



File No. **7573**      11. County: LN      Basin: **SUGAR CREEK**      Stream: **566**      Formation Code: NA      Special Use: NA

12. Points of Diversion										Rate and Quantity					
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
ENT											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
MOD			30362	NW	SE	NE	30	22	22E	1	3550	850	SEE BELOW		NONE

STRUCTURES PERMIT # DLN-0620

13. Storage: Rate NF NF      Quantity 24.2 ac/ft      Additional Rate NF NF      Additional Quantity 24.2 ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_ cfs) when combined with file number(s) CHANGE REMOVE LTM  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation:      Allocation Type \_\_\_\_\_      Start Year \_\_\_\_\_      5 YR Amount \_\_\_\_\_      Amount Unit \_\_\_\_\_      Base Acres \_\_\_\_\_      Comment \_\_\_\_\_

16. Place of Use										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
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										
	DEL		35591	30	22	22E	1	CITY OF BLUE MOUND AND VICINITY																	8b	NO	12770 & 40709						
	DEL		12616	30	22	22E	2	WITHIN BOUNDARIES OF RWD #4, BOURBON CO.,KS																	8b	NO	12770 & 40709						
	ENT		68553	30	22	22E		RESERVOIR E/2 SEC 30 & W/2 SEC 29																	8b	NO	NONE						
COMPLETE OVERLAP																																	

Comments: **RESERVOIR AKA BLUE MOUND**

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

**M E M O R A N D U M**

**TO:** Files

**DATE:** August 28, 2017

**FROM:** Leslie Ireland

**RE:** Water Right, File Nos. 7573 & 12,770  
Appropriation of Water, File No. 40,709

Russell L. Beth, on behalf of the City of Blue Mound, has filed an application for approval to change the use made of water from municipal to recreational use for the File No. 7573. The application for change was received in the Office of the Chief Engineer on June 8, 2017, with paperwork for the requested dismissal of File Nos. 12,770 & 40,770.

The applicant is proposing to change the use made of water from municipal to recreational use as the City and Rural Water District # 4, are being served by the Public Wholesale Water Supply District No. 13, Linn County, File No. 41,861. The applicant states water has not been utilized from the lake since 2008, and only retained the rights as an alternate source.

The change in use made of water will allow the City to also be exempt from the user tax or water protection fee, but the reservoir also known as Blue Mound Lake is too large to not have an appropriation and the dam is permitted by Water Structures No. DLN-0020. The point of diversion for the reservoir is located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¼ SE¼ NE¼) of Section 30, Township 22 South, Range 22 East, Linn County. The dam is on the South Fork Sugar Creek Tributary 1 of the Sugar Creek Basin. The reservoir does straddle Sections 29 and 30, with the total combined quantity of 13.52 million gallons (41.5 acre-feet) was authorized to be rediverted for the municipal use. The senior right, was authorized 8.04 million gallons (24.67 acre-feet) per year.

The application lists a surface water area of 24.2 acres and a capacity of 129 acre-feet. This is less than the information summarized by File No. 40,709 indicating a surface area of 35.2 acres and a reservoir capacity of 291.2 acre-feet, with an evaporation of 47.5 acre-feet. It does not appear any seepage was claimed for the reservoir. The reservoir is located in the area of the state that per K.A.R. 5-6-3, *Potential net evaporation*, loses 4 inches per year. As the junior appropriation and File No. 12,770, will be dismissed, the reduced capacity seems appropriate, and is justified by part No. (b)(2) of K.A.R. 5-6-5, *Maximum reasonable annual quantity for storage of water for beneficial use in a reservoir*.

24.2 acres x 4 inches ÷ 12 inches per foot x 3 years = 24.2 acre-feet or 7.89 million gallons

The owners have requested to reduce the quantity to 24.2 acre-feet and the rate of diversion to natural flows that will be stored for recreational use. The reduction will assure compliance with K.A.R. 5-5-3, *Change in consumptive use*.

The change in place of use will shift from the City and it's common pipeline infrastructure to the reservoir per K.A.R. 5-6-10, *Authorized place of use for stored surface water*.

