

File No. **50,521** 15. Formation Code: Drainage Basin: **Wakarusa River** County: **DG** Special Use: Stream: **wakarusa river**

16. Points of Diversion										17. Rate and Quantity						
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
												Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
	CHK			88621	SE SW SW	17	13S	20E	2	497	4061	3000	12	3000	12	none

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ 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? **x Yes** No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files					
T	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								
	MOD			CHK 70272	17	13S	20E	2	WILDLIFE POND (SW SW) 2 AC																	7a	NO	NONE
									MARSH																			

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 21, 2022

FROM: Kris Neuhauser

RE: Application, File No. 50,521

Darin Lutz has filed the above-referenced application requesting to appropriate 12 acre-feet of surface water for recreational use by direct diversion at a maximum diversion rate of 3,000 gallons per minute, from one pumpsite on the Wakarusa River. The pumpsite is located within the Southwest Quarter of Section 17, Township 13 South, Range 20 East, Douglas County, Kansas. The application has been signed by Mr. Lutz, stating he has access to the point of diversion. This application was filed to obtain water for a wildlife marsh.

The place of use will be said marsh (2 acres), located in the Southwest Quarter of the Southwest Quarter of Section 17, Township 13 South, Range 20 East, Douglas County, Kansas. Mr. Lutz owns the entire place of use.

The requested quantity of water under this application (12 acre-feet) was determined by inundating the 2-acre marsh area with 3.0 feet of water; and the applicant planning to fill the marsh two times per year; an initial fill and as second filling to offset indirect loss of water. Typically, these types of marshes are filled in October prior to waterfowl migration.

$$\begin{aligned} 2 \text{ acres} \times 3.0 \text{ feet} &= 6 \text{ AF per fill} \\ 2 \text{ fills} &= 6 \text{ AF} + 6 \text{ AF} = \mathbf{12 \text{ AF per year}} \end{aligned}$$

The closest surface water right is over ½ mile away, and is located on a tributary, not the Wakarusa River itself. The approval of this application should not impact any senior water users. Four landowners were identified as being within ½ mile upstream and downstream of Mr. Lutz's land. Nearby notification letters outlining the proposed application were mailed on September 21, 2022. Rebecca Manley called in on September 26, 2022. Ashlee Buss emailed Mrs. Manley a copy of the application, since she was having trouble finding it online. After looking at the map included with the application, Mrs. Manley had no objections to the approval of the file. No other responses were received.

According to Janelle Phillips, Stream Obstruction Team Lead, appropriate water structures permitting is already in place (LDG-0279). Project plans submitted to the structures program have been clipped onto Application, File No. 50,521 in Docuware.

The applicant is not required to have a Compatible Use Agreement (CUA) for water level management with NRCS as no easements are present (via email with Brent Turney on September 21, 2022).

Per K.A.R 5-3-15, this application will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. This application also complies with K.A.R 5-3-15 (c)(5) because the proposed use of water for recreational use is typically during the fall season, and there is no need for direct diversion of water from July 1 through September 30.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

No water commissioner is currently appointed at the Topeka Field Office. New applications are not required to receive a recommendation from the field office for approval.

Based on the above discussion, the area is open to new applications and there is no indication that the proposed beneficial use of water will impair existing water rights. Therefore, it is recommended that the referenced application be approved.



Kris Neuhauser
New Applications Lead
Water Appropriation Program

From: Turney, Brent - NRCS, Emporia, KS
Sent: Wed 9/21/2022 2:06 PM
To: Neuhauser, Kris [KDA]
Subject: RE: NRCS easement?

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.

Kris,,
Free and Clear of easements!
Hope all is going well for all you guys?

Brent Turney
Easement Specialist
3020 W. 18th Ave Suite B
Emporia, KS 66801
Office 620-487-3413
Cell 620-682-3538
brent.turney@usda.gov

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Wednesday, September 21, 2022 1:39 PM
To: Turney, Brent - NRCS, Emporia, KS <Brent.Turney@usda.gov>
Subject: NRCS easement?

Hi Brent!

Wildlife marsh app here – 17-13S-20E Douglas County. Are there any NRCS easements at this location? Went ahead and attached the app above.

Thanks!

Kris Neuhauser
New Applications Lead
Kansas Department of Agriculture, Division of Water Resources
Phone: 785-564-6643

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Mathos, Sheila [KDA]

From: Phillips, Janelle [KDA]
Sent: Friday, August 5, 2022 1:33 PM
To: Mathos, Sheila [KDA]
Subject: FW: Rivers Bend Wetlands_Floodplain Fill/Structures Permit
Attachments: Rivers Bend Floodplain_application-for-2-100-and-3-100-permit.pdf; KS-228-1_RiversBendWetlands_Design_PermitIssue_2022-07-01.pdf; 6 Standard Construction Specifications_2009 Edition.pdf

App for LDG-0279

Janelle Phillips, P.E., CFM
Stream Obstruction Team Lead
Water Structures Program
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Office: 785-564-6656
Cell: 785-307-8292
Janelle.phillips@ks.gov

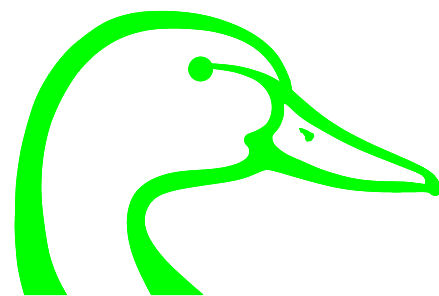
From: Angelina Wright <awright@ducks.org>
Sent: Friday, August 5, 2022 1:29 PM
To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Subject: Rivers Bend Wetlands_Floodplain Fill/Structures Permit

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Hi Janelle,
On behalf of Darin Lutz, DU is submitting the permit application for a proposed wetland project.
The attachments include:

- KDA Floodplain Fill Application
- Standard Construction Specifications
- DU Engineer Project Plans

I will plan to get in touch with Sheila on Monday with my card number (I will be submitting one more application, hopefully yet today). If you have any questions or need additional information, please don't hesitate to get in touch.
Thanks,
Ang



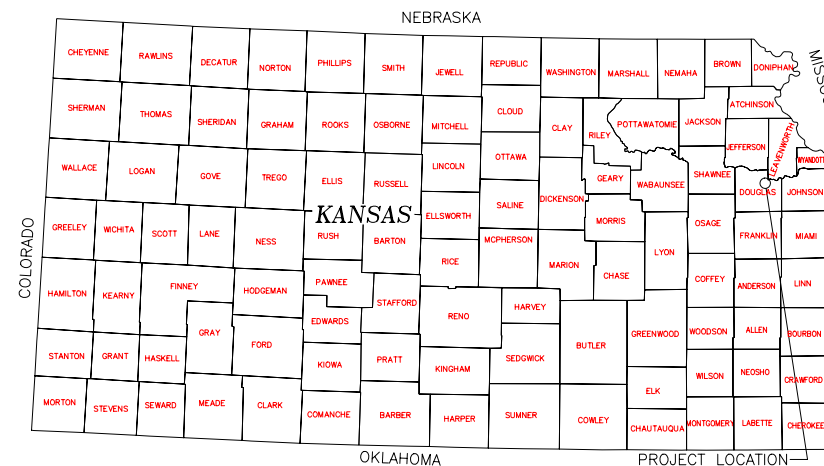
DUCKS UNLIMITED

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PROJECT

RIVERS BEND WETLAND

LOCATED IN THE SW¹/₄ OF THE SW¹/₄ OF SECTION 17 TOWNSHIP 13S, RANGE 20E, 6TH P.M. DOUGLAS COUNTY, KANSAS



SPECIFICATIONS

- 101 GENERAL CONDITIONS
- 102 SUPPLEMENTAL CONDITIONS
- 201 MOBILIZATION
- 202 SITE PREPARATION
- 203 EXCAVATION
- 204 EMBANKMENT CONSTRUCTION
- 205 WATER
- 301 WATER CONTROL STRUCTURES
- 302 STRUCTURE AND CULVERT APPURTENANCES
- 303 CULVERT AND PIPE INSTALLATION
- 305 RIPRAP, REVETMENT & AGGREGATE PLACEMENT
- 401 SOIL EROSION AND POLLUTION CONTROL
- 402 SEEDING & MULCHING

