

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">49,904</p>	2. Status Change Date: <p style="text-align: center;">12/11/2017</p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 13488 Add Seq# _____</p> <p>CITY OF PARSONS PO BOX 1037 112 SOUTH 17TH PARSONS KS 67357</p> <p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>7a.</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input checked="" type="checkbox"/> REC <input type="checkbox"/> DEW <input checked="" type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u> 2019 </u> 12/31/2018		11. Perfection Date: <u> 2038 </u> 12/31/2037	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: 11/15/2017 By: DWS Date Entered: 12/11/2017 By: UM</p>			

File No. **49,904** 15. Formation Code: Drainage Basin: NEOSHO RIVER County: NO Special Use: Stream: LABETTE CREEK (NEOSHO)

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
√				NW SW SE	28	30	19E	1	689	2208	10000	760.21	10000	760.21	7002

18. Storage: Rate _____ NF Quantity **2333** ac/ft Additional Rate _____ NF Additional Quantity **2333** ac/ft

19. Limitation: 760.21 mgy af/yr at _____ gpm (_____ cfs) when combined with file number(s) when used MUN + REC combined
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s)

20. Meter Required? Yes No To be installed by 12/31/2018 2019 Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
√	√		7904	32	29	19E	1	CITY OF GALESBURG & IMMEDIATE VICINITY																	7a.	No	see below		
√	√		36516	1	30	19E	1	NEOSHO RWD 04 & IMMEDIATE VICINITY																	7a.	No	see below		
√	√		40772	16	30	20E	1	CITY OF SOUTH MOUND & IMMEDIATE VICINITY																	7a.	No	see below		
√	√		24754	14	31	18E	1	CITY OF DENNIS & IMMEDIATE VICINITY																	7a.	No	see below		
√	√		22814	27	31	19E	1	LABETTE RWD 02 & IMMEDIATE VICINITY																	7a.	No	see below		
√	√		37851	7	31	20E	2	WITHIN 2 MI OF CITY OF PARSONS																	7a.	No	see below		
√	√		3779	19	31	20E	1	CITY OF PARSONS																	7a.	No	see below		
√	√		3938	1	32	18E	1	LABETTE RWD 07 & IMMEDIATE VICINITY																	7a.	No	see below		
√	√		6190	20	32	20E	1	LABETTE RWD 05 & IMMEDIATE VICINITY																	7a.	No	see below		
√			68600	28	30	19E	REC	RESERVOIR (LAKE PARSONS)																	7a.	No	NONE		
√			68601	32	31	20E	REC	INSTREAM CHANNEL LABETTE CREEK																	7a.	No	NONE		

Comments: File Nos. LB-2 D1; LB-2 D2; 7,002; AND 49,904 Overlap in MUN place of Use.
MUNICIPAL USE AND RECREATIONAL USE COMBINED QUANTITY CANNOT EXCEED 760.21 MILLION GALLONS.

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

M E M O R A N D U M

TO: Files

DATE: November 15, 2017

FROM: Doug Schemm

RE: Application, File No. 49,904
(MUN & REC)

The City of Parsons has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in an existing reservoir (Lake Parsons), for both Municipal Use and Recreational Use. The dam is located in the Southeast Quarter of Section 28, in Township 30 South, Range 19 East, Neosho County, Kansas. The dam is located on Labette Creek, in the Neosho River basin. The applicant is requesting to appropriate 760.21 million gallons (2,333 acre-feet) of surface water storage per calendar year, and re-divert 760.21 million gallons (2,333 acre-feet) of the stored water at 10,000 gallons per minute. The point of diversion (dam) is located on property owned by the applicant, and a representative (City Manager) has signed the application form stating they have legal access to the point of diversion.

Water Right, File No. 7,002 overlaps in point of diversion, and MUN place of use. In addition, File Nos. LB02-D1 and LB02-D2 overlap in MUN place of use. There are no overlaps in the REC place of use. Water Right, File No. 7,002 is authorized 8,600 acre-feet of storage, and 2,270 acre-feet of direct MUN use (limited to 2,372.3 acre-feet with LB-02). Stored water is released from the reservoir and rediverted at the City's intake on Labette Creek for municipal use. The capacity of Lake Parsons is 10,050 acre-feet and it is permitted under Structures File No. DNO-032. Runoff computations determined that the 23,750 acres of drainage area will result in 37,604 acre-feet of runoff, in 1 out of every five (5) years (a 20% chance). Per K.A.R. 5-6-5, this annual runoff quantity is not the limiting factor.

The City was recently issued a civil penalty order (September 15, 2017), which noted that the City had exceeded their authorized quantity of water in 2015 and 2016, and it also cited the wasting of water. The wasting of water was because the City only had municipal use of water authorized, and the additional water that was being released could not be accounted for as a beneficial use (recreational use). As noted the City's current water rights are for MUN use only, however based on discussions with the City they have consistently released water from Lake Parsons to sustain streamflow below their low head dam on Labette Creek. This has caused the City to exceed their authorized quantity of water, and this type of use (REC use) is not currently authorized. Therefore, the purpose of this new application is to provide the City with additional water for MUN use, and to authorize the storage and release of water for REC use. The City submitted justification for Municipal Use Quantity as follows:

- Population of 18,808 x 123 gpcd x 365 days = 844.39 million gallons.
 - Sold to Rural Water Districts = 185.33 million gallons
 - Commercial Use (Bulk) Water = 68 million gallons
- TOTAL = 1,097.72 million gallons

This quantity of water is to be stored in Lake Parsons, however it must be released into Labette Creek and travel over 7 miles downstream to the intake structure, leading to significant seepage and transit losses. Seepage and transit losses are estimated at 33%. Therefore, in order to address this loss, and deliver a quantity of 1,097.72 million gallons to the intake, a total of 1,638.38 million gallons must be stored and released (1,097.72 MGY/0.67). As noted above, File No. 7,002 is authorized 739.682 million gallons (2,270 acre-feet) for MUN use.

Due to significant variability in released quantities, and inadequate data to determine a specific release quantity, it was estimated that a value of 1,500 million gallons would be a reasonable value. Therefore, the requested quantity for the new application of 760.21 million gallons (2,333 AF) is simply the difference between the estimated need of 1,500 million gallons and the currently authorized 739.682 million gallons. The permit will be conditioned such that the combined MUN and REC use quantity under this approval cannot exceed 760.21 million gallons.

As noted above, the City has consistently released water from Lake Parsons to sustain streamflow below their low head dam on Labette Creek. Therefore, the Recreational Place Of Use portion of this application will include the reservoir (Lake Parsons) and the stream channel miles between Lake Parsons dam and approximately 5.5 miles downstream of the City's low-head dam (intake structure), a total of 13.3 miles of stream channel. This recreational use will keep the stream wetted and would be considered an instream use of water. As noted above, it has been estimated that 33% of the released water will be consumed by seepage and transit losses.

The USGS stream gage at Oswego (approximately 10 miles downstream) shows that streamflow is frequently at or below 10 cubic feet per second, even though the stream is gaining significant drainage area below Lake Parsons. The proposed recreational use of water under this permit will assist in mitigation of potential fish kills and help maintain critical habitat for other aquatic species, in keeping with Kansas Department of Wildlife, Parks and Tourism general objectives.

Obviously, this is an existing reservoir that has been in place for over 50 years, and all upstream and downstream landowners would be aware of this reservoir. There will be no physical changes to the reservoir or dam, and as noted above the proposed use of water has been ongoing for many years. No notifications are necessary. There is no indication that any senior water right would be impacted by approval of this application.

As allowed by K.S.A. 82a-706(c) approved water flowmeters shall be installed on the secondary diversion works (release point) and the surface water intake point for this file in order to quantify the municipal and recreational use quantities. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. The applicant will be reminded in the transmittal letter with the approval that flowmeters must be installed at both the re-diversion point (at Lake Parsons) and the direct diversion point from the stream (surface water intake structure).

In a November 15, 2017 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, it will address a waste of water issue by properly permitting REC use, the structure is properly permitted by the structures program, and senior rights will not be impacted, it is recommended that the referenced new application be approved for both MUN and REC uses.

Doug Schemm
Environmental Scientist
Topeka Field Office

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



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

Jackie McClaskey, Secretary

Governor Sam Brownback

December 13, 2017

CITY OF PARSONS
PO BOX 1037
112 SOUTH 17TH
PARSONS KS 67357

FILE COPY

Re: Appropriation of Water, File No. 49,904

Dear Sir or Madam:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purposes and at the locations described in the permit for both municipal and recreational uses.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. **Please note that water meters are required on both the diversion works at Lake Parsons and at your surface water intake.** These water meters must be installed prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use report. Per Paragraph No. 17, your total quantity of water cannot **exceed 760.21 million gallons of water** per calendar year for both municipal and recreational uses combined under this permit.