As required by SB 337 the upstream and downstream landowners were notified of the requested changes. No comments of were received.

In an E-mail dated August 28, 2017, Katie Tietsort, Water Commissioner of the Topeka Field Office indicated that she has no objections.

There will be no requirement for a meter or a check valve. The dam will continue to be shown on the Water Structures Inventory as DLN- 0020, with Water Right, File No. 7573 for the recreational use.

Based on the above discussion, that the change is reasonable and will not increase the consumptive use, that Water Right, File No. 12,770 and Appropriation of Water, File No. 40,709 will be voluntarily dismissed, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application be approved and the junior rights be dismissed.

  
Leslie Ireland  
Water Appropriation Program

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



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

Jackie McClaskey, Secretary

**FILE COPY** for Sam Brownback

September 19, 2017

CITY OF BLUE MOUND  
RUSSELL L BETH  
PO BOX 100  
BLUE MOUND KS 66010-0100

RE: Water Right, File Nos. 7,573 & 12,770  
Appropriation of Water, File No. 40,709

Dear Mr. Beth:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under Water Right, File No. 7,573 and the orders in the matter of the dismissal of Water Right, File No. 12,770 and Appropriation of Water, File No. 40,709.

Since the enclosed orders modify the original documents for the referenced water rights, referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

In the voluntary dismissal requests received on February 15, 2017, the Chief Engineer was advised that Water Right, File No. 12,770, and Appropriation of Water, File No. 40,709, are no longer needed and a dismissal of the files was requested.

According to State Law (K.S.A. 82a-718), a hearing must be held before any water right or appropriation of water is declared abandoned. The voluntary dismissals described herein are considered a waiver of any such hearing. Therefore, Water Right, File No. 12,770, and Appropriation of Water, File No. 40,709, are dismissed as of the date of the enclosed orders.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633, or Katie Tietsort, your area Water Commissioner, at (785) 296-5733. 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, appearing to read "Brent A. Turney".

Brent A. Turney, P.G.  
Change Applications Unit Supervisor

BAT:LI:li  
Enclosures  
pc: Topeka Field Office

THE STATE



OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN  
USE MADE OF WATER  
AND  
PLACE OF USE  
WATER RIGHT, FILE NO. 7,573**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Russell L. Beth, on behalf of the City of Blue Mound PO Box 100, Blue Mound, Kansas 66010-0100, received in this office on June 28, 2017, for approval of a change in the location of the place of use and use made of water under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated January 26, 1979, approving the application to change the place of use, and by the Findings and Order of the Chief in Engineer dated November 6, 1981, in the matter of the location of the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

This order effectively reduces the maximum rate of diversion to natural flows and the authorized quantity of water not to exceed 24.2 acre-feet per calendar year.

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

Recreational Use

and the authorized place of use shall be:

a reservoir located in the West half (W ½) of Section 29 and the East half (E ½) of Section 30, all in Township 22 South, Range 22 East, Linn County Kansas,

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 7,573, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 19, 1965, as modified and amended by the aforementioned orders.

**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, KS 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, KS 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.

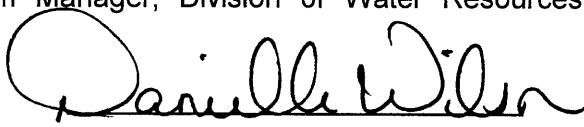
Ordered this 18<sup>th</sup> day of September, 2017, at Topeka, Shawnee County, Kansas.

