

Kansas Department of Agriculture  
Division of Water Resources  
**PERMIT OF NEW APPLICATION WORKSHEET**

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>50,784</b></p>	2. Status Change Date:	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>03</b></p>	4. GMD:
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5. Status:     Approved                       Denied by DWR/GMD                       Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve             N of C Form             Water Tube             Driller Copy             Meter

7a. Applicant(s)                      Person ID 51002  
New to system                       Add Seq# \_\_\_\_\_

**KANSAS DEPT OF WILDLIFE & PARKS**  
**Attn: ROBERT UNRUH**  
**2446 250 ROAD**  
**WEBBER, KS 66970**

7b. Landowner(s)                      Person ID 40492  
New to system                       Add Seq# \_\_\_\_\_

**Kansas Dept of Wildlife & Parks**  
**512 SE 25TH AVE**  
**PRATT, KS 67124-8174**

7c. Landowner(s)                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_

7d. Misc                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_

8. WUR Correspondent                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_  
Overlap File (s) WUC                      Notarized WUC Form   
Agree  Yes  No  
**7a**

9. Use of Water:    Changing?     Yes     No

Groundwater                       Surface Water

IRR                       REC                       DEW                       MUN

STK                       SED                       DOM                       CON

HYD DRG     WTR PWR                       ART RECHRG

IND    SIC: \_\_\_\_\_                       OTHER: \_\_\_\_\_

10. Completion Date: 12/31/25                      11. Perfection Date: 12/31/29                      12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No    Date to Comply: \_\_\_\_\_    Date WLMD Installed: \_\_\_\_\_

Date Prepared: 9/25/23                      By: BMM  
Date Reviewed: 1/10/2024                      By: KAK  
Date Entered: 2/5/2024                      By:  
KAnderson

File No. **50784**      15. Formation Code:      Drainage Basin: Republican River      County: RP      Special Use:      Stream: **East Salt Creek Trib 2 (Republican)**

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files	
									Rate gpm	Quantity af	Rate gpm	Quantity af		
<b>CHK</b>	<b>89525</b>	<b>NW SW SE</b>	<b>20</b>	<b>4S</b>	<b>2W</b>	<b>1</b>	<b>877</b>	<b>2651</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>NA</b>	
<b>CHK</b>	<b>89526</b>	<b>SW SW SE</b>	<b>20</b>	<b>4S</b>	<b>2W</b>	<b>2</b>	<b>17</b>	<b>2400</b>						
													1/30/2024 KAB	

18. Storage: Rate **NF** NF      Quantity ~~129~~ **288.5** ac/ft      Additional Rate **NF** NF      Additional Quantity ~~129~~ **288.5** ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No      To be installed by \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	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>CHK</b>	<b>70588</b>	<b>20</b>	<b>- 4S</b>	<b>- 2W</b>	<b>2</b>	<b>Wetland Marsh (E½)</b>																	<b>7b</b>	<b>N</b>	<b>NA</b>

Comments:

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

**M E M O R A N D U M**

**TO:** Files

**DATE:** December 20, 2023

**FROM:** Brandon Milner

**RE:** New Application,  
File No. 50,784

The Kansas Department of Wildlife, Parks and Tourism has filed the above-referenced application to appropriate surface water at the rate of natural flows for recreational use in wetlands. File No. 50,784 is requesting 288.5 acre-feet of surface water storage (Republican). The application is designed to cover the capacity of the marsh and the indirect use of water (evaporation). The overall project includes the (Southeast Quarter of Section 20 in Township 4 South, Range 2 West, Republic County, Kansas. ~~This application has a complete overlap in the place of use with Senior Water Right Nos. 48,619, 49,733, 49,734 and water application no. 50,783 as part of the same wetland complex.~~

~~This application is part of a wetland project also associated with WRs 48619, 49733, 49734 and 50783 but it does not overlap with them.~~

According to Rob Unruh, Public Lands Manager with KDWPT, and submitted diagrams, there are five existing water control structures (stoplogs) that currently regulate water usage with Senior Water Right Nos. 48,619, 49,733 and 49,734 and water application no. 50,783. Two water control structures have been built to create the wetland proposed by this application and have been LRP-0048. Water will be collected by natural flows and precipitation that will run into the depression created by Dike by these two water control structures. The requested quantity of water will be collected via natural flows minimal drainage, -site rainfall, and flood events Coal Creek).