Please also specifically note that the perfection period (development) for the recreational use portion of this appropriation right expires on December 31, 2023, while the perfection period for the municipal use portion expires on December 31, 2038. You will NOT receive a reminder letter that the recreational use perfection period is about to expire in Fall of 2023, so you will need to assess whether that portion of the water right has been fully developed or not, and request an extension, as may be necessary prior to the December 31, 2023 deadline. We encourage you to plan to communicate with the Topeka Field Office Water Commissioner about this matter in Fall of 2023.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of times originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of times set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

City of Parsons
File No. 49,904
Page 2

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
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
and
PERMIT TO PROCEED**

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,904** of the applicant

**CITY OF PARSONS
PO BOX 1037
112 SOUTH 17TH
PARSONS KS 67357**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **September 7, 2017**.
2. That the water sought to be appropriated shall be used for municipal use within the corporate boundaries of the City of Parsons, of the City of Galesburg and immediate vicinity, of the City of Dennis and immediate vicinity, of the City of South Mound and immediate vicinity, within Rural Water District No. 2, Labette County and immediate vicinity, within Rural Water District No. 5 Labette County and immediate vicinity, within Rural Water District No. 7 Labette County and immediate vicinity, within Rural Water District No. 4 Neosho County and immediate vicinity, and within two miles of the corporate boundaries of the City of Parsons, all in Kansas; and for recreational use at a reservoir (Lake Parsons) located in Sections 17, 20, 21, 28, 29, and 33, all in Township 30 South, Range 19 East, Neosho County, and within the stream channel of Labette Creek, beginning immediately downstream of the Lake Parsons dam, and continuing downstream to the confluence of Labette Creek and Little Labette Creek, located in Section 32, in Township 31 South, Range 20 East, Labette County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of Labette Creek (Neosho), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **2,333 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 28, more particularly described as being near a point 689 feet North and 2,208 feet West of the Southeast corner of said section, in Township 30 South, Range 19 East, Neosho County, Kansas, to provide **760.21 million gallons** (2,333 acre-feet) of water as needed for either municipal or recreational use to be withdrawn or released from the reservoir into Labette Creek, at a re-diversion rate of approximately **10,000 gallons per minute (22.28 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.
4. That water for municipal use shall be diverted at a point (surface water intake structure) located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 7, more particularly described as being near a point 1,617 feet North and 3,633 feet West of the Southeast corner of said section, in Township 31 South, Range 20 East, Labette County, Kansas. That water for recreational use shall remain within the stream channel.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

6. That the proposed appropriation for **Recreational Use** shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2023** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00. The proposed appropriation for **Municipal Use** shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2038** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit 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.

12. That acceptable water flowmeters shall be installed and maintained at both the re-diversion works at Lake Parsons and the surface water intake point authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. These water flowmeters shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter readings at the beginning and end of the report year).

13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

15. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

16. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

17. That the quantity of water approved under this permit is further limited to a **total not to exceed 760.21 million gallons** (2,333 acre-feet) of water per calendar year for both municipal and recreational uses combined, as described herein.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

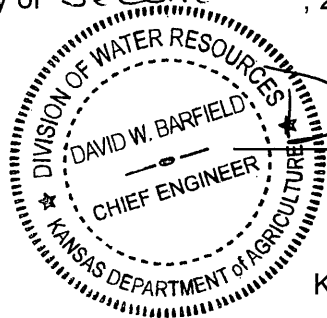
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

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

Ordered this 11th day of December, 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)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 11th day of December, 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 13th day of December, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,904, dated December 11th, 2017 was mailed postage prepaid, first class, US mail to the following:

CITY OF PARSONS
PO BOX 1037
112 SOUTH 17TH
PARSONS KS 67357

With photocopies to:

Topeka Field Office

Danielle Wilson

Division of Water Resources

APPLICATION COMPLETE

9/17/2017

Reviewer DWS

11-15-17 KAB

THE



STATE

OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

WATER RESOURCES RECEIVED

File Number 49,904

This item to be completed by the Division of Water Resources.

SEP 07 2017

10:12

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application

(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): City of Parsons
Address: PO Box 1037
City: Parsons State KS Zip Code 67357
Telephone Number: ()

2. The source of water is: [X] surface water in Labette Creek (Neosho) (stream)
OR [] groundwater in (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. 2333 AF storage at NF, rediversion 2333 AF @ 10,000 gpm

3. The maximum quantity of water desired is 2333 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of NF gallons per minute OR cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

- 4. The water is intended to be appropriated for (Check use intended):
(a) [] Artificial Recharge (b) [] Irrigation (c) [X] Recreational (d) [] Water Power
(e) [] Industrial (f) [X] Municipal (g) [] Stockwatering (h) [] Sediment Control
(i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection
(m) [] Thermal Exchange (n) [] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use MUN Source GKS County ND By AWJ Date 9/7/17
Code REZ Fee \$ 720 TR # Receipt Date 9/7/17 Check # 2430

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the ____ quarter of the ____ quarter of the ____ quarter of Section ____, more particularly described as being near a point ____ feet North and ____ feet West of the Southeast corner of said section, in Township ____ South, Range ____ East/West (circle one), _____ County, Kansas.
- (B) One in the ____ quarter of the ____ quarter of the ____ quarter of Section ____, more particularly described as being near a point ____ feet North and ____ feet West of the Southeast corner of said section, in Township ____ South, Range ____ East/West (circle one), _____ County, Kansas.
- (C) One in the ____ quarter of the ____ quarter of the ____ quarter of Section ____, more particularly described as being near a point ____ feet North and ____ feet West of the Southeast corner of said section, in Township ____ South, Range ____ East/West (circle one), _____ County, Kansas.
- (D) One in the ____ quarter of the ____ quarter of the ____ quarter of Section ____, more particularly described as being near a point ____ feet North and ____ feet West of the Southeast corner of said section, in Township ____ South, Range ____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Applicant

 (name, address and telephone number)

 (name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8-22, 2017. Deborah K Zemb City Manager
 Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

- 7. The proposed project for diversion of water will consist of _____
 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) _____
 (Month/Day/Year - each was or will be completed)
- 8. The first actual application of water for the proposed beneficial use was or is estimated to be _____
 (Mo/Day/Year)

WATER RESOURCES
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5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the NW quarter of the SW quarter of the SE quarter of Section 28, more particularly described as being near a point 689 feet North and 2208 feet West of the Southeast corner of said section, in Township 30 South, Range 19 East West (circle one), Neosho County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Applicant
(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20_____
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 dam, existing
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) upon approval

8. The first actual application of water for the proposed beneficial use was or is estimated to be upon approval
(Month/Day/Year - each was or will be completed)
(Mo/Day/Year)

SEP 07 2017

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____
Dam is already permitted DNO-32

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within ½ mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

PD- 7002 _____

PU- None _____

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Applicant
(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Parsons, Kansas, this 22 day of August, 2017.
(month) (year)

Deborah Z. Lamb, City Manager
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

WATER RESOURCES
RECEIVED

SEP 07 2017

KS DEPT OF AGRICULTURE

SCANNED

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Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of _____
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at _____, Kansas, this _____ day of _____, (month) (year)

(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by KAT/TFO WC _____ Date: 8/7/17
(office/title)

WATER RESOURCES RECEIVED
SEP 07 2017
KS DEPT OF AGRICULTURE
SCANNED

RECREATIONAL USE SUPPLEMENTAL SHEET

File No. 49,904

Name of Applicant (Please Print): City of Parsons

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
Recreational use in the reservoir (Parsons Lake) and supplemented flow for downstream of City intake
to avoid fish kills, etc.

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

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	
Year 2	
Year 3	
Year 4	
Year 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.

Reservoir located in Sections 17, 20, 21, 28, 29 and 33, Township 30 South, Range 19 East, Neosho
County, Kansas and in stream channel use to supplement flows below the City intake located in Sections
~~7 and 18~~, Township 31 South, Range 20 East, Labette County, Kansas.

