



File No. <b>50,477</b>	15. Formation Code: <b>211</b> Drainage Basin: <b>N F Solomon River</b>	County: <b>SM</b>	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> <td>MOD</td> <td>DEL</td> <td>ENT</td> <td>PDIV</td> <td>Qualifier</td> <td>S</td> <td>T</td> <td>R</td> <td>ID</td> <td>'N</td> <td>'W</td> <td>Rate gpm</td> <td>Quantity mgy</td> <td>Rate gpm</td> <td>Quantity mgy</td> <td>Overlap PD Files</td> </tr> <tr> <td><b>CHK</b></td> <td><b>88498</b></td> <td><b>NE SE NE</b></td> <td><b>33</b></td> <td><b>2S</b></td> <td><b>12W</b></td> <td><b>1</b></td> <td><b>3562</b></td> <td><b>502</b></td> <td></td> <td></td> <td><b>800</b></td> <td><b>136.4</b></td> <td><b>800</b></td> <td><del>136.4</del></td> <td><b>none</b></td> </tr> <tr> <td><b>CHK</b></td> <td><b>88499</b></td> <td><b>NE SE NE</b></td> <td><b>33</b></td> <td><b>2S</b></td> <td><b>12W</b></td> <td><b>2</b></td> <td><b>3613</b></td> <td><b>387</b></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td><b>90.536mg</b></td> <td></td> </tr> <tr> <td><b>CHK</b></td> <td><b>88500</b></td> <td><b>NE SE NE</b></td> <td><b>33</b></td> <td><b>2S</b></td> <td><b>12W</b></td> <td><b>3</b></td> <td><b>3511</b></td> <td><b>620</b></td> <td></td> <td></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	<b>CHK</b>	<b>88498</b>	<b>NE SE NE</b>	<b>33</b>	<b>2S</b>	<b>12W</b>	<b>1</b>	<b>3562</b>	<b>502</b>			<b>800</b>	<b>136.4</b>	<b>800</b>	<del>136.4</del>	<b>none</b>	<b>CHK</b>	<b>88499</b>	<b>NE SE NE</b>	<b>33</b>	<b>2S</b>	<b>12W</b>	<b>2</b>	<b>3613</b>	<b>387</b>						<b>90.536mg</b>		<b>CHK</b>	<b>88500</b>	<b>NE SE NE</b>	<b>33</b>	<b>2S</b>	<b>12W</b>	<b>3</b>	<b>3511</b>	<b>620</b>							
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18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																																																																																			
19. Limitation: <b>136.4</b> MG/yr at _____ gpm ( _____ cfs) when combined with file number(s) <b>42928, 50381, 50382</b> Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____																																																																																			
20. Meter Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																																																																																			
21. Place of Use																																																																																			
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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 25, 2021

**FROM:** Kris Neuhauser

**RE:** New Application,  
File No. 50,477

Triple H Feeders has filed an application to appropriate groundwater for stockwatering use, requesting a battery of two (2) wells, with a quantity of 136.4 million gallons of water per calendar year (mgy), at a diversion rate of 800 gallons per minute (gpm). The proposed battery of wells has a geographical center located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 33, more particularly described as being near a point 3,562 feet North and 502 feet West of the Southeast corner of said section, in Township 2 South, Range 12 West, Smith County, Kansas, within the North Fork Solomon River drainage basin. The source of supply appears to be the Ogallala formation.

The applicant has signed the application form stating that he has legal access to the point of diversion. There are no overlaps on the point of diversion. The application creates a complete overlap in place of use with Water Right, File No. 42,928 and New Application, File Nos. 50,381 and 50,382. A change application for Water Right, File No. 42,928, creating the complete overlap, 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. 50,381 and 50,382.

The proposed quantity is the maximum reasonable quantity for cattle at the feedlot:

24,000 head of cattle x 15 gallons/head (average) x 365 days = 131.4 million gallons

131.4 million gallons + 5 million gallons (high moisture corn flaker) = 136.4 mgy

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 0 acre-feet, providing 854.51 acre-feet available for appropriation, and the application requesting 418.60 acre-feet (136.4 mgy) complies with safe yield.