Kansas Department of Wildlife, Parks, and Tourism owns the land where the dikes are located and other projects downstream. There are no other water rights located 2 miles upstream or downstream on East Salt Creek, except for similar KDWP & T water rights. However, nearby letters were sent out on November 9<sup>th</sup>, 2023, with no responses to date.

For File No. 50,784, capacity information included with the application indicates that at normal pool storage elevation, the surface area of the marsh is 106.424 acres, and the total capacity at the top of the stoplogs is 120 acre-feet. The requested quantity of 288.5 acre-feet appears to be reasonable, allowing for the appropriation of one year of net evaporation plus the capacity, as follows: 106.424 surface acres x 19 inches of net evaporation / 12 inches = 168.5 acre-feet. Capacity is 120 acre-feet, for a combined total of 288.5 acre-feet.

By definition in K.A.R. 5-1-1 (pp), indirect use includes the total of seepage loss and annual net evaporation. However, the applicant must provide relevant, credible information, or it will be assumed that there is no seepage loss per K.A.R. 5-6-8. The applicant did not provide any seepage information; therefore, the maximum allowed quantity would be the requested quantities of water. Typically, for these types of projects, the wetland will not be constantly at full pool height and will likely be empty at times throughout the year.

Flow meters are not practical and should not be required as a condition of the approval of these applications. The applicant will be required to maintain records from which the amount of water actually diverted may be readily determined. This is consistent with permits granted for similar types of wetlands projects.

In an email received on December 28, 2023, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the applications. Based upon the above discussion, the area is open to new applications, these projects are in the public interest, and there is no indication that the proposed beneficial use of water will impair existing water rights, it is recommended that the referenced applications be approved.

Brandon Milner  
Environmental Scientist  
Manhattan Office

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

July 7, 2023

KANSAS DEPT OF WILDLIFE PARKS & TOURISM  
ROBERT L UNRUH  
2446 250 RD  
WEBBER KS 66970

Re: Proj. No.: Talmo Marsh Wildlife Area-Nutter Tract  
Duck Marsh/Wetland  
Coal Creek  
Republic County  
WSN: LRP-0048, Notice No.: 2022443

Dear Mr. Unruh:

Consideration has been given to your application for a permit and approval of plans relating to the placement of 2915 feet of embankment with two in-line control structures to impound water for a wetland for wildlife in and along Coal Creek at a location beginning in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  and ending in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 20, Township 04 South, Range 02 West, Republic County, Kansas.

The waiver request received by electronic mail on June 26, 2023, from Rob Unruh of the Kansas Department of Wildlife and Parks for waiver of the requirement to submit a hydrologic and hydraulic study (K.A.R. 5-45-14) has been granted by the Chief Engineer as provided in K.A.R. 5-45-5. The top of the embankment will be below the FEMA base flood elevation at this location and would be overtopped during a 1% chance flood event. A determination has been made that failure to submit a hydrologic and hydraulic analysis will not prejudicially and unreasonably affect the public interest and the public safety.

In accordance with the provisions of K.S.A. 24-126, the Chief Engineer has approved the plans and issued the enclosed approval of application, authorizing construction of the proposed project. Please note the approval conditions on the reverse side of the approval document. Condition No. 9 requires the owner to notify this office within 30 days after the project is completed. A Notice and Proof of Completion form is enclosed for this purpose. Other special conditions have been added to limit the removal of timber and vegetation, to require the use of clean material for riprap, to prohibit the introduction of toxic or deleterious materials into the watercourse, to allow the construction of a temporary crossing for construction purposes, and to require the project meet the floodplain management requirements of the community.

The one set of plans submitted to this office has been endorsed with the Chief Engineer's approval and will be retained in our files. Should you desire any copies of the plans with the Chief Engineer's approval shown thereon, please submit the required number.

