

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

Document Signature LPL

| | | | | |
|---------------------------------|--|-----------------------------|-------------------------------|---------|
| 1. File Number: 49391 | 2. Status Change Date: <i>7/29/2016</i> | 3. Change Num: C1 | 4. Field Office: 01 | 5. GMD: |
|---------------------------------|--|-----------------------------|-------------------------------|---------|

| | |
|--|---|
| 6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return | 7. Filing Date of Change: 12/8/2015 |
|--|---|

| | |
|--|---|
| 8a. Applicant(s) Person ID 24290 New to system <input type="checkbox"/> Add Seq# _____ JAMES R CHAPPELL 202 S COUNTRY CLUB RD CHANUTE KS 66720 | 8d. Landowner(s) Person ID _____ |
|--|---|

| | |
|--|--|
| 8b. Landowner(s) Person ID <u>24290</u> New to system <input type="checkbox"/> Add Seq# _____ JAMES R CHAPPELL 202 S COUNTRY CLUB RD CHANUTE KS 66720 | 8d. WUC Person ID 24290 New to system <input type="checkbox"/> Add Seq# 2 JAMES R CHAPPELL MARSHES ALL 202 S COUNTRY CLUB RD CHANUTE KS 66720 Please modify marsh reference |
|--|--|

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2016** N & P Date to Comply: _____

Check Valve
 N & P Form
 Water Tube
 Driller Copy
 H & E Letter

Conservation Plan
 Date Required: _____
 Date Approved: _____
 Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **7/21/2016** By: **LI**
 Date Entered: *8/1/2016* By: *WM*

File No. **49391** 11. County: NO Basin: **NEOSHO RIVER** Stream: 34 Formation Code: Special Use: **NA**

12. Points of Diversion Rate and Quantity
 T
 MOD
 DEL PDIV
 ENT Qualifier S T R ID 'N 'W Comment Rate gpm Authorized CK Quantity mgy Additional CK Rate gpm Additional CK Quantity mgy Overlap PD Files

MOD 66438 SE SE NE 7 30 21E 8 2700 50 Site 1 WS LNO-0088 9000 320 9000 210 36696 43440 40788 44332

MOD 66439 SE NE SE 7 30 21E 9 1835 450 Site 3 WS LNO-0088 36696 43440 40788 44332

MOD 66442 SW SW NW 8 30 21E 6 3256 4919 Site 2 WS LNO-0088 36696 43440 40788 44332

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **REMAINS AS PERMITTED**
 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 | | | | |
|------------------|-----|------|----|-----|-----|-----|--|----|----|-----|----|----|----|-----|----|----|----|-------|-------|------|---------------|--|----|----|----------------------------|
| T | MOD | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | | | | | | |
| DEL | ENT | PUSE | S | T | R | ID | | | | | | | | | | | | | | | | | | | |
| | MOD | 8348 | 7 | 30S | 21E | 1 | WETLAND MARSHES NE¼, LOT 9, SE ¼ NEOSHO CO | | | | | | | | | | | | | | | | 8A | NO | 36696 43440 40788 44332 |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |

Comments: PLEASE UPDATE THE PD COMMENT LINES FOR ALL FILES.
 File No. 49,391 provides 26.5 AF Evaporative Loss

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 21, 2016

FROM: Leslie Ireland

RE: Water Right,
File Nos. 36,696; 40,788; 43,440 & 44,332
Appropriation of Water,
File Nos. 49,390 & 49,391

James R. Chappell on behalf of the James R. Chappell Indenture of Trust, has filed applications for approval to change place of use under the referenced files authorized for recreational use as marsh wetlands to divert water from the Neosho River. File No. 49,390, has been requested to be dismissed with its place of use picked up by the remaining files. The owners have also requested a change in point of diversion under File No. 43,440, to overlap its pumpsites with the other rights. The applications were received on December 8, 2015.