One domestic well within one-half mile of the point of diversion was identified by the applicant (nearly ½ mile away exactly). No other non-domestic wells are within a two-mile radius of the proposed point of diversion. Therefore, according to K.A.R. 5-4-4, the required well spacing is met. Two nearby notification letters (extra sent to landowner found via ORKA) were mailed on January 11, 2021. No nearby responses of any kind were received.

A voluntary dismissal for New Application, File No. 50,383 (also filed by the applicant) was included with this application. The dismissal of File No. 50,383 is contingent upon the approval of File No. 50,477.

This application will be limited to 136.4 mgy when combined with Water Right, File No. 42,928 and (when approved) New Application, File Nos. 50,381 and 50,382.

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

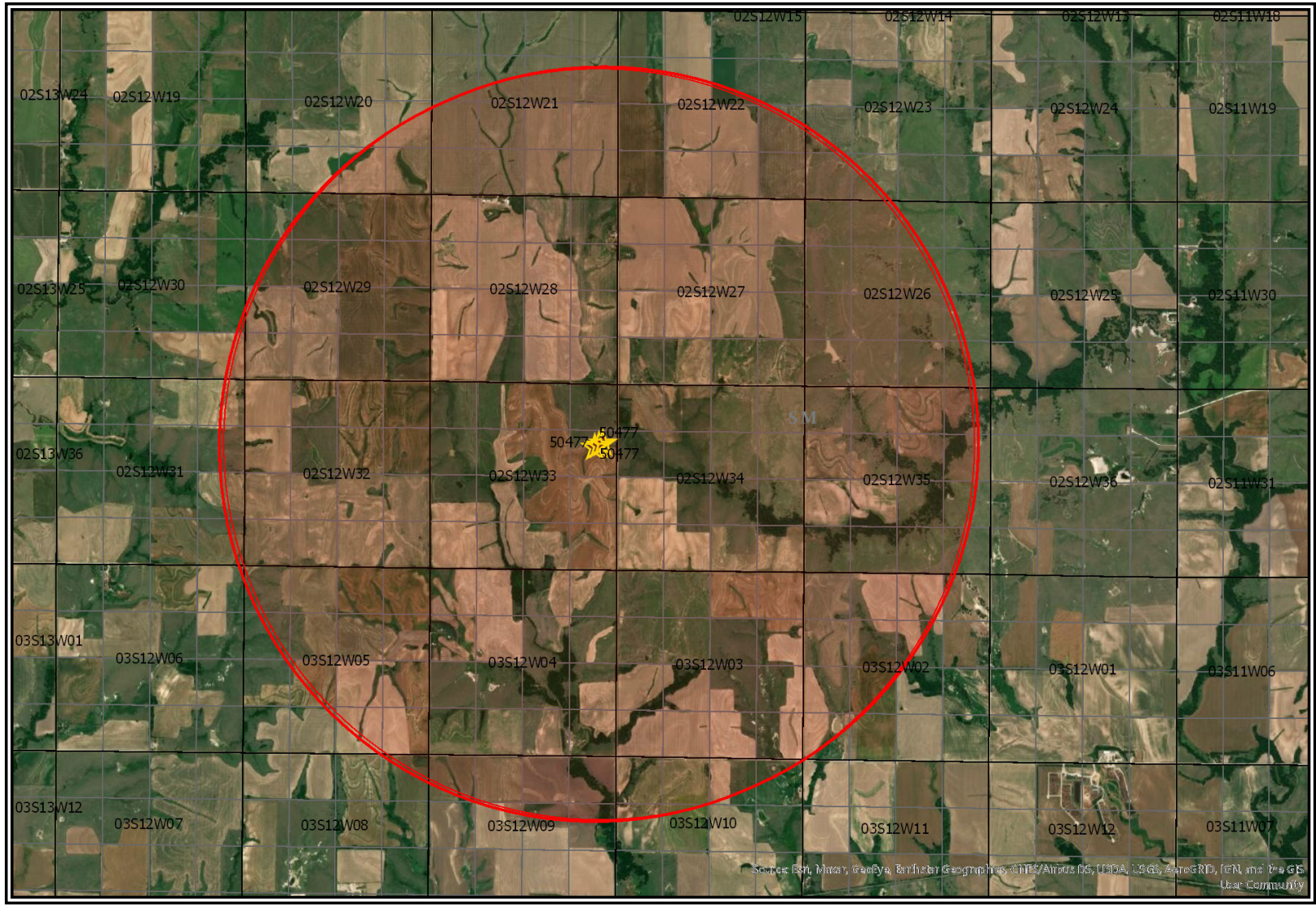
In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 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- A5047700**  
**Point of Diversion in 33-02S-12W**  
**Footages from SE corner- 3,562 feet North 502 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 ~~418.60 AF~~ **0 AF**

