

File No. **49,664** 15. Formation Code: Drainage Basin: SUGAR CREEK County: LN Special Use: Stream: BUCK CREEK (SUGAR)

| 16. Points of Diversion | | | | | | | | | | 17. Rate and Quantity | | | | | |
|-------------------------|-----|-----|------|-----------------------|-----------|-----------|------------|----------|-------------|-----------------------|-------------|----------------|-------------|----------------|-------------------|
| MOD | DEL | ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Authorized | | Additional | | |
| | | | | | | | | | | | Rate gpm | Quantity mgy | Rate gpm | Quantity mgy | Overlap PD Files |
| √ | | | | 33203 SE NE SW | 16 | 22 | 23E | 2 | 1800 | 3200 | 1400 | 196.488 | 1400 | 196.488 | *See below |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

18. Storage: Rate _____ NF Quantity **2376** ac/ft Additional Rate _____ NF Additional Quantity **2376** 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 **12/31/2017** 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 | | | | | | | | |
| √ | | | 59615 | 7 | 22 | 23E | 8 | PUBLIC WHOLESALE WATER SUPPLY DIST #13 - SEE JKTS | | | | | | | | | | | | | | | | | | | | | 7a. | No | *see below |
| √ | | | 24413 | 7 | 22 | 24E | 1 | CITY OF MOUND CITY & IMMEDIATE VICINITY | | | | | | | | | | | | | | | | | | | | | 7a. | No | *see below |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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Comments: ***File Nos. 32632-MUN & 42,364 overlap in Pd and PU.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: November 16, 2016

FROM: Doug Schemm

RE: Application, File No. 49,664

The City of Mound City has filed the referenced application to appropriate 2,376 acre-feet of surface water at the rate of natural flows to be stored in an existing reservoir and redivert 603 acre-feet at 1,400 gallons per minute for municipal use. The reservoir is located in the Southwest Quarter of Section 16, in Township 22 South, Range 23 East, Linn County, Kansas. The dam is located on Buck Creek (Sugar). The point of diversion is located on property owned by the applicant, and a representative of the applicant has signed the application form stating they have legal access to the point of diversion. The new application is to address overpumping of the City's current water rights, File Nos. 32,632 and 42,364, and the applicant was assisted by DWR staff. File information indicates this existing reservoir has 148 acres of surface area, a capacity of 1,773 acre-feet, and a drainage area of 3,672 acres.

Water Right, File No. 32,632 is authorized 281 acre-feet of storage to provide 198 acre-feet for REC use and 8.986 million gallons for direct MUN use. Appropriation of Water, File No. 42,364 is authorized 316.5 acre-feet of storage to provide 34.377 million gallons for direct MUN use (a total of 43.364 million gallons). The place of use for these water rights is Public Wholesale Water Supply District #13 (serving multiple cities and rural water districts), and City of Mound City & Immediate Vicinity. The City has a contract with PWWSD #13 to supply 120 million gallons per year during normal periods and an additional 120 million gallons per year in drought or emergency situations. Stored surface water is released from the reservoir and flows to an intake structure located on Little Sugar Creek.

Note that the place of use includes: "the City of Amoret and immediate vicinity, and the City of Hume and immediate vicinity, both in Missouri". Per K.S.A. 82a-726 when any person intends to divert and transport water produced from a point or points of diversion located in this state for use in another state, before such use can be approved, the chief engineer must find that the "statutes and common law of the state where such water will be used do not prohibit the use of water at the proposed place of use or for the proposed type of use, or both, if the water were to be diverted in that state." This is based on a determination by the attorney general of the other state of whether the proposed use would be prohibited in that state. Documentation in the senior files includes an April 9, 2008 letter from the Attorney General of Missouri stating that the laws of Missouri would not prohibit the use of water as proposed.

The requested storage quantity under the pending new application was based on 1 year of direct MUN use of 196.488 million gallons (603 acre-feet) plus the reservoir capacity (1,773 acre-feet). The requested direct use quantity was based on the contracted quantity of water required for PWWSD #13 of 240 million gallons minus the 43.364 million gallons already authorized under the two senior files. Note that the City diverted over 155 million gallons for municipal use in 2014. PWWSD #13 continues to grow and file documentation shows water needs in 2020 for their service area exceed their authorized quantity under File No. 41,861. Mound City itself also shows continued growth in population from 846 in 2010 to 938 by 2040. Therefore, in order to supply their contractual obligations and with continued growth in this area, the requested direct use quantity of 196.488 million gallons is certainly reasonable.

Runoff computations are not necessary to determine if the 3,672 acre drainage area will provide in excess of the requested storage quantity of 2,376 acre-feet, plus senior file storage of 597.5 acre-feet for a total of 2,973.5 acre-feet in 1 out of every five (5) years (a 20% chance). In this area of the state, historical precedent has determined that inches of runoff per acre are typically 18 inches or greater. Therefore, per K.A.R. 5-6-5, the annual runoff quantity is not the limiting factor.

