

File No. 50,381	15. Formation Code: 322 Drainage Basin: N F Solomon River	County: SM	Special Use:	Stream:																																																																																																										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="10">16. Points of Diversion</th> <th colspan="5">17. Rate and Quantity</th> </tr> <tr> <th>MOD</th> <th>DEL</th> <th>ENT</th> <th>PDIV</th> <th>Qualifier</th> <th>S</th> <th>T</th> <th>R</th> <th>ID</th> <th>'N</th> <th>'W</th> <th>Rate gpm</th> <th>Quantity mgy</th> <th>Rate gpm</th> <th>Quantity mgy</th> <th>Overlap PD Files</th> </tr> <tr> <td>ENT</td> <td>new</td> <td>SW SW SE</td> <td>1</td> <td>3S</td> <td>12W</td> <td>new</td> <td>79</td> <td>2499</td> <td>(GEOCTR)</td> <td>30</td> <td>15.768</td> <td>2.75</td> <td>15.768</td> <td>42928</td> </tr> <tr> <td>CHK</td> <td>88023</td> <td>SE SE SW</td> <td>1</td> <td>3S</td> <td>12W</td> <td></td> <td>4</td> <td>206</td> <td>2712</td> <td>27.25</td> <td></td> <td>0</td> <td></td> <td></td> </tr> <tr> <td>CHK</td> <td>88024</td> <td>SW SW SE</td> <td>1</td> <td>3S</td> <td>12W</td> <td></td> <td>5</td> <td>122</td> <td>2634</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>CHK</td> <td>88025</td> <td>SW SW SE</td> <td>1</td> <td>3S</td> <td>12W</td> <td></td> <td>6</td> <td>108</td> <td>2622</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>CHK</td> <td>88026</td> <td>NW NW NE</td> <td>12</td> <td>3S</td> <td>12W</td> <td></td> <td>3</td> <td>5232</td> <td>2029</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>					16. Points of Diversion										17. Rate and Quantity					MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files	ENT	new	SW SW SE	1	3S	12W	new	79	2499	(GEOCTR)	30	15.768	2.75	15.768	42928	CHK	88023	SE SE SW	1	3S	12W		4	206	2712	27.25		0			CHK	88024	SW SW SE	1	3S	12W		5	122	2634						CHK	88025	SW SW SE	1	3S	12W		6	108	2622						CHK	88026	NW NW NE	12	3S	12W		3	5232	2029					
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 7, 2021

FROM: Kris Neuhauser

RE: New Application,
File No. 50,381

Triple H Feeders has filed an application to appropriate groundwater for stockwatering use, requesting a battery of four (4) wells, with a quantity of 15.768 million gallons of water per calendar year (mgy), at a diversion rate of ^{27.25} gallons per minute (gpm). The proposed battery of wells has 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, within the North Fork Solomon River drainage basin. The source of supply appears to be Carlile Shale.

The applicant has signed the application form stating that he has legal access to the point of diversion. The application will create a complete overlap in point of diversion with Water Right, File No. 42,928; as well as a complete overlap in place of use with Water Right, File No. 42,928 and New Application, File Nos. 50,382 and 50,477. A change application for Water Right, File No. 42,928, creating the complete overlap (PD and PU), is included within this approval package.

The place of use is a feedlot located in the Southwest Quarter and Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 1 and the Northeast Quarter and Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 12, all in Township 3 South, Range 12 West, Smith County, Kansas. The entire place of use is owned by Triple H Feeders LLC, and will create a complete overlap with Water Right, File No. 42,928 and pending New Application, File Nos. 50,382 and 50,477.

The proposed quantity is well below reasonable for cattle at the feedlot; but when combined with File Nos. 42,928; 50,382, and 50,477, the maximum reasonable quantity of 15 gallons per head per day is met:

15.768 million gallons per year for 24,000 head = 1.8 gallons per head per day

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 8,042 acres. With a potential annual recharge of 1.7 inches, and 75% of recharge available for appropriation, safe yield was determined to be 854.51 acre-feet. Existing water rights have appropriated 43.97 acre-feet, providing a difference of 810.54 acre-feet available for appropriation, and the application requesting 48.39 acre-feet (15.768 mgy) complies with safe yield.

Three domestic wells within one-half mile of the point of diversion were identified; nearby notification letters were mailed on July 8, 2020. John George called and emailed with concern regarding his father's nearby domestic well. He expressed concern that if this application was approved, he believed there was a good possibility that the well would be impaired.

After initial review, the aquifer appears to be relatively thin (around 18' to 30' of saturated thickness). Due to this review, as well as concern expressed by John George, Kelly Stewart, Water Commissioner of the Stockton Field Office, recommended that Tech Services run a Theis drawdown calculation to see what a future potential impact could be.

Originally the applicant requested 76.65 mgd at 80 gpm. After the Theis analysis was run, it was determined that the application should not be approved at this current quantity/rate, but DWR would be willing to approve 15.768 mgd at 30 gpm. A letter explaining the analysis and findings was mailed to the applicant on October 13, 2020. Steve Peterson, on behalf of Triple H Feeder LLC, approved of this reduction via phone call on January 5, 2021.

The closest non-domestic well is over 1,800 feet away (pending New Application, File No. 50,382; also submitted by Triple H Feeders; covering the same place of use). No other Water Rights are within a two-mile radius of the proposed point of diversion. The closest domestic well is over 2,500 feet away. Therefore, according to K.A.R. 5-4-4, the required well spacing is met.

This application will be limited to 30 gpm (2.75 gpm additional) when combined with Water Right, File No. 42,928. It will also be limited to 136.4 mgd when combined with Water Right, File No. 42,928 and (when approved) New Application, File Nos. 50,382 and 50,477.

In an e-mail conversation on January 27, 2021, Kelly Stewart, Water Commissioner of the Stockton Field Office, recommended approval of the application.