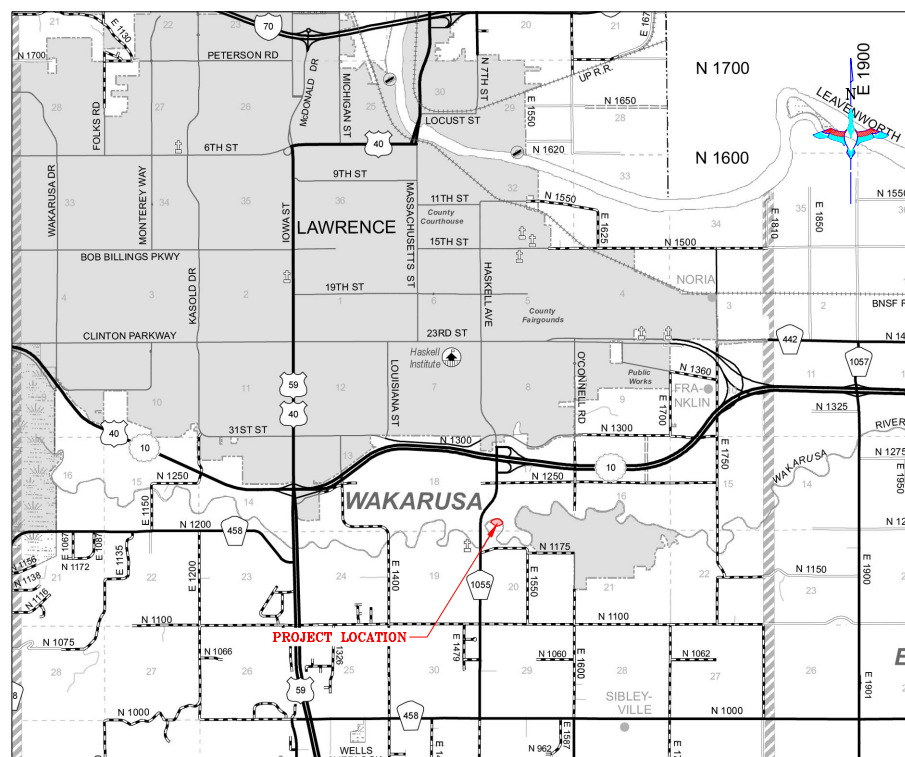
PLAN INDEX

- 1 LOCATION & VICINITY MAPS
- 2 OVERALL PLAN
- 3 PROFILES & TYPICAL SECTIONS
- 4 WCS PLAN & PROFILE
- 5 SWPPP
- 6 SWPPP NOTES
- 7 USGS TOPOGRAPHIC MAP

ESTIMATED QUANTITIES

MOBILIZATION	1 L.S.
SITE PREPARATION	1 L.S.
EXCAVATION (INCIDENTAL TO EMBANKMENT CONSTRUCTION)	
EMBANKMENT	2,204 C.Y.-P**
WATER	10 MG
WATER CONTROL STRUCTURE (4' TALL)	1 L.S.
DU CLASS II RIP RAP	8.5 C.Y.-P**
18" SDR 51 PVC PIPE	46.5 L.F.-P**
SEEDING & MULCHING	1 L.S.

* PAYMENT WILL BE BASED ON ACTUAL QUANTITY USED OR INSTALLED.
 ** PAYMENT WILL BE BASED ON THE PLAN QUANTITY LISTED ABOVE.
 NOTE, FILL QUANTITY INCLUDES A 25% SHRINKAGE FACTOR



VICINITY MAP
NOT TO SCALE



LOCATION MAP
NOT TO SCALE

ALL WRITTEN SCALES ARE ACCURATE ON 24x36 INCH SHEETS.
 THE BELOW SCALE BAR CAN BE USED TO CHECK PLAN SET SCALE.



UTILITIES NOTE: BEFORE THE START OF CONSTRUCTION, THE OWNER OF ANY UTILITIES INVOLVED MUST BE NOTIFIED. THE EXCAVATOR/CONTRACTOR IS RESPONSIBLE FOR GIVING THIS NOTICE BY CALLING "KANSAS ONE CALL" AT 811 OR 1-800-DIG-SAFE (1-800-344-7233) AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION.

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DU REGIONAL ENGINEER:
 CRAIG ROY, P.E.
 LOUISBURG, KS 66053
 (913) 991-2223

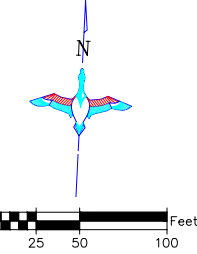
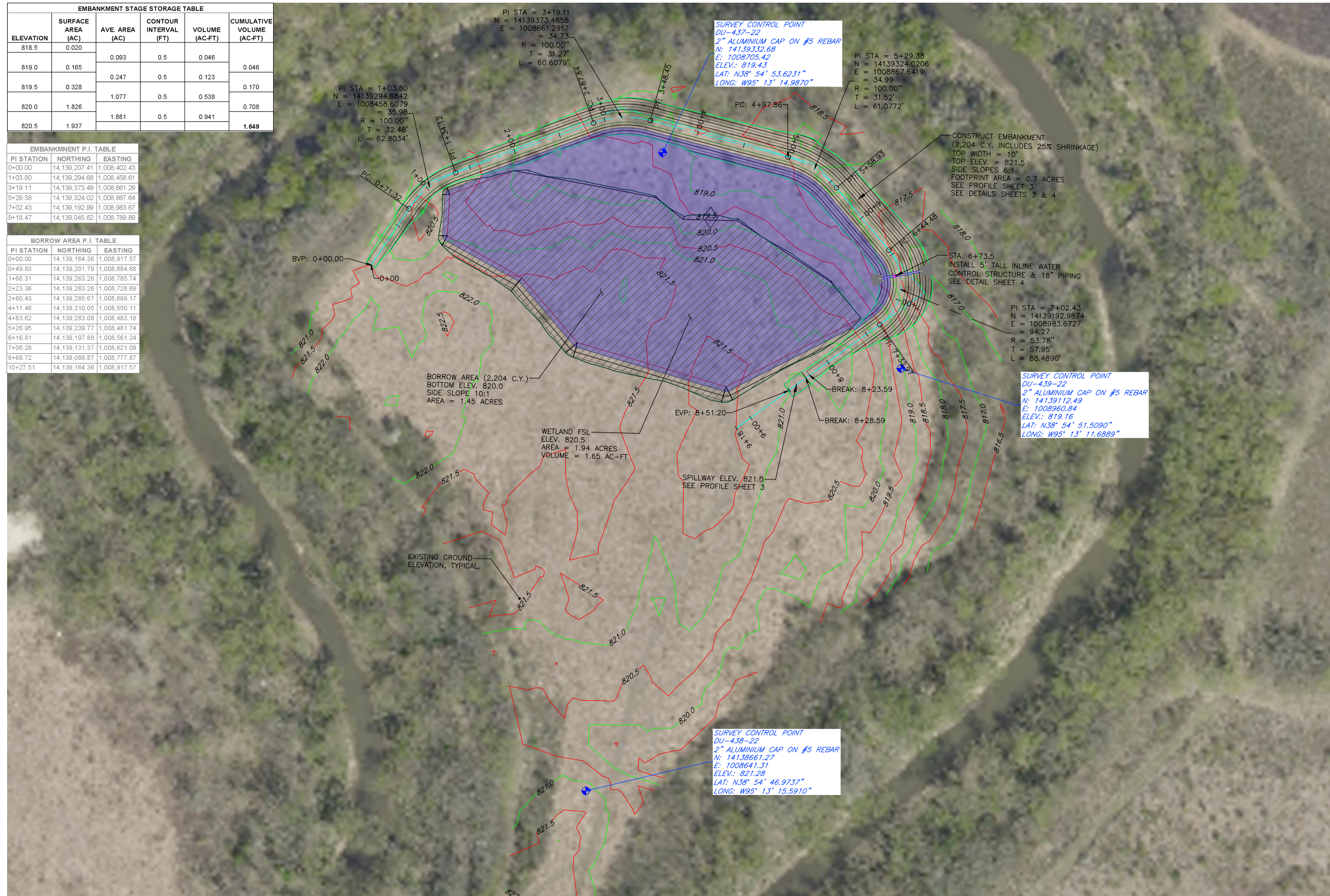
PERMIT ISSUE

	PROJECT NO. KS-228-1	DESIGNED BY: CAR
	RIVERS BEND WETLAND	DRAWN BY: CAR
GREAT PLAINS REGIONAL OFFICE	LOCATION & VICINITY MAPS	SURVEYED BY: CAR
DATE: 6/30/2022	SHEET NO. 1 OF 7	CHECKED BY: MMM
	APPROVED BY: MMM	

