

File No. **28375** 11. County: **JF** Basin: **DELAWARE RIVER** Stream: Formation Code: **140** Special Use:

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

NO CHANGES TO PD

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

14. Limitation: _____ af/yr at when combined with file number(s) _____
 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 T 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						
NO CHANGE 14071																											
NO CHANGE 31774																											
ENT 2663 70670 24 10S 17E						WITHIN BOUNDARIES OF JEFFERSON RWD 11 37282, 43428																					
ENT 15367																											
ENT 37749																											

Comments: **RWD 3, 6 11** **CHANGE MADE AFTER DISCUSSION WITH KJN**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 16, 2021

FROM: Kris Neuhauser

RE: Water Right, File Nos.
28,375; 37,282; & 43,428

Paul Heinen, on behalf of Rural Water District No. 3, Jefferson County, Kansas, has filed applications for approval to change the place of use for the referenced file numbers; authorized for municipal use.

The referenced file numbers do not appear abandoned as per K.S.A. 82a-718.

The referenced file numbers overlap in their authorized point of diversion and place of use, described as within the boundaries of Rural Water District Nos. 3 and 6, Jefferson County, Kansas.

As indicated in a letter to the district dated April 9, 2021, from Tyler Smith, Environmental Compliance Specialist of the Topeka Field Office, the 2019 and 2020 water use reports indicated that Jefferson Rural Water District No. 3 sold water to Jefferson Rural Water District No. 11, which resulted in the above file nos. being out of compliance (by serving water on land not authorized under the water rights). The three place of use applications were prepared to remedy this, adding Jefferson Rural Water District No. 11 to the authorized place under each file no.

Ten well owners within ½ mile of the existing point of diversion were identified. Nearby notification letters were mailed on November 16, 2021, to inform said landowners of the pending change applications.

The same local source of supply will not change, which has previously been determined to be Kansan stage (140).

In an e-mail dated November 16, 2021, Katie Tietsort, Water Commissioner of the Topeka Field Office, indicated no objection to approval of the referenced change applications.

A water flow meter is 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 that the referenced applications be approved



Kris Neuhauser
New Applications Lead
Water Appropriation Program

From: Tietsort, Katie [KDA]
Sent: Tue 11/16/2021 4:16 PM
To: Neuhauser, Kris [KDA]
Cc: Bunger, Brett [KDA]
Subject: RE: 28375, 37282, 43428 PU change recommendation request

Hi Kris,

Yes, they had to be converted to HQ changes because the WC delegations of authority do not allow us to sign changes in PU for any other UMW besides irrigation.

You have some typos of "Jefferson" County.

They look good to proceed with! Please move them forward!

Thanks!

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, November 16, 2021 3:54 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: 28375, 37282, 43428 PU change recommendation request

Hi Katie,

Here is a draft memo for three PU change apps under WR's 28375, 37282, & 43428. Tyler sent a letter and the applications to Jefferson RWD 3 on April 9, 2021 – you can find this on page 20 of the 28375 change app in Docuware. Outlines things well. Adding Jefferson RWD 11 to the authorized PU for all three file nos. They are FO change apps, but Kristen has an email from Lloyd from a while back – asking if we could instead make them HQ changes.

Sent out nearby notification letters today, no 15 day period for them, just to inform people.

Let me know if you need anything further. Thanks!

Kris Neuhauser

New Applications Lead

Kansas Department of Agriculture, Division of Water Resources

Phone: 785-564-6643

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT FILE NO. 28,375

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Paul Heinen, on behalf of Rural Water District No. 3, Jefferson County, Kansas, PO Box 129, Valley Falls, Kansas, 66088, received in this office on April 29, 2021, for approval of a change in the location of the place of use 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 December 28, 1998, approving the application to change the point of diversion and 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 municipal place of use shall be:

within the boundaries of Rural Water District No. 3, 6, and 11, Jefferson County, 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 Certificate of Appropriation issued pursuant to Approval of Application, File No. 28,375, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 23, 1996.

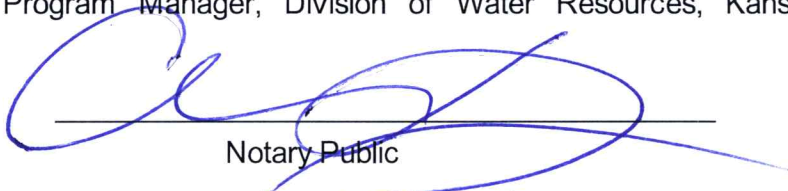
Ordered this 14 day of December, 2021, in Manhattan, Riley County, Kansas.



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 14 day of December, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



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

December 30, 2021

JEFFERSON RWD 03
Attn: PAUL J HEINEN
PO BOX 129
VALLEY FALLS, KS 66088

RE: Water Right File Nos. 28,375;
37,282; & 43,428

Dear Mr. Heinen:

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 the referenced file numbers 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,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Applications and Changes Supervisor
Water Appropriation Program

KAB: kjn
Enclosure(s)
pc: Topeka Field Office

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.

CERTIFICATE OF SERVICE

On this 30 day of December 2021, I hereby certify that the foregoing Approval of Application for Change in Place of Use, File No. 28,375, dated _____ was mailed postage prepaid, first class, US mail to the following:

JEFFERSON RWD 03
Attn: PAUL J HEINEN
PO BOX 129
VALLEY FALLS, KS 66088

With photocopies to:

Topeka Field Office



Division of Water Resources