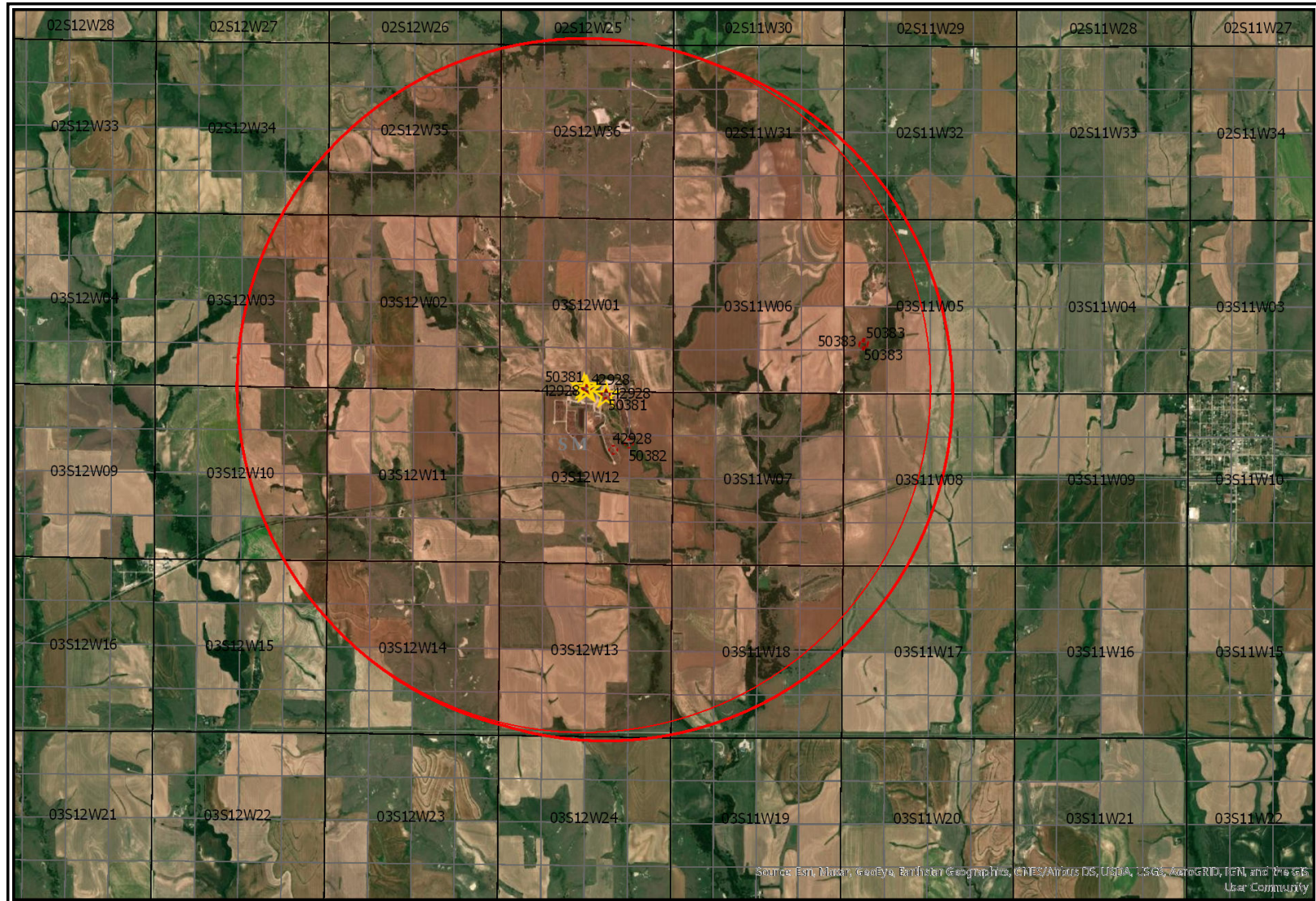
In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Kris Neuhauser
Environmental Scientist
Water Appropriation Program

Safe Yield Report Sheet
Water Right- A5038100
Point of Diversion in 01-03S-12W
Footages from SE corner- 206 feet North 2,712 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 854.51 AF.

Total prior appropriations in the circle is ~~746.59 AF~~, **43.97**

Total quantity of water available for appropriation is ~~107.92 AF~~, **854.51 - 43.97 = 810.54 AF**

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 1.7 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 07-JAN-2021 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 are 4 water rights and 12 points 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 42928 00	STK	NK	G		SW	SW	SE	80	2614	01	03	12W	2	WR	43.97	43.97		
Same	STK	NK	G		SW	SW	SE	62	2620	01	03	12W	3	WR				
Same	STK	NK	G		NW	NW	NE	5207	2030	12	03	12W	1	WR				
Same	STK	NK	G		NE	SW	NE	3518	1800	12	03	12W	2	WR				
A 50381 00	STK	AY	G		SE	SE	SW	206	2712	01	03	12W	4	WR	235.23	232.16		
Same	STK	AY	G		SW	SW	SE	122	2634	01	03	12W	5	WR	48.39	48.39		
Same	STK	AY	G		SW	SW	SE	108	2622	01	03	12W	6	WR				
Same	STK	AY	G		NW	NW	NE	5232	2029	12	03	12W	3	WR				
A 50382 00	STK	AY	G		NE	SW	NE	3705	1327	12	03	12W	4	WR	235.23	235.23		
A 50383 00	STK	AY	G		SW	NW	SW	1503	4633	05	03	11W	3	WR	235.23	235.23		
Same	STK	AY	G		SW	NW	SW	1468	4648	05	03	11W	4	WR				
Same	STK	AY	G		SE	NW	SW	1538	4617	05	03	11W	5	WR				

50383 to be dismissed*

From: Stewart, Kelly
Sent: Wed 1/27/2021 9:47 AM
To: Neuhauser, Kris [KDA]
Cc: Billinger, Mark [KDA];Hageman, Rebecca [KDA]
Subject: RE: Triple H Feeders 50381 recommendation request

Kris,

I have no objection to the approval of this application.

Good work!

Kelly

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, January 26, 2021 2:32 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Triple H Feeders 50381 recommendation request

Hi Kelly,

Here's the Triple H Feeders package coming to you all at once for recommendation. I'll break each new app (and the change app for 42928) into separate emails.

Have 50381 attached to this first one. Let me know if I missed anything of importance or if the limitations look off. Thanks!

Kris Neuhauser

Environmental Scientist
Water Appropriations Program – Kansas Dept of Agriculture
(785) 564-6643

From: Baum, Kristen [KDA]
Sent: Mon 10/5/2020 4:00 PM
To: Neuhauser, Kris [KDA]
Subject: FW: Files 50381, 50382, 50383
Attachments: Theis_50381-3_2.pdf

Kristen A Baum
New Application Unit Supervisor
DWR Appropriations

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Wednesday, September 23, 2020 9:45 AM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Cc: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: FW: Files 50381, 50382, 50383

Kristen,

I am forwarding David's latest Theis calculations that have been revised due to a number of conversations we have had. Using his alternative scenario of evaluating the effects of pumping based on 1 year, it would appear reasonable to offer the applicant the reduced rates and quantities as follows:

File No. 50,381: 30 g.p.m. & 48.39 acre-feet (15,768,000 gallons)
File No. 50,382: 30 g.p.m. & 48.39 acre-feet (15,768,000 gallons)
File No. 50,383: 30 g.p.m. & 15.34 acre-feet (5,000,000 gallons)

I also think we should offer the applicant the opportunity to provide results from a professional hydrological analysis that would support DWR approving higher rates and/or quantities.

