

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

Document Signature _____

1. File Number: 39810	2. Status Change Date: 1/30/2017	3. Change Num: C1	4. Field Office: 01	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 02-JUN-2016
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8a. Applicant(s) New to system <input type="checkbox"/> CITY OF PARKER PO BOX 137 PARKER KS 66072	Person ID 33098 Add Seq# 1 8c. Landowner(s) New to system <input type="checkbox"/> CITY OF PARKER PO BOX 137 PARKER KS 66072
8d. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	

8b. Landowner(s) New to system <input checked="" type="checkbox"/> Person ID _____ Add Seq# _____	8e. WUC New to system <input checked="" type="checkbox"/> CITY OF PARKER PO BOX 137 PARKER KS 66072
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: _____ N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: **MUN** To: **REC**

Date Prepared: **10/31/16** By: **RAK**
 Date Entered: **1/31/2017** By: **UM**

File No. **39810** 11. County: **LN** Basin: **SUGAR CREEK** Stream: **GOODRICH CREEK TRIB 2A (SUGAR)** Formation Code: Special Use:

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	Quantity af	Rate gpm	Quantity af	
MOD 50220	SW¼ SW¼ SE¼		8	20	22E	1	385	1985			SEE BELOW		NO	

Better Describe pd

NO DIRECT USE

13. Storage: Rate **NF** NF Quantity **9.90 AF** ac/ft Additional Rate **NF** NF Additional Quantity **9.90 AF** ac/ft

14. Limitation: _____
 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 MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						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				
DEL 23356	8	20	22E	1		CITY OF PARKER & IMMEDIATE VICINITY																	8A	NO	NO
ENT 68204	8	20	22E			RESERVOIR IN W½ SE¼ 8-20S-22E																	8A	NO	NO

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: October 31, 2016

FROM: Richelle A. Krueger

RE: Appropriation of Water
File No. 39,810

Wayne Burk, on behalf of the City of Parker, Kansas, owner of the above referenced file number, has filed an application for approval to change the place of use and use made of water from municipal use to recreational use.

There are no overlaps in the point of diversion or place of use. On the original approval of application dated September 12, 1995, the referenced file number was limited to all natural flows of an unnamed tributary to Goodrich Creek, (Goodrich Creek, Trib 2A (Sugar Creek) not needed to satisfy vested rights and prior appropriations, to be accumulated in a reservoir of 165 acre-feet capacity created by a dam located near the center of the South Half of the Southwest Quarter of the Southeast Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 8, more particularly described as being near a point 325 feet North and 1,935 feet West of the Southeast corner of said section, in Township 20 South, Range 22 East, Linn County, Kansas, in a maximum amount of 28.7 million gallons (88 acre-feet) per calendar year in order to provide a quantity not in excess of 8.9 million gallons (27.22 acre-feet) per calendar year to be re-diverted at a maximum rate of 50 gallons per minute (0.11 c.f.s.) for municipal purposes in the City of Parker Kansas and immediate vicinity.


Paragraph No. 3 of the application indicates that the use of water from the lake for municipal purposes ended in late 2003 and the City now obtains their water from Public Wholesale Water Supply District No. 13 (File No. 41,861). Municipal use is not expected to occur again from the reservoir, however, the lake is large enough that it requires a water right be maintained. The lake has been used for recreational purposes so the City proposes to convert the use made of water and place of use to recreational use for a reservoir located in the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 8, Township 20 South, Range 22 East, Linn County, Kansas. Consumptive use will not be increased since the City has agreed to a reduction in quantity to 9.90 acre-feet, which allows the City to store three years of net evaporation from the reservoir (8 surface acres x 5⁷/12 net evaporation x 3 years). Also, it has since been determined that the reservoir currently has a modified capacity of 104 acre-feet.

The location of the dam will be better described with feet distances (385'N, 1,985'W) identified in Paragraph No. 8 of the referenced change application.

Nearby landowners within one-half mile upstream and downstream from the property lines of the land owned or controlled by the applicant were notified by letters dated September 28, 2016 of the proposed change in place of use and use made of water in order to comply with Senate Bill 337 enacted by the Kansas State Legislature on July 1, 2016.

In an e-mail dated October 18, 2016, Katherine Tietsort, Water Commissioner of the Topeka Field Office, indicated no objection to approval of the application.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and no change in the local source of supply will occur, it is recommended that the referenced application be approved.