  
 Lane P. Letourneau, P.G.  
 Program Manager  
 Division of Water Resources  
 Kansas Department of Agriculture

State of Kansas        )  
                                   )  
 County of Riley        )        SS

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of September 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



  
 Notary Public

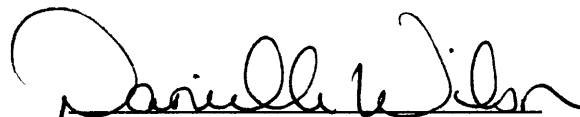
CERTIFICATE OF SERVICE

On this 19<sup>th</sup> day of September, 2017, I hereby certify that the attached Approval of Application for the Change in Use Made of Water and Place of Use under Water Right, File No. 7,573, dated September 18, 2017 was mailed postage prepaid, first class, US mail to the following:

City of Blue Mound  
Russell L. Beth  
PO Box 100  
Blue Mound, KS 66010-0100

With photocopies to:

Topeka Field Office

  
Danielle Wilson  
Division of Water Resources

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

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



State of Kansas

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

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

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

Place of Use

(Check one or more)  Point of Diversion

Use Made of Water

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  
RECEIVED

Address: \_\_\_\_\_

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

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

JUN 08 2017

11:12

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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>GMD</u>	<u>Meets K.A.R. 5-5-1</u>	<u>(YES/NO)</u>	Use <u>MUN</u>	Source <u>G</u>	County <u>LN</u>	By <u>AJW</u> Date <u>6/8/17</u>
	<u>C-2</u>	Fee \$ <u>500</u>	TR # _____	Receipt Date <u>6/8/17</u>	Check # <u>8292</u>		

APPLICATION COMPLETE

8/28/17  
Reviewer KE



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**

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 (7.89 mgy) (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.

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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

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**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. \_\_\_\_\_

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

Kansas Department of Agriculture  
Division of Water Resources

**CHANGE: UMW & PU WORKSHEET WITH REDUCTION IN QUANTITY AND RATE**

Document Signature LPL

1. File Number: <b>7573</b>	2. Status Change Date:	3. Change Num: <b>C1</b>	4. Field Office: <b>01</b>	5. GMD:
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>6/8/2017</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>CITY OF BLUE MOUND PO BOX 100 BLUE MOUND KS 66010-0100</b>		Person ID <u>1460</u> Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/>  <b>CITY OF BLUE MOUND PO BOX 100 BLUE MOUND KS 66010-0100</b>		Person ID <u>1460</u> Add Seq# _____		
		8c. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____		
		8d. WUC New to system <input type="checkbox"/>  <b>8b</b>  Person ID <u>1460</u> Add Seq# _____		
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____  <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter  <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>8/24/2017</b> By: <b>LI</b> Date Entered: _____    By: _____				

File No. <b>7573</b>	11. County: LN	Basin: <b>SUGAR CREEK</b>	Stream: <b>566</b>	Formation Code: NA	Special Use: NA																			
12. Points of Diversion																								
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate and Quantity		Additional		Overlap PD Files										
										Rate gpm	Quantity mgy	Rate gpm	Quantity mgy											
<b>MOD</b>	<b>30362</b>	<b>NW SE NE</b>	<b>30</b>	<b>22</b>	<b>22E</b>	<b>1</b>	<b>3550</b>	<b>850</b>		<b>SEE BELOW</b>		<b>NONE</b>												
13. Storage: Rate <u>    <b>NF</b>    </u> NF      Quantity <u>    <b>24.2</b>    </u> ac/ft      Additional Rate <u>    <b>NF</b>    </u> NF      Additional Quantity <u>    <b>24.2</b>    </u> ac/ft																								
14. Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) <b>NO CHANGE ( NONE )</b>																								
Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____																								
15. 5YR Allocation:    Allocation Type _____    Start Year _____    5 YR Amount _____    Amount Unit _____    Base Acres _____    Comment _____																								
16. Place of Use		<b>NE¼</b>				<b>NW¼</b>				<b>SW¼</b>				<b>SE¼</b>				<b>Total</b>	<b>Owner</b>	<b>Chg?</b>	<b>Overlap Files</b>			
MOD DEL ENT	T 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							
<b>DEL</b>	<b>35591</b>	<b>30</b>	<b>22</b>	<b>22E</b>	<b>1</b>	<b>CITY OF BLUE MOUND AND VICINITY</b>																<b>8b</b>	<b>NO</b>	<b>12770 &amp; 40709</b>
<b>DEL</b>	<b>12616</b>	<b>30</b>	<b>22</b>	<b>22E</b>	<b>2</b>	<b>WITHIN BOUNDARIES OF RWD #4, BOURBON CO.,KS</b>																<b>8b</b>	<b>NO</b>	<b>12770 &amp; 40709</b>
<b>ENT</b>		<b>30</b>	<b>22</b>	<b>22E</b>		<b>RESERVOIR E/2 SEC 30 &amp; W/2 SEC 29</b>																<b>8b</b>	<b>NO</b>	<b>NONE</b>
Comments: <b>RESERVOIR AKA BLUE MOUNT</b>																								

