

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 13, 2016

FROM: Austin McColloch

RE: Water Right,
File No. 22,698

On April 4, 2016, Jane Rogers McClelland, owner of the referenced water right, filed an application for approval to change the authorized point of diversion under the above referenced file, authorized for irrigation use in the Kansas River Basin.

The above referenced water rights do not appear to be abandoned as per K.S.A. 82a-718.

The referenced Water Right is authorized 64 acre-feet at a diversion rate of 1,000 gallons per minute, limited to 64 acre-feet when combined with File Nos. 3,300 and 8,433, for irrigation use on 388.5 acres located in Sections 2 and 3, Township 11 South, Range 13 East, Shawnee County, Kansas. The application proposes moving the authorized point of diversion to overlap one of the wells under Water Right, File Nos. 3,300 and 8,433. The wells are 1,605 feet apart indicating the same local source of supply does not change as the distance between the two wells is within a half a mile.

The currently authorized well is located as:

one (1) well located Near Center of the West Half (NC W $\frac{1}{2}$) of Section 2, more particularly described as being near a point 2,640 feet North and 4,000 feet West of the Southeast corner of said section, in Township 11 South, Range 13 East, Shawnee County, Kansas.

The proposed well is located as:

one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 2, more particularly described as being near a point 3,692 feet North and 5,213 feet West of the Southeast corner of said section, in Township 11 South, Range 13 East, Shawnee County, Kansas.

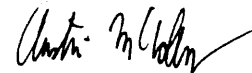
The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

The applicant identified multiple nearby wells within one-half mile and nearby notification letters were sent on September 19, 2016. One response has been received expressing interest in the project but had no objections.

All spacing requirements have been met except to one irrigation well under File No. 5,844. The distance between the two wells is 1,162 feet which is short of meeting the spacing requirement of 1,320 feet. These wells have operated in unison for at least 40 years with no documented case of impairment. Since the actual operating rate of the proposed well will not change with the addition of this water right, impairment is unlikely.

In an email dated October 13, 2016, with Katie Tietsort, Water Commissioner, Topeka Field Office, indicated she is not opposed to approval of the request.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely. It is recommended that if the change application for File No. 22,698 is approved.



Austin McColloch
Environmental Scientist

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

JANE ROGERS MCCLELLAND TRUST
4226 NW ROSSVILLE RD
ROSSVILLE KS 66533

October 24, 2016

RE: Water Right
File No. 22,698

FILE COPY

Dear Sir or Madam:

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.

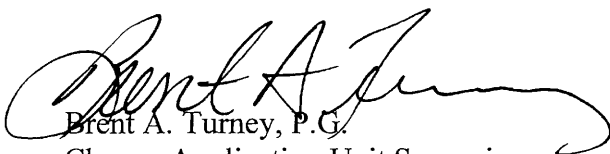
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required and enclosed form, Notification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

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact me at 785-464-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Brent A. Turney, P.G.
Change Application Unit Supervisor
Division of Water Resources

BAT:am

Enclosure(s)

pc: Topeka Field Office
Howard F. & Rhonda S. Parr



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION
WATER RIGHT
FILE NO. 22,698**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application by Jane Rogers McClelland, 4226 NW Rossville Road, Rossville, Kansas 66533, Howard F. & Rhonda S Parr, PO Box 416 13630 NW Carter Road, Rossville, Kansas 66533, received in this office on April 4, 2016, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the order of the Chief Engineer dated April 4, 2016, approving the application to change the authorized place of 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 location of the point of diversion shall be:

one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 2, more particularly described as being near a point 3,692 feet North and 5,213 feet West of the Southeast corner of said section, at a diversion rate not in excess of 1,000 gallons per minute (2.23 c.f.s) and a quantity not to exceed 64 acre-feet of water per calendar year, in Township 11 South, Range 13 East, Shawnee County, Kansas.

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

Installation of the works for diversion of water shall be completed on or before December 31, 2016, or within any authorized extension of time. The water right owner 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.

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 22,698, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 7, 1998, as modified and amended by the aforementioned order.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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.