Richelle A. Krueger
Environmental Scientist



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

January 31, 2017

CITY OF PARKER
ATTN WAYNE BURK
PO BOX 137
PARKER KS 66072

FILE COPY

RE: Appropriation of Water, File No. 39,810

Dear Mr. Burk:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

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
FOR
CHANGE IN PLACE OF USE AND
USE MADE OF WATER AND
ORDER REDUCING
THE AUTHORIZED QUANTITY AND DIVERSION RATE
AND BETTER DESCRIBING THE AUTHORIZED POINT OF DIVERSION
APPROPRIATION OF WATER
FILE NO. 39,810**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Wayne Burk, on behalf of the City of Parker, Kansas, P.O. Box 137, Parker, Kansas, 66072, received in this office on June 02, 2016, for approval of a change in the location of the place of use and the use made of water under the Approval of Application, File No. 39,810, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The application, therefore, is approved subject to the condition that the water right is reduced to a quantity not to exceed 9.90 acre-feet of water per calendar year and to a diversion rate not to exceed natural flows in accordance with the Application for Approval to Change the Place of Use and Use Made of Water, File No. 39,810 received on June 02, 2016.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized use made of water and better description of the authorized point of diversion shall be:

recreational use limited to all natural flows of an unnamed tributary to Goodrich Creek, identified in the office of the Chief Engineer as Goodrich Creek Trib 2a (Sugar Creek) not needed to satisfy all vested rights and prior appropriation rights to be stored to a maximum extent of 9.90 acre-feet of water per calendar year in a reservoir created by a dam located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 8, more particularly described as being near a point 385 feet North and 1,985 feet West of the Southeast corner of said section, in Township 20 South, Range 22 East, Linn County, Kansas,

and the authorized location of the place of use shall be:

a reservoir in the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 8, Township 20 South, Range 22 East, Linn County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use and use made of water.

In all other respects, the Approval of Application, File No. 39,810, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated September 12, 1995.

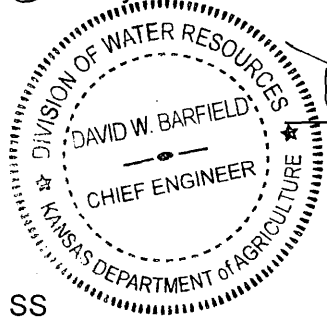
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) 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 30th day of January, 2017, 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)
County of Riley) SS

The foregoing instrument was acknowledged before me this 30th day of January, 2017, 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 31st day of January 2017, I hereby certify that the foregoing Approval of Application for Change in Place of Use and Use Made of Water, File No. 39,810, dated January 30, 2017, 2017 was mailed postage prepaid, first class, US mail to the following:

CITY OF PARKER
PO BOX 137
PARKER KS 66072

With photocopies to:
Topeka Field Office

Danielle Wilson
Division of Water Resources

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

JUN 02 2016

10:22

KS DEPT OF AGRICULTURE

File No. 39810

WATER RESOURCES
RECEIVED

2. Name of applicant: CITY OF PARKER

Address: PO BOX 137

SEP 26 2016

City, State and Zip: PARKER KS 66072

12:45
KS DEPT OF AGRICULTURE

Phone Number: (913)898-2710

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): _____

THE USE OF WATER FROM THE LAKE FOR MUNICIPAL PURPOSES ENDED IN LATE 2003 AND IS NOT EXPECTED TO HAPPEN AGAIN. THE CAPACITY OF THE LAKE IS LARGE ENOUGH THAT IT REQUIRES THAT A WATER RIGHT BE MAINTAINED. THE CHANGES PROPOSED ARE TO CONVERT THE CURRENT MUNICIPAL USE WATER RIGHT TO A RECREATIONAL USE.