Comments about this proposed project were received from several agencies during the environmental review process. Copies of the letters with recommendations from the environmental review agencies are enclosed for your information.

The work has been authorized to be completed on or before July 1, 2026. Approval for construction of this project will expire on that date unless the time is subsequently specifically extended by the Chief Engineer. Any desired extension of time should be requested in writing approximately 30 days prior to the expiration date.

Sincerely,



Leonard B. Bristow, P.E.  
Water Structures Engineer  
(785) 205-5006

Enclosure

pc: Craig Roy- Ducks Unlimited  
Ben Chavez – Ducks Unlimited  
Raymond Raney- Republic County FPA

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

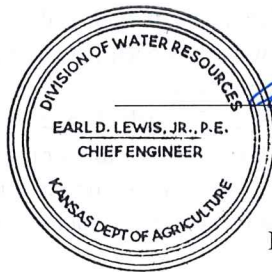
NO. LRP-0048


K.S.A. 24-126

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, by virtue of the powers and duties imposed by K.S.A. 24-126, hereby issues this approval to Kansas Dept Of Wildlife Parks & Tourism, giving his consent to the placement of a 2915 feet long embankment with two in-line control structures to impound water for a wetland for wildlife of Coal Creek at a location in the NW 1/4 of the NW 1/4 of the SE 1/4 of Section 20, and ending in the SE 1/4 of the SW 1/4 of the SE 1/4 of Section 20, all in Township 4 South, Range 2 West, Republic County, Kansas.

All work authorized by this approval shall be performed in accordance with the maps, plans, profiles and specifications filed with the application and approved by the Chief Engineer, and in accordance with plans for any changes or modifications subsequently approved by the Chief Engineer subject to the provisions of the aforementioned statute, its regulations and the attached approval conditions.

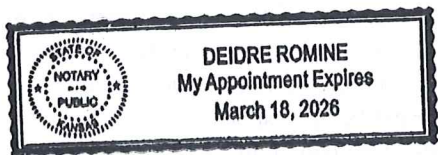
Witness my hand this 7th day of July, 2023.

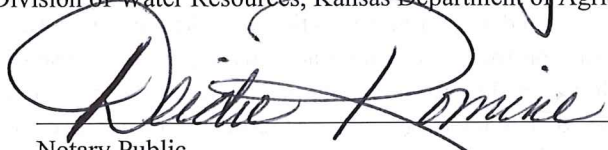


  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas            )  
  )SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 7th day of July, 2023, by Earl D. Lewis, Jr., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



