

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;">50,556</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">9/21/2022</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">01</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
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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

<p>7a. Applicant(s) Person ID 68270 New to system <input type="checkbox"/> Add Seq# _____</p> <p>BOBBY GLOVER 2479 US HWY 400 MCCUNE, KS 66753</p> <p>*Note name and address change</p>	<p>7c. Landowner(s) Person ID _____</p>
<p>7b. Landowner(s) Person ID 62113 New to system <input type="checkbox"/> Add Seq# _____</p> <p>GLOVER REAL ESTATE LLC PO BOX 3823 BLUFFTON, SC 29910</p>	<p>7e. Miscellaneous Person ID _____</p>

<p>8. WUR Correspondent Person ID 68270 New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input checked="" type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2023 11. Perfection Date: 12/31/2027 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: _____

<p style="color: red; font-weight: bold; font-size: 1.1em;">9/2/2022</p> <p style="color: red; font-weight: bold; font-size: 1.1em;">JDK</p>	<p>Date Prepared: 6/27/2022 By: LHH</p> <p>Date Entered: 9/26/2022 By: LMoody</p>
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File No. **50,556** 15. Formation Code: Drainage Basin: **NEOSHO RIVER** County: **LB** Special Use: Stream: **LITUP CREEK**

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
	MOD			88714	SW SW NW	35	31S	21E	1	3085	4917
	ENT			89796	SW SW NW	35	31S	21E	1	2899	4975

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
6,500	45	6,500	45	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? Yes No To be installed by **12/31/2023** 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								
	CHK			70335	35	31S	21E	1		MARSH (NW)																	7b	NO	NONE

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 27, 2022

FROM: Lloyd Hemphill

RE: New Application, File No. 50,556

Bobby Glover (Glover Real Estate LLC) has filed the new application referred to above proposing to appropriate 45 acre-feet of surface water at a diversion rate of 6,500 gallons per minute from Litup Creek (Neosho River), for recreational use in a wetland. This application will allow water to be pumped directly from the creek (when flows are adequate, and permission is granted). The water will be used to fill and maintain water levels in the wetland (i.e. offset evaporative and seepage losses). The proposed points of diversion are two pumpsites located in the northwest quarter of Section 35, in Township 31 South, Range 21 East, Labette County, Kansas. The wetland place of use covers an area of about 30 acres, located in the Northwest Quarter of Section 35, in Township 31 South, Range 21 East. This file does not overlap any other point of diversion or place of use. The applicant owns the point of diversion and place of use, and the application was signed by a representative stating the applicant has access to the point of diversion.

The Recreational Use Supplemental sheet notes that the surface area of the wetland covers approximately 30 acres. Filled to an average depth of 0.75 feet (9 inches) would equal a volume of 22.5 acre-feet. An additional fill was requested to offset evaporation and seepage bringing the total quantity to 45 acre-feet. This quantity appears reasonable for this project.

A notification letter was sent to two nearby landowners on January 21, 2022. No response was received. There are several permitted water rights and pending applications within a two-mile circle around the proposed points of diversion. Most of these files are located on the Neosho River or other tributary streams. On this stream, the nearest permits are located about 2.4 miles upstream (File No. 50,554) and about one mile downstream (File No. 50,542). Both are owned by the applicant. Approval of this application is not expected to impair senior water rights, especially with proper conditioning as discussed below.

The existing wetland was permitted by DWR Structures under WSN: LLB-72 in 2012. Additional permitting is not required as long as no new work (including but not limited to maintenance, repairs, raising, etc.) on the berms or additional berms are planned.

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) has confirmed that there is a Wetland Reserve Program (WRP) easement on part of this property and a Compatible Use Agreement (CUA) for water level management is in place. (See April 12, 2022 e-mail from Brent Turney). This is a critical determination because any property that has an NRCS easement must complete a Compatible Use Agreement (CUA) application for water level management, and ultimately have it approved.

This approval 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. The 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.

Glover Real Estate LLC - Memorandum
File No. 50,556
Page 2

The proposed point of diversion is located below the Minimum Desirable Streamflow (MDS) gage near Parsons so this permit will not be subject to MDS administration and streamflows at this gage.

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.

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended in a June 24, 2022 email that this application be approved.

Based on the above discussion, the area remains open to new appropriations, the approval is subject to specific conditions relative to direct surface water diversions, diversion is limited to fall "off-season" pumping, the project is properly permitted by the Structures Program, and there is no indication that existing water rights will be impaired, it is recommended that the referenced application be approved.

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

Hemphill, Lloyd [KDA]

From: Tietsort, Katie [KDA]
Sent: Friday, June 24, 2022 9:56 AM
To: Hemphill, Lloyd [KDA]
Subject: RE: Application, File No. 50556: Bobby Glover - For Your Recommendation

Hello Lloyd,

I agree with your recommendation for approval of the referenced file.

Thanks for your efforts,

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>
Sent: Thursday, June 23, 2022 1:39 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Application, File No. 50556: Bobby Glover - For Your Recommendation

Katie,

Will you provide your recommendation on pending application, File No. 50556 (Bobby Glover)?

Thanks,
Lloyd

Lloyd Hemphill, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615
(785) 296-5733

NOTE NEW ADDRESS

Hemphill, Lloyd [KDA]

From: Turney, Brent - NRCS, Emporia, KS <Brent.Turney@usda.gov>
Sent: Tuesday, April 12, 2022 2:39 PM
To: Hemphill, Lloyd [KDA]
Subject: RE: Glover Real Estate Wetland Projects
Attachments: Glover-WLM CUA exp 93024.pdf; Glover 10-00XV2 multi CUA exp 9-30-26.pdf

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.

Sorry Lloyd, got wrapped up in something and forgot all about this email. I have copied the body of an email that I sent to Kristen last fall. This should help! I have attached the CUA's for 50,553 and 50,556. The other two will be following soon.
Brent

Kristen,
I looked at the Applications filed by Bobby Glover:
50,541; 50,542; 50,544; 50,552; 50,553; 50,555; 50,556 and 50,557.

I found that many of those applications propose a place of use that are on existing easements:
50,541; 50,544; 50,553 and 50,556

The wetland cells and structures associated with these File Nos. were most likely constructed with full knowledge of DWR permitting requirements (Appropriations and Structures) If a structure permit was required, NRCS would have required an approved DWR structures permit before construction could begin. Same for a water appropriations permit for storage if the wetland cell held more than 15 AF including evaporation. We will be working on CUA's for water level Management, so that your office can proceed with processing these applications.

The proposed places of use for File Nos. 50,542; 50,552; 50,555 and 50,557 are not on properties with NRCS easements. These applications will not require a CUA from NRCS.

We will keep you in the loop on the CUA's for the first group of applications as we complete them. And thanks for the opportunity to comment on these applications.

Take Care,
Brent

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

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: Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>
Sent: Friday, April 8, 2022 2:11 PM
To: Turney, Brent - NRCS, Emporia, KS <Brent.Turney@usda.gov>
Subject: Glover Real Estate Wetland Projects

Hello Brent,

Bobby Glover on behalf of Glover Real Estate, LLC has filed applications for recreational use in wetlands as listed below. You have already commented on File No. 50,541.

Application, File No. 50,557 appears to be at least partially located within a NRCS Wetland Reserve Easement. Can you confirm that this wetland remains in this easement and whether or not any of the other projects involve an WRE? If any of these projects involve a WRE, has a Compatible Use Agreement been formed or is in progress?

If any of these wetlands are NRCS projects, can you share the plans?

Water Appropriation File Number	Water Structures Number	S-T-R	County	Comments
50541	LLB-95	(NE1/4) 27-32S-21E	Labette	NRCS Wetland Reserve Easement; Structures permit not required if area remains in WRE.
50542	LLB-109	(NE 1/4) 3-32S-21E	Labette	Structures permit required.
50543	LLB-110	(NE 1/4) 16-31S-21E	Labette	Structures permit required.
50544	LLB-60 & LLB-76	(S2) 16 & (N2) 21-34S-R21E	Labette	Additional Structures permitting not required if no new work is planned.
50552	LNO-168	(E2) 3-28S-18E	Neosho	After the fact Structures permit required.
50553	LLB-41	(NW1/4) 27-31S-21E	Labette	Additional Structures permit not required if no new work is planned.
50554	LLB-79	(W2) 23-31S-21E	Labette	Existing south wetland is within a NRCS Wetland Reserve Easement. Structures permit not required if area remains in WRE.
50554	LLB-112	(W2) 23-31S-21E	Labette	North wetland will require an after the fact Structure permit.
50555	LLB-111	(E2) 21-31S-21E	Labette	After the fact Structures permit required.
50556	LLB-72	(NW1/4) 35-31S-21E	Labette	Additional Structures permit not required if no new work is planned.
50557	LNO-169	(E2) 3-28S-18E	Neosho	After the fact Structures permit required.
All or portion of project located in a Wetland Reserve Easement.				

