

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;">50,745</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">9/15/2022</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>
---	--	--	--

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>7c. Landowner(s) Person ID _____</p>
<p>7b. Landowner(s) Person ID 62113 New to system <input type="checkbox"/> Add Seq# 1</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>
---	---

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;">9/13/2022</p> <p style="color: red; font-weight: bold; font-size: 1.1em;">JDK</p>	Date Prepared: 7/20/2022 By: LHH	Date Entered: 9/19/2022 By: _____	<p style="color: blue; font-weight: bold; font-size: 1.1em;">L Moody</p>
---	--	--	--

File No. **50,745** 15. Formation Code: Drainage Basin: **NEOSHO RIVER** County: **LB** Special Use: Stream: **LITUP CREEK TRIB 1**

16. Points of Diversion

T
MOD
DEL
ENT

STRUCTURE LLB-109

PDIV	Qualifier	S	T	R	ID	'N	'W
√ 89363	SE NE NE	3	32S	21E	2	4457	570
√ 89364	NW SE NE	3	32S	21E	3	3588	860
√ 89365	NE SW NE	3	32S	21E	4	3400	1440
√ 89366	SE NW NE	3	32S	21E	5	3975	1900

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
NONE				

18. Storage: Rate all NF NF Quantity 99.07 ac/ft Additional Rate all NF NF Additional Quantity 99.07 ac/ft

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

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

21. Place of Use

T
MOD
DEL
ENT

PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
					NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD 70309	3	32S	21E	1	MARSH (NE)																	7b	NO	50745
DEL 70764																								

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 20, 2022

FROM: Lloyd Hemphill

RE: New Application, File Nos. 50,542
and 50,745

Bobby Glover (Glover Real Estate LLC) has filed the new applications referred to above proposing to appropriate surface water for recreational use in a seasonal wetland located in the Northeast Quarter of Section 3, in Township 32 South, Range 21 East, Labette County, Kansas. The water will be used to fill and maintain water levels in the wetland (i.e. offset evaporative and seepage losses). This project is in the Neosho River drainage basin. Application, File No. 50,542 was received on March 19, 2021 and proposes the direct diversion of surface water. Application, File No. 50,745 was received on March 16, 2022 in conjunction with an application for a Water Structures permit and proposes the collection of natural flows (runoff).

File No. 50,542 – Direct Diversion

This application is proposing to appropriate 60 acre-feet of surface water at a diversion rate of 6,500 gallons per minute from one pumpsite on Litup Creek (Neosho River). This application will allow water to be pumped directly from the creek (when flows are adequate, and permission is granted) and will supplement natural flows collected under the other file. The proposed pumpsite is located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 3, in Township 32 South, Range 21 East. This application was modified (changing the justification of quantity) following receipt by DWR. The quantity could not be increased after the application was accepted.

File No. 50,745 – Natural Flows

This application is proposing to appropriate 99.07 acre-feet of surface water at the rate of natural flows from Litup Creek Trib 1 (Neosho River). The requested quantity was justified as the storage volume at the auxiliary spillway (61.98 acre-feet) plus one year of evaporation (5 in/yr X 1ft/12 in X 89 acres = 37.09 AF). Since this is a seasonal wetland, a full year of evaporation may not be necessary. However the excess quantity could also be used to cover seepage losses (another component of indirect use). The proposed points of diversion are four water control structures in the Northeast Quarter of Section 3, in Township 32 South, Range 21 East.

Per final engineering plans, the surface area of the wetland at the auxiliary spillway is 89 acres (96 acres at the top of berm elevation). When Application, File No 50,542 was originally filed it justified a quantity sufficient to fill the wetland to an average depth of 8 inches and another 8 inches to offset losses to evaporation and seepage (total of 16 inches). After Application, File No. 50,542 was accepted, the wetland layout was modified by increasing the area to be flooded. As modified, File No. 50,542 requests a quantity of 60 acre-feet or about 8 inches of water over the 89 acre surface area. File No. 50,745 requests an additional quantity of 99.07 acre-feet (natural flows) or about 13 inches over the wetland surface area. This totals about 21 inches of water combined (about 2.6 fills). The full quantity requested by both applications appears reasonable to fill the wetland and offset evaporative and seepage losses.

These files do not overlap any other point of diversion or place of use. The applicant owns the point of diversion and place of use, and the applications were signed by a representative stating the applicant has access to the points of diversion.

The drainage area contributing runoff to the wetland is approximately 146 acres. Runoff computations were completed assuming a normal annual precipitation of 41 inches and soil complex number of 79. These calculations show that in 1 out of every five (5) years (a 20% chance), 271 acre-feet of runoff will be generated. However, the wetland will likely only store water for a portion of the year. File No. 50,745 is requesting a quantity that is about 37% of the potential annual runoff, and it appears reasonable that the drainage area could provide the requested quantity during the operational season of the wetland.

Notification letters were sent to upstream and downstream landowners on January 21, 2022 (#50,542) and June 17, 2022 (#50,745). Tabitha Rosenblad (upstream and downstream owner) called with general questions. She indicated that her family pastures livestock in the area but did not raise any specific concerns. No other responses were received. There are several permitted water rights within two miles. Most of these are pumpsites on the main channel of the Neosho River. The nearest, and only, file on the same tributary stream is pending application, File No. 50,556 (owned by the applicant) and is located a little more than a mile upstream. Approval of this application will not impair senior water rights.

DWR Structures reviewed this project under WSN: LLB-109 and determined that a Water Structures permit is required. Janelle Phillips notified the applicant of this requirement in a January 26, 2022 letter. A Floodplain Fill application was received on March 16, 2022 and will be approved in conjunction with the Water Appropriation application.

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) has confirmed that there are no NRCS easements on this property (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.

The approval for File No. 50,542 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.

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. File No. 50,542 will require a meter.

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended in a July 19, 2022 email that this application be approved. Based on the above discussion, the area remains open to new appropriations, the approval (50,542) 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: Tuesday, July 19, 2022 9:32 AM
To: Hemphill, Lloyd [KDA]
Subject: RE: Application, File Nos. 50542 & 50745 (Bobby Glover): For Your Recommendation

Yes this is much clearer.

Since the NF collector does cover the minimum 1X fill and some EVAP, you can proceed.

Thanks!

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: Wednesday, July 13, 2022 1:46 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: RE: Application, File Nos. 50542 & 50745 (Bobby Glover): For Your Recommendation

Katie,

I have revised my memo for clarification.

Does this adequately address your questions?

Lloyd

From: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Sent: Monday, July 11, 2022 4:12 PM
To: Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>
Subject: RE: Application, File Nos. 50542 & 50745 (Bobby Glover): For Your Recommendation

Hi Lloyd,

So what exactly is the justification for this request?

Something like:

1 annual fill of 1 foot on 89 SA = 89 AF + 10.07 AF evap (I don't see an evap calculation anywhere)....?

