

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

Document Signature LPL

1. File Number: 38409	2. Status Change Date: <i>10/11/2017</i>	3. Change Num: C1	4. Field Office: 01	5. GMD: 0
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: 5/24/17
8a. Applicant(s) New to system <input type="checkbox"/> CITY OF OVERLAND PARK GOLF COURSE SUPT 8500 SANTA FE DR OVERLAND PARK KS 66212-2866		Person ID 13327 Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
		8c. Landowner(s) New to system <input type="checkbox"/> 8A		
		8d. WUC New to system <input type="checkbox"/> 8A		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/18</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <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: 9/26/17 By: LI Date Entered: <i>10/16/2017</i> By: <i>UM</i>				

File No. **38409** 11. County: JO Basin: MISSOURI RIVER Stream: TOMAHAWK CREEK (MISSOURI) 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	Authorized		Additional		Overlap PD Files
										Rate gpm/cfs	Quantity AF	Rate gpm/cfs	Quantity AF	
MOD ADL Q FOR LTM										63		46		
MOD	4039	SW NE NE	35	13	24E	2	4500	1000	to match modifications made to overlap File No. 49845					
MOD	14204	NW SE NE	35	13	24E	3	3950	800	to match modifications made to overlap File No. 49845					
√	16409	NW SE NE	35	13	24E	4	3550	1000						

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **133AF/YR COM/W 21290**
 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	NE ¼	NW ¼	SW ¼	SE ¼								
MOD	4405	35	30	22E	1	40	40	40	40	17.0		4.0	28.0	5.0	9.5			29.0	27.0			279.5	7a NO	SEE BELOW \					
ENT	68382	34	30	22E	1											9.0	12.0	14.5	11.5	6.0		53.0	7a NO	SEE BELOW \					
ENT	68381	36	30	22E	1						34.0	33.0		8.0							75.0	7a NO	SEE BELOW \					

Comments: **FILE NOS. 21,290, 38,409, 49,845 & 49,846 WILL ALL OVERLAP IN PLACE OF USE.**
PU COMMENT: ST ANDREWS GOLF COURSE

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 28, 2017

FROM: Leslie Nos Ireland

RE: Water Right, File. 21,290 & 38,409

Tony Cosby Director of Recreation Services for the City of Overland Park has filed the above referenced applications for approval to change the irrigated place of use for their golf course, known as St. Andrews. The May 24, 2017, filled applications were submitted in conjunction with new appropriations, File Nos. 49,845 & 49,846. The new applications were processed by Douglas Schemm, Environmental Scientist, Topeka Field Office.

These certified rights are in compliance with K.S.A. 82a-718 and K.S.A. 82a-732. The applications meet K.A.R. 5-5-2a, Complete change application.

Doug Schemm worked with the applicant on a public notice about the appropriations of water and modification of the place of use which should meet the requirements of providing notice to nearby landowners. To my knowledge no written comments were received.

The currently authorized rights authorize a limited 133 acre-feet(AF) from, one(1) pumpsite under File No. 21,290, authorized 87 AF at 500 gallons per minute (gpm). Under File No. 38,409 it is authorized three (3) small retention dams authorized to accumulate 126 AF, with an allowed rediversion of a limited of 63 AF, with the limiting factor being the 133 acre place of use. The limitation has been a point of issue with the golf course as it was not restated in the certificate, but continues to be enforced, therefore the senior rights authorize only 133 AF for irrigation use at the St. Andrews Golf Course. The certificates for the referenced files list the same acres and the maximum acres irrigated as 133 acres. Together the rights developed 133 base acres as defined per K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes.*

The City proposes to increase the irrigated place of use from the 133 to 407.5 acres that are located in Sections 34, 35 & 36 in Township 13, Range 24 East, Johnson County. Two (2) new permits were filed, under File Nos. 49,845 & 49,846, to provide additional storage of water and rediversion (File No. 49,845) and for direct diversion (File No. 49,846). The place of use will be authorized under File Nos. 21,290; 38,409; 49,845 & 49,846. The place of use expansion to 407.5 acres at a golf course has been deemed a use that is afforded 1.5 acre-foot of water per acre, justifying 611.25 AF or 612 AF for the proposed place of use, under standard irrigation only 407.5 AF would be allowed.

