

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,077</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">5/20/2021</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</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 **51900**
New to system Add Seq# _____

**TRIAD OF THE SOUTHWEST
RITCHIE ADDISON
P.O. BOX 663
WELLINGTON, KS 67152**

7b. Landowner(s) Person ID **35940**
New to system Add Seq# _____

**L & M FARMS INC
RITCHIE ADDISON
P.O. BOX 663
WELLINGTON, KS 67152**

7c. Landowner(s) Person ID **51900**
New to system Add Seq# _____

**TRIAD OF THE SOUTHWEST
RITCHIE ADDISON
P.O. BOX 663
WELLINGTON, KS 67152**

7d. Landowner 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: _____ OTHER: _____

10. Completion Date: **12/31/2022** 11. Perfection Date: **12/31/2026** 12. Exp Date: _____

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

14. Water Level Measuring Device? Yes No Date to Comply: **12/31/2022** Date WLMD Installed: _____

Date Prepared: **3/5/21** By: **MJM**
Date Entered: **5/25/2021** By: **LMoody**

5/18/2021
Llreland

File No. **50077** 15. Formation Code: **105** Drainage Basin: **Chikaskia** County: **SU** 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 af	Rate gpm	Quantity af	Overlap PD Files	
MOD 86852			SWSWNE		15	33S	2W	1	2864	2453	Geo-Center	300	156	300	156	None
ENT 88855			SWSWNE		15	33S	2W		2650	2263	Bat 1 of 4					
ENT 88856			SWSWNE		15	33S	2W		2637	2640	Bat 2 of 4					
ENT 88857			SWSWNE		15	33S	2W		3077	2226	Bat 3 of 4					
ENT 88858			SWSWNE		15	33S	2W		3093	2651	Bat 4 of 4					

BATT ID # 2240

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 12/31/2022 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	NE ¼	NW ¼	SW ¼	SE ¼						
ENT 68966			15 33S 2W				3									30				30				60	7c.	None			
ENT 68967			15 33S 2W				4										30	30					60	7b.					
MOD 68964			15 33S 2W				1	30	30	30	30												120	7c.					
ENT 68965			15 33S 2W				2					30			30								60	7c.					
ENT 69114			15 33S 2W				5						30	30									60	7c.					
Total																							360						

Comments: **Modified to Overlap PU with 50076 & 50134 after all had original PUs reduced in size. Rate and authorized quantity reduced.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 5, 2021

FROM: Matt Meier

RE: Application, File No. 50077

Triad of the Southwest has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 156 acre-feet, and a diversion rate of 300 gallons per minute. The geo-center of the proposed well battery is to be located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW¼ SW¼ NE¼) of Section 15, more particularly described as being near a point 2864 feet North and 2453 feet West of the Southeast corner of said section, in Township 33 South, Range 2 West, Sumner County, within the Chikaskia River drainage basin. Applications File Nos. 50076 & 50134 will overlap the proposed place of use but not the proposed point of diversion. The proposed place of use is owned by the applicant. The applicant has signed the application form stating that he has legal access to the point of diversion. Multiple modifications were made during the processing of the application which included changes to the requested quantity, rate, place of use, etc. All the changes were signed off on by the applicant.

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 circle 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 7,315 acres. With a potential annual recharge of 3.0 inches, and 50% of recharge available for appropriation, safe yield was determined to be 914.34 acre-feet. Existing water rights have appropriated 156 acre-feet, providing a difference of 758.34 acre-feet available for appropriation, and the application requesting 156 acre-feet complies with safe yield.

A test hole log submitted with the application shows topsoil from 0 to 3 feet, tan clay from 3 to 28 feet, medium to very coarse sand from 28 to 44 feet, and red shale from 44 to 51 feet below ground. Static water level was at 25 feet which provides a saturated thickness of 19 feet. The application fails to meet the limited saturated thickness 25-foot cutoff which would require a limited saturated thickness study. As the applicant had previously conducted a limited saturated thickness study for another application in the same section, which determined the aquifer would support the pumping, it was decided to not require a second study.

