

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET & ORDER FOR PD ACTUAL

Document Signature [pl]

1. File Number: 32632	2. Status Change Date: <i>8/3/2017</i>	3. Change Num: C2	4. Field Office: 1	5. GMD:
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 4/13/2017
8a. Applicant(s) New to system <input type="checkbox"/> CITY OF MOUND CITY PO BOX 332 MOUND CITY KS 66056		Person ID 12429 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/> 8a		Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> 8a	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/17 <input type="checkbox"/> N & P Date to Comply: _____				
<input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 7/12/2017 By: LI Date Entered: <i>8/7/2017</i> By: <i>UM</i>				

File No. **32632** 11. County: **LN** Basin: **SUGAR CREEK** Stream: **BUCK CREEK (SUGAR)** Formation Code: **NA** Special Use: **NA**

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
MOD				32230 SE NE SW 3203	16	22	23E	2	1522	3196	GPS UPDATE ONLY BOTH USE					MUN & REC USE NO CHANGE Q&R 42364 49664 MUN NONE REC

13. Storage: Rate NO CHANGE NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NO CHANGE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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				
CK			38538	7	22	24E ^{23E}	4														8A	NO	NONE
MOD			59615	7	22	24E ^{23E}	8														8A	NO	41861, 42364 49664
ENT			68483	7	22	24E															8A	NO	41861, 42364 49664
CK			24413	7	22	24E	1														8A	NO	41861, 42364 49664

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 12, 2017

FROM: Leslie Ireland

RE: Water Right, File No. 32,632
Appropriation of Water, File Nos.
42,364 & 49,664

Matheau S. Casner, Mayor, of the City of Mound City, Kansas owner of the municipal and recreational appropriations has filed applications under File Nos. 32,632 & 42,364 for approval to change the place of use. The applications to change the municipal place of use were received on April 13, 2017.

The referenced rights appear not be abandoned as per K.S. A. 82a-718, and in compliance with K.S.A. 82a-732. The notice as required by Senate House Bill No. 337 was sent to the land owners located downstream as listed on the new permit, File No. 49,664 and updated by information from the Linn County Appraiser.

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 (PWWSD #13) 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.

The applications propose to change the existing place of use authorized for municipal use to correctly show Rural Water District No. 3 Miami County and Consolidated Rural Water District No. 1, Anderson County. In 2008, Mound City filed changes so as to create a complete overlap in the place of use with File No. 41,861 which is known as PWWSD #13. In 2011, PWWSD #13 filed applications to change the place of use to add Miami RWD 03, and Anderson RWD 01 Consolidated. However, changes were not simultaneously filed for the City of Mound City water rights which supplies water to PWWSD #13. The description of the place of use will be updated to:

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

In 2016 a new application was approved for the City of Mound City under File No. 49,664. This permitting didn't notice the missing places of use, and was an oversight by DWR. A Findings and Order will be completed to update the place of use authorized under File No. 49,664 and maintain a complete overlap in the MUN use of the place of use for their files.

The place of use authorized under the REC use for File No. 32,632 will remain as authorized.

The currently authorized place of use includes: "the City of Amoret and immediate vicinity, and the City of Hume and immediate vicinity, both in Missouri". As the proposed changes are only for the Kansas portion of the rights and the Attorney General of Missouri has previously indicated the municipal use is allowed, they were not contacted again.

The most junior right is still being developed and will not certify until 2036, so the approval will not significantly increase the any historical consumptive use under the overall quantity approved. The change in place of use appears to comply with K.A.R. 5-5-3, *Historical consumptive use*.

The field inspection completed on January 15, 2009, determined by GPS protocol the dam for all of the referenced files for all uses to be approximately 278 feet from the authorized, placing the actual point to be 1,522 feet North and 3,196 feet West of the Southeast corner of Section 16, in Township 22 South Range 23 East, Linn County. It appears the correction of the authorized to the actual point of diversion complies with part a of K.A.R. 5-5-6. *Failure to construct diversion works at authorized location*. The orders will update the point of diversion to the location determined in 2009.

A water flowmeters meeting the specifications of the Chief Engineer will continued to be required. A check valve will be required if any chemical or foreign substance is injected into the water through the diversion works.

Katie Tietsort, Water Commissioner of the Topeka Field Office has recommended approval of the proposed changes in place of use as indicated in her email dated July 3, 2017.

Based on the above discussion, that the changes are reasonable, will not result in an increase in use beyond what has been justified, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications for change be approved and a Findings and Order be issued to correct File No. 49,664.



Leslie Ireland
Environmental Scientist
Water Appropriation of Water Program



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

August 8, 2017

CITY OF MOUND CITY
PO BOX 332
MOUND CITY KS 66056

FILE COPY

RE: Water Right, File No. 32,632
Appropriation of Water, File Nos. 42,364 & 49,664

Dear Mayor Casner:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under File Nos. 32,632 & 42,364, along with the Findings and Order for File No. 49,664.

