

# 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

Water Resources  
Received

AUG 14 2020

KS Dept Of Agriculture

File No. 10042

2. Name of applicant: City of Olathe, Kansas

Address: City of Olathe Public Works, Attn Sabrina Parker, 1385 S. Robinson Drive

City, State and Zip: Olathe, Kansas 66061

Phone Number: (913) 971-9116 E-mail address: sparker2@olatheks.org

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

Name of water use correspondent: \_\_\_\_\_

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

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

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

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

The City is planning to redevelop the physical capacity of the VWF through a vertical well replacement program.

The City is proposing to change from the existing eight (8) vertical wells to the full total of eleven (11) wells which were originally authorized under water right 10042.

The change(s) (was) (will be) completed by \_\_\_\_\_ December 31, 2024  
(Date)

**For Office Use Only:**

F.O. 1 GMD - Meets K.A.R. 5-5-1 (YES/NO) Use MUN Source G / S County JO By KJN Date 8/17/2020  
Code CGT Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 8/14/2020 Check # 232159

8/18/2020  
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: No Changes to Place of Use

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. 42451 42542 44613 44614 45648 45649 45993 45994

Owner of Land — NAME: No Changes to Place of Use

ADDRESS: No Changes to Place of Use

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: No Changes to Place of Use

ADDRESS: No Changes to Place of Use

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. \_\_\_\_\_

Owner of Land — NAME: No Changes to Place of Use

ADDRESS: No Changes to Place of Use

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) (are) Eight (8) vertical wells  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) Eleven (11) vertical wells & one (1) standby well\*  
(Provide description and number of points)

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

8. **Presently authorized point of diversion:**  
 Existing Vertical Well 11  
 One in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 24, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 21 feet North 4880 feet West of Southeast corner of section. Authorized Rate 800 gpm Authorized Quantity 1985.918 MGY  
 (DWR use only: Computer ID No. 6 GPS 5276 feet North 4786 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)**  
 Offset Vertical Well 11  
 One in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 24, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 21 feet North 4860 feet West of Southeast corner of section. Proposed Rate 800 gpm Proposed Quantity 1985.918 MGY **Blanket quantity as certified & 2015 order\***  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None\*

9. **Presently authorized point of diversion:**  
 Existing Vertical Well 3R  
 One in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 24, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 309 feet North 5215 feet West of Southeast corner of section. Authorized Rate 730 gpm Authorized Quantity 1985.918 MGY  
 (DWR use only: Computer ID No. 13 GPS 331 feet North 5125 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)**  
 Offset Vertical Well 3  
 One in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 24, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 309 feet North 5195 feet West of Southeast corner of section. Proposed Rate 600 gpm Proposed Quantity 1985.918 MGY **Blanket quantity as certified & 2015 order\***  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None\*

10. **Presently authorized point of diversion:**  
 Existing Vertical Well 4R  
 One in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 24, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 417 feet North 4705 feet West of Southeast corner of section. Authorized Rate 775 gpm Authorized Quantity 1985.918 MGY  
 (DWR use only: Computer ID No. 14 GPS 418 feet North 4568 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)**  
 Offset Vertical Well 4  
 One in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 24, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 418 feet North 4568 feet West of Southeast corner of section. Proposed Rate 600 gpm Proposed Quantity 1985.918 MGY **Blanket quantity as certified & 2015 order\***  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None\*

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

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 AUG 14 2020

\* LI/DWR

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6. The presently authorized point(s) of diversion (is) (are) Eight (8) vertical wells  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) Eleven (11) vertical wells & one (1) standby well \*  
(Provide description and number of points)

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

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

Existing Vertical Well 5  
 One in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 5020 feet North 5180 feet West of Southeast corner of section.  
 Authorized Rate 1045 gpm Authorized Quantity 1985.918 MGY  
 (DWR use only: Computer ID No. 3 GPS 5003 feet North 5096 feet West)  
 This point will not be changed  This point will be changed as follows:

Offset Vertical Well 5  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 5003 feet North 5096 feet West of Southeast corner of section.  
 Proposed Rate 940 gpm Proposed Quantity 1985.918 MGY **Blanket quantity as certified & 2015 order\***  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None\*

9. **Presently authorized point of diversion:**

Existing Vertical Well 10  
 One in the NC of E/2 Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 4610 feet North 4325 feet West of Southeast corner of section.  
 Authorized Rate 770 gpm Authorized Quantity 1985.918 MGY  
 (DWR use only: Computer ID No. 5 GPS 4577 feet North 4248 feet West)  
 This point will not be changed  This point will be changed as follows:

