



File No. **WL003**      11. County: WL      Basin: **FALL RIVER (40)**      Stream: **FALL RIVER (40)**      Formation Code: **NA**      Special Use: **NA**

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
DEL	33254	SE NW SE	19	30	16E	4	1710	1586		2.67	171	2.67	171	WL 011
ENT	86397	NE SW SE	19	30	16E		917	1739		2.67	171	2.67	171	WL 011

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

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

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

16. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
<b>NO CHANGE</b>																						8a	NO	WL 011		

Comments:

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

**MEMORANDUM**

**TO:** File

**DATE:** October 23, 2017

**FROM:** Leslie Ireland

**RE:** Vested Right, File Nos. WL 003 & WL 011

Terry Harper, Mayor, for the City of Neodesha on behalf of Vested Right, WL 003, and Ed Truelove City Administrator for the City of Neodesha owner of the referenced files authorized for municipal use filed applications for approval to change the point of diversion. The applications were received in the office of the Chief Engineer on July 10, 2017 and July 24, 2017. The City has been assisted with the application by Josh Golka, P.E. Municipal Project Manager for Professional Engineering Consultants, P.A. The records indicate the company has been in contact with Katie Tietsort about the project since 2014.

The water rights do not appear to be abandoned per K.S.A. 82a-718 and are in compliance with K.S.A. 82a-732. 11

The application for WL 003 was returned to the City via email to correct the authorized and proposed points of diversion as they originally only listed the pumpsite that will change. The updated application was returned by Ed Truelove on October 19, 2017. The applications comply with K.A.R. 5-5-2a, *Complete change application*, and as required by K.S.A. 82a 1906, nearby landowners were contacted by letter dated September 19, 2017, for comments on the proposed changes. No comments of any kind were received.

The proposal is to change the pumpsite location authorized under both File Nos. WL 003 & WL 011. The rights will maintain their overlap in point of diversion moving approximately 1,000 feet down the Fall River from the Northside to the Southside of the Highway 75 bridge. The second pumpsite authorized by WL 011 that had been located in the Southeast Quarter of Section 19, Township 30 South Range 16 East, approximately 1,800 feet North and 1,800 feet West of the Southeast Corner of Section 19, has been requested to be removed for the right. The three low head dams permitted under WL 011, were originally permitted by the American Oil Company and transferred in 1988 to municipal use are referenced by the City as City, Dunn, and Middle Dams, that have been in existence since the 50's will remain as authorized. These dams are permitted to impound a combined reservoir total of 1,000 acre-feet. The permitting for the change to the stream channel for the raw water intake has been permitted under water structure number LWL-0060, and was completed by our DWR Structures Division on September 19, 2017. The change downstream will not alter the source of supply and will not jump over any other rights.

The pumpsite currently authorized under both File Nos. WL 003 & WL 011, authorized as being located 1,710 feet North and 1,586 feet West of the Southeast corner of Section 19, will be authorized by the change approval to be 917 feet North and 1,739 feet West of the Southeast corner of Section 19, with the updated qualifiers of being in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter, (NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ). As the rights have always overlapped in point of diversion there will not be operational changes needed for the referenced rights. The new pumpsite will be approximately 77 feet from the City's 2015 obtained recreational diversion right, File No. 36,217. This right authorized to divert 5.3 acre-feet at a maximum of 235 gallons per minute to fill a pond has not been utilized in several years citing rain.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A meter will be required however, water level measurement devices for the dams will not be a condition of File No. WL 011.

Katie Tietsort, Water Commissioner of the Topeka Field Office was contacted for recommendation of the proposed changes. She stated in an e-mail dated October 25, 2017, that she recommended approval of the changes.

Based on the above discussion, that the changes are reasonable, there will not be a significant increase in the consumptive use, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.



Leslie Ireland  
Environmental Scientist  
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

Governor Sam Brownback

**FILE COPY**

CITY OF NEODESHA  
ED TRUELOVE, CITY ADMINISTRATOR  
PO BOX 336  
NEODESHA, KS 66757

November 1, 2017

RE: Vested Right, File Nos. WL 003 & WL 011

Dear Mr. Truelove:

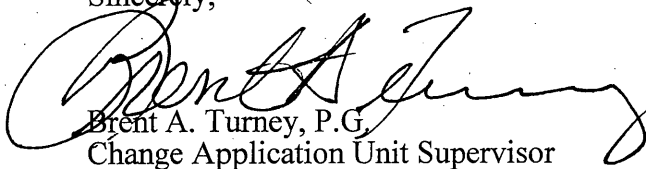
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of these approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced file numbers. Please return the required and enclosed form, *Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter*, as soon as these actions are completed.

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

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.  
Change Application 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 POINT OF DIVERSION  
VESTED RIGHT  
FILE NO. WL 003**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Ed Truelove, City Administrator on behalf of the City of Neodesha, PO Box 336, Neodesha, Kansas 66757, received on July 10, 2017, for approval of a change in the point of diversion under the vested right order, determining and establishing a vested right to continue the beneficial use of water, then identified in the office of the Chief Engineer as Vested Right, Code 6203, Wilson County, now identified as Vested Right, File No. WL 003, as modified and amended by the Findings and Order of the Chief Engineer dated January 9, 1981, in the matter of authorized point of diversion, and the Order of the Chief Engineer dated May 27, 1988, approving the application to change the place of use and the Findings and Order of the Chief Engineer dated January 11, 2012, in the matter 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.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

one (1) pumpsite located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 19, more particularly described as being near a point 917 feet North and 1,739 feet West of the Southeast corner of said section, in Township 30 South, Range 16 East, Wilson County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the point of diversion.