Kelly

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Friday, September 18, 2020 2:11 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Kelly,

Attached is the write-up on these files, expanded to include the reduced scenario we discussed.

Regards,

David Engelhaupt, E.I.
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Thursday, September 10, 2020 11:47 AM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Perhaps I misspoke too. Who knows. Either way, I think those are decent numbers for him.

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Thursday, September 10, 2020 11:35 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Files 50381, 50382, 50383

I must not have followed, I thought you said the existing file was 7.5mg, so that's the discrepancy. Your numbers are correct.

David Engelhaupt, E.I.
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Thursday, September 10, 2020 11:33 AM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: Files 50381, 50382, 50383

David,

During our last discussion, didn't you throw out 44 mg as the potential total? I come up with 50.864. Am I wrong?

42,928: 14.328
50,381: 15.768
50,382: 15.768
50,383: 5.000
Total: 50.864

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Thursday, September 10, 2020 9:29 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Files 50381, 50382, 50383

You are right they could be. I was sticking with the 30 gpm maximum. I've attached another set, this time increasing the rate and corresponding quantity for 50381 and 50382. The domestic at A is still a great deal below 20% because the domestic at B is controlling here, increasing 50381 further would put it over. This just shows 2 of the many possible solutions.

David Engelhaupt, E.I.
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



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From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Thursday, September 10, 2020 9:21 AM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Maybe I'm missing something or misunderstanding something. Doesn't it just show approximately the maximum that could be approved for 50,383, but it doesn't show that for the other two files because none of their pumping scenarios are anywhere close to 20%? Couldn't 50,381 and 50,382 be increased considerably?

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Thursday, September 10, 2020 9:17 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Files 50381, 50382, 50383

It's in that spreadsheet, second tab labeled 1YR or something similar.

David Engelhaupt, E.I.
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



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From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Thursday, September 10, 2020 9:13 AM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: Files 50381, 50382, 50383

David,

Thanks for working on this. One thing I would still like to see is to use the 1 year drawdown scenario and come up with the maximum amount of water that could be approved at each of the three locations without exceeding the 20% dd. Would that take you long to do?

Kelly

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Tuesday, September 8, 2020 3:17 PM
To: Beightel, Chris [KDA] <Chris.Beightel@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Kelly and others,

Attached is a new Theis spreadsheet. I added a second sheet that uses a 1-year analysis instead of the usual 50-year. I also added additional scenarios to each sheet that keep the drawdown below 20% saturated thickness.

Regards,

David Engelhaupt, E.I.

Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



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From: Engelhaupt, David [KDA]
Sent: Thursday, September 3, 2020 2:48 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Ok, that's what I was wondering. If it's not a perennial stream you are likely correct that it would overestimate the effects.

David Engelhaupt, E.I.

Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



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From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Thursday, September 3, 2020 2:47 PM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>; Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: RE: Files 50381, 50382, 50383

David,

That might be giving the area too much credit. These tributaries would be intermittent at best, but would provide recharge during precipitation/runoff events.

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Thursday, September 3, 2020 2:32 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Another alternative would be to run the Theis with constant-head boundaries at those tributaries.

David Engelhaupt, E.I.

Engineering Associate
Kansas Department of Agriculture
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(785) 564-6680



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From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Thursday, September 3, 2020 2:27 PM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>; Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Chris,

We do not maintain any spring/fall or annual well measurements in this area to prove our point. However, most of the wells in this area are 40 to 50 feet deep with static water levels around 20 to 30'. Saturated thickness is approximately 20' in the area. These wells are all located in relatively close proximity to tributaries. We have every reason to believe they experience recharge.

Kelly

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Thursday, September 3, 2020 9:39 AM
To: Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Cc: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Chris,

CC to Kelly and Mark, I'll leave the recharge question to them rather than attempting to relay what they explained to me.

I don't have a pump test or calibrated model in this area, so the aquifer properties are a question mark. I took a conservative line though so I'm reasonably confident I'm not underestimating impacts.

David Engelhaupt, E.I.

Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



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From: Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Sent: Wednesday, September 2, 2020 4:33 PM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Thanks for sending this along.

Is there data to support the contention that there is good recharge and no mining going on here? If so, and if you are reasonably confident in the aquifer properties you'll use in the Theis evaluation, then it seems like a good path forward.

Chris

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Wednesday, September 2, 2020 4:28 PM
To: Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Subject: Files 50381, 50382, 50383

Chris,

The above referenced files are the ones I mentioned in our staff meeting call earlier. Each of the files is for a battery of wells in a shallow Carlile shale formation. I just got off the phone with Kelly and Mark. Their thoughts are that our 50-year Theis may not be appropriate here because the area gets substantial recharge and isn't a case where groundwater mining is occurring. If it is recharging like they say, I'd be inclined to agree. Their suggestion was that a shorter-term Theis, maybe 1 to 3 years, would be more appropriate. Thoughts on this?

Kelly spoke with the applicant today. He didn't get into the weeds of how our analysis is done. The applicant does not want to impair the nearby domestics, and agrees that he wouldn't want to invest in a large expansion and then find out the water isn't physically available. From what Kelly said, the applicant is amenable to us proposing some numbers and going from there.

Thanks,

David Engelhaupt, E.I.
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



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D. Engelhaupt
9/18/2020

Theis analysis of new application File Nos. 50,381; 50,382; 50,383

A Theis analysis was used to evaluate three proposed new applications in Sections 1 and 12 of Township 3 South, Range 12 West and Section 5 of Township 3 South, Range 11 West. The new applications for Files 50,381 and 50,383 are for batteries of 3 and 2 wells, respectively. The evaluation was done assuming all pumping occurs at the physical well located nearest the observation well. The maximum drawdown after 50 years of pumping cycles was evaluated at three domestic wells, labeled A, B, and C for the purposes of this report (Figure 1). The assumed transmissivity (175 feet per day) is based on three nearby lithological logs (Figure 2). Saturated thickness is assumed to be 20 feet based on lithology logs. A specific storage of 10^{-3} was assumed. The maximum dynamic drawdown was compared to the estimated saturated thickness at the three domestic wells. The individual applications produce drawdowns ranging from 17.55 feet (87.7 % of saturated thickness) to 124.77 feet (623.9% of saturated thickness) (Tables 1 - 3).

An alternate pumping scenario was developed which would mitigate impacts at the domestic wells. The alternative scenario was designed such that the cumulative drawdown from the three new applications would not exceed 4 feet at any domestic within 1 year of pumping. Under the alternative scenario, all three applications are limited to 30 gallons per minute. Files 50,381 and 50,382 would be allowed to divert 15.768 million gallons per year, which is the maximum quantity that can be diverted in a year at 30 gallons per minute. File No. 50,383, which is located in close proximity to a domestic well, would be limited to 5 million gallons per year. Under this scenario, the cumulative drawdown at the three domestic wells ranges from 0.48 to 3.82 feet, or 2.76 to 19.20% of the saturated thickness (Tables 4 – 6).