The change(s) (was) (will be) completed by N/A

(Date)

For Office Use Only:

F.O. 1 GMD 0 Meets K.A.R. 5-5-1 (YES) / NO Use MUN Source G(S) County LN By AJW Date 6/2/16
Code C-2 Fee \$ 500 TR # _____ Receipt Date 6/2/16 Check # 4898

10 24 16
RAIC

SCANNED

6/3/2016 LLM

4. The presently authorized place of use is:

Owner of Land — NAME: **CITY OF PARKER**

ADDRESS: **PO BOX 137 PARKER KS 66072**

MUNICIPAL USE FOR THE CITY OF PARKER AND IMMEDIATE VICINITY

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. **NONE**

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				

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

Owner of Land — NAME: **CITY OF PARKER**

ADDRESS: **PO BOX 137 PARKER KS 66072**

RECREATIONAL USE FOR A RESERVOIR LOCATED IN THE (W1/2 SE1/4) OF 8-20-22E, LINN COUNTY KANSAS

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. **NONE**

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						

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) 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 NEAR CENTER SOUTH HALF Quarter of the SW Quarter of the SE Quarter of Section 8, Township 20 South, Range 22E (E/W), in LINN County, Kansas, 325 feet North 1935 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) NO CHANGE- BETTER DESCRIPTION
 One in the SW Quarter of the SW Quarter of the SE Quarter of Section 8, Township 20 South, Range 22E (E/W), in LINN County, Kansas, 385 feet North 1985 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. N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SEP 26 2016

JUN 02 2016

12. The presently authorized use of water is for MUNICIPAL purposes.

It is proposed that the use be changed to RECREATIONAL purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

THE CONSUMPTIVE USE WILL NOT BE INCREASED BECAUSE THE ACTUAL USE OF WATER WILL DRAMATICALLY DECREASE AS THE ONLY USE WILL BE EVAPORATION FROM THE SURFACE AREA OF THE RESERVOIR

RESERVOIR SURFACE AREA = 8 ACRES RESERVOIR CAPACITY = ^{*104}165 ACRE-FEET NET EVAP = 5"

QUANTITY OF WATER RELATED TO THE RECREATIONAL USE = 8 X 5"/12" = 3.3 AF 3.3 X 3 = 9.9 AF

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 9.9 AF (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A 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 ½ 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 ½ 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) ½ mile downstream and ½ 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.

IMPAIRMENT WILL NOT BE AN ISSUE BECAUSE THE OPERATION OF THE LAKE WILL NOT CHANGE WITH APPROVAL OF THIS APPLICATION

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

** per 10/17/10 memo to File Clerk Tisham JFO
* Review 10/21/10*

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 Parker, Kansas, this 12th day of May, 2016.

Wayne Burk
(Owner)
WAYNE BURK
(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

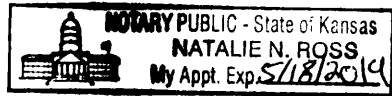
(Please Print)

(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 12th day of May, 2016.



Natalie N. Ross
Notary Public

My Commission Expires _____

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
SEP 26 2016
KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED
JUN 02 2016
KS DEPT OF AGRICULTURE
SCANNED

Krueger, Richelle

From: Krueger, Richelle
Sent: Tuesday, October 18, 2016 10:47 AM
To: Tietsort, Katie
Subject: RE: Request for Recommendation Change in PU UMW File No. 39810 City of Parker

I am good with the change part anyway, I will proceed with change approval documents, have Brent review then give it to Charlotte, I don't think she is here today but I will work with her towards getting this done.

From: Tietsort, Katie
Sent: Tuesday, October 18, 2016 10:40 AM
To: Krueger, Richelle
Subject: RE: Request for Recommendation Change in PU UMW File No. 39810 City of Parker

So we are all good with this now right?

Katie Tietsort
Water Commissioner, Topeka Field Office
Kansas Department of Agriculture, Division of Water Resources
6531 SE Forbes Ave, Ste B
Topeka, KS 66619
(785) 296-5733
Katie.Tietsort@ks.gov

From: Krueger, Richelle
Sent: Wednesday, September 28, 2016 4:20 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>; Philip, Charlotte <Charlotte.Philip@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: Request for Recommendation Change in PU UMW File No. 39810 City of Parker

Hi Katie,
Attached is a draft memo for the referenced change in pu and umw, assuming the file is in good standing and not abandoned, etc. I saw your e-mail to Lane in docuware about the Roseberry file, but I didn't know if you wanted me to work the change app along with a certificate or if you wanted me to proceed with processing the change only and the certificate will be processed later? Do you recommend approval of the referenced change application?
Thanks,
Richelle

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

September 28, 2016

SETH T WALTERS AND PAIGE E CLINTON
19462 COUNTY ROAD 1077
PARKER KS 66072

RE: Appropriation of Water, File No. 39,810

Dear Sir or Madam:

This is to advise you that the City of Parker, Kansas, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water under the above referenced file number.

Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (620) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office
City of Parker, Attn Wayne Burk

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

September 28, 2016

TIMOTHY N AND CARYN M TYSON
19984 COUNTY ROAD 1077
PARKER KS 66072

RE: Appropriation of Water, File No. 39,810

Dear Sir or Madam:

This is to advise you that the City of Parker, Kansas, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water under the above referenced file number.

Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (620) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office
City of Parker, Attn Wayne Burk

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

September 28, 2016

ROBERT E TYSON AND LINDA S TYSON
19045 DEVLIN RD
PARKER KS 66072

RE: Appropriation of Water, File No. 39,810

Dear Sir or Madam:

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Jackie McClaskey, Secretary

Governor Sam Brownback

September 28, 2016

BRIAN JAMES LINTNER
ALBERT JR AND KAREN LINTNER
20198 COUNTY ROAD 1077
PARKER KS 66072

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Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office
City of Parker, Attn Wayne Burk

SCANNED

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Manhattan, Kansas 66502
(785) 564-6700



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

Jackie McClaskey, Secretary

Governor Sam Brownback

September 28, 2016

MICHAEL E PAGE
21368 EARNEST RD
PARKER KS 66072

RE: Appropriation of Water, File No. 39,810

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Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office
City of Parker, Attn Wayne Burk

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

September 28, 2016

JUANITA P HOLDERMAN
503 W SOUTH ST
PARKER KS 66072

RE: Appropriation of Water, File No. 39,810

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Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Topeka Field Office
City of Parker, Attn Wayne Burk

SCANNED

Krueger, Richelle

From: Tietsort, Katie
Sent: Monday, September 19, 2016 11:26 AM
To: Krueger, Richelle
Cc: Bunger, Brett; Philip, Charlotte; Turney, Brent
Subject: RE: Change in PU UMW File No. 39810 City of Parker

I have put Parker on my radar.

Katie Tietsort
Water Commissioner, Topeka Field Office
Kansas Department of Agriculture, Division of Water Resources
6531 SE Forbes Ave, Ste B
Topeka, KS 66619
(785) 296-5733
Katie.Tietsort@ks.gov

From: Krueger, Richelle
Sent: Monday, September 12, 2016 4:42 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>; Philip, Charlotte <Charlotte.Philip@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: Change in PU UMW File No. 39810 City of Parker

Hi Katie,
I have begun reviewing the referenced change in pu umw for File No. 39,810 City of Parker, so I think this is going to need a pro cert? I saw in the scanned docs that you mentioned it was like Roseberry, where it could not be perfected because it was abandoned unless the umw was changed to rec first or what the scenario is exactly, but wanted to let you know I have begun working the file.

Also just an fyi wanted to let you know I am returning the application to the City of Parker to get landowners names and mailing addresses half mile upstream and downstream from land owned or controlled by applicant in order to comply with Senate Bill No. 337.

Thanks,
Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Water Appropriation Program
(785) 564-6635
Richelle.Krueger@ks.gov (please note e-mail address change)
www.ksda.gov/dwr

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

September 14, 2016

CITY OF PARKER
ATTN WAYNE BURK
PO BOX 137
PARKER KS 66072

RE: Appropriation of Water, File No. 39,810

Dear Mr. Burk,

Reference is made to the application for approval of the Chief Engineer to change the place of use and use made of water under the referenced file number which was received in the office of the Chief Engineer on June 2, 2016. Upon review of the application, we find that additional information is needed.

Please find enclosed the original application for File No. 39,810. Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, please indicate on your submitted map the name and mailing address of the owner or owners of each tract of land adjacent to the stream upon which the dam is located for a distance of one-half mile upstream and one-half mile downstream from the property lines of the land owned or controlled by the dam owner/water right owner. Please sign on the map where indicated as certifying this information has been submitted.