EMBANKMENT STAGE STORAGE TABLE					
ELEVATION	SURFACE AREA (AC)	AVE. AREA (AC)	CONTOUR INTERVAL (FT)	VOLUME (AC-FT)	CUMULATIVE VOLUME (AC-FT)
818.5	0.020				
819.0	0.165	0.093	0.5	0.046	0.046
819.5	0.328	0.247	0.5	0.123	0.170
820.0	1.826	1.077	0.5	0.538	0.708
820.5	1.937	1.881	0.5	0.941	1.649

EMBANKMENT P.I. TABLE		
PI STATION	NORTHING	EASTING
0+00.00	14,139,207.41	1,008,402.43
1+03.80	14,139,294.68	1,008,458.61
3+19.11	14,139,373.49	1,008,661.29
5+29.38	14,139,324.02	1,008,867.64
7+02.43	14,139,192.99	1,008,983.67
9+16.47	14,139,045.62	1,008,789.89

BORROW AREA P.I. TABLE		
PI STATION	NORTHING	EASTING
0+00.00	14,139,164.36	1,008,917.67
0+49.83	14,139,201.79	1,008,884.68
1+66.31	14,139,263.26	1,008,785.74
2+23.36	14,139,263.26	1,008,728.69
2+60.43	14,139,285.67	1,008,699.17
4+11.46	14,139,310.05	1,008,550.11
4+63.62	14,139,283.08	1,008,483.18
5+26.95	14,139,239.77	1,008,481.74
6+16.81	14,139,197.88	1,008,561.24
7+06.28	14,139,131.37	1,008,621.09
8+68.72	14,139,088.87	1,008,777.87
10+27.51	14,139,164.36	1,008,917.67



BORROW AREA NOTE:
SUITABLE MATERIAL FOR ALL EMBANKMENTS SHALL BE OBTAINED FROM THE DESIGNATED BORROW AREA SHOWN ON THIS SHEET AS APPROVED BY THE DU FIELD ENGINEER. CARE SHALL BE TAKEN NOT TO OPEN UP ANY SAND LENSES THAT WILL INCREASE SEEPAGE FROM ANY EXCAVATION AREAS. FINISHED SLOPES SHALL BE 10:1 OR FLATTER AND 4" OF TOPSOIL SHALL BE RESPREAD OVER THE SLOPES. THE COST OF TOPSOIL WORK ON THE BORROW AREAS SHALL BE CONSIDERED INCIDENTAL TO "SITE PREPARATION."

SEEDING AND MULCHING NOTE:
1. SEEDING AND MULCHING SHALL BE REQUIRED ON EMBANKMENT.
2. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING AN ADEQUATE SEED BED TO ALLOW SEEDING WITH STANDARD SEEDING EQUIPMENT. THIS WILL INCLUDE USE OF A HARROW OR OTHER MEANS IN ORDER TO LEAVE A SMOOTH, TRACK-FREE FINISH. BACK DRAGGING WITH A DOZER IS NOT AN ACCEPTABLE FINISH.
3. BEFORE LAST SPRING FROST OR APRIL 15TH (WHICHEVER IS EARLIER), AREA WILL BE SEEDED WITH A MIXTURE OF CUSTOM NATIVE GRASS MIX (SEE TABLE BELOW).
4. MULCHING SHALL REQUIRE ANCHORING OF SOME TYPE SUCH AS TACKING, MATTING, HAND PUNCHING, ROLLER PUNCHING, CRIMPER PUNCHING, OR HYDRO-SEEDING TO PREVENT BLOWING OR WASHING AWAY.
5. MULCHING APPLICATION RATE SHALL BE TWO TONS PER ACRE OR ONE 74 POUND BALE PER 800 SQUARE FEET.

CONSTRUCTION NOTES:
1. REMOVE ALL TOPSOIL FROM EMBANKMENT AND BORROW AREAS AND RESPREAD TOPSOIL OVER THE AREAS WHEN COMPLETE.
2. ALL FILL MATERIALS SHALL BE PLACED IN LOOSE LIFTS OF NOT MORE THAN 8 INCHES THICKNESS AND SHALL BE COMPACTED TO A MINIMUM OF 95% OF MAXIMUM DENSITY AS DETERMINED BY THE STANDARD PROCTOR METHOD ASTM D698. MOISTURE CONTENT SHALL BE IN THE RANGE OF -1% TO +3% OF OPTIMUM MOISTURE CONTENT.
3. WORK REQUIRED TO DEWATER THE SITE IS INCIDENTAL TO SITE PREPARATION.

ABBREVIATIONS LIST

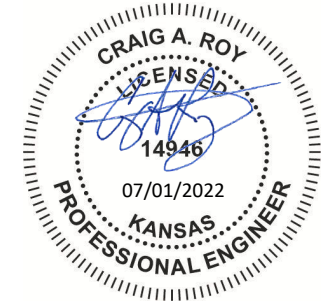
BLDC = BUILDING CORNER
BRK = BREAK
BTM = BOTTOM
CL = CENTER LINE
CMP = CORRUGATED METAL PIPE ROUND
CMPA = CORRUGATED METAL PIPE ARCH
CONC = CONCRETE
DIA = DIAMETER
E = EASTING COORDINATE OR EAST
ELEV = ELEVATION
EMB = EMBANKMENT
EPAV = EDGE OF PAVEMENT
EX = EXISTING
EXIST = EXISTING
FES = FLARED END SECTION
FX = FENCE
GA = GAUGE
GW = GUY WIRE
INV = INVERT
LAT = LATITUDE (WGS84)
LONG = LONGITUDE (WGS84)
LF = LINEAR FEET
MISC = MISCELLANEOUS
N = NORTHING COORDINATE OR NORTH
NFES = NON-FLARED END SECTION
OC = ON CENTER
OCEW = ON CENTER EACH WAY
OHE = OVERHEAD ELECTRIC
PC = POINT OF INTERSECTION
PI = POINT OF INTERSECTION
PT = POINT OF TANGENCY
RCP = REINFORCED CONCRETE PIPE
RD = ROAD
REM = REMOVE
REQ'D = REQUIRED
ROW = RIGHT OF WAY
S = SOUTH
SED = SEDIMENT
SHLD = SHOULDER
SLP = SLOPE
STPLG = STOPLOG
TBM = TEMPORARY BENCHMARK
TEL = TELEPHONE/COMMUNICATOINS
UG = UNDERGROUND
VEG = VEGETATION
W = WEST OR WITH
WCS = WATER CONTROL STRUCTURE
WL = WATER LEVEL
WS = WATER SHOT

*NOTE: NOT ALL ABBREVIATIONS IN THIS LIST APPEAR ON THIS SHEET

GENERAL NOTES

1. ONE HALF FOOT CONTOUR INTERVAL SHOWN.
2. ITALICIZED TEXT DENOTES EXISTING FEATURE OR EXISTING ELEVATION.

OVERALL PLAN VIEW
SCALE 1" = 50'

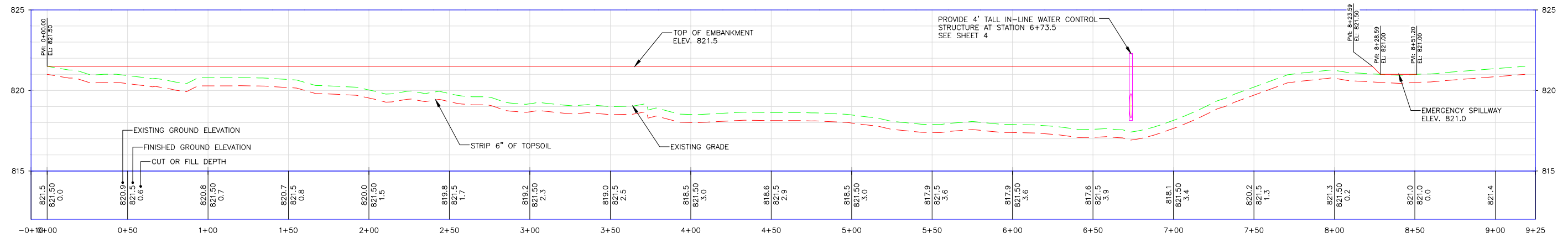


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HORIZONTAL AND VERTICAL CONTROL OPUS SOLUTION- COORDINATES ARE UTM ZONE 15 GRID COORDINATES IN US FEET [NAD83]. THEY WERE ESTABLISHED FROM THE WGS84 ELLIPSOID WITH INFORMATION FROM A TRIMBLE R12 SURVEY GRADE GPS RECEIVER ON APRIL 5, 2022 AT DUCKS UNLIMITED CONTROL POINT DU-437-22 AND CALIBRATED TO AN OPUS POSITION OCCUPIED FOR 1 HOURS AND 47 MINUTE(S) AND SENT TO NGS FOR SOLUTION. THE VERTICAL CONTROL CAME FROM THE SAME SOLUTION USING GEOID 12A CONUS IN THE NAVD88. THE FULL OPUS SOLUTION REPORT IS ON FILE AT THE DUCKS UNLIMITED ENGINEERING DEPARTMENT IN GRAND ISLAND, NEBRASKA.