Table 1: 50-year Theis analysis of proposed applications at Domestic A. T = 175 ft²/day, S = 0.02, ST = 20 ft

File No.	Distance (Feet)	Quantity (AF)	Rate (GPM)	Drawdown (FT)	Drawdown (%ST)
50,381	5,168	235.23	80	33.36	166.80 %
50,382	3,862	235.23	200	40.78	203.91 %
50,383	10,275	235.23	800	17.55	87.73 %
Total:				91.69	458.45 %

Table 2: 50-year Theis analysis of proposed applications at Domestic B. T = 175 ft²/day, S = 0.02, ST = 20 ft

File No.	Distance (Feet)	Quantity (AF)	Rate (GPM)	Drawdown (FT)	Drawdown (%ST)
50,381	4,058	235.23	80	38.86	194.30 %
50,382	2,435	235.23	200	53.15	265.74 %
50,383	7,108	235.23	800	25.92	129.62 %
Total:				117.93	589.65 %

Table 3: 1-year Theis analysis of proposed applications at Domestic C. T = 175 ft²/day, S = 0.02, ST = 20 ft

File No.	Distance (Feet)	Quantity (AF)	Rate (GPM)	Drawdown (FT)	Drawdown (%ST)
50,381	7,473	235.23	80	24.69	123.45 %
50,382	7,127	235.23	200	25.91	129.55 %
50,383	781	235.23	800	124.77	623.87 %

Total:	175.37	876.85 %
--------	--------	----------

Table 4: 1-year Theis analysis of alternative scenario at Domestic A. $T = 175 \text{ ft}^2/\text{day}$, $S = 0.02$, $ST = 20 \text{ ft}$

File No.	Distance (Feet)	Quantity (AF)	Rate (GPM)	Drawdown (FT)	Drawdown (%ST)
50,381	5,168	48.39	30	0.11	0.57 %
50,382	3,862	48.39	30	0.44	2.19 %
50,383	10,275	15.34	30	0.00	0.00 %
Total:				0.55	2.76 %

Table 5: 1-year Theis analysis of alternative scenario at Domestic B. $T = 175 \text{ ft}^2/\text{day}$, $S = 0.02$, $ST = 20 \text{ ft}$

File No.	Distance (Feet)	Quantity (AF)	Rate (GPM)	Drawdown (FT)	Drawdown (%ST)
50,381	4,058	48.39	30	0.36	1.81 %
50,382	2,435	48.39	30	1.59	7.95 %
50,383	7,108	15.34	30	0.00	0.00 %
Total:				1.95	9.76 %

Table 6: 1-year Theis analysis of alternative scenario at Domestic B. $T = 175 \text{ ft}^2/\text{day}$, $S = 0.02$, $ST = 20 \text{ ft}$

File No.	Distance (Feet)	Quantity (AF)	Rate (GPM)	Drawdown (FT)	Drawdown (%ST)
50,381	7,473	48.39	30	0.01	1.81 %
50,382	7,127	48.39	30	0.01	7.95 %
50,383	781	15.34	30	3.82	0.00 %
Total:				3.84	19.20 %

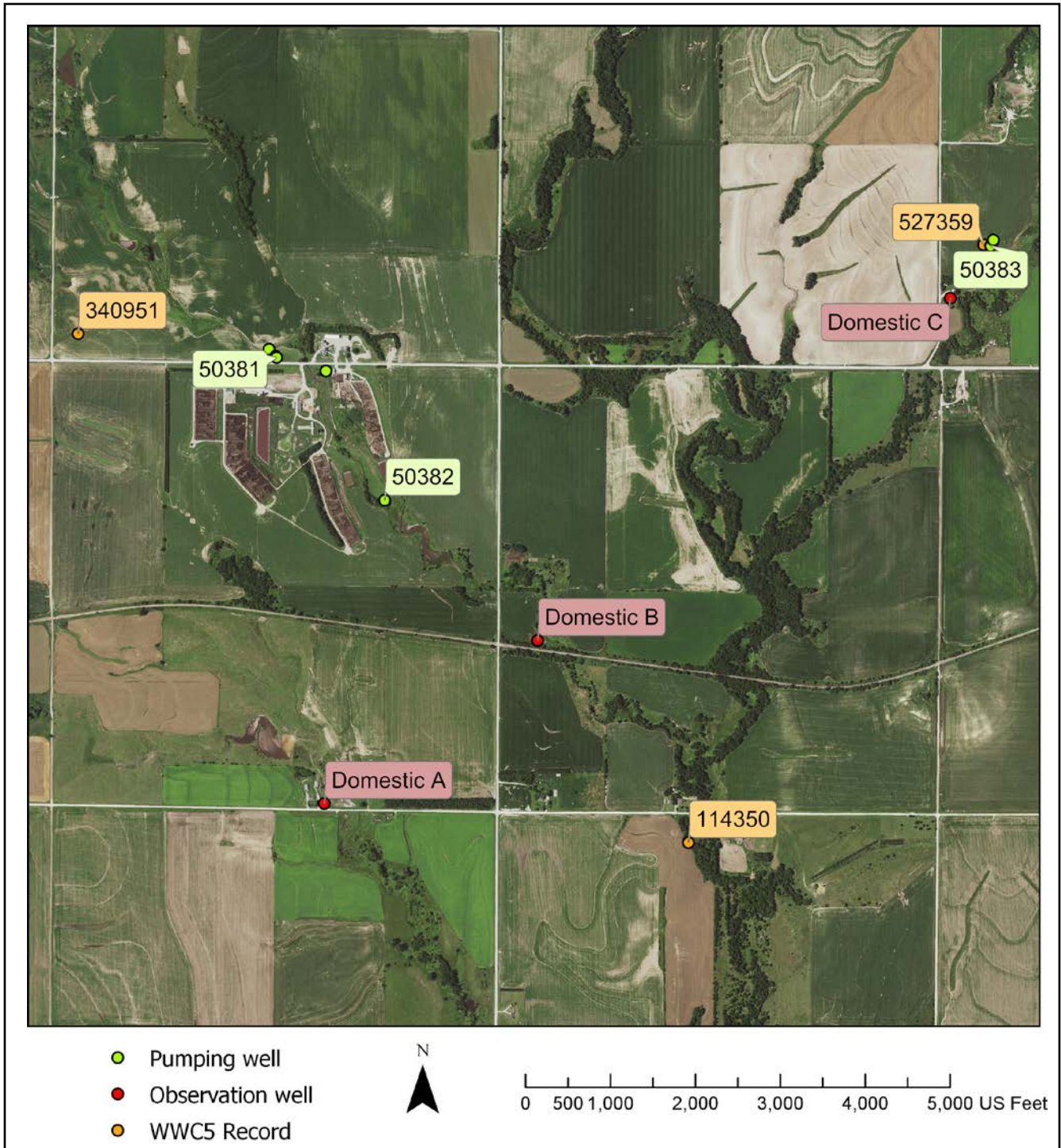


Figure 1: Map of pumping and observation (domestic) wells and lithology log locations