  
Notary Public

RECORD THIS INSTRUMENT IN THE OFFICE OF THE REGISTER OF DEEDS  
OF THE COUNTY WHEREIN THE WORK IS LOCATED

### APPROVAL CONDITIONS

1. This approval grants no water rights nor other property rights, nor does it authorize any injury to private property, invasion of private rights nor impairment of senior water rights, nor does it exempt the applicant from obtaining consent from appropriate federal, state or local government.
2. The work shall at all times be subject to supervision and inspection by representatives of the Division of Water Resources.
3. No changes in the work, maps, plans, profiles and specifications as approved shall be made except with the written consent of the Chief Engineer.
4. Any work authorized by this approval will be maintained in a condition satisfactory to the Chief Engineer and substantially in accordance with the approved plans.
5. The clearing of trees, brush, drift and other debris, in order to maintain the work substantially in accordance with the approved plans is hereby authorized, except that the removal of plantings made specifically for habitat or environmental mitigation is not authorized by this approval.
6. Any excess material deposited in the stream channel incidental to the construction and maintenance of the project authorized by this approval shall be removed and the channel restored to a condition satisfactory to the Chief Engineer and substantially in accordance with the approved plans.
7. All areas disturbed by construction or other exposed soil areas shall be seeded and maintained with a mixture of grass or other vegetation appropriate to the soils, climate and project in order to minimize erosion and protect the project integrity.
8. If the work is not completed on or before the 1st day of July, 2026, this approval, if not specifically extended, shall cease and be null and void. If, upon the expiration or revocation of the approval, the work has not been completed, the applicant shall, at his own expense and to such extent and in such time and manner as the Chief Engineer may require, remove all or any portion of the uncompleted work and restore the watercourse to a satisfactory condition. No claim shall be made against the State of Kansas on account of any such removal or alteration.
9. Within thirty (30) days after the completion of the work authorized in this approval, the applicant shall file with the Division a statement that the work has been performed in accordance with this approval and the approved maps, plans, profiles and specifications.
10. The Chief Engineer reserves the right to require such changes in the maps, plans, profiles and specifications as may be considered necessary. The Chief Engineer further reserves the right to modify, suspend or revoke this approval at any time, should the applicant fail to comply with any of the conditions of this approval or regulations of the Division without sufficient cause or should such action be deemed necessary in the interest of public safety and welfare.
11. That the clearing of timber and vegetation is restricted to the absolute minimum required to accomplish the work and not interfere with the beneficial use of project.
12. Only graded rock, quarry-run rock and/or clean concrete rubble shall be used in the work as approved. If concrete rubble is used, all large slabs should be broken up and all exposed reinforcement rods, trash, and other extraneous materials shall be removed prior to placement. No asphalt material shall be placed as fill material.
13. No deleterious or toxic materials shall be introduced into the watercourse or reservoir by runoff, leaching or disposal during or in connection with the work authorized by this permit.
14. The construction of temporary crossings and/or causeways within the project limits of the approved plans is hereby authorized; provided that the temporary obstruction is removed in its entirety and the channel restored to the cross-section proposed in the approved plans. Sufficient hydraulic capacity shall be provided to bypass normal flows to satisfy water right and other public interest needs.
15. The project must meet the floodplain management requirements of the community.



STATE OF KANSAS  
DIVISION OF WATER RESOURCES  
DEPARTMENT OF AGRICULTURE

In the matter of:       Water Structure No. LRP-0048  
                              Kansas Dept Of Wildlife Parks & Tourism  
                              Duck Marsh/Wetland  
                              Coal Creek  
                              Republic County  
                              Proj. No.: Talmo Marsh Wildlife Area-Nutter Tract

NOTICE AND PROOF OF COMPLETION  
K.S.A. 24-126

To:       CHIEF ENGINEER  
          DIVISION OF WATER RESOURCES  
          KANSAS DEPARTMENT OF AGRICULTURE  
          1320 RESEARCH PARK DR  
          MANHATTAN KS 66502

I, the undersigned, being the holder of an approval to construct pursuant to K.S.A. 24-126 for wetland of Coal Creek at a location beginning in the NW ¼ of the NW ¼ of the SE ¼ and ending in the SE ¼ of the SW ¼ of the SE ¼ of Section 20, Township 04 South, Range 02 West, Republic County, Kansas, hereby certify that the works, identified above, have been completed as of \_\_\_\_\_. I further certify that these works have been completed in accordance with such permit, the approved plans, approved specifications, and the terms, conditions and limitations incorporated therein.

I understand that an end-of-construction inspection will be conducted by your office at some future date.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_  
(Please Print)

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone No: \_\_\_\_\_

**From:** Kathy Haynes  
**To:** Bristow, Leonard [KDA]  
**Subject:** RE: ECA Notice 2022443 for Wetland Project, WSN LRP-0048  
**Date:** Monday, December 19, 2022 7:26:51 AM

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*EXTERNAL:* This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

A review of Conservation Division files failed to indicate any environmental concerns within the acreage described within this application.

In the event unexpected circumstances are encountered during construction, such as the discovery of abandoned oil, gas or exploratory holes or lead lines, the applicant should contact KCC district office at (316) 337-7400, so appropriate regulatory response can be made.

If you have any questions or concerns, please call me at (316) 337-6243.

