

File No. **17609** 11. County: LY Basin: **NEOSHO RIVER 34** Stream: **NEOSHO RIVER 34** 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		Overlap PD Files
										Rate gpm	Quantity af	Rate gpm	Quantity af	
DEL	51860	SE NW NW	28	20	14E	1	4290	4540		8400	172	245	172	NONE
ENT	85691	NE SW NE	4	20	13E		3725	1595		8400	172	245	172	NONE

Note PD will change county will from Coffey Co to Lyon Co.

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

14. Limitation: _____ af/yr at **8400GPM** gpm (**18.7** cfs) when combined with file number(s) **COM/W 17601 & 17606**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

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

16. Place of Use											NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD DEL ENT	PUSE	S	T	R	ID	NE ¼		NW ¼		SW ¼		SE ¼		NE ¼		NW ¼		SW ¼		SE ¼										
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼									
DEL	12429	28	20	14E	1	GOOSE BEND MARSH- COFFEY CO																				8A	NO	38276		
ENT	21246	3	20	13E	1	BURGESS MARSH LOCATED IN PARTS OF 3 20 13E LYON CO.																				8A	NO	38278 & 38279		

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 14, 2016

FROM: Leslie Ireland

RE: Water Right, File No. 17,609

Megan Estep on behalf of Flint Hills National Wildlife Refuge, with the US Department of the Interior as the owner of record, filed an application for approval to change the point of diversion and place of use authorized for recreational use for the diversion of surface water used to fill and maintaining a marsh. The application for change was received in the Office of the Chief Engineer on January 11, 2016.

The right is in compliance with K.S.A. 82a-718 and K.S.A. 82a-732. The application complies with K.A.R. 5-5-2a and notification, as required by SB 337. The notification of upstream landowners was completed as this is where the point of diversion proposes to move. The downstream area is the John Redmond Reservoir, which is a large body of water before any land owners other than the reservoir owned and operated by the Department of the Interior, so downstream landowners were not contacted as they are over a half mile away as required by SB 337. The requested change is due to the failing structure at the pumpsite and the management of the water levels at the reservoir that have always impacted these lowland marshes at the reservoir inlet.

The referenced file authorizes 172 acre-feet at 8,400 gallons per minute from one(1) pumpsite located on the North Side of the Neosho River, Neosho River Basin. The rate is limited to 8,400 gallons per minute when combined with File Nos. 17,601 & 17,606. The Goose Bend Marsh is located in Section 28, Township 20 South, Range 14 East, Coffey County. The authorized place of use is approximately 4 pools of with dikes of approximately 2 to 3 feet in height in 1987. At that time Goode Bend Marsh authorized 228 surface acres to be flooded by the referenced file. Water Right, File No. 38,276, is permitted 200 acre-feet for the natural flows of the Neosho River will remain behind as the area will occasionally be submerged. The marsh had a capacity of 200 acre-feet when permitted, but located at the inlet area of John Redmond Reservoir silting may have occurred since permitting in 1980s and the marsh capacity reduced.

The requested change is to move File No. 17,609, approximately 7 miles upstream, Northwest, along the Neosho River to a pumpsite described as being located in the in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 3,725 feet North and 1,595 feet West of the Southeast corner of said section, in Township 20 South Range 13 East, Lyon County, Kansas. The WRIS database indicates that the File No. 38,278 historically authorized a pumpsite in this area classified as the Neosho River, and may be the old pumpsite. There are several small streams along the Neosho River between the authorized and proposed pumpsite. No determination was made if these are contributing or receiving streams of the Neosho River. The right to divert will move upstream of several files, but all of these rights are owned by the applicant. It appears the proposed location will not alter the local source of supply as the right will remain flows of the Neosho River. It would appear the junior rights will not experience any impairment in this federally managed wildlife area.

The proposed place of use is the Burgess Marsh, located in Section 3, Township 20, Range 13 East, Lyon County. This marsh is shown in the WRIS database to be authorized 206 acre-feet at a limited 6,050 gallons per minute under File No. 38,278 and natural flows authorized a limited 300 acre-feet under File No. 38,279, limited to 300 acre-feet with File No. 38,278. The limitation of 38,279 will not be modified as it is for the storage portion of the marsh capturing the natural flows and its construction is the limiting factor. The proposed and authorized marsh are authorized by File Nos. 43,589, 46,249-A and 48,666, as well as other marshes within the Flint Hills National Wildlife Refuge. The incomplete overlap with the three junior rights will not change and the additional limitations will not need to be modified.

The proposed Burgess Marsh has approximately 250 surface acres and an initial dike height of 5 feet and was authorized a capacity of 300 acre-feet. The application did not indicate the place of use would be modified from its existing configuration. The 172 acre-feet authorized to be pumped by the referenced file and the 206 acre-feet authorized to be pumped by File No. 38,278, would authorize a combined total of 378 acre-feet. This quantity does not appear to be unreasonable as the Summary Memo, 9/10/2014 of Douglas Schemm, Environmental Scientist, DWR Topeka Field Office, File No. 48,666, indicates a minimum seepage of an acre-foot per acre of marsh and seepage losses could exceed 1 acre-foot per acre for this area of the state. No additional limitation will be added to File No. 38,278, as seepage is not considered to be consumptive, and the change complies with K.A.R. 5-5-3, *Consumptive use*.

It would appear that the 172 acre feet authorized by the referenced file will not be excessive for the filling and maintaining of the Burgess Marsh and the additional limitations on File Nos. 43,589, 46,249-A and 48,666, will not need to be modified. It appears the change in place of use complies with K.A.R. 5-5-8, *Standards for approval of an application for a change in the place of use and a change in the use made of water*.

The water use correspondent will remain the sequenced with the person ID of 18302-5. The transmittal letter will remind the applicant that the annual reporting of water use is required by the March 1 deadline and may now be completed on line.

The proposed change meets the requirements of the rules and regulations, Katie Tietsort, Water Commissioner of the Topeka Field Office was contacted for a comment. In an e-mail dated October 11, 2016, she recommended approval.

A condition of the approval will be the requirement of a flow meter pursuant to K.S.A. 82a-706c. A check valve will be required if the system will include and chemicals and considered "chemigation". A notice of completion of the diversion works will be required prior to the diversion of water. Due to the time of year and the government timeline, the completion of the diversion works will be 2017.

Based on the above discussion, that the change is reasonable, consumptive use will not increase impairment of existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.



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

October 20, 2016

US DEPT OF INTERIOR
MEGAN A. ESTEP CHIEF WATER RESOURCES DIVISION
PO BOX 25486
DENVER CO 80225

FILE COPY

RE: Water Right, File No. 17,609

Dear Ms. Estep:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above 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 approvals is that a water flowmeter meeting 5-1-4 through 5-1-12 must be installed on the diversion works. Please return the *Notification of the Completion of the Diversion Works* for the installation of the meter prior to the diversion of water for recreational use.

Since this order modifies the original certificate of appropriation, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that reports of water usage must be submitted to this office annually. We have implemented online water use reporting at www.kswaterusereport.org for the required reporting of records indicating the amount of water used. The annual water use report shall be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, regarding the enclosed approval documents please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. Should you have questions regarding the meter requirements please contact the Topeka Field Office at (785) 296-5733. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT:LI:li
Enclosures
pc: Topeka Field Office

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
AND POINT OF DIVERSION
WATER RIGHT
FILE NO. 17,609**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Megan A. Estep, Chief, Water Resources Division on behalf of the United States Department of Interior, Fish and Wildlife Service, PO Box 25486 Denver Federal Center, Mailstop 60189, Denver, Colorado 80225, received in this office on January 11, 2016, for approval of a change in the place of use and point of diversion, under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, 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 place of use shall be:

wildlife marshes, further identified as the Burgess Marsh, located in parts of Section 3, in Township 20 South, Range 13 East, Lyon County, Kansas,

and the authorized point of diversion shall be:

one(1) pumpsite located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 3,725 feet North and 1,595 feet West of the Southeast corner of said section, in Township 20 South, Range 13 East, Lyon County, Kansas,

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

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.

Installation of the works for diversion of water shall be completed on or before December 31, 2017, 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.

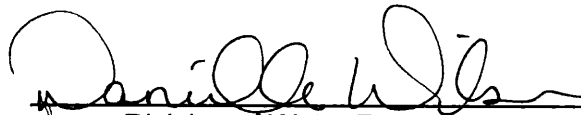
CERTIFICATE OF SERVICE

On this *20th* day of *October*, 2016, I hereby certify that the attached Approval of Application for Change In Place of Use and Point of Diversion under Water Right, File No. 17,609; dated *October 20, 2016*, was mailed postage prepaid, first class, US mail to the following:

US Department of Interior, Fish and Wildlife Service
Megan A. Estep, Chief, Water Resources Division
PO Box 25486 Denver Federal Center Mailstop 60189
Denver, CO 80225

With photocopies sent to:

Topeka Field Office


Division of Water Resources

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

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



State of Kansas

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

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

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

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

**WATER RESOURCES
RECEIVED**

JAN 11 2016

**12:36
KS DEPT OF AGRICULTURE**

File No. 17,609

2. Name of applicant: U.S. Department of the Interior, Fish and Wildlife Service

Address: P.O. Box 25486, Denver Federal Center, Mailstop 60189

City, State and Zip: Denver, Colorado 80225

Phone Number: (303) 236-5322 E-mail address: meg_estep@fws.gov

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

Name of water use correspondent: U.S. Department of the Interior, Fish and Wildlife Service

Address: P.O. Box 25486, Denver Federal Center, Mailstop 60189

City, State and Zip: Denver, Colorado 80225

Phone Number: (303) 236-5322 E-mail address: meg_estep@fws.gov

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

Reservoir is being held at higher elevations and does not allow the Service to repair levees and water control

structures associated with Goose Bend Marsh. The Service will not secure funds to rehabilitate the failing structures

and do not expect the U.S. Army Corp of Engineers to alter water management of John Redmond Reservoir.

