

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

1. File Number: <b>49367</b>	2. Status Change Date: <b>2/25/2020</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>01</b>	5. GMD:
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: <b>04-NOV-2019</b>
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID <b>58012</b> Add Seq# <u>1</u>		8c. Landowner(s) New to system <input type="checkbox"/>
<b>PUBLIC WHOLESALE WATER SUPPLY DIST #23 PO BOX 328 FREDONIA, KS 66736</b>				Person ID _____ Add Seq# _____
		8d. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID <b>58012</b> Add Seq# <u>1</u>		8e. WUC New to system <input type="checkbox"/>
<b>PUBLIC WHOLESALE WATER SUPPLY DIST #23 PO BOX 328 FREDONIA, KS 66736</b>		<b>PUBLIC WHOLESALE WATER SUPPLY DIST #23 PO BOX 328 FREDONIA, KS 66736</b>		Person ID <b>58012</b> Add Seq# <u>1</u>
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/20</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>2/10/20</b> By: <b>RAK</b> Date Entered: <span style="border: 1px solid blue; padding: 2px;">2/27/2020</span> LMoody    By:				

File No **49367**      11. County: **WL**      Basin: **FALL RIVER (40)**      Stream: **FALL RIVER(40)**      Formation Code:      Special Use:

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

**NO CHANGES**

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 CHK MOD DEL ENT      PUSE      S      T      R      ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
<b>MOD 60939 23 29 14E 1</b>	Within boundaries and immediate vicinities of members of Public Wholesale Water Supply District #23- see image																	<b>8b</b>	<b>NO</b>	<b>WL 001; 8497; 30489; 46006 &amp; 49367</b>	

Base Acres:      Year:      Minimum Reasonable Quantity:  
 Comments:

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

**TO:** Files

**DATE:** February 11, 2020

**FROM:** Richelle A. Krueger

**RE:** Vested Right  
File No. WL 001  
Water Right  
File Nos. 8,497 and 30,489  
Appropriation of Water  
File Nos. 46,006 and 49,367

Ronald R. Flowers, President on behalf of the Public Wholesale Water Supply District No. 23 (PWWSD #23), has filed applications for approval to change the authorized place of use. The referenced file numbers are authorized surface water from Fall River for municipal use.

The referenced water rights do not appear abandoned as per K.S.A. 82a-718. The perfection period for File No. 46,006, expires on December 31, 2025 and the perfection period for File No. 49,367 expires December 31, 2035.

The referenced file numbers form a complete overlap in their authorized place of use and in their authorized point of diversion and are authorized a limited quantity and diversion rate of 950 million gallons per calendar year and 15,000 gallons per minute. The currently authorized place of use is described as:

within the boundaries of Public Wholesale Water Supply District No. 23, which serves the City of Altoona and immediate vicinity; the City of Buffalo and immediate vicinity; the City of Fredonia and immediate vicinity; the City of Thayer and immediate vicinity; within the boundaries of Rural Water District No. 4, Neosho-Labette County; Rural Water District No. 9, Montgomery County and Rural Water District No. 12, Montgomery County; Rural Water District No. 6, Neosho County; Rural Water District No. 7, Neosho County; Rural Water District No. 9, Neosho County; Rural Water District No. 12, Neosho County; Rural Water District No. 1, Wilson County; Rural Water District No. 2, Wilson County; Rural Water District No. 5, Wilson County; Rural Water District No. 7, Wilson County; Rural Water District No. 10, Wilson County; Rural Water District No. 11, Wilson County; Rural Water District No. 13, Wilson County; and Rural Water District No. 1, Woodson County, all in Kansas.