Let me know if you need any more information. Do you know about the DWR notices page? All of these applications can be found on this page with some looking.

Thanks and have a great weekend!

Lloyd

Lloyd Hemphill, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615
(785) 296-5733

NOTE NEW ADDRESS

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COMPATIBLE USE AUTHORIZATION

1. To be completed by NRCS; check appropriate box:

- This transaction is for CCC
 This transaction is for NRCS EWP

2. County: LaBette3. Contract No.: 20-468 - 20-4754. Agreement No.: 6662151000XV25. Expiration Date: 9-30-26

A. Person Responsible for Agreement Activities (Name and Address):

Glover Real Estate
P.O. box 3823
Bluffton, SC 29910

A 1. Person Responsible for Agreement
(Telephone Number): 843-384-0988

B. Purpose:

- 20-468 **Water Level Management** – manipulate water level management to improve wildlife habitat.
20-469 **Vegetative Management (wetland)** – vegetation in wetland will be managed by disking to improve wildlife habitat
20-470 **Food Plot** – enhance wildlife habitat with planted food plot(s) that are left for winter food supply.
20-471 **Trails** – to establish and maintain trails for quiet enjoyment and management of easement areas.
20-472 **Dike Maintenance** – maintain herbaceous vegetation on the dike and maintain life span of dike.
20-473 **Woody Control** – to maintain and remove woody vegetation from wetlands and grassland areas.
20-474 **Noxious Weed Control** – control noxious weeds using recommendations from current Chemical Weed Control for Field Crops, Pastures, Rangelands, and Non-Cropland Guide, published by Kansas State University.
20-475 **Prescribed Burning**- native grass, restored grassland, and wetland areas will be burned to control woody species; reduce accumulated mulch; and improve/maintain plant species diversity, health, and vigor.

C. Location Description (Attach a copy of map showing approximate area of compatible use.):

Water Level Management- 15.8ac. **Vegetative Management**- 19.07ac. **Dike Maintenance**- 4.55ac. **Noxious Weeds**- 146ac. **Woody Control**-87.7ac **Trails**- 2.2ac **Food Plots**- Up to 7.3 ac **Prescribed Burning**- 87.7ac

D. Beginning Condition of Site: **Water Level Management** – water within wetland cells and depressions. **Vegetative Management (wetland)** – area was cropped before easement was filed. **Food Plot** – area was cropped before easement was filed. **Trails** – annual and native vegetation. **Dike Maintenance** – annual and native vegetation. **Woody Control** – native grass, dikes, and depressions. **Noxious Weed Control** – annual and native vegetation. **Trails**- to establish and maintain trails for quiet enjoyment and management of easement areas. **Prescribed Burning** – native vegetation with invading trees and brush species.

E. Statement of Affect and Compatibility: **Water Level Management** – water draw downs will provide various levels of water in a timely manner. This practice will provide for wetland wildlife habitat at times when natural hydrology does not. A variety of draw down dates and regimes will be used to create a diversity of vegetation. **Vegetative Management (wetland)** – this practice will create diversity, manage succession, and increase native plant food availability in wetland. **Food Plot** – this practice will provide a food source for wildlife. Native grass and timber areas are not compatible food plot areas. **Trails** – creating and maintaining a trail allows improved access and management of the easement. Trails will be located outside the wetland soil units and areas of depressions. **Dike Maintenance** – maintaining herbaceous vegetation on the dike will help maintain dike life span. **Woody Control** – removing woody vegetation will improve native grass stand and protect dikes. **Noxious Weed Control** – this practice will help maintain the native vegetation, improve wildlife habitat, and improve biodiversity on the easement. **Trails** – creating and maintaining a trail allows improved access and management of the easement. Trails will be located outside the wetland soil units and areas of depressions. **Prescribed Burning** – used to control unwanted trees and brush in grassland areas. Properly timed burns will also promote plant diversity.

F. Special Conditions, Specifications and Other Details Including Information from Consultation with FWS, CD, and State Wildlife Agency:

Water Level Management - Water may be released at a rate not to exceed 6 inches per two-week period. Refer to easement management guidelines for specific pumping and draw down requirements.
DWR permit number for pumping _____ (if blank then no pumping water right).

Vegetation Management (wetland) - Wetland may be disked to a depth of 8" when dry. Multiple disking may be warranted and approved by NRCS if initial disturbance does not set back vegetation.

Food Plot - Food plot(s) of milo, com, sunflowers, wheat, clovers, or millets may be planted and left for winter food. Soybeans are not to be used. All food plots will be left undisturbed until April 1 of each year. Only 5% of the easement (6ac) area is eligible for food plots on an annual basis. Rotational Permanent

Trails - Trails may be mowed one tie during the nesting seasons (April 15-July 15). Additional mowing to maintain the trail is allowed. Trail width is 15 feet maximum. Mowing height will be no less than 6 inches. Gravel and other amendments are not allowed on the trail. Debris, logs, etc. may be removed from the trail.

Dike Maintenance - dike may be mowed from front toe to back toe of dike.

Woody Control - woody vegetation will be controlled to not allow establishment.

Prescribed Burning - burning will not be allowed between April 15 and July 15, which is a critical nesting time for many bird species. Please initial next to the appropriate comment below. Prescribed burning will be allowed as needed to maintain a diverse herbaceous wetland. Landowner requests NRCS technical assistance _____ (initial).

Landowner possess skills and ability to conduct prescribed burn and does not request NRCS technical assistance JE (initial).

Noxious Weed Management - control noxious weeds using recommendations from the current Chemical Weed Control for Field Crops, Pastures, Rangeland, and Non-Cropland Guide, published by Kansas State University.

I have been provided contact information for local resources for noxious weed control in my area JE (initial).

Landowner missed this section. Justin Edwards obtained approval through email to fill in for the land owner.

NRCS retains the right to modify or cancel this compatible use authorization at any time if the NRCS determines that such activities do not further the protection and enhancement objectives of the easement, or that the landowner has failed to comply with specified terms and conditions. The landowner engages in such activities at his or her own risk. This authorization does not vest any right of any kind in the Landowner. This authorization is null and void after the expiration date specified above. By signing this document, the landowner agrees to the terms described above and on referenced documents.

G. Recommended (NRCS Signature): EMILY COLCLAZIER
Digitally signed by EMILY COLCLAZIER
Date: 2021.11.22 09:18:28 -06'00'

G 1. Date: 11/22/21

G 2. Title: District Conservationist

H. Landowner or Representative (Signature): *Justin Edwards*

H 1. Date: 11-16-21

I. Approved (NRCS Signature): *Robert Krehbiel*
Digitally signed by ROBERT KREHBIEL
Date: 2021.12.08 14:46:50 -06'00'

I 1. Date: _____

I 2. Title: STATE RESOURCE CONSERVATIONIST

The signature by the NRCS representative signifies a CCC-NRCS transaction as indicated above.

(WR-18)

COMPATIBLE USE AUTHORIZATION**OMB DISCLOSURE STATEMENT**

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0578-0013. The time required to complete this information collection is estimated to average 0.66 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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PRIVACY ACT STATEMENT