If they don't ask for the total fill quantity of NF that they need, how can you tell that they didn't exceed what they were authorized for NF?

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: Monday, July 11, 2022 10:44 AM

To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>

Subject: Application, File Nos. 50542 & 50745 (Bobby Glover): For Your Recommendation

Katie,

Will you provide your recommendation on this pair of REC use applications for Bobby Glover? They cover the same wetland, one is a natural flow permit and the other a direct diversion permit. The map in docuware has been revised, so I have attached the new one here in case you want to look at it.

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

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.



SUSTAINABLE

Environmental Consultants

Powered by **ECOPRACTICES**

Project: Bobby Glover

Practice: Wetland Development (As-Constructed)

Location: NE 1/4 Sec 3, T-32S; R-21E

Labette County, Kansas

Index to Drawings

Sheet No.	Description
1	Cover Sheet
2	Location Map and Stage Storage Tables
3	Orthographic Plan Map
4	Dike 1 Plan Map
5	Dike 1A Detail
6	Dike 1B Detail
7	Dike 1C Detail
8	Dike 1C Detail
9	Dike 2 Plan Map
10	Dike 2 Detail
11	Dike 3 Plan Map
12	Dike 3 Detail
13	Dike 3 Detail

Before any investigation or construction activity, the excavator is responsible for calling Kansas One-Call at 800-344-7233 (800-DIG-SAFE) or 811

Brian Severin, P.E.

September 2021

Designed by

Date



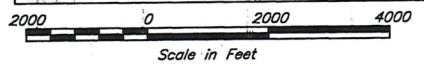
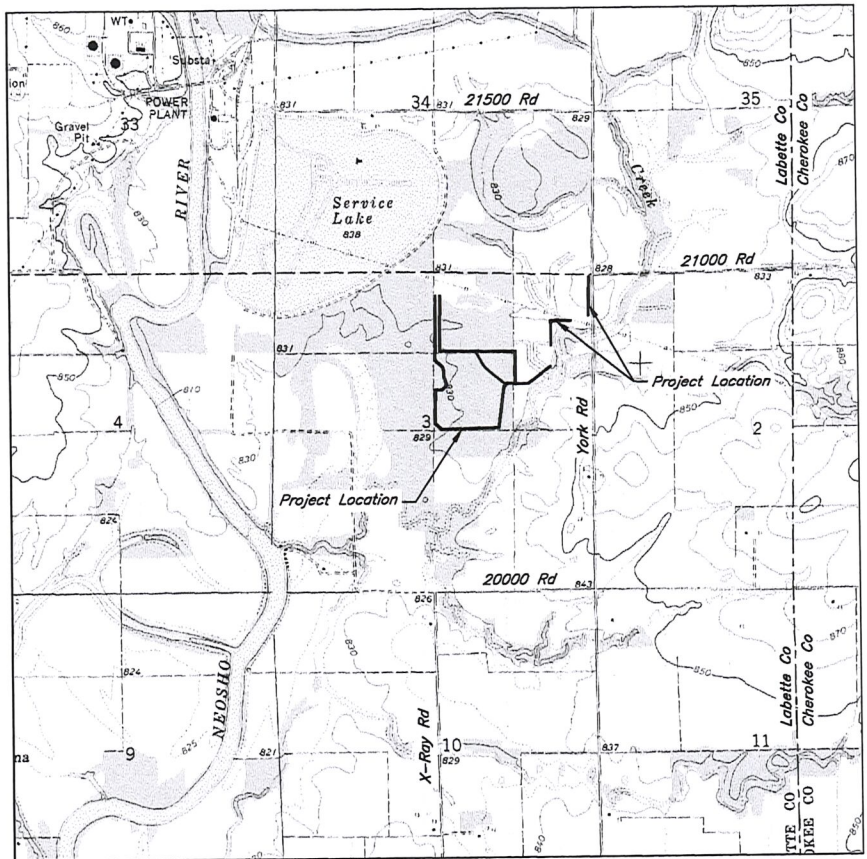
Approved by

Date

WATER RESOURCES
RECEIVED

MAR 16 2022

KS DEPT OF AGRICULTURE



The approximate project location is 8.5 miles east and 3 miles south of Parsons, Kansas.

Dike 1 Stage Storage Table

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
825.0	0.00	0.00	0.00
825.5	0.74	0.18	0.49
826.0	2.62	1.02	2.11
826.5	13.39	5.02	10.60
827.0	45.14	19.65	38.46
ASW 827.3	54.17	34.55	57.12
TOD 827.8	60.93	63.33	88.72

Dike 2 Stage Storage Table

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
825.0	0.00	0.00	0.00
825.5	0.43	0.11	0.29
826.0	1.04	0.47	0.91
826.5	2.07	1.25	2.11
827.0	4.48	2.89	4.76
ASW 827.3	5.49	4.39	6.68
TOD 827.8	5.61	7.16	9.50

Dike 3 Stage Storage Table

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
825.0	0.00	0.00	0.00
825.5	0.11	0.03	0.07
826.0	1.11	0.33	0.80
826.5	12.69	3.79	9.07
827.0	29.20	14.26	26.43
ASW 827.3	29.35	23.04	35.27
TOD 827.8	29.50	37.75	50.04

Date 09/21
 Designed B. Severin
 Drawn B. Severin
 Checked M. Miller
 Approved B. Severin

Bobby Glover
 Wetland Development (As-Constructed)
 NE 1/4 Sec 3, T-32S; R-21E
 Labette County, Kansas