Paragraph No. 3 of the applications indicates that PWWSD #23 is planning to expand their water supply services/membership to the City of Howard, Elk RWD #2 and the City of Severy. Wilson RWD No. 4 is also an existing customer/member not currently listed in the description of the place of use. It has been determined that public wholesale water supply districts are legal entities (unlike rural water districts), so they do not have taxing authority, and since entities cannot tax entities, they do not legally have boundaries like rural water districts -they have members. It has been determined that the place of use for PWWSD No. 23 should be described as follows:

within the boundaries and immediate vicinities of the members of Public Wholesale Water Supply District No. 23, which serves the City of Altoona; the City of Buffalo; the City of Fredonia; the City of Howard; the City of Severy; the City of Thayer; Rural Water District No. 2, Elk County; Rural Water District Nos. 9 & 12, Montgomery County; Rural Water District No. 4, Neosho-Labette County; Rural Water District Nos. 6, 7, 9 & 12, Neosho County; Rural Water District Nos. 1, 2, 4, 5, 7, 10, 11, & 13, Wilson County; and Rural Water District No. 1, Woodson County, all in Kansas.

Paragraph No. 13 of the applications indicates that since the district began serving customers in 2009, no more than 47 percent of the currently authorized combined quantity has been used in any given year. Also, two of the five files are in their perfection period, there should be adequate quantity to supply the new customers.


Nearby landowners located one-half (½) mile upstream and downstream from land owned or controlled by the applicant were notified of the proposed change in place of use by letters dated November 26, 2019, no responses were received.

The same local source of supply will not change, which is surface water from the Fall River.

In an e-mail dated February 4, 2020, Katherine Tietsort, Water Commissioner of the Topeka Field Office, indicated no objection to approval of the referenced change applications.

A water flow meter is required. A check valve 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 that the referenced applications be approved.

  
Richelle A. Krueger  
Environmental Scientist

## Krueger, Richelle [KDA]

---

**From:** Tietsort, Katie [KDA]  
**Sent:** Tuesday, February 4, 2020 9:27 AM  
**To:** Krueger, Richelle [KDA]  
**Subject:** RE: Request for Recommendation Change in PU File Nos. WL 001; 8497; 30489; 46006 and 49367 PWWSD # 23

Richelle,

This looks great- please move it forward.

Have a great day!

Katie Tietsort  
Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)  
785-296-5733

Kansas Department of Agriculture  
Division of Water Resources  
Topeka Field Office  
6531 S.E. Forbes Ave, Suite B  
Topeka, KS 66619

---

**From:** Krueger, Richelle [KDA] <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Sent:** Tuesday, February 4, 2020 9:22 AM  
**To:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** RE: Request for Recommendation Change in PU File Nos. WL 001; 8497; 30489; 46006 and 49367 PWWSD # 23

Okay, if you recommend approval of this I will proceed and use the description below!

---

**From:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Sent:** Tuesday, February 4, 2020 9:15 AM  
**To:** Krueger, Richelle [KDA] <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Cc:** Bunger, Brett [KDA] <[Brett.Bunger@ks.gov](mailto:Brett.Bunger@ks.gov)>; Fabrycky, Caleb [KDA] <[Caleb.Fabrycky@ks.gov](mailto:Caleb.Fabrycky@ks.gov)>  
**Subject:** RE: Request for Recommendation Change in PU File Nos. WL 001; 8497; 30489; 46006 and 49367 PWWSD # 23

I believe that is the plan.

Katie Tietsort  
Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)  
785-296-5733

Kansas Department of Agriculture  
Division of Water Resources  
Topeka Field Office  
6531 S.E. Forbes Ave, Suite B

Topeka, KS 66619

---

**From:** Krueger, Richelle [KDA] <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Sent:** Tuesday, February 4, 2020 9:12 AM  
**To:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Cc:** Bunger, Brett [KDA] <[Brett.Bunger@ks.gov](mailto:Brett.Bunger@ks.gov)>; Fabrycky, Caleb [KDA] <[Caleb.Fabrycky@ks.gov](mailto:Caleb.Fabrycky@ks.gov)>  
**Subject:** RE: Request for Recommendation Change in PU File Nos. WL 001; 8497; 30489; 46006 and 49367 PWWSD # 23

Works for me! Do you know if they are still planning on serving Severy?