Offset Vertical Well 10  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NC of E/2 Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 4577 feet North 4248 feet West of Southeast corner of section.  
 Proposed Rate 600 gpm Proposed Quantity 1985.918 MGY **Blanket quantity as certified & 2015 order\***  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None\*

10. **Presently authorized point of diversion:**

Existing Vertical Well 6  
 One in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 5140 feet North 4415 feet West of Southeast corner of section.  
 Authorized Rate 1035 gpm Authorized Quantity 1985.918 MGY  
 (DWR use only: Computer ID No. 4 GPS 5116 feet North 4415 feet West)  
 This point will not be changed  This point will be changed as follows:

Maintain VW6 as Standby Well  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 5116 feet North 4415 feet West of Southeast corner of section.  
 Proposed Rate 1035 gpm Proposed Quantity 1985.918 MGY **Blanket quantity as certified & 2015 order\***  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None\*

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_  
 As new wells are completed, old wells will be plugged and abandoned per KDHE specifications. VW6 will become a standby well

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

\* LI/ DWR

6. The presently authorized point(s) of diversion (is) (are) Eight (8) vertical wells  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) Eleven (11) vertical wells & one (1) standby well \*  
(Provide description and number of points)

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

8. **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 Northeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 25, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 4065 feet North 4575 feet West of Southeast corner of section.  
 Proposed Rate 500 gpm Proposed Quantity 1985.918 MGY **Blanket quantity as certified & 2015 order\***  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point None\*

9. **Presently authorized point of diversion:**  
 One in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 24, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 760 feet North 4385 feet West of Southeast corner of section.  
 Authorized Rate 1005 gpm Authorized Quantity 1985.918 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 Northeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 24, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 760 feet North 4365 feet West of Southeast corner of section.  
 Proposed Rate 400 gpm Proposed Quantity 1985.918 MGY **Blanket quantity as certified & 2015 order\***  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point None\*

10. **Presently authorized point of diversion:**  
 One in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 24, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 1150 feet North 4670 feet West of Southeast corner of section.  
 Authorized Rate 830 gpm Authorized Quantity 1985.918 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 Northwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 24, Township 12 South, Range 22E (E/W), in Johnson County, Kansas, 1150 feet North 4650 feet West of Southeast corner of section.  
 Proposed Rate 400 gpm Proposed Quantity 1985.918 MGY **Blanket quantity as certified & 2015 order\***  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point None\*

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_  
 As new wells are completed, old wells will be plugged and abandoned per KDHE specifications. VV6 will become a standby well

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

**\* LI/DWR**

6. The presently authorized point(s) of diversion (is) (are) Eight (8) vertical wells  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) Eleven (11) vertical wells & one (1) standby well \*  
(Provide description and number of points)

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

New Vertical Well (VW1)

8. **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 Southwest Quarter of the Northwest Quarter of the Northwest Quarter  
 of Section 25, Township 12 South, Range 22E (E/W),  
 in Johnson County, Kansas, 4516 feet North 4995 feet West of Southeast corner of section.  
 Proposed Rate 950 gpm Proposed Quantity 1985.918 MGY **Blanket quantity as certified & 2015 order\***  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None \*

New Vertical Well (VW2)

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 Southwest Quarter of the Northwest Quarter of the Northwest Quarter  
 of Section 25, Township 12 South, Range 22E (E/W),  
 in Johnson County, Kansas, 4683 feet North 4632 feet West of Southeast corner of section.  
 Proposed Rate 800 gpm Proposed Quantity 1985.918 MGY **Blanket quantity as certified & 2015 order\***  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None

New Vertical Well (VW8)

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 Northeast Quarter of the Southwest Quarter of the Southwest Quarter  
 of Section 24, Township 12 South, Range 22E (E/W),  
 in Johnson County, Kansas, 1281 feet North 4113 feet West of Southeast corner of section.  
 Proposed Rate 400 gpm Proposed Quantity 1985.918 MGY **Blanket quantity as certified & 2015 order\***  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None\*

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_  
 As new wells are completed, old wells will be plugged and abandoned per KDHE specifications. VW6 will become a standby well

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

\* LI/ DWR

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12. The presently authorized use of water is for Municipal purposes.  
It is proposed that the use be changed to No Change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
**The rate of diversion will be assigned per point of diversion the authorized quantity will remain as a blanket quantity of 1,985.918 million gallons. As the referenced file was certified for 11 points of diversion as proposed by this change K.A.R. 5-5-16 is not applicable. The proposed standby well will comply with the conditions of K.A.R. 5-1-2 \***

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to No Change (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to No Change 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.