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

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

In all other respects, the vested right order, determining and establishing a vested right to continue the beneficial use of water, identified in the office of the Chief Engineer as Vested Right, File No. WL 003, is as stated and set forth in the vested right order executed by the Chief Engineer on March 24, 1954, 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.

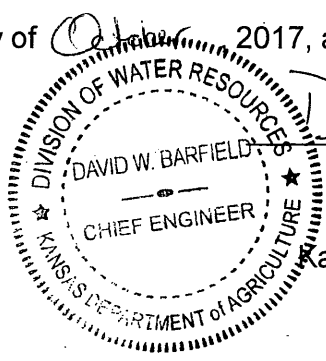
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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 31<sup>st</sup> day of October, 2017, at 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 31<sup>st</sup> day of October, 2017, by David W. Barfield, P.E., Chief Engineer, P.E., Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*  
 \_\_\_\_\_  
 Notary Public


**CERTIFICATE OF SERVICE**

On this 1<sup>st</sup> day of November, 2017, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Vested Right, File No. WL 003, dated October 31, 2017 was mailed postage prepaid, first class, US mail to the following:

City of Neodesha  
Ed Truelove, City Administrator  
PO Box 336  
Neodesha, KS 66757

With photocopies to:

Topeka Field

  
Division of Water Resources Staff



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

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



State of Kansas

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

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

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

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

WATER RESOURCES  
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JUL 10 2017

1:16

KS DEPT OF AGRICULTURE

File No. WL-03 and ~~WL-11~~

2. Name of applicant: City of Neodesha: Ed Truelove, City Administrator

Address: 1407 N. 8th, P.O. Box 336

City, State and Zip: Neodesha, KS 66757

Phone Number: ( 620 ) 325-2828

E-mail address: etruelove@ci.neodesha.ks.us

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: City of Neodesha: Ed Truelove, City Administrator

Address: 1407 N. 8th, P.O. Box 336

City, State and Zip: Neodesha, KS 66757

Phone Number: ( 620 ) 325-2828

E-mail address: etruelove@ci.neodesha.ks.us

3. The change(s) proposed herein are desired for the following reasons (please be specific): Construction of a new raw water intake structure for the city of Neodesha to replace existing failed intake. Point of diversion for existing water rights WL-03 and WL-11 will be changed to location of new intake structure.

The change(s) (was) (will be) completed by 12/31/2017

(Date)

**For Office Use Only:**

F.O. 1 GMD 2 Meets K.A.R. 5-5-1 (YES / NO) Use MUN Source G.S County WL By AW Date 7/10/17  
Code \_\_\_\_\_ Fee \$ \_\_\_\_\_ TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # \_\_\_\_\_

6. The presently authorized point(s) of diversion (is) (are) Submerged raw water intake structure, 1 diversion point  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) Submerged raw water intake structure, 1 diversion point  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the SE Quarter of the NW Quarter of the SW SE XX Quarter  
 of Section 19, Township 30 South, Range 16 (E/W),  
 in Wilson County, Kansas, 1,710 feet North 1,586 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 SE NE XX Quarter of the SW Quarter of the NW SE XX Quarter  
 of Section 19, Township 30 South, Range 16 (E/W),  
 in Wilson County, Kansas, 917 feet North 1,739 feet West of Southeast corner of section.  
 Proposed Rate No Change Proposed Quantity No Change  
 This point is:  Additional Well  Geo Center List other water rights that will use this point WL-03 & WL-11

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

XX LS/DWR 9/18/17

WATER RESOURCES

JUL 10 2017

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SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: City of Neodesha: Ed Truelove, City Administrator

ADDRESS: 1407 N. 8th, P.O. Box 336

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	
19	30	16														X			

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

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: City of Neodesha: Ed Truelove, City Administrator

ADDRESS: 1407 N. 8th, P.O. Box 336

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	
19	30	16														X			

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

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**

WATER RESOURCES  
 JUL 10 2017  
 SCANNED  
 KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for Municipal purposes.  
It is proposed that the use be changed to Municipal purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
Current Demand 0.7 MGD and Proposed Demand 0.766 MGD is within existing Water Rights WL-3 and WL-11 authorized quantity.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ gallons per minute ( 1.18 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.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.  
\_\_\_\_\_  
\_\_\_\_\_

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

WATER RESOURCES  
DEPARTMENT

JUL 10 2017

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 Neodesha, Kansas, this 27th day of June, 20 17.

Terry M Harper  
(Owner)  
Terry M. Harper, Mayor for City of Neodesha  
(Please Print)

N/A  
(Spouse)  
  
(Please Print)

(Owner)  
  
(Please Print)

(Spouse)  
  
(Please Print)

(Owner)  
  
(Please Print)

(Spouse)  
  
(Please Print)

State of Kansas }  
County of Wilson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27th day of June, 20 17.

**BOBBY BUSCH**  
Notary Public - State of Kansas  
My Appt. Expires  
My Commission Expires 1-9-2018

[Signature]  
Notary Public

**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.**

WATER RESOURCES  
RECEIVED

JUL 10 2017

KS DEPT OF AGRICULTURE

SCANNED

**Ireland, Leslie**

---

**From:** Tietsort, Katie  
**Sent:** Wednesday, October 25, 2017 3:34 PM  
**To:** Ireland, Leslie  
**Subject:** RE: Recommendation for Change in PD File Nos. WL003 & WL011\_ City of Neodesha

Leslie,

In your memo, it indicates the PD change was filed on September 9, 2013, that date is incorrect. The applications for change were filed July 10, 2016 and on July 24, 2017(??). Apparently filed at different times I guess.