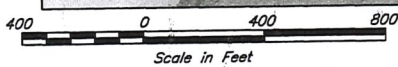
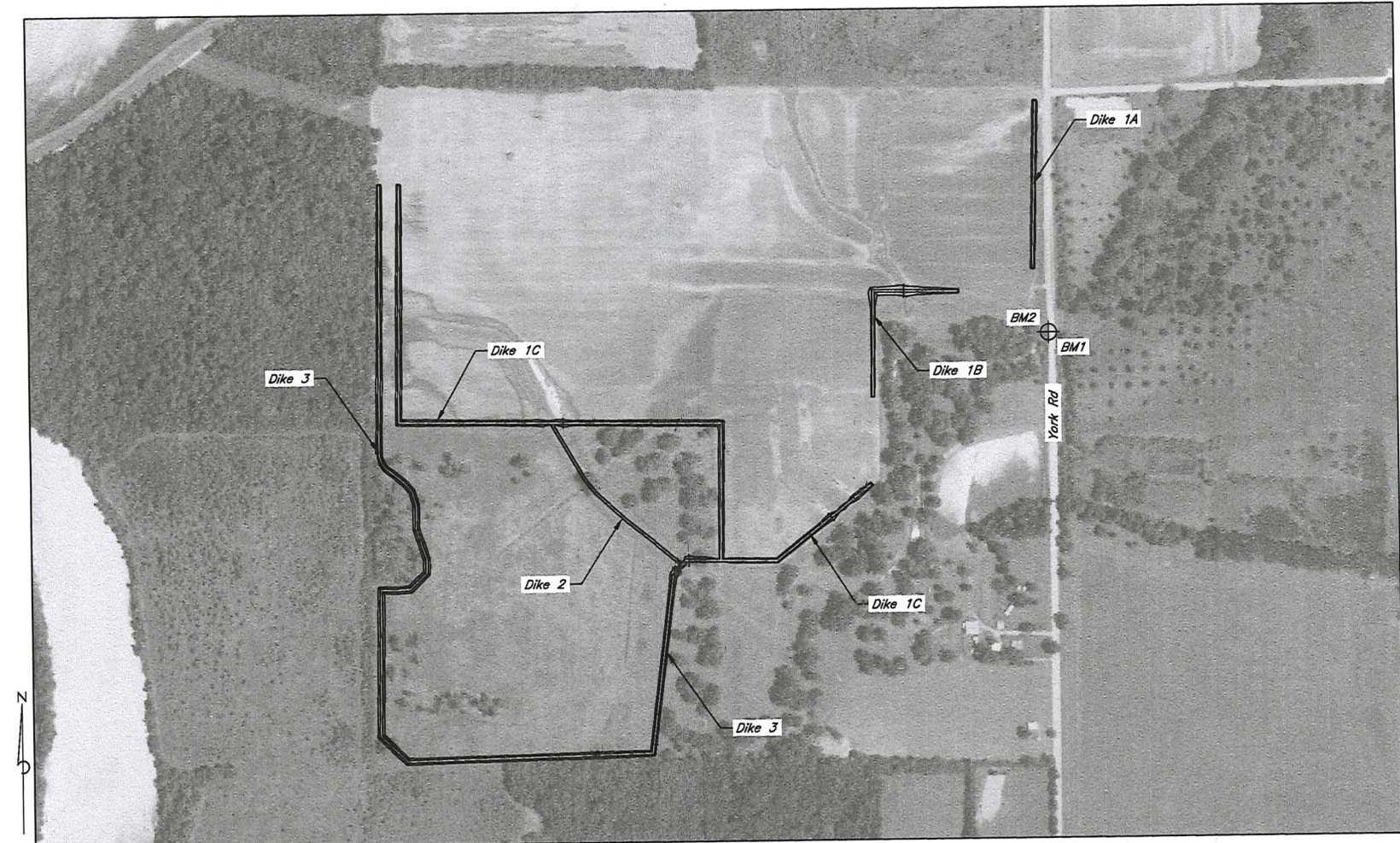
Location Map and Stage Storage Tables

WATER RESOURCES

RECEIVED

MAR 16 2022

KS DEPT OF AGRICULTURE



Benchmark Table				
Benchmark	Northing	Easting	Survey Elevation	Description
BM1	0.00	0.00	834.87	NW corner of concrete bridge deck. Latitude 37:17:35.81 N; Longitude 95:05:10.74 W
BM2	0.42	-1.36	837.19	Top of concrete bridge rail

Survey Area:
Latitude/Longitude

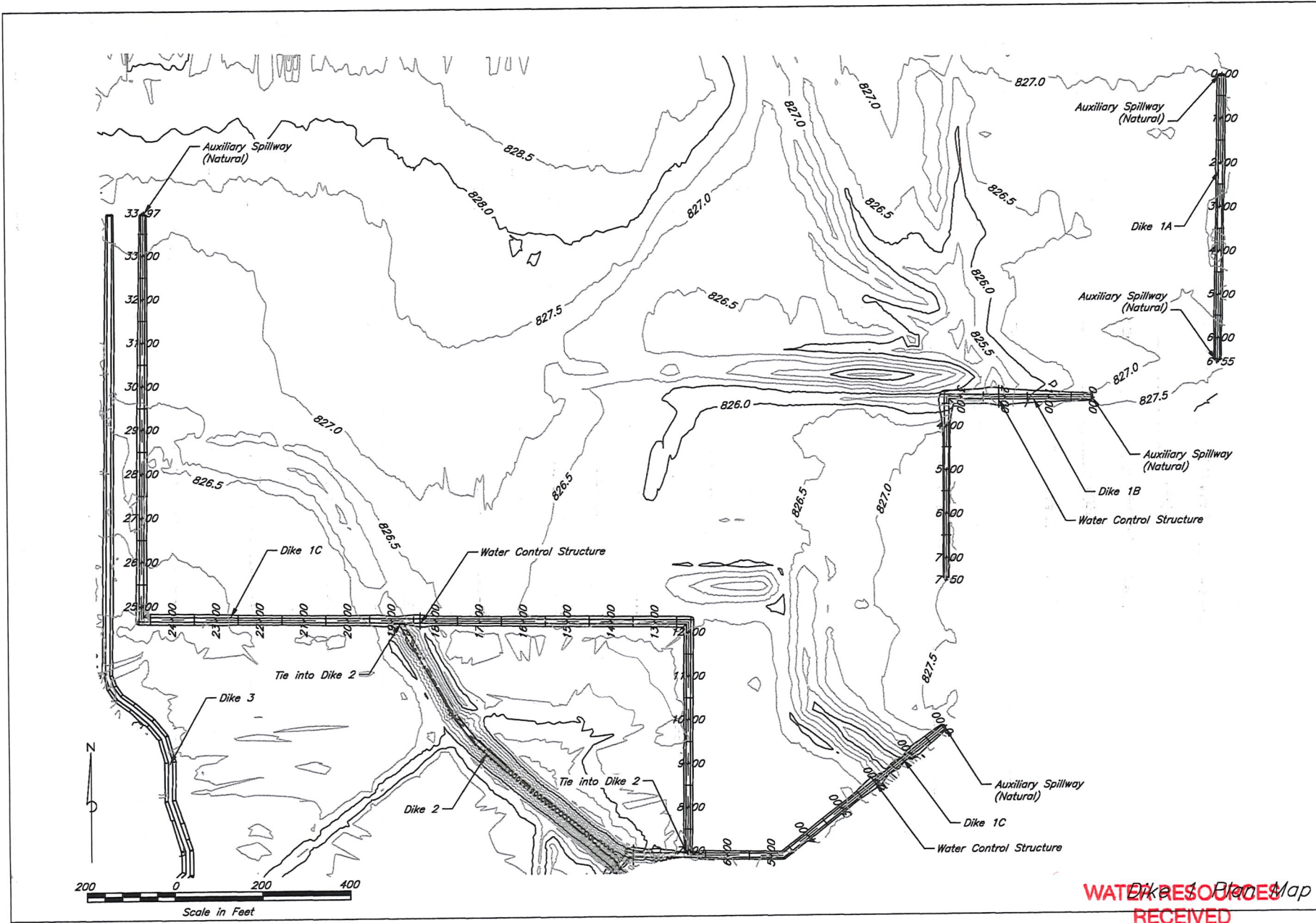
Date 09/21
 Designed B. Severin
 Drawn B. Severin
 Checked M. Miller
 Approved B. Severin