A list of nearby property owners names and addresses was obtained from the Linn County appraiser's website, which complies with K.A.R. 5-3-4(b)(6). The City of Mound City owns all property upstream of the dam and reservoir. Three downstream landowners were identified and the applicant signed the map agreeing with this determination. Nearby landowner letters were sent out on October 26, 2016. No responses of any kind were received. As noted above, this is an existing reservoir that has been utilized for municipal use for many years. There are no physical changes proposed for the reservoir or the structure, and there is no reason to believe that any senior water rights will be impaired. There are no other permitted surface water rights within a two-mile radius according to the WRIS database.

The existing structure is already permitted under DWR Water Structures Program, File No. DLN-0091.

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.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced application in a November 10, 2016 discussion. Based on the above discussion, the additional quantity of water for storage and direct municipal use will help the applicant meet future water demands, address a compliance issue, 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.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

December 13, 2016

CITY OF MOUND CITY
PO BOX 332
MOUND CITY KS 66056

FILE COPY

Re: Appropriation of Water, File No. 49,664

Dear Sir or Madam:

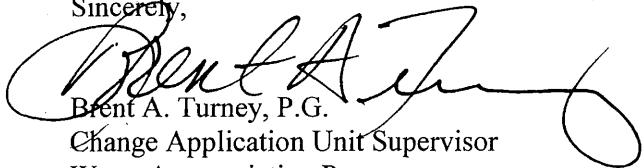
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location 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 these approval documents. A water meter is required on the proposed re-diversion works 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. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:dws
Enclosures

pc: Topeka Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, 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. 49,664** of the applicant

**CITY OF MOUND CITY
PO BOX 332
MOUND CITY KS 66056**

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 **July 1, 2016**.
2. That the water sought to be appropriated shall be used for municipal use within the City of Blue Mound and immediate vicinity, the City of Fulton and immediate vicinity, the City of Greeley and immediate vicinity, the City of Mound City and immediate vicinity, the City of Parker and immediate vicinity, Rural Water District No. 6, Anderson County, Rural Water District Consolidated No. 2, Bourbon County, Rural Water District Nos. 1, 2 and 3, Linn County, all in Kansas, and the City of Amoret and immediate vicinity, and the City of Hume and immediate vicinity, both in Missouri.
3. That the appropriation sought shall be limited to all natural flows of Buck Creek (Sugar Creek), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **2,376 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 16, more particularly described as being near a point 1,800 feet North and 3,200 feet West of the Southeast corner of said section, in Township 22 South, Range 23 East, Linn County, Kansas, to provide **196.488 million gallons** (603 acre-feet) of water as needed for direct municipal use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,400 gallons per minute (3.12 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.
4. That installation of works for diversion of water shall be completed on or before **December 31, 2017** 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.
5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2036** 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. That all re-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 re-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.

11. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

12. 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.

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

14. 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.

15. 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.

16. That the permit holder shall submit a progress report to the office of the Chief Engineer by March 1, following the tenth full calendar year after the permit was issued. The progress report must be submitted on a form prescribed by the Chief Engineer, and shall compare annual water use projected in the original application with the actual annual water use for the prior 10 years. The progress report must document compliance with the approved conservation plan, contain sufficient details to determine the extent of perfection of the water right during the previous ten years, and demonstrate how the water right, in association with other water rights, meets the municipal use need.

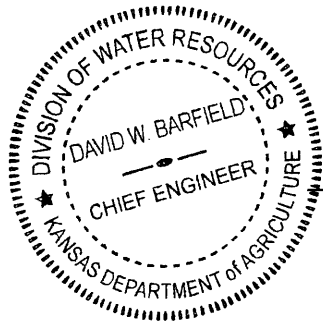
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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

Ordered this 12th day of December, 2016, in Topeka, Shawnee County, Kansas.



David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 12th day of December, 2016, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

Notary Public

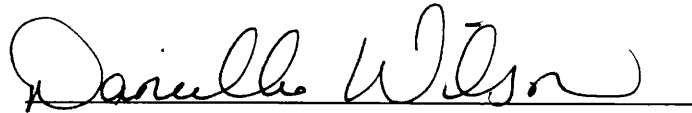
CERTIFICATE OF SERVICE

On this 13th day of December, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,664, dated December 12, 2016 was mailed postage prepaid, first class, US mail to the following:

CITY OF MOUND CITY
PO BOX 332
MOUND CITY KS 66056

With photocopies to:

Topeka Field Office

A handwritten signature in black ink, appearing to read "Danielle Wilson", is written over a horizontal line.

Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPLICATION COMPLETE

11/15/2016

Reviewer DWS

File Number 49,664

This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

JUL 01 2016
10:07 am

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): CITY OF MOUND CITY
Address: P.O. BOX 332
City: MOUND CITY State: KS Zip Code 66056
Telephone Number: (913) 285-0137 mckspw@Ckt.net

2. The source of water is: surface water in BUCK CREEK (SUGAR) (stream)
OR groundwater in SUGAR CREEK (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. Redivert **603 acre-feet at 1,400 gpm for MUN use** (196.488 million gals)

3. The maximum quantity of water desired is 2,376 (storage) acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of NF gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

| | | | | | | | |
|----------------------|------------|--------------------------------------|-------------------|-----------------------------------|----------------------------|----------------------|--|
| For Office Use Only: | | | | | | | |
| F.O. Code | <u>GMD</u> | <u>0</u> Meets K.A.R. 5-3-1 (YES/NO) | Use <u>MUN</u> | Source <u>GS</u> County <u>LN</u> | By <u>AW</u> | Date <u>7/1/16</u> | |
| | <u>REG</u> | <u>RF 3</u> | Fee \$ <u>300</u> | TR # _____ | Receipt Date <u>7/1/16</u> | Check # <u>34854</u> | |

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the SE quarter of the NE quarter of the SW quarter of Section 16, more particularly described as being near a point 1,800 feet North and 3,200 feet West of the Southeast corner of said section, in Township 22 South, Range 23 EAST, LINN County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

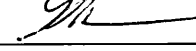
6. The owner of the point of diversion, if other than the applicant is (please print):

APPLICANT City of Mound City Po Box 332 Mound City KS 66056 (913) 795-2202
(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4-13-16, 2016. 
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM AND RESERVOIR
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) EXISTING
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be SUMMER 2016.
(Mo/Day/Year)

JUL 01 2016

File No. 49,604

KS DEPT OF AGRICULTURE

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required ALREADY PERMITTED UNDER STRUCTURES PERMIT NO. DLN-0091.

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

FILE NOS. 32,632 & 42,364 - COMPLETE OVERLAP IN PU AND PD.

Requested Storage Quantity based on: 1 year of direct use = 603 AF and Reservoir Capacity = 1,773 AF. Indirect Use is adequately covered by REC use on File No. 32,632.

Filed for 2,376 AF of storage and 603 AF (196.5 million gallons) of Direct MUN use.

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

| Well location as shown in paragraph No. | (A) | (B) | (C) | (D) |
|---|-------|-------|-------|-------|
| Date Drilled | _____ | _____ | _____ | _____ |
| Total depth of well | _____ | _____ | _____ | _____ |
| Depth to water bearing formation | _____ | _____ | _____ | _____ |
| Depth to static water level | _____ | _____ | _____ | _____ |
| Depth to bottom of pump intake pipe | _____ | _____ | _____ | _____ |

14. The relationship of the applicant to the proposed place where the water will be used is that of Owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at _____, Kansas, this _____ day of _____, 2016
(month) (year)

City of Mound City
(Applicant Signature)

By [Signature]
(Agent or Officer Signature)

Glenn Johnson
(Agent or Officer - Please Print)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

486037776
and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

Applicant's Name City of Mound City
(Please Print)

MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET

Application File Number
49,664
(assigned by DWR)

SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------------------------------|----------------------------------|---|--|---|-----------------------|--|
| Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Below Explanation) |
| TOTAL WATER = Columns 1 + 2 | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | UNACCOUNTED FOR WATER | |

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent unaccounted for water versus the Total Water of your system:
Percent Unaccounted For Water = $\frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$
If this number exceeds 20%, please explain in the large amount of unaccounted for water and describe any steps being taken to reduce it.

SECTION 2: PAST WATER USE
COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.

| | Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------|--------------------------------------|----------------------------------|---|--|---|-----------------------|--|
| | Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Above Explanation) |
| 20 years ago | | | | | | | |
| 15 years ago | | | | | | | |
| 10 years ago | | | | | | | |
| 5 years ago | | | | | | | |
| | TOTAL WATER = Columns 1 + 2 | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | UNACCOUNTED FOR WATER | |

* Diverted 479 acre-feet in 2014 according to WUR. DWS/DWR 11/10/16.

SECTION 3: PROJECTED FUTURE WATER NEEDS

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

| | Column 1 Raw Water Diverted Under Your Rights | Column 2 Water Purchased From All Sources | Column 3 Water Sold to Other Public Water Suppliers | Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers | Column 5 Water Sold to Your Residential and Commercial Customers | Column 6 Other Metered Water | Column 7 Remaining Water Used (See Explanation on other side) |
|---------|--|--|--|--|---|---------------------------------|--|
| Year 5 | | | | | | | |
| Year 10 | | | | | | | |
| Year 15 | | | | | | | |
| Year 20 | | | | | | | |
| | TOTAL WATER = Columns 1 + 2 | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | UNACCOUNTED FOR WATER | |

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
(CENSUS BUREAU INFORMATION)

| LAST 20 YEARS | POPULATION |
|---------------|------------|
| 20 years ago | |
| 15 years ago | |
| 10 years ago | |
| 5 years ago | 846 (2010) |
| Last Year | |