The change(s) (was) (will be) completed by March 2016

(Date)

For Office Use Only:

F.O. GMD Meets K.A.R. 5-5-1 (YES / NO) Use REC Source G (\$) County CF By AJW Date 1/11/16
Code 6-2 Fee \$ 400 TR # 16023723 Receipt Date 1/11/16 Check # 1541

4. The presently authorized place of use is:

Owner of Land — NAME: U.S. Department of the Interior, Fish and Wildlife Service

ADDRESS: P.O. Box 25486, Denver Federal Center, Mailstop 60189, Denver, Colorado 80225

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	
28	20	14E	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Recreational use in			Goose Bend Marsh located in parts of Section 28, Township 20 South, Range 14 East, Coffey County, Kansas																

List any other water rights that cover this place of use. 43589, 46249-A and 48666 NOT THESE - 36-20-14E

Owner of Land — NAME: _____

ADDRESS: FLINT HILLS NATIONAL WILDLIFE REFUGE
FILE NO. 38276

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	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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: U.S. Department of the Interior, Fish and Wildlife Service

ADDRESS: P.O. Box 25486, Denver Federal Center, Mailstop 60189, Denver, Colorado 80225

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	
3	20	13E	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Recreational use in			Burgess Marsh located in parts of Section 3, Township 20 South, Range 13 East, Lyon County, Kansas																

List any other water rights that cover this place of use. 38278, 38279, 43589, 46249-A and 48666

Owner of Land — NAME: _____

ADDRESS: A. 36-20-14E (INCOMPLETE OVERLAP)

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	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			WATER RESOURCES RECEIVED																
			JAN 11 2016																

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

KS DEPT OF AGRICULTURE

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) SENWNW Section 28, Township 20 South, Range 14 East
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) NESWNE Section 4, Township 20 South, Range 13 East
(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 NW Quarter of the NE Quarter of Section 28, Township 20 South, Range 13 14* (E/W), in Coffey County, Kansas, 4290 feet North 4540 feet West of Southeast corner of section. Authorized Rate 8400 GPM Authorized Quantity 172 AF
 (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 NE Quarter of the SW Quarter of the NE Quarter of Section 04, Township 20 South, Range 13 (E/W), in Lyon County, Kansas, 3725 feet North 1595 feet West of Southeast corner of section. Proposed Rate 8400 GPM Proposed Quantity 172 AF
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

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

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. Levees and water control structures are failing due to John Redmond Reservoir water level management and the Service is unable to repair

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

ALI/DWR FILED FOR FUTURE

WATER RESOURCES RECEIVED

SCANNED JAN 11 2016

12. The presently authorized use of water is for Recreation (fish and wildlife) 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 Service is not requesting additional amount of water or increased flow rate. Pumps utilized by refuge staff have meters to ensure we divert legally entitled amount.

(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). 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.

WATER RESOURCES
RECEIVED

JAN 11 2016

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

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 Lakewood, ~~Kansas~~ Colorado, this 6th day of January, 20 16.

Megan A. Estep, agent
(Owner)

(Spouse)

Megan A Estep
(Please Print)

CHIEF, WATER RESOURCES DIVISION
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of ~~Kansas~~ Colorado }
County of Jefferson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6th day of January, 20 16.

Caroline M Cordova
Notary Public
135 Gantman Street, Duran CO 80209

My Commission Expires September 28, 2014

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

JAN 11 2016

KS DEPT OF AGRICULTURE

CAROLINE M. CORDOVA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20044034704
MY COMMISSION EXPIRES 09/28/2016

Water Rights and Points of Diversion Within 4.00 miles of point defined as:

3725 ft N and 1595 ft W of the SE Corner of Section 4, T 20S, R 13E

Located at: 95.974219 West Longitude and 38.342718 North Latitude

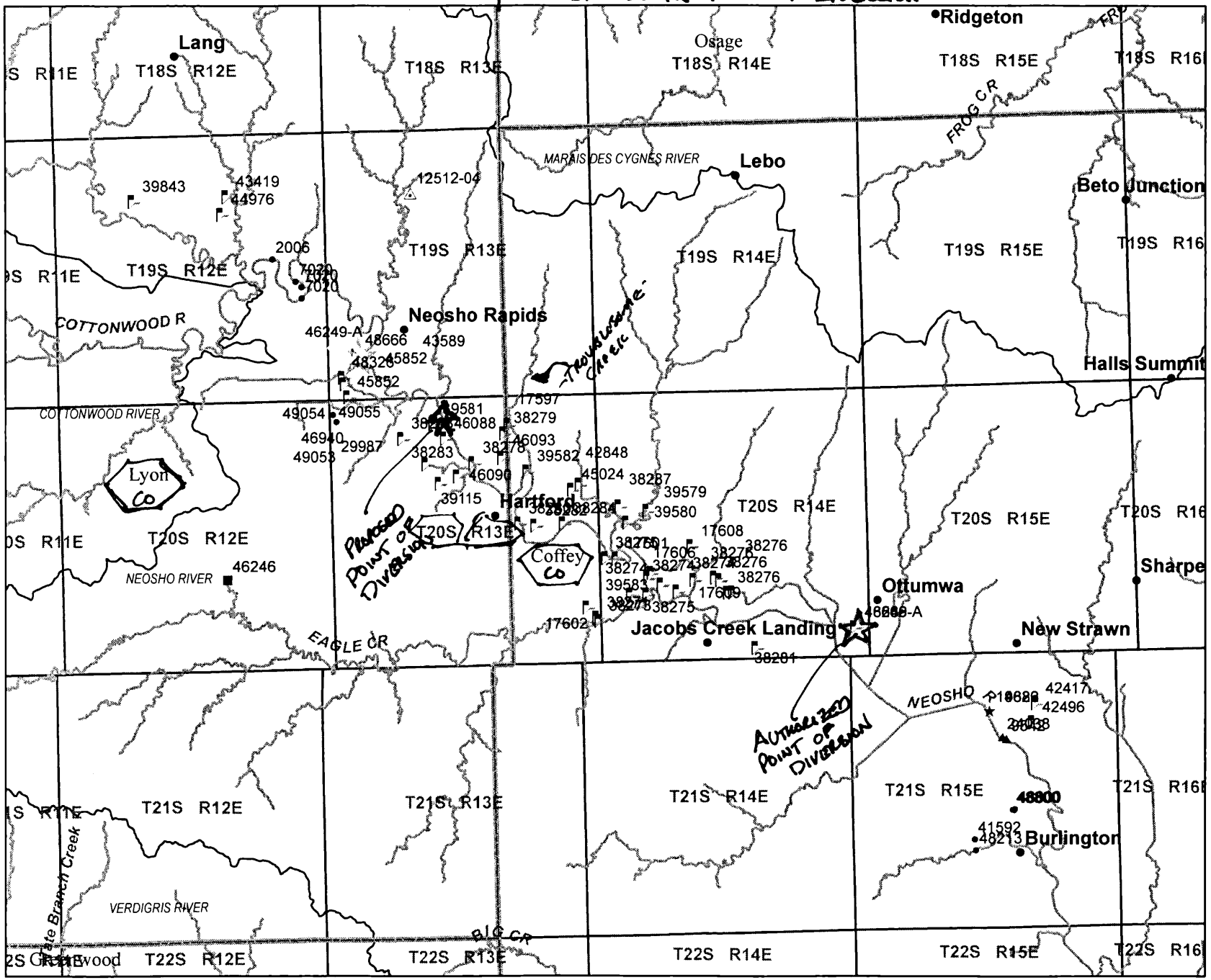
SURFACE WATER ONLY

```

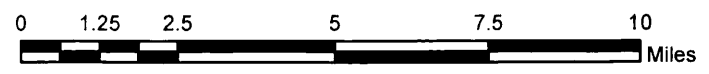
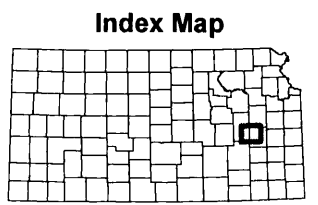
=====
File Number   Use ST SR Dist (mi) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 17597 00 REC NK S      1.44 -- SW NW SW 1891 4923 2 20 13E 2          30.00   30.00 AF
A__ 38277 00 REC NK S      3.75 -- NE SE SW 1200 2700 13 20 13E 1          100.00  100.00 AF
A__ 38278 00 REC NK S      1.31 -- SW SE NW 2800 3840 10 20 13E 1          206.00  206.00 AF
A__ 38279 00 REC NK S      1.41 -- NE SE SE  900   50  3 20 13E 1          300.00   94.00 AF
A__ 38280 00 REC NK S      3.01 -- NW SE SW  800 3900 14 20 13E 2           73.00   73.00 AF
A__ 38282 00 REC NK S      3.26 -- SW SW SE  500 2000 14 20 13E 3          150.00   77.00 AF
A__ 38283 00 REC NK S      1.19 -- SE SW SE  600 1700  5 20 13E 1          300.00  300.00 AF
Same          1.27 -- SE SW NW 2800 4150  9 20 13E 1
***** Authorized storage =          .00 AF Additional storage =          .00 AF
A__ 38284 00 REC NK S      3.65 -- NW SE SW  750 3900 13 20 13E 2          100.00    .00 AF
A__ 39115 00 REC NK S      1.63 -- NC S2 S2   500 2600  9 20 13E 2          270.00  270.00 AF
A__ 39581 00 REC NK S      .41 -- NE NE SW 2300 3250  4 20 13E 8          476.00    .00 AF
A__ 39582 00 REC NK S      2.27 -- SE NE SW 1650 2750 11 20 13E 3          106.00    .00 AF
A__ 42848 00 REC NK S      3.42 -- SE SW SE   35 1900 12 20 13E 1          781.00  156.00 AF
A__ 43589 00 REC NK S      2.40 -- NE NW NE 5279 1700 31 19 13E 1         1472.00    .00 AF
A__ 45024 00 REC NK S      3.33 -- NE NE NW 4713 2808 13 20 13E 4          188.15  188.15 AF
A__ 45852 00 REC NK S      2.39 -- SE NE SW 1908 3147 31 19 13E 2           .00     .00 AF
Same          2.25 -- SE SE SW  375 2774 31 19 13E 3
***** Authorized storage =          .00 AF Additional storage =          .00 AF
A__ 46088 00 REC NK S      .62 -- SE SW SE  466 1865  4 20 13E 12           .00     .00 AF
A__ 46090 00 REC NK S      1.48 -- NE SE SE 1319  406  9 20 13E 3           .00     .00 AF
***** ERROR *****
No active quantity associated with Water Right A__ 46093 00 REC
    
```

