

File No. **34378** 11. County: **WS** Basin: **REPUBLICAN RIVER** Stream: **NA** Formation Code: **113** Special Use: **016**

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
MOD	64447				NE SE SW	20	04	3E	6			WELL #6 GPS UPDATE			NO CHANGE		41145

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										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	NE ¼	NW ¼	SW ¼	SE ¼												
CHK	10340				20	4	3E	1		WITHIN THE BOUNDARIES OF RWD #2 WASHINGTON CO & IMMEDIATE VICINITY																	8b	NO	34253	41143	41145	43216	47049				
ENT	71193				20	4	3E			WITHIN THE BOUNDARIES OF BARNES, GREENLEAF, LINN, PALMER, GREEN KS & IMMEDIATE VICINITIES																	8a	NO	34253	41143	41145	43216	47049				

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: **34253 34378 41143 41145 43216 47049**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: December 28, 2022

FROM: Leslie Ireland

RE: Water Right,
File Nos. 34,253 & 34,378
Appropriation of Water
File Nos. 41,143; 41,145; 43,216 & 47,049

Steven Meyer, President of the Washington County, Rural Water District No. 2, (RWD) has filed applications for approval to change the place of use for the referenced files in the Republican River Basin authorized for municipal use. The place of use proposed by the change applications were received on June 4, 2021, but appear to have been missed in the work assignment process or workload.

The referenced files do not appear abandoned as per K.S.A. 82a-718. Maps were submitted with the applications, but one was updated to show the actual municipalities being added. As no new wells will be authorized and all the places of use proposed are existing it would appear notification per K.S.A. 82a-1906 would not be needed.

The change will add the towns of Greenleaf, Barnes, Linn, Palmer and Green and their immediate vicinities. The RWD is wanting to immediately serve Greenleaf (2021 water use report) and proposing future service to Barnes, Linn, Palmer and Green, all in Kansas. They are requesting to add them at this time. As the towns are all located along major roads the needed easement for water lines does not appear to be an issue. It appears the applications comply with K.A.R. 5-5-2a, *Complete change application*.

The RWD 2021 water use report listed use of 102.191 mgy (314 acre-feet) serving 650 persons, eight industrial users and providing water to the Cities of Palmer and Greenleaf. It does appear the majority of the water sold is to industrial & stock customers (67%) with a per person usage of approximately 9 acre-feet per year. The municipalities proposed to being added have a combined population total per the 2021 population index of 1,064 people and it appears the Cities listed on the 2021 report were included as historically the RWD had served an average of 300 people. The files are authorized to divert a maximum of 129.373 million gallons per year (mgy) as indicated by the limitation to File No. 47,049.

The total authorized municipal use quantity is not certified under the majority of the files and the maximum authorized quantity has yet to be reached, so it appears the changes should not result in an increase in consumptive use. Additionally, the unaccounted water appears to be slightly high at an average of 11%, however this is down from a historic high of 24%. It appears the RWD is working on their unaccounted loss.

The place of use authorized will be described as:

within the boundaries of Rural Water District No. 02, Washington County, Kansas and immediate vicinity, and within the boundaries of Greenleaf, Barnes, Linn, Palmer and Green, Kansas, and their immediate vicinities.

The applications do list updated well locations per recent Compliance Investigations. The approvals will include the updated well locations. The points of diversion as updated to actual locations are all less than 300 feet and appear to comply with K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*. The local source of supply per well will not change as no new wells will be authorized.

Brett Bunger, Assistant Water Commissioner of the Topeka Field Office, was sent this summary memo and requested to comment if any major issues were found with the referenced applications. It appears there were no issues.

Water flowmeters will continue to be required and 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

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
AND
ORDER TO BETTER DESCRIBE THE LOCATION
OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT, FILE NO. 34,378**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Steven Meier, President, of the Washington County, Rural Water District No. 02, PO Box 98, Linn, Kansas 66953, received in this office on June 4, 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 February 10, 2000, approving the application to change the point of diversion, 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 place of use shall be:

within the boundaries of Rural Water District No. 02, Washington County, Kansas and immediate vicinity, and within the boundaries of Greenleaf, Barnes, Linn, Palmer and Green, Kansas, and their immediate vicinities,

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

That information in the office of the Chief Engineer finds that the authorized point of diversion would more accurately be defined as:

one (1) well, identified as Well #6, located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 20, more particularly described as being near a point 1,312 feet North and 2,850 feet West of the Southeast corner of said section, in Township 4 South, Range 3 East, Washington County, Kansas.

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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 34,378, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 29, 1993, as modified and amended by the aforementioned order.

Ordered this 23 day of January, 2023, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

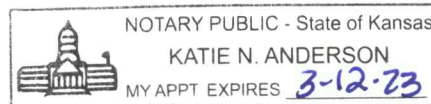
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 23 day January, 2023, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie N. Anderson

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

January 24, 2023

WASHINGTON RWD 02
STEVEN MEIER, PRESIDENT
PO BOX 98
LINN, KS 66953

RE: Water Right, File Nos. 34,253 & 34,378
Appropriation of Water, File Nos. 41,143; 41,145; 43,216 & 47,049

Dear Mr. Meier:

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. All diversions of water require a water flowmeter meeting 5-1-4 through 5-1-12 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,

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

KAB: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 request an evidentiary hearing before the Chief Engineer or 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 Division, 1320 Research Park Drive, Manhattan, Kansas 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 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: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 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.

CERTIFICATE OF SERVICE

On this 24 day of January, 2023, I hereby certify that the foregoing Approval of Applications for Change under File Nos. 34,253; 34,378; 41,143; 41,145; 43,216 & 47,049, dated January 23, 2023, were mailed postage prepaid, first class, US mail to the following:

WASHINGTON RWD 02
STEVEN MEIER, PRESIDENT
PO BOX 98
LINN, KS 66953

With photocopies to:

Topeka Field Office



Division of Water Resources