MOUND CITY (KWO PROJECTIONS)

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

| NEXT 20 YEARS | POPULATION |
|---------------|------------|
| Year 5 | |
| Year 10 | |
| Year 15 | |
| Year 20 | 938 |

Provide number of current active service connections:

_____ Residential _____ Industrial _____ Other (specify) _____
 _____ Commercial _____ Pasture/ Stockwater/ Feedlot _____ Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 + Population + 365 Days/Year = Gallons per Person per Day

_____ ÷ _____ ÷ 365 Days/Year = _____ GALLONS PER PERSON PER DAY.
 Amount of water in Columns 5, 6, and 7 of Section 1 Population from Last Year of Section 4

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): _____

603 acre feet diverted to Wholesale Water District #13 for municipal purposes.

& MOUND CITY & Immediate Vicinity, DWS/DWR 10/25/16 (overlap with Senior Files)

You may attach additional information you believe will assist in informing the Division of the need for your request.

DIVISION OF WATER RESOURCES

Topok and Office

OCT 7 2016

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TABLE 1
POPULATION ESTIMATES AND PROJECTIONS BY CITY BY SELECTED YEAR
1990, 2000, 2010, 2020, 2030 and 2040

| County ID | Name of City | Year | | | | | |
|-----------|----------------|--------|--------|--------|---------|---------|---------|
| | | 1990 | 2000 | 2010 | 2020 | 2030 | 2040 |
| CY | Morganville | 181 | 186 | 191 | 195 | 200 | 205 |
| GH | Morland | 234 | 211 | 190 | 171 | 154 | 138 |
| BR | Morrill | 299 | 299 | 299 | 299 | 299 | 299 |
| WS | Morrowville | 173 | 177 | 180 | 183 | 185 | 188 |
| SV | Moscow | 252 | 268 | 289 | 310 | 332 | 353 |
| LN | Mound City | 789 | 815 | 846 | 877 | 907 | 938 |
| LB | Mound Valley | 405 | 392 | 390 | 387 | 385 | 382 |
| MP | Moundridge | 1,531 | 1,564 | 1,619 | 1,674 | 1,729 | 1,784 |
| SG | Mount Hope | 805 | 825 | 847 | 870 | 892 | 914 |
| CR | Mulberry | 555 | 576 | 576 | 576 | 576 | 576 |
| KW | Mullinville | 289 | 297 | 303 | 310 | 317 | 324 |
| SG | Mulvane (part) | 3,466 | 3,961 | 4,377 | 4,793 | 5,209 | 5,625 |
| SU | Mulvane (part) | 1,208 | 1,381 | 1,526 | 1,671 | 1,815 | 1,960 |
| RP | Munden | 143 | 129 | 116 | 104 | 94 | 84 |
| AT | Muscotah | 194 | 188 | 184 | 180 | 176 | 173 |
| RP | Narka | 113 | 102 | 92 | 82 | 74 | 67 |
| KM | Nashville | 118 | 118 | 114 | 111 | 107 | 104 |
| OB | Natoma | 392 | 353 | 318 | 286 | 257 | 231 |
| WL | Neodesha | 2,837 | 2,762 | 2,712 | 2,662 | 2,612 | 2,562 |
| WO | Neosho Falls | 157 | 153 | 151 | 148 | 146 | 143 |
| LY | Neosho Rapids | 235 | 246 | 250 | 254 | 257 | 261 |
| NS | Ness City | 1,724 | 1,593 | 1,526 | 1,458 | 1,391 | 1,323 |
| JA | Netawaka | 167 | 167 | 167 | 167 | 167 | 167 |
| WL | New Albany | 60 | 60 | 60 | 60 | 60 | 60 |
| SA | New Cambria | 152 | 162 | 161 | 160 | 159 | 158 |
| CF | New Strawn | 428 | 464 | 500 | 536 | 572 | 608 |
| HV | Newton | 16,700 | 17,634 | 18,602 | 19,569 | 20,536 | 21,504 |
| RN | Nickerson | 1,137 | 1,192 | 1,259 | 1,327 | 1,394 | 1,462 |
| CQ | Niotaze | 99 | 95 | 91 | 87 | 83 | 79 |
| DC | Norcatour | 198 | 178 | 160 | 144 | 130 | 117 |
| HV | North Newton | 1,262 | 1,623 | 1,967 | 2,311 | 2,656 | 3,000 |
| NT | Norton | 3,017 | 3,103 | 3,192 | 3,281 | 3,370 | 3,459 |
| JF | Nortonville | 643 | 707 | 774 | 842 | 909 | 977 |
| KM | Norwich | 455 | 484 | 490 | 496 | 503 | 509 |
| CY | Oak Hill | 13 | 12 | 11 | 9 | 9 | 8 |
| LG | Oakley (part) | 1,987 | 2,039 | 2,052 | 2,065 | 2,078 | 2,091 |
| TH | Oakley (part) | 58 | 60 | 60 | 60 | 61 | 61 |
| DC | Oberlin | 2,197 | 1,977 | 1,780 | 1,602 | 1,441 | 1,297 |
| ED | Offerle | 228 | 215 | 213 | 212 | 210 | 209 |
| RL | Ogden | 1,494 | 1,301 | 1,304 | 1,307 | 1,310 | 1,313 |
| MS | Oketo | 116 | 99 | 89 | 80 | 72 | 65 |
| JO | Olathe | 63,352 | 76,487 | 94,131 | 111,775 | 129,418 | 147,062 |
| OS | Olivet | 59 | 68 | 68 | 68 | 68 | 68 |
| BT | Olmitz | 130 | 135 | 134 | 133 | 131 | 130 |