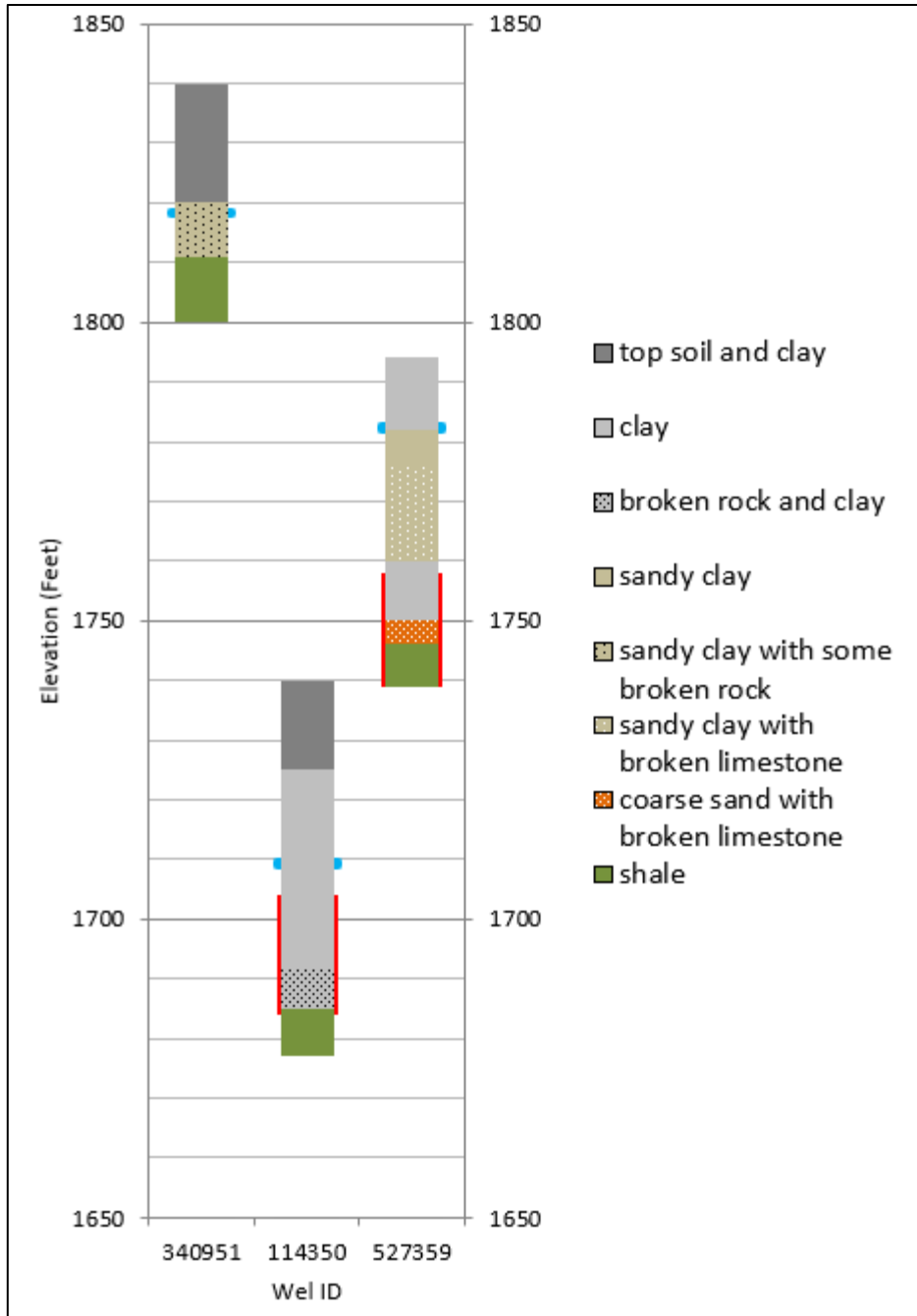


Figure 2: Lithological logs

From: Neuhauser, Kris [KDA]
Sent: Thu 1/7/2021 4:50 PM
To: Baum, Kristen [KDA];Freeman, Ashlee [KDA]
Subject: RE: Outgoing mail: 50381, 50382, 50383 return letter

I have not called him yet. Good point, didn't write in anything about returning the apps.

That sounds like a plan to me though! Makes it easy. I've made the edits in Docuware already, with a date stamp and note of our phone convo on 1/5/2021.

Kris Neuhauser

Environmental Scientist
Water Appropriations Program – Kansas Dept of Agriculture
(785) 564-6643

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Thursday, January 7, 2021 4:35 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>
Subject: RE: Outgoing mail: 50381, 50382, 50383 return letter

Ok, I actually got on the phone with Katie about a different issue but I mentioned this one to see what she thought. I'm going to back track now, unless you've already called him. Your letter says the original applications are being returned, but then it says they have a period of 30 days to submit additional information. I think that's our opening to simply edit the docuware applications and go down the road. We didn't actually say that the original applications had to be returned.

We were talking though that this might be another WC topic – failure to return dismissals in an electronic world.

Kristen A Baum
New Application and Change Unit Supervisor
DWR Appropriations

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, January 7, 2021 3:44 PM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>
Subject: RE: Outgoing mail: 50381, 50382, 50383 return letter

I'll give him a ring today or tomorrow and check. He was easy to get ahold of last time. Agreed though, sometimes it might be easier to hold on to them; especially in cases where we are almost certain things will work out and the approval process will continue.

I will let you know if he can't find the hard copies!

Kris Neuhauser

Environmental Scientist
Water Appropriations Program – Kansas Dept of Agriculture
(785) 564-6643

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Thursday, January 7, 2021 3:38 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>
Subject: RE: Outgoing mail: 50381, 50382, 50383 return letter

Since we're reducing the quantities, I'd be tempted to give Mr. Peterson a call back and see if still has the originals that he could return with the modifications. Then moving forward, we may need to rethink the process some. Maybe we don't want to always return the original applications?

If he doesn't have them, then maybe we can come up with a docuware text comment that indicates these are true and correct versions.

