

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

Document Signature \_\_\_\_\_

1. File Number: <b>45040</b>	2. Status Change Date: <i>2/6/2017</i>	3. Change Num: <b>C1</b>	4. Field Office: <b>01</b>	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: <b>31-OCT-2016</b>
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8a. Applicant(s) <span style="float: right;">Person ID <b>40450</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b>2</b></span>  <b>KANSAS DEPT OF WILDLIFE PARKS &amp; TOURISM</b> <b>ACTIVE DIVERSIONS (TOP)</b> <b>1020 S KANSAS AVE FL 2</b> <b>TOPEKA KS 66612-1389</b>	8c. Landowner(s) <span style="float: right;">Person ID <b>35422</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b>1</b></span>  <b>US ARMY CORPS OF ENGINEERS(MELVERN)</b> <b>MELVERN PROJECT OFFICE</b> <b>31051 MELVERN LAKE PKWY</b> <b>MELVERN KS 66510-9179</b>
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8b. Landowner(s) <span style="float: right;">Person ID <b>40450</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b>2</b></span>  <b>KANSAS DEPT OF WILDLIFE PARKS &amp; TOURISM</b> <b>ACTIVE DIVERSIONS (TOP)</b> <b>1020 S KANSAS AVE FL 2</b> <b>TOPEKA KS 66612-1389</b>	8d. WUC <span style="float: right;">Person ID <b>40450</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b>2</b></span> <b>NO CHANGE</b>  <b>KANSAS DEPT OF WILDLIFE PARKS &amp; TOURISM</b> <b>ACTIVE DIVERSIONS (TOP)</b> <b>1020 S KANSAS AVE FL 2</b> <b>TOPEKA KS 66612-1389</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/2018**  N & P Date to Comply: **12/31/2018**

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: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **01/17/17**    By: **RAK**  
 Date Entered: *2/8/2017*    By: *UM*

File No. **45040**      11. County: OS      Basin: MARAIS DES CYGNES RIVER      Stream: MARAIS DES CYGNES RIVER      Formation Code:      Special Use:

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm/cfs	Quantity af/mgy	Additional Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
		ENT		SW¼ SW¼ NE	7	18	14E	2	2775	2030						49723 B
✓		ENT		SW¼ SE¼ NE¼	7	18	14E	1	2722	1102						49723 B
<b>KEEP PD COMMENT STRUCTURES PERMIT #LOS-0021-D &amp; DOS-0202-L - MELR - WILLOW MARSH</b>																

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) \_\_\_\_\_  
 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
	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 DEL ENT      PUSE      S      T      R      ID																				
<b>MOD 54831 7 18S 14E 1</b>	<b>RESERVOIR/MARSH COMPLEX</b>															*	8976	NO	49723 B	

Comments: \* 12/12/2017 2/8/17

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**MEMORANDUM**

**TO:** Files

**DATE:** January 17, 2017

**FROM:** Richelle A. Krueger

**RE:** Water Right  
File No. 45,040

Brad Niemann, on behalf of Kansas Department of Wildlife, Parks and Tourism, has filed an application for approval to change the point of diversion and place of use for the referenced file number, authorized surface water in the Marais des Cygnes River Basin.

The referenced file number does not appear abandoned as per K.S.A. 82a-718.

File No. 45,040 is authorized a total of 100 acre-feet of surface water at a diversion rate of 2,585 gallons per minute for recreational use in a reservoir/marsh located in the East Half of the East Half (E½ E½) of Section 7, Township 18 South, Range 14 East, Osage County, Kansas. There are no present overlaps in the authorized point of diversion or place of use. The referenced application was filed to increase the place of use of the reservoir/marsh complex to approximately 200 acres all located in Section 7. Application, File No. 49,723 B was also filed to appropriate an additional 320 acre-feet of surface water to cover the expanded marsh. The marshes are filled to a depth of 1.6 feet and information in DWR records for File No. 45,040 indicates in dry years it requires approximately 8 inches of water to saturate the ground prior to filling the marshes, so quantities requested appear reasonable and will address overpumping issues. The referenced change application appears to comply with K.A.R. 5-5-3 as the additional quantity requested by File No. 49,723 B will be sufficient to cover any potential increase in consumptive use.

The presently authorized place of use (Willow Marsh) is already properly permitted by DWR Structures Program under File Nos. LOS-0021-D & DOS-0200-L. The second marsh area is being permitted under DWR Structures Program File No. LOS-0039.


The authorized pumpsite of File No. 45,040 is located 2,722 feet North and 1,102 feet West of the Southeast corner of the aforementioned Section 7. The water right owners propose to add a second pumpsite approximately 929 feet downstream at a point located 2,775 feet North and 2,030 feet West of the Southeast corner of Section 7, creating a complete overlap in point of diversion with File No. 49,723 B. There are no other surface water rights within a two-mile radius of the proposed pumpsites.