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: April 21, 2008

FROM: Richelle A. Krueger

RE: Water Right
File No. 32,632
Appropriation of Water
File No. 42,364

Robert D. Meyer, Mayor, on behalf of the City of Mound City, Kansas, has filed applications for approval to change the authorized place of use for the above referenced files.

In an e-mail dated April 15, 2008, Katherine Tietsort, Water Commissioner of the Topeka Field Office, indicated that the files are not abandoned as per K.S.A. 82a-718.

File No. 32, 632 is authorized recreational and municipal use, while File No. 42,364 is authorized solely municipal use. The referenced file numbers overlap each other in their authorized point of diversion which is a reservoir on Buck Creek (Sugar Creek subbasin). The place of use is currently described as for municipal use in the City of Mound City, Kansas and immediate vicinity.

The change applications propose to change the place of use to the same place of use currently authorized for Public Wholesale Water Supply District No. 13 (PWWSD No. 13) authorized under Appropriation of Water, File No. 41,861, described as serving:

the City of Blue Mound and immediate vicinity, the City of Fulton and immediate vicinity, the City of Greeley and immediate vicinity, the City of Mound City and immediate vicinity, the City of Parker and immediate vicinity, Rural Water District No. 6, Anderson County, Rural Water District Consolidated No. 2, Bourbon County; Rural Water District Nos. 1,2 and 3, Linn County, all in Kansas, and the City of Amoret and immediate vicinity and the City of Hume and immediate vicinity, both in Missouri.

Paragraph No. 9 of the application indicates that the referenced file numbers will provide a second source of water for PWWSD No. 13 and that Mound City is now a customer of the wholesale district. The application indicates that Mound City will retain ownership of the water right per a legal agreement, and that there will be a complete overlap in the authorized place of use of the PWWSD No. 13's Appropriation of Water, File No. 41,861.

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MAY 22 2008

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APR 11 2008

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

LEGAL SECTION
KS DEPT. OF AGRICULTURE
P.O. Box 899
(573) 751-3321

April 9, 2008

Mr. Leland E. Rolfs
Kansas Department of Agriculture
109 SW 9th Street
Topeka, KS 66612-1280

Re: Water Right, File No. 32,632
Appropriation of Water, File No. 42,364

Dear Mr. Rolfs:

I am writing to respond to your letter dated February 28, 2008 requesting a determination regarding a proposed use of water in Missouri. The facts on which this letter is based are derived solely from your letter and our telephone conversation on April 1, 2008. Our determination below is expressly conditioned on the facts presented and could change if the facts change or additional facts become known.

The city of Mound City, Kansas, proposes to provide water to the Public Wholesale Water Supply District No. 13 ("WSD 13"). WSD 13 will then supply water to the cities of Amoret and Hume, Missouri and vicinity for municipal use.

Your question is whether Missouri would prohibit the proposed place of use or type of use if the water were diverted in Missouri.

Use of water is governed in Missouri by the reasonable use doctrine. This doctrine applies to surface and subterranean streams as well as percolating groundwater. Municipal use is generally a reasonable use. However, the municipality may not remove the water and sell it for use away from the land if adjoining land owners are deprived of the water necessary for the beneficial enjoyment of their land. *Higday v. Nickolaus*, 469 S.W.2d 859 (Mo. App. 1971).

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MAY 22 2008

Mr. Leland E. Rolfs

April 9, 2008

Page 2

There is nothing in the information provided suggesting that the diversion of the water by Mound City, Kansas will deprive any adjoining land owner of the water necessary for the beneficial enjoyment of the land. Therefore, the statutes and common law of Missouri would not prohibit the use of the water as proposed if the water were diverted in Missouri.

Please be aware that the above analysis is based solely on the information contained in your letter and does not constitute the formal legal opinion of this office.