32,

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

Schemm, Doug

From: Tietsort, Katie
Sent: Wednesday, November 15, 2017 8:58 AM
To: Schemm, Doug
Subject: RE: 49904 City of Parsons

Hi Doug,

So the City of Parsons' intake is located on Labette Creek a couple river miles downstream of the Lake Parsons. LB-02 D2 authorizes the diversion of 751 mgy @ 6300 gpm directly from the natural flows of Labette Creek. The 7002 right authorizes storage and rediversion from the Parsons Lake, as you described. Primarily, Parsons Lake is the main source of water to the City. The City personnel release water from the Parsons Lake via a valve on the outflow tube and they have a measuring device on the tube. Unfortunately, the lack of a measuring device for this release and now the apparent inaccuracy of the installed measuring device has been a long term problem. The release makes its way down this lengthy channel to the intake where the City pumps the water into the treatment plant. Additionally, the City releases water through the same tube to provide water downstream of the intake particularly to flow over the dam in the Parsons Creek below their intake which forms the pool they pump from, to avoid fish kills in the scoured area below the dam, which can be a problem for KDWP&T and potentially endangered species issues and to provide for water flow below the intake dam in the Labette Creek. The City was penalized for continuing this practice even though it was not authorized under their water right and paid a fine because of the overpumping and waste of water (not authorized for recreational use). This application will authorize both uses of water coming from the City-owned Parsons Lake and will authorize the practices they have followed for years. This will help the City get into compliance. The 33% possible transit is not unreasonable in the Labette Creek, although high for a more bedrock system, this is not out of line with the 44% loss the KGS has modeled for us for the LRAD transit loss. The quantities were taken from actual past released values.

The metering is also being addressed and the City must maintain an accurate, functioning meter meeting K.A.R. 5-1-4 through 5-1-12 on the release point at the dam and on the line at the intake pump station that feeds the municipal supply. In this way, the system will be appropriately metered for both municipal and recreational use (Municipal use is the intake meter and recreational use is the release meter minus the intake meter) accounting for transit loss etc under the recreational component of the right.

Finally, because of the dual uses, there are two distinct perfection periods under the water right. The TFO database will prompt us to address the recreational use deadline ahead of the municipal use deadline.

Thanks for working up this application to help the City of Parsons,
Katie

Katie Tietsort

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

From: Schemm, Doug
Sent: Tuesday, November 14, 2017 11:23 AM

JUSTIFICATION CITY OF PARSONS NEW APPLICATION

8/14/17

MUNICIPAL USE QUANTITY

Parsons- 2015- 4020 residential connections in 2015 X 3.5 persons per connection X Region 8 Large
GPCD 123 X 365 days = 631,672,650 gallons

- \ City of Parsons- 18,500
- \ City of Galesburg- 158
- \ Neosho RWD 04- 114,270,000 g
- \ City of South Mound- 50
- \ City of Dennis- 50
- \ LB RWD 02- 14,342,000
- \ LB RWD 07- 12,584,000
- \ LB RWD 05- 44,131,000
- \ 2 miles of Parsons- 50

Total populations: 18808 X 123 X 365 = 844,385,160

Rural District Needs: 185,327,000

Sub-Total: 1,029,712,160 gallons

Commercial Use 2015- 433 commercial connections projecting 43,000,000 in commercial sales and a potential for growth due to the development at the old Army Ammunition Plant= 25,000,000 within the corridor.

Total: 1,097,712,160 gallons

Estimated Seepage and Transit Loss: 33%

So to deliver 1,097,712,160 gallons down to the intake, a total of 1,638,376,358 gallons needs to be released.

$$V_{\text{release}} = V_{\text{arrive}} / .67$$

Source: KWO Populations Projections Table and KWO Projected Water Needs Table, 2015 WUR, US Census Statistics.

WATER RESOURCES
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JUSTIFICATION CITY OF PARSONS NEW APPLICATION

8/14/17

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2 miles of Parsons- 50

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Source: KWO Populations Projections Table and KWO Projected Water Needs Table, 2015 WUR, US Census Statistics.

CITY OF PARSONS

8/1/17

LB-02-D1 Labette Creek Intake

Direct Surface Water

751.0mg @ 6300 gpm

LB-02-D2 Neosho River Old Channel Intake

Direct Surface Water

751.0 mg @ 6300 gpm

Limited to 751.0 mg @ 6300 gpm w/LB-02-D1

7002 Lake Parsons Storage and release for rediversion at rediversion point of intake on Labette Creek

Storage of 8600 AF @ NF for subsequent release and diversion of 739.676 mg @ 2450 gpm

Limited to 773.013 mg @ 6300 gpm w/LB-02

So the accounting is as follows:

Water spilling from Lake Parsons down the spillway (dam design) is the Natural Flow and that water is accounted by meter at intake minus meter at release point on the dam.

Water under File No. LB-02-D1 is the water released at the dam metered at the release point on the dam.

SCANNED

DNO-0032
49,904

ENGINEERING DATA

ENGINEERING INFORMATION

Eng Data Id: 8327 Group: City Type Of Dam: Ps Type: Phase 1 Insp:

National Id: 2514 Water Right: 1502 Dam Length: 5650 Ps Material: Plans:

Haz Class: 1 Size Class: 4 Dam Height: 52 Ps Size: 0 Priv On Fed:

Purpose: 2 Nearest City Town: PARSONS Volume Of FB: Es Type: Rec Updated:

Purpose 2: Distance To City Towns: Spillway Type: Es Width: 150 State Regulated:

Purpose 3: Funding: Assessment: FAIR Eap Status: APPROVED EAP APPROVED NEAP:

Elevation: Area: Storage(ac-ft): Discharge (cfs): Amc #ag:

Streambed: 992.5 PS-925 PS-980 PS-10050 ES: Drawid D:

ES-925 ES-980 ES-10050 TOD: Core:

TOD: 941 TOD: 2500 TOD: 38000 Rotation Schedule: 42 Foundation:

Oth D/ Names: LAKE PARSONS DAM Dam Former Name: Designer: WILSON AND CO Hydraulic Height: 44

Remarks: SERVICE SPILLWAY Rvr/Strm: LABETTE CREEK Structural Height: 52 Outlet Gates:

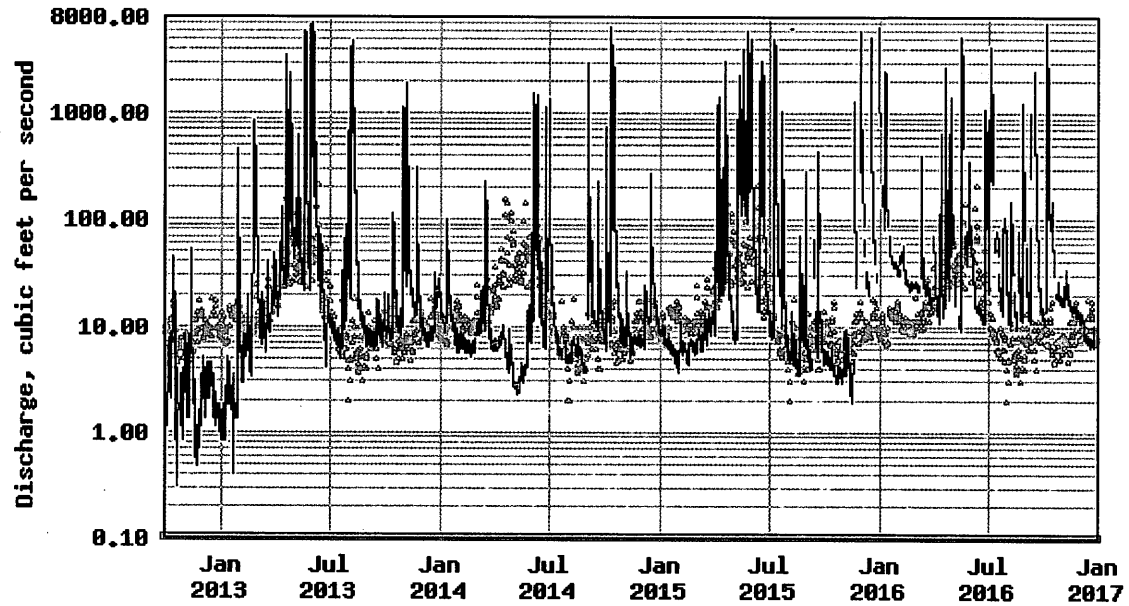
VSI: EAP: HAZARD:

ID	Type	County	Num	EXT	Application Recd Date	File Location	Applicant
12597	D	NO	30		08-28-1957	EU	PARSONS

SCANNED



USGS 07184500 LABETTE C NR OSWEGO, KS



• Median daily statistic (10 years) — Estimated discharge
— Discharge — Period of approved data

Tietsort, Katie

From: Tietsort, Katie
Sent: Tuesday, August 15, 2017 4:41 PM
To: 'dlamb@parsonsk.com'; Derek (derekclevenger@parsonsk.com)
Cc: Oleen, Aaron; Letourneau, Lane; Fabrycky, Caleb
Subject: Application items
Attachments: 20170815161104957.pdf; Parsons Justification.docx

Good Afternoon,

Based on where we are, the meter issue and the streamgaging values (pasted in below), it appears the best option is to file the application, which will cover the City until this all gets straightened out and will cover it permanently should the greater numbers be real, which may be the actual situation, or some value in between all these numbers we are looking at. We based this on the 1.5 bgy and are proposing dual use municipal and recreational.