Bobby Glover
 Wetland Development (As-Constructed)
 NE 1/4 Sec 3, T-32S; R-21E
 Labette County, Kansas



Orthographic Plan Map
Sheet 3 of 13

WATER RESOURCES RECEIVED
 MAR 16 2022
 KS DEPT OF AGRICULTURE

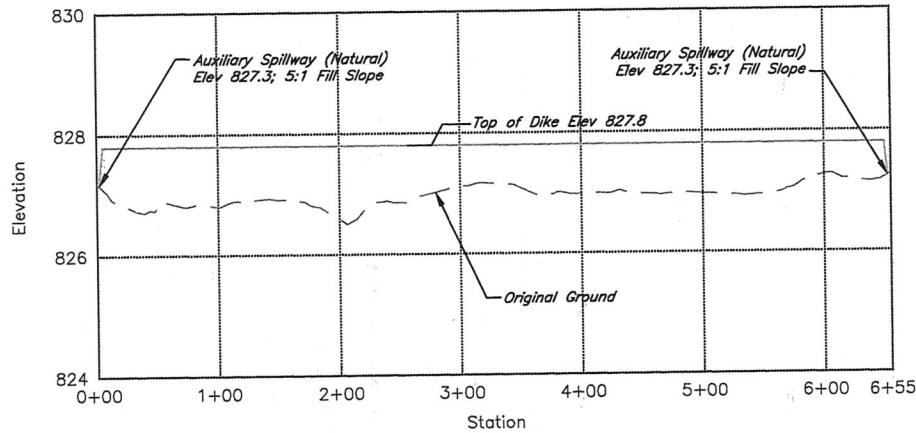


Date	09/21
Designed	B Severin
Drawn	B Severin
Checked	M Miller
Approved	B Severin

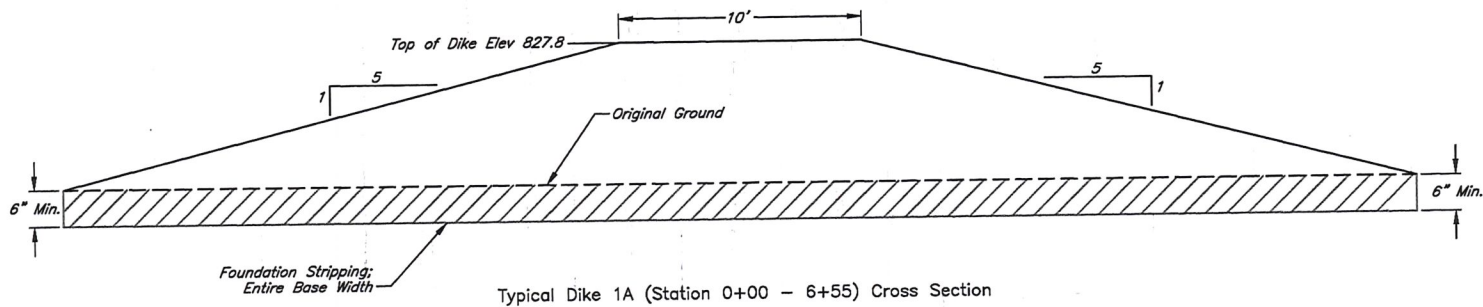
Bobby Glover
 Wetland Development (As-Constructed)
 NE 1/4 Sec 3, T-32S; R-21E
 Labette County, Kansas



WATER RESOURCES Map
 RECEIVED
 MAR 16 2022



Profile View of Dike 1A



Typical Dike 1A (Station 0+00 - 6+55) Cross Section

Designed	B. Severin	Date	09/21
Drawn	B. Severin		
Checked	M. Miller		
Approved	B. Severin		

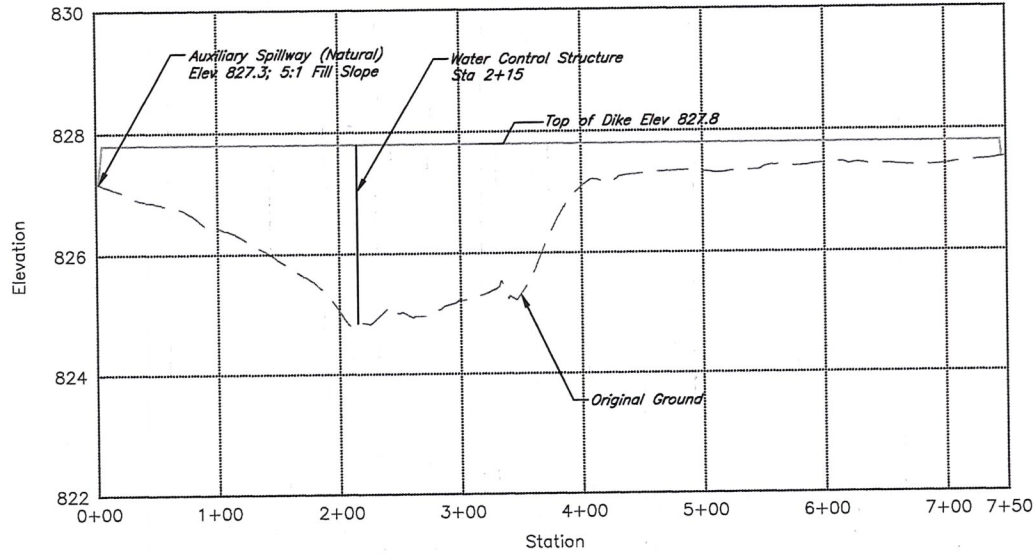
Bobby Glover
 Wetland Development (As-Constructed)
 NE 1/4 Sec 3, T-32S; R-21E
 Labette County, Kansas



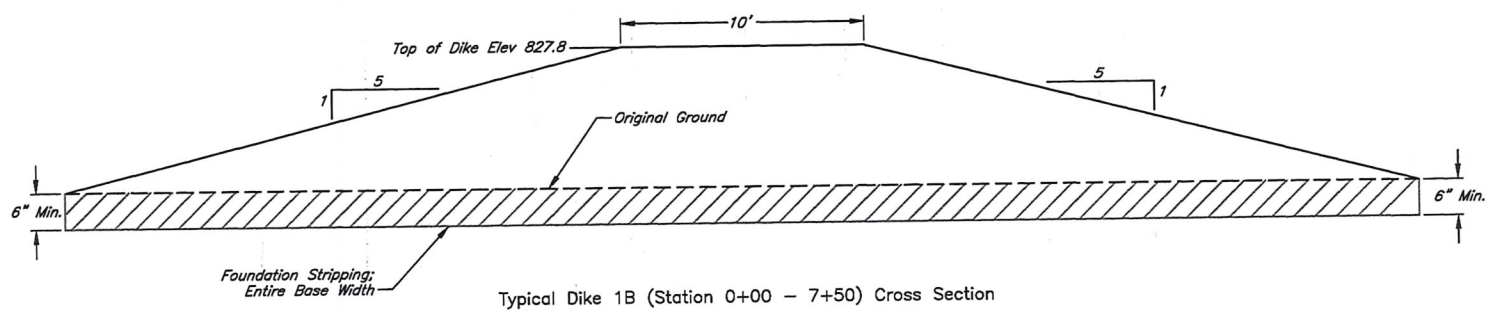
WATER RESOURCES
 RECEIVED Dike 1A Detail