**See Burns & McDonnell letter dated July 29, 2020.**

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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.

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

**\* LI/ DWR**



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 Olathe, Kansas, this 7<sup>th</sup> day of August, 20 20.

Sabrina A. Parker, P.E. (Owner) \_\_\_\_\_ (Spouse)  
(Please Print)

Sabrina A. Parker, P.E. (Please Print) \_\_\_\_\_ (Please Print)

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

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

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

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

State of Kansas }  
County of Johnson } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7 day of August, 20 20.

Linda M Wollschlager  
Notary Public

My Commission Expires January 3, 2023

**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.**



**Legend**

- ◻ Standby Well (After Completion of 6R)
- ▲ Restore Well Site / New Well Site
- Existing Well Site



**BURNS  
MCDONNELL**  
SCANNED

Change Application 10042

Existing and Proposed  
Points of Diversion Map  
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**Legend**

- Standby Well (After Completion of 6R)
- ▲ Restore Well Site / New Well Site
- Existing Well Site



Groundwater Wells  
and Water Rights Within  
One-Half Mile of Existing or  
Proposed Points of Diversion  
(See Attached Address List)

Groundwater Wells Within ½ Mile (see attached map)

1 – CARRIAGE HOUSES OF JOHNSON COUNTY LLC, 12553 WALMER STREET, OVERLAND PARK, KS 66209

2 - DAVID M PENNY TRUST, CARMILETTA J PENNY TRUST, 643 TENNESSEE ST, LAWRENCE, KS 66044

ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
STATE OF KANSAS

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**SCANNED**

**ATTACHMENT 1 - DWR COMMENTARY ON POTENTIAL  
WATER RIGHT MODIFICATIONS TO 10042**

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The odd part of this is that the wells closed out were not nearest to the Collector well, nor were they the most impacted. In fact, a greater understanding among large PWS including Olathe has evolved about how to use interaction by wells local to each other and the stream to basically induce surface water infiltration from the River particularly for Kansas River Water Assurance District members; Olathe is a member of the District and all their files for municipal supply are backed by the KRWAD. Others that do this would include, for example, Manhattan and Junction City, who specifically place wells to increase surface water infiltration.

The City wishes to bring back the three wells they reduced off the water right for pumping flexibility especially in consideration of induced recharge. Since these wells originally carried zero additional rate to the file, it seems that bringing back the three wells for flexibility purposes in pumping the well field shouldn't be a problem, would not allow anything over that which was originally authorized or that which was developed within the perfection period and certified. It seems that from a basic perspective- zero additional is still zero additional so nothing changes. Allowing them to bring the wells back does not allow anything over the actually pumped and certified values. Additionally, our understanding of large PWS systems and induced recharge should probably be considered versus the strict interpretation of "must meet spacing" mentality even to their own wells that apparently existed at the time the collector well was permitted and these conditions were added.

The change unit, Brent Turney, identifies that to meet the regulations, the City can bring the wells back, but the rate is gone so they have no rate and any rate would have to come from reducing the currently assigned maximum rate by well, reassigning the currently authorized 6690 gpm and requiring the rates from each well be physically restrained to the reduced rates. . My understanding is that was traditionally how the DWR operated under the regulations, although I don't know of another case specifically like this one. He identified that they could file for a rate-only application to get another 15%, which would be 1003.5 gpm under a rate only application

Justification to this concern:

It seems the City attempted to comply with what the permit conditions required and now find themselves in a situation that we need to consider because it may not make sense. Rather than file for a rate only app, which actually in my opinion meets K.A.R. 5-4-5 (b) which would allow far greater than 15% all the way up to the original capacity value once the 11 wells are back in place could be filed for since they would be asking to bring them back to what was originally approved for and actually diverted, won't impair, and will not increase consumptive use nor affect public interest. This option just really complicates the pumping matrix in determining which right is being pumped for the purposes of perfection, since an instantaneous accounting year round from SCADA would need to be used to determine when the rate only file would be pumping. Additionally, new applications could be approved on each well since the modeling shows positive recharge interaction between wells with reduced spacing so spacing is approvable and safe yield would be waived due to the KRWAD membership under any well proposed within 1320 feet of the Kansas River.