Flint Hills National Wildlife Refuge TOWNSHIP MAP

CHANGE IN POINT OF DIVISION



- ### Legend
- WIMAS_PD**
- S_UMW**
- G_IRR
 - ▲ G_MUN
 - ▭ G_REC
 - △ S_DOM
 - ★ S_IND
 - S_IRR
 - ▭ S_REC
 - S_SED



This map was created by L.Ireland in WIMAS on 7/19/2016

M

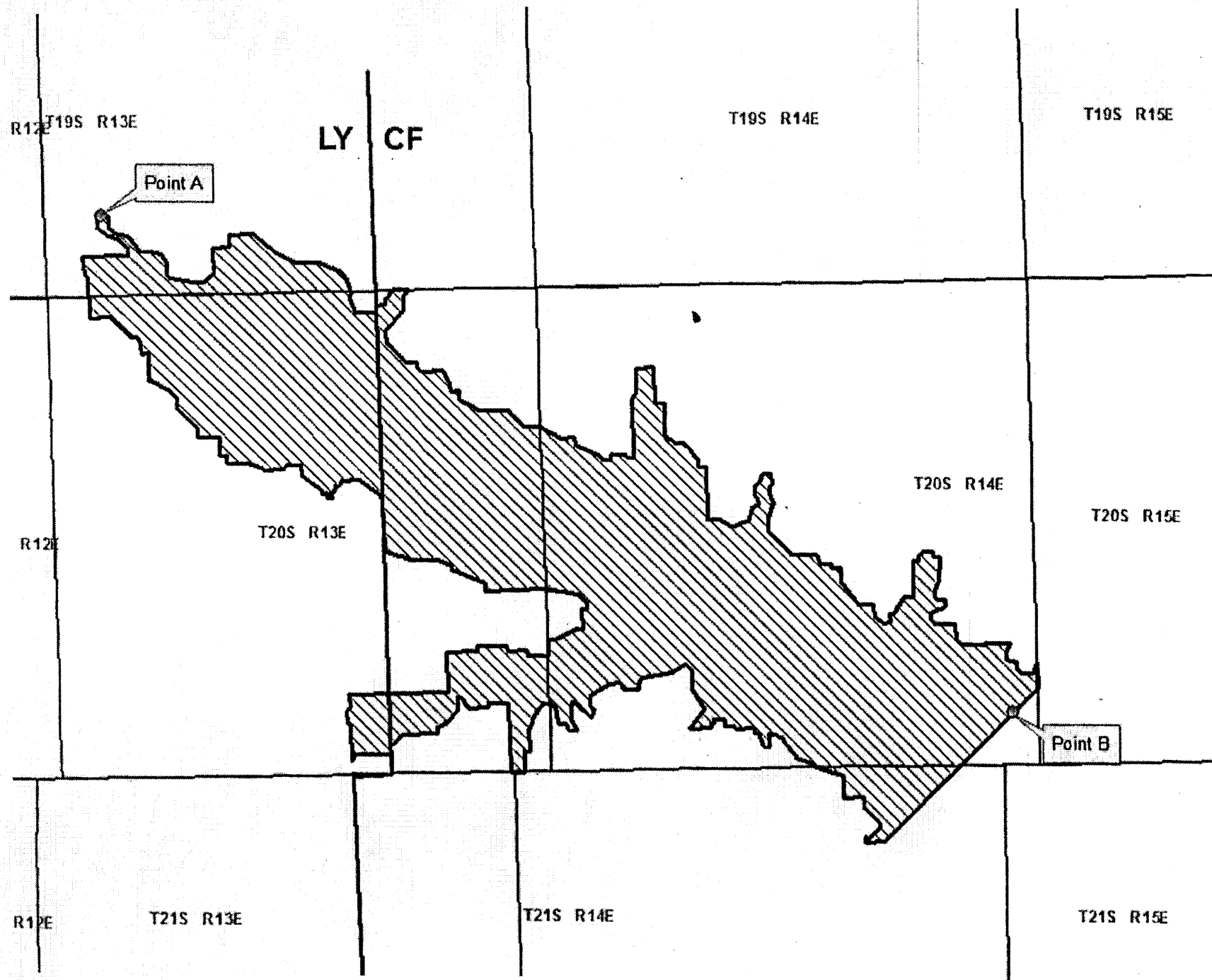


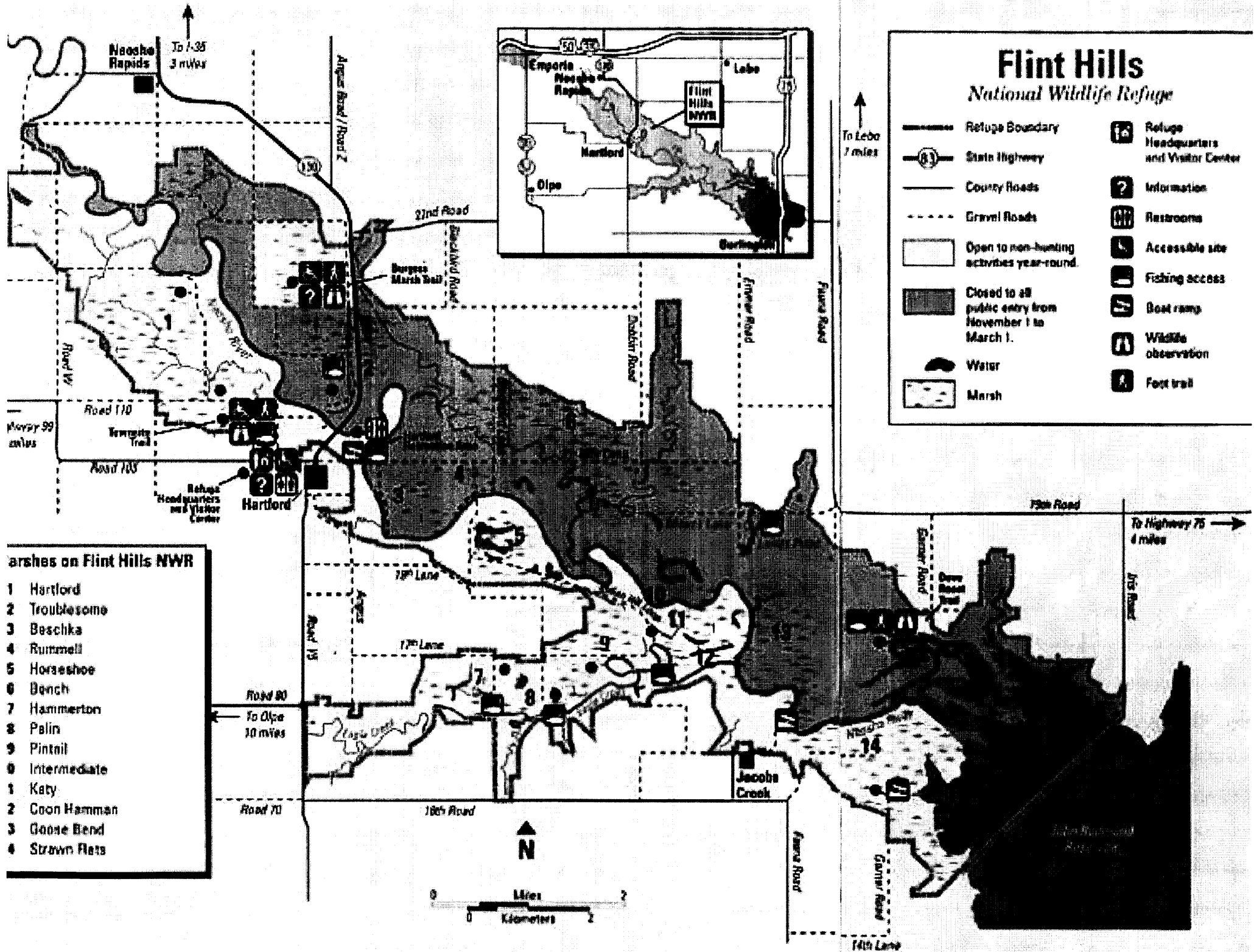
FLINT HILLS NWR

FILE NO. *	UNIT NAME	CAPACITY (AF)	SURFACE ACRES	DIKE HEIGHT (FEET)	DRAINAGE AREA (SQ. MI.)
38,287-N	Bench Marsh	500	230	5	1.69
38,278-P 38,279-N	Burgess Marsh	300	250	5	2.42
38,280-P 38,282	Besckha Marsh	150	65	NONE	.21
38,274-N	Coon Hammond Marsh	80	78	6	.22
38,276-N	Goose Bend Marsh	200			1.25
	Pool No. 1	50	58	2	.25
	Pool No. 2	15	22	2	.19
	Pool No. 3	45	50	3	.29
	Pool No. 4	90	98	3	.52
38,285-N 38,286-P	Hammerton Marsh	180			.66
	Pool No. 1	40	10	5	.29
	Pool No. 2	140	70	7	.37
38,283-N	Hartford Marsh	300			1.61
	Pool No. 1	100	100	4	.20
	Pool No. 2	200	150	6	1.42
38,275-N	Indian Hills Marsh	330			2.24
	Horseshoe Pool	123	91	4	.70
	Indian Hills Pool	112	27	6	.39
	Intermediate Pool	32	30	3	.29
	Halfmile Pool	40	28	7	.52
	Katy's Pool	23	22	3	.34
38,271-N 38,273-P	Palin Slough	25	35	4	.31
38,277-N 38,284-P	Rummel Marsh	100	60	2	.22
38,272-P 38,281-N	Strawn Flats Marsh	110	70	4	.59

* N = Natural Flow
P = Pump

That the water sought to be appropriated, shall be used for recreational use within the boundaries of the Flint Hills National Wildlife Refuge, located in Townships 19, 20, and 21 South, Ranges 13 and 14 East in Lyon and Coffey Counties, Kansas.