MAR 16 2022

KS DEPT OF AGRICULTURE



Profile View of Dike 1B



Typical Dike 1B (Station 0+00 - 7+50) Cross Section

Designed	B. Severin	Date	09/21
Drawn	B. Severin		09/21
Checked	M. Miller		09/21
Approved	B. Severin		09/21

Bobby Glover
 Wetland Development (As-Constructed)
 NE 1/4 Sec 3, T-32S; R-21E
 Labette County, Kansas

SUSTAINABLE
 Environmental Consultants
 Powered by EcoPRACTICES



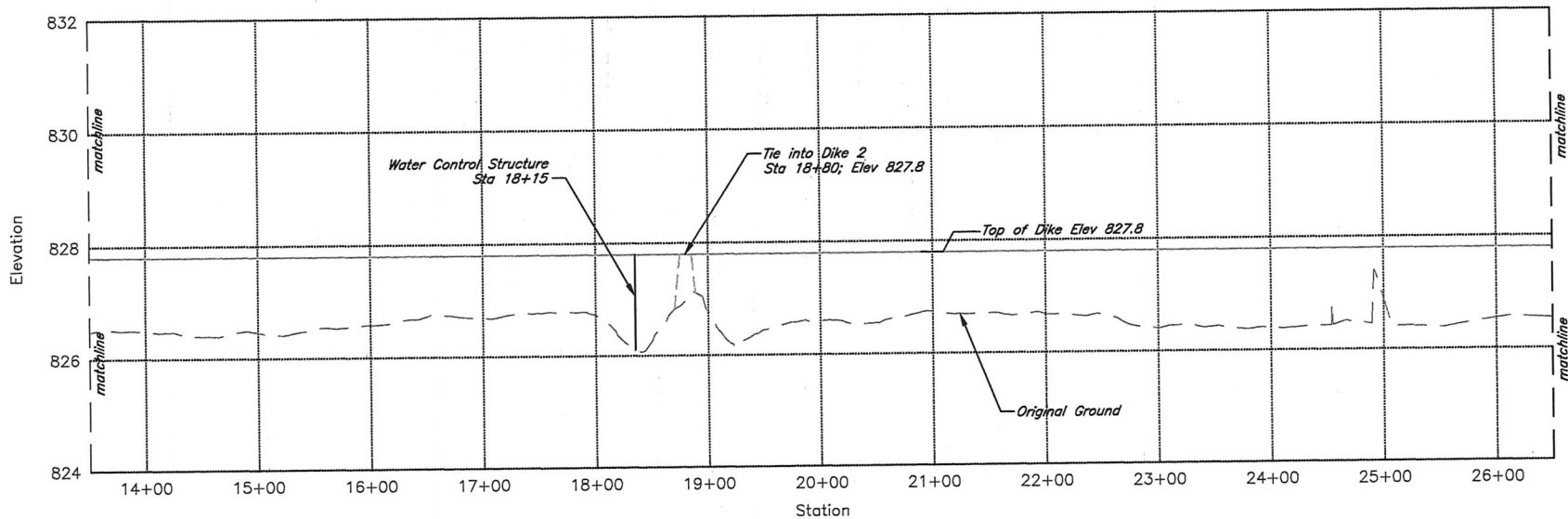
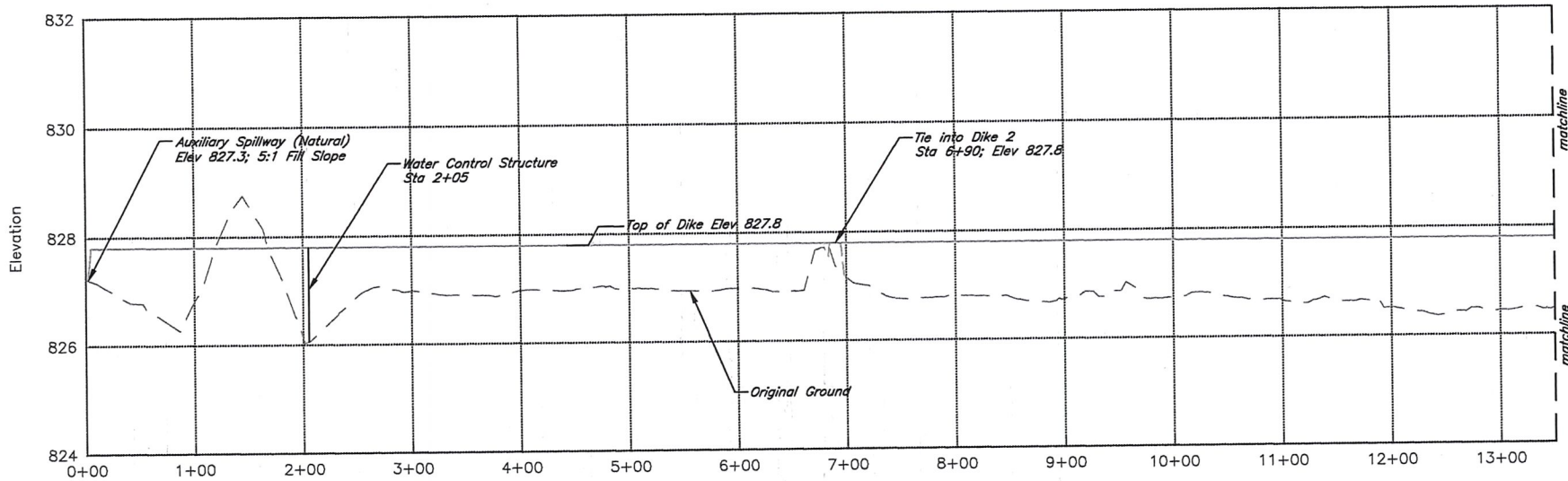
**WATER RESOURCES
 RECEIVED**

Dike 1B Detail

Sheet 6 of 13

MAR 16 2022

KS DEPT OF AGRICULTURE



Profile View of Dike 1C

Date	09/21
Designed	B. Severin
Drawn	B. Severin
Checked	M. Miller
Approved	B. Severin

Bobby Glover
 Wetland Development (As-Constructed)
 NE 1/4 Sec 3, T-32S; R-21E
 Labette County, Kansas