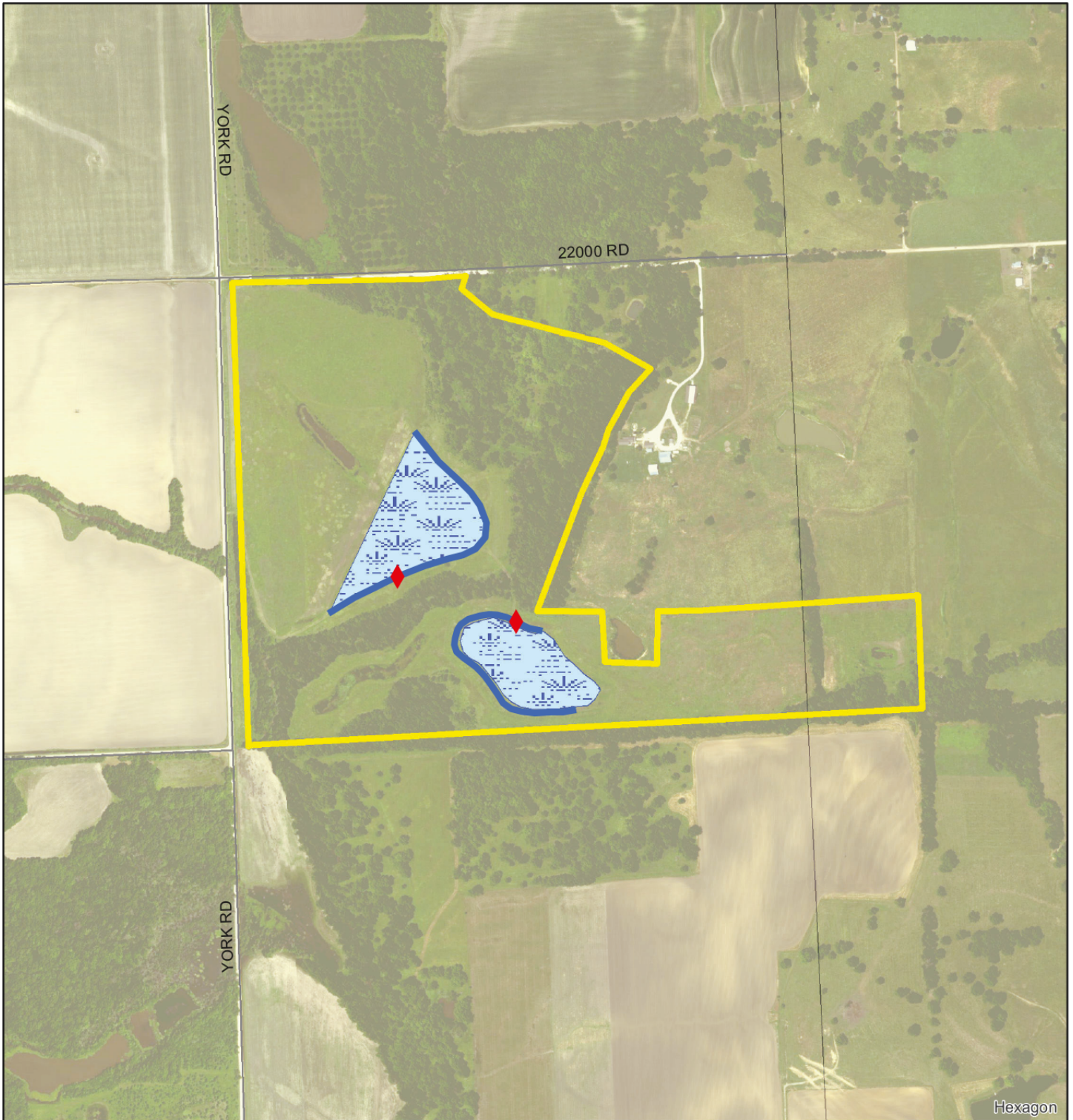
The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 522a). Furnishing this information is voluntary; however, failure to furnish correct, complete information will result in the withholding or withdrawal of such technical or financial assistance. The information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other State or Federal law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal.

Water Level Management




Date: 10/26/21

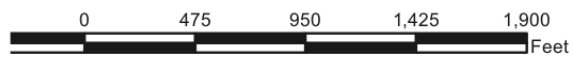
Customer(s): Bobby Glover
Approximate Acres: 15.8 ac
Legal Description: NW 35-31-21W

Field Office: Altamont, KS
Agency: USDA-NRCS
Assisted By: Justin Edwards



Legend

-  Water Control Structure
-  Water Level Management
-  Dikes



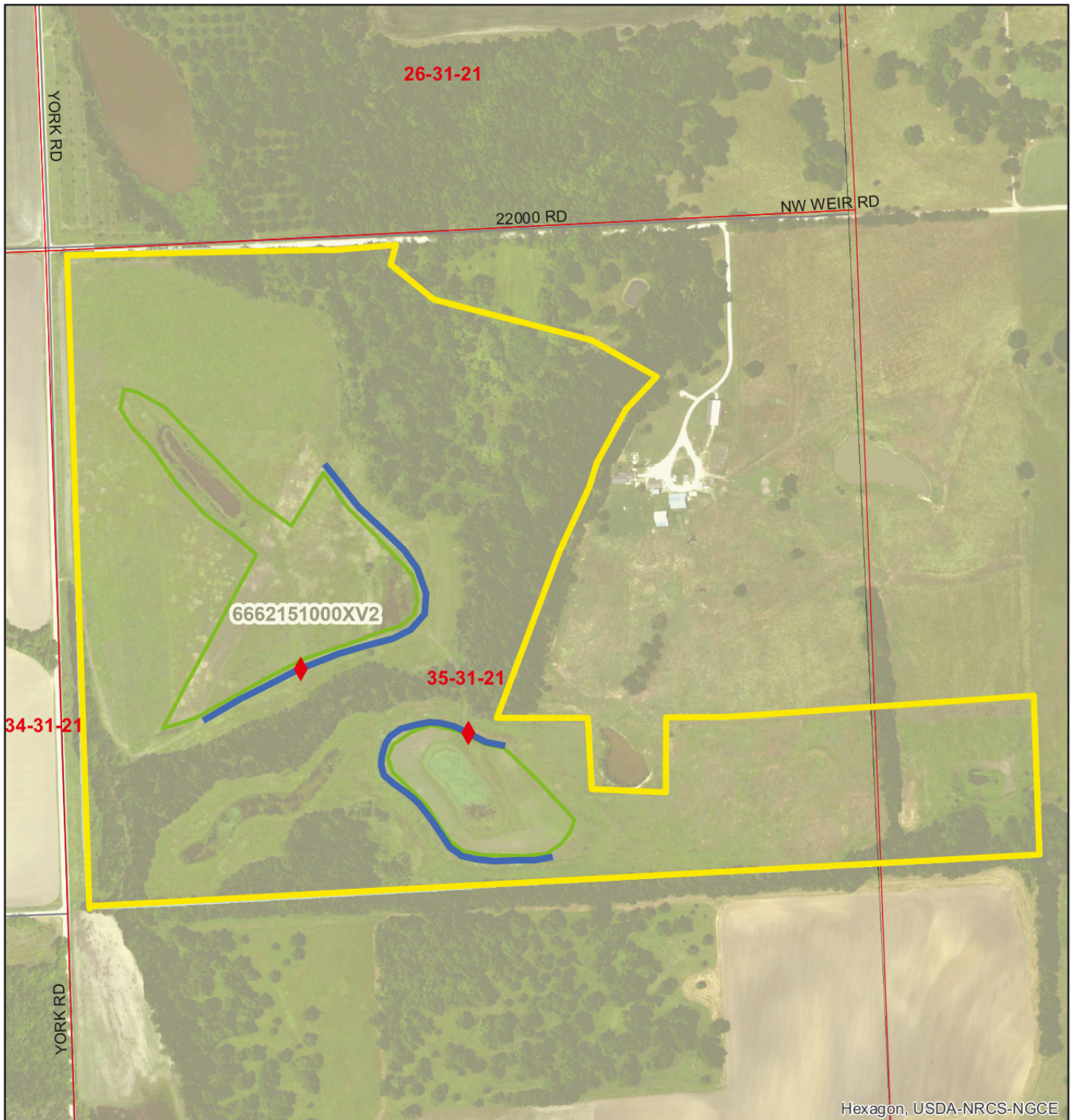
Soil data has been compiled to National Map Accuracy Standards of 1:12,000 scale. Use of this data at larger scales may introduce the appearance of inaccurate line placement.

Vegetative Management

Date: 10/20/21

Customer(s): Bobby Glover
Approximate Acres: 19.07ac
Legal Description: NW 35-31-21W

Field Office: Altamont, KS
Agency: USDA-NRCS
Assisted By: Justin Edwards



Legend

- Water Control Structure
- Dikes
- Vegetative Management
- plss_a_ks099



Soil data has been compiled to National Map Accuracy Standards of 1:12,000 scale. Use of this data at larger scales may introduce the appearance of inaccurate line placement.