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)

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

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

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

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

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

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

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

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

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

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

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

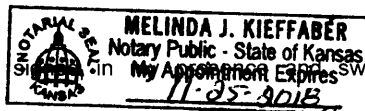
WATER RESOURCES  
RECEIVED

JUN 08 2017

KS DEPT OF AGRICULTURE

State of Kansas )  
County of Linn ) SS

I hereby certify that the foregoing application was signed 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.**

SCANNED

## Ireland, Leslie

---

**From:** Tietsort, Katie  
**Sent:** Monday, August 28, 2017 12:44 PM  
**To:** Ireland, Leslie  
**Cc:** Fabrycky, Caleb  
**Subject:** FW: Recommendation for Change in PU and UMW File No.7573 & Dismissals 12770 & 40709, City of Blue Mound

Caleb found a small typo in your memo Leslie, but other than that this is good to proceed, thanks everyone!

Katie Tietsort

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

---

**From:** Fabrycky, Caleb  
**Sent:** Thursday, August 24, 2017 4:45 PM  
**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** RE: Recommendation for Change in PU and UMW File No.7573 & Dismissals 12770 & 40709, City of Blue Mound

Looks good, except in the second paragraph, PPWSD #13 is in Linn county. The memo says Chautauqua County.

---

**From:** Tietsort, Katie  
**Sent:** Thursday, August 24, 2017 4:30 PM  
**To:** Fabrycky, Caleb <[Caleb.Fabrycky@ks.gov](mailto:Caleb.Fabrycky@ks.gov)>  
**Subject:** FW: Recommendation for Change in PU and UMW File No.7573 & Dismissals 12770 & 40709, City of Blue Mound

Can you take a look at this?

Katie Tietsort

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

---

**From:** Ireland, Leslie  
**Sent:** Thursday, August 24, 2017 3:40 PM  
**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** Recommendation for Change in PU and UMW File No.7573 & Dismissals 12770 & 40709, City of Blue Mound

Katie,

Attached is the summary memo for the requested changes by the City of Blue Mound and the voluntary dismissals.

Please let me know if you'd recommend this package and as always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



ADDRESS LISTING NEARBY NOTIFICATION LETTER DATED  
Water Right, File No. 7,573

File No. 7,573 change in use made of water  
Nearbys letter list

LG PARKER  
1924 N CIRCLE DRIVE  
JEFFERSON CITY MO 65109

KATHY RUTHERFORD REV TRUST  
4277 INGHAM RD  
BLUE MOUNT KS 66010

VERN D WRIGHT & TREVOR E WRIGHT  
4868 CASSIDA RD  
BLUE MOUNT KS 66010

MILLER FAMILY TRUST  
JOHN K & VENITA MILLER TRUSTEES  
32201 SE 600 RD  
KINCAID KS 66039

MARK THOMAS GEENENS  
4471 W 600 RD  
BLUE MOUNT KS 66010

WILLIAM & CONNIE JOHNSTON  
3725 W 500 ROAD  
BLUE MOUNT KS 66010-7805

SEAN & KAREN BLUNDON  
3936 N SULLIVAN RD  
WICHITA KS 67204

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FILE COPY

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

August 16, 2017

LG PARKER  
1924 N CIRCLE DRIVE  
JEFFERSON CITY MO 65109

RE: Water Right, File No. 7,573

Dear Sir or Madam:

This letter is to **provide notice** as required by Kansas Senate House Bill No. 337, which became effective on July 1, 2016.