The referenced files appear to be in meet K.S.A.82a-732, and the applications meet K.A.R. 5-5-2a, *Complete change application*. The owner has received notice of his meter being out of compliance, but he filed his reports on time.

The referenced files are authorized to fill and maintain marshes and account for evaporative loss with levies and dikes permitted under Structure Permits LNO-0069, LNO-0084 & LNO-0088. The rights authorize the diversion of 487.5 acre-feet to inundate 136.5 acres of wetland with 61.5 acre-feet of the authorized diversions accredited towards evaporative loss. This indicates approximately 3.1 feet of water per acre is authorized to cover the marshes. The rates of diversion are not limited to allow the capture of high flow events. The permits have different pumping conditions and restrictions with the exception of File No. 36,696, that has no special conditions. All of the junior rights prohibit summer pumping, with File No. 43,440 restricting pumping to the months of October to January. The allowance for natural evaporation was added under File Nos. 49,390 & 49,391 and appear to have been for a full year of evaporative loss.

The WRIS database indicates three(3) pumpsites along the *Neosho River Cutoff* are authorized under File Nos. 36,696; 40,788; 44,332 & 49,391, in Sections 7 and 8, Township 30 South, Range 21 East, Neosho County. The change in point of diversion requested by File No. 43,440, will increase the authorized points of diversion from three(3) to five(5) pumpsites, with pumpsites #1-3, all authorized under File Nos. 36,696; 40,788; 44,332 & 49,391, with pumpsites # 4 & 5 to be only authorized by File No. 43,440, due to the dismissal of File No. 49,390. This dismissal will remove 100 acre-feet of which 30.2 acre-feet had been designated for potential net evaporation. It appears the change in point of diversion will not alter the local source of supply.

The review of the ownership found that the pumpsite determined to be in Section 8 is not on land owned by the applicant or an owner of the place of use. As File No. 43,440, is requesting to change the point of diversion, the nearby landowners were notified of the requested change. No Comments were received, so it would appear the owners have an agreement and the application for change complies with K.A.R. 5-3-3a, *Legal access*.

The place of use changes will make a complete overlap of the North and South Marshes and add some new marsh land located in the Southeast Quarter (SE $\frac{1}{4}$) between the places of use historically identified by the owner as Field and Southwest. The currently authorized marshes located in the NE $\frac{1}{4}$ & SE $\frac{1}{4}$ have a total combined surface acres of 136.5 acres. Adding the 5 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) will result in a total of 141.5 surface acres that could be inundated for recreational use as a wetland in the East Half of Section 7. This would afford 283 acre-feet for a single filling at the historical 2 acre-feet per acre.

The quantity authorized by Water Right, File Nos. 36,696; 40,788 and 44,332 is 122 acre feet. As detailed in the 2015 summary memo for File No. 49,391, it's authorized 320 acre-feet providing 210 additional acre-feet and limited to 332 acre feet with File Nos. 36,696; 40,788 and 44,332, allowing 31.3 acre-feet for evaporation and 300 acre feet for two fillings of the 75 acres of marsh located in the Northeast Quarter. The marsh located in the Southeast Quarter authorized by File Nos. 43,440 & 49,390, is for 72.5 acres with a combined 167.5 acre-feet, allowing 30.2 acre-feet for potential net evaporation. The dismissal of File No. 39,390, will result in a total of 399.5 acre-feet authorized for the 141.5 acres of wetland marshes.

The annual potential net evaporation from the 141.5 acres located in Township 30, Range 21 East, Neosho County per K.A.R 5-6-3 *Potential net evaporation* and K.A.R. 5-6-7 *Determination of average annual potential net evaporation loss*, the marsh evaporative loss would be:

141.5 acres x 5 inches ÷ 12 inches per acre-foot = 58.96 acre-feet per year
58.96 acre-feet per year ÷ 12 months per year x 5 months indention = 24.6 acre-feet of evaporation

It appears that the 31.3 acre-feet authorized for evaporation under File No. 49,391 is sufficient to meet the requirement of K.A.R. 5-6-3.