**Kathy Haynes**

*Department of Environmental Protection and Remediation*



Conservation Division  
Kansas Corporation Commission  
266 N. Main Ste 220 | Wichita, KS | 67202-1513  
Phone (316) 337-6243 | Fax (316) 337-6211 | <http://kcc.ks.gov/>

*This transmission, email and any files transmitted with it, may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential under federal or state law. If you are not the intended recipient of this message, you may not use, disclose, print, copy or disseminate this information. If you have received this transmission in error, notify the sender (only) and delete the message. This message may also be subject to disclosure under the KORA, K.S.A. 2010 Supp. 45-215 et seq.*

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**From:** Bristow, Leonard [KDA] <Leonard.Bristow@ks.gov>  
**Sent:** Friday, December 16, 2022 4:53 PM  
**To:** Klein, Andrew <ajklein@ksu.edu>; Main, Austin [KSHS] <Austin.Main@ks.gov>; KDA DOC Office Assistant <KDA.DOC@ks.gov>; Kathy Haynes <k.haynes@kcc.ks.gov>; KBS <biosurvey@ku.edu>; Environmental Services, KDWP [KDWP] <KDWP.ess@ks.gov>; KSHS <eca@kshs.org>; Scott Satterthwaite [KDHE] <Scott.Satterthwaite@ks.gov>  
**Cc:** Unruh, Rob [KDWP] <Rob.Unruh@KS.GOV>; croy@ducks.org; regulatory.kanopolis@usace.army.mil; Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>; Romine, Deidre [KDA] <Deidre.Romine@ks.gov>

**Subject:** ECA Notice 2022443 for Wetland Project, WSN LRP-0048

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

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The Water Projects Environmental Coordination Act, K.S.A. 82a-325 to 327, requires this agency to provide seven other agencies in the state government an opportunity to review and comment on your application for a period of not less than 30 days. The environmental coordination process has been initiated, but a thorough review of your project may not yet have been performed. You will be informed of any changes that may be necessary to comply with our rules and regulations and any concerns or comments we receive from the environmental coordination agencies.

This letter does not provide any permission to begin the construction of your project. **Construction can begin only after written approval has been obtained from the Chief Engineer of this agency.** If you have any questions or comments please contact this office by writing or calling (785) 425-6787.

**Notice No.:** 2022443  
12/16/2022  
**WS No.:** LRP-0048  
01/15/2023

**Date of Notice:**

**Expiration Date:**

Application for permit to construct an embankment to impound water for a wetland/wildlife purposes in the floodplain of Coal Creek at a location beginning in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  and ending in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 20, Township 04 South, Range 02 West, Republic County, Kansas.

ECA Login:

<https://agriculture.ks.gov/eca-user-login>

ECA Registration:

<https://agriculture.ks.gov/divisions-programs/dwr/stream-and-floodplain-permits/environmental-coordination-notices>

Thank you,

Leonard

Please be advised that my e-mail address has changed to: [leonard.bristow@ks.gov](mailto:leonard.bristow@ks.gov)

Leonard B. Bristow, P.E.  
Water Structures Engineer  
Kansas Department of Agriculture  
Division of Water Resources  
Stockton Field Office  
820 S. Walnut

Stockton KS 67669

785/425-6787

[leonard.bristow@ks.gov](mailto:leonard.bristow@ks.gov)

<http://agriculture.ks.gov/dwr>

Our applications have changed. Please visit our website to get current applications for new projects at:

<http://agriculture.ks.gov/divisions-programs/dwr/stream-and-floodplain-permits>

Operations Office  
512 SE 25th Ave.  
Pratt, KS 67124-8174



Phone: (620) 672-5911  
Fax: (620) 672-3013  
www.ksoutdoors.com

Brad Loveless, Secretary

Laura Kelly, Governor

January 12, 2023

Leonard Bristow  
Kansas Department of Agriculture  
Division of Water Resources

Ref. D1.0800  
Republic County  
ECA 2022443  
KDWP Track no.: 20221308

Dear Leonard,

We have reviewed the information for the proposed construction of a class B levee to occur in and along Coal Creek at a location beginning in the NW ¼ of the NW ¼ of the SE ¼ and ending in the SE ¼ of the SW ¼ of the SE ¼ of Section 20, Township 04 South, Range 02 West, Republic County Kansas. The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered species, and species in need of conservation, and Kansas Department of Wildlife and Parks managed areas for which this agency has administrative authority.