The PD changes requested appear to meet all applicable rules and regulations and should be moved forward for signature.

The PU is correct as it is currently authorized by the change approval in 1988, so the WRIS just needs a quick fix based on those change approvals to properly reflect the PU which hasn't changed. The part in the memo discussing references to WRIS becomes very confusing since WRIS is not the official repository of any place of use but just a representation of what the file documents actually authorize and the discussion references back to a change from 1988 not these changes or these documents. The changes as they were approved in 1988 are correct. I would strongly suggest we remove the entire discussion about the WRIS PU out of the application for change memo regarding a completely different change and that someone simply apply common sense to use the 1988 change approval documents located in the scanned images that already exist to fix the WRIS entry errors not create additional, unnecessary documents. Including all this language in a memo under a different action becomes very confusing when someone looks at this in the future since nothing will show at that point regarding this WRIS not being properly adjusted at the time of the 1988 change approvals.

**Kansas,**

**and the authorized location of the place of use and the use made of the water shall be:**

**for Municipal Use in the City of Neodesha, Kansas and the immediate vicinity, Rural Water District No. 3, 4, 6, 8 and 12, Wilson County, Kansas, Rural Water District No. 12, Montgomery County, Kansas, Penn Subdivision, Little Bear and Glasstown Water Districts.**

**All diversion works into which any type of chemical or other foreign**

Thanks for all your efforts.  
Katie

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619

[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)

Phone 785-296-5733

---

**From:** Ireland, Leslie

**Sent:** Monday, October 23, 2017 2:32 PM

**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>

**Subject:** Recommendation for Change in PD File Nos. WL003 & WL011\_ City of Neodesha

Katie,

Please let me know if you could recommend these changes.

I did find one other item that may need to be corrected. The WRIS database listed place of use for File No. WL 011, needs to be updated to match WL 003. This would remove the Neodesha Refinery of American Oil Company in 19-30-16E, as detailed in the 1988 change approval.

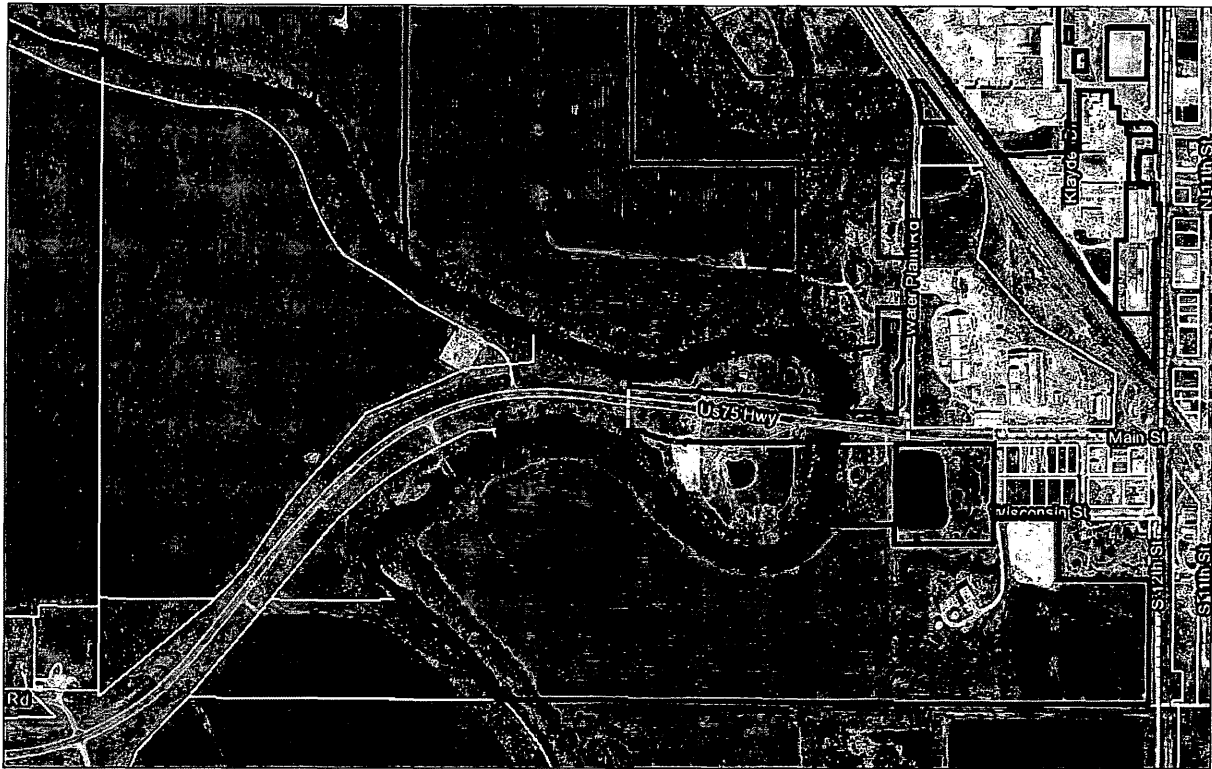
As always comments and concerns are welcome.