File No. 21,290 will have an overlap in point of diversion with File No. 49,486. These (2) two rights have a total combined quantity of 407 AF at a rate of 1,900 gallons per minute for irrigation use. The location of the pumpsite under File No. 21,290, was inspected on March 16, 2017, with the determined actual location to be near a point 3,163 feet North and 754 feet West of the Southeast corner, located approximately 99 feet from the authorized location of 3,100 Feet North and 830 feet West of the Southeast corner, both in Section 35, Township 13 South, Range 24 East, Johnson County, as Tributary to on the Tomahawk Creek (Missouri River), Kansas. The actual location will not alter the local source of supply and complies with K.A.R. 5-5-6c, *Authorized point of diversion or place of use.* The location of the point of diversion will be updated by the approval.

File No. 38,409, will overlap with File No. 49,485, for the three(3) points of diversion that are the dams. These two (2) rights authorize the storage and rediversion from three small ponds that do not require structures permits. Historically the ponds were determined to have a storage capacity of 63 AF, with the run-off calculation of 205 AF and permitted 63 AF. File No. 49,485, requests 205 AF at natural flows to be retained in the small ponds will provide an additional 79 AF of storage. The 205 AF is requested to be rediverted at a rate of 1,000 gpm. The rediversion point will have a total combined rate of 1,700 gpm and authorized to divert 268 AF for irrigation use without any limitations, except when File No. 21,290 is exercised.

The proposed new applications have been recommended to be authorized. The additional quantity provided by the new applications demonstrates the proposed changes comply with part 6 of K.A.R. 5-5-11, *Applications for change in place of use for irrigation uses*. The 407 AF under File Nos. 21,209 & 49,846 along with the limited 205 AF permitted under File Nos. 38,409 & 49,485 will provide a total of 612 AF for irrigation use on the proposed 407.5 acres at the St. Andrews Golf Course. When the changes are issued with the new permits, there should be no increase in consumptive use as required by K.A.R 5-5-3, *Change in consumptive use*.

The point of diversion will overlap between File Nos. 21,290 and 49,846. The location authorized under the senior right will updated from 3,100 feet North to 754 feet West of the Southeast corner of Section 35, to 3,163 feet North and 754 feet West of the Southeast corner of Section 35, an update of approximately 63 feet. This will not alter the local source of supply and complies with K.A.R. 5-5-6c, *Authorized point of diversion*. The location of the pumpsite will be updated.

As allowed by K.S.A. 82a-706(c) an approved water flowmeter shall be installed on the primary and secondary diversion works. If any chemical or foreign substance is injected into the water pumped under the approvals, a check valve will also need to be installed.

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the new permits on September 13, 2017 and the referenced applications for change in place of use in a September 28, 2017, e-mail.

As the new appropriations, have been recommended for permitting, the requested changes in place of use appear to be reasonable, should not result in an increase in consumptive use or a change in the local source of supply, it appears to be in the public interest that they should be approved based on the above discussion.



Leslie Ireland
Environmental Scientist

THE STATE



AS

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 IN THE MATTER OF LOCATION
OF THE AUTHORIZED POINTS OF DIVERSION
WATER RIGHT
FILE NO. 38,409**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Tony Cosby, Director Recreation Services, for the City of Overland Park, 8500 Santa Fe Drive, Overland Park, Kansas 66212-2866, received in this office on March 24, 2017, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial 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 shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
34 13S 24E											9.0	12.0	14.5	11.5	6.0		53.0
35 13S 24E	40.0	40.0	40.0	40.0	17.0		4.0	28.0	5.0	9.5			29.0	27.0			279.5
36 13S 24E						34.0	33.0			8.0							75.0

a total of 407.5 acres in Sections 34, 35 & 36, in Township 13 South, Range 24 East, Johnson County, Kansas,

located substantially as shown on the aerial map accompanying the application to change the place of use.

That information in the office of the Chief Engineer finds that the points of diversion would more accurately be defined as three (3) reservoirs created by dams located as follows:

one located in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW¼ NE¼ NE¼) of Section 35, more particularly described as being near a point 4,500 feet North and 1,000 feet West of the Southeast corner of said section; and

one located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 35, more particularly described as being near a point 3,950 feet North and 800 feet West of the Southeast corner of said section; and

one located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 35, more particularly described as being near a point 3,550 feet North and 1,000 feet West of the Southeast corner of said section,

all in Township 13 South, Range 24 East, Johnson County, Kansas.