Food Plots

Date: 11/08/21

Customer(s): Glover Real Estate

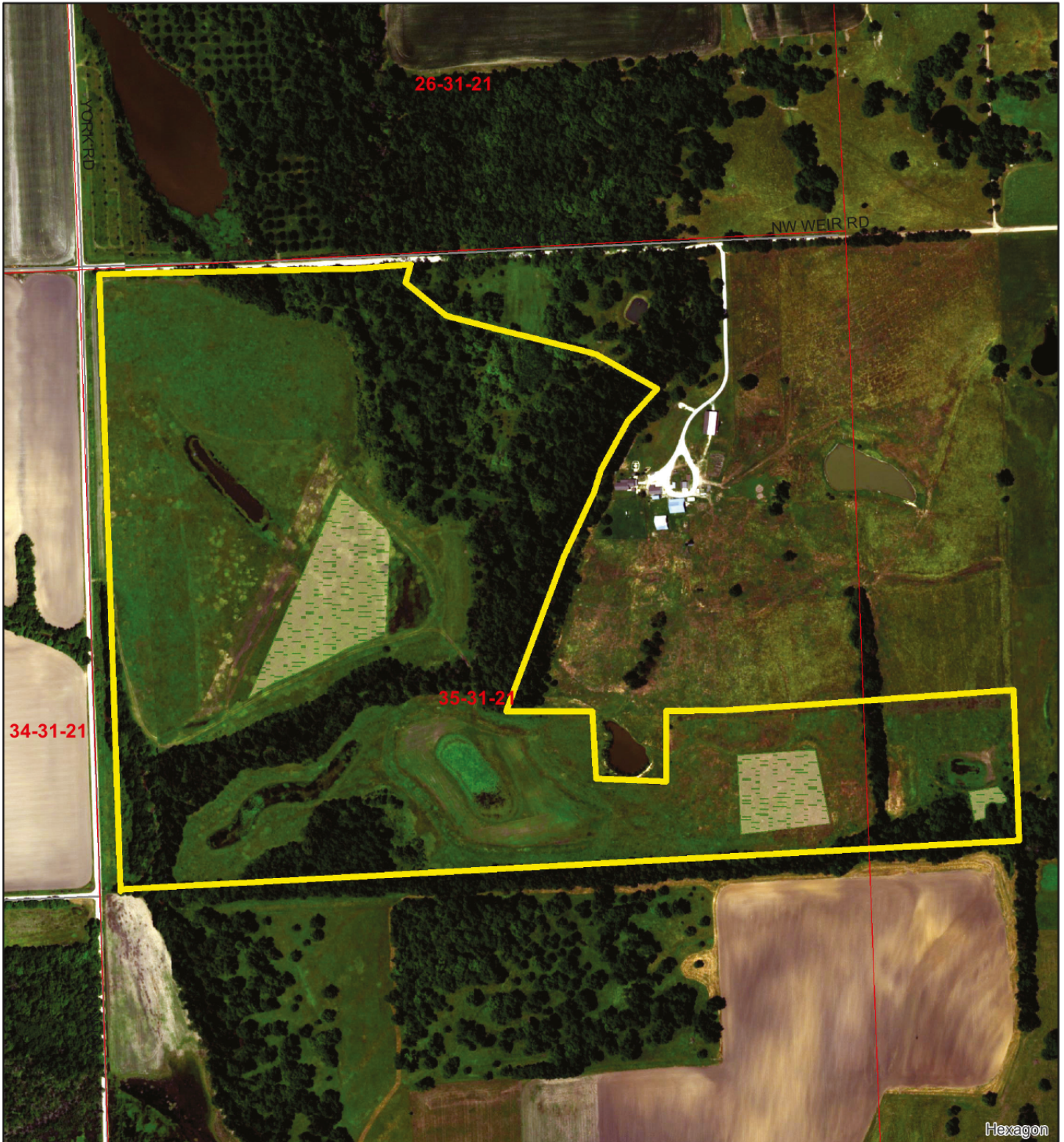
Approximate Acres: 7.3 ac

Legal Description: NW 35-31-21W

Field Office: Altamont, KS (Labette County)


Agency: USDA-NRCS


Assisted By: Justin Edwards



Legend



 Food Plots

 plss_a_ks099



N



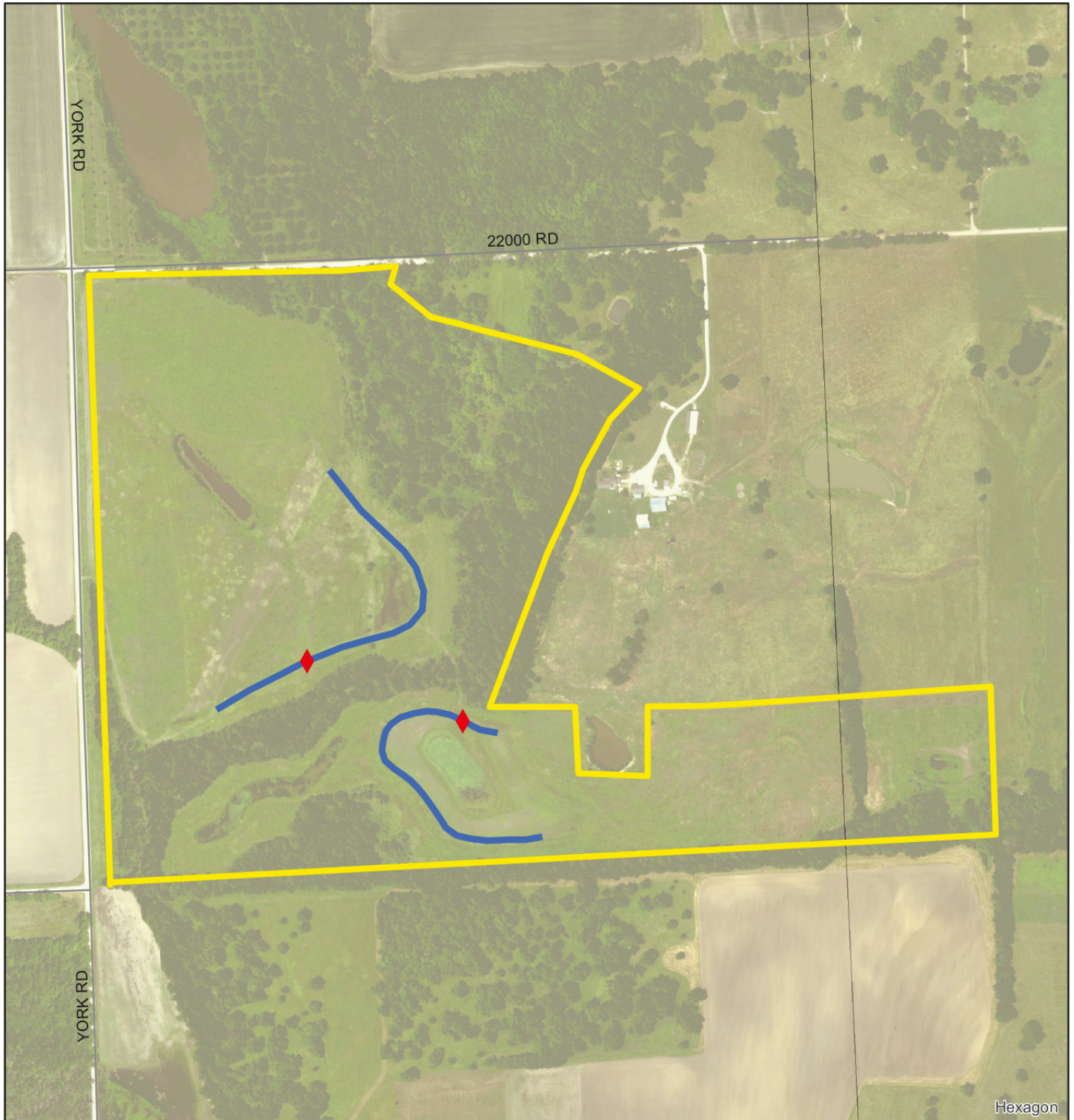
Soil data has been compiled to National Map Accuracy Standards of 1:12,000 scale. Use of this data at larger scales may introduce the appearance of inaccurate line placement.

Dike Mowing



Date: 10/26/21

Customer(s): Bobby Glover
Approximate Acres: 4.55 ac
Legal Description: NW 35-31-21W

Field Office: Altamont, KS
Agency: USDA-NRCS
Assisted By: Justin Edwards



Legend

-  Water Control Structure
-  Dikes



Soil data has been compiled to National Map Accuracy Standards of 1:12,000 scale. Use of this data at larger scales may introduce the appearance of inaccurate line placement.

