

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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

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8:49
KS DEPT OF AGRICULTURE

File No. 44,716

2. Name of applicant: JOHNSON CO. PARK & RECREATION DIST. ATTN: SUPERINTENDENT OF PARKS

Address: 7900 RENNER ROAD

City, State and Zip: SHAWNEE MISSION KS 66219-9723

Phone Number: (913) 826-3437 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 address enlargement of existing reservoirs (surface acres), and establish authorized use to be only Recreational Use within the Reservoirs (i.e. eliminate IRR use).

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

(Date)

For Office Use Only:	
F.O. (<u>GMD</u>) Meets K.A.R. 5-5-1 (<u>YES</u> / NO) Use <u>FRP</u> Source <u>G(S)</u> County <u>Jb</u> By <u>AdW</u> Date <u>4/19/17</u>	
Code <u>C-2</u> Fee \$ <u>000</u> TR # _____ Receipt Date <u>4/19/17</u> Check # <u>CC</u>	

4/20/2017 UM

4. The presently authorized place of use is:

Owner of Land — NAME: MEADOWBROOK COUNTRY CLUB

ADDRESS: 4900 MAIN ST STE 400, KANSAS CITY, MO 64112

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	
33	12S	25E									40	31	23	33					127

List any other water rights that cover this place of use. NONE Total = 127

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 — JOHNSON CO. PARK & RECREATION DIST. ATTN: SUPERINTENDENT OF PARKS

ADDRESS: 7900 RENNER RD, SHAWNEE MISSION KS 66219-9723

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	
33	12S	25E	THREE RESERVOIRS IN SW QTR																

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	

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) 3 DAMS
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

No change

List all presently authorized point(s) of diversion:

8. **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 _____

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

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12. The presently authorized use of water is for IRRIGATION purposes.
It is proposed that the use be changed to RECREATIONAL USE purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
There has been a slight increase in the surface acres of the reservoirs, however the elimination of irrigation use will substantially reduce the authorized storage quantity and consumptive use related to irrigation.
-
-
-

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 8.5 AF (Storage) (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 DAM LOCATIONS. LOCAL SOURCE OF SUPPLY DOES NOT CHANGE.

All dams on Indian Creek Trib 3 (Missouri)

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 Johnson County, Kansas, this 31 day of March, 2017.

Walt R. Maas (Owner)

(Spouse)

William R. Maassen (Please Print)

(Please Print)

Johnson County Park & Recreation District (Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

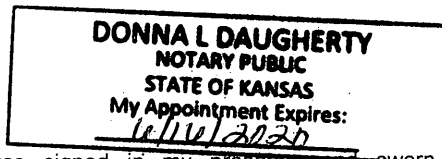
(Please Print)

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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 31 day of March, 2017.

Donna L. Daugherty (Notary Public)

My Commission Expires 6/16/2020

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:

Table with 2 columns: Description of application change and Fee amount. Includes items like 'Application to change a point of diversion 300 feet or less' for \$100.

Make check payable to Kansas Department of Agriculture.

RECREATIONAL USE SUPPLEMENTAL SHEET

File No. 44,716 _____

Name of Applicant (Please Print): Johnson Co. Park & Recreation Dist

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
fishing

2. Please summarize how the water will be used and justify the quantity of water requested: _____

8.5 acres x 4"/12 = 2.83 AF (1 year of Indirect Use)

2.83 x 3 = 8.5 AF (3 Years of Indirect Use)

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	8.5
Year 2	8.5
Year 3	8.5
Year 4	8.5
Year 5	8.5