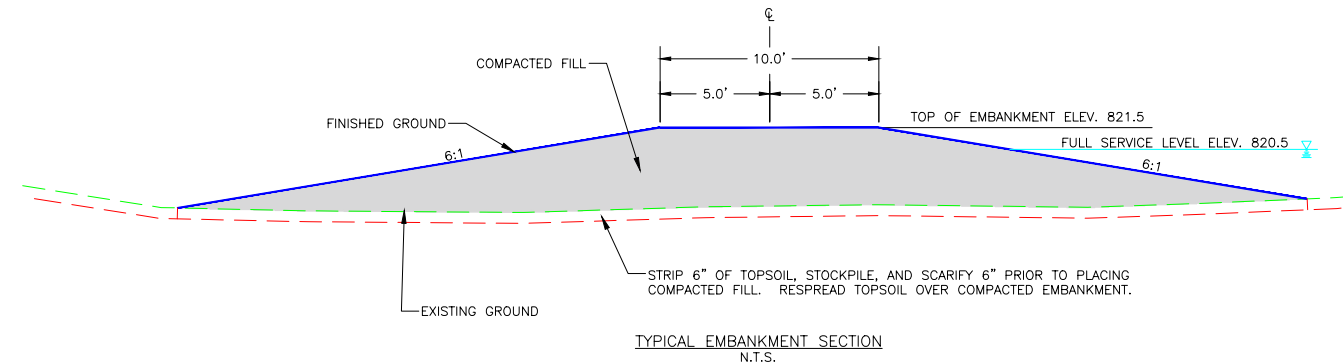
	PROJECT NO. KS-228-1	DESIGNED BY: CAR
	RIVERS BEND WETLAND	DRAWN BY: CAR
GREAT PLAINS REGIONAL OFFICE	DATE: 6/30/2022	CHECKED BY: MMM
SHEET NO. 2 OF 7	APPROVED BY: MMM	APPROVED BY:



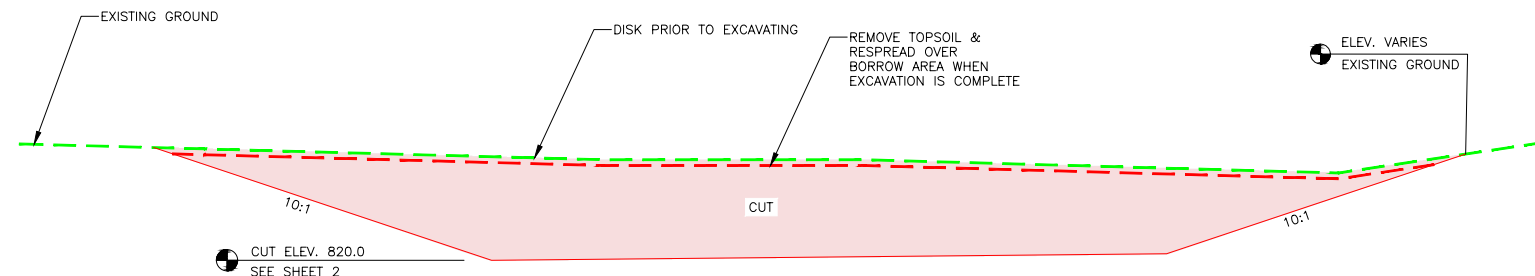
EMBankment Profile
 HORIZONTAL SCALE 1" = 30'
 VERTICAL SCALE 1" = 3'

CONSTRUCTION NOTES:

1. EMBANKMENT CONSTRUCTION SHALL BE FROM COMPACTED EARTHEN MATERIAL MOSTLY FREE OF VEGETATIVE MATTER AND SHALL COMPLY WITH SPECIFICATION SECTION 204 "EMBANKMENT CONSTRUCTION".
2. MATERIAL FOR EMBANKMENT CONSTRUCTION SHALL BE OBTAINED FROM THE BORROW AREA. ANY ADDITIONAL MATERIAL REQUIRED SHALL BE OBTAINED FROM A FIELD IDENTIFIED BORROW AREA BY A DUCKS UNLIMITED REPRESENTATIVE.
3. STRIP AND STOCKPILE 6" TOPSOIL FROM THE EMBANKMENT FOOTPRINT. RESPREAD TOPSOIL OVER FINISHED EMBANKMENT. COST OF TOPSOIL WORK SHALL BE CONSIDERED INCIDENTAL TO "SITE PREPARATION".
4. EMBANKMENT FILL TO BE PLACED IN LIFTS OF NO MORE THAT 8" AND COMPACTED PRIOR TO PLACING SUBSEQUENT LIFTS.



TYPICAL EMBANKMENT SECTION
N.T.S.



TYPICAL BORROW AREA CROSS SECTION
N.T.S.

ABBREVIATIONS LIST

- BLDC = BUILDING CORNER
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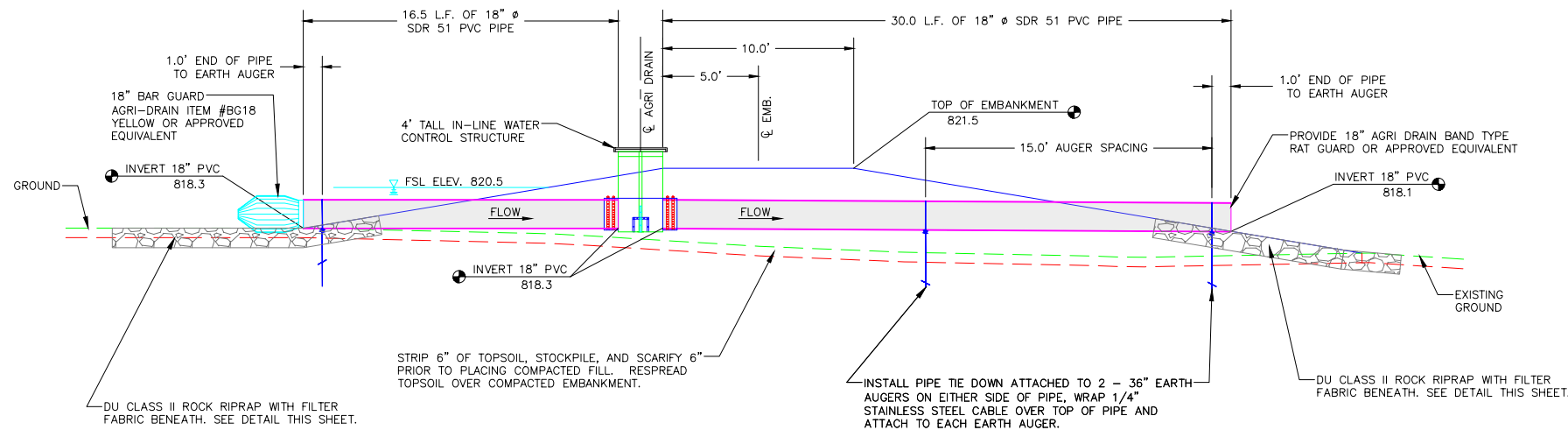
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PERMIT ISSUE

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	RIVERS BEND WETLAND	DRAWN BY: CAR
GREAT PLAINS REGIONAL OFFICE	PROFILES & TYPICAL SECTIONS	SURVEYED BY: CAR
DATE: 6/30/2022	SHEET NO. 3 OF 7	CHECKED BY: MMM
	APPROVED BY: MMM	APPROVED BY:

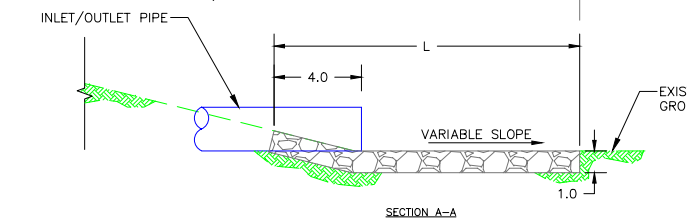
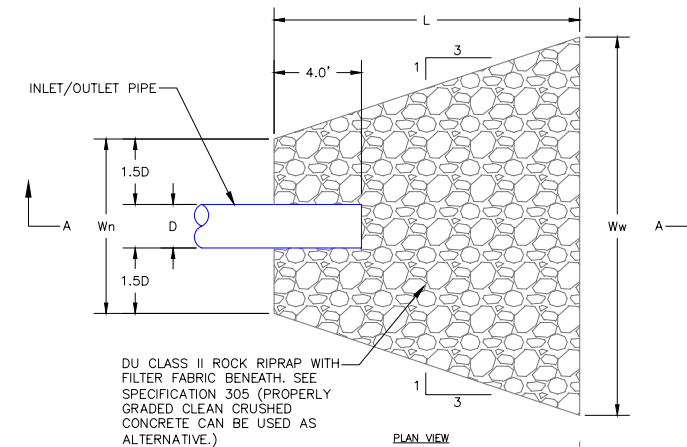
STRUCTURE INSTALLATION NOTES:

1. STRUCTURE, INLET AND OUTLET PIPE SHALL BE PLACED ON A LEVEL SURFACE OF COMPACTED SOIL.
2. LEVEL STRUCTURE VERTICALLY PRIOR TO PLACING BACKFILL. BACKFILL AROUND STRUCTURE BY HAND IN 6" LIFTS. HAND TAMP ONLY.
3. COST OF STRUCTURE INSTALLATION SHALL BE PAID AS BID ITEM "WATER CONTROL STRUCTURE (4' TALL)".
4. PROVIDE 18" AGRI DRAIN BAR AND BAND TYPE RAT GUARDS. THESE SHALL BE CONSIDERED INCIDENTAL TO "WATER CONTROL STRUCTURE (3' TALL)" BID ITEM.
5. AGRI DRAIN PVC STOP LOGS SHALL BE WATERTIGHT AND PROVIDED BY SUPPLIER.
6. AGRI DRAIN CORP. TELEPHONE NUMBER IS 1-800-232-4742 SPECIFY SIZE AND TYPE OF PIPE WHEN ORDERING. ORDER 4" BASE EXTENSION TO HELP PREVENT FLOATATION.
7. BENTONITE CLAY SHALL BE MIXED WITH BACKFILL MATERIAL AROUND WCS AND PIPE TO PROVIDE A WATER TIGHT SEAL. TEN - FIFTY POUND BAGS ARE REQUIRED. COST FOR BENTONITE CLAY AND INSTALLATION SHALL BE INCIDENTAL TO "WATER CONTROL STRUCTURE".
8. PROVIDE AND SET ONE - 5 FOOT LONG STEEL FENCE T-POSTS TO SERVE AS MARKERS. DRIVE INTO GROUND TO TOP OF POST FLAT PLATE. COST FOR POSTS SHALL BE INCIDENTAL TO WATER CONTROL STRUCTURE.



SECTION OF WATER CONTROL STRUCTURE
SCALE 1" = 4'

INLET & OUTLET RIPRAP TABLE				
PIPE SIZE (D) INCHES	APRON WIDTH NARROW SIDE (Wn) FEET	APRON WIDTH WIDE SIDE (Ww) FEET	APRON LENGTH (L) FEET	CUBIC YARDS
18	6.0	12.7	10.0	3.5

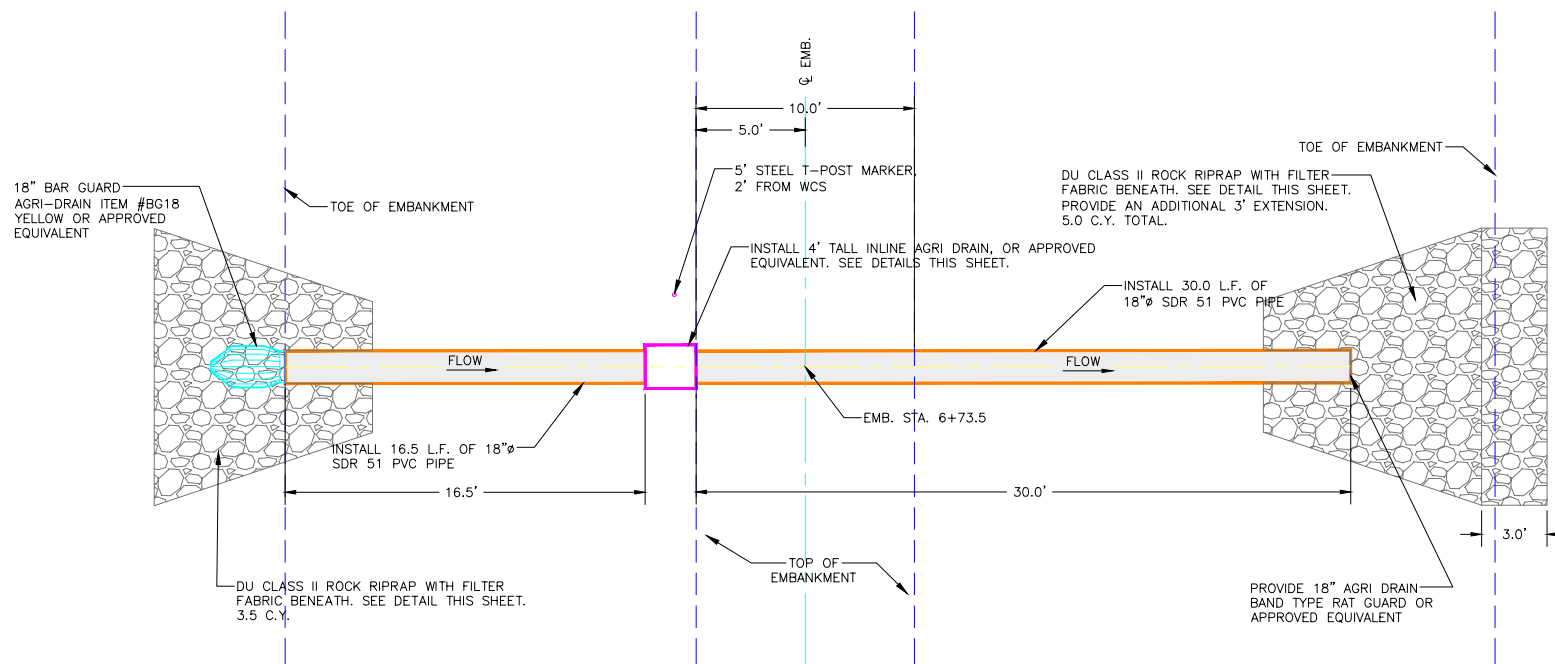


INLET & OUTLET RIPRAP DETAIL
SCALE 1" = 4'

ABBREVIATIONS LIST

- BLDC = BUILDING CORNER
- BRK = BREAK
- BTM = BOTTOM
- CL = CENTER LINE
- CMR = CORRUGATED METAL PIPE ROUND
- CMPA = CORRUGATED METAL PIPE ARCH
- CONC = CONCRETE
- DIA = DIAMETER
- E = EASTING COORDINATE OR EAST
- ELEV = ELEVATION
- EMB = EMBANKMENT
- EPAV = EDGE OF PAVEMENT
- EX = EXISTING
- EXIST = EXISTING
- FES = FLARED END SECTION
- FX = FENCE
- GA = GAUGE
- GW = GUY WIRE
- INV = INVERT
- LAT = LATITUDE (WGS84)
- LONG = LONGITUDE (WGS84)
- LF = LINEAR FEET
- MISC = MISCELLANEOUS
- N = NORTHING COORDINATE OR NORTH
- NFES = NON-FLARED END SECTION
- OC = ON CENTER
- OCEW = ON CENTER EACH WAY
- OHE = OVERHEAD ELECTRIC
- PC = POINT OF INTERSECTION
- PI = POINT OF INTERSECTION
- PT = POINT OF TANGENCY
- RCP = REINFORCED CONCRETE PIPE
- RD = ROAD
- REM = REMOVE
- REQ'D = REQUIRED
- ROW = RIGHT OF WAY
- S = SOUTH
- SED = SEDIMENT
- SHLD = SHOULDER
- SLP = SLOPE
- STPLG = STOPLOG
- TBM = TEMPORARY BENCHMARK
- TEL = TELEPHONE/COMMUNICATOINS
- UG = UNDERGROUND
- VEG = VEGETATION
- W = WEST OR WITH
- WCS = WATER CONTROL STRUCTURE
- WL = WATER LEVEL
- WS = WATER SHOT

