

# NOTICE

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

Submit To: CHIEF ENGINEER  
 Division of Water Resources  
 Kansas Department of Agriculture  
 1320 Research Park Drive  
 Manhattan, Kansas 66502  
 http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
 CHANGE THE PLACE OF USE, THE  
 POINT OF DIVERSION OR THE USE  
 MADE OF THE WATER UNDER AN  
 EXISTING WATER RIGHT**



State of Kansas

**Filing Fee Must Accompany the Application**  
 (Please refer to Fee Schedule on signature page of application form.)

**Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.**

1. Application is hereby made for approval of the Chief Engineer to change the

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

File No. 7573

2. Name of applicant: City of Blue Mound

Address: PO Box 100

City, State and Zip: Blue Mound, KS 66010

Phone Number: (913)756-2447 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

WATER RESOURCES  
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Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

JUN 08 2017

11:12

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

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3. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

The use of water from the lake for municipal purposes ended in 2008 and is not expected to happen again. The capacity of the lake is large enough that it requires that a water right be maintained. The changes proposed are to convert the current municipal use water right to a recreational use.

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

(Date)

For Office Use Only:							
F.O. Code	<u>1</u>	<u>GMD</u>	Meets K.A.R. 5-5-1	<u>(YES)</u> / NO	Use	<u>MUN</u>	Source
	<u>0-2</u>						<u>G/S</u>
			Fee \$	<u>500</u>	TR #		County
							<u>LN</u>
						Receipt Date	<u>6/8/17</u>
						By	<u>AJW</u>
						Date	<u>6/8/17</u>
						Check #	<u>8292</u>

6/8/17 DW

4. The presently authorized place of use is:

Owner of Distribution System — NAME: Same as applicant

ADDRESS: \_\_\_\_\_

Sec.	Municipal use within the City of Blue Mound and vicinity and within the boundaries of Rural Water District No. 4, Bourbon County, Kansas.																TOTAL ACRES	

List any other water rights that cover this place of use. 12,770 & 40,709 (to be dismissed)

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: Same as applicant

ADDRESS: \_\_\_\_\_

Sec.	Recreational use for a reservoir located in the West half (W ½) of Section 29 and the East half (E 1/2) of Section 30, Township 22 South, Range 22 East, Linn County, Kansas.																TOTAL ACRES	

List any other water rights that cover this place of use. None

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

6. The presently authorized point(s) of diversion is One Dam  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) No Change  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the NW Quarter of the SE Quarter of the NE Quarter of Section 30, Township 22 South, Range 22 E, in Linn County, Kansas, 3550 feet North 850 feet West of Southeast corner of section.  
 Authorized Rate 30.5 gpm Authorized Quantity 8.04 mgy  
 (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 NF Proposed Quantity 24.2 AF (7.89 mgy)  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

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

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

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

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

The consumptive use will not be increased because the actual use of water will dramatically decrease as the only use will be evaporation from the surface are of the reservoir.

Reservoir Surface Area = 24.2 acres    Reservoir Capacity = 129 AF (24.2 ac x 16 ft depth x 0.333)    Net Evap = 4 in/yr

Quantity of water related to the recreational use = 24.2 ac x 4"/12" x 3 yrs = 24.2 AF (7.89 mgy)

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 24.2 AF (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to Natural Flows 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.

Impairment will not be an issue because the operation of the lake will not change with approval of this application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

N/A

\_\_\_\_\_  
\_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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 Blue Mound, Kansas, this 15<sup>th</sup> day of MAY, 20 17.

Russell L Beth  
\_\_\_\_\_  
(Owner)

Russell L Beth  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

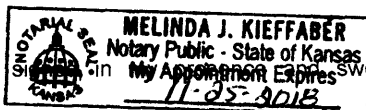
\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

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State of Kansas )  
County of Linn ) SS

I hereby certify that the foregoing application was MADE in MADE in My Commission Expires 11-25-2018 sworn to before me this 15<sup>th</sup> day of MAY, 20 17.