Flint Hills

National Wildlife Refuge

- | | | | |
|--|--|--|--|
| | Refuge Boundary | | Refuge Headquarters and Visitor Center |
| | State Highway | | Information |
| | County roads | | Restrooms |
| | Gravel Roads | | Accessible site |
| | Open to non-hunting activities year-round | | Fishing access |
| | Closed to all public entry from November 1 to March 1. | | Boat ramp |
| | Water | | Wildlife observation |
| | Marsh | | Foot trail |

- marshes on Flint Hills NWR**
- 1 Hartford
 - 2 Troublesome
 - 3 Beschika
 - 4 Rummell
 - 5 Horseshoe
 - 6 Bench
 - 7 Hammerton
 - 8 Palin
 - 9 Pintail
 - 0 Intermediate
 - 1 Katy
 - 2 Coon Hamman
 - 3 Goose Bend
 - 4 Strawn Flats



To Lebo
7 miles

To Highway 75
4 miles

To I-35
3 miles

To Olpe
10 miles

Ireland, Leslie

From: Ireland, Leslie
Sent: Tuesday, October 11, 2016 4:05 PM
To: Tietsort, Katie
Subject: RE: Recommendation for File No. 17609 Change in PD & PU, US DEPT OF INTERIOR FWS/FLINT HILLS

Katie,

Thank you for the review and recommendation of the approval of the changes to File No. 17,609.

I will not amend the limitation under File No. 38,279.

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

From: Tietsort, Katie
Sent: Tuesday, October 11, 2016 4:01 PM
To: Ireland, Leslie
Subject: RE: Recommendation for File No. 17609 Change in PD & PU, US DEPT OF INTERIOR FWS/FLINT HILLS

Hello Leslie,

It appears that the memo follows the intention of these applications, which was to adjust the point of diversion and place of use in reflection of the permanent pool rise which has occurred at the John Redmond Reservoir. Since the State was successful in achieving a permanent reallocation and pool rise of 2 feet that allows for the additional storage of more than 17,000 AF of storage capacity from elevation 1039 msl to elevation 1041 msl. This permanent pool rise has inundated the pump site at Goose Bend Marsh. This approval will allow the USFW to adjust their operations.

I think the limitation under 38279 combined with 38278 needs to remain in place.

Thanks, Katie

Katie Tietsort
Water Commissioner, Topeka Field Office
Kansas Department of Agriculture, Division of Water Resources
6531 SE Forbes Ave, Ste B
Topeka, KS 66619
(785) 296-5733
Katie.Tietsort@ks.gov

From: Ireland, Leslie
Sent: Friday, September 23, 2016 12:25 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: Recommendation for File No. 17609 Change in PD & PU, US DEPT OF INTERIOR FWS/FLINT HILLS

Katie,

Please let me know if you could recommend the change in point of diversion and place of use.

It would also seem to me that the additional limitation on File No. 38279 is really not needed, but don't know if you see it the same? If you would like me to modify the limitation on File No. 38729 please let me know.

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
www.agriculture.ks.gov

FILE COPY

APPLICATION FOR CHANGE IN POINT OF DIVERSION AND PLACE OF USE
WATER RIGHT, FILE NO. 17,609
ADDRESS LIST OF NEARBY LAND OWNERS

FOR NOTES

DONALD G PEARSON LIV TR
2054 ROAD 150
NEOSHO RAPIDS KS 66864-8726

JOSHUA E & JULIE C GILBERT
8509 W 152ND TER
OVERLAND PARK KS 66223-2182

RICHARD G & CAROLE J WILSON LIV TRUST
915 FRANKLIN ST
BURLINGTON KS 66839-1210

KEVIN A & GWENDOLYN K WELLNITZ
2022 ROAD 140
NEOSHO RAPIDS KS 66864-8707

JOEY E & JESSICA L JONES
5729 HAUSER DR
SHAWNEE KS 66216-1671

WILLIAM J & MARY MARGRET BESACK JR
205 N NEOSHO ST
NEOSHO RAPIDS KS 66864-8765

LARRY & BARBARA ROSENQUIST
2036 ROAD 147
NEOSHO RAPIDS KS 66864-8729

LI/duf - 9/22/16 NO CALLS OR COMMENTS RECEIVED -



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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 25, 2016

NEARBY LAND OWNERS
ADDRESS LIST

RE: Application for Change
Water Right, File No. 17,609

Dear Sir or Madam:

This is to advise you that Megan Estep, Chief, of the Water Resources Division, U.S. Department of Interior, Fish and Wildlife Services, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and place of use authorized by the above referenced file.

The application proposes the following change in the location of the point of diversion and place of use:

from: one (1) pumpsite located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,290 feet North and 4,540 feet West of the Southeast corner of said section, in Township 20 South, Range 14 East, authorized to divert water to the Goose Bend Marsh, located in Section 28, Township 20, Range 14 East, all in Coffee County, Kansas,

to: one (1) pumpsite located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 3,725 feet North and 1,595 feet West of the Southeast corner of said section, in Township 20 South Range 13 East, authorized to divert water to the Burgess Marsh, located in Section 3, Township 20, Range 13 East, all in Lyon County, Kansas.

You are being notified of the proposed changes so that you may furnish this office written comments or other information you may desire to submit. Such written comments must be received in this office within 15 days from the date of this letter.

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,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

FILE COPY

Enclosure

pc: Topeka Field Office
Megan Estep, U.S. Department of Interior, Fish and Wildlife Services

SCANNED

APPLICATION FOR CHANGE IN POINT OF DIVERSION AND PLACE OF USE
WATER RIGHT, FILE NO. 17,609
ADDRESS LIST OF NEARBY LAND OWNERS