The City has 2270 AF of water (739.676 mgy) they can store and release from the lake for municipal purposes. It is our recommendation to authorize municipal and recreational use authorization for up to 1.5 bgy. This money needs to be paid anyway, so let's go ahead and cover your diversions.

I proposed the attached justification, allowing the City to store and release an additional amount up to 1.5 bgy (4603.3 AF). A difference of 2333 AF- the 2333 AF would be what the City can use for recreational releases or for additional municipal use. The 2333 AF of direct use, is a filing fee of \$720, which KDA-DWR will allow to go towards the \$1000 penalty, meaning you will still need to pay \$280 in penalties.

I attached a new justification sheet and front page, with the values and with the recreational use box checked. This is everything you need to file the application. You will need to sign items 6 & 16, complete items 14 and 15 and provide up and downstream landowners from the dam property you own up ½ mile and down ½ mile adjacent to the stream.

Please call me with any questions.

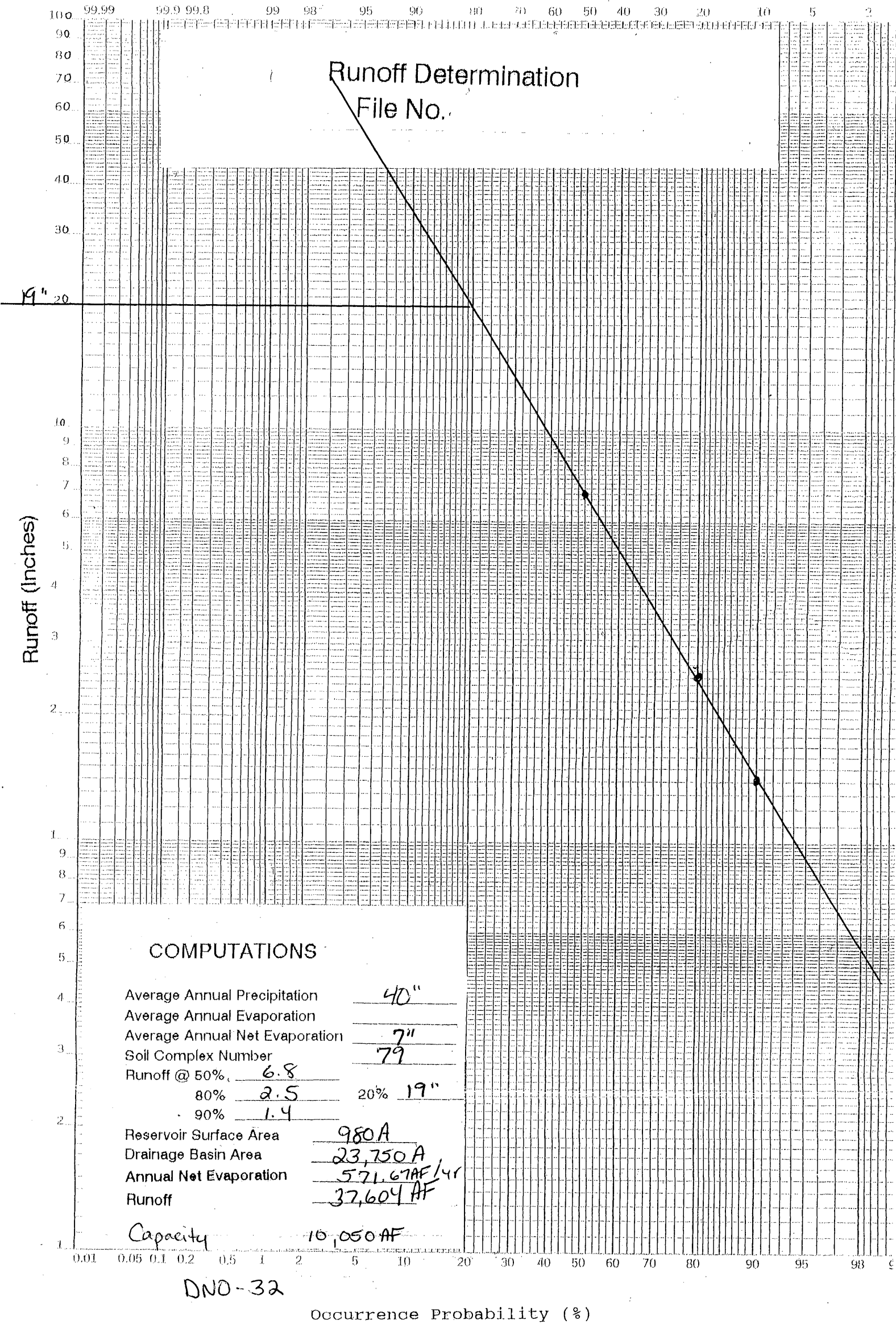
Katie

The water plant was pulling 1800 gpm beginning at 12:45 pm. Lake Parsons Outlet Channel – 2:45 pm – **1127 gpm**

- Flow: 2.51 cfs, Velocity: 0.52 fps, Width: 10 ft, Area: 4.83 sq ft
- Parsons Low Head Dam – 4:15 pm – **332 gpm**
 - Flow: 0.77 cfs, Velocity: 0.51 fps, Width: 6 ft, Area 1.50 sq ft
 - Flow: 0.71 cfs, Velocity: 0.47 fps, Width: 6 ft, Area 1.50 sq ft
- Parsons Water Plant intake pumping 1800 gpm since 12:45 pm.
- Diedecker pivot not operating.

Katie Tietsort

Kansas Department of Agriculture



COMPUTATIONS

Average Annual Precipitation	<u>40"</u>
Average Annual Evaporation	<u>7"</u>
Average Annual Net Evaporation	<u>7"</u>
Soil Complex Number	<u>79</u>
Runoff @ 50%	<u>6.8</u>
80%	<u>2.5</u>
20%	<u>19"</u>
90%	<u>1.4</u>
Reservoir Surface Area	<u>980A</u>
Drainage Basin Area	<u>23,750A</u>
Annual Net Evaporation	<u>571.67AF/yr</u>
Runoff	<u>37,604 AF</u>
Capacity	<u>10,050 AF</u>