Ordered this 24th day of October, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 24th day of October, 2016, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 24th day of October, 2016, I hereby certify that the attached Approval of Application for the Change in Point of Diversion, File No. 22,698, dated Oct. 24, 2016 was mailed postage prepaid, first class, US mail to the following:

JANE ROGERS MCCLELLAND TRUST
4226 NW ROSSVILLE RD
ROSSVILLE KS 66533

With photocopies to:

HOWARD F & RHONDA S PARR
P.O. BOX 416
ROSSVILLE KS 66533-0416

Topeka Field Office



Division of Water Resources

\$200

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

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



State of Kansas

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

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

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

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

WATER RESOURCES
RECEIVED

APR 04 2016

9:01

KS DEPT OF AGRICULTURE

File No. 22698

2. Name of applicant: JANE ROGERS MCCLELLAND

Address: 4226 NW ROSSVILLE RD

City, State and Zip: ROSSVILLE KS 66533

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: HOWARD F & RHONDA S PARR

Address: PO BOX 416 13630 NW CARTER RD

City, State and Zip: ROSSVILLE KS 66533

Phone Number: (785)584-6359 E-mail address: _____

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

**THE PURPOSE OF THIS APPLICATION IS TO MOVE THIS WATER RIGHT FROM A WELL THAT IS CURRENTLY
INACTIVE TO A WELL THAT IS ACTIVE**

The change(s) (was) (will be) completed by UPON APPROVAL OF THE APPLICATION
(Date)

For Office Use Only:							
F.O. Code	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1	(YES/NO)	Use	<u>IRR</u>
	<u>CGT</u>			Fee \$	<u>200</u>	TR #	
Source	<u>G/S</u>	County	<u>SN</u>	By	<u>MSW</u>	Date	<u>4/4/16</u>
Receipt Date	<u>4/4/16</u>	Check #	<u>6405</u>				

APPLICATION COMPLETE
10/13/2016
Reviewer AM

4. The presently authorized place of use is:

Owner of Land — NAME: **JANE ROGERS MCCLELLAND**

ADDRESS: **4226 NW ROSSVILLE RD ROSSVILLE KS 66533**

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	
2	11	13E							40	40	40	39.5							159.5
3	11	13E	26												38.5	2.5	5	40	149

List any other water rights that cover this place of use. **3300; 8433; 45776**

Owner of Land — NAME: **HOWARD F & RHONDA S PARR**

ADDRESS: **PO BOX 416 13630 NW CARTER RD ROSSVILLE KS 66533**

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	
2	11	13E										40	40						80

List any other water rights that cover this place of use. **3300; 8433; 45776**

(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: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion is ONE WELL

(Provide description and number of points)

The proposed point(s) of diversion is ONE WELL

(Provide description and number of points)

List all presently authorized point(s) of diversion:

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

One NEAR THE CENTER of the WEST HALF Quarter of the _____ Quarter of Section 2, Township 11 South, Range 13E (E/W), in SHAWNEE County, Kansas, 2640 feet North 4000 feet West of Southeast corner of section.

Authorized Rate 1000 GPM Authorized Quantity 64 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 NW Quarter of the SW Quarter of the NW Quarter of Section 2, Township 11 South, Range 13E (E/W), in SHAWNEE County, Kansas, 3692 feet North 5213 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 3300; 8433

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. _____

THE WELL WILL BE CAPPED PROPERLY TO KEEP CONTAMINANTS FROM REACHING THE AQUIFER

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for IRRIGATION 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.

N/A

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to N/A 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.

ALL SPACING REQUIREMENTS HAVE BEEN MET EXCEPT TO ONE IRRIGATION WELL UNDER FILE NO. 5844. THE DISTANCE BETWEEN THE 2 WELLS IS 1,162 FEET WHICH IS SHORT OF MEETING THE SPACING REQUIREMENT OF 1320 FEET. THESE WELLS HAVE OPERATED IN UNISON FOR AT LEAST 50 YEARS WITH NO DOCUMENTED CASES OF IMPAIRMENT. SINCE THE ACTUAL OPERATING RATE OF THIS WELL WILL NOT CHANGE WITH THE ADDITION OF THIS WATER RIGHT, IMPAIRMENT IS NOT LIKELY.