The requested quantity of water, 156 acre-feet, is reasonable to irrigate the proposed 360 acres identified in the application when combined with the quantities of 50076 & 50134 (156 acre-feet for each application for a total of 468 acre-feet on the proposed place of use). This is the maximum reasonable quantity allowable of 1.3 acre-feet per acre for Sumner County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

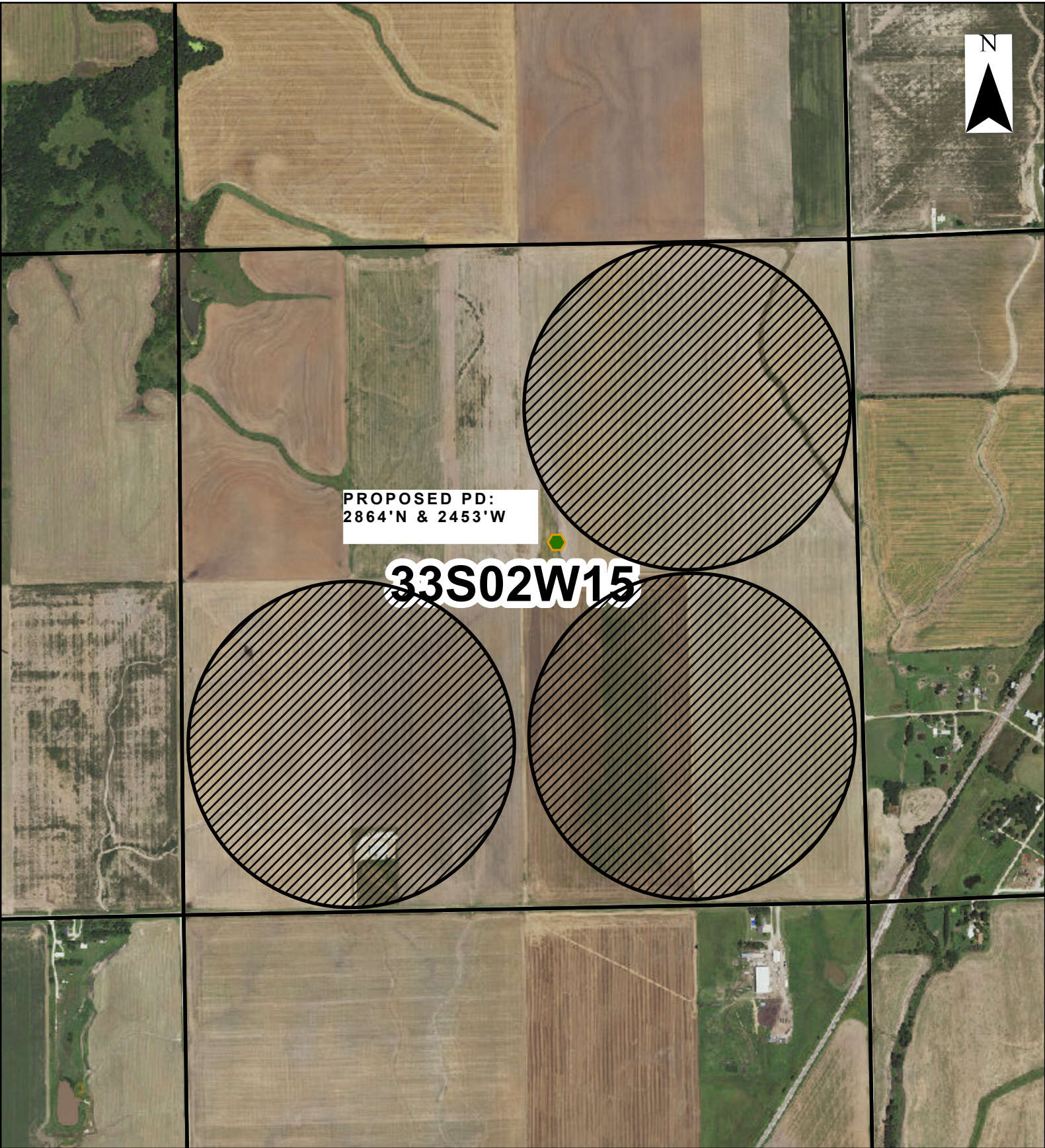
The applicant identified 0 domestic wells within one-half mile of the proposed wells and zero non-domestic wells, which Wris confirmed. No nearby well notification letters were sent out. There are no non-domestic points of diversion within ½ mile. Based off the map submitted with the application, the nearest domestic well is ½ mile or further away. The proposed point of diversion meets minimum well spacing to all existing wells but an additional condition requiring the geo-center to be constructed to meet spacing will be added. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