The dismissal of File No. 39,390, will result in a total of 399.5 acre-feet authorized for the 141.5 acres of wetland marshes under File Nos. 36,696; 40,788; 43,440; 44,332 & 49,391. The standard two fillings per year of all of the 141.5 acres at a 2 foot depth justifies 566 acre-feet. The potential net evaporation of 24.6 acre-feet results in a total of 590.6 acre-feet that could be authorized for the Chappell Marsh. The additional limitation under File No. 49,391, remain as it reflects the original permitting with the senior rights. The place of use changes comply with K.A.R. 5-5-3, *Change in consumptive use*, there will be no significant increase in inundated acres.

Historically, the marshes have been numbered by DWR and identified in the WRIS database with a PUse ID and named by the owner. As the owner will be adding an additional marsh unit that is mainly existing small ponds, this unit will be designated #5, and may be named by the owner. The correlation of the names:

| DWR Marsh | PUse ID | Owner |
|-----------|---------|------------|
| 1 | 8348 | Timber |
| 2 | 8348 | Field |
| 3 | 52089 | South Unit |
| 4 | 8348 | West Unit |
| 5 | 8348 | |

As proposed by the changes in place of use each unit comprising the place of use will become a complete overlap, all in Section 7, Township 30 South, Range 21 East, the WRIS database will delete PUse ID 52089, and modify the PUse ID 8348, to the description of:

WETLAND MARSHES NE & Lot 9 & SE

The water use correspondent for all of the referenced files is James R. Chappell, but historically sequence numbers have been assigned based on the rights pumpsites and places of use (Marsh Unit). The water use reports were streamlined in 2015 with a consolidation to sequence #2 for all of the rights except 49,390 & 49,391, which reported under sequence #1.

2014 Water Use Reporting:

| Person ID & Seq 24290 - x | File Nos. & ID | DWR Site | DWR Marsh | PUse ID | Owner Identification |
|------------------------------|---------------------|------------|-----------|---------|----------------------|
| 24290 - 2 | 36,696 8, 6 & 9 | 1, 2 & 3 | 1 | 8348 | Timber |
| 24290 - 3 | 40,788 8, 6 & 9 | 1, 2 & 3 | 2 | 8348 | Field |
| 24290 - 4 | 43,440 9,10 & 11 | Not listed | 3 | 52089 | South Unit |
| 24290 - 5 | 44,332 8, 9 & 6 | 1, 3 & 2 | 4 | 8348 | West Unit |

2015 Water Use Reporting

| Person ID & Seq 24290 - x | File Nos. & ID | DWR Site | PUse ID | Owner Identification |
|------------------------------|--|-----------|---------|------------------------------|
| 24290 - 2 | 36,696; 40,788 & 44,332 8, 6 & 9 | 1,3,2, | 8348 | Timber, Field & West Unit |
| 24290 - 1 | 9,10 & 11 | 9,10 & 11 | 52089 | South Unit |

The changes allow all of the rights to divert under sequence #2. File No. 43,440, will have two independent points of diversion Sites 4 & 5. The DWR Site to Pd ID is:

| DWR Site | Pd ID |
|----------|-------|
| 1 | 8 |
| 2 | 6 |
| 3 | 9 |
| 4 | 10 |
| 5 | 11 |

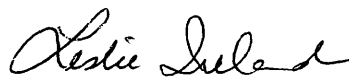
The comment line for the point of diversion will be updated. The numbers for the pumpsite designation will remain as stated. The comment line wording for the structures reference of STRUCTURES PERMIT LNO-088 (LNO-069, LNO-0084 & LNO-0088 will remain as listed but shortened to *WS LNO-0088*. The marshes have had a name and numbered designation, a space in the comment line will allow the owner to record the marsh name as he has in the past.