DONALD G PEARSON LIV TR
2054 ROAD 150
NEOSHO RAPIDS KS 66864-8726

JOSHUA E & JULIE C GILBERT
8509 W 152ND TER
OVERLAND PARK KS 66223-2182

RICHARD G & CAROLE J WILSON LIV TRUST
915 FRANKLIN ST
BURLINGTON KS 66839-1210

KEVIN A & GWENDOLYN K WELLNITZ
2022 ROAD 140
NEOSHO RAPIDS KS 66864-8707

JOEY E & JESSICA L JONES
5729 HAUSER DR
SHAWNEE KS 66216-1671

WILLIAM J & MARY MARGRET BESACK JR
205 N NEOSHO ST
NEOSHO RAPIDS KS 66864-8765

LARRY & BARBARA ROSENQUIST
2036 ROAD 147
NEOSHO RAPIDS KS 66864-8729

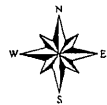
FILE COPY

SCANNED

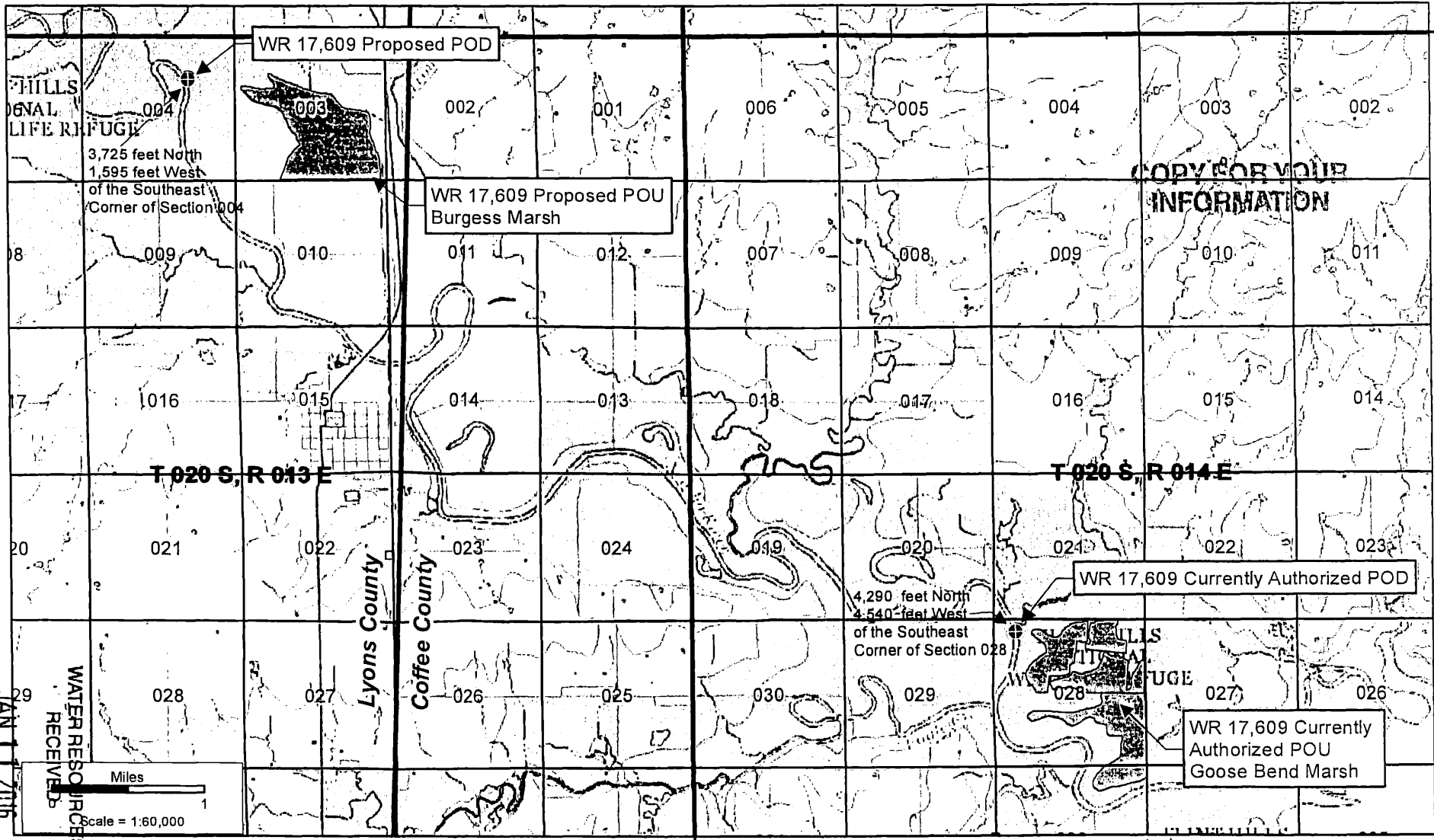


Flint Hills National Wildlife Refuge

WR 17,609 Change Application



T 020 S, R 014 E
T 019 S, R 014 E



COPY FOR YOUR INFORMATION

KS DEPT OF AGRICULTURE

JAN 11 2016

WATER RESOURCES RECEIVED

Miles

Scale = 1:60,000

SCANNED

Township 20 South
Range 13, 14 East

KANSAS
Lyons, Coffey Counties

Service Layer Credits: USGS The National Map: National Boundaries Dataset, National Elevation Dataset, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau - TIGER/Line; HERE Road

Coordinate System: NAD 1983 UTM Zone 15N
Projection: Transverse Mercator
Datum: North American 1983

- Point of Diversion
- Place of Use
- County Boundary
- USFWS Property Boundary
- PLSS Township
- PLSS Section

USFWS
Water Resources Division
Lakewood, CO
303-236-4490
Created: 1/4/2016

FILE COPY

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 25, 2016

DONALD G PEARSON LIV TR
2054 ROAD 150
NEOSHO RAPIDS KS 66864-8726

RE: Application for Change
Water Right, File No. 17,609

FILE COPY

Dear Sir or Madam:

This is to advise you that Megan Estep, Chief, of the Water Resources Division, U.S. Department of Interior, Fish and Wildlife Services, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and place of use authorized by the above referenced file.

The application proposes the following change in the location of the point of diversion and place of use:

from: one (1) pumpsite located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,290 feet North and 4,540 feet West of the Southeast corner of said section, in Township 20 South, Range 14 East, authorized to divert water to the Goose Bend Marsh, located in Section 28, Township 20, Range 14 East, all in Coffee County, Kansas,

to: one (1) pumpsite located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 3,725 feet North and 1,595 feet West of the Southeast corner of said section, in Township 20 South Range 13 East, authorized to divert water to the Burgess Marsh, located in Section 3, Township 20, Range 13 East, all in Lyon County, Kansas.

You are being notified of the proposed changes so that you may furnish this office written comments or other information you may desire to submit. Such written comments must be received in this office within 15 days from the date of this letter.

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,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

Enclosure

pc: Topeka Field Office
Megan Estep, U.S. Department of Interior, Fish and Wildlife Services

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 25, 2016

JOSHUA E & JULIE C GILBERT
8509 W 152ND TER
OVERLAND PARK KS 66223-2182

FILE COPY

RE: Application for Change
Water Right, File No. 17,609

Dear Mr. & Mrs. Gilbert:

This is to advise you that Megan Estep, Chief, of the Water Resources Division, U.S. Department of Interior, Fish and Wildlife Services, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and place of use authorized by the above referenced file.

The application proposes the following change in the location of the point of diversion and place of use:

from: one (1) pumpsite located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,290 feet North and 4,540 feet West of the Southeast corner of said section, in Township 20 South, Range 14 East, authorized to divert water to the Goose Bend Marsh, located in Section 28, Township 20, Range 14 East, all in Coffee County, Kansas,

to: one (1) pumpsite located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 3,725 feet North and 1,595 feet West of the Southeast corner of said section, in Township 20 South Range 13 East, authorized to divert water to the Burgess Marsh, located in Section 3, Township 20, Range 13 East, all in Lyon County, Kansas.

You are being notified of the proposed changes so that you may furnish this office written comments or other information you may desire to submit. Such written comments must be received in this office within 15 days from the date of this letter.

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
Megan Estep, U.S. Department of Interior, Fish and Wildlife Services

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 25, 2016

FILE COPY

RICHARD G & CAROLE J WILSON LIV TRUST
915 FRANKLIN ST
BURLINGTON KS 66839-1210

RE: Application for Change
Water Right, File No. 17,609

Dear Sir or Madam:

This is to advise you that Megan Estep, Chief, of the Water Resources Division, U.S. Department of Interior, Fish and Wildlife Services, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and place of use authorized by the above referenced file.

The application proposes the following change in the location of the point of diversion and place of use:

from: one (1) pumpsite located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,290 feet North and 4,540 feet West of the Southeast corner of said section, in Township 20 South, Range 14 East, authorized to divert water to the Goose Bend Marsh, located in Section 28, Township 20, Range 14 East, all in Coffee County, Kansas,

to: one (1) pumpsite located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 3,725 feet North and 1,595 feet West of the Southeast corner of said section, in Township 20 South Range 13 East, authorized to divert water to the Burgess Marsh, located in Section 3, Township 20, Range 13 East, all in Lyon County, Kansas.

You are being notified of the proposed changes so that you may furnish this office written comments or other information you may desire to submit. Such written comments must be received in this office within 15 days from the date of this letter.

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,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

Enclosure

pc: Topeka Field Office
Megan Estep, U.S. Department of Interior, Fish and Wildlife Services

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 25, 2016

FILE COPY

KEVIN A & GWENDOLYN K WELLNITZ
2022 ROAD 140
NEOSHO RAPIDS KS 66864-8707

RE: Application for Change
Water Right, File No. 17,609

Dear Mr. & Mrs. Wellnitz:

This is to advise you that Megan Estep, Chief, of the Water Resources Division, U.S. Department of Interior, Fish and Wildlife Services, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and place of use authorized by the above referenced file.

The application proposes the following change in the location of the point of diversion and place of use:

from: one (1) pumpsite located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,290 feet North and 4,540 feet West of the Southeast corner of said section, in Township 20 South, Range 14 East, authorized to divert water to the Goose Bend Marsh, located in Section 28, Township 20, Range 14 East, all in Coffee County, Kansas,

to: one (1) pumpsite located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 3,725 feet North and 1,595 feet West of the Southeast corner of said section, in Township 20 South Range 13 East, authorized to divert water to the Burgess Marsh, located in Section 3, Township 20, Range 13 East, all in Lyon County, Kansas.

You are being notified of the proposed changes so that you may furnish this office written comments or other information you may desire to submit. Such written comments must be received in this office within 15 days from the date of this letter.

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
Megan Estep, U.S. Department of Interior, Fish and Wildlife Services

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 25, 2016

FILE COPY

JOEY E & JESSICA L JONES
5729 HAUSER DR
SHAWNEE KS 66216-1671

RE: Application for Change
Water Right, File No. 17,609

Dear Mr. & Mrs. Jones:

This is to advise you that Megan Estep, Chief, of the Water Resources Division, U.S. Department of Interior, Fish and Wildlife Services, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and place of use authorized by the above referenced file.

The application proposes the following change in the location of the point of diversion and place of use:

from: one (1) pumpsite located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,290 feet North and 4,540 feet West of the Southeast corner of said section, in Township 20 South, Range 14 East, authorized to divert water to the Goose Bend Marsh, located in Section 28, Township 20, Range 14 East, all in Coffee County, Kansas,

to: one (1) pumpsite located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 3,725 feet North and 1,595 feet West of the Southeast corner of said section, in Township 20 South Range 13 East, authorized to divert water to the Burgess Marsh, located in Section 3, Township 20, Range 13 East, all in Lyon County, Kansas.

You are being notified of the proposed changes so that you may furnish this office written comments or other information you may desire to submit. Such written comments must be received in this office within 15 days from the date of this letter.

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
Megan Estep, U.S. Department of Interior, Fish and Wildlife Services

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 25, 2016

FILE COPY

WILLIAM J & MARY MARGRET BESACK JR
205 N NEOSHO ST
NEOSHO RAPIDS KS 66864-8765

RE: Application for Change
Water Right, File No. 17,609

Dear Sir or Madam:

This is to advise you that Megan Estep, Chief, of the Water Resources Division, U.S. Department of Interior, Fish and Wildlife Services, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and place of use authorized by the above referenced file.