*NOTE: NOT ALL ABBREVIATIONS IN THIS LIST APPEAR ON THIS SHEET

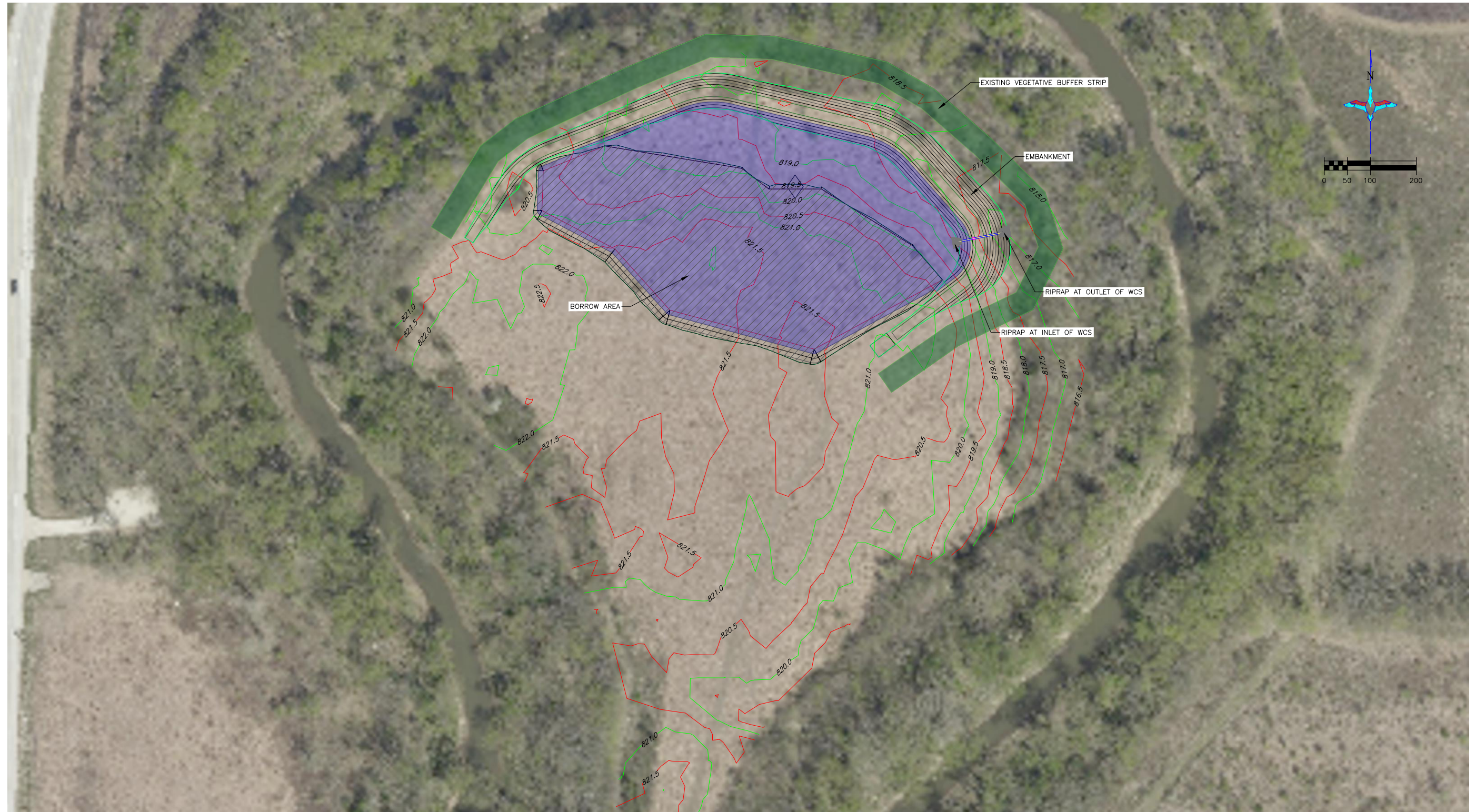


PLAN OF WATER CONTROL STRUCTURE
SCALE 1" = 1" = 4'

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PERMIT ISSUE

	PROJECT NO. KS-228-1	DESIGNED BY: CAR
	RIVERS BEND WETLAND	DRAWN BY: CAR
GREAT PLAINS REGIONAL OFFICE	WCS PLAN & PROFILE	SURVEYED BY: CAR
DATE: 6/30/2022	SHEET NO. 4 OF 7	CHECKED BY: MMM
	APPROVED BY: MMM	APPROVED BY:



OVERALL PLAN VIEW
SCALE 1"=100'

SEEDING AND MULCHING NOTE:

- SEEDING AND MULCHING SHALL BE REQUIRED ON EMBANKMENT.
- THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING AN ADEQUATE SEED BED TO ALLOW SEEDING WITH STANDARD SEEDING EQUIPMENT. THIS WILL INCLUDE USE OF A HARROW OR OTHER MEANS IN ORDER TO LEAVE A SMOOTH, TRACK-FREE FINISH. BACK DRAGGING WITH A DOZER IS NOT AN ACCEPTABLE FINISH.
- BEFORE LAST SPRING FROST OR APRIL 15TH (WHICHEVER IS EARLIER), AREA WILL BE SEEDDED WITH A MIXTURE OF CUSTOM NATIVE GRASS MIX (SEE TABLE BELOW).
- MULCHING SHALL REQUIRE ANCHORING OF SOME TYPE SUCH AS TACKING, MATTING, HAND PUNCHING, ROLLER PUNCHING, CRIMPER PUNCHING, OR HYDRO-SEEDING TO PREVENT BLOWING OR WASHING AWAY.
- MULCHING APPLICATION RATE SHALL BE TWO TONS PER ACRE OR ONE 74 POUND BALE PER 800 SQUARE FEET.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) CONSTRUCTION NOTES:

- SEEDING AND MULCHING SHALL BE REQUIRED ON EMBANKMENT.
- BEFORE LAST SPRING FROST OR APRIL 15TH (WHICHEVER IS EARLIER), AREA WILL BE SEEDDED WITH A MIXTURE OF CUSTOM NATIVE GRASS MIX (SEE TABLE BELOW).
- MULCHING SHALL REQUIRE ANCHORING OF SOME TYPE SUCH AS TACKING, MATTING, HAND PUNCHING, ROLLER PUNCHING, CRIMPER PUNCHING, OR HYDRO-SEEDING TO PREVENT BLOWING OR WASHING AWAY.
- MULCHING APPLICATION RATE SHALL BE TWO TONS PER ACRE OR ONE 74 POUND BALE PER 800 SQUARE FEET.

DESCRIPTION	PURE LIVE SEED (PLS) PER ACRE
Indiangrass, Cheyenne	0.54
Switchgrass, Kan Low	1.05
Switchgrass, Cave In Rock	1.00
Little Bluestem, Aidous	0.24
Eastern Gamagrass, Variety Not Stated	0.48
Canada Wildrye, Mandarin	0.48
Virginia Wildrye, Variety Not Stated	1.44
Sand Dropseed, Variety Not Stated	0.15
Big Bluestem, Kaw	0.48
Total	5.86



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DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE	PROJECT NO. KS-228-1	DESIGNED BY: CAR
	RIVERS BEND WETLAND	DRAWN BY: CAR
	SWPPP	SURVEYED BY: CAR
DATE: 6/30/2022	SHEET NO. 5 OF 7	CHECKED BY: MMM
	APPROVED BY: MMM	APPROVED BY:

STORM WATER POLLUTION PREVENTION PLAN

The Kansas General Permit Authorization to Discharge Stormwater Associated with Construction Activity shall apply for this project.

ABBREVIATIONS

KDHE: Kansas Department of Health and Environment
KDEM: Kansas Division of Emergency Management
USFWS: United States Fish and Wildlife Service

NARRATIVE

Project Limits: See Sheets 2-4 of this plan set for the project limits and details. These sheets cover the embankment details, borrow areas, water control structure, and piping.