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

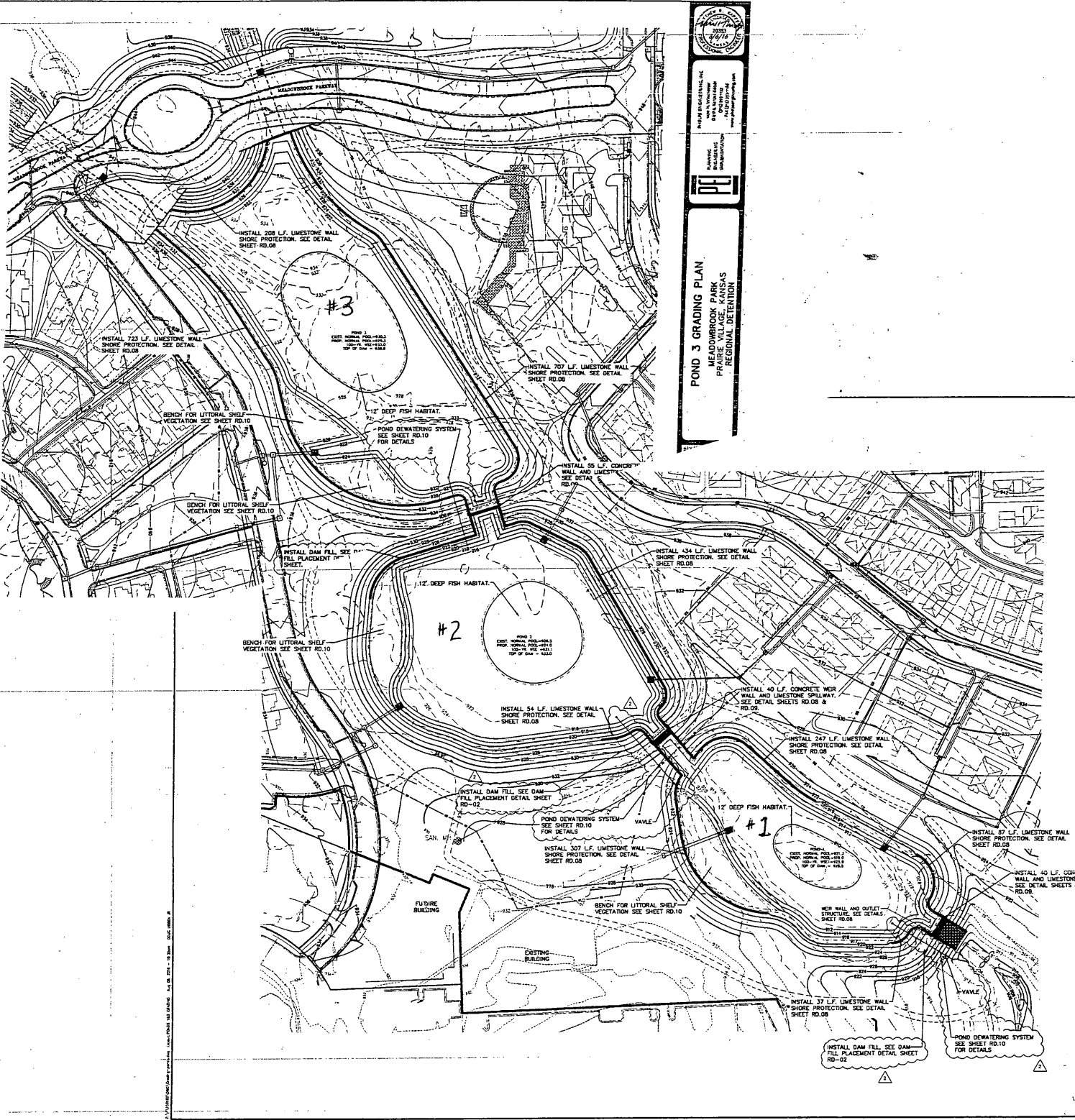
4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

3 Reservoirs in the Southwest Quarter of Section 33, Township 12 South, Range 25 East, Johnson County.

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

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POND 3 GRADING PLAN
HEADBROOK PARK
PRAIRIE VILLAGE, KANSAS
REGIONAL DETENTION

PAUL R. ENGSTROM, INC.
 1000 W. 15th Street
 Lawrence, KS 66044
 (785) 842-1111
 www.paulengstrom.com

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Schemm, Doug

From: Doug Ubben Jr. <dougubben@phelpsengineering.com>
Sent: Thursday, March 2, 2017 1:24 PM
To: Schemm, Doug
Subject: Meadowbrook Ponds
Attachments: 150182-GRADING WITH DAM FILL DETAIL.pdf

Doug,

Attached are drawings of the ponds and below is a summary of the surface areas of the ponds at normal pool.