Woody Brush Control

Date: 11/08/21

Customer(s): Glover Real Estate

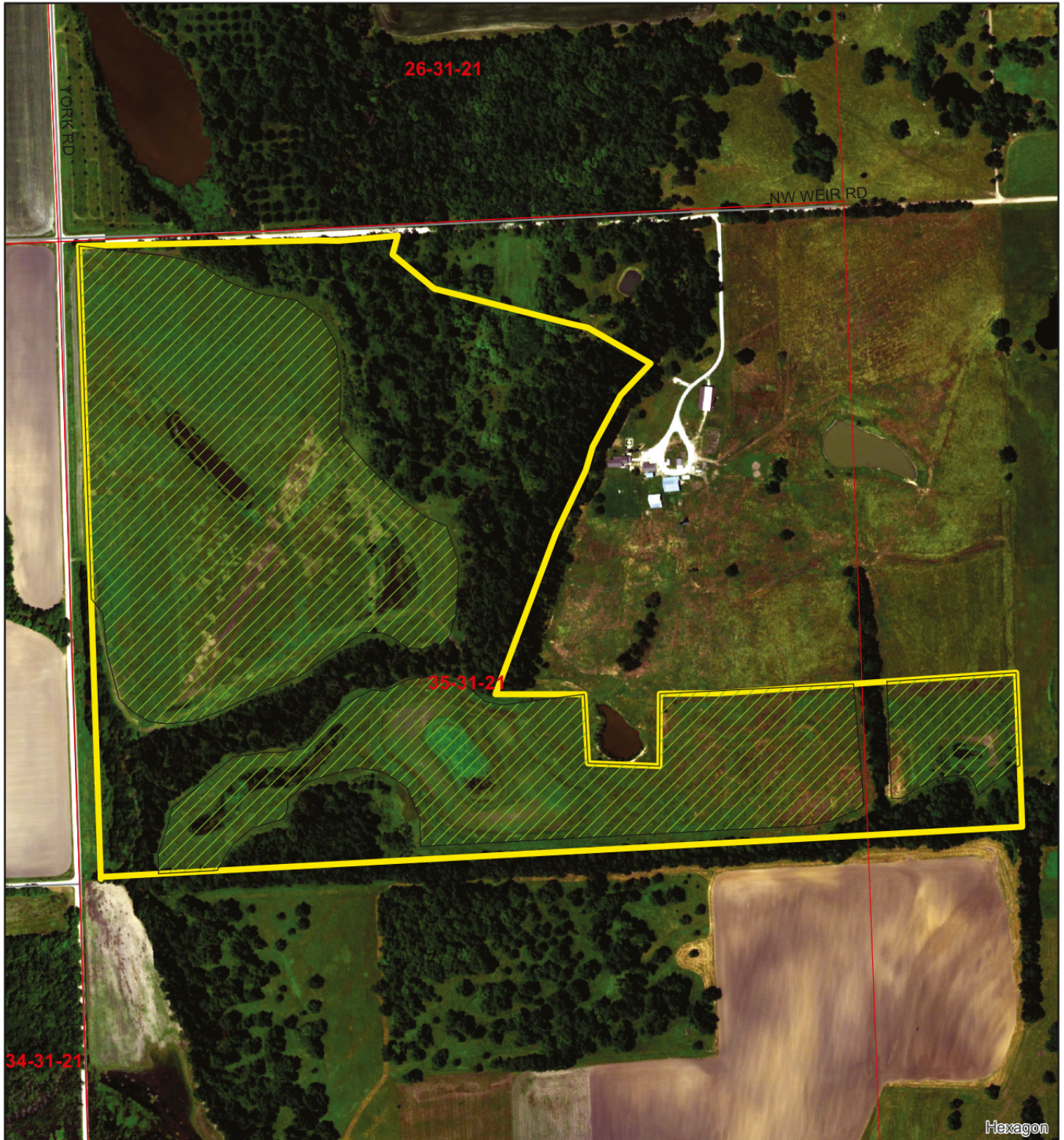
Approximate Acres: 87.7 ac

Legal Description: NW 35-31-21W



Field Office: Altamont, KS (Labette County)

Agency: USDA-NRCS

Assisted By: Justin Edwards



Legend

-  Woody Brush Control
-  plss_a_ks099



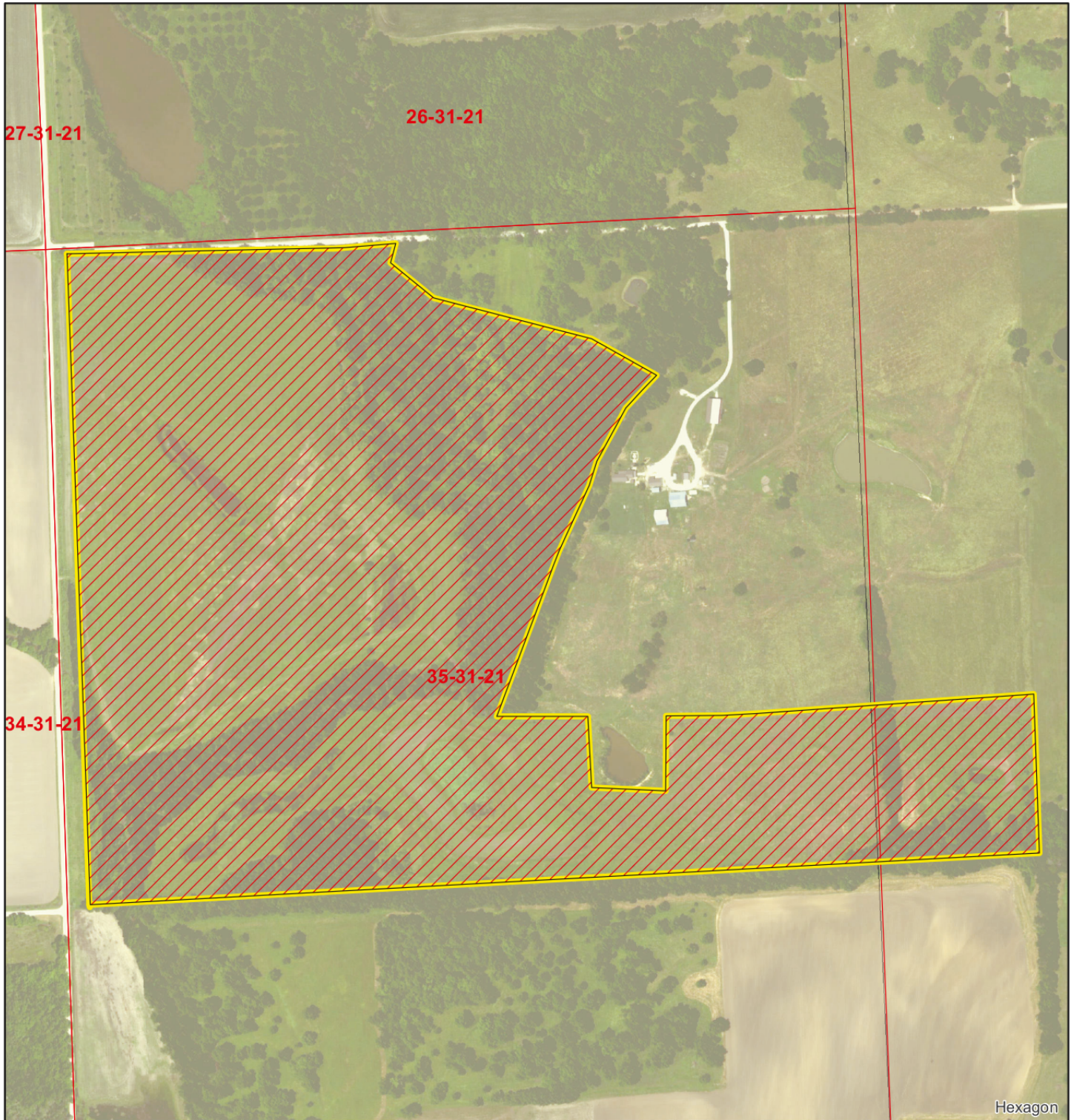
Soil data has been compiled to National Map Accuracy Standards of 1:12,000 scale. Use of this data at larger scales may introduce the appearance of inaccurate line placement.

Noxious Weed Control



Date: 10/26/21

Customer(s): Bobby Glover
Approximate Acres: 146 ac
Legal Description: NW 35-31-21W