SITE DESCRIPTION

Project Description: The purpose of the project is to create a shallow water impoundment and the installation of associated water control structure.

Site Map(s): See map on cover sheet of plans.

Major Soil Disturbing Activities (check all that apply):

- Clearing & Grubbing
- Grading & Shaping
- Cutting & Filling
- Other (describe):

Total Project Area: 5 Acres
Total Area to Be Disturbed: 3.5 Acres
Existing Impervious Area: 0.0 Acres
Proposed Impervious Area: 0.0 Acres

Name of Receiving Water Body/Bodies: Wakarusa River

Discharges to Special Or Impaired Waters: The project does not discharge to a special or impaired water.

Discharges to Calcareous Fen: The project does not have a discharge to a Calcareous fen.

Endangered or Threatened Species: The project area has not been identified for endangered or threatened species.

Historic Places or Archeological Sites: Historical places or archeological sites have been addressed by the USFWS.

Quantities Tabulation for All BMPs: See estimated quantities and construction notes in plans.

ORDER OF CONSTRUCTION ACTIVITIES

(Stabilization measures shall be completed as soon as possible, but in no case later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.)

- Install erosion and sediment control measures.
- Proceed with site grading and construction activities.
- Stabilize areas disturbed by construction activities with temporary erosion and sediment control measures.
- Complete final grading.
- Complete permanent erosion and sediment control measures.

LOCATION OF SWPPP REQUIREMENTS IN PROJECT PLAN

See the SWPPP details and notes on plan sheets 5 and 6.

EROSION AND SEDIMENT CONTROLS

(Check all that apply)

Stabilization Practices (See Erosion and Sediment Control Details in Plan Sheets)

- Temporary or Permanent Seeding
- Sod Placement
- Planting
- Mulching (Straw or Cellulose Fiber)
- Erosion Control Blankets or Mats
- Vegetation Buffer Strips
- Roughened Surface (e.g. tracking)
- Gabions-Gabion Mattress
- Other: Riprap, Geoweb

Structural Temporary Erosion and Sediment Controls

- Silt Fence
- Temporary Berm
- Temporary Slope Drain
- Straw Wattles or Rolls
- Diversion Channels/Swales
- Channel Liners (TRM)
- Stone Rip Rap Sheet
- Rock Check Dams
- Sediment Traps/Basins
- Inlet Protection
- Outlet Protection
- Surface Inlet Protection
- Curb Inlet Protection
- Stabilized Construction Entrances
- Other

Wetland Avoidance:

Will construction and/or erosion and sediment controls impinge on regulated wetlands? Yes No
If yes, the project and erosion and sediment control impacts have been included in the total project wetland impacts and have been included in the 404 permit process with the USACE.

Storm Water Management: Storm water management will be handled by temporary controls outlined in "EROSION AND SEDIMENT CONTROLS" above, and any permanent controls needed to meet permanent storm water management needs in the post construction period.

Pollution Prevention Management Measures

- Solid Wastes
Collected sediment, asphalt, and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with the KDHE disposal requirements.
- Hazardous Materials
Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spills, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with KDHE regulations.
- Vehicle Washing
External washing of trucks and other construction vehicles must be limited to a defined area of the site. Runoff must be contained and waste properly disposed of. No engine degreasing is allowed on site.
- Concrete Washout Onsite
All liquid and solid wastes generated by concrete washout operation must be contained in a leak-proof containment facility or impermeable liner. A compacted clay liner that does not allow washout liquids to enter ground water is considered an impermeable liner. The liquid and solid wastes must not contact the ground, and there must not be runoff from the concrete washout operation or areas. Liquid and solid wastes must be disposed of properly and in compliance with KDHE regulations. A sign must be installed adjacent to each washout facility to inform concrete equipment operators to utilize the proper facilities.

MAINTENANCE AND INSPECTION

Maintenance and Inspection Practices

- Inspections will be conducted at least one time per week and after a storm event of 0.50 inches or greater.
- All controls will be maintained in good working order. Necessary repairs will be initiated within 24 hours of the site inspection report or as soon as field conditions allow access.
- Inspections of areas that are temporarily stabilized due to ice, frozen soil conditions, or consistent snow cover are to be performed at the same frequency as during normal conditions; however, such areas are exempt from performing observations of disturbed soils, sediment and erosion BMPs, drainage areas, and locations where stormwater can flow from the construction site.
- Disturbed project areas that are temporarily stabilized due to ice, frozen soil conditions or consistent snow cover extending across 70 percent or more of the area shall be noted on the inspection report. The thawing of these areas shall be noted during the first subsequent inspection when iced, frozen or snow covered conditions are not longer present.
- Where parts of the construction site have undergone final stabilization, but work remains on other parts of the site, inspections of the stabilized areas may be reduced to once per month.
- Silt fence will be inspected for depth of sediment and for tears in order to ensure the fabric is securely anchored. Sediment buildup will be removed from the silt fence when it reaches 1/2 of the height of the silt fence. All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/3 of the height of the fence.
- Sediment basins and traps will be checked. Sediment will be removed and cleaned when the capacity of the sediment basin reaches 20 percent or more. The basin will be maintained until less than 10 acres of area needing final stabilization within the drainage basin remains.
- Check dams will be inspected for stability. Sediment will be removed when the depth reaches 1/2 the height of the dam.
- All seeded areas will be checked for bare spots, washouts, and vigorous growth free of significant weed infestations.
- Surface waters, including drainage ditches and conveyance systems, must be inspected for evidence of sediment being deposited by erosion.
- Construction site vehicle entrance and exit locations will be designated prior to mobilizing equipment. If a designated entrance and exit locating cannot be determined, the use of a wheel washing facility will be utilized. If applicable, wash waters will be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge. Off-site track out shall be cleaned up at the end of each work day. If contaminated soils are encountered, a wheel washing station with tanks for holding of the fresh water will be utilized.
- Disturbed areas will be checked for stabilization. Stabilization measures shall be initiated as soon as construction activity in that portion of the site has temporarily or permanently ceased.
- The normal wetted perimeter of any temporary or permanent drainage ditch or swale that drains water from any portion of the construction site, or diverts water around the site, must be stabilized within 200 lineal feet from the property edge, or from the point of discharge into any surface water. Stabilization of the last 200 lineal feet must be completed within 24 hours after connection to a surface water.
- Stabilization of the remaining portions of any temporary or permanent ditches or swales must be completed within 14 days after connecting to a surface water and construction in that portion of the ditch has temporarily or permanently ceased.
- Temporary or permanent ditches or swales that are being used as a sediment containment system (with properly designed rock ditch checks, bio rolls, silt dikes, etc.) do not need to be stabilized. These areas must be stabilized within 24 hours after no longer being used as a sediment containment system.
- Pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours after connection to a surface water.
- Discharge procedures for water control and dewatering operations will be inspected. If the water cannot be discharged to a sedimentation basin prior to entering the surface water, it must be treated with the appropriate BMPs, such that the discharge does not adversely affect the receiving water or downstream landowners.
- Inspection and maintenance reports will be completed for each site inspection, this form will also be used to document changes to the SWPPP. The report shall include the date and amount of precipitation or snowmelt events that cause surface erosion. A copy of the completed inspection form will be filed with the SWPPP documents.
- The Contractor's site superintendent is responsible for inspection. Maintenance and repair activities are the responsibility of the Contractor.
- In areas of concentrated flows such as channelized drainage, the use of velocity dissipation devices (e.g. check dams, riprap and wattles), installation of channel liners (e.g. riprap, geotextiles, and erosion control blankets) will be utilized.

SPILL NOTIFICATION

In the event of a spill, the contractor's site superintendent will make the appropriate notifications(s), consistent with the following procedures:

1. A reportable spill is a quantity of more than 5 gallons of petroleum which must be reported immediately to the KDEM.
2. Any spill of oil or hazardous substance to waters of the state must be reported immediately by telephone to the KDEM.
3. Kansas Division of Emergency Management Reporting Line: 24 Hour (800) 275-0297.

CONSTRUCTION CHANGES

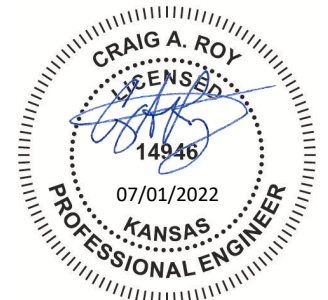
The SWP2 plan shall be modified or amended as appropriate during the term of the construction activity until the site is stabilized. The contractor is responsible for the installation, operation, and maintenance of erosion controls and shall keep a current copy of the SWP2 plan on the project site.