Sincerely,

JEREMIAH W. (JAY) NIXON

Attorney General



H. TODD IVESON

Assistant Attorney General

(573) 751-3640

HTI:ls

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MAY 22 2008

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TOPEKA FIELD OFFICE
DIVISION OF WATER RESOURCES

February 28, 2008

JEREMIAH W NIXON
MISSOURI ATTORNEY GENERAL
PO BOX 899
JEFFERSON CITY MO 65102

RE: Water Right, File No. 32,632
Appropriation of Water, File No. 42,364

Dear Attorney General Nixon:

I am writing to you on behalf of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. Kansas law provides that if someone desires to transfer water out of the State of Kansas into another state for use in that state, before such use can be approved, the Chief Engineer must find that "the statutes and common law of the state where such water will be used do not prohibit the use of water at the proposed place of use or for the proposed type of use, or both, if the water were diverted in that state." K.S.A. 2007 Supp. 82a-726(b)(2).

The statute further provides that "In order to make the finding required by subsection(b)(2), the chief engineer shall rely on a determination by the attorney general of the other state of whether the proposed use would be prohibited in that state." K.S.A. 2007 Supp. 82a-726(c).

The Chief Engineer has received Applications for Approval to Change the Place of Use for the referenced file numbers on behalf of the City of Mound City, Kansas. The applications request to serve the same place of use as currently authorized for Public Wholesale Water Supply District No. 13. The authorized place of use for Public Wholesale Water Supply District No. 13 includes municipal use for the City of Amoret and immediate vicinity and the City of Hume and immediate vicinity, both in Missouri.

Do the statutes and common law of Missouri prohibit the use of water at the proposed place of use or for the proposed type of use, or both, if the water were diverted in Missouri? If not, please send us a statement that you have determined that the statutes and common law of Missouri do not prohibit the use of water at the proposed place of use or for the proposed type of use, or both, if the water were diverted in Missouri.

If you have any questions concerning this proposed use of water in Missouri, please feel free to contact me. Thank you very much for your prompt attention to this matter.

Sincerely,



Leland E. Rolfs
Staff Attorney
Kansas Department of Agriculture
(785) 296-4616

WATER RESOURCES
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FEB 28 2008

KS DEPT OF AGRICULTURE

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MAY 22 2008

TOPEKA FIELD OFFICE
DIVISION OF WATER RESOURCES

pc: David W. Barfield, P.E., Chief Engineer
Brent A. Turney, L.G., Change Application Unit Supervisor
Katherine Tietsort, Water Commissioner, Topeka Field Office, DWR


Kansas
Department of Agriculture
Division of Water Resources

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietz, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

October 26, 2016

JOHN & ANITA ROWE
7132 IRWIN ROAD
MOUND CITY KS 66056

Re: Pending Application, File No. 49,664

Dear Sir or Madam:

This is to advise you that the City of Mound City has filed the application referred to above for a permit to appropriate 2,376 acre-feet of surface water per calendar year to be stored in an existing reservoir, and re-divert 603 acre-feet of the stored water for municipal use. Please note that the applicant is requesting additional water from an existing reservoir currently authorized under Water Right, File Nos. 32,632 and 42,364. No physical changes to the reservoir or dam will occur as part of this application process.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

You may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: City of Mound City



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov

Sam Brownback, Governor

October 26, 2016

WILLIAM & MARY MANDL TRUST
1221 BAYSHORE ROAD
NOKOMIS FL 34275

Re: Pending Application, File No. 49,664

Dear Sir or Madam:

This is to advise you that the City of Mound City has filed the application referred to above for a permit to appropriate 2,376 acre-feet of surface water per calendar year to be stored in an existing reservoir, and re-divert 603 acre-feet of the stored water for municipal use. Please note that the applicant is requesting additional water from an existing reservoir currently authorized under Water Right, File Nos. 32,632 and 42,364. No physical changes to the reservoir or dam will occur as part of this application process.

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<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

You may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: City of Mound City



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

October 26, 2016

STANLEY E & MARGARET E ENDECOTT
7544 JENNISON RD
MOUND CITY KS 66056

Re: Pending Application, File No. 49,664

Dear Sir or Madam:

This is to advise you that the City of Mound City has filed the application referred to above for a permit to appropriate 2,376 acre-feet of surface water per calendar year to be stored in an existing reservoir, and re-divert 603 acre-feet of the stored water for municipal use. Please note that the applicant is requesting additional water from an existing reservoir currently authorized under Water Right, File Nos. 32,632 and 42,364. No physical changes to the reservoir or dam will occur as part of this application process.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

You may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: City of Mound City

Turney, Brent

From: Traster, David <dtraster@foulston.com>
Sent: Thursday, November 10, 2016 9:39 PM
To: Turney, Brent
Subject: RE: Hays/Russell, File 22,326

File 22,342 and 30,083 overlap. Your spreadsheet allocates 75 acre-feet to File 22342 and 0 acre-feet to File 30,083.

The permit for File 22,342 authorized the perfection of 247 acre-feet per acre on 137 acres, or 1.8 acre-feet per acre

The Field Inspection Reports for File 22,342 indicates that 140 of the 247 acre-feet authorized by the permit were applied to 134 approved acres.

The Certificate for 22,342 is limited to 75 acre-feet.