Total quantity of water available for appropriation is ~~435.92 AF~~ **854.51 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 08-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 is 1 water right and 3 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 50477 00	STK	AY	G		NE	SE	NE	3562	502	33	02	12W	1	WR	418.60	418.60		
Same	STK	AY	G		NE	SE	NE	3613	387	33	02	12W	2	WR		(136.4 mgy)		
Same	STK	AY	G		NE	SE	NE	3511	620	33	02	12W	3	WR				

**From:** Stewart, Kelly  
**Sent:** Wed 1/27/2021 9:50 AM  
**To:** Neuhauser, Kris [KDA]  
**Cc:** Billinger, Mark [KDA];Hageman, Rebecca [KDA]  
**Subject:** RE: 50477 recommendation request

Kris,

I have no objection to the approval of this application.

Kelly

---

**From:** Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>  
**Sent:** Tuesday, January 26, 2021 2:34 PM  
**To:** Stewart, Kelly <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Subject:** 50477 recommendation request

***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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Friday, September 18, 2020 2:11 PM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto: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](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Thursday, September 10, 2020 11:47 AM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Thursday, September 10, 2020 11:35 AM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto: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](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Thursday, September 10, 2020 11:33 AM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Thursday, September 10, 2020 9:29 AM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto: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  
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---

**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Thursday, September 10, 2020 9:21 AM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Thursday, September 10, 2020 9:17 AM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto: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  
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(785) 564-6680



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---

**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Thursday, September 10, 2020 9:13 AM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Tuesday, September 8, 2020 3:17 PM  
**To:** Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Cc:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto: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](mailto:Kelly.Stewart@ks.gov)>; Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>  
**Cc:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto: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.**

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---

**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Thursday, September 3, 2020 2:47 PM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto:David.Engelhaupt@ks.gov)>; Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>  
**Cc:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Thursday, September 3, 2020 2:32 PM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>  
**Cc:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto: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.**

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**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Thursday, September 3, 2020 2:27 PM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto:David.Engelhaupt@ks.gov)>; Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>  
**Cc:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Thursday, September 3, 2020 9:39 AM  
**To:** Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>  
**Cc:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto: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  
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Division of Water Resources  
(785) 564-6680



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---

**From:** Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>  
**Sent:** Wednesday, September 2, 2020 4:33 PM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Wednesday, September 2, 2020 4:28 PM  
**To:** Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto: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

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

A This 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 This analysis of proposed applications at Domestic A. T = 175 ft<sup>2</sup>/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 This analysis of proposed applications at Domestic B. T = 175 ft<sup>2</sup>/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 This analysis of proposed applications at Domestic C. T = 175 ft<sup>2</sup>/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 %
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**Table 4:** 1-year Theis analysis of alternative scenario at Domestic A.  $T = 175 \text{ ft}^2/\text{day}$ ,  $S = 0.02$ ,  $ST = 20 \text{ ft}$

