

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U PD WORKSHEET

1. File Number: 42928	2. Status Change Date: 2/24/2021	3. Change Num: C-2	4. Field Office: 3	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 4/13/2020
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8a. Applicant(s) New to system <input type="checkbox"/> TRIPLE H FEEDERS LLC 24052 140 ROAD LEBANON, KS 66952	Person ID <u>67200</u> Add Seq# <u> — </u>
8c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
8d. Landowner(s) New to system <input checked="" type="checkbox"/>	Person ID _____ Add Seq# _____

8b. Landowner(s) New to system <input type="checkbox"/> 8a	Person ID _____ Add Seq# _____
8e. WUC New to system <input type="checkbox"/> 8a	Person ID _____ Add Seq# <u> 1 </u>

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/22** N & P Date to Comply: **12/31/22**

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

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

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

Date Prepared: **1/29/2021** By: **KJN**

Date Entered: 3/2/2021 By: LMoody

File No. **42928** 11. County: **SM** Basin: **N F SOLOMON RIVER** Stream: Formation Code: Special Use:

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
DEL	61510			SW SW SE	1	3S	12W	2	80	2614						
DEL	61511			SW SW SE	1	3S	12W	3	62	2620						
DEL	61512			NW NW NE	12	3S	12W	1	5207	2030						
DEL	61513			NE SW NE	12	3S	12W	2	3518	1800						
DEL	61255			SE SE SW	1	3S	12W	1								
ENT	88023			SE SE SW ^	1	3S	12W	4	206	2712						
ENT	88024			SW SW SE ^	1	3S	12W	5	122	2634						50381
ENT	88025			SW SW SE ^	1	3S	12W	6	108	2622						50381
ENT	88026			NW NW NE ^	12	3S	12W	3	5232	2029						50381
ENT	new			S W SW SE	1	3S	12W	new	79	2499	(GEOCENTER)					50381

maintain blanket Q & R*

27.25 gpm 14.328 mgy 27.25 gpm 14.328 mgy 50381

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

14. Limitation: _____
 Limitation: ~~136.4~~ (mgy) when combined with file number(s) ~~50381, 50382, 50477~~ * junior files ltm.

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

16. Place of Use	CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
										NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD	51044	1	3S	12W	1									FEEDLOT (SE & SW)									8a	NO	50381, 50382, 50477				
MOD	51045	12	3S	12W	1					FEEDLOT (NE & NW)													8a	NO	50381, 50382, 50477				

Base Acres: Year: Minimum Reasonable Quantity: Comments: **CREATING COMPLETE OVERLAP IN PD WITH 50381 & COMPLETE OVERLAP IN PU WITH 50381, 50382, 50477**

2/23/2021
KAB

* LI/DWR

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

TO: Files

DATE: January 15, 2021

FROM: Kris Neuhauser

RE: Water Right, File No. 42,928

Steve Peterson, on behalf of Triple H Feeders, owner of the above referenced water right, filed an application for approval to change the point of diversion and place of use for Water Right, File No. 42,928; authorized for stockwatering use within the North Fork Solomon River Basin. David Means, Stockton Field Office, assisted the water right owner in filing this change application.

The referenced file number does not appear abandoned pursuant to K.S.A. 82a-718.

*** a blanket rate of 27.250 gpm and**

File No. 42,928 is authorized four wells, with no overlaps, and is authorized ~~14.328~~ million gallons per calendar year for stockwatering use at a feedlot in the Southeast Quarter (SE $\frac{1}{4}$) of Section 1, and the Northeast Quarter (NE $\frac{1}{4}$) of Section 12, in Township 3 South, Range 12 West, Smith County, KS (no PU overlaps).

