

File No. **9244** 11. County: LN Basin: **MARAIS DES CYGNES RIVER** Stream: **3** Formation Code: NA Special Use:

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

NO CHG

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) **NONE NO CHANGE**
 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				
CHK	12478	4	20	24E	2	WITHIN BOUNDARIES OF LINN RWD 1 & 3 & IMMEDIATE VICINITIES																	8b	NO	20405, 26819, 36821
CHK	18785	4	20	24E	1	CITY OF LA CYGNE & IMMEDIATE VICINITY																	8b	NO	20405, 26819, 36821
ENT	26894	4	20	24E		CITY OF LINN VALLEY & LINN VALLEY LAKE POA & IMMEDIATE VICINITIES																	8b	NO	20405, 26819, 36821, 42333

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: February 3, 2022

FROM: Leslie Ireland

RE: Water Right,
File Nos. 9244; 20,405 & 26,819
Appropriation of Water
File Nos. 36,821 & 42,333

Debra F. Wilson on behalf of the City of LaCygne, Linn County, Kansas, has filed applications for approval to change the place of use for File Nos. 9244; 20,405; 26,819 & 36,821 which authorize surface water in the Marais Des Cygnes River basin for municipal use at the same point of diversion for the place of use. File No. 42,333 has not change on file, it is authorized for municipal use at a portion of the place of use proposed by the change applications File Nos. 9244; 20,405; 26,819 & 36,821, received on May 26, 2020.

The referenced files do not appear abandoned as per K.S.A. 82a-718. Maps were submitted on July 20, 2020 showing the general area of the City, rural water districts and proposed towns.

The change in the place of use will add Linn Valley and Linn Valley Lakes and their immediate vicinities that have been authorized by File No. 42,333. The City of Linn Valley and Linn Valley Lakes Property Owners Association appears to have a conjoined place of use with an easement for water lines and approximate population of slightly less than 800 people, but under File No. 42,333 supply water to Linn Co RWD #1. This file diverted a maximum of 10.364 mgd in 2012. The application lists a partial overlap with File No. 42,333, but it would appear a new place of use identified as Linn Valley and Linn Valley Lakes will be identified in WRIS for File Nos. 9244; 20,405; 26,819 & 36,821 to represent this area proposed to be served by these files.

The total authorized municipal use quantity under File Nos. 9244; 20,405; 26,819 & 36,821, is 261 million gallons per calendar year (261 mgd) (801 acre-feet), with each file providing quantity and the rate proportionally increased as show by File No. 36,821 limited to 700 gpm with File Nos. 9244; 20,405 & 26,819 all authorized within the boundaries of the City of La Cygne, Kansas, and immediate vicinity and within the boundaries of Rural Water District Nos. 1 and 3, Linn County, Kansas. The City of La Cygne has diverted a maximum of 144.8 million gallons (444.4 AF) in 2007, with a 2017 reported quantity of 46.528 mgd (142.8 AF). It appears there is sufficient quantity for the proposed increase in the place of use as authorized by File No. 42,333, as it is showing the most recent years have an average quantity of 8.977 mgd (27.5 AF) (2017 report of C. Philip, ES DWR).

File No. 20,405 is listed in WRIS to be further limited by the Certificate to a maximum diversion rate of 198 gallons per minute (gpm) when combined with File No. 9244 that is authorized 33.537 million gallons per year (mgd) at 100 gpm. Both File Nos. 9244 & 20,405 total 75.314 mgd (231.13 AF), File No. 20,405 was certified for 41.777 mgd (128.21 AF). It appears the limitation on File No. 20,405 should only list a maximum rate of 198 gpm (0.44 c.f.s) with File No. 9,244. The database limitation text will be updated.

The place of use authorized under File Nos. 9244; 20,405; 26,819 & 36,821 will be described as:

within the City of La Cygne, Kansas, and immediate vicinity; within the boundaries of Rural Water District Nos. 1 and 3, Linn County, Kansas and their immediate vicinities; the City of Linn Valley, Kansas, and immediate vicinity; and the Linn Valley Lakes Property Owners Association and immediate vicinity.

Notification letters dated February 1, 2022 were sent to owners within one-half (½) mile upstream and downstream of the authorized point of diversion as required by K.S.A. 82a-1906.