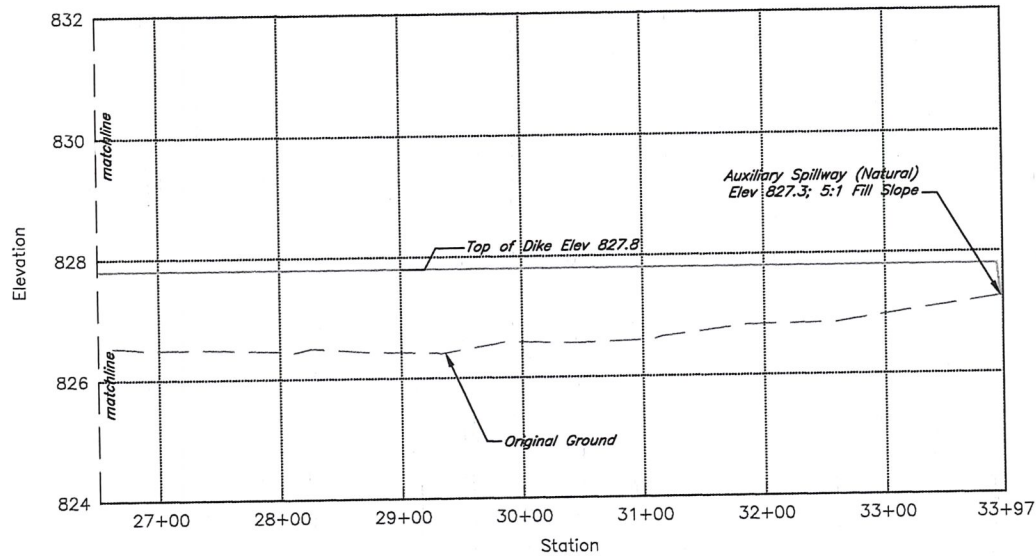


WATER RESOURCES RECEIVED

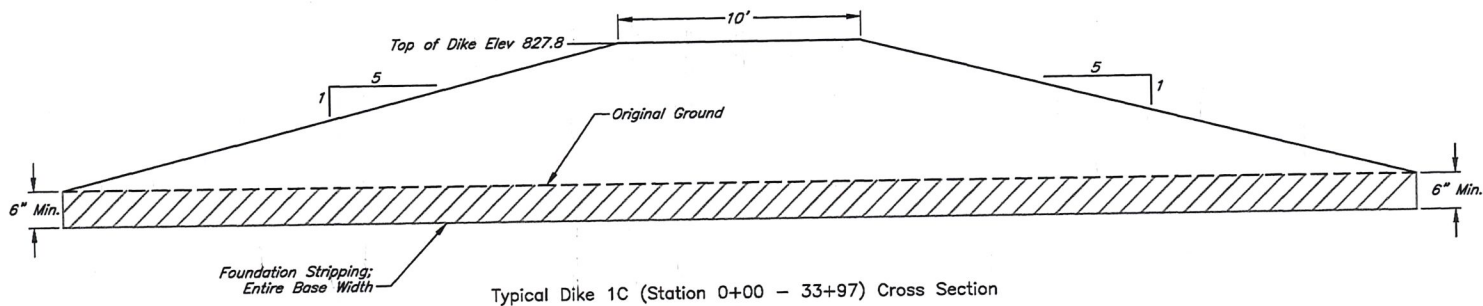
Dike 1C Detail

MAR 16 2022

KS DEPT OF AGRICULTURE



Profile View of Dike 1C



Typical Dike 1C (Station 0+00 - 33+97) Cross Section

Date	Designed	Drawn	Checked	Approved
09/21	B. Severin	B. Severin	M. Miller	B. Severin
09/21				
09/21				

Bobby Glover
 Wetland Development (As-Constructed)
 NE 1/4 Sec 3, T-32S; R-21E
 Labette County, Kansas