Due to the concerns of multiple nearby well owners, members of the local community, and local government officials additional testing was conducted by Technical Services in the form of multiple Theis analysis. The Theis analysis were performed using information from a 24-hour pump test which was conducted on Applications 50075 (which the applicant voluntarily dismissed) & 50134 for failing to meet the limited saturated thickness cutoff. The Division of Water Resources had previously determined that a reduction in the Saturated Thickness of a local aquifer reaching 20 percent or higher over a 50-year period shall be considered an unreasonable lowering of the static water level and is grounds for denying an application. Based on the Theis analysis conducted by Technical Services, the combined draw down of the applications is greater than the 20 percent cutoff and was grounds for denial. The applicant was sent a denial letter on December 23, 2020 explaining the recommendation and giving the applicant the opportunity to make changes. After several phone calls with the applicant the applicant decided to reduce the rates of Applications 50076, 50077, & 50134 (to 300 gpm per application) to get the combined draw down under the 20 percent cutoff. The applications were returned by the applicant on January 8th, 2021 with the reductions initialed and a request that the applications place of use be modified so that all the applications formed a complete place of use overlap.

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. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.




Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on February 24, 2021 via email. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

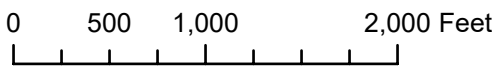
Matthew J. Meier
Environmental Scientist
Water Appropriations Unit



PROPOSED PD:
2864'N & 2453'W

33S02W15

-  SFFOsections
-  ProposedPlaceOfUse
-  ProposedPD



Current Time: 3/5/2021 8:51
Created By: Matt Meier

Scale: 1:12,000

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. 50,077** of the applicant

**TRIAD OF THE SOUTHWEST
RITCHIE ADDISON
P.O. BOX 663
WELLINGTON, KS 67152**

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 **June 28, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15	33S	2W	30	30	30	30					30	30	30	30	30	30	30	30	360

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells, the geo-center of which is to be located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW¼ SW¼ NE¼) of Section 15, more particularly described as being near a point 2,864 feet North and 2,453 feet West of the Southeast corner of said section, in Township 33 South, Range 2 West, Sumner County, located substantially as shown on the map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **300 gallons per minute (0.668 c.f.s.)** and to a quantity not to exceed **156 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 an acceptable water flow meter 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. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

13. That 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.

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 this permit is further limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

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

May 25, 2021

TRIAD OF THE SOUTHWEST
RITCHIE ADDISON
P.O. BOX 663
WELLINGTON, KS 67152

RE: Appropriation of Water, File No. 50,077

Dear Mr. Addison:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your 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 Stafford Field Office at 620-234-5311. 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". The signature is written in a cursive style.

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: MJM:li

Enclosures
pc: Stafford 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 further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 25 day of May, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,077, dated 20 May, 2021, was mailed postage prepaid, first class, US mail to the following:

TRIAD OF THE SOUTHWEST
RITCHIE ADDISON
P.O. BOX 663
WELLINGTON, KS 67152

With photocopies to:

Stafford Field Office



Division of Water Resources