Decision:

\_\_\_\_\_ The City will be allowed to file an application under File No. 10,042 for change in point of diversion to add the requested three wells back to the water right, assign each the rates of the wells reduced off, with zero additional, and allow the City to regain the flexibility in pumping their well field they need. The overall limitation should remain at 5215 gpm. No waivers are necessary.

\_\_\_\_\_ The City will be allowed to file an application under File No. 10,042 for change in point of diversion to add the requested three wells back to the water right, assign each the rates of the wells reduced off, with zero additional, and allow the City to regain the flexibility in pumping their well field they need. The overall limitation should remain at 5215 gpm. Prepare a waiver of the regulation and I will sign it based on the unique circumstances of this case as compared to all other cases.

\_\_\_\_\_ Allow the City to file the change application in PD under Water Right, File No. 10.042 that allows only to add back wells (up to three) by assigning only the currently authorized 6690 gpm with the overall limitation of 5215 gpm remaining to each well. Allow the City to file a rate only application for

the rate of diversion they want over and above the 6690 gpm and the 5215 gpm limitation. This may only be up to 15% or 1003.5 gpm. Require the City by Permit Condition to submit annually the data showing the rate of each well on every minute of the year to determine which file is being pumped.

Allow the City to file the change application in PD under Water Right, File No. 10.042 that allows only to add back wells (up to three) by assigning only the currently authorized 6690 gpm with the overall limitation of 5215 gpm remaining to each well. Allow the City to file a rate only application for the rate of diversion they want over and above the 6690 gpm and the 5215 gpm limitation. This may be any value up to 15% or in excess of 15%. Require the City by Permit Condition to submit annually the data showing the rate of each well on every minute of the year to determine which file is being pumped.

David W. Barfield, P.E.  
Chief Engineer

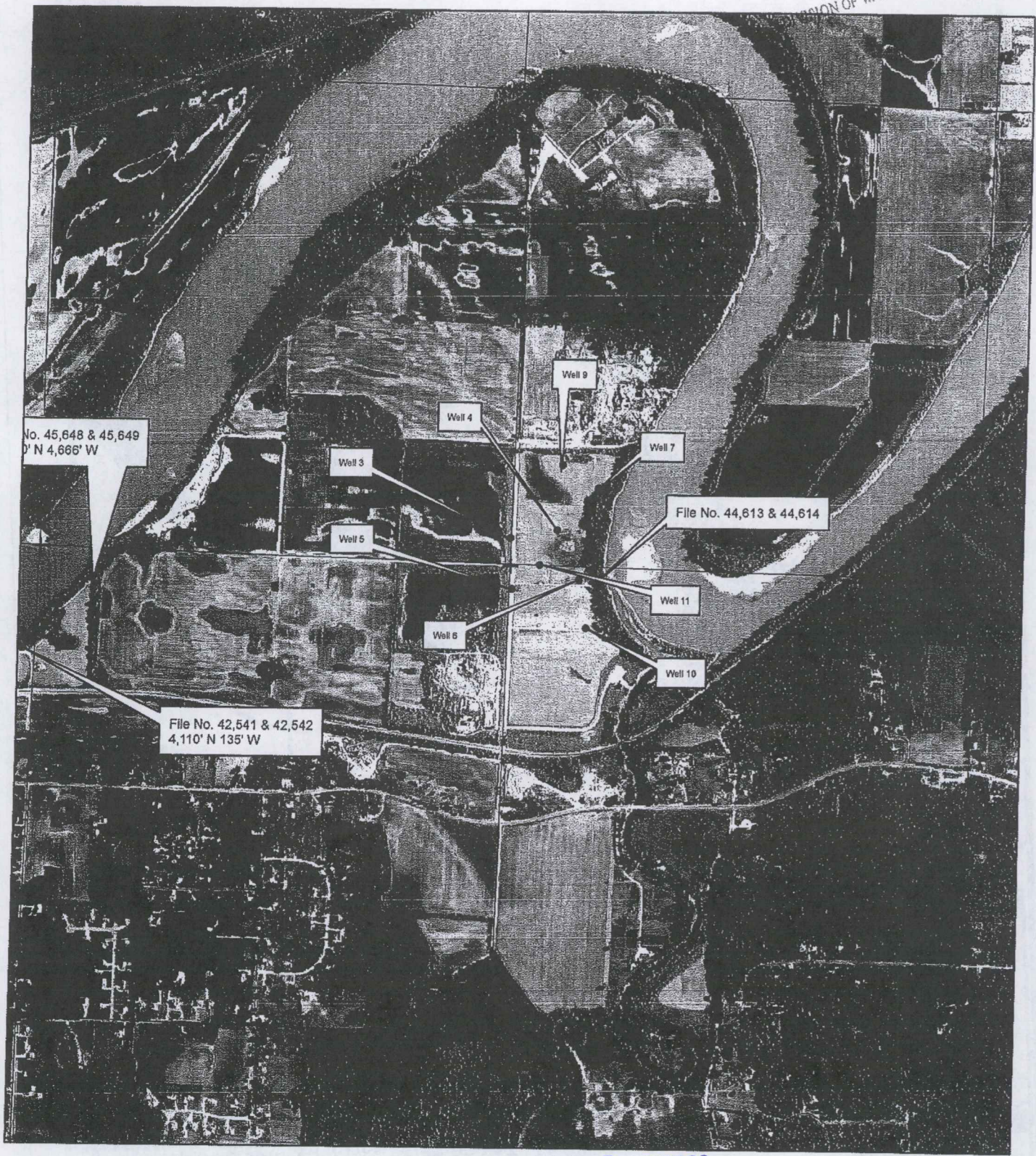
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City of Olathe