The permit for File 30,083 authorized the perfection of 240 acre-feet per acre on 160 acres, or 1.5 acre-feet per acre

The Field Inspection Report for File 30,083 indicates that 234 acre-feet were applied to 134 approved acres.

The Certificate for 30,083 is limited to 126 acre-feet.

The total is 201 acre-feet which is 1.5 acre-feet per acre.

Your spreadsheet allocates 75 acre-feet to 22,342 and 0 acre-feet to 30,083 stating that "there are no additional acres contributed by this file the quantity will be no more than 22,342. Right should be dismissed."

There were 134 acres irrigated from these two water rights. $134 \text{ acres} \times 1.08 = 144.72 \text{ acre-feet}$. Since File 22,342 is limited to 75 acre-feet, 69.72 acre-feet should be allocated to File 30,083.

Do you agree?

Dave

David M. Traster
Foulston Siefkin LLP
1551 N. Waterfront Parkway, Suite 100
Wichita, Kansas 67206-4466
Phone: 316-291-9725
Cell: 316-210-8338
Fax: 866-347-3138
E-mail: dtraster@foulston.com

Web Site: www.foulston.com

Secretary: Lauren C. Blick

(316-291-9728; lblick@foulston.com)

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From: Traster, David

Sent: November 10, 2016 6:37 PM

To: 'Turney, Brent (Brent.Turney@ks.gov)'

Subject: RE: Hays/Russell, File 22,326

Same issue with 22,327. Do you agree that the amended application should request 203 acre-feet?

From: Traster, David

Sent: November 10, 2016 5:13 PM

To: Turney, Brent (Brent.Turney@ks.gov)

Subject: Hays/Russell, File 22,326

Brent,

In your spreadsheet, Column J, "CROP," states that the NIR for Corn was used to calculate the quantity. $125 \text{ acres} \times 1.08 = 135 \text{ acre feet}$. However, the FIRs show that Alfalfa was grown. See Exs D and E attached the original application. $125 \text{ acres} \times \text{the NIR for Alfalfa, is } 217.7 \text{ acre-feet}$ but the Certificate is limited to 188 acre feet.

Do you agree that the amended application should request 188 acre-feet?

Dave

David M. Traster

Foulston Siefkin LLP

1551 N. Waterfront Parkway, Suite 100

Wichita, Kansas 67206-4466

Phone: 316-291-9725

Cell: 316-210-8338

Fax: 866-347-3138

E-mail: dtraster@foulston.com

Web Site: www.foulston.com

Secretary: Lauren C. Blick

(316-291-9728; lblick@foulston.com)

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1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700

Fax: (785) 564-6777

Email: ksag@kda.ks.gov

www.agriculture.ks.gov

Sam Brownback, Governor

July 5, 2016

CITY OF MOUND CITY
PO BOX 332
MOUND CITY KS 66056

RE: Application
File No. 49664

Dear Sir or Madam:

Your application for permit to appropriate water in 16-22S-23E in Linn County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: ALH
pc: TOPEKA Field Office
GMD

SCANNED

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49664 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49664 00 MUN

Water Right and Points of Diversion Within 2.00 miles of point defined as:

1800 Feet North and 3200 Feet West of the Southeast Corner of Section 16 T 22S R 23E

SURFACE WATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 32632 00 MUN NK S           0 -- SE NE SW 1800 3200 16 22 23E 2           27.58 27.58 AF
A__ 32632 00 REC NK S           0 -- SE NE SW 1800 3200 16 22 23E 2             .00  .00 AF
A__ 42364 00 MUN KE S           0 -- SE NE SW 1800 3200 16 22 23E 2           105.50 105.50 AF
A__ 49664 00 MUN AY S           0 -- SE NE SW 1800 3200 16 22 23E 2           603.00 603.00 AF
=====
    
```

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      603.00      2376.00
Total Permitted Amount (AF) =      105.50      316.50
Total Inspected Amount (AF) =           .00           .00
Total Pro_Cert Amount (AF) =           .00           .00
Total Certified Amount (AF) =          27.58          82.74
Total Vested Amount (AF) =           .00           .00
TOTAL AMOUNT (AF) =          736.08      2775.24
=====
    
```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

1800 Feet North and 3200 Feet West of the Southeast Corner of Section 16 T 22S R 23E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 32632 00 MUN NK S
> CITY OF MOUND CITY
>
> PO BOX 332
> MOUND CITY KS 66056
-----
A__ 32632 00 REC NK S
> CITY OF MOUND CITY
>
> PO BOX 332
> MOUND CITY KS 66056
-----
A__ 42364 00 MUN KE S
> CITY OF MOUND CITY
>
> PO BOX 332
> MOUND CITY KS 66056
-----
A__ 49664 00 MUN AY S
> CITY OF MOUND CITY
    
