

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 40988	2. Status Change Date: 9/3/2020	3. Change Num: C2	4. Field Office: 01	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 28-JAN-2020
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8a. Applicant(s) New to system <input type="checkbox"/> Person ID <u>10997</u> Add Seq# <u>1</u> CITY OF MANHATTAN Attn: CITY WATER DEPT 1101 POYNTZ AVE MANHATTAN, KS 66502	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID <u>10997</u> Add Seq# <u>1</u> CITY OF MANHATTAN Attn: CITY WATER DEPT 1101 POYNTZ AVE MANHATTAN, KS 66502	8d. WUC New to system <input type="checkbox"/> Person ID <u>10997</u> Add Seq# <u>1</u> CITY OF MANHATTAN Attn: CITY WATER DEPT 1101 POYNTZ AVE MANHATTAN, KS 66502 NO CHANGE
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2020** N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal 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: **08/24/20** By: **RAK**
 Date Entered: **9/11/2020** By: **LMoody**

File No **40988** 11. County: **PT** Basin **BIG BLUE RIVER** Stream: Formation Code: **113** Special Use:

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

NO CHANGE

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

14. Limitation: _____ 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			
CHK	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								
MOD	18707	8	10	8E	2				WITHIN BOUNDARIES OF HUNTERS ISLAND WATER DISTRICT & IMMEDIATE VICINITY																	8A	NO	*SEE BELOW
√	25178	8	10	8E	1				CITY OF MANHATTAN & IMMEDIATE VICINITY																	8A	NO	*SEE BELOW
MOD	59893	8	10	8E	3				WITHIN BOUNDARIES OF RILEY RWD 01 & IMMEDIATE VICINITY																	8A	NO	*SEE BELOW
MOD	59894	8	10	8E	4				TUTTLE CREEK LAKE STATE PARK & IMMEDIATE VICINITY																	8A	NO	*SEE BELOW
ENT	70108	8	10	8E					WITHIN BOUNDARIES OF POTTAWATOMIE RWD 1 & IMMEDIATE VICINITY																	8A	NO	*SEE BELOW
ENT	70109	8	10	8E					WITHIN BOUNDARIES OF KONZA VALLEY WATER BENEFIT DISTRICT & IMMEDIATE VICINITY																	8A	NO	*SEE BELOW

Base Acres: Year: Minimum Reasonable Quantity: Comments:

* PU OLAPS FOR ALL- FILE NOS. PT-21; 11,446; 16,353; 37,826; 40,982; 40,983; 40,984; 40,985; 40,986; 40,987; ~~40,988~~; 47,012; 47,013; 47,014; 47,015; 47,016; 47,017, 47,020, 48,122, 48,123, 48,124, and 48,125

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Richelle A. Krueger

DATE: August 31, 2020
RE: Vested Right
File No. PT 021
Water Right
File Nos. 11,446, 16,353
and 37,826
Appropriation of Water
File Nos. 40,982, 40,983, 40,984, 40,985,
40,986, 40,987, 40,988, 47,012, 47,013,
47,014, 47,015, 47,016, 47,017, 47,020,
48,122, 48,123, 48,124 and 48,125

Robert K. Ott and Randy D. DeWitt, on behalf of the City of Manhattan, Kansas, have filed applications for approval to change the authorized place of use. The referenced file numbers are authorized for municipal use and are geographically located within the Big Blue River drainage basin.

The referenced water rights do not appear abandoned as per K.S.A. 82a-718. File Nos. 40,982, 40,983, 40,984, 40,985, 40,986, 40,987, and 40,988 have certificates proposed at this time.

After issuance of the referenced proposed certificates it appears the City has a total limited quantity of 4,908.993 million gallons per calendar year for municipal use in the City of Manhattan, Kansas and immediate vicinity; within the boundaries of Hunter's Island Water District, Pottawatomie County, Kansas, within the boundaries of Riley County Rural Water District No. 1, Riley County, Kansas; and within Tuttle Creek Lake State Park, Riley County, Kansas. The referenced file numbers overlap in their authorized place of use and there are various overlaps in their authorized points of diversions.