Pond North – 3.61 Acres
Pond Middle – 2.99 Acres
Pond South – 1.87 Acres
Total Pond Surface Area – 8.47 Acres

Thanks,
Doug Ubben, Jr., P.E.
Phelps Engineering, Inc.
1270 N. Winchester
Olathe, KS 66061
(913) 538-5806 – Direct
(913) 393-1155 – Office
(913) 393-1166 - Fax

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KS DEPT OF AGRICULTURE

Schemm, Doug

From: Maasen, Bill, PRK <Bill.Maasen@jocogov.org>
Sent: Thursday, March 2, 2017 1:45 PM
To: Tietsort, Katie
Cc: Schemm, Doug; Dizney, Michael, PRK
Subject: RE: Questions about Meadowbrook

See answers below.

William (Bill) R. Maasen, CPRP
Superintendent of Parks & Golf Courses
Johnson County Park and Recreation District
7900 Renner Road, Shawnee Mission, KS 66219-9723
Office 913.826.3437 Cell 913.909.3032 Fax 913.492.7275
[Mailto:bill.maasen@jocogov.org](mailto:bill.maasen@jocogov.org)

Visit us at JCPRD.com | Like us on [Facebook](#) | Follow us on [Twitter](#)

Consider the environment. Print this email only if necessary.

Note: Kansas has a broad public records law. Your email communication may be subject to public disclosure.

From: Tietsort, Katie [<mailto:Katie.Tietsort@ks.gov>]
Sent: Thursday, March 2, 2017 1:39 PM
To: Maasen, Bill, PRK <Bill.Maasen@jocogov.org>
Cc: Schemm, Doug <Doug.Schemm@ks.gov>
Subject: Questions about Meadowbrook

Hi Bill,

Doug Schemm from my office talked with Doug Ubben regarding the Meadowbrook property. Doug U. had the exposed surface acreage diagrams we needed to determine the evaporation needs use. He couldn't answer the following and referred us back to you:

- 1) Will there be any pumping (even recirculation) of water at all? Not at this time.
- 2) Will the existing "man-made" stream between the ponds continue to exist? The three ponds are all directly draining into each other and there is only the dams in between the ponds.
- 3) Will there be pumped water to the waterfall feature? Not at this time.
- 4) Will there be fountains or other devices that may incur additional evaporation or seepage? We are proposing to have aerification in all three ponds to keep the ponds and water looking good and are considering fountains, but not at this time.
- 5) And we want to ensure one last time, you won't pump any water for green spaces, lawns, or landscaping? All irrigation proposed at this time will come from potable water sources.

It may be helpful to set up a quick call for next Monday or later next week to answer this if they are complex.

Thanks, Katie

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B

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KS DEPT OF AGRICULTURE


Kansas
Department of Agriculture
Division of Water Resources

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

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

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

March 6, 2017

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JOHNSON CO PARK & RECREATION DIST
SUPERINTENDENT OF PARKS
7900 RENNER RD
SHAWNEE MISSION KS 66219-9723

KS DEPT OF AGRICULTURE

RE: Change Application, File No. 44,716

Dear Mr. Maasen:

Enclosed is an application form related to completing a change in place of use and use made of water under Water Right, File No. 44,716. This change will eliminate irrigation use under this water right, and authorize recreational use at your three reservoirs.

Please note that the change application form must be **signed and the signature must be notarized**. For the requested change in place of use and use made of water the required filing fee would be **\$500**. In addition, please sign the site map where indicated.

Please submit the application and filing fee to the **Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, KS 66502**.

You may contact the Topeka Field Office at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing this application form.

Sincerely,



Douglas Schemm
Environmental Scientist
Topeka Field Office

Enclosures

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

April 20, 2017

JOHNSON CO. PARKS & RECREATION DIST.
ATTN: SUPERINTENDENT OF PARKS
7900 RENNER ROAD
SHAWNEE MISSION, KS 66219

FILE COPY

RE: File No. 44716

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/UMW
- 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.