I am returning the referenced application so that you may provide the requested information. **In order that the application will retain its priority of filing, the original application and attachments must be returned, along with the requested additional information, to this office on or before October 17, 2016, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application and attachments as outlined above, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application.**

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor, Brent Turney, 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,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK
Enclosures

pc: Topeka Field Office

SCANNED

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

CITY OF PARKER
PO BOX 137
PARKER KS 66072

June 2, 2016

RE: File No. 39810

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 UMW/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

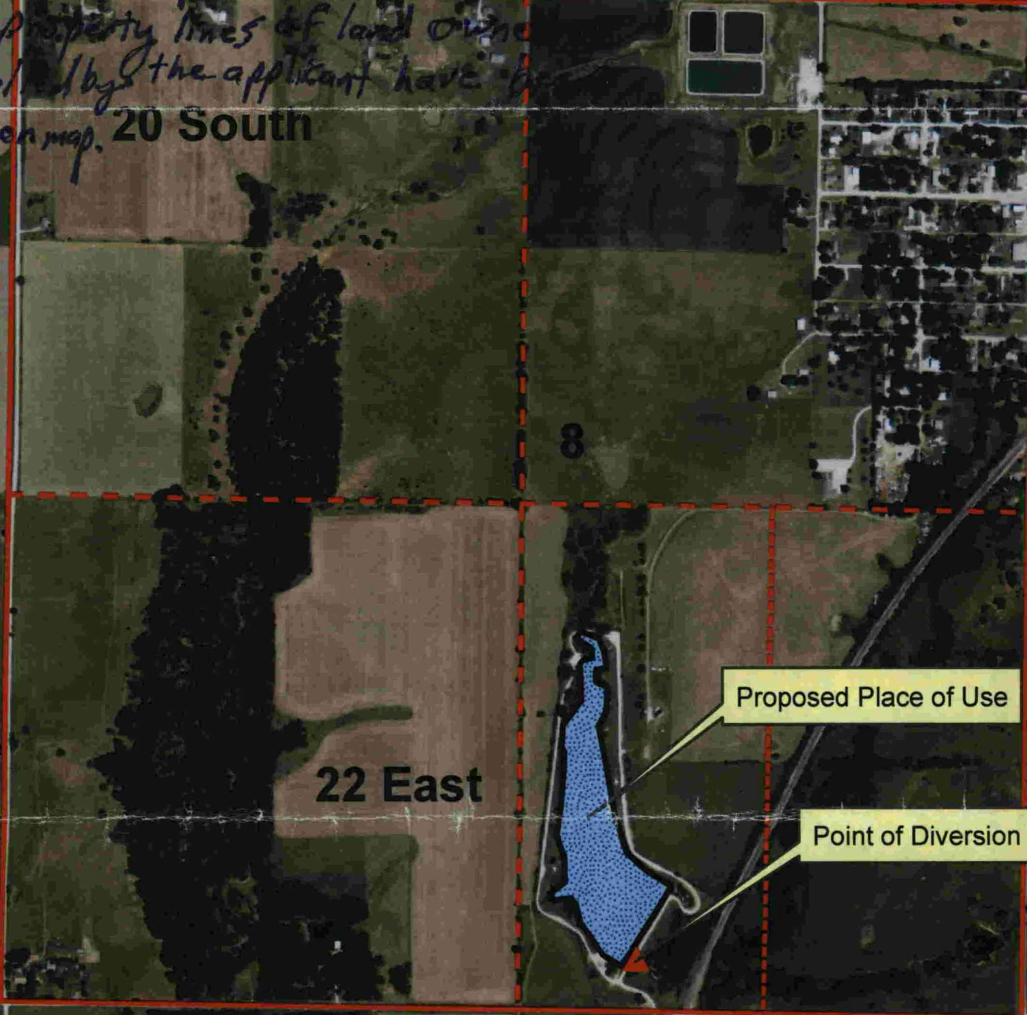
SCANNED

1:12,000

Application to Change the Place of Use and Use Made of Water - File No. 39810

City of Parker
P.O. Box 137
Parker KS
66072

Thomas Paul 9-22-16
Signature Date
I certify the owner's name & mailing address of the tract of land adjacent to the stream for a distance of one half mile up stream and down stream from property lines of land owned and controlled by the applicant have been plotted on map. 20 South



Proposed Place of Use

Point of Diversion

22 East

8

WATER RESOURCES RECEIVED

SEP 26 2016

WATER RESOURCES RECEIVED

JUN 02 2016

KS DEPT OF AGRICULTURE

SCANNED