Field Office: Altamont, KS
Agency: USDA-NRCS
Assisted By: Justin Edwards



Legend

-  p1ss_a_ks099
-  Noxious Weeds



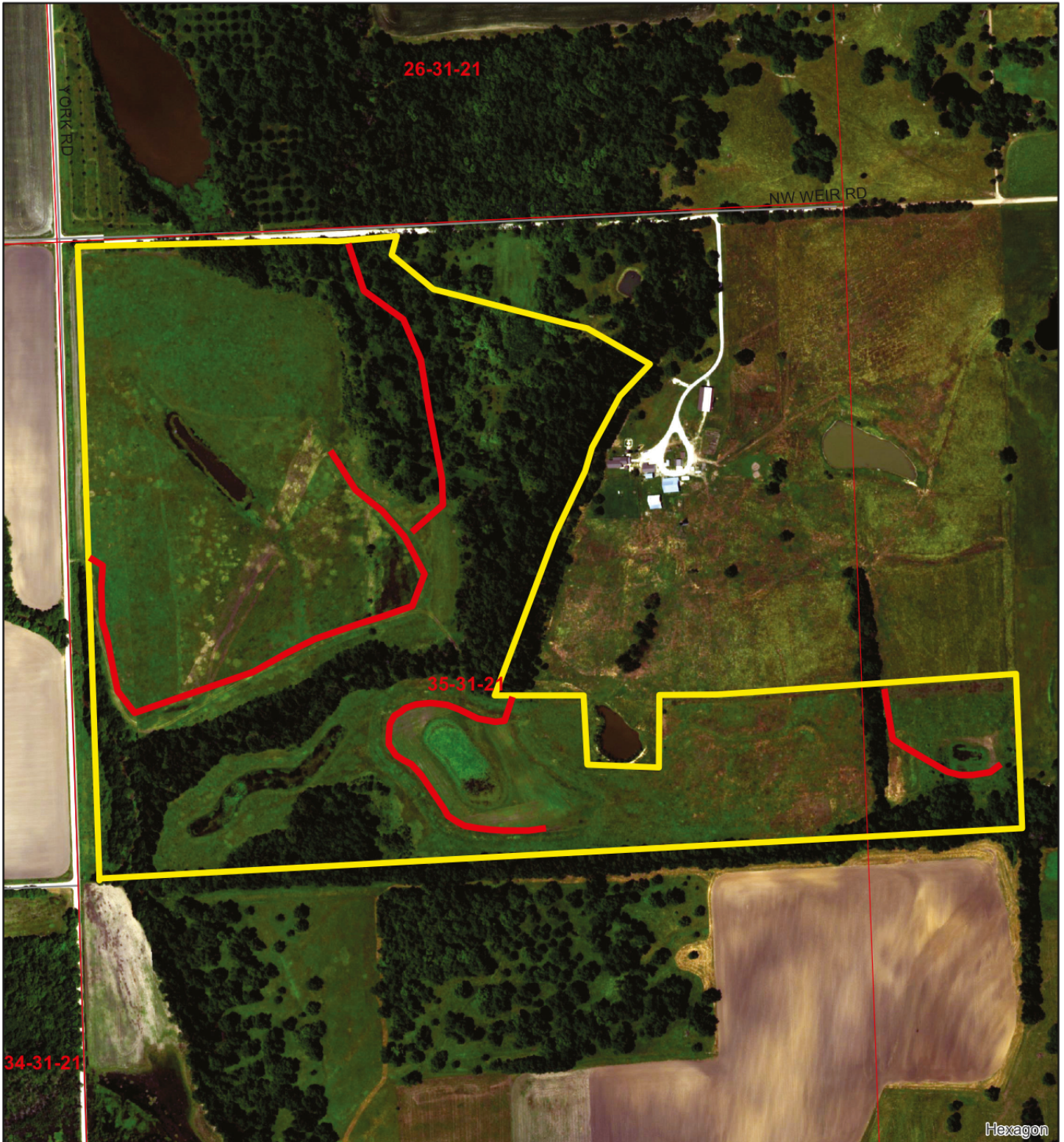
Soil data has been compiled to National Map Accuracy Standards of 1:12,000 scale. Use of this data at larger scales may introduce the appearance of inaccurate line placement.

Trails



Date: 11/08/21

Customer(s): Glover Real Estate
Approximate Acres: 2.2 ac
Legal Description: NW 35-31-21W

Field Office: Altamont, KS (Labette County)
Agency: USDA-NRCS
Assisted By: Justin Edwards



Legend

-  Trail
-  plss_a_ks099



Soil data has been compiled to National Map Accuracy Standards of 1:12,000 scale. Use of this data at larger scales may introduce the appearance of inaccurate line placement.

Prescribed Fire

Date: 11/08/21

Customer(s): Glover Real Estate

Approximate Acres: 87.7 ac

Legal Description: NW 35-31-21W



Field Office: Altamont, KS (Labette County)

Agency: USDA-NRCS

Assisted By: Justin Edwards



Legend

-  PreScribed Fire
-  plss_a_ks099



Soil data has been compiled to National Map Accuracy Standards of 1:12,000 scale. Use of this data at larger scales may introduce the appearance of inaccurate line placement.

WRP/ACEP-WRE EASEMENT MANAGEMENT GUIDELINES (10-2020 revision)

Landowner: **Bobby Glover**

Date Prepared: **10/26/21**

Agreement Number: 66-6215-10-00XV2

Management prescription developed by: Justin Edwards
Natural Resources Specialist

Emily Colclazier
District Conservationist

Goal: Manage site to provide a diversity of hydrologic and vegetative conditions that benefit migratory birds, prairie, and/or woodland dependent species throughout all seasons of the year. Landowner(s) and the Natural Resources Conservation Service (NRCS) are committed to working together to ensure these goals are maintained through various management activities and implementation procedures. Landowners may be asked to implement maintenance activities to maintain high quality wetland habitat and adjacent vegetative plant communities.

Hydrology Management: Wetland hydrology was restored by construction of low-level dikes and/or micro-depressions. All depressions will fill and dry naturally depending on weather conditions. Water control structures in dikes allow for water level management. Boards may be removed from water control structures after March 1st to allow for vegetation growth during the summer within the wetland cells. Water control structures will have all boards replaced by October 31st. **An approved Compatible Use Authorization (CUA) is required for water level management prior to undertaking this activity.**

If natural rainfall/runoff does not fill the wetlands, pumping water into the sites may be used by the landowner. Impoundments will be filled slowly to allow soils to saturate. At least one-half foot of freeboard will be left between the water level and the emergency spillway. **An approved CUA is required for pumping water prior to undertaking this activity AND the landowner must provide NRCS the water appropriations application/permit number before the CUA for pumping water will be considered for approval.**

Vegetation Management: Existing and/or restored woodland will be managed to produce a diversity of tree species and age. Fire may be used occasionally to promote openings in the woodland and enhance herbaceous understory. Timber Stand Improvement (TSI) may be utilized to improve the woodland areas for wildlife and enhance the health of the stand. Methods that will release mast trees for improved growth and nut production can be used. A TSI plan must be developed by a certified forester. **An approved CUA and TSI plan is required before any tree cutting and/or tree management activities can occur.**

Existing and/or restored native grass and forb areas will be managed to provide wildlife habitat and a buffer around wetland areas. These native grass areas may be burned as needed to minimize tree encroachment into the existing and/or restored grassland areas, enhance the grass for use as nesting and brood habitat, and maintain a healthy stand of grass to serve as the wetland buffer. Burns can be done in early spring or late summer but are not allowed during the nesting season from April 15 to July 15. Firebreaks may be identified and maintained by mowing to enhance management of the area and increase safety during prescribed burns. Mowed fire breaks cannot exceed 20' in width unless the purpose of the firebreak is to protect structures on adjacent land outside of the easement. Refer to general mowing provisions as set forth later in these management guidelines. In cases where structures are adjacent to the easement, firebreak width will adhere to the guidelines set forth in NRCS practice code 338, Prescribed Burning, and 394, Firebreaks. Firebreaks will not be used as roads. **Burning and firebreaks require an approved CUA and a prescribed burn plan (as applicable) prior to undertaking either of these activities.**

Haying and/or grazing may be used occasionally in grassland areas to manipulate the habitat and reduce woody and/or invasive plant encroachment. The prescribed grazing plan will identify the habitat needs necessary to maintain or improve food, cover and shelter for the identified targeted wildlife species and provides a detailed grazing schedule that outlines the grazing intensity, duration, degree of use and periods of rest or deferment necessary. Grazing is not allowed in the same year on the same acreage that is hayed or mowed. Haying will not occur during the nesting season (April 15-July 15). **Haying and grazing require an approved CUA and a prescribed grazing plan (as applicable) prior to undertaking these activities.**

Light disking, or other approved soil disturbance activity, may be used in restored grassland areas to reduce grass dominance and encourage annual and perennial forbs. Disking shall occur between October 1st and April 15th. **Disking or any other soil disturbance activity requires an approved CUA prior to undertaking the activity.**

Tree removal may be used in grassland areas to control undesirable woody vegetation, i.e. cottonwood, elm, cedar, Osage orange, honey locust, etc. Tree removal can occur anytime conditions are dry enough to not cause significant soil disturbance. Removal of woody species by bulldozer is not allowed. Cut trees are to be removed from easement area or can be piled and burned in areas that minimize grass disturbance (within wetland areas or adjacent to existing woodlands). Unburned debris would need to be removed from easement area. **Tree removal requires an approved CUA prior to undertaking the activity.**

Wetland units will be managed by burning, mowing, chemical application, or disking to develop and maintain natural moist soil plants that provide food and cover for a variety of wildlife species. Hydrology management will encourage the development of wetland vegetation. Undesirable woody species, i.e. cottonwood, elm, green ash, and honey locust may be cut to enhance wetland functions and values. Tree removal can occur anytime conditions are dry enough to not cause significant soil disturbance. Removal of woody species by bulldozer is not allowed. Cut trees are to be removed from easement area or can be piled and burned in areas that minimize grass disturbance (within wetland areas or adjacent to existing woodlands). Unburned debris would need to be removed from easement area. Herbicides may also be used on the stumps of cut trees or as a foliar spray if applied according to label directions. Depression areas may also be disked occasionally if needed to manipulate plants in these wetlands. Disking may also be used within restored wetland areas to prevent the establishment of woody and perennial vegetation and encourage moist soil vegetation. Disking within wetland areas shall be allowed between March 1st and October 31st. Multiple disking passes may be needed to break up perennial plant roots. **Burning, mowing, disking, chemical application, and tree removal all require approved CUAs prior to undertaking any of these activities.**