The water right owner proposes to expand said feedlot. This change will create a complete overlap in point of diversion with pending Appropriation, File No. 50,381; ~~as well as a complete overlap in place of use with pending Appropriation, File Nos. 50,381; 50,382; and 50,477.~~ **and a**

~~The new point of diversion (geocenter) will be as follows: A battery of four (4) wells with a geographical center located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$) of Section 1, more particularly described as being near a point 79 feet North and 2,370 feet West of the Southeast corner of said section, in Township 3 South, Range 12 West, Smith County, Kansas.~~ **KAR 5-3-4 is met with the new application waiver of rate 2499* from app under File No. 50,381 proposing a complete overlap in PD & PU*** **in the**

The new place of use description will be as follows: A feedlot in the Southwest Quarter (SW $\frac{1}{4}$) and Southeast Quarter (SE $\frac{1}{4}$) of Section 1; and the Northeast Quarter (NE $\frac{1}{4}$) and Northwest Quarter (NW $\frac{1}{4}$) of Section 12, all in Township 3 South, Range 12 West, Smith County, Kansas.

Three notification letters were sent on July 8, 2020, notifying nearby well owners of the applicant's submission of new application, File No. 50,381 and of this change application. Responses of concern were received for the new application, but none were received for the change application.

The local source of supply will not change, previously determined to be Carlile Shale Formation.

New Application, File Nos. 50,381; 50,382; and 50,477 will be limited to a total of 136.4 mgd when combined with Water Right, File No. 42,928.

In an e-mail dated January 27, 2021, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated no objection to approval of the application.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, and that no change in the same local source of supply will occur, it has been recommended that the referenced application be approved.

A handwritten signature in black ink, appearing to read "Kris Neuhauser". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kris Neuhauser
Environmental Scientist

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
AND
POINT OF DIVERSION
WATER RIGHT, FILE NO. 42,928**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Steve Peterson, Manager, Triple H Feeders LLC, as owner of the referenced water right, received in this office on April 13, 2020, for approval of a change in the location of the place of use and point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

a feedlot located in the Southeast Quarter (SE $\frac{1}{4}$) and the Southwest Quarter (SW $\frac{1}{4}$) of Section 1 and in the Northeast Quarter (NE $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of Section 12, all in Township 3 South, Range 12 West, Smith County, Kansas,

the location of the authorized point of diversion shall be:

one (1) well, located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 206 feet North and 2,712 feet West of the Southeast corner of said section; and

one (1) well, located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 1, more particularly described as being near a point 122 feet North and 2,634 feet West of the Southeast corner of said section; and

one (1) well, located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 1, more particularly described as being near a point 108 feet North and 2,622 feet West of the Southeast corner of said section; and

one (1) well, located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 12, more particularly described as being near a point 5,232 feet North and 2,029 feet West of the Southeast corner of said section;

all in Township 3 South, Range 12 West, Smith County, Kansas, located substantially as shown on the topographic map accompanying the application.

That this permit is further limited such that all four (4) wells shall be located within a ¼ mile (1,320 feet) radius circle, in the same source of supply.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 42,928 for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 23, 2011.

Ordered this 24th day of February 2021, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., 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 24 day of February, 2021, By Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman

Notary Public

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

TRIPLE H FEEDERS LLC
24052 140 ROAD
LEBANON, KS 66952

March 4, 2021

RE: Water Right, File No. 42,928

Dear Mr. Peterson:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required *Notification of Completion of the Diversion Works* and/or installation of the required flowmeter as soon as these actions are completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office at 785-564-6640 or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum".

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB: kjn
Enclosure(s)

pc: Stockton Field Office

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, KS 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, KS 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.

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


CERTIFICATE OF SERVICE

On this 4 day of March, 2021, I hereby certify that the attached Approval of Application for Change in Place of Use and Point of Diversion under Water Right, File No. 42,928; dated 24 February, 2021 was mailed postage prepaid, first class, US mail to the following:

TRIPLE H FEEDERS LLC
24052 140 ROAD
LEBANON, KS 66952

With photocopies to:

Stockton Field Office



Division of Water Resources