANGE CAPITAL LLC  
PO BOX 1001  
MADISON GA 30650

February 6, 2020

RE: Appropriation of Water, File Nos. 50,256 and 50,293

Dear Sir or Madam:

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

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

An acceptable water flowmeter must be installed on the diversion works authorized by permit File No. 50,256 prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year for each file number. 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 permits or rights 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 reports online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

The approval of your applications constitutes permits 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 Certificates of Appropriation which will establish the extent of your perfected water rights. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://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.

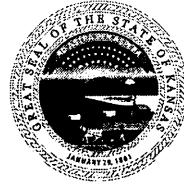
Sincerely,

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

KAB:dws  
Enclosure(s)

pc: Stafford Field Office  
Trenton & Melissa Haas

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, 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. 50,256** of the applicant

**LONG RANGE CAPITAL LLC  
PO BOX 1001  
MADISON GA 30650**

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 **May 17, 2019**.
2. That the water sought to be appropriated shall be used for recreational use in two reservoirs located in the East Half of the Southeast Quarter (E $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 33, in Township 33 South, Range 18 West, Comanche County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Southeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 33, more particularly described as being near a point 1,047 feet North and 288 feet West of the Southeast corner of said section, in Township 33 South, Range 18 West, Comanche County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **100 gallons per minute** (0.22 c.f.s.) and to a quantity not to exceed **50 acre-feet** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 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 all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

14. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

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

16. 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.

17. 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 29<sup>th</sup> day of January, 2020, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

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

State of Kansas                    )  
                                                  ) SS  
County of Riley                    )

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of January, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Katie Anderson*

Notary Public



### CERTIFICATE OF SERVICE

On this *6th* day of *February*, 2020, I hereby certify that the foregoing Approval of Application, File No. 50,256, dated *January 29, 2020* was mailed postage prepaid, first class, US mail to the following:

LONG RANGE CAPITAL LLC  
PO BOX 1001  
MADISON GA 30650

With photocopies to:

TRENTON H & MELISSA D HAAS  
1890 AVENUE V  
COLDWATER KS 67029

Stafford Field Office



---

Division of Water Resources