---

**From:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Sent:** Tuesday, February 4, 2020 9:07 AM  
**To:** Krueger, Richelle [KDA] <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Cc:** Bunger, Brett [KDA] <[Brett.Bunger@ks.gov](mailto:Brett.Bunger@ks.gov)>; Fabrycky, Caleb [KDA] <[Caleb.Fabrycky@ks.gov](mailto:Caleb.Fabrycky@ks.gov)>  
**Subject:** RE: Request for Recommendation Change in PU File Nos. WL 001; 8497; 30489; 46006 and 49367 PWWSD # 23

Good Morning,

How about using this format we regularly use to make the PU description a little more readable?

within the boundaries and immediate vicinities of the members of Public Wholesale Water Supply District No. 23, which serves the City of Altoona; the City of Buffalo; the City of Fredonia; **the City of Howard; the City of Severy**, the City of Thayer; **Rural Water District No. 2, Elk County**; Rural Water District Nos. 9 & 12, Montgomery County; Rural Water District No. 4, Neosho-Labette County; Rural Water District Nos. 6, 7, 9 & 12, Neosho County; Rural Water District Nos. 1, 2, 4, 5, 7, 10, 11, & 13, Wilson County; and Rural Water District No. 1, Woodson County, all in Kansas.

Katie Tietsort  
Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)  
785-296-5733

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Division of Water Resources  
Topeka Field Office  
6531 S.E. Forbes Ave, Suite B  
Topeka, KS 66619

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**From:** Krueger, Richelle [KDA] <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Sent:** Monday, February 3, 2020 8:12 AM  
**To:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Cc:** Bunger, Brett [KDA] <[Brett.Bunger@ks.gov](mailto:Brett.Bunger@ks.gov)>; Fabrycky, Caleb [KDA] <[Caleb.Fabrycky@ks.gov](mailto:Caleb.Fabrycky@ks.gov)>  
**Subject:** Request for Recommendation Change in PU File Nos. WL 001; 8497; 30489; 46006 and 49367 PWWSD # 23

Hi Katie,

Attached is a draft memo for PWWSD No. 23. I made an attempt at the proposed pu description as we discussed the other day, if you want something different or something does not appear correct, please let me know, or if you want it exactly as described in Paragraph 5 of the application. The application indicates they may serve Severy, do you know if that is still the plan?

Once we get the description straightened out, do you recommend approval of the referenced change applications?

Thanks,  
Richelle

Richelle Krueger, Environmental Scientist  
Kansas Department of Agriculture  
Water Appropriation Program  
(785) 564-6635  
[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov) (please note e-mail address change)  
[www.ksda.gov/dwr](http://www.ksda.gov/dwr)

## Krueger, Richelle [KDA]

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**From:** Krueger, Richelle [KDA]  
**Sent:** Wednesday, January 29, 2020 10:51 AM  
**To:** Tietsort, Katie [KDA]  
**Cc:** Fabrycky, Caleb [KDA]  
**Subject:** RE: PWWSD#23

I will draft up the wording and put it in the memo and you can see if its what you have in mind, thanks Katie!

---

**From:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Sent:** Wednesday, January 29, 2020 10:11 AM  
**To:** Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>  
**Cc:** Fabrycky, Caleb [KDA] <Caleb.Fabrycky@ks.gov>  
**Subject:** RE: PWWSD#23

We decided that we should use the new language that says members instead of boundaries but we need to include all the members and not abbreviate in the WC Meeting last month. Does this answer your question? It appears that we do have to modify the requested place of use under the changes to be the expanded full version plus the new members he describes on page 1 item 3.

Katie Tietsort  
Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)  
785-296-5733

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Division of Water Resources  
Topeka Field Office  
6531 S.E. Forbes Ave, Suite B  
Topeka, KS 66619

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**From:** Krueger, Richelle [KDA] <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Sent:** Tuesday, January 28, 2020 3:36 PM  
**To:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** FW: PWWSD#23

Here's what Brent forwarded to me  
Richelle

---

**From:** Turney, Brent [KDA] <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>  
**Sent:** Monday, November 25, 2019 3:13 PM  
**To:** Krueger, Richelle [KDA] <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Subject:** FW: PWWSD#23

**Brent A. Turney, P.G.**



**Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan Kansas 66502  
(785) 564-6645  
[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

---

**From:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>

**Sent:** Friday, June 28, 2019 9:55 AM

**To:** Fabrycky, Caleb [KDA] <[Caleb.Fabrycky@ks.gov](mailto:Caleb.Fabrycky@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>

**Cc:** Engelhaupt, David [KDA] <[David.Engelhaupt@ks.gov](mailto:David.Engelhaupt@ks.gov)>; Pugh, Ginger [KDA] <[Ginger.Pugh@ks.gov](mailto:Ginger.Pugh@ks.gov)>; Turney, Brent [KDA] <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>

**Subject:** RE: PWWSD#23

I have had a fascinating discussion with Elmer this morning. And some thoughts were raised for discussion.