DND-32

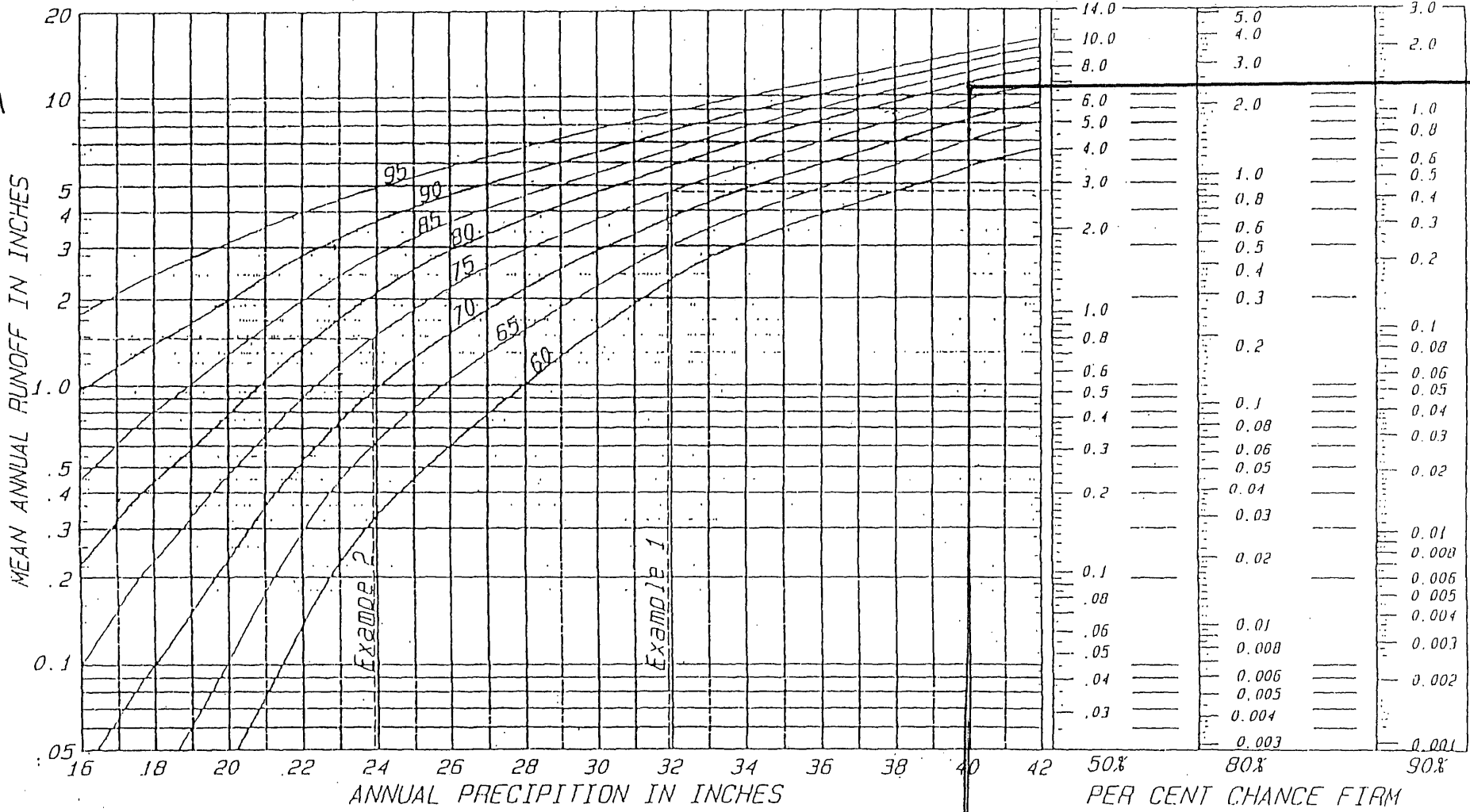
Occurrence Probability (%)

City of Parsons

ANNUAL YIELD OF RUNOFF

19

EFM Notice KS-38, 12/12/91



SEVEN IN INCHES

KS-2-36

KAR-56-4(A)(1)

United States department of agriculture, natural resources conservation service, nation engineering handbook series, part 650, engineering field handbook.

40"

SCANNED

STRUCTURE NUMBER D NO 0032	We 61 2687	LAST# 1 33	APPLICATION App Recd Date 08-28-1957	INDICATORS Pending Complaint
REVIEWER INT	CURRENT STATUS Permit	Project Activity	App Mod	
File Location	Compliance Permit	Site Name LAKE PARSONS DAM	Pending Mod	
	ECA COMPLIANCE	Stream LABETTE CREEK	After the Fact	
		KDOT Type	General Permits	
APPLICANT LAST PARSONS	FIRST CITY OF		Leaves Ind Corps	
OWNER LAST PARSONS	FIRST CITY OF		App Proc Time DWR Pass Total Days	
DESIGNER LAST UNKNOWN	FIRST		Location Pul Date	
Const Comp Date 01-01-1952	DDA 23750	Remarks	FOTC PERM	

WSI ACT ALL ACT LOCATION ECA APPLICANT OWNER DESIGNER ENG COMPLAINT MOD ACT PROJECT

ACTIONS LOCATION ECA FEE ITRAIL LEGAL WAIVER WWR IMAGE CNF MODIFICATION TAXED AFF ID

Date	Action	Deadline	Remarks
03-15-2017	INFORMATION SENT TO INTERESTED PARTY		OR #8605 F
04-21-2016	INFORMATION FOR FILE	04-30-2017	REMINDER C
04-03-2015	INFORMATION SENT TO INTERESTED PARTY		OR #5767 F

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
Topeka Field Office

MEMORANDUM

TO: Files

DATE: August 10, 2017

FROM: Katherine A. Tietsort

RE: File No. 7,002

On August 10, 2017, Caleb Fabrycky and I met with City Manager Debbie Lamb, Derek Clevenger, and Kirk Janssen, from the City of Parsons related to the CS of the civil penalty Order recently issued, as per the CS.

I provided the examples of metering requested, but also identified that none of the examples are exactly like theirs. I provided a partially completed Recreational use application for the Parsons Lake.

We discussed the metering at great length. The City has employed Kirk in a new capacity as of two months ago when Dale retired, to monitor the dam release closely. It appears from the conversation, that the City made the determination at the time Dale's employ ceased to not release water to move beyond the low-head dam located below the City's intake/pumping point. From the discussion, it appears the release to sustain streamflow below that low-head dam occurred up until that point, which confirms the waste of water under the water right.

It appears that so far this year, the lake was full and spilling about 3 months. But during that time, the valve was probably open. Now the valve is checked daily and closed if water is spilling. We were provided that the current meter shows 791,870,000 gallons released, which is already greater than the full quantity the City is entitled to and only half the year in (to Aug 1, the value to present was in excess of 840,000,000 gallons).

I.e. 7/30 recorded 1988 gpm, 8/1 recorded 8488 gpm with no gate change. The current value would equate to about 2500 gpm release YTD. The intake operates at 1500-1600 gpm.

A final problem may be the irrigator that physically is located between the release point and the intake.

Dieder 32,926.

One real problem at this time is what to use for the release value.

The City provided a number of meter readings from the Lake release (subject of Order) that indicate wildly varying release amounts from day to day, even when no changes in the valve occurred. While head will affect release values, no precipitation occurred and on such a large lake, difference of 2,000 gpm or more day to day do not appear reasonable and accurate. To try and consider how far off the numbers really are, Caleb streamgaged in the afternoon after the meeting. He found 1126 gpm to be the release from the dam downstream of the release point. He measured 330 gpm going over the low-head dam below the intake, but by that time, the plant had turned on and was running at about 1800 gpm.

If we use the measured 1100 gpm value since Kirk started managing the Lake, $1100 \text{ gpm} \times 60 \text{ mph} \times 24 \text{ hpd} \times 210 \text{ days}$ we have 340.2 mg plus a value January through May, that we don't know. Because of the unknown numbers, I don't know what quantity to use on the application. If I pick an arbitrary value of 1.5 billion gallons to match what they've been reporting, and subtract the 739.676 mgy they are already authorized equals 2333.3 AF of storage and redirection. This would require a filing fee of \$720.

The CS requires the City to pay \$1000 up front and hold \$1000 in abeyance until conditions are met, including the filing of the new application. I don't know if the new application is needed, some portion of it probably is. I suggest a dual use municipal/recreational file to keep the pumping pool free and consider losses etc. I indicated I would check to see if the filing fee \$ would be included in the \$1000 penalty. IT may make more sense to file and cover this than not file and just pay the \$1000.

Finally we talked about the time line and Derek and I are working on that. They have made the initial contact to HDR.

SCANNED

Jim

By Sept 1

6 hrs HDR - a design

HDR three lines

By Oct 1

HDR contact by city

- Call stream govt next week ORSO
- ~~app~~ values of flow releases
- Determine whether we can go w/hrs #s
- App fixed - must REC
- turn 1/2
- App payment + forward the new app?
- ↳ 30 days
- ↳ Form base 21000.

Timeline

30 days

9/18



P.O. Box 1037
112 S. 17th St.
Parsons, KS 67357
(620) 421-7030
fax (620) 421-7089

August 22, 2017

Katie Tietsort, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
109 SW 9th Street, 1st Floor
Topeka, KS 66612-2216

Re: In the Matter of: Water Right, File no. 7,002
KDA Case No. 17 WATER 12851

Dear Ms. Tietsort,

As required in the Consent Agreement and Final Order, the City of Parsons is providing you with a reasonable estimate of the timeline for installing a new metering system for the Water Right.

08/10/17	Preliminary Meeting with Department of Agriculture, Katie Tietsort
08/21/17	Approve Consent Order at City Commission Meeting
08/25/17	Submit application for increased storage/recreation rights
08/30/17	Preliminary Meeting with HDR Engineering
09/18/17	Approve contract for Design with HDR Engineering
11/18/17	Engineering Design complete
01/01/18	Receive permit from Kansas Department of Agriculture
01/15/18	Advertise for Bids
02/13/18	Open Bids
02/19/18	Approve low bidder at City Commission Meeting
03/15/18	Issue Notice to Proceed
07/01/18	Project construction complete

If this is an agreeable timeline with DWR for installing the new metering system, the City will move forward with this project. As always, if you should have any questions, comments or concerns, please contact Derek Clevenger, Director of Utilities at 620-421-7020.