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.

AS NOTED ABOVE, THE DISTANCE OF 1162 FEET BETWEEN THE TWO WELLS SHOULD BE ADEQUATE TO AVOID IMPAIRMENT, SO A WAIVER OF THE SPACING REGULATION WILL NOT BE NEEDED.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

APR 04 2016

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 Shawnee County, Kansas, Kansas, this 20th day of July, 2015.

Martin Wayne McClelland
(Owner)
MARTIN WAYNE McClelland
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Jane Rogers McClelland
(Spouse)
Jane Rogers McClelland
(Please Print)

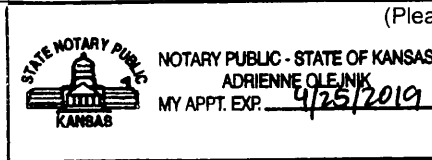
(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Shawnee } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20th day of July, 2015.

Adrienne Olejnik
Notary Public

My Commission Expires 4/25/2019

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

APR 04 2016

KS DEPT OF AGRICULTURE

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 Rossville, Shawnee County, Kansas, this 7th day of July, 2015.

Howard Parr
(Owner)

(Spouse)

Howard Parr
(Please Print)

(Please Print)

Rhonda Parr
(Owner)

(Spouse)

Rhonda Parr
(Please Print)

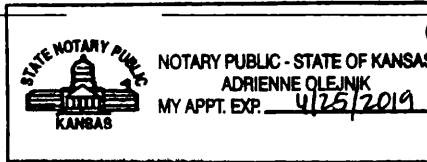
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)



State of Kansas }
County of Shawnee } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7th day of July, 2015.

Adrienne Olejnik
Notary Public

My Commission Expires 4/25/2019

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

APR 04 2016

SCANNED

KS DEPT OF AGRICULTURE

WELLS WITHIN ONE-HALF MILE

- #1) IRR. FILE NO. 5844
Howard D French
4431 NW Capper Rd
Rossville KS 66533-9732

- #2) Irr. File Nos. 3300 & 8433
Owner = Applicant

- #3) Irr. File No. 8433
Owner = Applicant

- #4) Irr. File No. 46422 & 38932
Kaw Valley USD #321
Maintenance Director
411 W Lasley St
St Marys KS 66536-1715

- #5) Rickey D & Cindy K Miller (DOM.)
PO Box 201
Rossville KS 66533

- #6) Domestic Well
Owner = Applicant

- #7) Patrick L & Betty J Schneider (DOM.)
PO Box 366
Rossville KS 66533

- #8) James & Carolyn M Thompson (DOM.)
PO Box 128
Rossville KS 66533

WATER RESOURCES
RECEIVED

APR 04 2016

KS DEPT OF AGRICULTURE

SCANNED

McColloch, Austin

From: Tietsort, Katie
Sent: Wednesday, October 12, 2016 8:52 PM
To: McColloch, Austin
Cc: Bunger, Brett
Subject: RE: Recommendation File No. 22,698

Austin,

TFO has no objections to approval of the referenced change.

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: McColloch, Austin
Sent: Wednesday, October 5, 2016 9:13 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>
Subject: Recommendation File No. 22,698

Attached is my memo for Change in PD for File No. 22,698.

Thanks,

Austin McColloch
Environmental Scientist
Phone: (785) 564-6643

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

September 19, 2016

FILE COPY

JAMES & CAROLYN M. THOMPSON
PO BOX 128
ROSSVILLE, KS 66533

RE: Water Right, File No. 22,698

Dear Mr. or Mrs. Thompson:

This is to advise you that Jane Rogers McClelland has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 22,698. The applicant proposes to change the authorized point of diversion

from: one (1) well located Near Center of the West Half (NC W $\frac{1}{2}$) of Section 2, more particularly described as being near a point 2,640 feet North and 4,000 feet West of the Southeast corner of said section, in Township 11 South, Range 13 East, Shawnee County, Kansas.