So the questions is, if a PWWSD starts serving a new area, does it require a change in PU or not. Currently, with RWD's and their boundaries- if the District or City formally adjusts their boundaries legally or annexes territory and supplies that to the CE, and incorporates new territory into their legal boundaries, they would be as authorized under their current and existing description and PU and don't need a change, but if they serve a new area that isn't incorporated into their boundaries or not annexed, they have to make a PU change under their WR's.

Elmer explained and showed me that PWWSD's are a legal entity (unlike RWD's) so they don't have taxing authority and since entities can't tax entities so PWWSD's do not have Boundaries like RWD's. They only have members. So while a PWWSD, it appears would need to make PU change to DWR each time they begin serving a new entity (RWD or City), our inconsistency in how we have authorized these is creating a problem. Please see the two examples below.

First of all, since they don't legally have "boundaries" they have "members" I would suggest that we immediately start using members instead of boundaries language. As for Calebs original question, it looks like since we spelled out every member in the PWWSD 23 water rights, they will need to file for 5 sets of PU changes under their rights, however, when PWWSD #26 (Strong City/Cottonwood Falls) was adding members, because their approvals are more generic, they did not have to file changes.

It sounds like from this information, we probably shouldn't use the language "within the boundaries of the Public Wholesale..." maybe a better language would be something like "municipal use by the members of the Public Wholesale Water Supply District No. X, serving ...." Or something like that? We should probably be consistent though.

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

RAYMOND L PUCKETT REV TRUST  
314 N 14<sup>TH</sup> ST  
FREDONIA KS 66736

November 26, 2019

RE: Vested Right, File No. WL 001  
Water Right, File Nos. 8,497 and 30,489  
Appropriation of Water, File Nos. 46,006 and 49,367

Dear Sir or Madam:

This is to advise you that Public Wholesale Water Supply District No. 23 has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use for the above referenced file numbers. The District is proposing to add the City of Howard, Rural Water District No. 2, Elk County, the City of Severy, and Rural Water District No. 4, Wilson County, to their authorized place of use. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications posted by water right file number as referenced above at [www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices](http://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices)

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Topeka Field Office  
Public Wholesale Water Supply District No. 23, Attn: John Hodgden

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Laura Kelly, Governor

JOHN F RELPH  
626 N 8TH  
FREDONIA KS 66736

November 26, 2019

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Dear Sir or Madam:

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Environmental Scientist  
Water Appropriation Program

RAK

pc: Topeka Field Office  
Public Wholesale Water Supply District No. 23, Attn: John Hodgden

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900 SW Jackson, Room 456  
Topeka, KS 66612  
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Mike Beam, Secretary

Laura Kelly, Governor

SURBER FARMS LLC  
% KRISTIE K SURBER  
19230 GOVE RD  
FREDONIA KS 66736

November 26, 2019

RE: Vested Right, File No. WL 001  
Water Right, File Nos. 8,497 and 30,489  
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Environmental Scientist  
Water Appropriation Program

RAK

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Public Wholesale Water Supply District No. 23, Attn: John Hodgden

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

Mike Beam, Secretary

Laura Kelly, Governor

VRON H AND ANN K SIERMAN  
5923 1200 RD  
FREDONIA KS 66736

November 26, 2019


RE: Vested Right, File No. WL 001  
Water Right, File Nos. 8,497 and 30,489  
Appropriation of Water, File Nos. 46,006 and 49,367

Dear Sir or Madam:

This is to advise you that Public Wholesale Water Supply District No. 23 has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use for the above referenced file numbers. The District is proposing to add the City of Howard, Rural Water District No. 2, Elk County, the City of Severy, and Rural Water District No. 4, Wilson County, to their authorized place of use. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications posted by water right file number as referenced above at [www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices](http://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices)

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Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Topeka Field Office  
Public Wholesale Water Supply District No. 23, Attn: John Hodgden

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

Mike Beam, Secretary

Laura Kelly, Governor

OLNHAUSEN FARMS LLC  
C/O MICHAEL OLENHOUSE  
5788 PRATT RD  
NEODESHA KS 66757

November 26, 2019

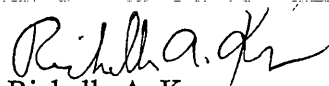
RE: Vested Right, File No. WL 001  
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Dear Sir or Madam:

This is to advise you that Public Wholesale Water Supply District No. 23 has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use for the above referenced file numbers. The District is proposing to add the City of Howard, Rural Water District No. 2, Elk County, the City of Severy, and Rural Water District No. 4, Wilson County, to their authorized place of use. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications posted by water right file number as referenced above at [www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices](http://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices)

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Topeka Field Office  
Public Wholesale Water Supply District No. 23, Attn: John Hodgden

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 FREDONIA  
100 N 15TH  
FREDONIA KS 66736

November 26, 2019

RE: Vested Right, File No. WL 001  
Water Right, File Nos. 8,497 and 30,489  
Appropriation of Water, File Nos. 46,006 and 49,367

Dear Sir or Madam:

This is to advise you that Public Wholesale Water Supply District No. 23 has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use for the above referenced file numbers. The District is proposing to add the City of Howard, Rural Water District No. 2, Elk County, the City of Severy, and Rural Water District No. 4, Wilson County, to their authorized place of use. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications posted by water right file number as referenced above at [www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices](http://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices)

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

Mike Beam, Secretary

Laura Kelly, Governor

PUBLIC WHOLESALE WATER SUPPLY DIST #23  
PO BOX 328  
FREDONIA, KS 66736

February 28, 2020

**FILE COPY**

RE: Vested Right, File No. WL 001  
Water Right, File Nos. 8,497 and 30,489  
Appropriation of Water, File Nos. 46,006 and 49,367

Dear Sir or Madam:


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 an acceptable water flow meter 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 meter as soon as these actions are completed.

Since the orders for File Nos. WL 001, 8,497 and 30,489 modify the original documents referred to above, they 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



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, 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. 49,367**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Ronald R. Flowers, on behalf of Public Wholesale Water Supply District No. 23, P.O. Box 328, Fredonia, Kansas, 66736, received in this office on November 4, 2019, for approval of a change in the location of the place of use under the Approval of Application, File No. 49,367, for permit to appropriate water for beneficial 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 boundaries and immediate vicinities of the members of Public Wholesale Water Supply District No. 23, which serves the City of Altoona; the City of Buffalo; the City of Fredonia; the City of Howard; the City of Severy; the City of Thayer; Rural Water District No. 2, Elk County; Rural Water District Nos. 9 & 12, Montgomery County; Rural Water District No. 4, Neosho-Labette County; Rural Water District Nos. 6, 7, 9 & 12, Neosho County; Rural Water District Nos. 1, 2, 4, 5, 7, 10, 11, & 13, Wilson County; and Rural Water District No. 1, Woodson County, all in Kansas.

All 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. 49,367, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated July 24, 2015.

**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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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.

Ordered this 20<sup>th</sup> day of February, 2020, in Manhattan, Riley County, Kansas.

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

State of Kansas     )  
                               )  
 County of Riley    ) SS

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of February, 2020, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

  
 Notary Public



**CERTIFICATE OF SERVICE**

On this <sup>28<sup>th</sup></sup> day of *February*, 2020, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 49,367, dated *February 25*, 2020 was mailed postage prepaid, first class, US mail to the following:

PUBLIC WHOLESALE WATER SUPPLY DIST #23  
PO BOX 328  
FREDONIA, KS 66736

With photocopies to:

Topeka Field Office



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Division of Water Resources