Kristen A Baum
New Application and Change Unit Supervisor
DWR Appropriations

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, January 7, 2021 3:25 PM
To: Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Outgoing mail: 50381, 50382, 50383 return letter

Awesome, thanks Ashlee!

Kristen, should we look into the stamp for the electronic version of the apps? Or do we need to reach out to Steve Peterson and get the originals back?

From: Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>
Sent: Thursday, January 7, 2021 3:16 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Outgoing mail: 50381, 50382, 50383 return letter

It looks like I did sent the applications back with the letter. I found the empty folders on my desk. Thanks!

Ashlee Freeman
Administrative Specialist
Kansas Dept. Of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6637

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, October 13, 2020 3:03 PM
To: Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>
Subject: Outgoing mail: 50381, 50382, 50383 return letter

Hi Ashlee,

This is a letter to be sent to the applicant, along with three of their original applications: File Nos. 50381, 50382, & 50383. We're returning them to give them a chance to reduce quantity/rate as we won't approve them where they are currently at.

Thanks!

Kris Neuhauser
Environmental Scientist
Water Appropriations Program – Kansas Dept of Agriculture
(785) 564-6643

From: Neuhauser, Kris [KDA]
Sent: Wed 1/6/2021 3:06 PM
To: Freeman, Ashlee [KDA]; Baum, Kristen [KDA]; Stewart, Kelly [KDA]
Subject: RE: Water application

50477** not 50383

From: Neuhauser, Kris [KDA]
Sent: Wednesday, January 6, 2021 3:04 PM
To: Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Water application

I got ahold of Mr. Peterson the other day and he signed off on the reduced quantity/rate for 50381 and 50382. I should probably check out 50383 a little more in depth and draft up a memo soon.

I'll probably send a rec request for all three at the same time to you Kelly.

Kris Neuhauser

Environmental Scientist
Water Appropriations Program – Kansas Dept of Agriculture
(785) 564-6643

From: Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>
Sent: Wednesday, January 6, 2021 2:27 PM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Water application

This has been completed. Thank you!

Ashlee Freeman
Administrative Specialist
Kansas Dept. Of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6637

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Wednesday, January 6, 2021 2:22 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>
Subject: RE: Water application

I just replied back to the original email and copied Kris. I noticed 50477 has a voluntary dismissal for 50383 buried in the middle of it.

Ashlee – can you pull it from that application in docuware and save it as a dismissal for 50383? Go ahead and assigned it to Kris.

Kristen A Baum

New Application and Change Unit Supervisor
DWR Appropriations

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Tuesday, January 5, 2021 8:14 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Cc: Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>
Subject: RE: Water application

Kris,

I know that Mr. Peterson is willing to reduce those two pending applications to the numbers you suggested in your letter. Perhaps you could give him a quick phone call and get that statement from him?

Kelly

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Monday, January 4, 2021 8:04 PM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>
Subject: RE: Water application

Looks like this is 50477, accepted on 12/30/2020. Notes they will submit a voluntary dismissal for 50383 (like you mentioned a while back Kelly).

Where exactly are we on 50381 and 50382? I sent that letter on 10/13/2020 letting them know they will have to reduce quantity/rate on each to get them approved, or provide a hydrologic analysis. I'm not seeing any responses from them in Docuware.

Kris Neuhauser
Environmental Scientist
Water Appropriations Program – Kansas Dept of Agriculture
(785) 564-6643

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Monday, January 4, 2021 5:23 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: FW: Water application

Here's another I need to follow up on. I feel like these might be waiting on me... Can you confirm?

Kristen A Baum
New Application and Change Unit Supervisor
DWR Appropriations

From: Kevin Shamburg <KShamburg@klaenviro.com>
Sent: Monday, January 4, 2021 10:03 AM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: FW: Water application

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Ms. Baum,

Can you update us on the status of the Application for Permit to Appropriate Water for Beneficial Use for Triple H Feeders, LLC.? A copy of the application is attached. Thanks.

Kevin Shamburg
KLA Environmental Services, Inc.

785-820-6087



From: steve peterson <pete514@hotmail.com>
Sent: Saturday, December 26, 2020 8:34 AM
To: Kevin Shamburg <KShamburg@klaenviro.com>
Subject: Water application

Kevin,

Attached is the last water app.

Hope you all had a great Christmas.

Thanks

Steve

From: Neuhauser, Kris [KDA]
Sent: Tue 10/13/2020 10:56 AM
To: Baum, Kristen [KDA];Stewart, Kelly [KDA]
Subject: RE: Files 50381, 50382, 50383 return letter

Awesome, no problem! I'll get this and their apps sent back to them soon.

Thanks guys!

Kris

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Tuesday, October 13, 2020 10:54 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Files 50381, 50382, 50383 return letter

Looks good, thanks Kris! I agree with Kelly's recommendations.

Kristen A Baum
New Application Unit Supervisor
DWR Appropriations

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, October 13, 2020 9:55 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Files 50381, 50382, 50383 return letter

Kelly,

Sounds good, I'll make those changes!

Kris

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Tuesday, October 13, 2020 9:07 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Files 50381, 50382, 50383 return letter

Kris,

I think the letter looks good. I would suggest you say the we are UNABLE to approve these rather than UNWILLING to approve them.

I would think we give him the standard 30 days and then he could request an extension if he needed more time for the hydrologic analysis.

Kelly

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, October 13, 2020 8:58 AM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Files 50381, 50382, 50383 return letter

Morning guys,

Have this letter drafted up to send Triple H Feeders, regarding New Apps 50381, 50382, 50383. Explains we will not approve at their current quantities/rates, due to our analysis showing impact to nearby domestic wells. But we would be willing to approve at the quantities/rates found in David's calculations.

Let me know what you think needs added or changed. Also wasn't sure if we want to give them 30/60 days? Once we have a final draft I will get it to Katie/Ashlee to be mailed along with their original apps.

Thanks!

Kris Neuhauser

Environmental Scientist
Water Appropriations Program – Kansas Dept of Agriculture
(785) 564-6643

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Monday, October 5, 2020 4:01 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: FW: Files 50381, 50382, 50383

Kristen A Baum
New Application Unit Supervisor
DWR Appropriations

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Wednesday, September 23, 2020 9:45 AM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Cc: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: FW: Files 50381, 50382, 50383

Kristen,

I am forwarding David's latest Theis calculations that have been revised due to a number of conversations we have had. Using his alternative scenario of evaluating the effects of pumping based on 1 year, it would appear reasonable to offer the applicant the reduced rates and quantities as follows:

File No. 50,381: 30 g.p.m. & 48.39 acre-feet (15,768,000 gallons)
File No. 50,382: 30 g.p.m. & 48.39 acre-feet (15,768,000 gallons)
File No. 50,383: 30 g.p.m. & 15.34 acre-feet (5,000,000 gallons)

I also think we should offer the applicant the opportunity to provide results from a professional hydrological analysis that would support DWR approving higher rates and/or quantities.