The U.S. Army Corp of Engineers owns the property where the marsh is located and the adjacent property both upstream and downstream for many miles. Therefore, no notification letters are required.

The same local source of supply will not change.

In a January 12, 2017 e-mail Katherine Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced change application.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been 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

February 9, 2017

KANSAS DEPT OF WILDLIFE PARKS & TOURISM  
ACTIVE DIVERSIONS (TOP)  
1020 S KANSAS AVE FL 2  
TOPEKA KS 66612-1389

**FILE COPY**

RE: Water Right, File No. 45,040

Dear Sir or Madam:

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. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since the order for the referenced file number modifies the original document referred to above it should be recorded with the Register of Deeds as other instruments affecting real estate.

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  
U.S. Army Corps of Engineers (Melvern)



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 POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 45,040**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Brad Niemann, on behalf of Kansas Department of Wildlife, Parks and Tourism, Active Diversions (Top), 1020 South Kansas Avenue, 2<sup>nd</sup> Floor, Topeka, Kansas, 66612-1389, received in this office on October 31, 2016, for approval of a change in the location of the place of use and point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the changes are reasonable and will not impair existing rights, that the changes relate 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 location of the place of use shall be:

a waterfowl marsh located in Section 7, in Township 18 South, Range 14 East, Osage County, Kansas,

and the authorized locations of the points of diversion shall be:

one(1) point located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 7, more particularly described as being near a point 2,775 feet North and 2,030 feet West of the Southeast corner of said section, and

one(1) point located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 7, more particularly described as being near a point 2,722 feet North and 1,102 feet West of the Southeast corner of said section,

both in Township 18 South, Range 14 East, Osage County, Kansas,

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

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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.



### CERTIFICATE OF SERVICE


On this *9<sup>th</sup>* day of *February*, 2017, I hereby certify that the foregoing Approval of Application for Change in Place of Use and Point of Diversion, File No. 45,040, dated *February 6, 2017* was mailed postage prepaid, first class, US mail to the following:

KANSAS DEPT OF WILDLIFE PARKS & TOURISM  
ACTIVE DIVERSIONS (TOP)  
1020 S KANSAS AVE FL 2  
TOPEKA KS 66612-1389

With photocopies to:

US ARMY CORPS OF ENGINEERS (MELVERN)  
MELVERN PROJECT OFFICE  
31051 MELVERN LAKE PKWY  
MELVERN KS 66510-9179

Topeka Field Office

  
\_\_\_\_\_  
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  
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 OCT 31 2016  
 3:02  
 KS DEPT OF AGRICULTURE

File No. 45,040

2. Name of applicant: KANSAS DEPT OF WILDLIFE PARKS & TOURISM

Address: ACTIVE DIVERSIONS (TOP) 1020 S KANSAS AVE FL 2

City, State and Zip: TOPEKA, KS 66612-1389

Phone Number: (620) 699-3372

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): \_\_\_\_\_

This change will create a complete overlap with new pending application.

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

(Date)

<b>For Office Use Only:</b>														
Applicant Code	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use	<u>REC</u>	Source	<u>G/S</u>	County	<u>CS</u>	By	<u>AW</u>	Date	<u>11/3/16</u>
Fee	<u>02</u>	Fee \$	<u>400</u>	TR #		Receipt Date	<u>10/11/16</u>	Check #	<u>1111</u>					

10 31 16  
 RALC

WATER RESOURCES  
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11/7/2016 LLM

OCT 11 2016

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Assisted by: DWS - FO 1 \_\_\_\_\_



4. The presently authorized place of use is:

Owner of Land — NAME: US ARMY CORPS OF ENGINEERS(MELVERN) – MELVERN PROJECT OFFICE

ADDRESS: 31051 MELVERN LAKE PKWY, MELVERN, KS 66510-9179

**RESERVOIR/MARSH LOCATED IN THE EAST HALF OF THE EAST HALF (E½ E½) OF SECTION 7, TOWNSHIP 18 SOUTH, RANGE 14 EAST, OSAGE COUNTY, KANSAS.**

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 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: US ARMY CORPS OF ENGINEERS(MELVERN) – MELVERN PROJECT OFFICE

ADDRESS: 31051 MELVERN LAKE PKWY, MELVERN, KS 66510-9179

**RESERVOIR/MARSH COMPLEX LOCATED IN SECTION 7, TOWNSHIP 18 SOUTH, RANGE 14 EAST, OSAGE COUNTY, KANSAS.**

List any other water rights that cover this place of use. Pending New Application \* File No 49723 B

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**

\* Rak/ow 1/11/17

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OCT 31 2016

KS DEPT OF AGRICULTURE

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KS DEPT OF AGRICULTURE  
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6. The presently authorized point(s) of diversion is ONE PUMP SITE.