SUSTAINABLE
 Environmental Consultants
 Powered by ECOPRACTICES

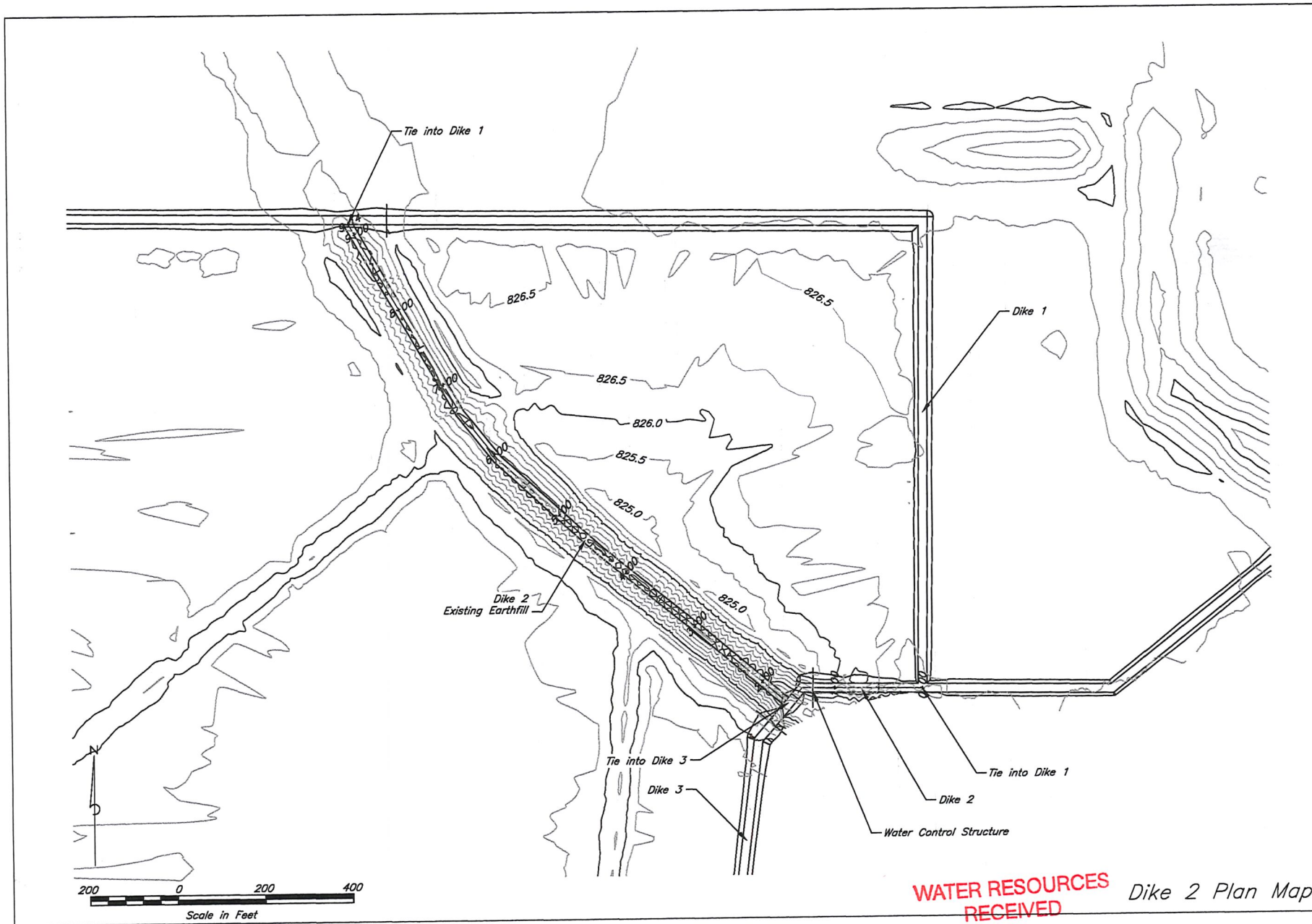


WATER RESOURCES
 RECEIVED

MAR 16 2022

KS DEPT OF AGRICULTURE

Dike 1C Detail



Designed	B. Severin	Date	09/21
Drawn	B. Severin		09/21
Checked	M. Miller		09/21
Approved	B. Severin		09/21

Bobby Glover
 Wetland Development (As-Constructed)
 NE 1/4 Sec 3, T-32S; R-21E
 Labette County, Kansas

SUSTAINABLE
 Environmental Consultants
 Powered by ECOPRACTICES

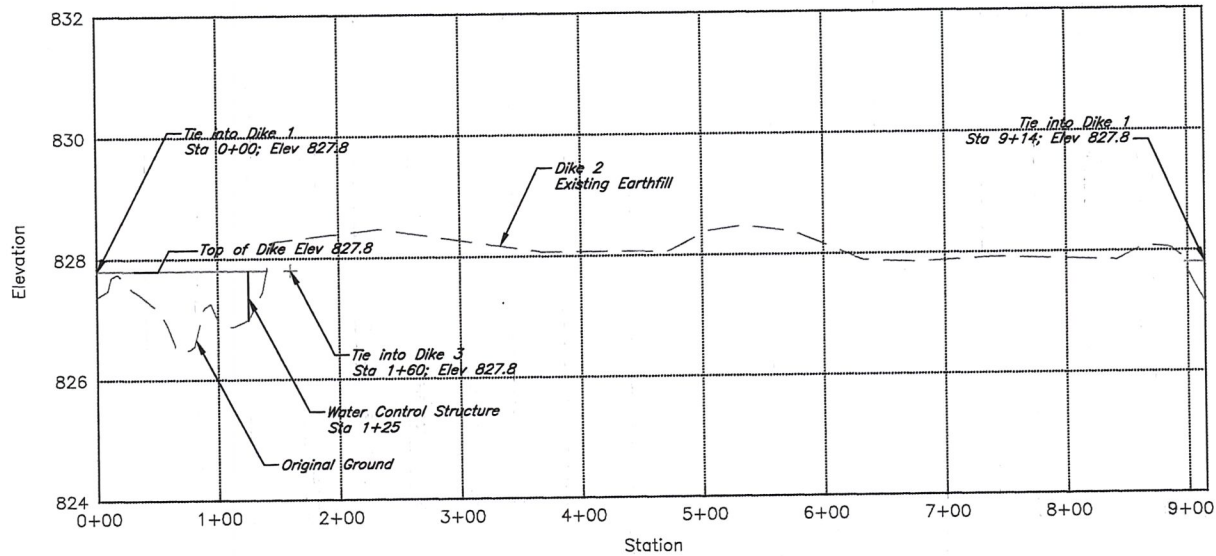
Sheet 9 of 13

WATER RESOURCES
 RECEIVED

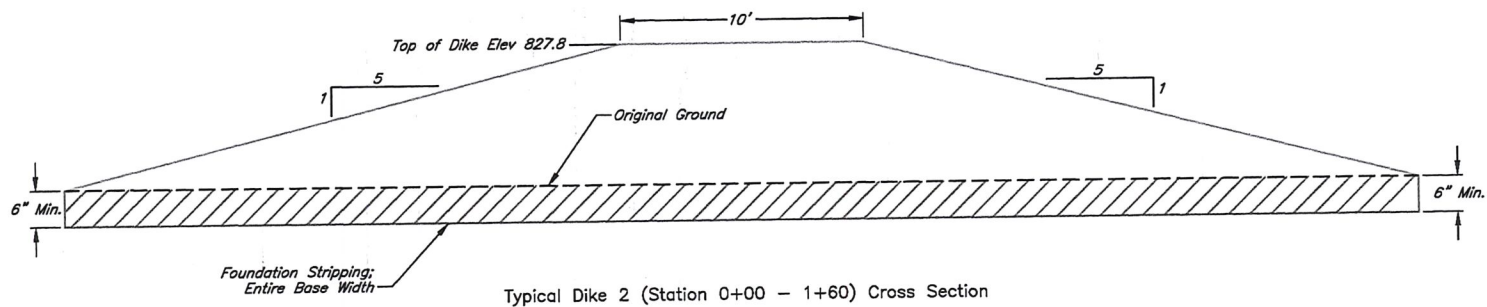
MAR 16 2022

KS DEPT OF AGRICULTURE

Dike 2 Plan Map



Profile View of Dike 2



Typical Dike 2 (Station 0+00 - 1+60) Cross Section

Date	09/21
Designed	B. Severn
Drawn	B. Severn
Checked	M. Miller
Approved	B. Severn

Bobby Glover
 Wetland Development (As-Constructed)
 NE 1/4 Sec 3, T-32S; R-21E
 Labette County, Kansas