```

>
> PO BOX 332
> MOUND CITY KS 66056

>-----

=====

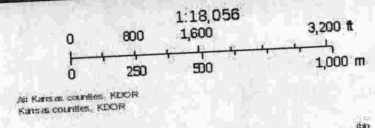
#####

Parcel 0541851600000002000



October 5, 16

- Parcels Green: Band_2
- Parcels 18057 Blue: Band_3
- Red: Band_1

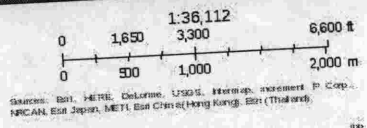


Linn County

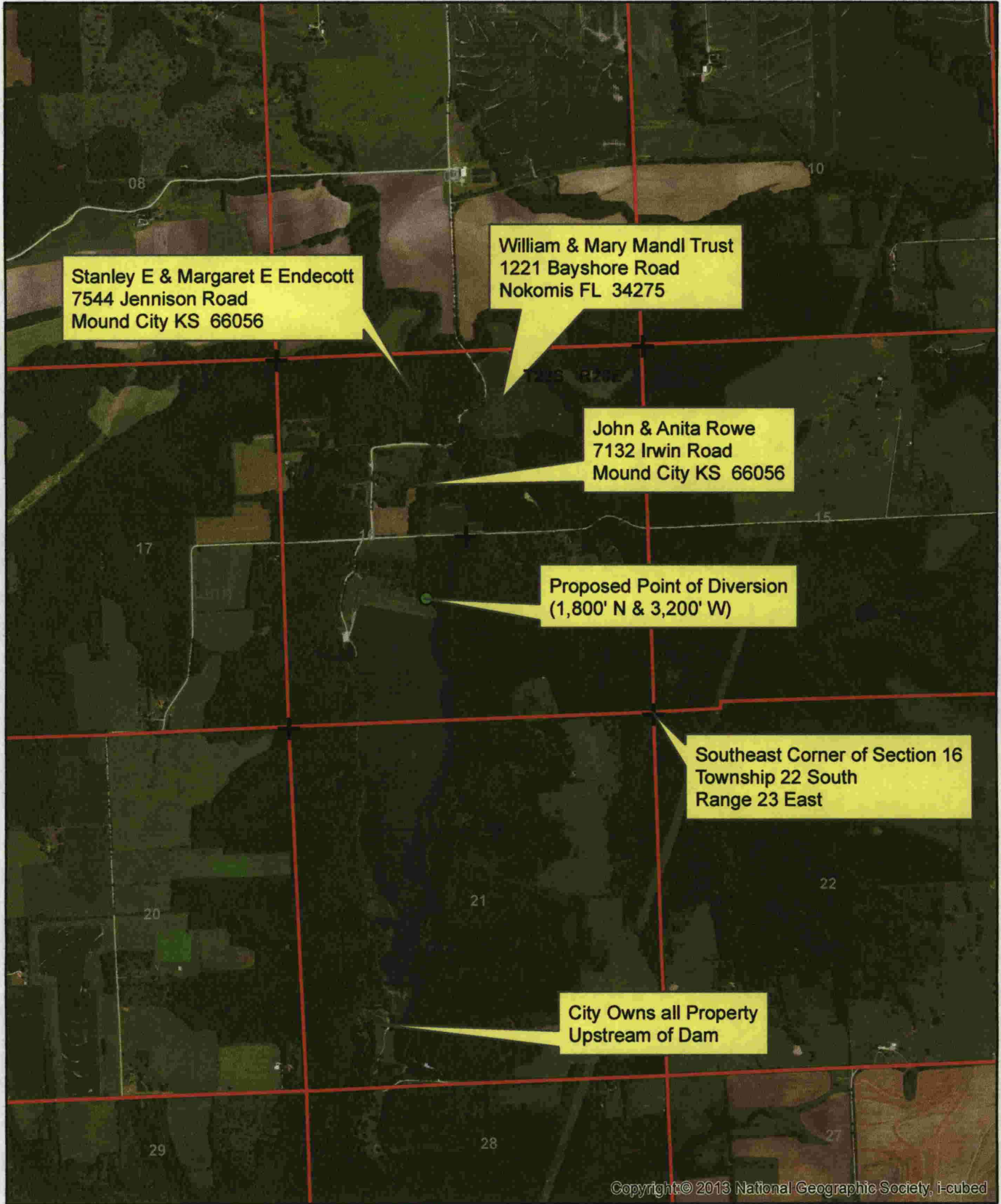


October 5, 16

- Parcels
- Green: Band_2
- Blue: Band_3
- Red: Band_1
- Parcels 36112



CITY OF MOUND CITY - APPLICATION, FILE NO. 49,664
Section 16, Township 22 South, Range 23 East
Linn County



1:24,000

● Proposed Point of Diversion

RECEIVED
OCT 17 2016
Topeka Field Office
DIVISION OF WATER RESOURCES

All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.

Michael May for City of Mound City, KS



CITY OF MOUND CITY
Section 16, Township 22 South, Range 23 East
Linn County



1:24,000

● Proposed Point of Diversion

All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.