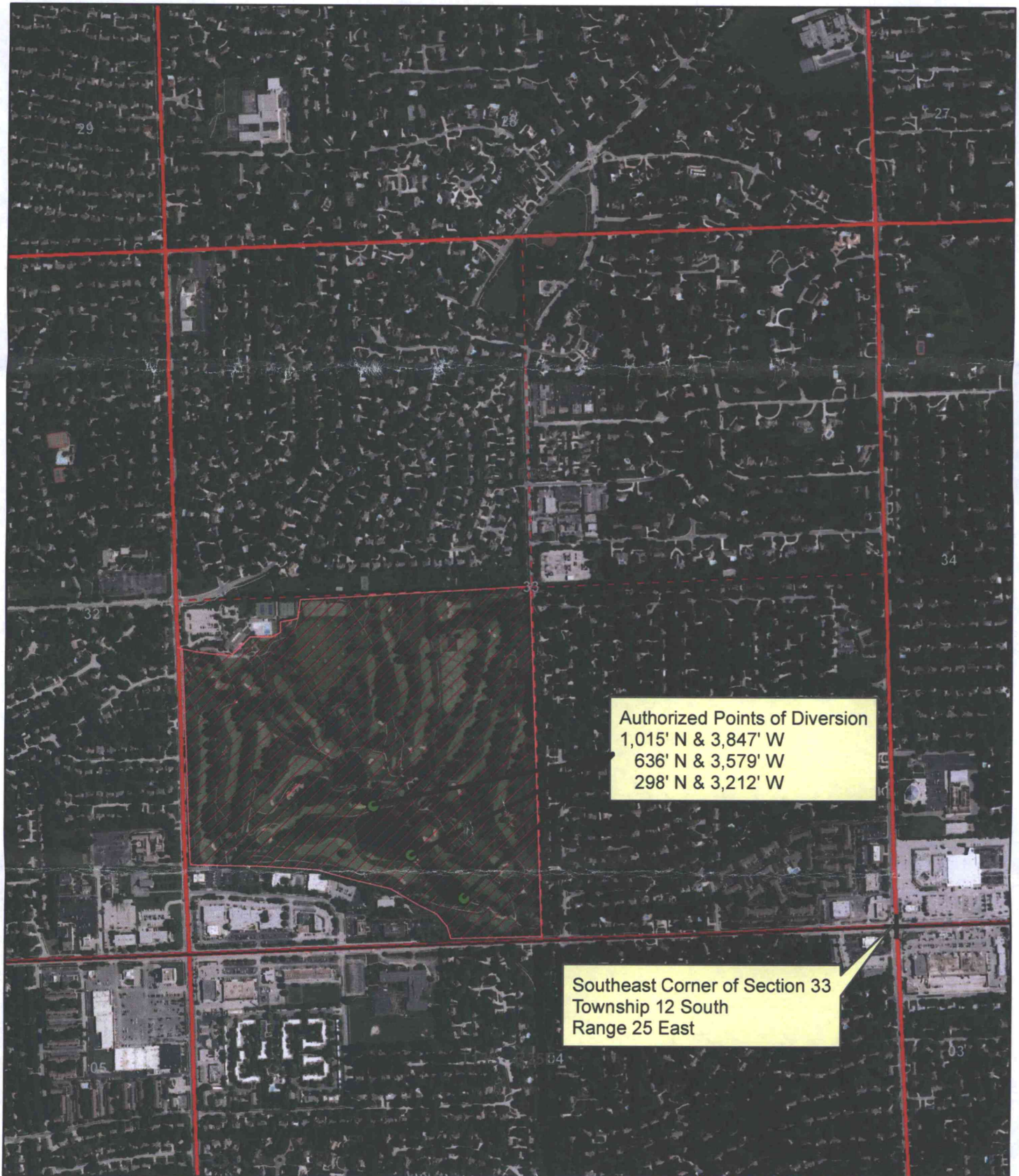
Sincerely,

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

FILE NO. 44,716
AUTHORIZED PLACE OF USE AND
POINTS OF DIVERSION



Authorized Points of Diversion
1,015' N & 3,847' W
636' N & 3,579' W
298' N & 3,212' W

Southeast Corner of Section 33
Township 12 South
Range 25 East



- Authorized Point of Diversion
- ▨ Authorized Place of Use

1:12,000

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KS DEPT OF AGRICULTURE

FILE NO. 44,716
 PROPOSED PLACE OF USE AND
 POINTS OF DIVERSION



Points of Diversion
 1,015' N & 3,847' W
 636' N & 3,579' W
 298' N & 3,212' W

Southeast Corner of Section 33
 Township 12 South
 Range 25 East



● Point of Diversion



Proposed Place of Use

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

Will R. Moore