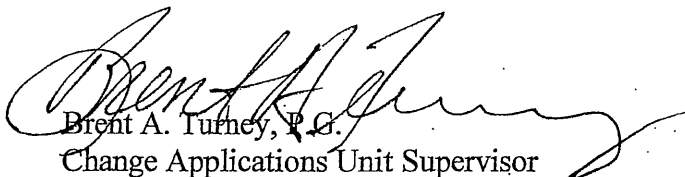
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files.

Since the order for File No. 32,632, modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. 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.E.
Change Applications Unit Supervisor

BAT:LI:li
Enclosures
pc: Topeka Field Office

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
AND ORDER TO BETTER DEFINE THE LOCATION OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT
FILE NO. 32,632**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Matheau S. Casner, Mayor, of the City of Mound City, PO Box 332, Mound City, Kansas 66056, received in this office on April 13, 2017, for approval of a change in the authorized place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated April 30, 2008, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized place of use for municipal use shall be:

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

the place of use authorized for recreational use shall be;

a reservoir located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 16, the West Half (W $\frac{1}{2}$) of Section 21, and in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, all in Township 22 South, Range 23 East, Linn County Kansas.

located substantially as shown on the plat accompanying the application to change the place of use, and

that the point of diversion would more accurately be defined as:

one (1) 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 1,522 feet North and 3,196 feet West of the Southeast corner of said section in Township 22 South, Range 23 East, Linn County, Kansas.

All diversion works 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.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 32,632, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 19, 1990, as modified by the aforementioned order.

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, KS 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, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 3rd day of August, 2017, at Topeka, Shawnee 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 3rd day of August, 2017, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
 Notary Public

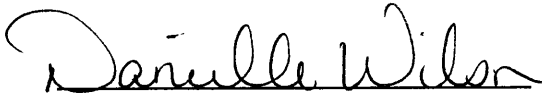
CERTIFICATE OF SERVICE

On this 8th day of August, 2017, I hereby certify that the attached Approval of Application for the Change in Place of Use and Order to Better Define the Location of the Authorized Point of Diversion for Water Right, File No. 32,632, dated: August 3rd, 2017 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


Danielle Wilson
Division of Water Resources

WATER RESOURCES RECEIVED

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**

APR 13 2017
10:38
KS DEPT OF AGRICULTURE
State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

WATER RESOURCES RECEIVED
APR 06 2017
UNACCEPTABLE FOR PRIORITY
KS DEPT OF AGRICULTURE

File No. 32632

2. Name of applicant: City of Mound City

Address: PO Box 332

City, State and Zip: Mound City, KS 66056

Phone Number: (913)285-0137 E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Same as applicant

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): In 2008, Mound City filed changes so as to create a complete overlap in the place of use with File No. 41861 (PWWSD #13). In 2011, PWWSD #13 filed applications to change the place of use so as to add Miami RWD 03 and Anderson RWD 01 Consolidated. However, changes were not simultaneously filed for the City of Mound City water rights.

The change(s) (was) (will be) completed by upon approval (Date)

For Office Use Only:					
F.O. <u>1</u>	GMD <u>0</u>	Meets K.A.R. 5-5-1 (YES/NO) <u>(NO)</u>	Use <u>REC/M UN</u>	Source G <u>(S)</u> County <u>LN</u>	By <u>AW</u> Date <u>4/13/17</u>
Code <u>CPU</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>4/13/17</u>	Check # <u>35512</u>	

APPLICATION COMPLETE
4/13/17
Reviewer LI

SCANNED
Assisted by: CF TFO/Parsons
4/13/2017 CM

4. The presently authorized place of use is:

recreational use at the reservoir located in the Southwest Quarter (SW¼) of Section 16, the West Half (W½) of Section 21, and the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section 28, all in Township 22 South, Range 23 East, Linn County, Kansas, and for municipal use in 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.

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. 41861, 42364, & 49664

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Recreational use at the reservoir located in the Southwest Quarter (SW¼) of Section 16, the West Half (W½) of Section 21, and the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section 28, all in Township 22 South, Range 23 East, Linn County, Kansas.

Municipal use within:

- the City of Blue Mound, Kansas and its immediate vicinity;
- the City of Fulton, Kansas and its immediate vicinity;
- the City of Greeley, Kansas and its immediate vicinity;
- the City of Mound City, Kansas and its immediate vicinity;
- the City of Parker, Kansas and its immediate vicinity;
- Rural Water District No. 1, Linn County and its immediate vicinity;
- Rural Water District No. 2, Linn County and its immediate vicinity;
- Rural Water District No. 3, Linn County and its immediate vicinity;
- Rural Water District No. 3, Miami County and its immediate vicinity;
- Consolidated Rural Water District No. 1, Anderson County and its immediate vicinity;
- Consolidated Rural Water District No. 2, Bourbon County and its immediate vicinity;
- The City of Amoret, Missouri and its immediate vicinity;
- The City of Hume, Missouri and its immediate vicinity.