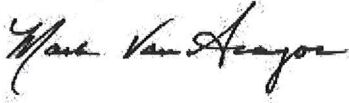
We provide the following comments and general recommendations, when applicable:

- **We discourage any development in floodplain areas due to probable flooding, potential destruction or damage to the proposed project, and the impacts to natural hydrologic interaction of the stream with its floodplain.**
- **Floodplain connectivity is extremely important for maintaining a healthy stream and the functions it provides. Floodplains help to dissipate energy of the stream, provide refugia for aquatic life, and provide an important interface between terrestrial and aquatic systems during high flows. Levees sever this connectivity, leading to excessive downstream flooding and erosion. Strategic reconfiguration of levees or placement of levee breaches can help to restore some of these floodplain functions while still serving protection from flooding.**
- **Avoid impacts to existing streams and rivers, adjacent riparian zones, wetlands, and native prairie and woodland areas.**
- **Minimize all bank or instream activity, particularly during general fish spawning season (March 1 – Aug. 31).**
- **Implement and maintain standard erosion-control Best-Management-Practices during all aspects of construction by installing sediment barriers (wattles, filter logs, rock ditch checks, mulching, or any combination of these) across the entire construction area to prevent sediment and spoil from entering aquatic systems. Barriers should be maintained at high functioning capacity until construction is completed and vegetation is established. For more information, go to: <http://www.kdheks.gov/stormwater/#construct>**
- **Reseed disturbed areas with native warm-season grasses, forbs, and trees.**

No permits are required from KDWP at this time. Permits or reviews may be required from other regulatory agencies including but not limited to: Kansas Dept. of Health and Environment, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service. You should verify this yourself.

Thank you for the opportunity to provide these comments and recommendations. If you have any questions, please feel free to contact me at 620-672-0710 or [mark.vanscoyoc@ks.gov](mailto:mark.vanscoyoc@ks.gov).

Sincerely,

A handwritten signature in black ink that reads "Mark Van Scoyoc". The signature is written in a cursive style with a large initial "M".

Mark Van Scoyoc, Ecologist  
Ecological Services Section, KDWP

cc: Rob Unruh, KDWP

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

November 9, 2023

WALNUT CREEK PROPERTIES LLC  
15792 E PROGRESS DR  
CENTENNIAL, CO 80015-4258

Re: Pending New Application, File No. 50,784

Dear Sir or Madam:

This is to advise you that the Kansas Department of Parks and Wildlife have filed the application referred to above for a permit to appropriate 94 million gallons (288.5 Acre-Feet) of surface water per calendar year for recreation use. The proposed point of diversions are two water control structures on a constructed dam located as follows:

In the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 20, in Township 4 South, Range 2 West, Republic County, Kansas.

In the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 20, in Township 4 South, Range 2 West Republic County, Kansas.

Records in this office indicate that you may own property that is upstream or downstream within one half mile of this dam and reservoir structure and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:  
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me [brandon.m.milner@ks.gov](mailto:brandon.m.milner@ks.gov) or call our main line at 785-564-6631. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Brandon Milner  
Environmental Scientist  
Water Appropriation Program

pc: Stockton Field Office

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

November 9, 2023

WILLIAM A BORCHARDT  
ATTN: FARM MGMTSERVICES INC  
PO BOX 622  
CONCORDIA, KS 66901-0622

Re: Pending New Application, File No. 50,784

Dear Sir or Madam:

This is to advise you that the Kansas Department of Parks and Wildlife have filed the application referred to above for a permit to appropriate 94 million gallons (288.5 Acre-Feet) of surface water per calendar year for recreation use. The proposed point of diversions are two water control structures on a constructed dam located as follows:

In the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 20, in Township 4 South, Range 2 West, Republic County, Kansas.

In the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 20, in Township 4 South, Range 2 West Republic County, Kansas.