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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 38,409, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 7, 1998.

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 14th day of October, 2017, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 14th day of October 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 17th day of October, 2017, I hereby certify that the attached Order for Water Right, File No. 38,409, dated, October 11, 2017 was mailed postage prepaid, first class, US mail to the following:

CITY OF OVERLAND PARK
TONY COSBY, DIR REC SERVICES
8500 SANTA FE DR
OVERLAND PARK, KS 66212-2866

With photocopies to:

Topeka Field Office

Danielle Wilson
Division of Water Resources

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

October 17, 2017

FILE COPY

CITY OF OVERLAND PARK
% DOUG MELCHIOR - SUPERINTENDENT
8500 SANTA FE DR
OVERLAND PARK KS 66212-2866

RE: Water Right, File Nos. 21,290; 30,406; 38,408; 38,409 & 40,873

Dear Mr. Melchior:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

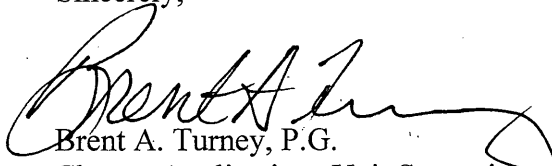
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files. Records in this office indicate that meters are installed on the authorized points of diversion. If a meter has been replaced you must contact our staff at the Topeka Field Office at (785) 296-5733.

Since these orders modify the original documents referred to above, they 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) 566-6633. 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.G.
Change Applications Unit Supervisor

BAT:LI
Enclosures
pc: Topeka Field Office

St. Andrews
3 Ponds
(Place of Use Change)

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



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
- (Check one or more) Point of Diversion
- Use Made of Water

WATER RESOURCES
RECEIVED

MAY 24 2017
11:13
KS DEPT OF AGRICULTURE

File No. 38,409

2. Name of applicant: CITY OF OVERLAND PARK %GOLF COURSE SUPT.

Address: 8500 SANTA FE DR

City, State and Zip: OVERLAND PARK, KS 66212-2866

Phone Number: (913) 238-9889 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): _____

CHANGE WILL AUTHORIZE AN EXPANSION OF THE GOLF COURSE TO REFLECT CURRENT OPERATIONS. THIS CHANGE WILL ALSO CREATE A COMPLETE OVERLAP WITH PENDING NEW APPLICATIONS AND OTHER WATER RIGHT.

The change(s) (was) (will be) completed by SPRING 2017

(Date)

For Office Use Only:

F.O. 1 GMD 0 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source G S County JO By ADW Date 5/24/17
Code CRU Fee \$ 200 TR # _____ Receipt Date 5/24/17 Check # CC

APPLICATION COMPLETE

9/13/17
Reviewer LB

4. The presently authorized place of use is:

Owner of Land — NAME: CITY OF OVERLAND PARK %GOLF COURSE SUPT.

ADDRESS: 8500 SANTA FE DR OVERLAND PARK KS 66212-2866

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		
35	13	24E	35	33	35	20										10				133

List any other water rights that cover this place of use. File No. 21,290

Owner of Land — NAME: _____

ADDRESS: _____

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. _____

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

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

Owner of Land — NAME: CITY OF OVERLAND PARK %GOLF COURSE SUPT.

ADDRESS: 8500 SANTA FE DR OVERLAND PARK KS 66212-2866

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		
34	13	24E										9	12	14.5	11.5	6				53
35	13	24E	40	40	40	40	17		4	28	5	9.5			29	27				279.5
36	13	24E						34	33			8								75

List any other water rights that cover this place of use. File No. 21,290 AND NEW APPLICATIONS * TOTAL 407.5
~~49,845~~ 49,840

Owner of Land — NAME: _____

ADDRESS: _____

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. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* LI/OWN 8/2/16

- 6. The presently authorized point(s) of diversion (is) (are) THREE DAMS
(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: QUALIFIERS UPDATED

8. **Presently authorized point of diversion:** BY NEW APP SO CNG UPDATED *

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 _____

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 _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY
KS DEPT OF AGRICULTURE

* LI/one 1/2/17

MAY 24 2017

SCANNED

12. The presently authorized use of water is for IRRIGATION 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.

Pending New Applications filed in conjunction with change application will adequately address any increase in consumptive use.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to _____ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to _____ 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 CHANGES TO EXISTING DAMS

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.

