

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: PU WORKSHEET**

1. File Number: <b>40079</b>	2. Status Change Date: <b>3/8/2022</b>	3. Change Num: <b>C1</b>	4. Field Office: <del>02</del> <sup>1</sup>	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>7/26/2021</b>
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/>
<b>KANSAS DEPT OF WILDLIFE PARKS &amp; TOURISM MONTE MANBECK MANAGER NOWA 512 SE 25TH AVE PRATT, KS 67124</b>				
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID <b>40450</b> Add Seq# <b>1</b>		8d. WUC New to system <input type="checkbox"/>
<b>KANSAS DEPT OF WILDLIFE PARKS &amp; TOURISM Attn: JAMES SCHNEIDER (TOP STAGE LEVELS) 512 SE 25TH AVE PRATT, KS 67124</b>				<b>KANSAS DEPT OF WILDLIFE PARKS &amp; TOURISM Attn: JAMES SCHNEIDER (TOP ACTIVE DIVERSIONS) 512 SE 25TH AVE PRATT, KS 67124</b>
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/22</b> <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>2/3/2022</b> By: <b>li</b> Date Entered: <b>3/16/2022</b> By: _____ <div style="display: flex; justify-content: center; gap: 100px;"> <div style="border: 1px solid red; padding: 2px;"><b>2/28/2022</b> Lireland</div> <div style="border: 1px solid blue; padding: 2px;"><b>3/16/2022</b> LMoody</div> </div>				

File No. **40079**      11. County: **NO**      Basin: **NEOSHO RIVER**      Stream: **NEOSHO RIVER (NEOSHO RIVER)**      Formation Code: **NA**      Special Use: **NA**

12. Points of Diversion  
 CHK  
 MOD  
 DEL PDIV  
 ENT  
 Qualifier      S      T      R      ID      'N      'W      Comment (AKA Line)      Rate gpm      Quantity af      Rate gpm      Quantity af      Overlap PD Files

**NO CHANGE**

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) **NONE**      **NO CHANGE**  
 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 CHK 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>MOD</b>	<b>15896</b>	<b>20</b>	<b>30</b>	<b>21E</b>	<b>1</b>																				

Base Acres:      Year:      Minimum Reasonable Quantity:  
 Comments:

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

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

**TO:** Files

**DATE:** February 8, 2022

**FROM:** Leslie Ireland

**RE:** Water Right, File No. 40,079

Monte Manbeck, Manager NOWA, State of Kansas Department of Wildlife and Tourism submitted the proposed change in place of use for recreational use associated with waterfowl hunting. The application was submitted August 27, 2018 and was considered to be waiting on new applications, but this appears to be an error in a letter submitted with the application for change. This use is located in the Neosho River, Neosho River basin, Neosho County.

The referenced right appears to not be abandoned as per K.S.A. 82a-718, and in compliance with K.S.A. 82a-732. Notification as required by K.S.A. 82a-1906 were completed on December 4, 2020, without any reply comments. The application appears to comply with K.A.R. 5-5-2(a), *Complete application for change*. The ORKA database showed the ownership to be slightly larger than the proposed marsh. The ownership boundary was added to the application map.

The recreational use was certified for a pumpsite located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 20, more particularly described as being near a point 3,446 feet North and 3,087 feet West of the Southeast corner of said section, in Township 30 South, Range 21 East, Neosho County, Kansas, at a diversion rate not in excess of 5,310 gallons per minute (11.8 c.f.s.) and a quantity not to exceed million gallons (160 acre-feet) of water per calendar year to fill waterfowl marshes (consisting of several pools in the area identified as the South Unit of Neosho Wildlife Area (NOWA) and located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) and the East Half (E $\frac{1}{2}$ ) of Section 20, Township 30 South, Range 21 East, Neosho County, Kansas. The WRIS database identifies it as NOWA South Unit 5 Pools, and a place of use of Waterfowl Marsh (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) & (E $\frac{1}{2}$ ). The marsh is permitted to flood 80 acres. It appears the owners did not claim any seepage with the original permit.

This 2001 certified right over the past ten years, when diverting has occurred, an average of 53 acre-feet for the four years of credible diversions occurred. The file is subject to the conditions of minimal desirable stream flow and not stopping the stream flow below the first riffle, but gauge restricted and seasonal dates for diversion have been removed by order dated August 2016.

The change will add small portions of marsh in the Northeast Quarter of the South Half of the Northeast Quarter (NE $\frac{1}{4}$  S $\frac{1}{2}$  NE $\frac{1}{4}$ ) approximately 6.7 acres and in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) around the pumpsite approximately 9 acres, with a minor correction in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ), approximately 1 acre. In total the changes increase the place of use by approximately 17 acres, about a twenty percent (20%) increase in the marsh footprint to 97 acres. A review of the Official Survey Maps found no lot descriptors in the areas.