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KS Dept Of Agriculture

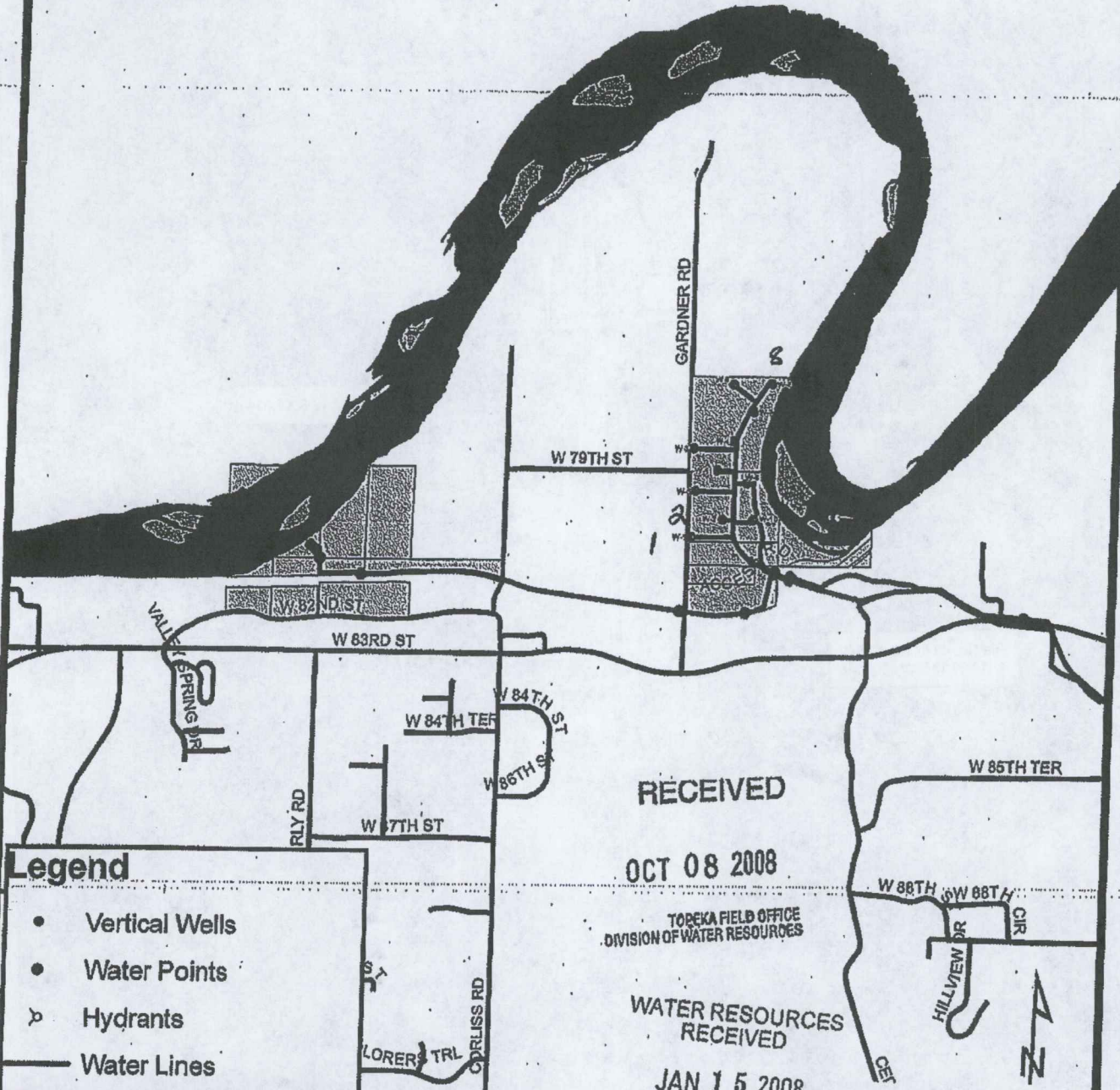
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# Site Map for The City of Olathe Collector Well Field

