

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

1. File Number: <p style="text-align: center;">20219050</p>	2. Status Change Date: <p style="text-align: center;">12/9/2021</p>	3. Field Office: <p style="text-align: center;">3</p>	4. GMD:
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

7a. Applicant(s) Person ID **58417**
 New to system Add Seq# _____

GLENN KOHL
509 MONROE
ELLIS, KS 67637

7c. Landowner(s) Person ID _____
 New to system Add Seq# _____

7d. Misc. Person ID _____
 New to system Add Seq# _____

8. WUR Correspondent Person ID _____
 New to system Add Seq# _____
 Overlap File (s) WUC Notarized WUC Form
 Agree Yes No

7a

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC:1381_____ OTHER: _____

10. Completion Date: _____ 11. Start Date: **6/14/2021** 12. Exp Date: **01/01/2026**

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

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

Date Prepared: **10/22/21** By: **RRP**

Date Entered: **12/14/2021**
LMoody

File No. **20219050** 15. Formation Code: 113 Drainage Basin: Saline River County: Ellis Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
CHK			77626	NE NE SE	07	13S	20W	7	2519	137	200	4.23	200	4.23	20169020

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? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
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			
CHK			36509	07	13S	20W	1															20169020

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 14, 2021

FROM: Rebecca Pollett

RE: Term Permit,
File No. 20219050

Glenn Kohl has filed the above referenced Term Permit to appropriate groundwater from one well for industrial use to be used for oil well drilling. Term Permit, File No. 20219050 is requesting 4.23 million gallons (13 AF) at a diversion rate of 200 gallons per minute. The point of diversion was previously authorized by Term Permit, File No. 20169020, which File No. 20219050 is essentially replacing. The point of diversion is located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7, Township 13 South, Range 20 West, Ellis County, Kansas, with the source of water being from the Big Creek Basin. The well itself is 48 feet deep and appears to be sourcing from main stem alluvium of Big Creek. The proposed place of use will be within a 10-mile radius of the point of diversion. The previous term permit approved at this location, File No. 20169020, noted the water was to be used for approximately 17 oil wells per year, at 250,000 gallons per well, which is a normal parameter for this type of use (17 wells x 250,000 gallons = 4.23 mgy).

This term permit has a period of use from June 14, 2021 through January 01, 2026. The safe yield requirements set forth in K.A.R. 5-3-11 and 5-23-4 are not applicable to term permits of five (5) years or less. Therefore, this term permit is exempt from safe yield criteria.

There are three domestic wells located within one-half mile of the existing well. Well spacing criteria based on K.A.R. 5-4-4 requires a distance of 1,320 feet from the point of diversion for non-domestic wells and 660 feet spacing for domestic wells. Via the KWIS database and WWC5 database the closest non-domestic well is almost 2,300 feet away, while the closest domestic well is over 750 feet away. Based on this and the applicant's history for the site, well spacing criteria has been met. Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the referenced term application in a October 21, 2021 via e-mail.

Based on the above discussion it appears that the proposed use of water is reasonable and is within the public interest. No other water rights are likely to be affected by the proposed approval; therefore, I recommend approval of the application for a term period to expire January 1, 2026.

Rebecca Pollett
Environmental Scientist
Division of Water Resources

From: Stewart, Kelly [KDA]
Sent: Thu 10/21/2021 4:28 PM
To: Neuhauser, Kris [KDA]
Cc: Pollett, Rebecca [KDA];Billinger, Mark [KDA];Hageman, Nancy [KDA]
Subject: RE: 20219050 recommendation request

Kris/Rebecca,

I would recommend approval of this term permit. We haven't experienced any problems with the previous term.

Rebecca, welcome to the team. Your memos are quite a bit better than Kris'. 😉

Some insight into Kris:

1. He was, by far, the worst intern we ever had at Stockton,
2. His geology is really, really weak given his selected university and main advisor,
3. He's afraid to play golf with me.

Thanks for all your efforts!

Kelly

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, October 21, 2021 4:18 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Pollett, Rebecca [KDA] <Rebecca.Pollett@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: 20219050 recommendation request

Hey Kelly and Mark,

Rebecca is beginning to work a few term apps. This first one is for oil field supply, essentially replacing 20169020. Looks like Jodie assisted.