The small portions being added and that the water will remain in the marsh would demonstrate the application complies with K.A.R. 5- 6-10 *Authorized place of use for stored surface water*. The historical use of very little quantity in an area where evaporative loss is not considered an accountable beneficial use (East of the evaporative loss 18- inch line) and where a large percentage of the use appears to be non-consumptive seepage or deep percolation with return to the Neosho River basin, the increase of the footprint of the marsh should not result in a substantial increase in consumptive use and it would appear the application complies with K.A.R. 5-5-3, *Change in consumptive use*.

The description of the place of use under the referenced file will be changed to that as shown in the map accompanying the application and updated to show the standard listing of the description described as being a:

waterfowl marshes (in the area identified as the South Unit of Neosho Wildlife Area by the Kansas Department of Wildlife & Parks) located in the South Half of the Northeast Quarter (S $\frac{1}{2}$  NE $\frac{1}{4}$ ) and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ), the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ), and the North Half of the Southeast Quarter (N $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 20, Township 30 South, Range 21 East, Neosho County, Kansas.

A meter and check valve will continue to be required.

The proposed change in place of use was reviewed by Katie Tietsort Water Commissioner, Topeka Field Office. She has no objection to the change per her email dated February 7, 2022.

Based on the above discussion it is recommended that the referenced application be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

**From:** Tietsort, Katie [KDA]  
**Sent:** Mon 2/7/2022 8:28 AM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: File No. 40079, Change in PU, Review & Recommendation

Hello Leslie,

Yes, move this forward, wow how did that happen? File 50169 was filed on 11/20/18 and approved 3/11/2019 so this was literally ready to go years ago!

It looks like you may have missed the area located in the NE NE of the SW in your memo. Just make sure that's in the memo and Approval.

Thanks!

## Katie Tietsort

Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Friday, February 4, 2022 4:12 PM  
**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Subject:** File No. 40079, Change in PU, Review & Recommendation

Katie,

Please let me know if you would recommend this very old change in PU for KTWPT.  
As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

## **APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT FILE NO. 40,079**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Monte Manbeck, Manager, Neosho Wildlife Area, State of Kansas Department of Wildlife and Tourism, 512 25<sup>th</sup> Avenue, Pratt, Kansas 67124, received in this office on August 27, 2018, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Findings and Order of the Chief Engineer dated August 12, 2016, in the matter of the permit conditions, and by the Findings and Order of the Chief Engineer dated July 18, 2018, in the matter of the protection of releases of stored water, finds that the change is reasonable and will not impair existing rights, 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 place of use shall be:

waterfowl marshes (in the area identified as the South Unit of Neosho Wildlife Area by the Kansas Department of Wildlife & Parks) located in the South Half of the Northeast Quarter (S $\frac{1}{2}$  NE $\frac{1}{4}$ ) and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ), the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) and the North Half of the Southeast Quarter (N $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 20, Township 30 South, Range 21 East, Neosho County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use.

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.

The water right owner shall properly install acceptable water meters 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 meters has been completed. The water right owner shall maintain the water meters 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 meters 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.



In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 40,079, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 26, 2001, as modified and amended by the aforementioned orders.

Ordered this 8 day of March, 2022, in Manhattan, Riley County, Kansas.

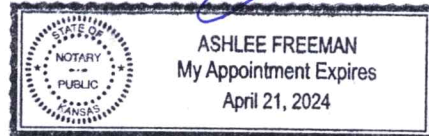
*Lane P. Letourneau*

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

State of Kansas )  
                          )       SS  
County of Riley    )

The foregoing instrument was acknowledged before me this 8 day of March, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Ashlee Freeman*  
\_\_\_\_\_  
Notary Public



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

March 18, 2022

KANSAS DEPT OF WILDLIFE PARKS & TOURISM  
MONTE MANBECK MANAGER NOWA  
512 SE 25TH AVE  
PRATT, KS 67124

RE: Water Right, File No. 40,079

Dear Mr. Manbeck:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is the requirement that an acceptable water flowmeter be installed.

Since this order modifies the original document referred to above, it should be recorded as other instruments affecting real estate at the county Register of Deeds in which the authorized point of diversion is located.

If you have any questions regarding the enclosed document, please our office at 785-564-6640. Inquiries about the metering should be made to our staff at the Topeka Field Office, 785-564-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Information is also available on our web site at <http://agriculture.ks.gov>.

Sincerely,

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:LI

Enclosures

pc: Topeka Field Office



**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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

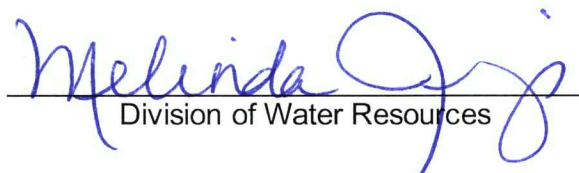
**CERTIFICATE OF SERVICE**

On this 18 day of March, 2022, I hereby certify that the foregoing Approval of Application for Change in Place of Use under Water Right, File No. 40,079, dated 8 March, 2022 was mailed postage prepaid, first class, US mail to the following:

KANSAS DEPT OF WILDLIFE PARKS & TOURISM  
MONTE MANBECK MANAGER NOWA  
512 SE 25TH AVE  
PRATT, KS 67124

With photocopies to:

Topeka Field Office

  
Division of Water Resources