to: one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 2, more particularly described as being near a point 3,692 feet North and 5,213 feet West of the Southeast corner of said section, in Township 11 South, Range 13 East, Shawnee County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposal locations of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

If you have any questions, please contact me at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Topeka Field Office

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

September 19, 2016

FILE COPY

PATRICK L. & BETTY J. SCHNEIDER
PO BOX 366
ROSSVILLE, KS 66533

RE: Water Right, File No. 22,698

Dear Mr. or Mrs. Schneider:

This is to advise you that Jane Rogers McClelland has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 22,698. The applicant proposes to change the authorized point of diversion

from: one (1) well located Near Center of the West Half (NC W $\frac{1}{2}$) of Section 2, more particularly described as being near a point 2,640 feet North and 4,000 feet West of the Southeast corner of said section, in Township 11 South, Range 13 East, Shawnee County, Kansas.

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If you have any questions, please contact me at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Topeka Field Office

SCANNED

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



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Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 19, 2016

FILE COPY

RICKEY D. & CINDY K. MILLER
PO BOX 201
ROSSVILLE, KS 66533

RE: Water Right, File No. 22,698

Dear Mr. or Mrs. Miller:

This is to advise you that Jane Rogers McClelland has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 22,698. The applicant proposes to change the authorized point of diversion

from: one (1) well located Near Center of the West Half (NC W $\frac{1}{2}$) of Section 2, more particularly described as being near a point 2,640 feet North and 4,000 feet West of the Southeast corner of said section, in Township 11 South, Range 13 East, Shawnee County, Kansas.

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If you have any questions, please contact me at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Topeka Field Office

SCANNED

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Manhattan, Kansas 66502
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Topeka, Kansas 66612
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Jackie McClaskey, Secretary

Governor Sam Brownback

September 19, 2016

KAW VALLEY USD #321
ATTN MAINTENANCE DIRECTOR
411 W LASLEY ST
ST MARYS, KS 66536-1715

FILE COPY

RE: Water Right, File No. 22,698

Dear Sir or Madam:

This is to advise you that Jane Rogers McClelland has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 22,698. The applicant proposes to change the authorized point of diversion

from: one (1) well located Near Center of the West Half (NC W $\frac{1}{2}$) of Section 2, more particularly described as being near a point 2,640 feet North and 4,000 feet West of the Southeast corner of said section, in Township 11 South, Range 13 East, Shawnee County, Kansas.

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If you have any questions, please contact me at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Topeka Field Office

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

September 19, 2016

HOWARD D. FRENCH
4431 NW CAPPER RD.
ROSSVILLE, KS 66533-9732

FILE COPY

RE: Water Right, File No. 22,698

Dear Mr. French:

This is to advise you that Jane Rogers McClelland has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 22,698. The applicant proposes to change the authorized point of diversion

from: one (1) well located Near Center of the West Half (NC W $\frac{1}{2}$) of Section 2, more particularly described as being near a point 2,640 feet North and 4,000 feet West of the Southeast corner of said section, in Township 11 South, Range 13 East, Shawnee County, Kansas.

to: one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 2, more particularly described as being near a point 3,692 feet North and 5,213 feet West of the Southeast corner of said section, in Township 11 South, Range 13 East, Shawnee County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposal locations of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

If you have any questions, please contact me at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Topeka Field Office

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

JANE ROGERS MCCLELLAND
PO BOX 416 13630 NW CARTER RD
ROSSVILLE KS 66533

April 5, 2016

RE: File No. 22698

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 CGT
- point of diversion
- use made of water

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

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

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

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

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

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

Sincerely,

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

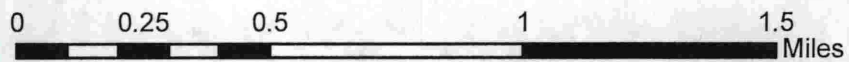
Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: TOPEKA Field Office GMD

SCANNED



1:24,000



Legend

■ Point of Diversion

Change Application Water Right, File No. 22,698

FILE COPY

Proposed Change in Point of Diversion
Section 2 - Township - 11 South - Range 13 East
Shawnee Count, Kansas

SCANNED

AM/DWR
Date: 9/16/2016