Modifications to the SWP2 plan shall be made to better control the site erosion and sediment discharges based on field conditions or site phasing that was not considered during SWP2 plan development. The permittee shall indicate the changes on the erosion and sediment control plan sheets, maintain a log showing dates of all SWP2 plan modifications, and the name and title of the person authorizing the modifications. Changes to the SWP2 plan that are not an amendment (See Section 7.3.2 of the Kansas Department of Health and Environment-Kansas Pollution Control) are considered modifications and do not need to be submitted to KDHE. Modification of site erosion and sediment controls based on field conditions or site phasing do not require preparation or approval by a professional however, modifications that involve the relocation or reconfiguration of any sedimentation basin or corresponding outlet structure required under Section 7.2.7 of the Kansas Department of Health and Environment-Kansas Pollution Control shall be prepared under the supervision of a licensed or certified professional.

PROJECT CONTACTS

The Contractor is responsible for implementation of the SWP2 plan and installation, inspection and maintenance of the erosion prevention and sediment control BMP's before and during construction.

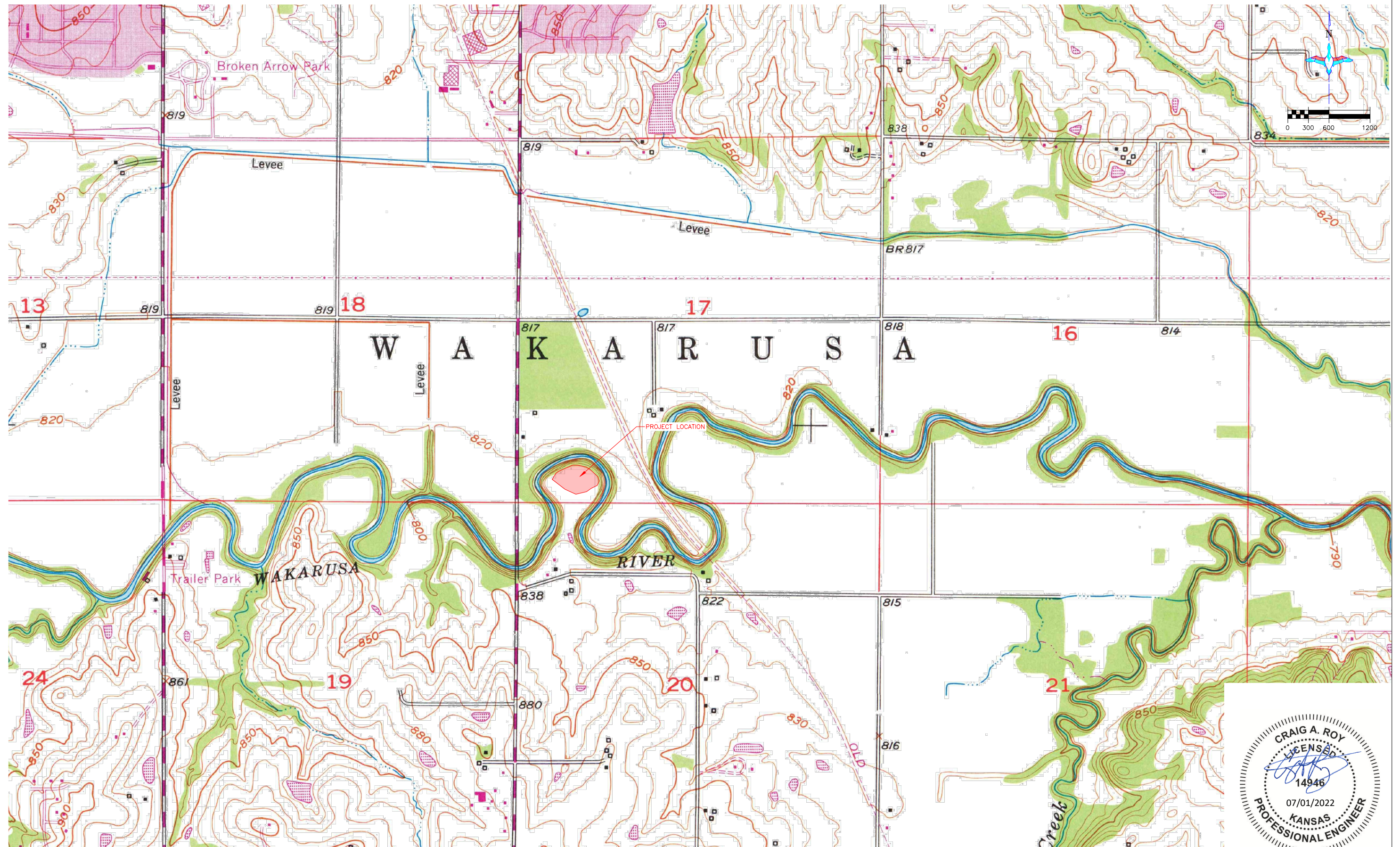
Contractor and KDHE contact information is provided in the contract documents and project plans.



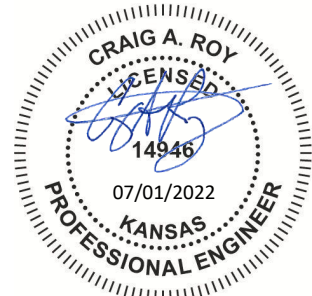
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PERMIT ISSUE

	PROJECT NO. KS-228-1	DESIGNED BY: CAR
	RIVERS BEND WETLAND	DRAWN BY: CAR
GREAT PLAINS REGIONAL OFFICE	SWPPP NOTES	SURVEYED BY: CAR
DATE: 6/30/2022	SHEET NO. 6 OF 7	CHECKED BY: MMM
	APPROVED BY: MMM	APPROVED BY:



OVERALL PLAN VIEW
SCALE 1" = 600'



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DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE	PROJECT NO. KS-228-1	DESIGNED BY: CAR
	RIVERS BEND WETLAND	DRAWN BY: CAR
	USGS TOPOGRAPHIC MAP	SURVEYED BY: CAR
DATE: 6/30/2022	SHEET NO. 7 OF 7	CHECKED BY: MMM
	APPROVED BY: MMM	APPROVED BY:

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. 50,521** of the applicant

**DARIN LUTZ
1132 KANZA DR
LAWRENCE, KS 66049**

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 **February 19, 2021**.
2. That the water sought to be appropriated shall be used for recreational use in a marsh located in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, in Township 13 South, Range 20 East, Douglas County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from the Wakarusa River to be diverted at a pumpsite located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, more particularly described as being near a point 497 feet North and 4,061 feet West of the Southeast corner of said section, in Township 13 South, Range 20 East, Douglas County, Kansas.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **3,000 gallons per minute (6.68 c.f.s.)** and to a quantity not to exceed **12 acre-feet** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2024** 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.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2028** 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. That all diversion works constructed under the authority of this permit 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.

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

13. 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.

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

15. 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.

16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

17. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

18. That during the period October 1 through June 30, the verbal or written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, shall be obtained in order to divert water each time the applicant desires to divert water.

19. That during the period July 1 through September 30 each calendar year, no direct diversions of surface water shall be permitted unless written permission is obtained from the Chief Engineer, or the Chief Engineer's authorized representative.

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

October 20, 2022

DARIN LUTZ
1132 KANZA DR
LAWRENCE, KS 66049

RE: Appropriation of Water, File No. 50,521

Dear Mr. Lutz:

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

Notice must be filed on the enclosed form 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 this permit. 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.

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.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does 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.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/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 Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

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 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.

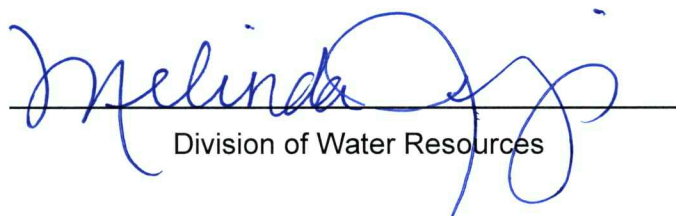
CERTIFICATE OF SERVICE

On this 20 day of October, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,521, dated 18 October 2022 was mailed postage prepaid, first class, US mail to the following:

DARIN LUTZ
1132 KANZA DR
LAWRENCE, KS 66049

With photocopies to:

Topeka Field Office


Division of Water Resources