Melinda J Kieffaber  
\_\_\_\_\_  
Notary Public

My Commission Expires 11-25-2018

**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.**

**VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT**

To: Kansas Department of Agriculture  
Division of Water Resources (DWR)  
1320 Research Park Drive  
Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

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KS DEPT OF AGRICULTURE

Re: Appropriation of Water   
Water Right   
Vested Right   
Term Permit   
(Check Appropriate Box Above)  
File No. 40,709

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

Russell L Beth  
(Signature of Owner or Authorized Agent)

\_\_\_\_\_  
(Signature of Spouse or Title of Authorized Agent)

Russell L Beth  
(Please print name here)

\_\_\_\_\_  
(Please print name here)

Po. Box 100  
(Mailing Address)

\_\_\_\_\_  
(Mailing Address)

Blue Mound, KS. 66010  
(City, State, Zip)

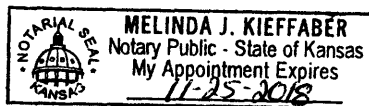
\_\_\_\_\_  
(City, State, Zip)

**ACKNOWLEDGMENT**

State of Kansas )  
County of Linn )

This instrument was acknowledged before me this 15<sup>th</sup> day of May, 2017 by  
(owners:) City of Blue Mound, KS Mayor Russell Beth  
(Seal)

My appointment expires:  
11-25-2018



Melinda J Kieffaber  
Notary Public

\_\_\_\_\_  
DWR Initials

**VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT**

To: Kansas Department of Agriculture  
Division of Water Resources (DWR)  
1320 Research Park Drive  
Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

Re: Appropriation of Water   
Water Right   
Vested Right   
Term Permit   
(Check Appropriate Box Above)  
File No. 12,770

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

Russell L Beth  
(Signature of Owner or Authorized Agent)

\_\_\_\_\_  
(Signature of Spouse or Title of Authorized Agent)

Russell L Beth  
(Please print name here)

\_\_\_\_\_  
(Please print name here)

P.O. Box 100  
(Mailing Address)

\_\_\_\_\_  
(Mailing Address)

Blue Mound, KS. 66010  
(City, State, Zip)

\_\_\_\_\_  
(City, State, Zip)

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**ACKNOWLEDGMENT**

**JUN 08 2017**

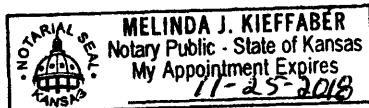
State of Kansas )  
County of Linn )

KS DEPT OF AGRICULTURE

This instrument was acknowledged before me this 15<sup>th</sup> day of May, 2017 by  
(owners:) City of Blue Mound / Mayor Russell Beth  
(Seal)

Melinda J Kieffaber  
Notary Public

My appointment expires:  
11-25-2018



\_\_\_\_\_  
DWR Initials





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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

CITY OF BLUE MOUND  
PO BOX 100  
BLUE MOUND, KS 66010

**FILE COPY**

June 8, 2017

RE: File No 7573

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use      PU/UMW
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: TOPEKA Field Office    GMD

1:12,000

# File No. 7573

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DEPARTMENT OF AGRICULTURE



**Downstream Landowners:**

L G Parker, 1924 N Circle Dr, Jefferson City, MO 65109  
Vern D Wright & Trevor E Wright, 4868 Cassida Rd, Blue Mound, KS 66010  
Miller Family Trust, John K & Venita Miller Tr, 32201 SE 600 Rd, Kincaid, KS 66039

T 22S, R 22E

Proposed Place of Use  
24.2 Surface Acres

+  
Section 30

+  
Section 29

**Upstream Landowners:**

Mark Thomas Geenens, 4471 W 600 Rd, Blue Mound, KS 66010  
Kathy Rutherford Rev Trust, 4277 Ingrahm Rd, Blue Mound, KS 66010  
William & Connie Johnston, 3728 W 500 Rd Blue Mound, KS 66010  
Sean & Karen Blundon, 3936 N Sullivan Rd, Wichita, KS 67204

All landowners 1/2 mile upstream and downstream of City property lines are shown on this map.

Applicant Signature \_\_\_\_\_