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)

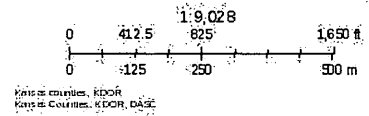
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

.000|1031941901006003000|1031941901007001000|1031941904006003000|10319419040030030



September 18, 2017

- Parcels: ■ Green: Band\_2
- Parcels: 18057 ■ Blue: Band\_3
- Red: Band\_1



11



ADDRESS LISTING NEARBY NOTIFICATION LETTER DATED  
Vested Right, File Nos. WL 003 & WL 011

File No. WL 003 & WL 011 change in point of diversion surface water  
Nearbys letter list

a) S19, T30, R16, ACRES 94.8, BEG 1518' E & 360'S NW/C NW4 S TO RIVER ELY ALG RIVER TO E LI SW4 N TO A  
PT 510'S NE/C W2 W 150' N 150' W TO POB &  
ALBIAN W BAILEY AND/OR  
GENE M BAILEY  
P O BOX 446  
NEODESHA KS 66757

b) S19, T30, R16, ACRES 8.4, BEG 1270.75' W & 625'N NE/C S2 SE4 W 150' SWLY 185' NWLY ALG RIVER 230'  
N TO N LN SE4 E 405' S 450' E 150' S TO POB.  
ST LOUIS WICHITA & WEST RR  
BURLINGTON NORTHERN RR  
PO BOX 961089  
FORT WORTH TX 76161-0089

c) CITY OF NEODESHA  
d) CITY OF NEODESHA  
e) CITY OF NEODESHA

ee) S19, T30, R16, ACRES 2.7, BEG 1311' W & 40'S NE/C S2 SE4 S 405' W 350' NLY ALG RIVER 410' E TO POB.  
WILMA G MATTHEWS ESTATE  
% STEVEN RAY MATTHEWS  
1087 W RIVER ST STE 230  
BOISE ID 83702

ff) S19, T30, R16, ACRES 75.4, W2 N OF HWY 75 & S & W OF RIV EXC: S478.5' & R/W.  
LEE A & DOROTHY SPRINGER  
3321 CR 5800  
INDEPENDENCE KS 67301

f) CITY OF NEODESHA  
g) CITY OF NEODESHA

hh) S19, T30, R16, ACRES 6.3, BEG E LI HWY 75 478.5' N OF S LI SEC E TO RIV NELY ALG RIV TO A PT 550' W  
SE/C N2 SW4 N T O HWY SLY ALG HWY TO POB EXC.  
LEE A & DOROTHY SPRINGER  
3321 CR 5800  
INDEPENDENCE KS 67301

h) S30, T30, R16, ACRES 69.7, NW4 W OF RIV EXC BEG 151'N NW/ C SW4 NW4 E 798.48' SELY 369. 2' NELY 187.6'  
NELY 170' SELY 252.9' SELY 195' NELY.  
JOE & DANA NEWLAND TR  
6395 TREGO RD  
NEODESHA KS 66757

i) S30, T30, R16, ACRES 69.7, NW4 W OF RIV EXC BEG 151'N NW/ C SW4 NW4 E 798.48' SELY 369. 2' NELY  
187.6' NELY 170' SELY 252.9' SELY 195' NELY.  
JOE & DANA NEWLAND TR  
6395 TREGO RD  
NEODESHA, KS 66757

j) CITY OF NEODESHA

k) S30, T30, R16, ACRES 26.5, BEG 151' N NW/C SW4 NW4 E 798. 48' SELY 369.2' NELY 187.6' NELY 170' SELY 252.9'  
SELY 195' NELY 60.4' SELY TO RIV W TO SEC LI, N TO POB.  
CLARK W & SUZANNE J THOMPSON  
1323 N 7TH  
NEODESHA KS 66757

SCANNED

FILE COPY

l) S30, T30, R16, ACRES 84.2, BEG 1674' S NE/C W TO RIV SLY ALG RIVER TO E SEC LI N TO POB EXC R/W.  
HOMER G & PEGGY L LUTHER  
SCHWEITZER, TAB T  
4337 GOLF COURSE DR  
WESTLAKE VILLAGE CA 91362

m) S30, T30, R16, ACRES 39.6, S 811' NW4 W OF RIVER EXC R/W  
GARY & JANIE GILLUM  
2593 OTTAWA RD  
NEODESHA KS 66757

n) S30, T30, R16, ACRES 109.9, SW4 S OF RIVER EXC: N 495' OF W 515' SW4 SW4 BEG 50' E NW/C SW4 SW4 N 250' E  
350' S 250' W TO POB & R/W.  
JON B & JANICE M JUSTICE  
7915 SPURLOCK  
BEAUMONT TX 77713

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

September 19, 2017

ADDRESS LIST

RE: Vested Right, File Nos. WL 003 & WL 011

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.

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all in Township 30 South, Range 16 East, Wilson 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".