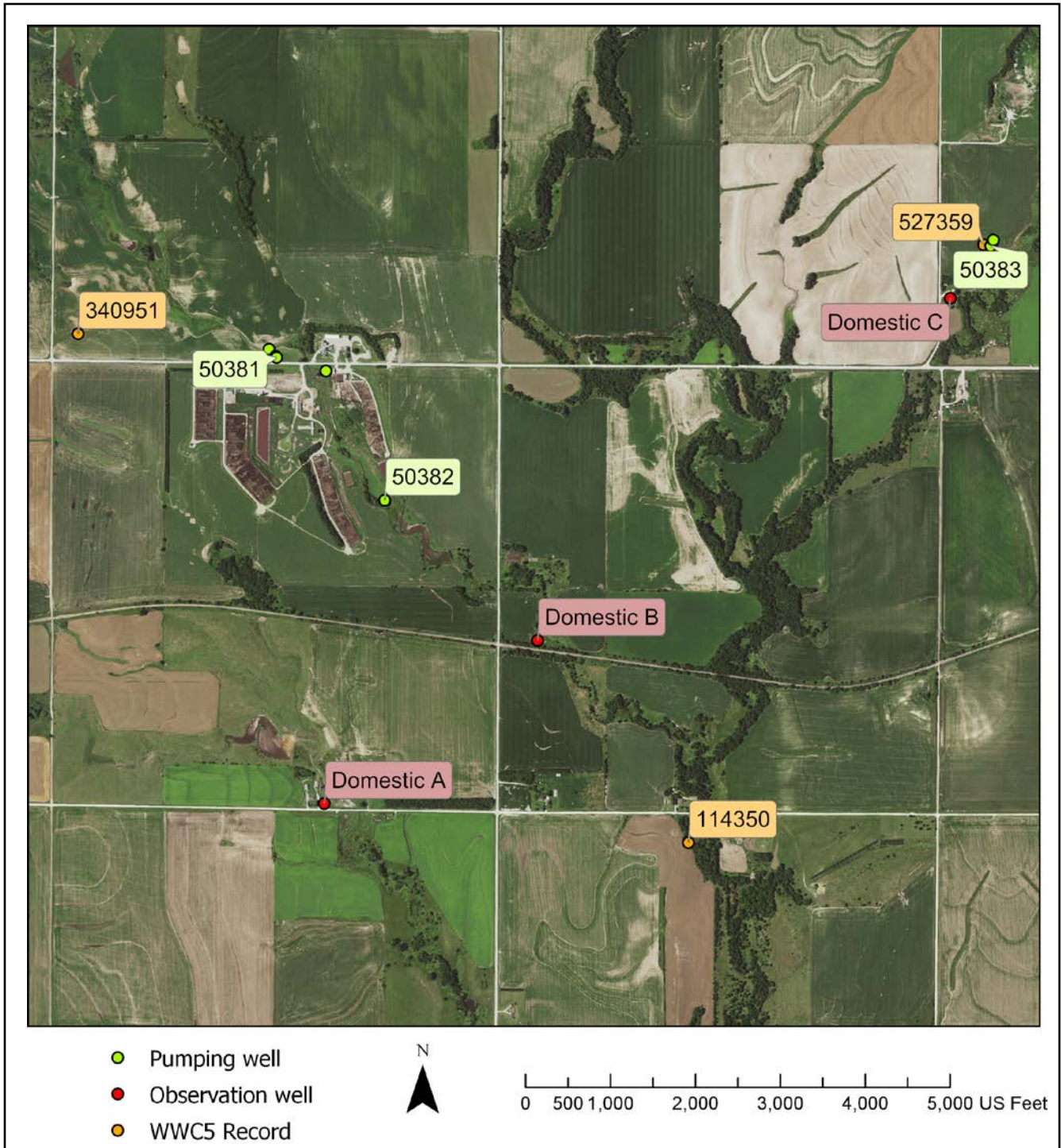
File No.	Distance (Feet)	Quantity (AF)	Rate (GPM)	Drawdown (FT)	Drawdown (%ST)
50,381	5,168	48.39	30	0.11	0.57 %
50,382	3,862	48.39	30	0.44	2.19 %
50,383	10,275	15.34	30	0.00	0.00 %
Total:				0.55	2.76 %