The owner of the referenced appropriation of water has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

The application for Water Right, File No. 7,573, proposes a change in use made of water from municipal use to recreational use and a change in the authorized place of use from the City of Blue Mound and within boundaries of Rural Water District #4, Bourbon County, Kansas to the reservoir commonly known as Blue Mount Reservoir. This reservoir, that will be authorized under File No. 7,573, is located in the West half (W $\frac{1}{2}$ ) of Section 29, and in the East half (E $\frac{1}{2}$ ) of Section 30, in Township 22 South, Range 22 East, Linn County, Kansas.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

SCANNED

pc: Topeka Field Office

FILE COPY

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

August 16, 2017

VERN D WRIGHT & TREVOR E WRIGHT  
4868 CASSIDA RD  
BLUE MOUNT KS 66010

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Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

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Governor Sam Brownback

August 16, 2017

MILLER FAMILY TRUST  
JOHN K & VENITA MILLER TRUSTEES  
32201 SE 600 RD  
KINCAID KS 66039

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Environmental Scientist  
Water Appropriation Program

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pc: Topeka Field Office

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Topeka, Kansas 66612  
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Jackie McClaskey, Secretary

Governor Sam Brownback

August 16, 2017

MARK THOMAS GEENENS  
4471 W 600 RD  
BLUE MOUNT KS 66010

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Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

pc: Topeka Field Office

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Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 16, 2017

WILLIAM & CONNIE JOHNSTON  
3725 W 500 ROAD  
BLUE MOUNT KS 66010-7805

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Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

pc: Topeka Field Office

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(785) 564-6700



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Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 16, 2017

SEAN & KAREN BLUNDON  
3936 N SULLIVAN RD  
WICHITA KS 67204

RE: Water Right, File No. 7,573

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Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

pc: Topeka Field Office

SCANNED

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Manhattan, Kansas 66502  
(785) 564-6700



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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 16, 2017

KATHY RUTHERFORD REV TRUST  
4277 INGHAM RD  
BLUE MOUNT KS 66010

RE: Water Right, File No. 7,573

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Sincerely,

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Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

pc: Topeka Field Office

SCANNED

FILE COPY



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 7573 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 7573 00 MUN

Water Right and Points of Diversion Within 2.00 miles of point defined as:

3550 Feet North and 850 Feet West of the Southeast Corner of Section 30 T 22S R 22E

Both SURFACE WATER and GROUNDWATER

=====

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 7573 00	MUN	NK	S*	0	--	NW	SE	NE	3550	850	30	22	22E	1		24.67	24.67	AF
A__ 12770 00	MUN	NK	S	0	--	NW	SE	NE	3550	850	30	22	22E	1		4.53	4.53	AF
A__ 37959 00	IND	NK	G	10150	--	SE	NW	NE	4020	1325	26	22	21E	1		1.41	1.41	AF
A__ 40709 00	MUN	KE	S	0	--	NW	SE	NE	3550	850	30	22	22E	1		12.28	12.28	AF

35591  
12616

POSE ID  
35591  
12616

=====

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	12.28	12.28
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	30.62	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	42.90	12.28

An \* after the source of supply indicates a pending application for change under the file number.  
 An \* after the ID indicates a 15 AF exemption was granted under the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

3550 Feet North and 850 Feet West of the Southeast Corner of Section 30 T 22S R 22E

Both SURFACE WATER and GROUNDWATER

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A\_\_ 7573 00 MUN NK S

> CITY OF BLUE MOUND

>

> PO BOX 100

> BLUE MOUND KS 66010

>-----

A\_\_ 12770 00 MUN NK S

> CITY OF BLUE MOUND

>

> PO BOX 100

> BLUE MOUND KS 66010

>-----

A\_\_ 37959 00 IND NK G

> ENSMINGER-KIMZEY OIL CO

>

> 1446 3000 ST

> MORAN KS 66755

>-----

A\_\_ 40709 00 MUN KE S

> CITY OF BLUE MOUND

>

> PO BOX 100

> BLUE MOUND KS 66010

>-----

=====

#####



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

WATER RESOURCES  
RECEIVED

JUN 08 2017

KS DEPT 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 \_\_\_\_\_