Rebecca drafted the memo and I tweaked a few things here and there. Told her that there's no perfect memo, just all a matter of preference really. A lot of times you guys are aware of applications and know backstory before we send you a rec. request even. In that case, it never hurts to ask you or the other WC's/assistant WC's questions if need be. I always send my recommendation requests to the WC and cc the Assistant WC.

Kristen did mention in our meeting today that I should introduce Kelly a bit, so here it goes:

1. Probably my least favorite water commissioner
2. Lousy golfer (never had a hole in one)
3. My ex girlfriend from early college is from Stockton.. coincidence?

Hope this helps! 😃

Kris

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. 20219050** of the applicant

**GLENN KOHL
509 MONROE
ELLIS, KS 67637**

for a term 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 subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **July 2, 2021**.
2. That the water sought to be appropriated shall be used for industrial purposes (oilfield drilling) within a ten-mile radius of the proposed point of diversion, located in Section 7, in Township 13 South, Range 20 West, Ellis, 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 Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7, more particularly described as being near a point 2,519 feet North and 137 feet West of the Southeast corner of said section, in Township 13 South, Range 20 West, Ellis County, Kansas.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **200 gallons per minute (0.45 c.f.s.)** and to a quantity not to exceed **4.23 million gallons (13 acre-feet)** of water for any calendar year.
5. 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.
6. That this term permit shall relate to a specific quantity of water and 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 authorized point of diversion.
7. That this term 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.

8. That all diversion works constructed under the authority of this term 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.

9. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this term 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.

10. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this term permit in accordance with the 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).

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

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

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

14. That this term permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c.

15. That the well casing and other appurtenances to said well under this appropriation shall be maintained by the applicant to the satisfaction of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. That in the event this application is dismissed or the well under this appropriation should become abandoned by the applicant, the applicant shall cause said well to be plugged in accordance with the requirements of article 30 of the rules and Regulations as adopted by the Kansas Department of Health and Environment.

16. That the discharged water is controlled and managed by the applicant to minimize flooding, waste, damage, hazards or a public nuisance.

17. That the effective date of this term permit is **June 14, 2021**.

18. That this term permit shall expire on **January 1, 2026**, and its priority forfeited, in accordance with K.S.A. 82a-708c. Any extension of time to make use of water as authorized herein must be requested in writing for good cause by the applicant prior to the expiration date on this permit.

Ordered this 9 day of December, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

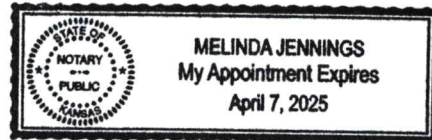
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 9 day of December, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

Notary Public



**RIGHT TO PETITION FOR REVIEW
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

CERTIFICATE OF SERVICE

On this day of
File No. 20219050, dated
class, US mail to the following:

, 2021 I hereby certify that the foregoing Term Permit,
, 2021, was mailed postage prepaid, first

GLENN KOHL
509 MONROE
ELLIS, KS 67637

Stockton Field Office

Staff

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

December 20, 2021

GLENN KOHL
509 MONROE
ELLIS, KS 67637

RE: Term Permit, File No. 20219050

Dear Sir or Madam:

Your application for a term permit to appropriate water for beneficial use has been examined, approved, and a permit is enclosed for your records.

An acceptable water flowmeter must be installed on the diversion works authorized by this term permit prior to using water. Notice must be filed within thirty (30) days of the water flowmeter being installed, repaired or replaced. 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 term 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.

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,

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

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

KAB:RRP
Enclosure(s)
pc: Stockton Field Office

RIGHT TO PETITION FOR REVIEW UNDER THE KANSAS JUDICIAL REVIEW ACT

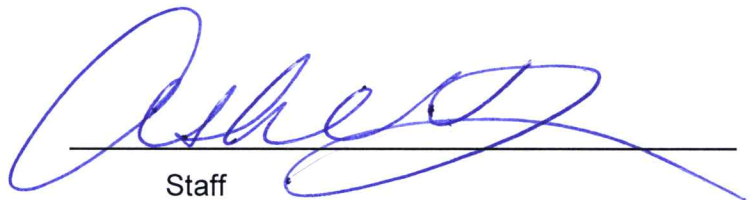
This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

CERTIFICATE OF SERVICE

On this 20 day of December, 2021 I hereby certify that the foregoing Term Permit, File No. 20219050, dated 9 December, 2021, was mailed postage prepaid, first class, US mail to the following:

GLENN KOHL
509 MONROE
ELLIS, KS 67637

Stockton Field Office



Staff