The local source of supply will not change, and the point of diversion was updated by Order in 2010.

In an e-mail dated February 2, 2022, Katherine Tietsort, Water Commissioner of the Topeka Field Office, reviewed the proposed place of use and indicated by email that she had no objections to approval of the referenced applications.

A water flowmeter will continue to be required with other meters as needed for the municipal reporting. 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.

A handwritten signature in black ink that reads "Leslie Ireland". The signature is written in a cursive, flowing style.

Leslie Ireland
Environmental Scientist

From: Tietsort, Katie [KDA]
Sent: Wed 2/2/2022 4:07 PM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation, File Nos. 9244, 20,405; 26819 & 36821

YES

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: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, February 2, 2022 2:06 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: RE: Review and Recommendation, File Nos. 9244, 20,405; 26819 & 36821

So...

Think the WRIS ENT part should be the like it is on the worksheet..... as looking at adding those sec listed in File No. 42333 pertain to a different township would be more confusing. Better to just list the valleys..

Reworked the description to what you sent.. so putting this out to the review file it seems you are **OK with the package. Right?**

Leslie

From: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Sent: Wednesday, February 2, 2022 1:11 PM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: RE: Review and Recommendation, File Nos. 9244, 20,405; 26819 & 36821

I don't understand the WRIS part.

I just know it should read:

WITHIN THE CITY OF LA CYGNE, KANSAS, AND IMMEDIATE VICINITY; WITHIN THE BOUNDARIES OF RURAL WATER DISTRICT NOS. 1 AND 3, LINN COUNTY KANSAS AND IMMEDIATE VICINITIES; WITHIN THE CITY OF LINN VALLEY, KANSAS, AND IMMEDIATE VICINITY; AND WITHIN THE LINN VALLEY LAKES AND IMMEDIATE VICINITY.

and the City of Linn

Valley and Linn Valley Lakes Property Owners Association and their immediate vicinities.

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: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, February 2, 2022 12:52 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: RE: Review and Recommendation, File Nos. 9244, 20,405; 26819 & 36821

Katie,

I'm close.. not whooping it up quite yet... and just picked this up Monday...right PU chg just adding the valleys, but PU description shouldn't it be their legal name of the Lakes? or at a minimum Kansas added after the Lakes.. yep that 2011 agreement shows the Lakes conveying to the City.. but still a corporation and do we use their legal name?? This is a first for me on a PU description.. but guess that is what we do for the RWD.. anyway... what about...

within the City of La Cygne, Kansas, and immediate vicinity; within the boundaries of Rural Water District Nos. 1 and 3, Linn County, Kansas and their immediate vicinities; within the City of Linn Valley, Kansas and immediate vicinity and the Linn Valley Lakes **Property Owners Association, Kansas**, and immediate vicinity.

Or

within the boundaries of the City of La Cygne, Kansas, and immediate vicinity; within the boundaries of Rural Water District Nos. 1 and 3, Linn County, Kansas and their immediate vicinities; within the City of Linn Valley, Kansas and immediate vicinity and the Linn Valley Lakes, **Kansas**, and immediate vicinity.

On WRIS...

You're saying the PU description should be updated to **City of** Linn Valley and Linn Valley Lakes POA & Immediate Vicinities ? or is it you want WRIS to show the statement of SEC 23,24,25 & N2 OF 26? Or something like a new WRIS PU description to say. SEC 23,24,25 & N2 OF 26 City of Linn Valley & Linn Valley Lakes & Immediate Vicinities? (I kind of think this would be a good description in WRIS.) To me all that Immediate vicinities wording is a waste of WRIS space.. or not.. kind of like "within the boundaries".... know we've been down this path before,, but it would help the new folks if they got a call so I need to put "within the boundaries" back for the RWD part.. to be consistent with all the other RWD descriptions. But let me know about the valleys PUSE description.

Also to confirm the PUSE added on File Nos. 9244xxx will not have the PUSE 51166 as that is specific to File No. 42333 and having a separate PUSE will show the incomplete overlap.