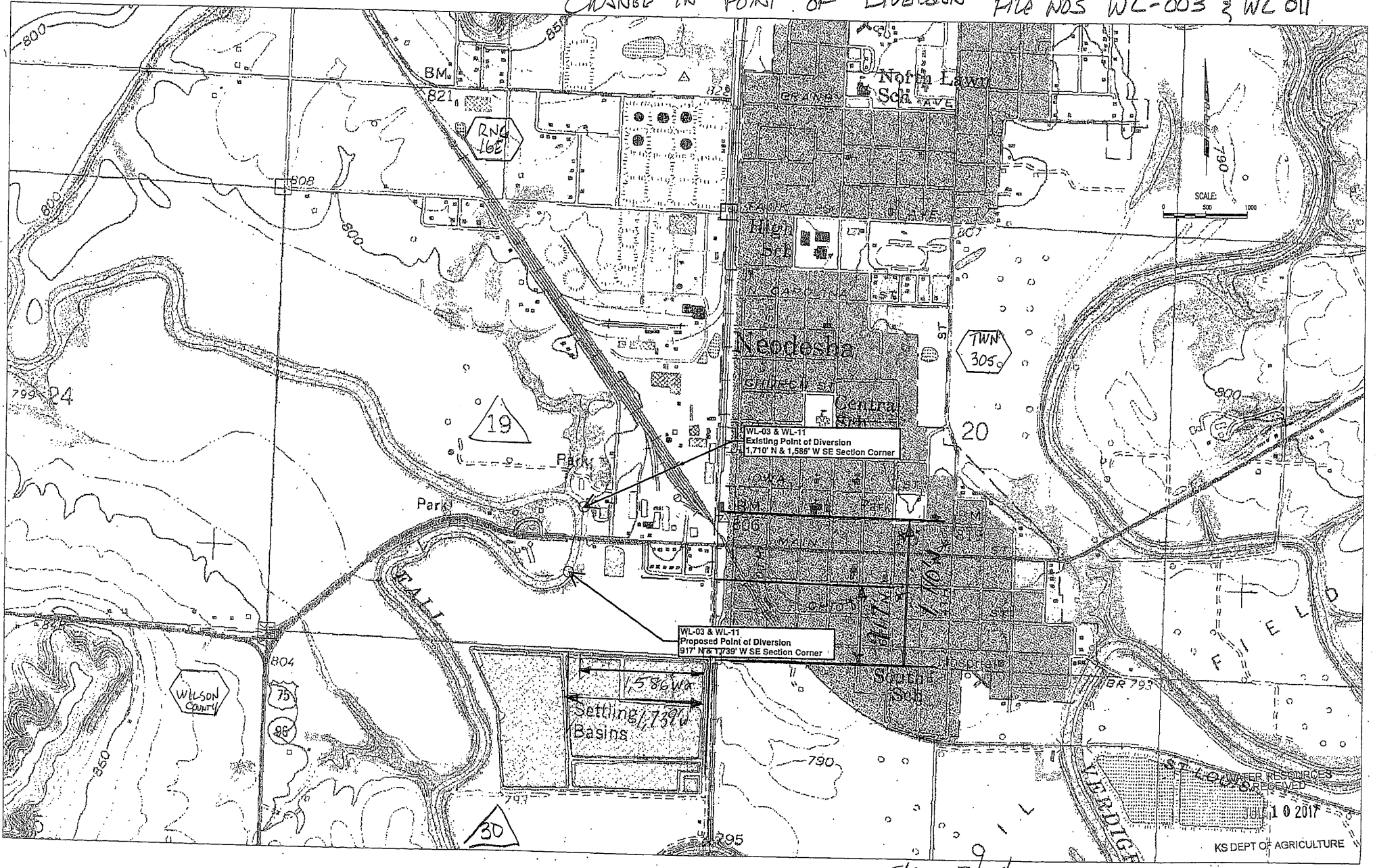
Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

Enclosure  
pc: Topeka Field Office

FILE COPY

SCANNED

CHANGE IN POINT OF DIVERSION FILE NOS WL-003 & WL 011



WATER RESOURCES  
 DIVISION  
 JULY 10 2017  
 KS DEPT OF AGRICULTURE

*wilson county*

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

September 19, 2017

**FILE COPY**

ST LOUIS WICHITA & WEST RR  
BURLINGTON NORTHERN RR  
PO BOX 961089  
FORT WORTH TX 76161-0089

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Environmental Scientist  
Water Appropriation Program

Enclosure  
pc: Topeka Field Office

SCANNED

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Governor Sam Brownback

September 19, 2017

WILMA G MATTHEWS ESTATE  
% STEVEN RAY MATTHEWS  
1087 W RIVER ST STE 230  
BOISE ID 83702

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Jackie McClaskey, Secretary

Governor Sam Brownback

September 19, 2017

HOMER G & PEGGY L LUTHER  
SCHWEITZER, TAB T  
4337 GOLF COURSE DR  
WESTLAKE VILLAGE CA 91362

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NEODESHA KS 66757

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7915 SPURLOCK  
BEAUMONT TX 77713

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Governor Sam Brownback

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ALBIAN W BAILEY AND/OR  
GENE M BAILEY  
P O BOX 446  
NEODESHA KS 66757

