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July 7, 2010

Kenneth A. Kopp, L.G.  
Division of Water Resources  
109 SW 9th Street, 2nd Floor  
Topeka, Kansas 66612-1283

RE: Vested Right  
File No. JO 005  
Water Right  
File Nos. 33,516 & 39,173  
Appropriation of Water  
File Nos. 45,668 & 46,489

Dear Mr. Kopp:

The water rights referenced above are owned by the City of Gardner. During my review of their water rights, I found that the Water Rights Information System database records for the referenced file numbers are in need of modification and correction.

Because it is standard practice that municipal and industrial uses of water show the authorized quantity in millions of gallons per year, please have the database show 100.000 million gallons per year (m.g.y.) authorized under File No. JO 005, as it is shown on the Vested Right Order. The database record for File No. 33,516 should be corrected to show the authorized and additional rate of diversion for direct use to be 1,000 gallons per minute (g.p.m.). The additional quantity of annual storage should be the same as the authorized quantity, 1,120.000 acre-feet (AF). No changes are necessary for the irrigation water right, File No. 39,173. On File Nos. JO 005 and 33,516, the action trails make a reference to a Findings and Order dated February 5, 1992. This order was actually a Correctional Order.

Because Term Permit, File No. 20039072 has been dismissed, it is necessary to update the additional rates and quantities for File Nos. 45,668 & 46,489, even though no official action has yet removed the limitation from Appropriation of Water, File No. 45,668. On File No. 45,668-IR, the additional quantity should be shown as 88 AF and the additional rate should be shown as 1,200 g.p.m. On 45,668-RE, the additional storage quantity should be shown as 0.000 AF. If appropriate, it may be helpful to add "Dismissed" in parentheses after the limitation. For clarification, please add "Celebration Park" to the point of diversion comment lines for PDIV 72808 under File Nos. 45,668 & 46,489.

Enclosed is a completed worksheet to effectuate these corrections. Please have one of your staff review this document. If your office has any questions, please let me know. You can reach me by telephone at 785/640-4701, by e-mail at [dhelmke@krwa.net](mailto:dhelmke@krwa.net) or by writing to 6847 SE 29th Street, Tecumseh, Kansas 66542-9571.

Sincerely,

Douglas S. Helmke, L.G.  
Water Rights / Source Water Specialist  
Kansas Rural Water Association

DSH

Enclosure

c: KRWA  
Donald Roberts, City of Gardner  
Allan Soetaert, Johnson RWD 7