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**Legend**

- Vertical Wells
- Water Points
- ⤵ Hydrants
- Water Lines
- ▨ Olathe Wellfield Property
- JoCo Streets

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Scale = 1 : 24,000  
KS DEPT OF AGRICULTURE  
10 HWY

**DISCLAIMER**  
The City of Olathe makes no representations of any kind, including but not limited to warranties of merchantability or fitness for any particular purpose or use, nor are any such warranties to be implied with respect to the info, data, or service furnished herein.

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August 4, 2020

Chris Beightel, P.E.  
Chief Engineer  
Kansas Dept. of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: City of Olathe Change Application 10042

Mr. Beightel,

Please find the enclosed payment and application to change the point of diversion for water right number 10042. A detailed explanation of the requested changes has been included with the application.

If you have any questions, please feel free to contact me by email at [SParker@OlatheKS.org](mailto:SParker@OlatheKS.org) or by phone at (913) 971-9116.

Sincerely,

Sabrina Parker, P.E.  
Water & Sewer Manager  
City of Olathe, KS

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AUG 14 2020  
KS DEPT AGRICULTURE



July 29, 2020

Chris Beightel, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: City of Olathe Change Application 10042

Dear Mr. Beightel:

The City of Olathe, Kansas (City) obtains raw water supply from four horizontal collector wells and a vertical wellfield (VWF) located along the Kansas River. The eight (8) existing vertical wells in the VWF are authorized by water right number 10042. Water right number 10042 originally authorized eleven (11) vertical wells until the year 2008 when the City voluntarily requested the removal of three vertical wells (VW1, VW2, and VW8). In an order dated October 6, 2008 the Division of Water Resources (DWR) removed VW1, VW2, and VW8 as authorized points of diversion from Water Right 10042 at the request of the City. Vertical wells VW1, VW2, and VW8 were subsequently plugged and abandoned as part of a phased well closeout plan at the time.

The City is currently planning to redevelop the physical capacity of the VWF by implementing a phased wellfield improvement plan which will involve construction of wells at new locations and offset wells near existing well sites. Previous communication with DWR indicates that DWR will allow the City to restore 10042 to include up to eleven (11) points of diversion (Attachment 1). The phased wellfield improvement plan anticipates restoration of the number of active wells to the eleven (11) originally granted by water right 10042.

Enclosed for your consideration is a change in point of diversion application which reflects the anticipated wellfield improvements as outlined below and in Table 1:

- The application proposes a new well site VW6R located near the southeastern portion of the VWF property.
- The application proposes to re-establish wells near the previous locations of VW1, VW2, and VW8.
- The application proposes re-drilling or offset wells near the existing locations of VW10, VW5, VW11, VW7, VW9, VW3R, and VW4R
- The application proposes to convert existing VW6 into a standby well
- The application includes a proposed re-distribution of the total authorized rate of 6,990 gallons per minute (GPM) to the proposed points of diversion to improve the alignment of individual well authorized pumping rates with anticipated well capacity.
- There is no proposed modification to the bulk rate limitation (5,215 GPM) or the bulk quantity limitation (2,570.907 Million Gallons per Year) for water right 10042.