Leslie

From: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Sent: Wednesday, February 2, 2022 10:17 AM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: RE: Review and Recommendation, File Nos. 9244, 20,405; 26819 & 36821

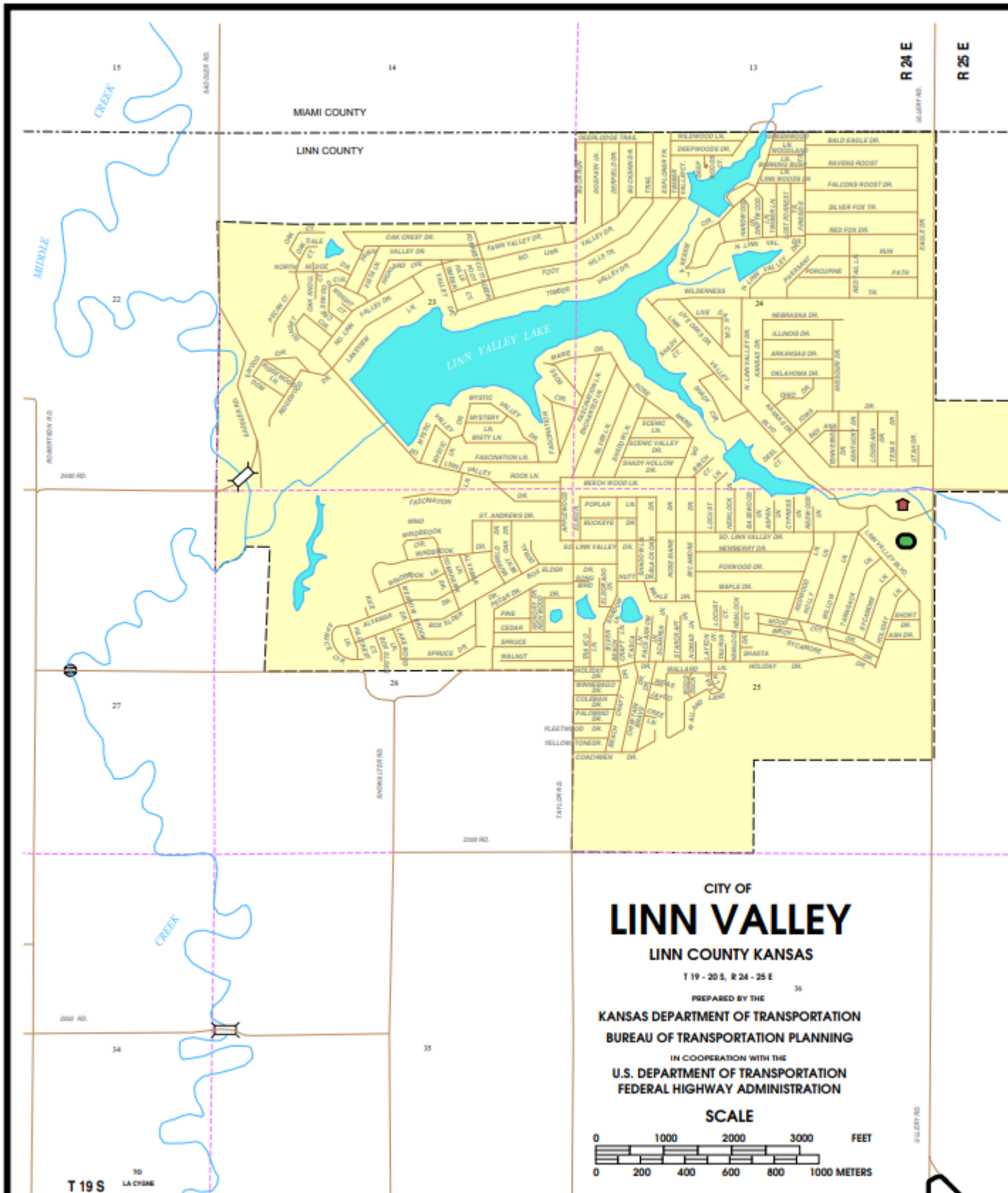
Hello Leslie,

So to be very clear, it is the City of Linn Valley, not just Linn Valley.

File 42333 is a water right owned by Linn Valley Lakes POA and the City of Linn Valley. It can only physically serve the Linn Valley Lakes POA property and City of Linn Valley.