Records in this office indicate that you may own property that is upstream or downstream within one half mile of this dam and reservoir structure and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:  
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me [brandon.m.milner@ks.gov](mailto:brandon.m.milner@ks.gov) or call our main line at 785-564-6631. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Brandon Milner  
Environmental Scientist  
Water Appropriation Program

pc: Stockton Field Office



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

November 9, 2023

STANLEY E KROHN TRUST NO 1  
2109 HWY K 148  
AGENDA, KS 66930-8954

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785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

November 9, 2023

NEAL W LE WAY  
619 MEADOWLARK DR  
DRAYMORE, MO 64083-8197

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Sincerely,

Brandon Milner  
Environmental Scientist  
Water Appropriation Program

pc: Stockton Field Office

**From:** Billinger, Mark [KDA]  
**Sent:** Thu 12/28/2023 11:58 AM  
**To:** Milner, Brandon [KDA]; Stewart, Kelly [KDA]  
**Cc:** Hageman, Nancy [KDA]  
**Subject:** RE: Memos for 50,783 and 50,784

Brandon,  
I have no objection to these approvals.

Thanks and have a great day,  
Mark

---

**From:** Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>  
**Sent:** Thursday, December 28, 2023 11:17 AM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Hageman, Nancy [KDA] <Nancy.Hageman@ks.gov>  
**Subject:** Memos for 50,783 and 50,784

Good morning everyone,

I've attached memos for review on applications 50,783 and 50,784 for KDWP in Republic County. Could you provide a recommendation on these? Thanks

Brandon Milner  
Environmental Scientist  
Water Appropriation Program

# 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 and PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,784** of the applicant

**KANSAS DEPARTMENT OF WILDLIFE  
PARKS AND TOURISM  
2446 250 ROAD  
WEBBER KS 66970**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **May 6, 2022**.
2. That the water sought to be appropriated shall be used for recreational use in a wetland marsh, located in the East Half (E½) of Section 20, Township 4 South, Range 2 West, Republic County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary of East Salt Creek, designated in the office of the Chief Engineer as East Salt Creek Trib 2 (Republican), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **288.5 acre-feet** per calendar year in one (1) reservoir created by two (2) water control structures located as follows:

one (1) located in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW¼ SW¼ SE¼) of Section 20, more particularly described as being near a point 877 feet North and 2,651 feet West of the Southeast corner of said section, and

one (1) located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW¼ SW¼ SE¼) of Section 20, more particularly described as being near a point 17 feet North and 2,400 feet West of the Southeast corner of said section,

both in Township 4 South, Range 2 West, Republic County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2025**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2029**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

7. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

8. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

9. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

10. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1, following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

11. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

12. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

13. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Ordered this *26<sup>th</sup>* day of *January*, 2024, in Manhattan, Riley County, Kansas.



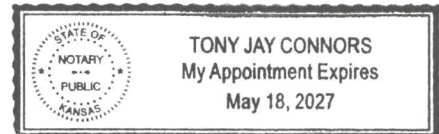
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this *26* day of *January*, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, 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

February 5, 2024

ROBERT UNRUH  
KANSAS DEPT OF WILDLIFE & PARKS  
2446 250 ROAD  
WEBBER KS 66970

RE: Appropriation of Water  
File Nos. 50,783 and 50,784

Dear Mr. Unruh:

Enclosed are permits authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permits. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in the permits.

Notices must be submitted to this office once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of the permits. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00, per file number.

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](http://www.kswaterusereport.org).

The approval of your applications constitutes permits to appropriate water. They do not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. They do not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Also included is an informational sheet that sets forth the procedure to obtain the Certificates of Appropriation which will establish the extent of your perfected water rights. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/dwr](http://agriculture.ks.gov/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New and Change Applications Unit Supervisor  
Division of Water Resources

KAB:kak:bmm

Enclosure(s)

pc: Stafford Field Office  
USDA Natural Resources Conservation Service

## 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 5 day of February, 2024, I hereby certify that the foregoing Approvals of Applications and Permits to Proceed, File Nos. 50,783 and 50,784, dated January 26, 2024, were mailed postage prepaid, first class, US mail to the following:

ROBERT UNRUH  
KANSAS DEPT OF WILDLIFE PARKS AND TOURISM  
2446 250 ROAD  
WEBBER KS 66970

With photocopies to:

USDA NATURAL RESOURCES CONSERVATION SERVICE  
760 S BROADWAY  
SALINA KS 67401-4604

KDA-DWR Stockton Field Office

  
\_\_\_\_\_  
Division of Water Resources