The applicant did not indicate that any additional construction of dikes or levees would occur in this area. No permits from our structures program will be needed for these marshes.

A meter will be required on all diversions and notice of completion for File No. 44,430. It does appear that meters are installed. A check valve will continue to be required if any chemicals are injected into the water. Additionally, the transmittal letter will remind the owner that all of his rights with the exception of File No. 36,969, are subject to MDS, and other pumping restrictions are applicable.

The proposed new application and change in place of use was reviewed by Katie Tietsort Water Commissioner, Topeka Field Office. She had no objection to the requested changes with the dismissal of File No. 49,390 as detailed in her email dated July 15, 2016.

Based on the above discussion, that no change in the local source of supply will occur, the requested changes are reasonable and the dismissal of File No. 49,390 will not result in a significant increase in consumptive use, that impairment to existing water rights is unlikely, it is recommended that the requested applications for change and dismissal of File No. 49,390, 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

JAMES R CHAPPELL
202 S COUNTRY CLUB RD
CHANUTE KS 66720

RE: Water Right, File Nos. 36,696; 40,788; 43,440; 44,332
Appropriation of Water, File Nos. 49,390 & 49,391

FILE COPY

Dear Mr. Chappell:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers and the order for the requested dismissal of File No. 49,390.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works. Please return the required and enclosed form, *Notification of the Completion of the Diversion Works and/or Installation of a Flowmeter*, prior to December 31, 2016, for File No. 49,390.

Additionally, please be reminded that all of the referenced files, with the exception of File No. 36,969, are subject to minimum desirable stream flow, seasonal pumping restrictions, and require permission to pump.

Since the enclosed orders modify the original documents referred to above, they should be recorded with the Register of Deeds of the county in which the point of diversion is located as other instruments affecting real estate.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brent A. Turney".

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

BAT:LI:li:
Enclosures
pc: Topeka Filed 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,
APPROPRIATION OF WATER
FILE NO. 49,391**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application James R. Chappell, 202 S Country Club Road, Chanute, Kansas 66720, received in this office on December 8, 2015, for approval of a change in the location of the place of use under the Approval of Application, File No. 49,391, 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 location of the place of use shall be:

wetland marshes located in the Northeast Quarter (NE $\frac{1}{4}$), and Lot 9, and in the Southeast Quarter (SE $\frac{1}{4}$) of Section 7, Township 30 South, Range 21 East, Neosho County, Kansas,

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

In all other respects, the Approval of Appropriation, File No. 49,391, for permit to appropriate water for beneficial use, is as stated and set forth in the approval October 16, 2015.

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 29th day of July, 2016 at Topeka, Shawnee County, Kansas.

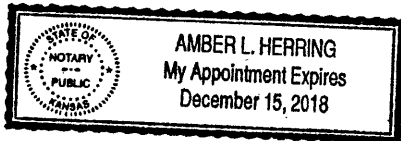
Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 29th day of July, 2016, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Amber L. Herring
Notary Public



CERTIFICATE OF SERVICE

On this 2nd day of August, 2016, I hereby certify that the attached Approval of Application for Change in Place of Use under Appropriation of Water, File No. 49,391, dated was mailed postage prepaid, first class, US mail to the following:

James R. Chappell
202 S Country Club Rd
Chanute, KS 66720

With photocopies sent to:

Topeka Field Office

Danielle Wilba
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

DEC 08 2015

8:42

KS DEPT OF AGRICULTURE

File No. 49391

2. Name of applicant: James R. Chappell

Address: 202 S Country Club Rd

City, State and Zip: Chanute, Kansas 66720

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: same as owner

Address: _____

City, State and Zip: _____

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

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

To make a complete overlap in PU between the marsh complex under File Nos. 36696, 40788, 43440, 44332 & 49391.