List any other water rights that cover this place of use. 41861, 42364, & 49664

- 6. The presently authorized point(s) of diversion is One Dam
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) No Change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the SW Quarter of Section 16, Township 22 South, Range 23 E. in Linn County, Kansas, 1800 feet North 3200 feet West of Southeast corner of section. Authorized Rate NF Authorized Quantity 27.58 AF (Municipal)
(DWR use only: Computer ID No. 33203 GPS 1522 feet North 3196 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used _____

WATER RESOURCES
 RECEIVED

WATER RESOURCES
 RECEIVED

APR 13 2017

UNACCEPTABLE FOR PRIORITY
 APR 05 2017
 KS DEPT OF AGRICULTURE
 SCANNED

12. The presently authorized use of water is for Municipal purposes.
It is proposed that the use be changed to No Change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Any increases in consumptive use will be covered by overlapping File No. 49664 which was approved in 2016.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to No Change (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to No Change gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

No change in P/D

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

Meets all rules and regs

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Moynard City, Kansas, this 3rd day of April, 2017.

[Signature]
(Owner)
MATTHEW S. CASWON
(Please Print)

(Spouse)

(Please Print) WATER RESOURCE RECEIVED

(Owner)

(Please Print)

(Spouse)

(Please Print) KS DEPT OF AGRICULTURE

(Owner)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Linn } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of April, 2017.

[Signature]
Notary Public

My Commission Expires 5/11/2019

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES RECEIVED

APR 13 2017

SCANNED

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

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

April 13, 2017

RE: File No. 32632

FILE COPY

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: TOPEKA Field Office GMD

Ireland, Leslie

From: Tietsort, Katie
Sent: Monday, July 3, 2017 1:16 PM
To: Ireland, Leslie
Cc: Fabrycky, Caleb
Subject: RE: Recommendation for Change in Place of Use, File Nos. 32632 & 42,364, City of Mound City

Leslie,

The TFO has no objections to approval of the referenced PU changes. As indicated, there is no change to service area that occurs outside of the state of Kansas.

Thanks for working this package,
Katie

Caleb, once approved these will be ready for comp check (or recycle if within 6 mos). Thx.

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Ireland, Leslie
Sent: Friday, June 30, 2017 12:40 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: Recommendation for Change in Place of Use, File Nos. 32632 & 42,364, City of Mound City

Katie,

I sent this again as I had left off the MO issue.....Please let me know if you would recommend these changes and F&O. I stated "all in the State of Kansas" after all the RWDs, etc. Then the State of Missouri cities...

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov



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

June 27, 2017

FILE COPY

STANLEY E & MARGARET E ENDECOTT
728 W LOULA ST
OLATHE KS 66061

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

Dear Sir or Madam:

This letter is to **provide notice** as required by Kansas Senate House Bill No. 337, which became effective on July 1, 2016.

The owner of the referenced appropriations of water has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. The applications propose to change in the existing place of use authorized for municipal use to correctly show Rural Water District No. 3 Miami County and Consolidated Rural Water District No. 1, Anderson County, that are currently using water under the referenced files. The proposed place of use is described as:

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

Information in our records indicates that you as a nearby landowner, therefore you are being notified.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

pc: 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

June 27, 2017

WILLIAM & MARY MANDL TRUST
1221 BAYSHORE ROAD
NOKOMIS FL 34275

FILE COPY

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

Dear Sir or Madam:

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Sincerely,

A handwritten signature in black ink that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

pc: 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

June 27, 2017

FILE COPY

JOHN & ANITA ROWE
7132 IRWIN ROAD
MOUND CITY KS 66056

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

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Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

pc: Topeka Field Office

City of Mount City, File Nos. 32,632 & 42,364
Change in Place of Use Applications

Nearby Notice Letter List

JOHN & ANITA ROWE
7132 IRWIN ROAD
MOUND CITY KS 66056

WILLIAM & MARY MANDL TRUST
1221 BAYSHORE ROAD
NOKOMIS FL 34275

STANLEY E & MARGARET E ENDECOTT
728 W LOULA ST
OLATHE KS 66061



Legend

- Interconnect
- Pump
- Storage Tank
- Surface Intake
- Treatment Facility
- Well

Water Mains

- Less than 4 inch
- 4 to 6 inch
- greater than 6 inch

Roads

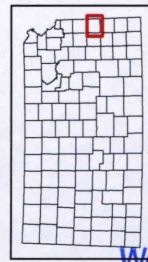
Streams

PLSS

County Boundary

City Boundary

Lakes



Produced by Kansas Rural Water Association
with the cooperation of the Kansas Water Office
and the Data Access and Support Center
October 2015

WATER RESOURCES RECEIVED
APR 05 2017
KS DEPT OF AGRICULTURE
UNACCEPTABLE FOR PRIORITY

Public Wholesale Water Supply District No. 13



POINT OF DIVERSION: 1 DAM
SE NE SW 16-22S-23E
1522' N & 394' W OF SE CORNER

WATER RESOURCES RECEIVED
APR 13 2017
KS DEPT OF AGRICULTURE