Sincerely,

Deborah L. Lamb,
City Manager

7002

8600 AF storage procedure 84-1

du. 2372.2 AF 63009pm

intended to cover 3 yrs direct use + 1 yr wrap



10,050 AF storage capacity

~~37,600 AF~~ small

incremental storage
1 + 1 + 1

5-6-5

Storage +
* just do the release of other want to
Release

156 million
4103.3 AF

Between Lake + State Line
32926 - 6/w lake + intake
Drinker

22158 6L

12201 - Lehman - non-use

Chetopa, Camp

Reddie White - source

me - pocket

SCANNED

Abandoned

Tietsort, Katie

From: Fabrycky, Caleb
Sent: Thursday, August 10, 2017 5:31 PM
To: Tietsort, Katie
Subject: Labette Creek/Parsons Flows
Attachments: Lake Parsons Spillway.jpg; Parsons Low-head Dam.jpg; Lake Parsons Outlet Channel.jpg

The water plant was pulling 1800 gpm beginning at 12:45 pm. So there was more water going over when we saw it at noon. It's hard to say what (if any) additional natural flows the creek is gaining in the reach between lake and city, as the pool may have been continuing to drop when I measured. I might drive by the creek dam later this evening to see if flow has stopped.

- Lake Parsons Outlet Channel – 2:45 pm – **1127 gpm**
 - Flow: 2.51 cfs, Velocity: 0.52 fps, Width: 10 ft, Area: 4.83 sq ft

- Parsons Low Head Dam – 4:15 pm – **332 gpm**
 - Flow: 0.77 cfs, Velocity: 0.51 fps, Width: 6 ft, Area 1.50 sq ft
 - Flow: 0.71 cfs, Velocity: 0.47 fps, Width: 6 ft, Area 1.50 sq ft

- Parsons Water Plant intake pumping 1800 gpm since 12:45 pm.

- Diedecker pivot not operating.

If we use the 1127 gpm as an average flow this year (221 days), it comes to 358,656,480 gallons. Although, I suspect this rate is probably lower than the average (assuming a fairly constant valve setting) because there has probably been considerably more head pressure/lake elevation for most of the year.

Caleb Fabrycky, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Parsons Satellite Office
Phone: (620) 421-2697
Caleb.Fabrycky@ks.gov

K.A.R. 5-6-5. Maximum reasonable annual quantity for storage of water for beneficial use in a reservoir. The maximum reasonable annual quantity of water that may be authorized for appropriation by the chief engineer for diversion and storage in a reservoir shall be limited to the lesser of either of the following:

- (a) The potential annual runoff as determined pursuant to K.A.R. 5-6-4; or
- (b) one of the following:
 - (1)(A) A three-year supply of water to be rediverted for all authorized beneficial uses; and
 - (B) a three-year supply of water for indirect use; or
 - (2) if the total maximum annual quantity of water requested for storage in paragraphs (b)(1)(A) and (B) exceeds the reservoir capacity, the maximum annual quantity of water authorized to be diverted and stored in any one year shall not exceed the total of the following:
 - (A) The annual quantity of water rediverted for beneficial use;
 - (B) the reservoir capacity; and
 - (C) one year of indirect use from the reservoir. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a, K.S.A. 82a-707(e), K.S.A. 2007 Supp. 82a-711, and K.S.A. 82a-712; effective Sept. 22, 2000; amended Oct.31, 2008.)

K.A.R. 5-6-6. Initial filling and refilling of a reservoir. (a) The initial filling of a reservoir that has a capacity that exceeds the maximum annual quantity of water authorized shall be authorized by a special condition on the approval of application.

(b) Each refilling of a reservoir after the release of water for maintenance or similar reasons shall be required to be authorized by a term permit if the reservoir capacity exceeds the maximum annual quantity authorized. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-707(e), K.S.A. 1999 Supp. 82a-711, and K.S.A. 82a-712; effective Sept. 22, 2000.)

K.A.R. 5-6-7. Determination of average annual potential net evaporation loss. The average annual potential net evaporation loss shall be determined by multiplying the surface area of the reservoir at the top of the reservoir capacity times the value for average annual potential net evaporation, as set forth in K.A.R. 5-6-3, for the township in which the point of diversion is located. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-707(e), K.S.A. 1999 Supp. 82a-711, and K.S.A. 82a-712; effective Sept. 22, 2000.)

K.A.R. 5-6-8. Determination of average annual seepage loss from a reservoir. Average annual seepage loss from a reservoir shall be determined by the chief engineer based on relevant, credible information furnished by the applicant. If no relevant, credible information is supplied by the applicant, it shall be assumed by the chief engineer that there is no seepage loss. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-707(e), K.S.A. 1999 Supp. 82a-711, and K.S.A. 82a-712; effective Sept. 22, 2000.)

K.A.R. 5-6-9. Administration of surface water stored in a reservoir. Water lawfully stored within any reservoir authorized to store water for subsequent beneficial use shall not be

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. _____

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Signature of Applicant

State of Kansas)
County of _____) ss

(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this _____ day of _____, 20____.

Notary Public

My Commission Expires:

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

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

September 12, 2017

CITY OF PARSONS
PO BOX 1037
PARSONS KS 67357

FILE COPY

RE: Application
File No. 49904

Dear Sir or Madam:

Your application for permit to appropriate water in 28-30S-19E in Neosho County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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,

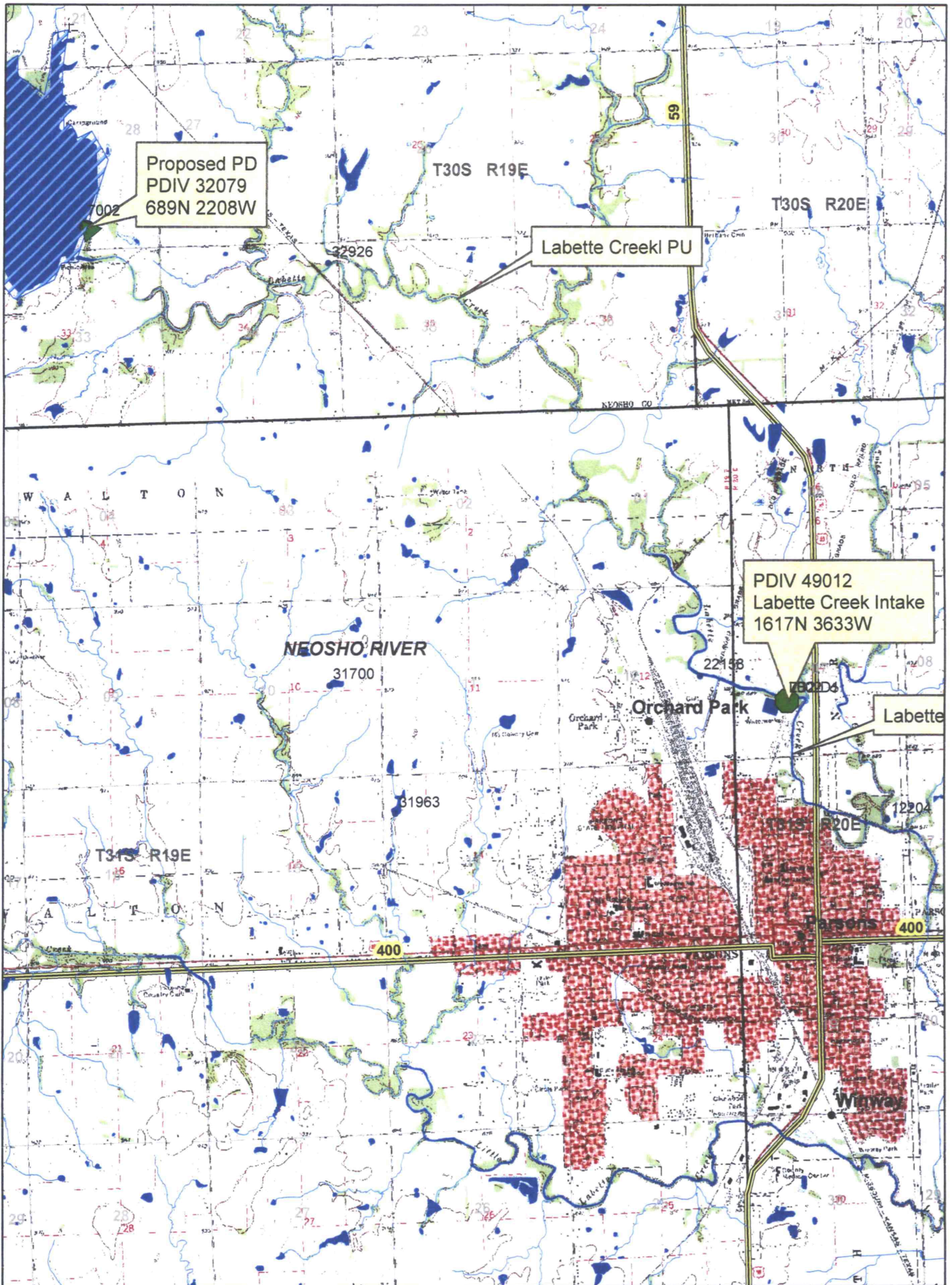
A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