Kelly

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Friday, September 18, 2020 2:11 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Kelly,

Attached is the write-up on these files, expanded to include the reduced scenario we discussed.

Regards,

David Engelhaupt, E.I.

Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Thursday, September 10, 2020 11:47 AM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Perhaps I misspoke too. Who knows. Either way, I think those are decent numbers for him.

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Thursday, September 10, 2020 11:35 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Files 50381, 50382, 50383

I must not have followed, I thought you said the existing file was 7.5mgy, so that's the discrepancy. Your numbers are correct.

David Engelhaupt, E.I.

Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Thursday, September 10, 2020 11:33 AM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: Files 50381, 50382, 50383

David,

During our last discussion, didn't you throw out 44 mgy as the potential total? I come up with 50.864. Am I wrong?

42,928: 14.328
50,381: 15.768
50,382: 15.768
50,383: 5.000
Total: 50.864

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Thursday, September 10, 2020 9:29 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Files 50381, 50382, 50383

You are right they could be. I was sticking with the 30 gpm maximum. I've attached another set, this time increasing the rate and corresponding quantity for 50381 and 50382. The domestic at A is still a great deal below 20% because the domestic at B is controlling here, increasing 50381 further would put it over. This just shows 2 of the many possible solutions.

David Engelhaupt, E.I.
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Thursday, September 10, 2020 9:21 AM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Maybe I'm missing something or misunderstanding something. Doesn't it just show approximately the maximum that could be approved for 50,383, but it doesn't show that for the other two files because none of their pumping scenarios are anywhere close to 20%? Couldn't 50,381 and 50,382 be increased considerably?

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Thursday, September 10, 2020 9:17 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Files 50381, 50382, 50383

It's in that spreadsheet, second tab labeled 1YR or something similar.

David Engelhaupt, E.I.
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Thursday, September 10, 2020 9:13 AM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: Files 50381, 50382, 50383

David,

Thanks for working on this. One thing I would still like to see is to use the 1 year drawdown scenario and come up with the maximum amount of water that could be approved at each of the three locations without exceeding the 20% dd. Would that take you long to do?

Kelly

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Tuesday, September 8, 2020 3:17 PM
To: Beightel, Chris [KDA] <Chris.Beightel@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Kelly and others,

Attached is a new Theis spreadsheet. I added a second sheet that uses a 1-year analysis instead of the usual 50-year. I also added additional scenarios to each sheet that keep the drawdown below 20% saturated thickness.

Regards,

David Engelhaupt, E.I.
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



From: Engelhaupt, David [KDA]
Sent: Thursday, September 3, 2020 2:48 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Ok, that's what I was wondering. If it's not a perennial stream you are likely correct that it would overestimate the effects.

David Engelhaupt, E.I.
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Thursday, September 3, 2020 2:47 PM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>; Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: RE: Files 50381, 50382, 50383

David,

That might be giving the area too much credit. These tributaries would be intermittent at best, but would provide recharge during precipitation/runoff events.

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Thursday, September 3, 2020 2:32 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Another alternative would be to run the Theis with constant-head boundaries at those tributaries.

David Engelhaupt, E.I.
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Thursday, September 3, 2020 2:27 PM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>; Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Chris,

We do not maintain any spring/fall or annual well measurements in this area to prove our point. However, most of the wells in this area are 40 to 50 feet deep with static water levels around 20 to 30'. Saturated thickness is approximately 20' in the area. These wells are all located in relatively close proximity to tributaries. We have every reason to believe they experience recharge.

Kelly

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Thursday, September 3, 2020 9:39 AM
To: Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Cc: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Chris,

CC to Kelly and Mark, I'll leave the recharge question to them rather than attempting to relay what they explained to me.

I don't have a pump test or calibrated model in this area, so the aquifer properties are a question mark. I took a conservative line though so I'm reasonably confident I'm not underestimating impacts.

David Engelhaupt, E.I.
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



Have you completed your 2020 Census?
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my2020census.gov

From: Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Sent: Wednesday, September 2, 2020 4:33 PM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Subject: RE: Files 50381, 50382, 50383

Thanks for sending this along.

Is there data to support the contention that there is good recharge and no mining going on here? If so, and if you are reasonably confident in the aquifer properties you'll use in the Theis evaluation, then it seems like a good path forward.

Chris

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Wednesday, September 2, 2020 4:28 PM
To: Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Subject: Files 50381, 50382, 50383

Chris,

The above referenced files are the ones I mentioned in our staff meeting call earlier. Each of the files is for a battery of wells in a shallow Carlile shale formation. I just got off the phone with Kelly and Mark. Their thoughts are that our 50-year Theis may not be appropriate here because the area gets substantial recharge and isn't a case where groundwater mining is occurring. If it is recharging like they say, I'd be inclined to agree. Their suggestion was that a shorter-term Theis, maybe 1 to 3 years, would be more appropriate. Thoughts on this?

Kelly spoke with the applicant today. He didn't get into the weeds of how our analysis is done. The applicant does not want to impair the nearby domestics, and agrees that he wouldn't want to invest in a large expansion and then find out the water isn't physically available. From what Kelly said, the applicant is amenable to us proposing some numbers and going from there.

Thanks,

David Engelhaupt, E.I.
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680



Have you completed your 2020 Census?
It's not too late! Take action now!
my2020census.gov

From: Engelhaupt, David [KDA]
Sent: Thu 8/6/2020 11:17 AM
To: Stewart, Kelly [KDA]; Neuhauser, Kris [KDA]
Cc: Baum, Kristen [KDA]
Subject: RE: Steve Peterson (MRK LLC) pending applications
Attachments: 50381-3.xlsb

Spreadsheet with those numbers ran is attached. For discussion purposes I thought it might be better to provide this. When/if we land on a final set of rates and quantities I can write up the usual report then. The calculations are done with formulas so you can edit the input rate and quantity and see what happens.

David Engelhaupt, E.I.

Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Thursday, August 6, 2020 10:41 AM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Steve Peterson (MRK LLC) pending applications

David,

Thanks for working on this. Clearly the aquifer won't provide the rates and probably the quantities desired. If each file averaged 30 g.p.m. for the entire year (8,760 hours of pumping at 30 g.p.m.), they would only pump 15.8 m.g.y each.

I'd be curious what that pumping scenario would look like. Could you run those numbers?