(Provide description and number of points)

7. The proposed point(s) of diversion are TWO PUMP SITES

(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. Presently authorized point of diversion: **PUMP SITE**

One in the SW Quarter of the SE Quarter of the NE Quarter of Section 7, Township 18 South, Range 14 EAST, in OSAGE County, Kansas, 2,722 feet North 1,102 feet West of Southeast corner of section.

Authorized Rate 2585 gpm Authorized Quantity 100 AF

(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 \_\_\_\_\_, 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 Pending New Application

\* File No. 49723B

9. Presently authorized point of diversion:

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_, 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) **SECOND PUMP SITE**

One in the SW Quarter of the SW Quarter of the NE Quarter of Section 7, Township 18 South, Range 14 EAST, in OSAGE County, Kansas, 2,775 feet North 2,030 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 Pending New Application

\* File No. 49723B

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 \_\_\_\_\_

WATER RESOURCES RECEIVED

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

N/A

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

\* Rsk/Smc 1/11/17

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OCT 31 2016 UNACCEPTED SIGNATURE

12. The presently authorized use of water is for RECREATIONAL purposes.  
 It is proposed that the use be changed to \_\_\_\_\_ 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 application will address any consumptive use concerns.

(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](http://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.

Same source of supply (Marais des Cygnes River). No intervening tributary streams between pump sites.

Will not impair existing water rights.

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**

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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 Emporia, Kansas, this 3rd day of October, 2016.

Brad [Signature] (Owner)

(Spouse)

Brad Nirmann (Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

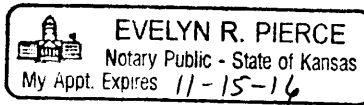
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }  
County of Lyon } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of Oct, 2016.

[Signature] Notary Public

My Commission Expires 11-15-16.

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.

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WATER RESOURCES RECEIVED

OCT 31 2016

UNACCEPTABLE FOR PRIORITY

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KS DEPT OF AGRICULTURE

SCANNED

## Krueger, Richelle

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**From:** Tietsort, Katie  
**Sent:** Thursday, January 12, 2017 1:32 PM  
**To:** Krueger, Richelle  
**Cc:** Bunger, Brett; Schemm, Doug  
**Subject:** RE: Request for Recommendation Change in PU PD File No. 45040 KDWPT

Hi Richelle,

The TFO agrees with your recommendation for approval.

Thanks and have a nice weekend,  
Katie

Katie Tietsort

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

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**From:** Krueger, Richelle  
**Sent:** Wednesday, January 11, 2017 3:25 PM  
**To:** Tietsort, Katie <Katie.Tietsort@ks.gov>  
**Cc:** Bunger, Brett <Brett.Bunger@ks.gov>; Schemm, Doug <Doug.Schemm@ks.gov>  
**Subject:** Request for Recommendation Change in PU PD File No. 45040 KDWPT

Hi Katie,  
Attached is a draft memo for the referenced change, do you recommend approval?  
Thanks,  
Richelle

## Krueger, Richelle

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**From:** Schemm, Doug  
**Sent:** Tuesday, January 10, 2017 5:00 PM  
**To:** Krueger, Richelle  
**Subject:** RE: KDWP & T file

No rush, they have to get a structures permit too, so it might take a while!!  
Thanks, Doug

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**From:** Krueger, Richelle  
**Sent:** Tuesday, January 10, 2017 4:55 PM  
**To:** Schemm, Doug <Doug.Schemm@ks.gov>  
**Subject:** RE: KDWP & T file

Hi Doug,  
Holidays were good, just glad they are over ha ha! Hope yours were good as well! I will pull that app and get started on it!  
Thanks,  
Richelle

---

**From:** Schemm, Doug  
**Sent:** Tuesday, January 10, 2017 4:39 PM  
**To:** Krueger, Richelle <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Subject:** KDWP & T file

Hello Richelle,  
Hope you had a great holiday! This new app. Goes with a pd/pu change on File No. 45,040. I figured you might find this useful.  
I'm done with my side and will be sending the file to HQ.  
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

KANSAS DEPT OF WILDLIFE PARKS & TOURISM  
1020 S KANSAS AVE FL 2  
TOPEKA, KS

**FILE COPY**

November 4, 2016

RE: File No. 45040

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/PD
- 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 black ink that reads "Brent A. Turney".

Brent A Turney, L.G.  
Change 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 NO. 45,040  
 AUTHORIZED PLACE OF USE AND POINT OF DIVERSION  
 Section 7, Township 18 South, Range 14 East  
 Osage County



WATER RESOURCES RECEIVED  
 2016  
 KS DEPT OF AGRICULTURE

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1:12,000

-  Authorized Place of Use
  -  Authorized Point of Diversion (Pump site)
- KS DEPT OF AGRICULTURE

U.S. Army COE owns all land adjacent to the stream within one-half mile upstream and downstream of the property lines.