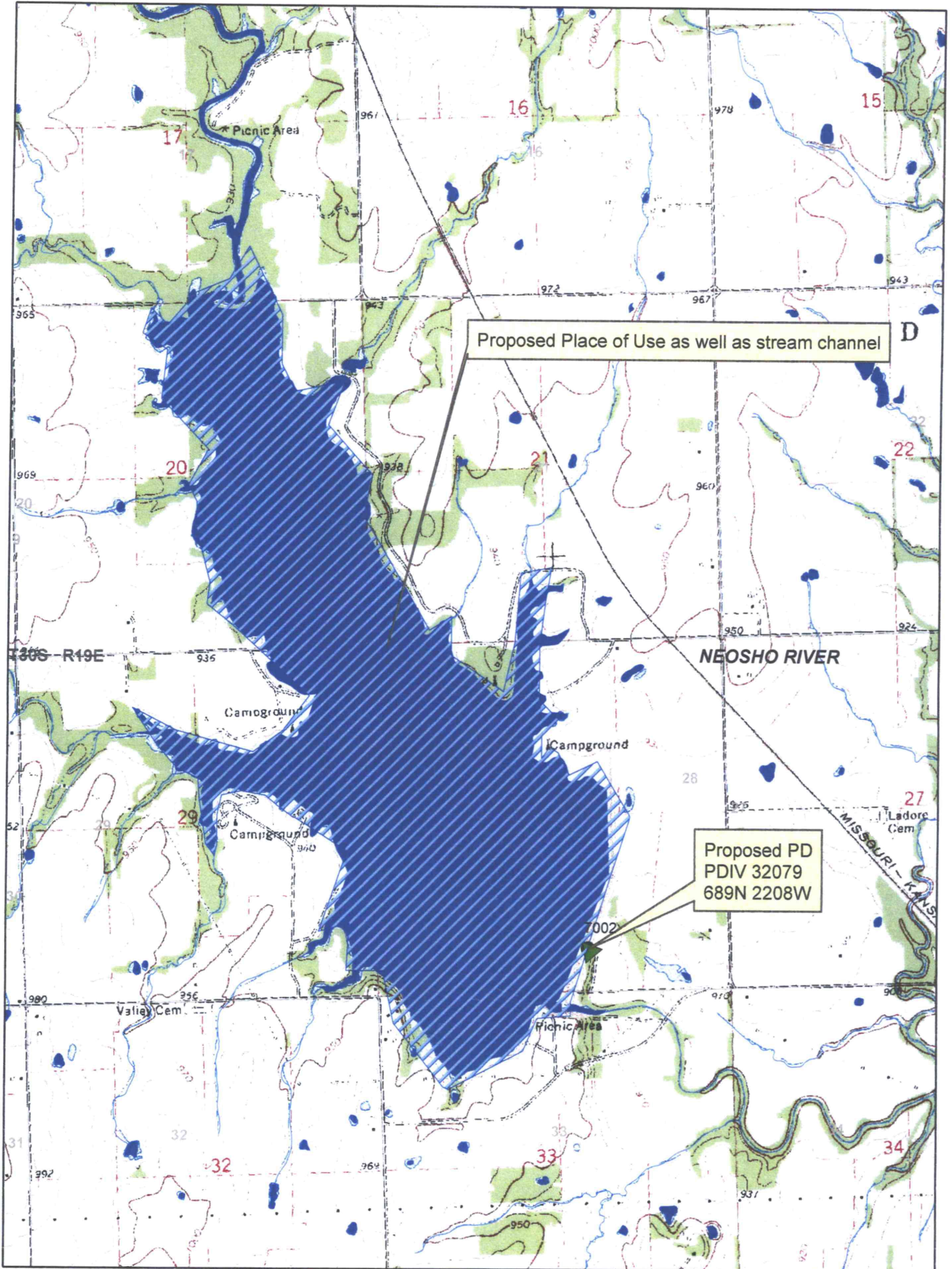
BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