**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



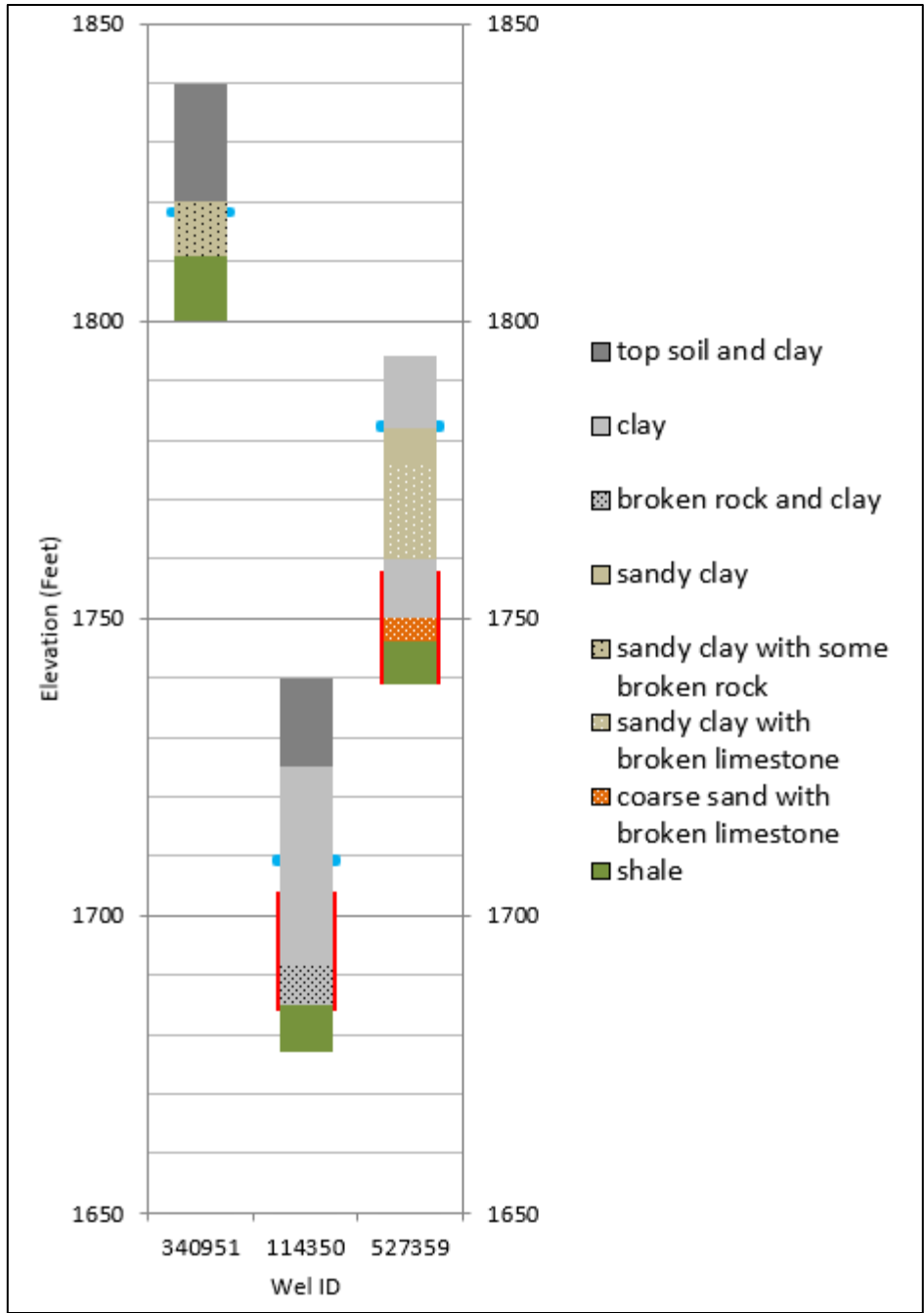


Figure 2: Lithological logs

**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

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**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

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**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Thursday, January 7, 2021 3:44 PM  
**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Freeman, Ashlee [KDA] <[Ashlee.Freeman@ks.gov](mailto: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

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**From:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Sent:** Thursday, January 7, 2021 3:38 PM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>; Freeman, Ashlee [KDA] <[Ashlee.Freeman@ks.gov](mailto: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

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**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Thursday, January 7, 2021 3:25 PM  
**To:** Freeman, Ashlee [KDA] <[Ashlee.Freeman@ks.gov](mailto:Ashlee.Freeman@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto: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](mailto:Ashlee.Freeman@ks.gov)>  
**Sent:** Thursday, January 7, 2021 3:16 PM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto: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](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Tuesday, October 13, 2020 3:03 PM  
**To:** Freeman, Ashlee [KDA] <[Ashlee.Freeman@ks.gov](mailto: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](mailto:Ashlee.Freeman@ks.gov)>  
**Sent:** Wednesday, January 6, 2021 2:27 PM  
**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto: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](mailto:Kristen.Baum@ks.gov)>  
**Sent:** Wednesday, January 6, 2021 2:22 PM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Cc:** Freeman, Ashlee [KDA] <[Ashlee.Freeman@ks.gov](mailto: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