The application proposes the following change in the location of the point of diversion and place of use:

from: one (1) pumpsite located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,290 feet North and 4,540 feet West of the Southeast corner of said section, in Township 20 South, Range 14 East, authorized to divert water to the Goose Bend Marsh, located in Section 28, Township 20, Range 14 East, all in Coffee County, Kansas,

to: one (1) pumpsite located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 3,725 feet North and 1,595 feet West of the Southeast corner of said section, in Township 20 South Range 13 East, authorized to divert water to the Burgess Marsh, located in Section 3, Township 20, Range 13 East, all in Lyon County, Kansas.

You are being notified of the proposed changes so that you may furnish this office written comments or other information you may desire to submit. Such written comments must be received in this office within 15 days from the date of this letter.

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
Megan Estep, U.S. Department of Interior, Fish and Wildlife Services

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 25, 2016

FILE COPY

LARRY & BARBARA ROSENQUIST
2036 ROAD 147
NEOSHO RAPIDS KS 66864-8729

RE: Application for Change
Water Right, File No. 17,609

Dear Sir or Madam:

This is to advise you that Megan Estep, Chief, of the Water Resources Division, U.S. Department of Interior, Fish and Wildlife Services, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and place of use authorized by the above referenced file.

The application proposes the following change in the location of the point of diversion and place of use:

- from: one (1) pumpsite located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 4,290 feet North and 4,540 feet West of the Southeast corner of said section, in Township 20 South, Range 14 East, authorized to divert water to the Goose Bend Marsh, located in Section 28, Township 20, Range 14 East, all in Coffee County, Kansas,
- to: one (1) pumpsite located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 3,725 feet North and 1,595 feet West of the Southeast corner of said section, in Township 20 South Range 13 East, authorized to divert water to the Burgess Marsh, located in Section 3, Township 20, Range 13 East, all in Lyon County, Kansas.

You are being notified of the proposed changes so that you may furnish this office written comments or other information you may desire to submit. Such written comments must be received in this office within 15 days from the date of this letter.

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,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

Enclosure

pc: Topeka Field Office
Megan Estep, U.S. Department of Interior, Fish and Wildlife Services

SCANNED



1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

U.S DEPT OF INTERIOR FISH & WILDLIFE SERVICES
PO BOX 25486 DENVER FEDERAL CENTER MAILSTOP 60189
DENVER CO 80225
January 20, 2016

RE: File No. 17609

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
- point of diversion
- use made of water

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

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

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

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

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

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

Sincerely,

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

BAT: DLW
pc: TOPEKA Field Office GMD

SCANNED



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



IN REPLY REFER TO:

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

BA WTR
WR KS
Mail Stop 60189

JAN 06 2016

David Barfield, Chief Engineer
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502-5000

Ref: File No. 17,609 – Change Application

Dear Mr. Barfield:

Enclosed is an Application for Approval to Change the Place of Use and Point of Diversion for the referenced water right file. Per change application instructions, the Service has prepared a map that depicts the requested changes and two other maps of downstream and upstream property owners. We are also providing a list of the owners and their addresses for your use. The fee for this change application is \$400 and enclosed is a convenience check for that amount.

Please contact Carrie Cordova of my staff at 303-236-5399, if you require additional information or have any questions.

Sincerely,

Megan A. Estep
Chief, Water Resources Division

Enclosures

WATER RESOURCES
RECEIVED

JAN 11 2016

SCANNED

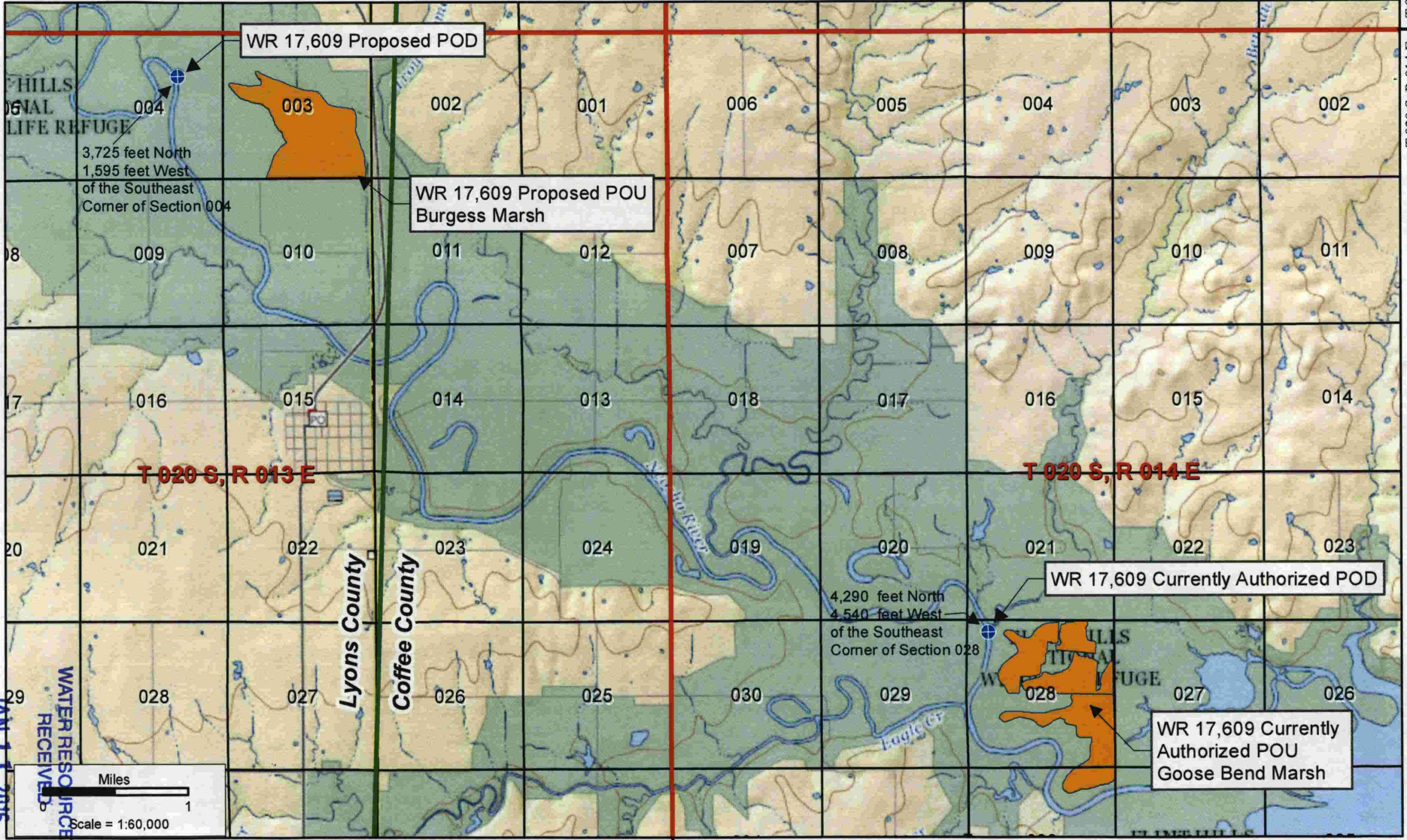
KS DEPT OF AGRICULTURE



Flint Hills National Wildlife Refuge WR 17,609 Change Application



T 019 S, R 014 E
T 020 S, R 014 E



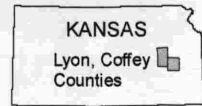
KANSAS DEPT. OF AGRICULTURE

JAN 11 2016

WATER RESOURCES DIVISION RECEIVED

SCANNED

Township 20 South
Range 13, 14 East



Service Layer Credits: USGS The National Map: National Boundaries Dataset, National Elevation Dataset, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau - TIGER/Line; HERE Road

Coordinate System: NAD 1983 UTM Zone 15N
Projection: Transverse Mercator
Datum: North American 1983