Weeds, including noxious weeds, will be controlled by mowing or chemical treatment to reduce competition, prevent seed production, and encourage growth and establishment of desirable grass and forb species. Refer to the current year "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Non-cropland Guide", published by Kansas State University (KSU) for all chemical treatment recommendations and methods. Always read and follow all label directions. **An approved CUA is required for any method of weed control prior to undertaking this activity.**

Trails: Trails may be developed to provide access by foot or vehicle for management activities, recreational access, and general quiet enjoyment of the easement. The general public will not have access to these trails. Trails can be mowed twice during the year to a maximum width of 15. Trail use during wet soil conditions is limited to foot traffic only. Gravel or other amendments are not allowed on trails. **Trails require an approved CUA prior to trails being developed.**

General Mowing Provisions: Mowing frequency and intensity are limited to the following restrictions: Mowing height shall be no less than six inches. Mowing frequency is limited to one early season (March 1 – April 15) mowing and one late season (July 15 – September 1) mowing. No mowing shall occur during the nesting season (April 15 – July 15). Unless otherwise specified, these restrictions apply to all mowing activities on easements including the establishment and maintenance of trails, establishment of firebreaks, dike maintenance, noxious weed management, and wetland unit management. **Mowing for any reason requires an approved CUA.**


Wildlife Food Plots: Food plots may be planted on up to 5 per cent of the total easement acres (as designated on an attached map) to provide winter food for wildlife. These areas may be prepared and planted to small grains, row crops, legumes, or a variety of cover crops with no harvest allowed. Soybeans are not allowed due to toxicity concerns to quail and other wildlife. No chemical can be used with food plots that are established within moist soil wetland cells. **Food plots require an approved CUA prior to preparing and planting the food plot(s).**

Manmade Structures: Wildlife viewing or hunting blinds considered reserved to the landowner under the terms of the Warranty Easement Decd. include hunting or observation blinds that will accommodate no more than four (4) people and are temporary, non-permanent, and easily assembled, disassembled, and moved without heavy equipment are not subject to the CUA process. This includes ladder stands, hanging tree stands, pop up ground blinds, or other blinds that are not attached to the ground or do not disturb the ground surface and are assembled and disassembled on site. Temporary hunting blinds are to be removed at the end of the hunting season.

In contrast, semi-permanent hunting or observation blinds are subject to the CUA process. Hunting and observation blinds that are considered semi-permanent design are subject to the following restrictions: have external dimensions of no more than 80 square feet and 8 feet in height (with a total height not to exceed 25 feet if on an elevated platform), is to blend into the landscape and causes minimal ground or vegetation disturbance for installation or removal. Utilities (e.g. electricity, propane tanks or running water) associated with semi-permanent hunting and observation blinds are prohibited. Only one semi-permanent blind is allowed per moist soil wetland area. If moist soil wetlands are adjacent to one another, the semi-permanent structures shall be at least 400 yards apart. Semi-permanent blinds on upland sites are limited to one per easement for easements up to 80 acres, and one semi-permanent blind for each additional 80 acres of easement area. The landowner is responsible for all costs associated with the removal of the blind(s) and the repair of any impacts to the easement area as a result of construction, installation, or removal. Any blinds not maintained will be considered abandoned and are to be removed from the easement area. The blind is only authorized as long as the CUA is in place. Any non-renewed CUA for semi-permanent blinds will require the structure to be removed immediately upon notification from NRCS. **An approved CUA for semi-permanent hunting or observation blinds is required prior to undertaking this activity.**

Other: NRCS technical assistance is available at any time. *Any manipulation of vegetation or hydrology requires an approved Compatible Use Agreement prior to implementation.*

By signing this document, the landowner acknowledges that the above management guidelines will be followed if CUA(s) are approved by NRCS. It should be understood that these are general guidelines and more specific requirements may be included in the CUA(s). NRCS retains the right to modify or cancel the CUA(s) at any time if NRCS determines that such activities do not further the protection and enhancement objectives of the easement, or that the landowner has failed to comply with specified terms and conditions of the CUA(s).



Landowner

11-16-21

Date

EMILY COLCLAZIER
Digitally signed by EMILY COLCLAZIER
Date: 2021.11.22 09:17:54 -06'00'

NRCS Representative

Date

U.S. Department of Agriculture Natural Resources Conservation Service		NRCS-CPA-52 11/2019		A. Client Name: Glover Real Estate		
ENVIRONMENTAL EVALUATION WORKSHEET				B. Conservation Plan ID # (as applicable): Program Authority (optional): WRP/WRE		
				C. Identification # (farm, tract, field #, etc. as required): 66-6215-10-00XV2		
D. Client's Objective(s) (purpose): Manage WRP/WRE to improve wildlife habitat, provide food for wildlife and trails for enjoyment of area.						
E. Need for Action: Management will improve long-term wildlife habitat and protection of easement.	H. Alternatives					
	No Action <input type="checkbox"/> if RMS		Alternative 1 <input type="checkbox"/> if RMS <input checked="" type="checkbox"/>		Alternative 2 <input type="checkbox"/> if RMS	
	Lack of food for wildlife, woody vegetation encroachment, noxious weed establishment and degraded wildlife habitat, accumulation of mulch, lack of plant diversity		Manage water levels and vegetation to improve wildlife habitat, disking to maintain herbaceous vegetation, food plot for wildlife, trails to improve access and management, fire break to control fires, maintain dikes and water control structures, control woody vegetation, hay to maintain grass, prescribed burn to reduce mulch, improve diversity, health and vigor, noxious weed control			
Resource Concerns						
In Section "F" below, analyze, record, and address concerns identified through the Resources Inventory process. (See FOTG Section III - Resource Planning Criteria for guidance).						
F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	I. Effects of Alternatives					
	No Action		Alternative 1		Alternative 2	
	Amount, Status, Description <i>(Document both short and long term impacts)</i>	<input type="checkbox"/> if does NOT meet PC	Amount, Status, Description <i>(Document both short and long term impacts)</i>	<input type="checkbox"/> if does NOT meet PC	Amount, Status, Description <i>(Document both short and long term impacts)</i>	<input type="checkbox"/> if does NOT meet PC
SOIL						
No resource concern identified		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		NOT meet PC		NOT meet PC		NOT meet PC
		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		NOT meet		NOT meet		NOT meet
		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		NOT meet PC		NOT meet PC		NOT meet PC
		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		NOT meet PC		NOT meet PC		NOT meet PC
WATER						
Ponding and flooding		Maintained high water levels decrease wildlife habitat and natural food sources	<input checked="" type="checkbox"/>	Managing water levels will improve natural food sources and provide better wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>
			NOT meet PC		NOT meet PC	NOT meet PC
			<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
			NOT meet PC		NOT meet PC	NOT meet PC
			<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
			NOT meet PC		NOT meet PC	NOT meet PC

F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	I. (continued)					
	No Action		Alternative 1		Alternative 2	
	Amount, Status, Description <i>(Document both short and long term impacts)</i>	✓ if does NOT meet PC	Amount, Status, Description <i>(Document both short and long term impacts)</i>	✓ if does NOT meet PC	Amount, Status, Description <i>(Document both short and long term impacts)</i>	✓ if does NOT meet PC
AIR						
No resource concern identified		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		NOT meet PC		NOT meet PC		NOT meet PC
		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		NOT meet PC		NOT meet PC		NOT meet PC
PLANTS						
Plant structure and composition	Perennial plant dominance and woody vegetation establishment	<input checked="" type="checkbox"/>	Maintain earlier successional habitat to promote moist soil vegetation, and herbaceous grassland	<input type="checkbox"/>		<input type="checkbox"/>
		NOT meet PC		NOT meet PC		NOT meet PC
Plant pest pressure	No control of noxious weeds will lead to establishment and dominance of noxious weeds on the easement	<input checked="" type="checkbox"/>	Active control of noxious weeds will improve wildlife habitat and increase biodiversity	<input type="checkbox"/>		<input type="checkbox"/>
		NOT meet PC		NOT meet PC		NOT meet PC
ANIMALS						
Terrestrial habitat for wildlife and invertebrates	Woody vegetation decreases nesting opportunities	<input checked="" type="checkbox"/>	Management through woody control and vegetation management will improve wildlife habitat	<input type="checkbox"/>		<input type="checkbox"/>
		NOT meet PC		NOT meet PC		NOT meet PC
Terrestrial habitat for wildlife and invertebrates	Accumulation of mulch, loss of plant diversity	<input checked="" type="checkbox"/>	Maintain fire breaks and prescribed burning to reduce mulch, promote plant diversity and improve wildlife habitat	<input type="checkbox"/>		<input type="checkbox"/>
		NOT meet PC		NOT meet PC		NOT meet PC
		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		NOT meet PC		NOT meet PC		NOT meet PC
ENERGY						
No resource concern identified		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		NOT meet PC		NOT meet PC		NOT meet PC
		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		NOT meet PC		NOT meet PC		NOT meet PC
Human Economic and Social Considerations						
Land Use	Lack of food for wildlife and lack of access on easement property		Additional food for wildlife and trails for access on easement property			
Land Use	No maintenance of dike will damage areas that go unnoticed and allow tree growth		Dike maintenance will help prevent tree growth and allow for quicker detection if problems occur			
Land Use	No trails which does not provide safe access		Trails will improve access for enjoyment and management of the easement			

Special Environmental Concerns: Environmental Laws, Executive Orders, policies, etc.