N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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.

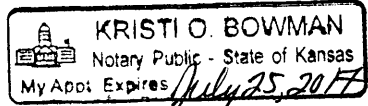
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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 Overland Park, Kansas, this 15th day of May, 2017.

<u>City of Overland Park</u> (Owner)	<u>By Tony Cosby</u> (Spouse)
<u>Tony Cosby</u> (Please Print)	<u>Director Recreation Services</u> (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }
County of Johnson } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15th day of May, 2017.

Kristi O. Bowman
Notary Public

My Commission Expires July 25, 2017

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**

MAY 24 2017

KS DEPT OF AGRICULTURE

SCANNED

Ireland, Leslie

From: Tietsort, Katie
Sent: Thursday, September 28, 2017 11:41 AM
To: Ireland, Leslie
Subject: RE: Recommendation for Change in PU File Nos 21290x Overland Park

↳ 38,409.

Hi Leslie,

What a complex package! The TFO appreciates your efforts in working through these changes to get the GC in compliance with an expanded PU and to get them more water. I think that the quantity was shown as all additional because of that problem we have been having the meetings about – two separate tribs so when they pump one versus the other the water is coming from a different source. But I think we agreed to show it as it is now and the new columns in the Sequel WRIS will consider this problem.

Thanks for moving these forward,
Katie

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: Thursday, September 28, 2017 11:07 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: Recommendation for Change in PU File Nos 21290x Overland Park

Katie,

Please let me know if you could recommend these changes.
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

Ireland, Leslie

From: Schemm, Doug
Sent: Thursday, September 14, 2017 8:13 AM
To: Baum, Kristen
Cc: Ireland, Leslie
Subject: City of Overland Park Golf Courses
Attachments: 49845 THRU 49848 Memo to File.docx; 49846 Approval and Notice to Proceed.docx; 49846 Permit Worksheet.docm; 49847 Permit to Proceed.docx; 49847 Permit Worksheet.docm; 49848 Approval and Notice to Proceed.docx; 49848 Permit Worksheet.docm; 49845 49846 49847 and 49848 Transmittal.docx; 49845 Permit to Proceed.docx; 49845 Permit Worksheet.docm

Good Morning,

A lot going on with these, but I think they are good to go.

Leslie, I did "better describe" the points of diversion for File No. 49,845, which overlaps your change app 38,409. I just modified the qtr-qtr descriptors.

Have a great day,

Doug



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 OVERLAND PARK
%GOLF COURSE SUPT
8500 SANTA FE DR
OVERLAND PARK, KS 66212

May 24, 2017

FILE COPY

RE: File No 38409

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,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: DLW

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

pc: TOPEKA Field Office GMD

WATER RIGHT, FILE NOS. 21,290 & 38,409
PROPOSED PLACE OF USE
ST ANDREWS GOLF COURSE



Point of Diversion
Proposed Place of Use

WATER RESOURCES
RECEIVED
1:24,000
MAY 24 2017

Requesting to do a Public Notice, due to large
number of upstream and downstream landowners
within 1/2 mile. **SCANNED**

KS DEPT OF AGRICULTURE
City of Overland Park
Tommy Coyd, City of Overland Park
Mr. Recreation Services



WATER RIGHT, FILE NOS. 21,290 & 38,409

AUTHORIZED PLACE OF USE
ST ANDREWS GOLF COURSE

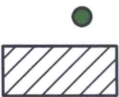


FILE NO. 38,409
(3 DAMS)
Point of Diversion
4,500' N & 1,000' W
3,950' N & 800' W
3,550' N & 1,000' W

FILE NO. 21,290
(PUMP SITE)
Point of Diversion
3,100' N & 830' W

Southeast Corner of Section 35
Township 13 South
Range 24 East

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Point of Diversion
Authorized Place of Use

1:24,000

MAY 24 2017

KS DEPT OF AGRICULTURE

SCANNED