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**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Tuesday, January 5, 2021 8:14 AM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Cc:** Freeman, Ashlee [KDA] <[Ashlee.Freeman@ks.gov](mailto: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](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Monday, January 4, 2021 8:04 PM  
**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Cc:** Freeman, Ashlee [KDA] <[Ashlee.Freeman@ks.gov](mailto: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](mailto:Kristen.Baum@ks.gov)>  
**Sent:** Monday, January 4, 2021 5:23 PM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto: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](mailto:KShamburg@klaenviro.com)>  
**Sent:** Monday, January 4, 2021 10:03 AM  
**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto: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](mailto:pete514@hotmail.com)>  
**Sent:** Saturday, December 26, 2020 8:34 AM  
**To:** Kevin Shamburg <[KShamburg@klaenviro.com](mailto: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

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**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Tuesday, October 13, 2020 9:55 AM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto: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](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Tuesday, October 13, 2020 9:07 AM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto: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](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Tuesday, October 13, 2020 8:58 AM  
**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto: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](mailto:Kristen.Baum@ks.gov)>  
**Sent:** Monday, October 5, 2020 4:01 PM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto: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](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Wednesday, September 23, 2020 9:45 AM  
**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>  
**Cc:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Friday, September 18, 2020 2:11 PM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto: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](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Thursday, September 10, 2020 11:47 AM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Thursday, September 10, 2020 11:35 AM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto: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](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Thursday, September 10, 2020 11:33 AM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Thursday, September 10, 2020 9:29 AM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto: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](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Thursday, September 10, 2020 9:21 AM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Thursday, September 10, 2020 9:17 AM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto: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](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Thursday, September 10, 2020 9:13 AM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Tuesday, September 8, 2020 3:17 PM  
**To:** Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Cc:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto: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](mailto:Kelly.Stewart@ks.gov)>; Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>  
**Cc:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto: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](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Thursday, September 3, 2020 2:47 PM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto:David.Engelhaupt@ks.gov)>; Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>  
**Cc:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Thursday, September 3, 2020 2:32 PM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>  
**Cc:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto: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



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**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Thursday, September 3, 2020 2:27 PM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto:David.Engelhaupt@ks.gov)>; Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>  
**Cc:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Thursday, September 3, 2020 9:39 AM  
**To:** Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>  
**Cc:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto: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?  
*It's not too late! Take action now!*  
[my2020census.gov](http://my2020census.gov)

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**From:** Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>  
**Sent:** Wednesday, September 2, 2020 4:33 PM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto: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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Wednesday, September 2, 2020 4:28 PM  
**To:** Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto: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?  
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[my2020census.gov](http://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

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**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](mailto:David.Engelhaupt@ks.gov)>  
**Sent:** Wednesday, August 5, 2020 3:49 PM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Cc:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto: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](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Tuesday, July 28, 2020 1:29 PM  
**To:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto:David.Engelhaupt@ks.gov)>

**Cc:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto: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

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**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Monday, July 27, 2020 9:59 AM  
**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Cc:** Means, David [KDA] <[David.Means@ks.gov](mailto:David.Means@ks.gov)>; Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto: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](mailto: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

**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. 50,477** 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 **November 30, 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 a battery of two (2) wells, with a geographical center located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 33, more particularly described as being near a point 3,562 feet North and 502 feet West of the Southeast corner of said section, in Township 2 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **136.4 million gallons (418.6 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 quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 42,928 and Appropriation of Water, File Nos. 50,381 and 50,382, will provide a total **not to exceed 136.4 million gallons** (418.6 acre-feet) of water per calendar year for stockwatering use on the land described herein.

Ordered this 2 day of March, 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 2 day of March, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Ashlee Freeman*  
\_\_\_\_\_  
Notary Public



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

March 4, 2021

TRIPLE H FEEDERS LLC  
24052 140 ROAD  
LEBANON, KS 66952

RE: Appropriation of Water, File No. 50,477

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](http://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](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local 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

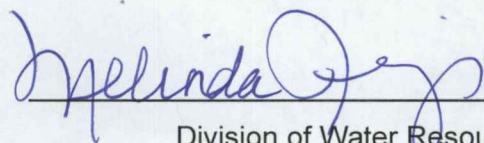
**CERTIFICATE OF SERVICE**

On this 4 day of March, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,477, dated 2 March, 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