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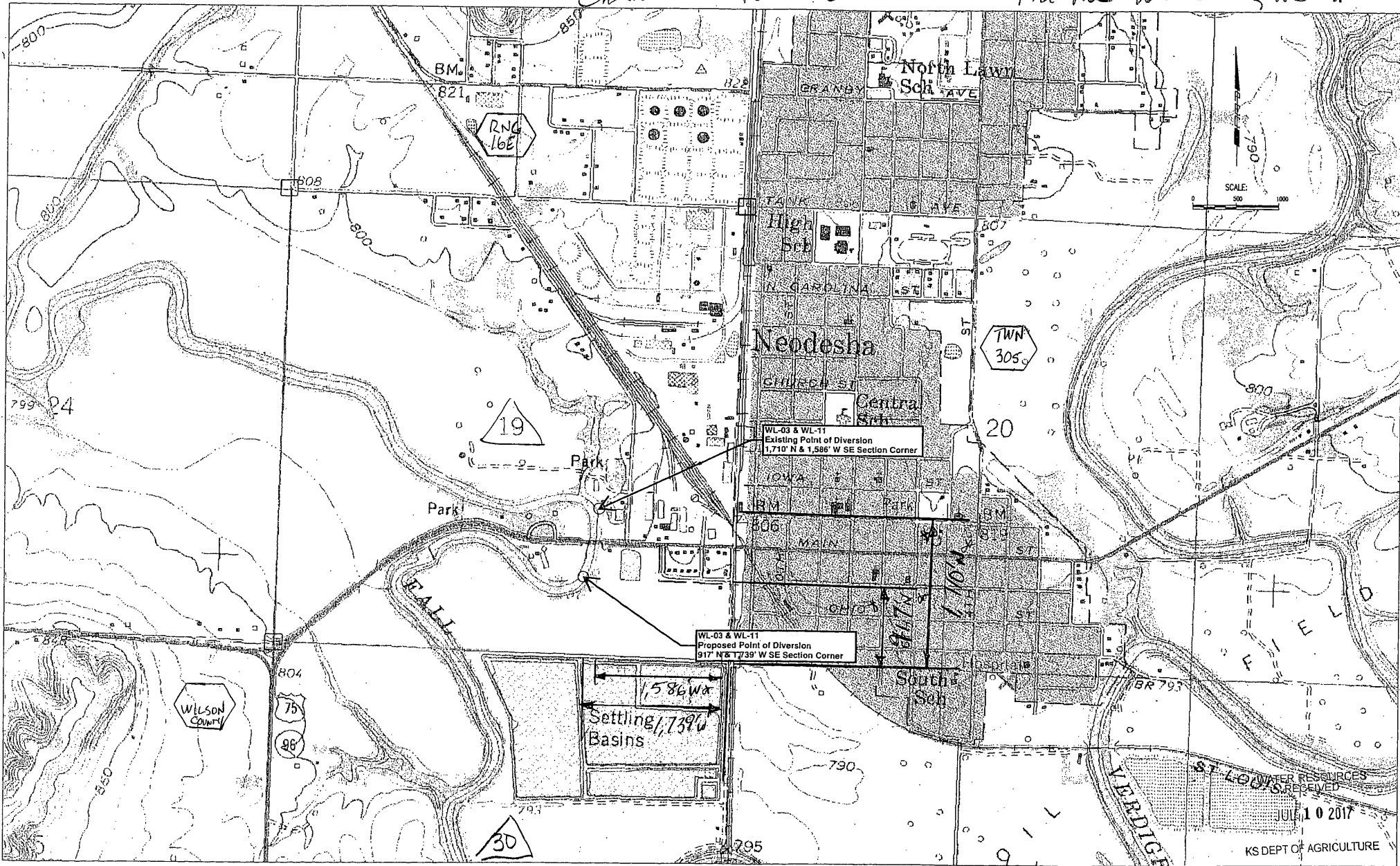
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Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

pc: Topeka Field Office

SCANNED

CHANGE IN POINT OF DIVERSION FILE NOS WL-003 & WL 011



\* 1510.a. 9/15/17

July 6, 2017

WATER RESOURCES  
RECEIVED

JUL 10 2017

Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, KS 66502

KS DEPT OF AGRICULTURE

Attention: CHIEF ENGINEER

Reference: Neodesha River Intake Improvements – DWR Change of Point of Diversion  
PEC Project No. 34-15E65-001-0000

Dear Chief:

This letter, along with accompanying documentation, is provided to solicit comments from DWR for the permits associated with the proposed construction of the Neodesha River Intake Improvements, Wilson County, Kansas.

The proposed development is located on city owned property. Soil and vegetation conditions will be minor and not affect the allowable permitted quantity for the area of construction. The estimated time of completion for the project is two months. The project site area of construction is 1.75 acres and will be located entirely within the owner's property line.

The following items are included with this letter:

1. DWR Form 1-120 – 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
2. USGS Map
3. Aerial Map
4. Change of Point of Diversion Map
5. Excerpt from Civil Plans

In accordance with DWR 1-120, a check in the amount of \$200.00 is attached and made payable to the Kansas Department of Agriculture as indicated.

Chief Engineer  
July 6, 2017  
Page 2



If you have any questions or require additional information in order to make a determination, please contact me either by telephone, (316) 262-2691, or by email [Josh.Golka@pec1.com](mailto:Josh.Golka@pec1.com).

Very truly yours,

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

Josh Golka, P.E.  
Municipal Project Manager

Encl: As noted

cc: Ed Truelove, City of Neodesha

WATER RESOURCES  
RECEIVED

JUL 10 2017

KS DEPT OF AGRICULTURE



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

ED TRUELOVE, CITY ADMINISTRATOR  
CITY OF NEODESHA  
1407 N 8TH. PO BOX 336  
NEODESHA, KS 66757

July 11, 2017

**FILE COPY**

RE: File No WL-3

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 PD
- point of diversion
- use made of water