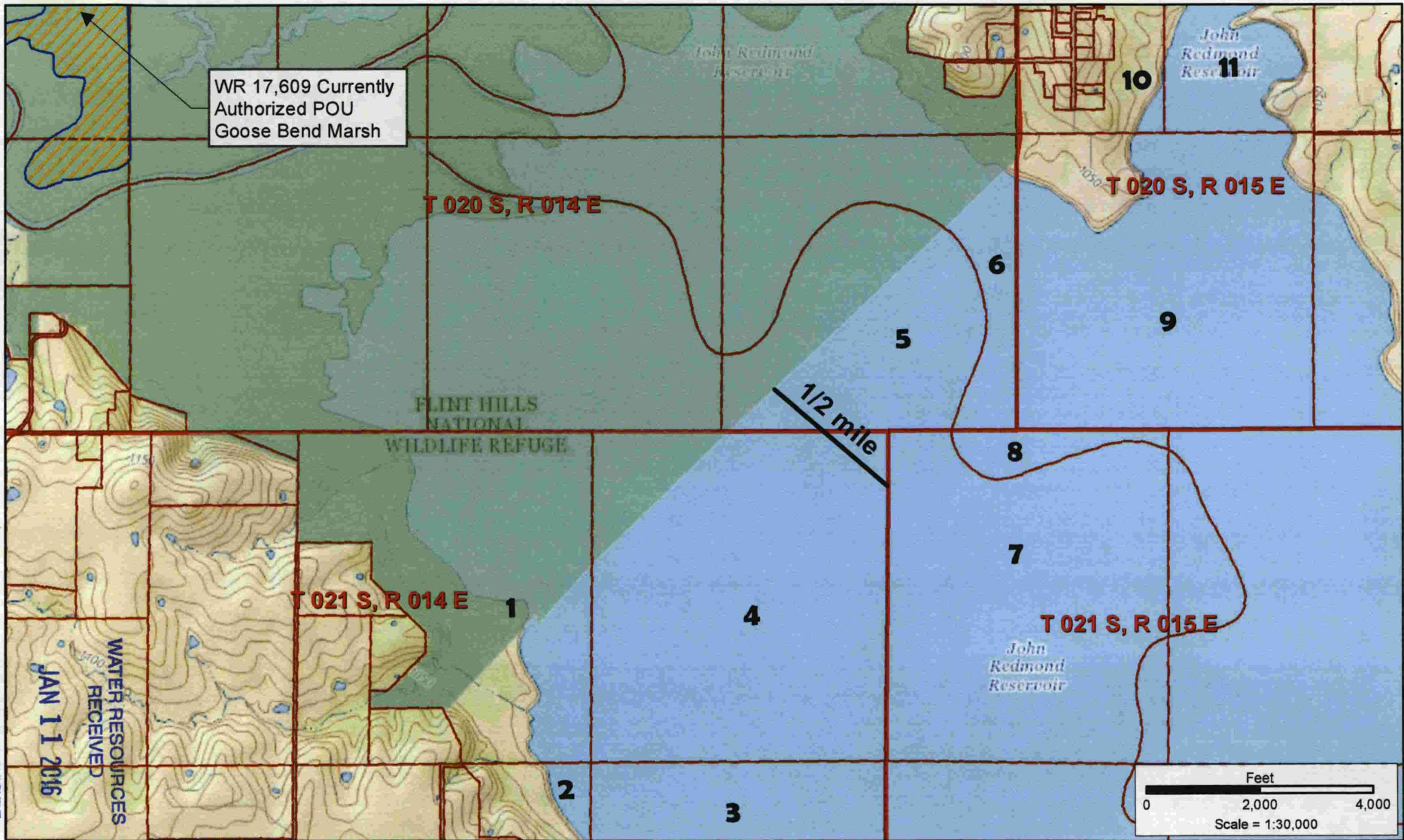
- Point of Diversion
- Place of Use
- County Boundary
- USFWS Property Boundary
- PLS Township
- PLS Section

USFWS
Water Resources Division
Lakewood, CO
303-236-4490
Created: 1/4/2016

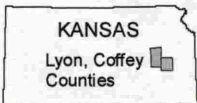


Flint Hills National Wildlife Refuge

WR 17,609 Change Application - Downstream Landowners



SCANNED



Service Layer Credits: Coffey County, PVD
 USGS The National Map: National Boundaries Dataset, National Elevation Dataset, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau - TIGER/Line;

Coordinate System: NAD 1983 UTM Zone 15N
 Projection: Transverse Mercator
 Datum: North American 1983

- PLSS Township
- Place of Use

USFWS Property Boundary

Kansas Land Ownership (see attached Table 2 for Parcel ID and other attributes)

USFWS
 Water Resources Division
 Lakewood, CO
 303-236-4490
 Created: 1/5/2016

Upstream Property Owners:

Table 1: The Parcel ID number, names, physical addresses, and mailing addresses of land owners 1/2 mile upstream of the USFWS property boundary are shown below. Parcel information was obtained from the Lyon County, KS web mapping portal "Beacon" <https://beaconbeta.schneidercorp.com/Application.aspx?AppID=237&LayerID=3137&PageTypeID=1&PageID=1703> on January 5, 2016.

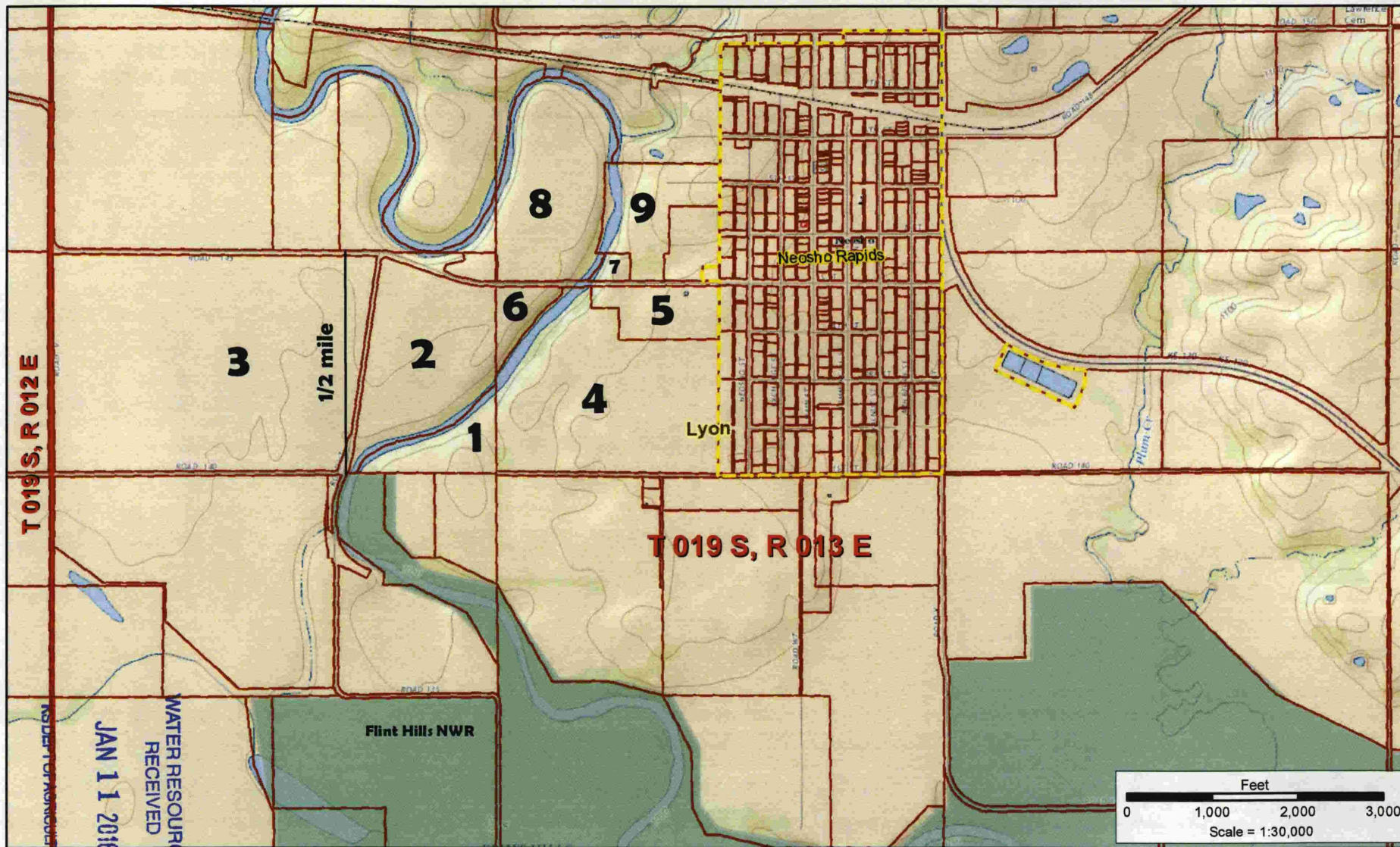
Map Key Index	Parcel ID	Owner Name	Physical Location	Mailing Address	Brief Description
1	179300000006000	PEARSON, DONALD G; LIV TR	1900 ROAD 140 Neosho Rapids	2054 ROAD 150 NEOSHO RAPIDS, KS 66864-8726	S30, T19S, R13E, ACRES 19.2, SE1/4 LYG SE RIV
2	179300000007000	Gilbert, Joshua E & Julie C	1900 ROAD 145, Neosho Rapids	8509 W 152nd Ter Overland Park, KS 66223-2182	S30, T19S, R13E, ACRES 68.7, SE1/4 LYG E CO RD & NW RIV LESS ROW
3	179300000005000	WILSON, RICHARD G & CAROLE J; LIV TRUST	1900 ROAD 145 Neosho Rapids	915 FRANKLIN ST BURLINGTON, KS 66839-1210	S30, T19S, R13E, ACRES 215.3, SW1/4 FR & SE1/4 FR LYG W CO RD LESS ROW
4	179290000006000	WELLNITZ, KEVIN A	2022 ROAD 140 Neosho Rapids	GWENDOLYN K 2022 ROAD 140 NEOSHO RAPIDS, KS 66864-8707	S29, T19S, R13E, ACRES 105, BEG 25N SW COR N1165 NELY1125 N80 ELY340 S255 E330 S379.5 E1181.4 S1592 W2640 TO POB
5	179290000007000	JONES, JOEY E & JESSICA L	2037 ROAD 145 Neosho Rapids	5729 HAUSER DR SHAWNEE, KS 66216-1671	S29, T19S, R13E, ACRES 19.1, BEG INTERS S LN FAS 418 & E LN SW1/4 S644 W1181.4 N379.5 W330 N255 E1520 TO POB
6	179290000004000	Gilbert, Joshua E & Julie C	1400 ROAD W Neosho Rapids	8509 W 152nd Ter Overland Park, KS 66223-2182	S29, T19S, R13E, ACRES 74.3, SEC LYG W RIV LESS ROW
7	179290000005000	BESACK, WILLIAM J JR & MARY MARGRET	2000 ROAD 145 Neosho Rapids	205 N NEOSHO ST NEOSHO RAPIDS, KS 66864-8765	S29, T19S, R13E, ACRES 2.9, BEG INTERS N LN FAS 418 & E RIV NELY390 E300 S330 W500 TO POB
8	179290000004000	Gilbert, Joshua E & Julie C	1400 ROAD W Neosho Rapids	8509 W 152nd Ter Overland Park, KS 66223-2182	S29, T19S, R13E, ACRES 74.3, SEC LYG W RIV LESS ROW
	1792900000010000	ROSENQUIST, LARRY & BARBARA	2036 ROAD 147 Neosho Rapids	2036 ROAD 147 NEOSHO RAPIDS, KS 66864-8729	S29, T19S, R13E, ACRES 29.2, BEG 561N CTR SEC W597.3 S561 W71.28 S330 W390.7 N330 W415 NLY1090 E1370 S495 TO POB