In Section "G" complete and attach Environmental Procedures Guide Sheets for documentation as applicable. Items with a "•" may require a federal permit or consultation/coordination between the lead agency and another government agency. In these cases, effects may need to be determined in consultation with another agency. Planning and practice implementation may proceed for practices not involved in consultation.

G. Special Environmental Concerns (Document existing/ benchmark conditions)	J. Impacts to Special Environmental Concerns					
	No Action		Alternative 1		Alternative 2	
	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action	Document all impacts (Attach Guide Sheets as applicable)	√ if needs further action
•Clean Air Act <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>
•Clean Water Act / Waters of the U.S. <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>
•Coastal Zone Management <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>
Coral Reefs <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>
•Cultural Resources / Historic Properties <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>
•Endangered and Threatened Species <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	May Effect Removal of small woody trees is unlikely to impact NLEB, no known hiberaculum or roost trees	<input type="checkbox"/>		<input type="checkbox"/>
Environmental Justice <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>
•Essential Fish Habitat <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>
Floodplain Management <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>
Invasive Species <i>Guide Sheet</i> Sericea lespedeza is present in or near the easement	May Effect Without control invasive species will persist and/or spread.	<input type="checkbox"/>	No Effect Control and/or prevent of sericea lespedeza	<input type="checkbox"/>		<input type="checkbox"/>
•Migratory Birds/Bald and Golden Eagle Protection Act <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>
Natural Areas <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>
Prime and Unique Farmlands <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>
Riparian Area <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>
Scenic Beauty <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>		<input type="checkbox"/>

•Wetlands <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>	<input type="checkbox"/>
•Wild and Scenic Rivers <i>Guide Sheet</i>	No Effect	<input type="checkbox"/>	No Effect	<input type="checkbox"/>	<input type="checkbox"/>
K. Other Agencies and Broad Public Concerns	No Action		Alternative 1		Alternative 2
Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.	None		See attached documentation- CUA		
Cumulative Effects Narrative (Describe the cumulative impacts considered, including past, present and known future actions regardless of who performed the actions)					
L. Mitigation (Record actions to avoid, minimize, and compensate)					
M. Preferred Alternative	√ preferred alternative	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Supporting reason		This management will result in improved wildlife observation, habitat and provide safe access for people.		
N. Context (Record context of alternatives analysis)					
The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality.					
O. To the best of my knowledge, the data shown on this form is accurate and complete:					
In the case where a non-NRCS person (e.g. a TSP) assists with planning they are to sign the first signature block and then NRCS is to sign the second block to verify the information's accuracy.					
Signature (TSP if applicable)		Title		Date	
EMILY COLCLAZIER <small>Digitally signed by EMILY COLCLAZIER Date: 2021.11.29 15:03:32 -06'00'</small>		District Conservationist		11/29/2021	
Signature (NRCS)		Title		Date	
If preferred alternative is not a federal action where NRCS has control or responsibility and this NRCS-CPA-52 is shared with someone other than the client then indicate to whom this is being provided.					
The following sections are to be completed by the Responsible Federal Official (RFO)					
NRCS is the RFO if the action is subject to NRCS control and responsibility (e.g., actions financed, funded, assisted, conducted, regulated, or approved by NRCS). These actions do not include situations in which NRCS is only providing technical assistance because NRCS cannot control what the client ultimately does with that assistance and situations where NRCS is making a technical determination (such as Farm Bill HEL or wetland determinations) not associated with the planning process.					
P. Determination of Significance or Extraordinary Circumstances					
To answer the questions below, consider the severity (intensity) of impacts in the contexts identified above. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.					
If you answer ANY of the below questions "yes" then contact the State Environmental Liaison as there may be extraordinary circumstances and significance issues to consider and a site specific NEPA analysis may be required.					
Yes	No				
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Is the preferred alternative expected to cause significant effects on public health or safety?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Is the preferred alternative expected to significantly affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Is the preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Will the preferred alternative likely have a significant adverse effect on ANY of the special environmental concerns? Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and invasive species.			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment?			

Q. NEPA Compliance Finding (check one)		Action required
The preferred alternative:		
<input type="checkbox"/>	1) is not a federal action where the agency has control or responsibility.	Document in "R.1" below. No additional analysis is required
<input type="checkbox"/>	2) is a federal action ALL of which is categorically excluded from further environmental analysis AND there are no extraordinary circumstances as identified in Section "O" .	Document in "R.2" below. No additional analysis is required
<input checked="" type="checkbox"/>	3) is a federal action that has been sufficiently analyzed in an existing Agency state, regional, or national NEPA document and there are no predicted <u>significant adverse environmental effects or extraordinary circumstances</u> .	Document in "R.1" below. No additional analysis is required.
<input type="checkbox"/>	4) is a federal action that has been sufficiently analyzed in another Federal agency's NEPA document (EA or EIS) that addresses the proposed NRCS action and its' effects and has been formally adopted by NRCS . NRCS is required to prepare and publish its own Finding of No Significant Impact for an EA or Record of Decision for an EIS when adopting another agency's EA or EIS document. (Note: This box is not applicable to FSA)	Contact the State Environmental Liaison for list of NEPA documents formally adopted and available for tiering. Document in "R.1" below. No additional analysis is required
<input type="checkbox"/>	5) is a federal action that has NOT been sufficiently analyzed or may involve predicted significant adverse environmental effects or extraordinary circumstances and may require an EA or EIS.	Contact the State Environmental Liaison. Further NEPA analysis required.

R. Rationale Supporting the Finding

R.1 Findings Documentation	Agricultural Conservation Easement Program, Natural Resources Conservation Service, Environmental Assessment, October 2020
R.2 Applicable Categorical Exclusion(s) (more than one may apply)	
7 CFR Part 650 <i>Compliance With NEPA</i> , subpart 650.6 <i>Categorical Exclusions</i> states prior to determining that a proposed action is categorically excluded under paragraph (d) of this section, the proposed action must meet six sideboard criteria. See NECH 610.116.	

I have considered the effects of the alternatives on the Resource Concerns, Economic and Social Considerations, Special Environmental Concerns, and Extraordinary Circumstances as defined by Agency regulation and policy and based on that made the finding indicated above.

S. Signature of Responsible Federal Official:

EMILY COLCLAZIER	Digitally signed by EMILY COLCLAZIER Date: 2021.11.29 15:03:57 -06'00'	District Conservationist	11/29/2021
_____	_____	_____	_____
Signature		Title	Date

Additional notes

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. 50,556** of the applicant

BOBBY GLOVER
2479 US HWY 400
MCCUNE, KS 66753

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 **March 24, 2021**.
2. That the water sought to be appropriated shall be used for recreational use in marshes located in the Northwest Quarter (NW $\frac{1}{4}$) of Section 35 in Township 31 South, Range 21 East, Labette County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from Litup Creek (Neosho River), to be withdrawn by means of two (2) pump sites located as follows:
 - one in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 35, more particularly described as being near a point 3,085 feet North and 4,917 feet West of the Southeast corner of said section; and
 - one in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 35, more particularly described as being near a point 2,899 feet North and 4,975 feet West of the Southeast corner of said section;both in Township 31 South, Range 21 East, Labette County, Kansas, located substantially as shown on the map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **6,500 gallons per minute (14.48 c.f.s.)** and to a quantity not to exceed **45 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, 2023** 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, 2027** 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 with the 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 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.

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

18. 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.

19. 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.

20. 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.

Ordered this 21 day of September, 2022, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 21 day of September, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman

Notary Public



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

September 28, 2022

BOBBY GLOVER
2479 US HWY 400
MCCUNE, KS 66753

RE: Appropriation of Water, File No. 50,556

Dear Mr. Glover:

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 acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. 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 is available on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance, please contact our office at 785-564-6640 or the 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 Application Unit Supervisor
Division of Water Resources

KAB:lh
Enclosure(s)
pc: Topeka Field Office

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

CERTIFICATE OF SERVICE

On this 28 day of September, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,556, dated 21 September 2022 was mailed postage prepaid, first class, US mail to the following:

BOBBY GLOVER
2479 US HWY 400
MCCUNE, KS 66753

With photocopies to:

Topeka Field Office



Division of Water Resources