The water right owners propose to add Pottawatomie County Rural Water District No. 1 and Konza Valley Water Benefit District and their immediate vicinities to their authorized place of use. The City has been serving these districts for several years with no indication of impairment and should have an adequate quantity to supply them at this time. Pottawatomie County Rural Water District No. 1 has eleven of its own water rights (File Nos. 21,099, 24,224, 43,757, 43,758, 46,442, 46,443, 49,020, 49,030, 49,417, 49,420, 49,421) plus one pending application (File No. 50,286). Konza Valley Water Benefit District has one right, Water Right, File No. 31,423 which is under a cease diversion for failure to install a meter.

A public notice was printed in the local paper once a week for three consecutive weeks to notify interested parties of these applications to comply with K.S.A. 82a 1906. No responses have been received as of today's date.

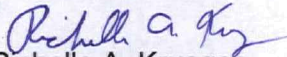
Galen Biery, General Manager of The Kansas River Water Assurance District No. 1, was notified of the referenced change applications in a letter dated August 19, 2020 sent via e-mail.

The same local source of supply will not change which is Main Stem Alluvium (113).

In an e-mail dated August 21, 2020, Katherine Tietsort, Water Commissioner of the Topeka Field Office, indicated no objection to approval of the referenced change applications.

Water flow meters are required. Check valves will be required if chemigating.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended the referenced applications be approved.


Richelle A. Krueger
Environmental Scientist

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE APPROPRIATION OF WATER FILE NO. 40,988

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Robert K. Ott, on behalf of the City of Manhattan, 1101 Poyntz Avenue, Manhattan, Kansas, 66502, received in this office on January 28, 2020, for approval of a change in the location of the place of use under the Approval of Application, File No. 40,988, for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated August 19, 2008, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

within the City of Manhattan, Kansas and immediate vicinity; within the boundaries of Hunter's Island Water District, Pottawatomie County, Kansas and immediate vicinity; within the boundaries of Riley County Rural Water District No. 1, Riley County, Kansas and immediate vicinity; within the boundaries of Pottawatomie County Rural Water District No. 1, Pottawatomie County, Kansas and immediate vicinity; within the boundaries of Konza Valley Water Benefit District and immediate vicinity; and within Tuttle Creek Lake State Park, Riley County, Kansas and immediate vicinity,

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

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install 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 Approval of Application, File No. 40,988, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated March 22, 1994, as modified and amended by the aforementioned order.

Ordered this 3 day of September, 2020, in Manhattan, Riley 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 3 day of September, 2020, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

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



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

Mike Beam, Secretary

Laura Kelly, Governor

CITY OF MANHATTAN
Attn: CITY WATER DEPT-ETHAN KLOSTER
1101 POYNTZ AVE
MANHATTAN, KS 66502

September 14, 2020 .

RE: Vested Right, File No. PT 021
Water Right, File Nos. 11,446, 16,353, and 37,826
Appropriation of Water, File Nos. 40,982, 40,983, 40,984, 40,985, 40,986, 40,987, 40,988,
47,012, 47,013, 47,014, 47,015, 47,016, 47,017, 47,020, 48,122, 48,123, 48,124 and 48,125

Dear Mr. Kloster:

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.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the installation of the required meters as soon as these actions are completed.

Since the orders modify the original documents referred to above, the orders for File Nos. PT 021, 11,446, 16,353, and 37,826 should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Division of Water Resources

RAK

pc: Topeka Field Office
Kansas River Water Assurance District No. 1, Attn : Galen Biery

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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

CERTIFICATE OF SERVICE

On this 14th day of September, 2020, I hereby certify that the foregoing Approval of Application for Change in Place of Use, File No. 40,988, dated September 3, 2020 was mailed postage prepaid, first class, US mail to the following:

CITY OF MANHATTAN
Attn: CITY WATER DEPT
1101 POYNTZ AVE
MANHATTAN, KS 66502

With photocopies to:

Topeka Field Office
Kansas River Water Assurance District No 1 Attn: Galen Biery

Kate Anderson
Division of Water Resources