Kelly

From: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>
Sent: Wednesday, August 5, 2020 3:49 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Steve Peterson (MRK LLC) pending applications

Analysis attached. Needs to be taken with a grain of salt because I didn't have much to go on here without a model or pump test. The lithology doesn't look like it would support the rates that were applied for. The transmissivity I used is very low because the area looks to be mostly sandy clay, which generally is low hydraulic conductivity. The other WWC5 wells in the area have low listed rates (30 gpm or less), which is further evidence that the T is likely low here. If we have information that shows that the aquifer is better than what the three logs I looked at suggest I can re-run under different assumptions.

David Engelhaupt, E.I.

Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, July 28, 2020 1:29 PM
To: Engelhaupt, David [KDA] <David.Engelhaupt@ks.gov>

Cc: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: FW: Steve Peterson (MRK LLC) pending applications

Hey David,

Forwarding this on to you; email and map regarding New App, File Nos. 50381, 50382, and 50383. Having some issues with nearby landowners on all these.

Kelly thinks it would be a good idea to run some theis calculations for them. I have some well logs I've found in the nearby area, but none of the nearby well owners listed on Kelly's map. If you need any more logs/maps/etc. let me know.

Thanks!

Kris Neuhauser

Environmental Scientist
Water Appropriations Program – Kansas Dept of Agriculture
(785) 564-6643

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Monday, July 27, 2020 9:59 AM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Means, David [KDA] <David.Means@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Steve Peterson (MRK LLC) pending applications

Kris,

On Friday I went up and met with John George and his neighbor Theron Haresnape. They both have concerns about the pending applications in the area filed by Mr. Peterson. I am enclosing a map of the area. I think they truly appreciated the explanation of water rights, priority, etc... They will likely be filing domestic applications to establish their priority over these new applications. If you look at the map, you'll see a Dustin Werner location. I did not meet with him, but John George told me by e-mail that Mr. Werner will likely be filing a domestic application too.

It appears that Mr. Peterson's proposed wells all meet minimum well spacing from the domestics. From area well logs, it looks like this aquifer is fairly uniform throughout the area so I believe running a full two mile circle for safe-yield would be appropriate. However, the aquifer is relatively thin (~ 18 to 30' of saturated thickness). Since we have so much concern expressed by the neighbors up front, I would recommend that Tech Services run some theis drawdown calculations and see what the potential impact is. I think we should look at this and try to avoid any future problems in the area.

Kelly C. Stewart, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
Stockton Field Office
(785)425-6787
kelly.stewart@ks.gov

<http://www.agriculture.ks.gov/>

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

WAIVER OF REGULATION K.A.R. 5-3-4(d) Application

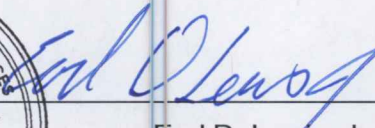
Date: February 24, 2021.

Re: Application, File No. 50,381

1. That K.A.R. 5-3-4(d) states in part that if the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that any of the following categories may be included on a single application: (1) Not more than four wells within a circle with a quarter-mile radius in the same local source of supply that do not exceed a maximum diversion rate of 20 gallons per minute per well.
2. That the referenced application was filed in order to obtain additional quantity from an existing group of four individual wells currently authorized a blanket rate of 27.25 gallons per minute under Water Right, File No. 42,928.
3. That the referenced application is requesting four wells within a quarter-mile radius circle in the same local source of supply; however, the requested maximum diversion rate is 27.25 gallons per minute. This pumping rate would theoretically allow the applicant to exceed the maximum diversion rate of 20 gallons per minute per well if it was pumped from any one individual well.
4. That the way in which the wells are operated, none of them likely ever exceed 20 gallons per minute individually. No additional rate is being requested by the referenced application therefore, placing a formal rate limitation on the junior file that doesn't exist on the senior file would unnecessarily complicate the water rights.
5. That including all four points of diversion on one application will provide operational flexibility in pumping rates to ensure that adequate pressure can be maintained throughout the system and will provide for more efficient management of both the feedlot operations and the source of supply.
6. That granting this waiver will not prejudicially or unreasonably affect the public interest, and no senior rights will be impaired by the proposed use.

Comments:




Earl D. Lewis, Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

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 and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,381** of the applicant

**TRIPLE H FEEDERS LLC
24052 140 ROAD
LEBANON, KS 66952**

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 **April 13, 2020**.
2. That the water sought to be appropriated shall be used for stockwatering use in the South Half Quarter (S $\frac{1}{2}$) of Section 1 and in the North Half (N $\frac{1}{2}$) of Section 12, both in Township 3 South, Range 12 West, Smith 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 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.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **27.25 gallons per minute (0.06 c.f.s.)** and to a quantity not to exceed **15.768 million gallons (48.39 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, 2022** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$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 submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$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, 2026** 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 of \$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 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.

13. That acceptable water flow meters shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. These water flow meters 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).

14. 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.

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

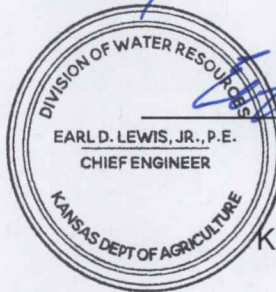
16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

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.

18. That the rate of diversion approved under this permit is further limited to the rate which combined with Water Right, File No. 42,928, will provide a total **not to exceed 27.25 gallons per minute** (0.06 c.f.s.) from the authorized point of diversion.

19. 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.

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

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **50381**

FO: 3 GMD: 0

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
STK	2/23/2021	145	Statewide	Application Acceptance	Maximum Instantaneous Rate
Rule Number	Date Granted	Date Denied	Justification:	The proposed rate is a blanket 27.25gpm, no additional rate is requested, only additional quantity from an existing group of 4 wells. The way in which the wells are operated, none of them likely ever exceed 20 gallons per minute individually. Granting this waiver will not prejudicially or unreasonably affect the public interest and will not impair any existing water right.	
K.A.R. 5-3-4(d)	2/24/2021				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared **2/23/2021** By **kab**

Date Entered **3/10/2021** By **LMoody**

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

March 10, 2021

TRIPLE H FEEDERS LLC
24052 140 ROAD
LEBANON, KS 66952

RE: Appropriation of Water, File No. 50,381

Dear Mr. Peterson:

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 Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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, 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

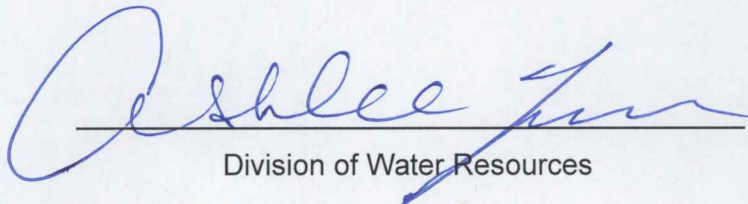
CERTIFICATE OF SERVICE

On this 10 day of March, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,381, 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