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

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

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

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

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

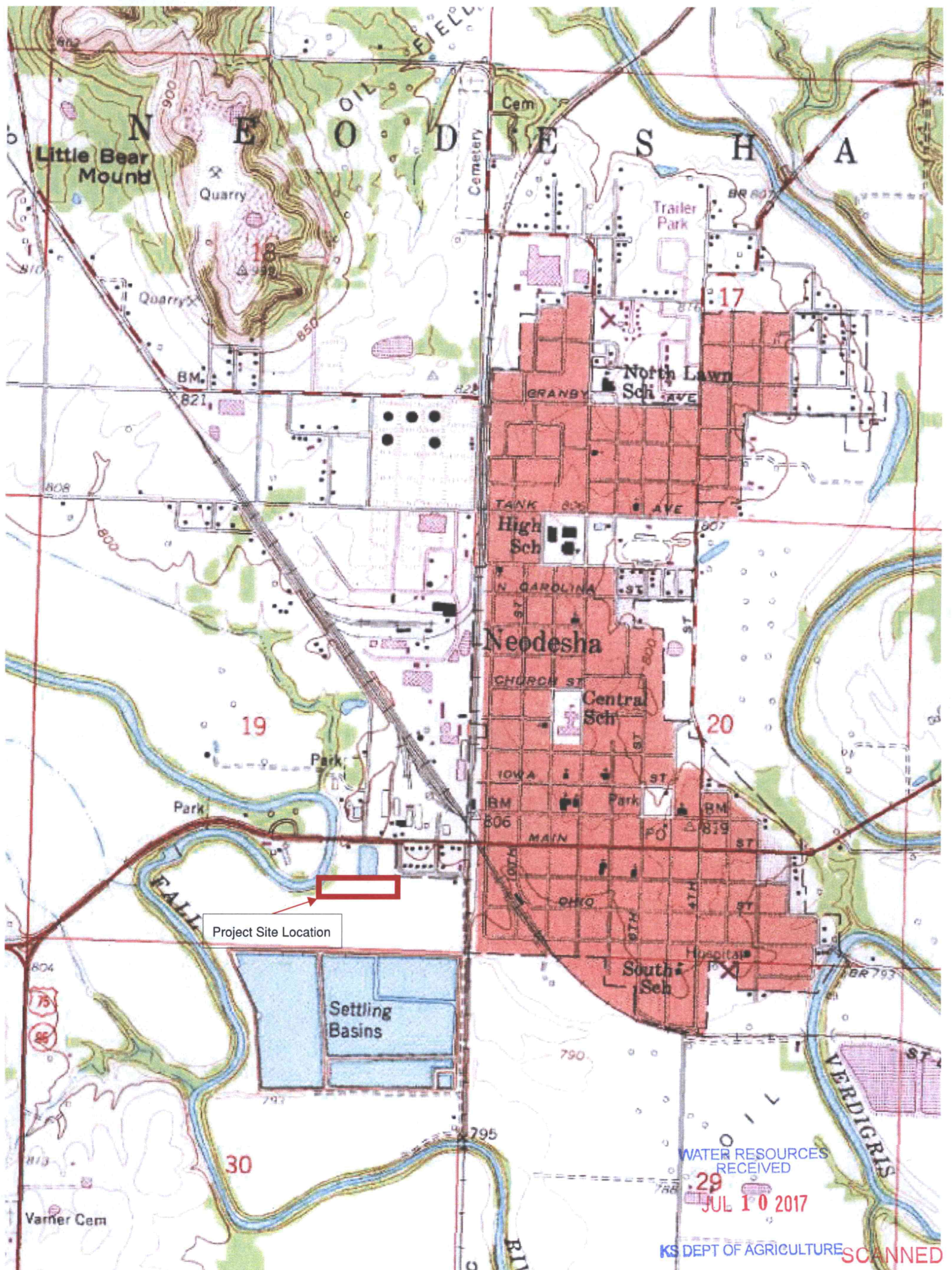
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Tourney".