WITHIN THE CITY OF LA CYGNE, KANSAS, AND IMMEDIATE VICINITY; WITHIN THE BOUNDARIES OF RURAL WATER DISTRICT NOS. 1 AND 3, LINN COUNTY KANSAS AND IMMEDIATE VICINITIES; WITHIN THE CITY OF LINN VALLEY, KANSAS, AND IMMEDIATE VICINITY; AND WITHIN THE LINN VALLEY LAKES AND IMMEDIATE VICINITY.





It appears the PU was updated from PUID 31650 to 51166 when the City of Linn Valley signed ownership and easement documents that are on file with the Linn Valley Lake POA.

The City of La Cygne under File Nos. 9244, 20405, 26819 & 36821 are wanting to serve the combined area in addition to their currently authorized City of La Cygne and LN RWD #1 & #3. So they are just asking to add PUID 51166 right and it should have the PU comment Linn Valley Lakes POA and City of Linn Valley & immediate vicinities. So you are adding the 51166 which covers several sections as already described in WRIS under the 51166.

These can move forward once they are all set.

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: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>

Sent: Wednesday, February 2, 2022 9:21 AM

To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>

Subject: Review and Recommendation, File Nos. 9244, 20,405; 26819 & 36821

Katie,

Please let me know if you would recommend the changes as summarized. Also attached is the worksheet for File No. 20,405, so you can see how it looks and the limitation update too.

As always comments, concerns and if there is anything looking amiss, please let me know and if you'd recommend the approvals as summarized.

Leslie Ireland

Environmental Scientist

Change Application Unit

Division of Water Resources



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. 9,244

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Debra F. Wilson on behalf of the City of La Cygne, PO Box 600, La Cygne, Kansas 66040, received in this office on May 26, 2020, 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 November 1, 1994, approving the application to change the point of diversion, and the Findings and Order of the Chief Engineer dated July 1, 2010, in the matter of authorized the point of diversion, 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 La Cygne, Kansas, and immediate vicinity; within the boundaries of Rural Water District Nos. 1 and 3, Linn County, Kansas and their immediate vicinities; the City of Linn Valley, Kansas, and immediate vicinity; and the Linn Valley Lakes Property Owners Association, Linn County, Kansas and immediate vicinity,

located substantially as shown on the maps 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 Certificate of Application issued pursuant to Approval of Application, File No. 9,244, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 22, 1981, as modified and amended by the aforementioned orders.

Ordered this 8 day of March, 2022, 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 8 day of March, 2022, 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

March 15, 2022

CITY OF LA CYGNE
DEBRA F WILSON AND/OR CITY CLERK
PO BOX 600
LA CYGNE, KS 66040

RE: Water Right, File Nos. 9,244; 20,405 & 26,819
Appropriation of Water, File No. 36,821

Dear Ms. Wilson:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change, under the referenced files.

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 a water flowmeter meeting 5-1-4 through 5-1-12 must be installed on the diversion works authorized. Records in this office indicate that meters are installed for the referenced files, however if the meter has been updated or changed please contact your area field office.

Since these orders modify the original water right documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

If you have any questions, regarding the enclosed approval documents please contact us at 785-564-6640. Should you have questions regarding the meter requirement or additional requirements please contact our staff at the Topeka Field Office at 785-296-5733. 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 that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:LI:li
Enclosures

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.

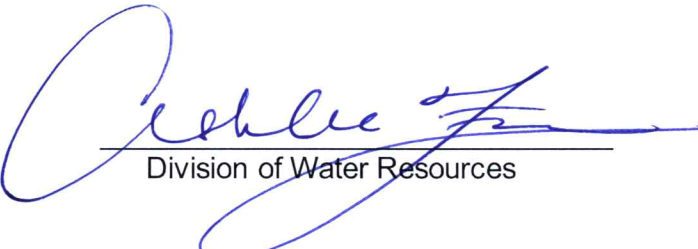
CERTIFICATE OF SERVICE

On this 15 day of March, 2022, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 9,244, dated 8 March, 2022 was mailed postage prepaid, first class, US mail to the following:

CITY OF LA CYGNE
DEBRA F. WILSON AND/OR CITY CLERK
PO BOX 600
LA CYGNE, KS 66040

With photocopies to:

Topeka Field Office



Division of Water Resources