The change(s) (was) (will be) completed by upon approval _____
(Date)

| | | | | | | | |
|-----------------------------|-------------------|--------------------------------------|-----------------------------|---------------------|------------------|---------------|---------------------|
| For Office Use Only: | | | | | | | |
| F.O. <u>1</u> | GMD <u>0</u> | Meets K.A.R. 5-5-1 <u>(YES)</u> / NO | Use <u>REC</u> | Source <u>G/S</u> | County <u>NO</u> | By <u>KAB</u> | Date <u>12/8/15</u> |
| Code <u>CPU</u> | Fee \$ <u>200</u> | TR # <u>10019052</u> | Receipt Date <u>12/7/15</u> | Check # <u>1564</u> | | | |

of 1200

APPLICATION COMPLETE

6 26 16
Reviewed LT

SCANNED

12-10-15

4. The presently authorized place of use is:

Owner of Land — NAME: James R. Chappell
 ADDRESS: 202 S Country Club Lane, Chanute KS 66720

In wetland marshes located in the Northeast Quarter (NE ¼) and in the North Half of the Southeast Quarter (N1/2 SE ¼) OF Section 7, Township 30 South, Range 21 East, Neosho County, Kansas.

List any other water rights that cover this place of use. 36696, 40788 & 44332

Owner of Land — NAME: _____
 ADDRESS: _____

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

List any other water rights that cover this place of use. _____
 (If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: James R. Chappell
 ADDRESS: 202 S Country Club Lane Chanute KS 66720

In wetland marshes located in the Northeast Quarter (NE ¼) ^{Lot 9 and} and in the Southeast Quarter (SE ¼) OF Section 7, Township 30 South, Range 21 East, Neosho County, Kansas. _^

List any other water rights that cover this place of use. 36696, 40788, 43440, 44332, & 49391

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) (are) NO CHANGE (update pd's from gps only)
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) _____
(Provide description and number of points)

List all presently authorized point(s) of diversion:

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

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

RECEIVED

SCANNED

DEC 08 2015

12. The presently authorized use of water is for NO CHANGE purposes.
It is proposed that the use be changed to _____ purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The new file, 49391 was approved to cover any additional consumptive use.

(Please show any calculations here.)

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

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

No impairment will occur.

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.

Meets all rules and regulations.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 CHAVUTE, Kansas, this 2 day of December, 2015.

| | | |
|--|-------|----------------|
| <u>James R. Chappell</u> (Owner) | _____ | (Spouse) |
| <u>James R. Chappell</u> (Please Print) | _____ | (Please Print) |
| _____ | _____ | (Spouse) |
| (Owner) | _____ | (Please Print) |
| _____ | _____ | (Spouse) |
| (Please Print) | _____ | (Please Print) |
| _____ | _____ | (Spouse) |
| (Owner) | _____ | (Please Print) |
| _____ | _____ | (Spouse) |
| (Please Print) | _____ | (Please Print) |

State of Kansas)
County of Woods) SS

Stacy Atherton
Notary Public State of Kansas
My Appt Expires 6/26/18

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2nd day of DECEMBER, 2015.

Stacy Atherton
Notary Public

My Commission Expires 6/26/18

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**

SCANNED DEC 08 2015

Ireland, Leslie

From: Tietsort, Katie
Sent: Thursday, July 21, 2016 11:53 AM
To: Ireland, Leslie
Subject: RE: 36696xx chg PU rec_marsh wuc_memo revised__1_0

Great thanks!

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: Thursday, July 21, 2016 11:29 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Cc: Schemm, Doug <Doug.Schemm@ks.gov>
Subject: RE: 36696xx chg PU rec_marsh wuc_memo revised__1_0

Thanks for the review and recommendation. I will adjust my memo and the documents to maintain the current limitation on File No. 49,391.

I'll ask Amber to make this part of Docuware for File No. 49391.

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: Thursday, July 21, 2016 9:53 AM
To: Ireland, Leslie
Cc: Schemm, Doug
Subject: RE: 36696xx chg PU rec_marsh wuc_memo revised__1_0

Leslie,

Doug and I went through the Jim Chappell rights.