WATER RESOURCES
 RECEIVED
 JAN 11 2016
 SCANNED
 KS DEPT OF AGRICULTURE



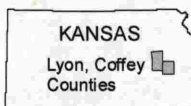
Flint Hills National Wildlife Refuge

WR 17,609 Change Application - Upstream Landowners



SCANNED



WATER RESOURCES
RECEIVED
JAN 11 2016



Service Layer Credits: USGS The National Map: National Boundaries Dataset, National Elevation Dataset, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau - TIGER/Line; HERE Road

Coordinate System: NAD 1983 UTM Zone 15N
Projection: Transverse Mercator
Datum: North American 1983

-  PLSS Township
-  Place of Use

-  USFWS Property Boundary
-  Kansas Land Ownership (see attached Table 1 for Parcel ID and other attributes)

USFWS
Water Resources Division
Lakewood, CO
303-236-4490
Created: 1/5/2016

Downstream Property Owners:

All property downstream of the point of diversion and adjacent to the Neosho River and adjacent to the John Redmond Reservoir is owned by the U.S. Army Corps of Engineers and is listed in Table 2 below. Parcel information was obtained from the Open Records for Kansas (OKRA) website: <http://jade.kgs.ku.edu/orka2/CoSelect.aspx#top2> on January 5, 2016.

Table 2: The Parcel ID number, names, physical addresses, and mailing addresses of land owners 1/2 mile downstream of the USFWS property boundary are shown below.

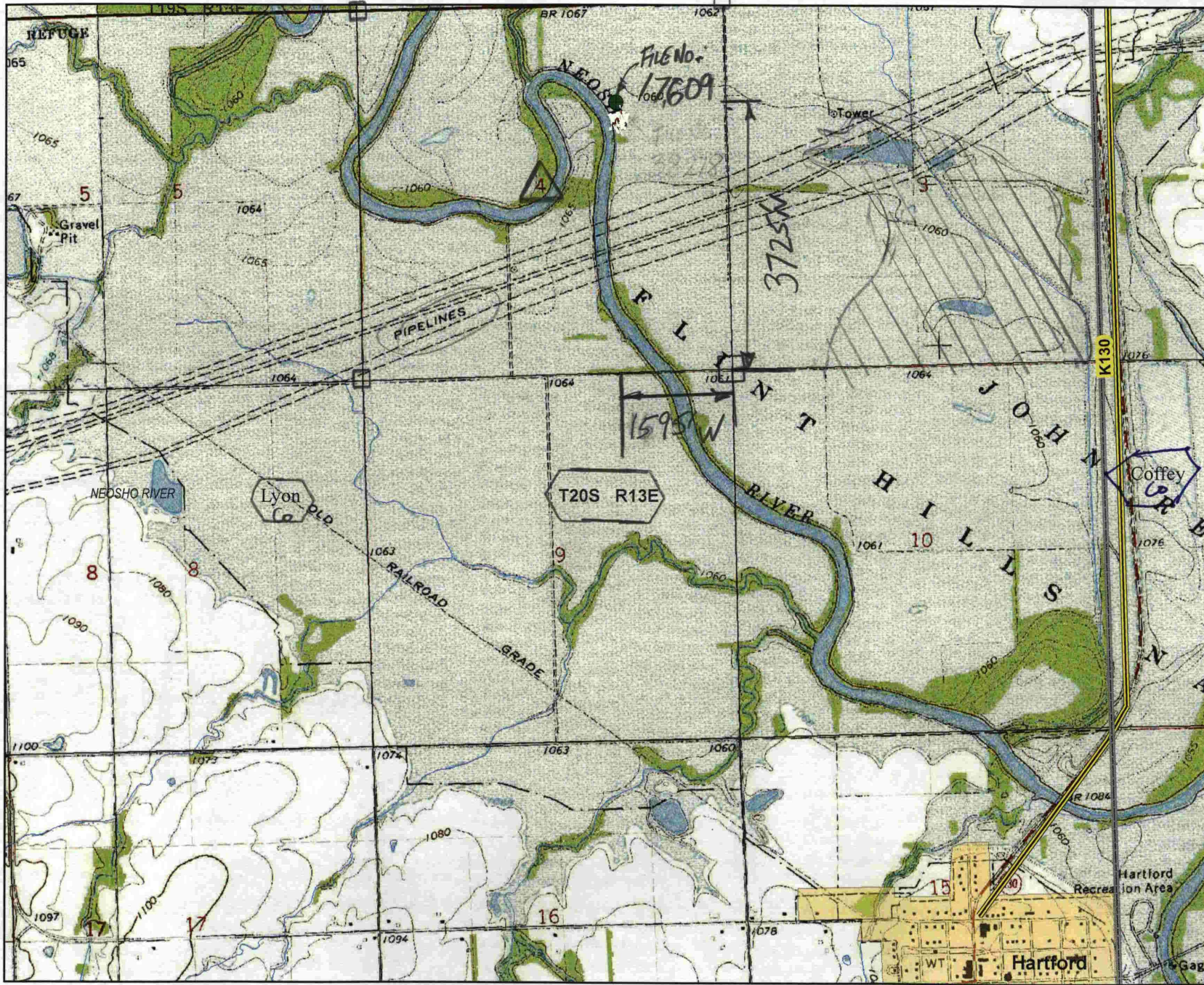
Map Key Index	Parcel ID	Owner Name	Physical Location	Mailing Address	Legal Description
1	161410200000001000	UNITED STATES OF AMERICA	5 IRIS RD Burlington, KS 66839	CORP OF ENGINEERS 1565 EMBANKMENT RD BURLINGTON, KS 66844	S31 , T20 , R15 , ACRES 644.3 , ALL SEC.
2	161411100000001000	UNITED STATES OF AMERICA	7 IRIS RD, Burlington, KS 66839	CORP OF ENGINEERS 1565 EMBANKMENT RD BURLINGTON, KS 66844	S31 , T20 , R15 , ACRES 644.3 , ALL SEC.
3	161411200000001000	UNITED STATES OF AMERICA	6 IRIS RD, Burlington, KS 66839	CORP OF ENGINEERS 1565 EMBANKMENT RD BURLINGTON, KS 66844	S31 , T20 , R15 , ACRES 644.3 , ALL SEC.
4	161410100000001000	UNITED STATES OF AMERICA	4 IRIS RD, Burlington, KS 66839	CORP OF ENGINEERS 1565 EMBANKMENT RD BURLINGTON, KS 66844	S31 , T20 , R15 , ACRES 644.3 , ALL SEC.
5	160773600000002000	UNITED STATES OF AMERICA	1 IRIS RD, Burlington, KS 66839	CORP OF ENGINEERS 1565 EMBANKMENT RD BURLINGTON, KS 66844	S31 , T20 , R15 , ACRES 644.3 , ALL SEC.
7	161330600000002000	UNITED STATES OF AMERICA	2 IRIS RD, Burlington, KS 66839	CORP OF ENGINEERS 1565 EMBANKMENT RD BURLINGTON, KS 66844	S31 , T20 , R15 , ACRES 644.3 , ALL SEC.
8	161330600000001000	UNITED STATES OF AMERICA	3 IRIS RD, Burlington, KS 66839	CORP OF ENGINEERS 1565 EMBANKMENT RD BURLINGTON, KS 66844	S31 , T20 , R15 , ACRES 644.3 , ALL SEC.
	160893100000001000	UNITED STATES OF AMERICA	00000 IRIS RD, Burlington, KS 66839	CORP OF ENGINEERS 1565 EMBANKMENT RD BURLINGTON, KS 66844	S31 , T20 , R15 , ACRES 644.3 , ALL SEC.

KS DEPT OF AGRICULTURE
 JAN 11 2016
 SCANNED
 WATER RESOURCES
 RECEIVED

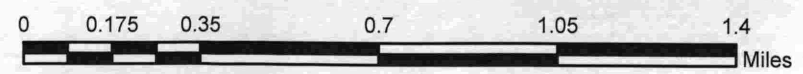
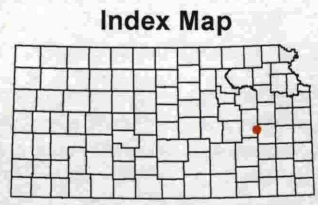
10	160893000002001000	UNITED STATES OF AMERICA	8 IRIS RD, Burlington, KS 66839	CORP OF ENGINEERS 1565 EMBANKMENT RD BURLINGTON, KS 66844	S31 , T20 , R15 , ACRES 644.3 , ALL SEC.
11	160893000001001000	UNITED STATES OF AMERICA	9 IRIS RD, Burlington, KS 66839	CORP OF ENGINEERS 1565 EMBANKMENT RD BURLINGTON, KS 66844	S31 , T20 , R15 , ACRES 644.3 , ALL SEC.

WATER RESOURCES
 RECEIVED
 JAN 11 2016
 SCANNED
 KS DEPT OF AGRICULTURE

Proposed Change in PD & PU Water Right, File No. 17609



- Legend**
- WIMAS_PD
- S_UMW
- S_IRR
 - S_REC
 - PROPOSED POINT OF DIVERSION



This map was created by L. Ireland on 7/18/2016 in WIMAS