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

BAT: DLW  
pc: TOPEKA Field Office GMD



Project Site Location

WATER RESOURCES  
RECEIVED

JUL 10 2017

KS DEPT OF AGRICULTURE SCANNED

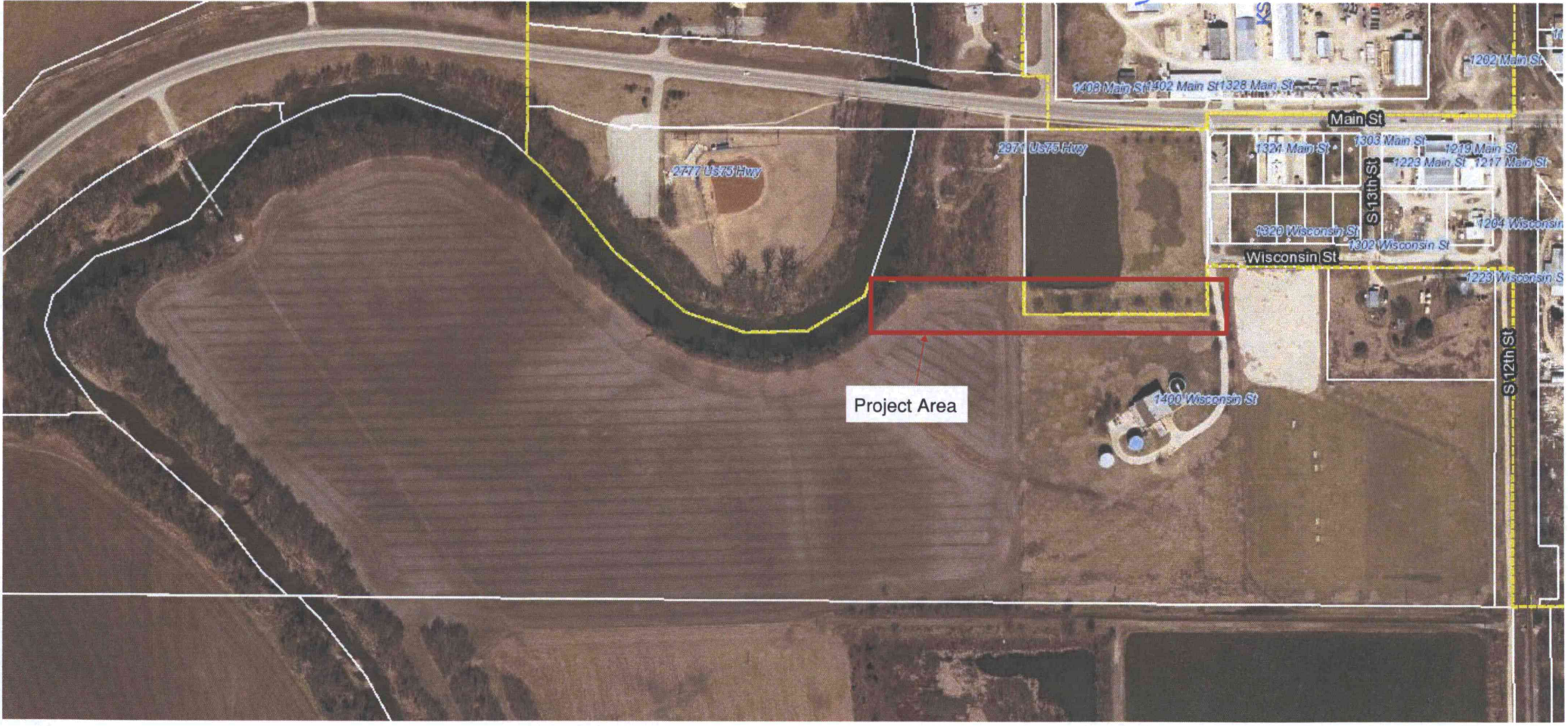
WATER RESOURCES RECEIVED

JUL 10 2017

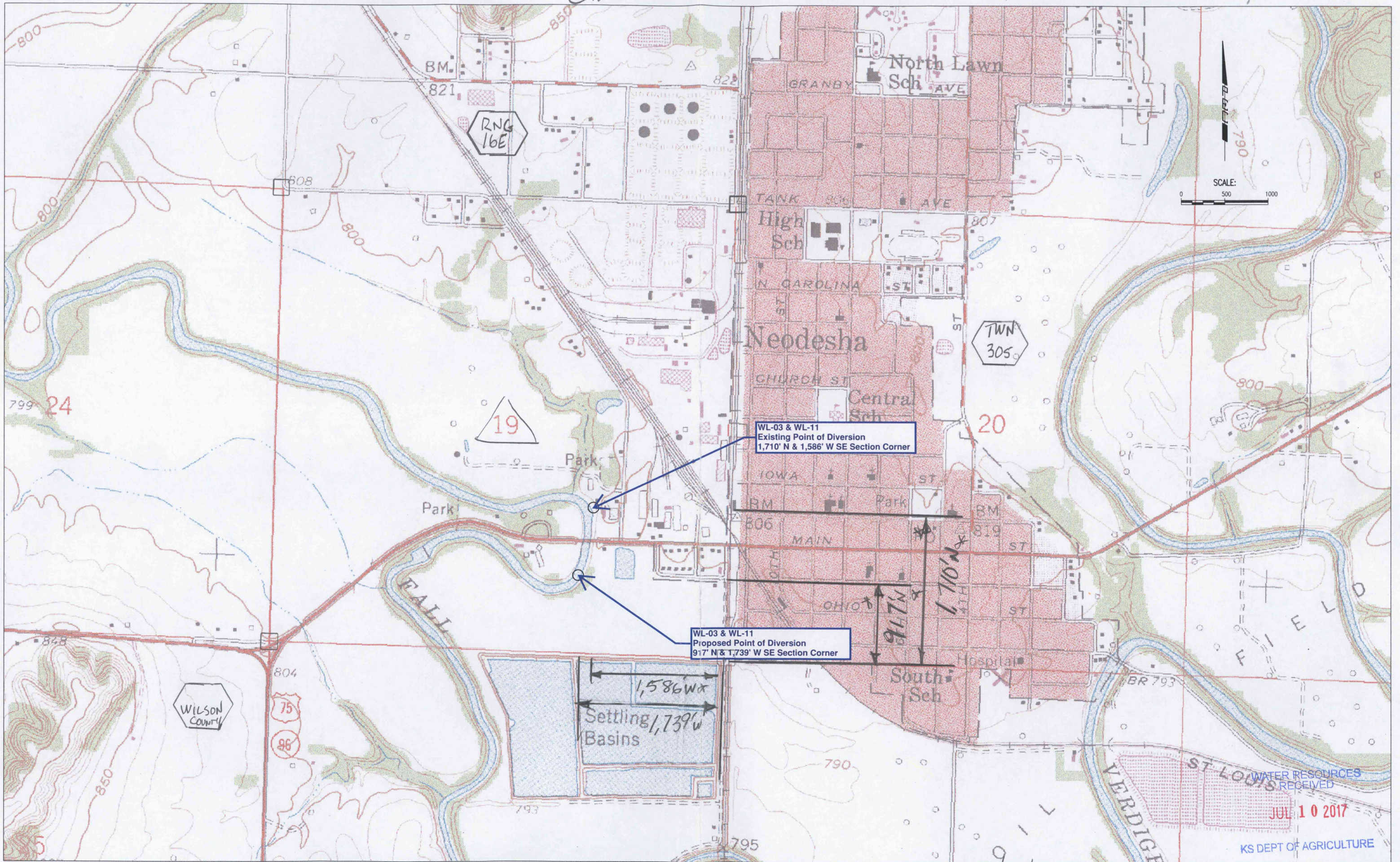
KS DEPT OF AGRICULTURE



SCANNED



CHANGE IN POINT OF DIVERSION FILE NOS WL-003 & WL 011



WL-03 & WL-11  
Existing Point of Diversion  
1,710' N & 1,586' W SE Section Corner

WL-03 & WL-11  
Proposed Point of Diversion  
917' N & 1,739' W SE Section Corner

1,586' W  
Settling Basins  
1,739' W

\* LI/awr 9/15/17

WATER RESOURCES RECEIVED  
JUL 10 2017  
KS DEPT OF AGRICULTURE

SCANNED

2017