I made a chart below that should be included in the approvals of these applications. File Nos. 36696, 40788, 43440, 44332, all originally authorized the various different segments of Jim's marshes, which are all combined in this request. So, that means individually, no evap quantity exceeds what the evap actually is. With 49,390 going away the total marsh complex of about 140 acres will have **less** than the quantity of 2 fills X 2 feet X 140 acres = 560 AF plus evap, so therefore NO changes in any limitations are needed.

Katie

| | | | | | | |
|-------|--|------|----------|---------|----------|--|
| | JIM CHAPPELL | | | | | |
| | 7/20/2016 | | | | | |
| | | | | | | |
| | | | | | | |
| 36696 | NE marsh was the original PU | cert | 46 AF | 46 AF | 3000 gpm | |
| 40788 | Center marsh was original PU | cert | 44 AF | 44 AF | 3575 gpm | |
| 43440 | S big marsh was original PU | cert | 67.5 AF | 67.5 AF | 3095 gpm | |
| 44332 | W area units I, II, & III that became west marsh was original PU | cert | 32 AF | 32 AF | 3575 gpm | |
| | | | | | | |
| 49390 | goes away | | | | | |
| 49391 | will now cover entire marsh complex and new pump | | 320 AF | 210 AF | 9000 gpm | |
| | | | | | | |
| | | | | | | |
| | Total on marsh complex | | 399.5 AF | | | |
| | | | | | | |
| | | | | | | |

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: Tuesday, July 19, 2016 2:51 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: 36696xx chg PU rec_marsh wuc_memo revised__1_0

Katie,

I started putting the worksheets & documents together and ran into the limitation on 49391///\\ .

I went back and rewrote part of the memo "yellow" to take in consideration the limitation and marsh determination completed by Doug in 2015.

Attached is the worksheet too...

Please let me know if you are OK with the modification of the limitation.

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

Ireland, Leslie

From: Tietsort, Katie
Sent: Friday, July 15, 2016 12:02 PM
To: Ireland, Leslie
Cc: Bunger, Brett; Fabrycky, Caleb
Subject: RE: Recommendation for Change in PU File Nos. 36696xxx & PD File No. 43,440_
Dismissal File No. 49,390 Chappell

Leslie,

The TFO agrees with your recommendation for Approval of the pending change applications for Jim Chappell under File Nos. 36696, 40788, 43440, 44432, and 49391, as they do appear to meet the applicable rules and regulations of the KWAA. The dismissal of 49,390 was expected too with the revision to how this operation is working on the ground. We did confirm that your memo reflects what we expected and what Jim was trying to achieve.

Thanks for all your work on this package,
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: Thursday, June 30, 2016 11:08 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>
Subject: Recommendation for Change in PU File Nos. 36696xxx & PD File No. 43,440_ Dismissal File No. 49,390 Chappell

Please let me know if you could recommend the requested actions of Jim Chappell's appropriations for this wetlands.

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



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

JAMES R CHAPPELL
202 S COUNTRY CLUB RD
CHANUTE KS 66720

December 9, 2015

RE: File No. 49391

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 PU
 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.