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Chief Engineer  
 Kansas Department of Agriculture  
 July 29, 2020  
 Page 2

Table 1 – Change in Point of Diversion Application Summary

Replacement Sequence	Project Phase	Well Site	Proposed Point of Diversion Change	Existing Rate (GPM)	Proposed Rate (GPM)
1	1	VW1	New Vertical Well	N/A	950
2		VW2	New Vertical Well	N/A	800
3		VW10	Offset Well	770	600
4		VW6R	New Vertical Well	N/A	500
5		VW5	Offset Well	1045	940
6	Future	VW11	Offset Well	800	800
7		VW7	Offset Well	1005	400
8		VW8	New Vertical Well	N/A	400
9		VW3R	Offset Well	730	600
10		VW4R	Offset Well	775	600
11		VW9	Offset Well	830	400
12		VW6	Change to Standby	1035	Standby Well
Totals				6990	6990

The City currently anticipates drilling and completion of new well sites in project phases over multiple years. Phase 1 of the project is projected to be completed by the end of year 2021. The construction of remaining wells sites in future phases may not occur within the typical timeline allotted for completion of diversion works associated with simple change applications. Due to the phased nature of the project, the City is requesting an extended time for completion of diversion works through December 31, 2024. If the change applications are approved, the City will maintain communication with DWR throughout the progress of the wellfield improvements project to ensure DWR has up to date records on number of wells, well locations, and water meter installations.

Should you have any questions regarding the VWF improvement project or the enclosed change in point of diversion application please feel free to contact me directly.

Sincerely,



Daniel Clement, P.G.  
 Senior Hydrogeologist  
 DWC/dwc

Enclosure – 10042 Change in Point of Diversion Application  
 Attachment 1 – DWR commentary on potential water right modifications to 10042  
 cc: Nicole Woods, Project Manager, City of Olathe, Public Works  
 Sabrina Parker, P.E., City of Olathe, Public Works



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

August 20, 2020

CITY OF OLATHE KANSAS  
1385 S ROBINSON DRIVE  
OLATHE KS 66061

RE: File No(s). **10042**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle Krueger  
Change Unit Lead  
Water Appropriation Program

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

August 20, 2020

CITY OF OLATHE KANSAS  
1385 S ROBINSON DRIVE  
OLATHE KS 66061

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Sincerely,

Richelle Krueger  
Change Unit Lead  
Water Appropriation Program

Discussion 4/12/16- David Barfield, Lane Letourneau, Brent Turney, Katie Tietsort

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DIVISION OF WATER RESOURCES  
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OLATHE PROPOSAL

1. File No. 10,042 is currently authorized 8 wells with a total diversion rate of 6,690 gpm, limited to a rate not to exceed 5,215 gpm when operated simultaneously, with a blanket quantity of 1,985.918 million gallons.

In order to add back the 3 wells under File No. 10,042, each of the new wells must be assigned a portion of the total 6,690 gpm. For this discussion, let's say they assign each of the 3 new wells 100 gpm. The original 8 wells must be reduced by a total of 300 gallons per minute. The right will still be limited in rate to 5,215 gpm and there will be no change in the quantity of water for the entire right.

2. File 3 new applications to appropriate water for additional rate and potentially additional quantity if desired. Each well could propose 1,000 gpm and 200 million gallons. Because the new applications will be located in the Kansas River Water Assurance District, I feel that the applications should not be restrained to only 15% additional rate of diversion.

In order to maintain the status quo of the existing well field, the applications would each be authorized 1,000 gpm and 200 million gallons with the following limitations. No additional quantity.

Application No. 1:

Limit to 5,215 gpm and 1,985.918 million gallons when combined with File No. 10,042.

Perfection: quantity in max year at rate perfected, limited to 1,985.918 million gallons when combined with File No. 10,042. No rate limit.

Application No. 2:

Limit to 5,215 gpm and 1,985.918 million gallons when combined with File No. 10,042 and Application No. 1.

Perfection: quantity in max year at rate perfected, limited to 1,985.918 million gallons when combined with File No. 10,042. No rate limit.

Application No. 3:

Limit to 5,215 gpm and 1,985.918 million gallons when combined with File No. 10,042, Application No. 1 and Application No. 2.

Perfection: quantity in max year at rate perfected, limited to 1,985.918 million gallons when combined with File No. 10,042. No rate limit.

I don't feel that additional limitations will be necessary since the above limitations give them no net additional quantity, but if it is felt that it needed each new application would be limited to the city's total of 9,524.773 mgy when combined with all early rights owned by the city.

Well-field design is reduced spacing.

Water Resources  
Received

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