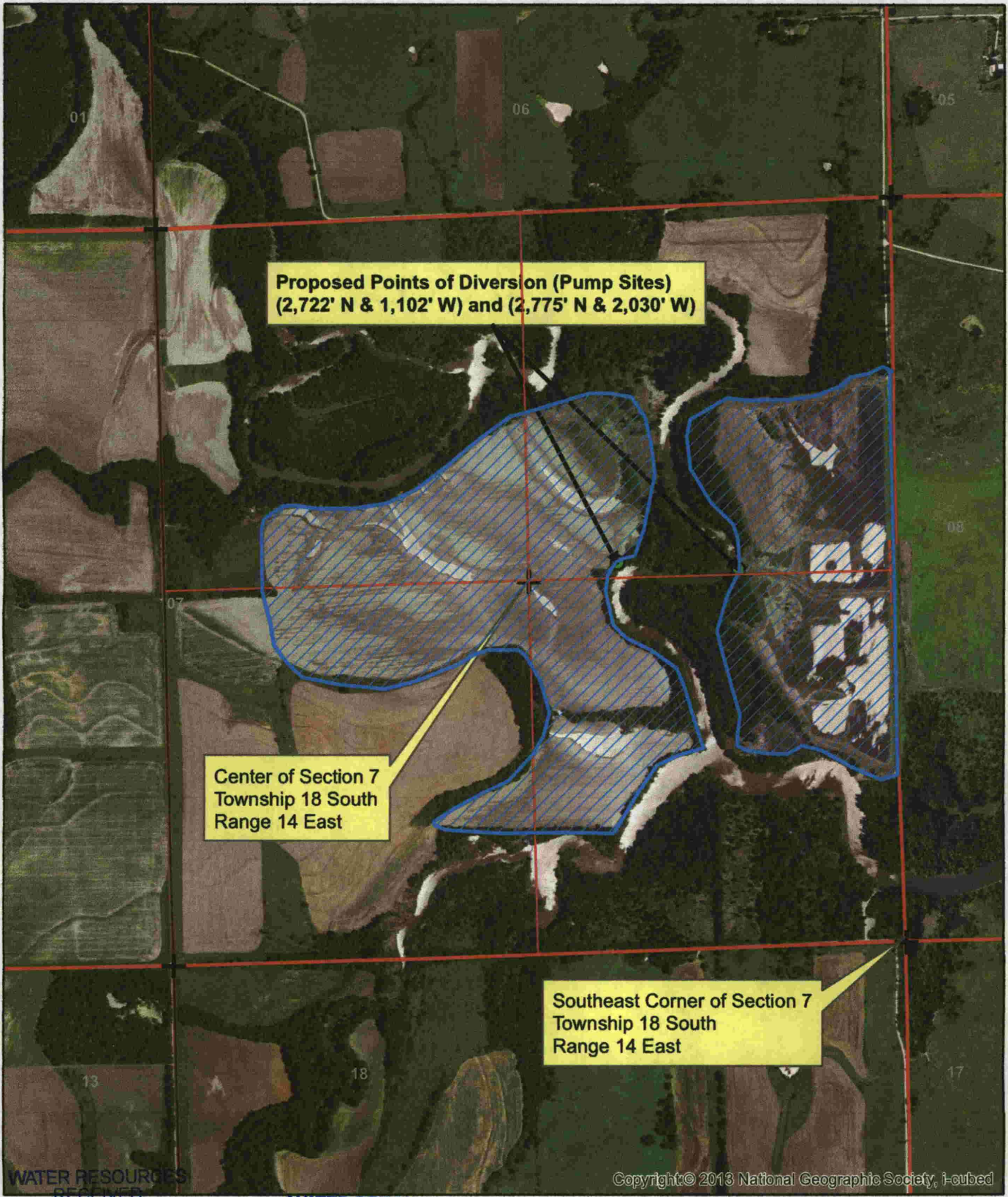
*[Handwritten Signature]*

SCANNED





**WATER RIGHT, FILE NO. 45,040 - SITE MAP  
 PROPOSED PLACE OF USE AND POINTS OF DIVERSION  
 Section 7, Township 18 South, Range 14 East  
 Osage County**



WATER RESOURCES RECEIVED

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WATER RESOURCES RECEIVED

OCT 31 2016



Proposed Place of Use  
 UNACCEPTABLE FOR PRIORITY

U.S. Army COE owns all land adjacent to the stream within one-half mile upstream and downstream of the property lines.

1:12,000  
 KS DEPT OF AGRICULTURE

Proposed Points of Diversion (Pump sites)

KS DEPT OF AGRICULTURE

*Bud [Signature]*

SCANNED