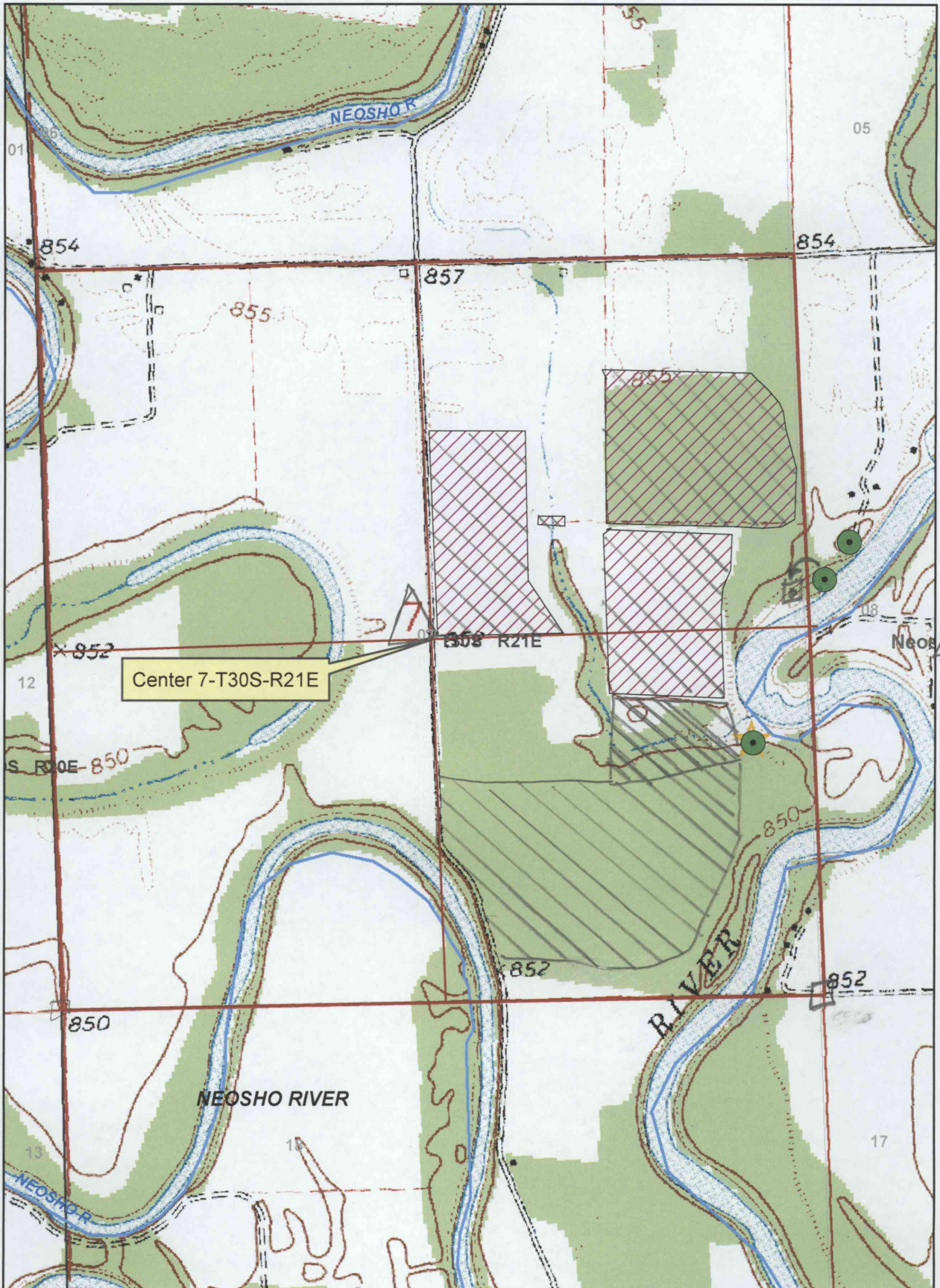
Sincerely,

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

BAT: DLW
pc: TOPEKA Field Office
GMD 0

SCANNED

Jim Chappell, Authorized PU File No. 49391



1:12,000

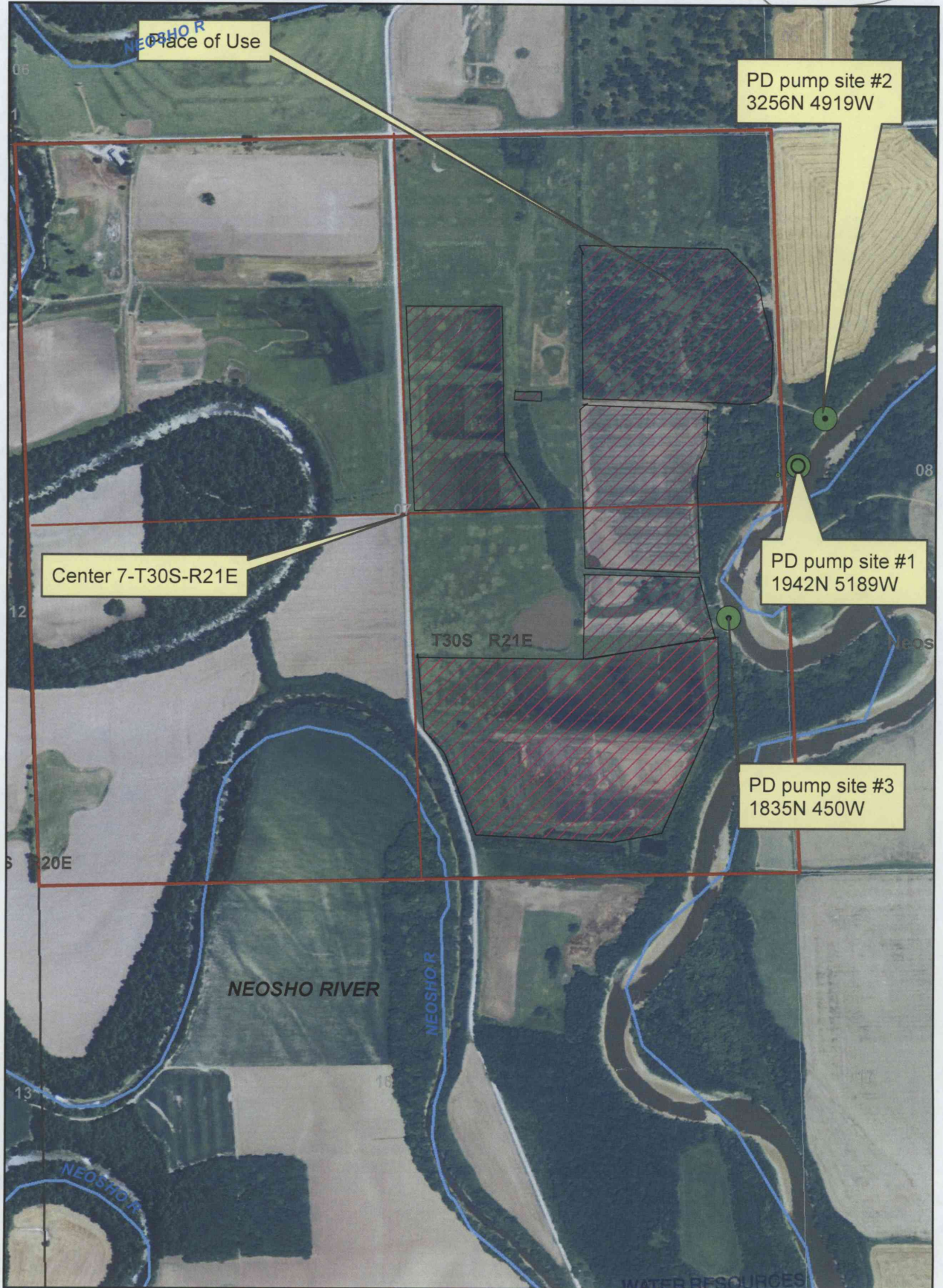
- * - AUTHORIZED
 - PROPOSED
 - ACTUAL PD * LI/awa 6/26/18
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KS DEPT OF AGRICULTURE

Sec 8



Jim Chappell Proposed PU

File Nos. 36696/40788/43440/44332/49391



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1:12,000

SCANNED DEC 08 2015

KS DEPT OF AGRICULTURE