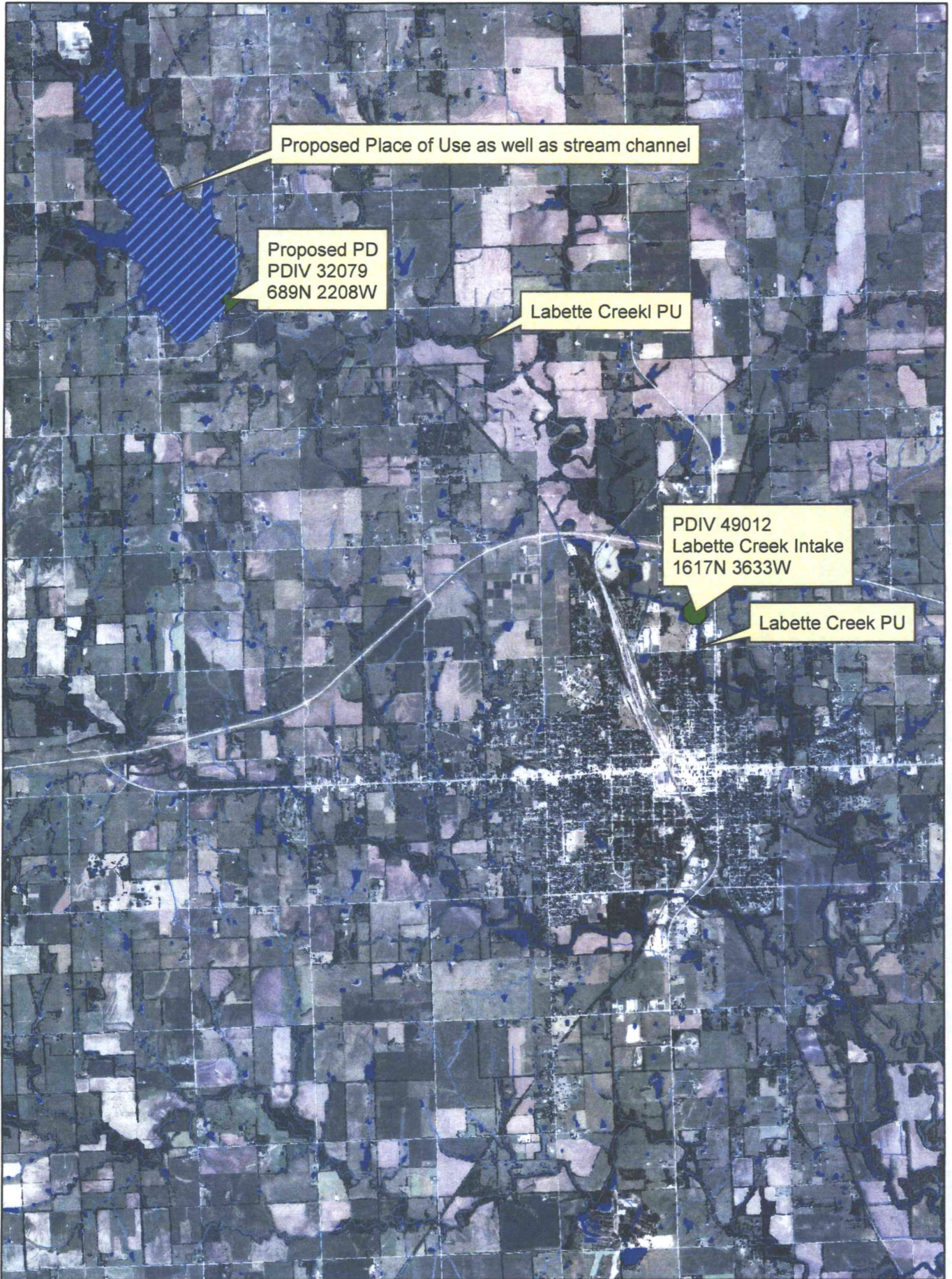
City of Parsons- Labette Creek



City of Parsons- Labette Creek

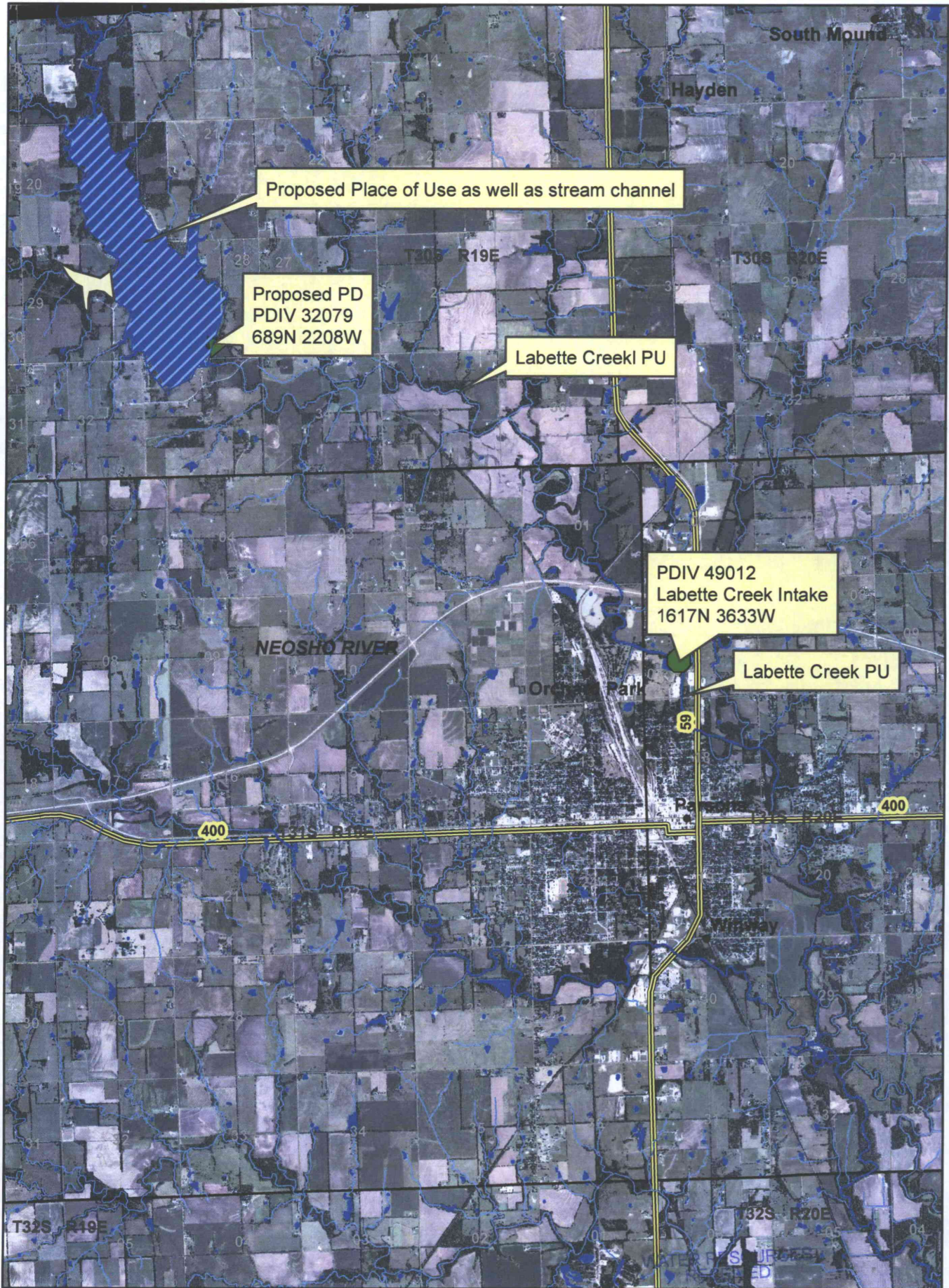


City of Parsons- Labette Creek



City of Parsons- Labette Creek

49,904



1:72,000

SEP 07 2017

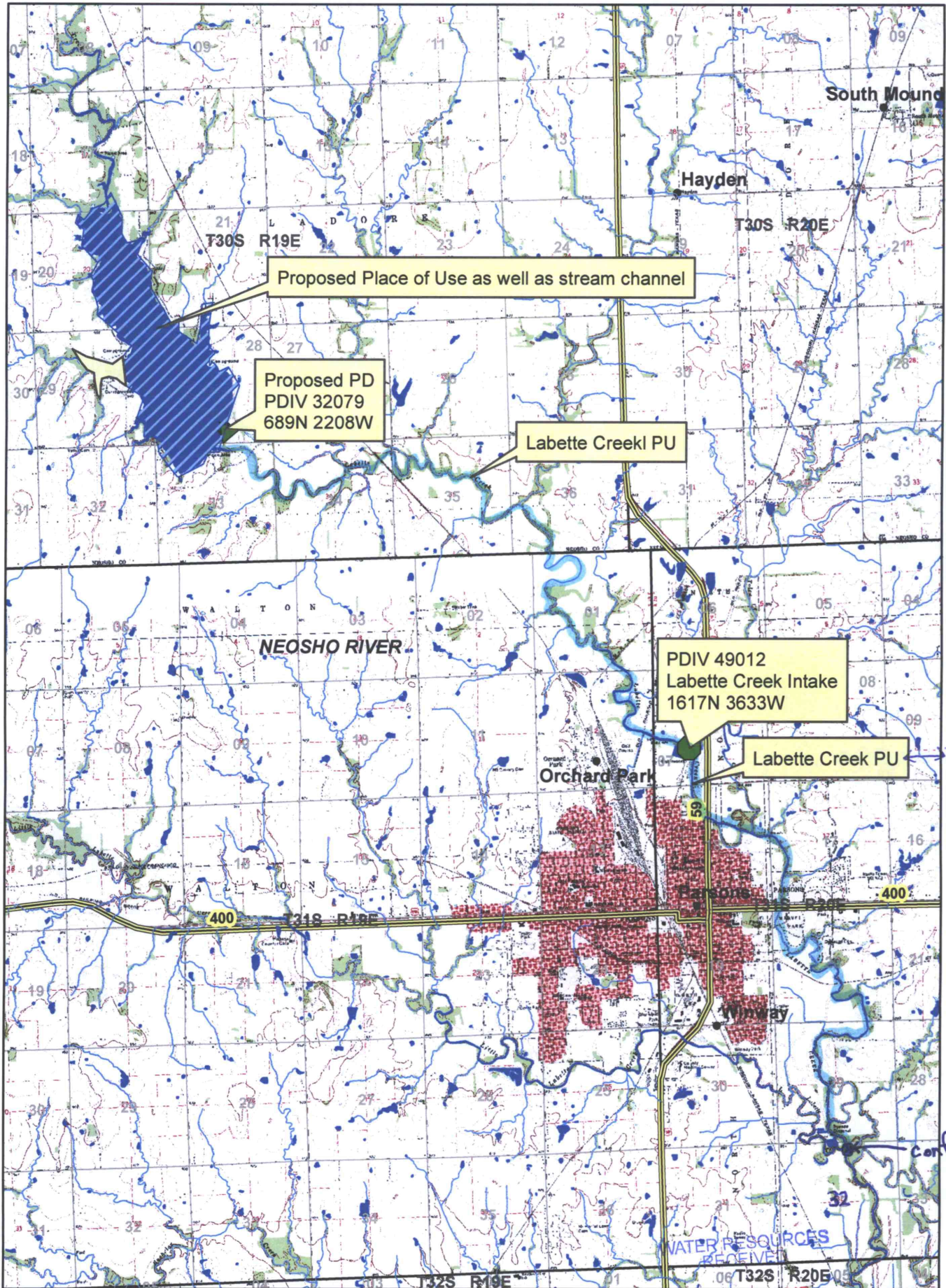
KS DEPT OF AGRICULTURE

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City of Parsons- Labette Creek

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KS DEPT OF AGRICULTURE

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