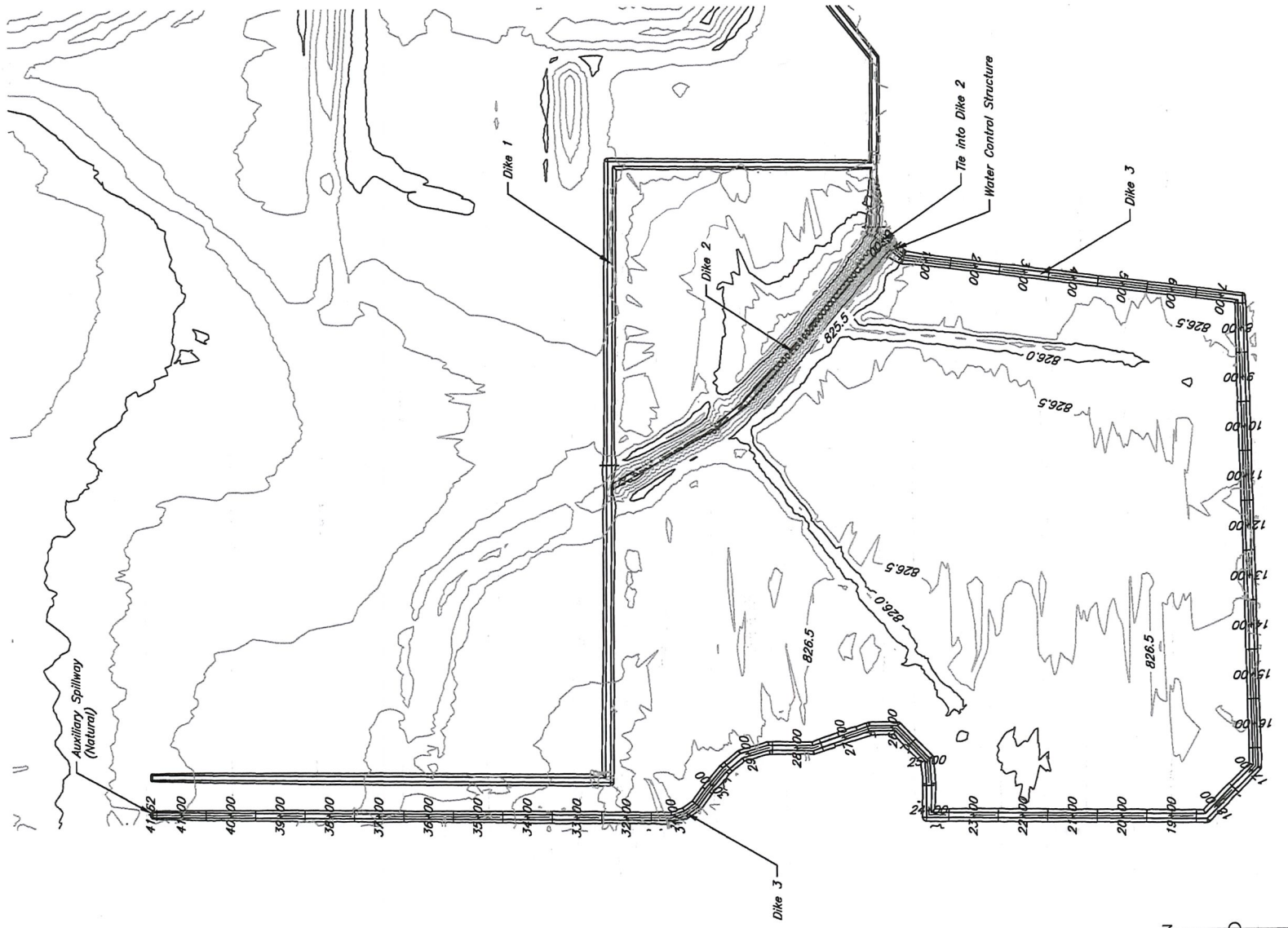


**WATER RESOURCES
 RECEIVED**

Dike 2 Detail

MAR 16 2022

KS DEPT OF AGRICULTURE



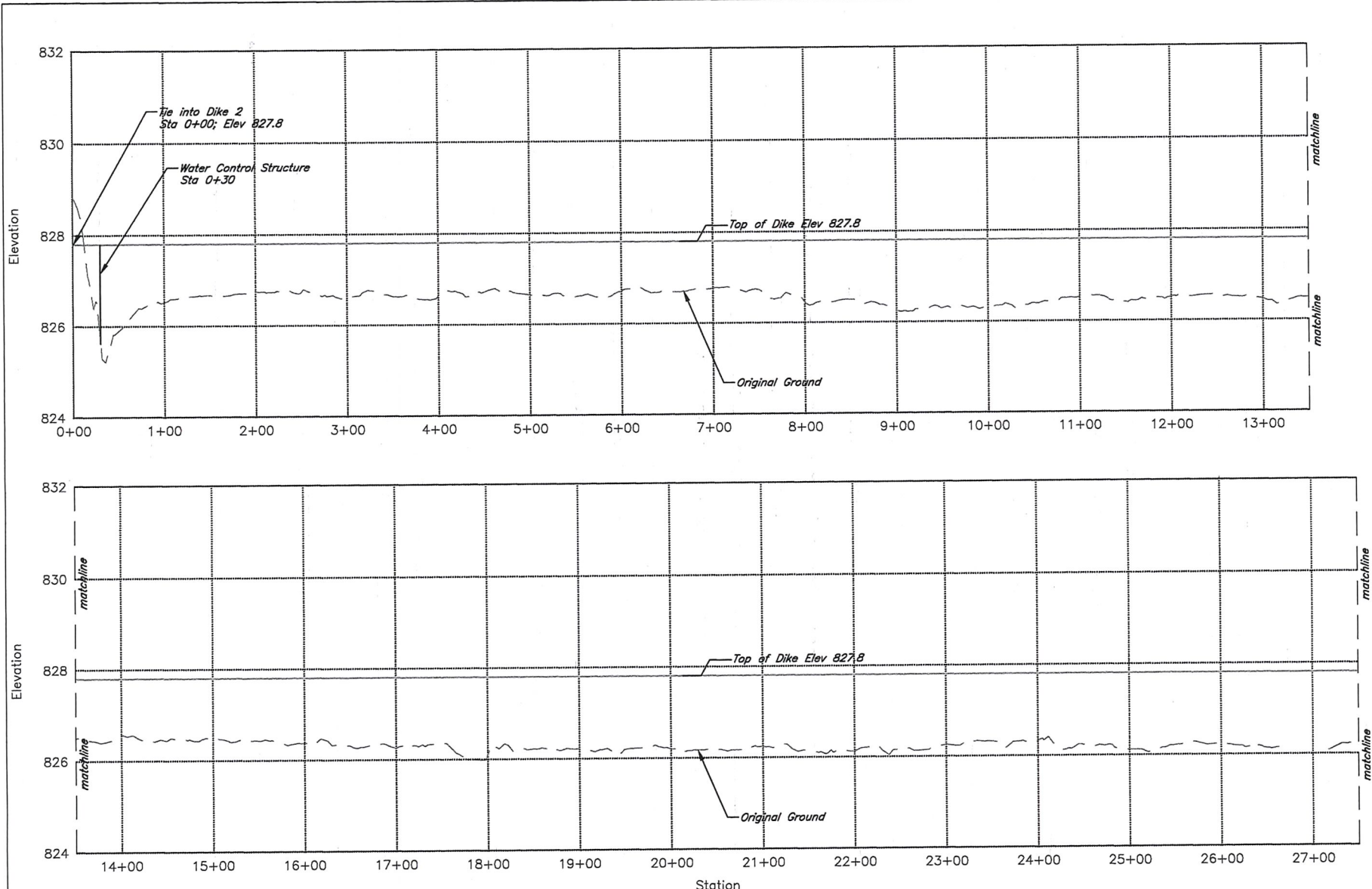
Dike 3 Plan Map

Designed	B. Severin	Date	09/21
Drawn	B. Severin		09/21
Checked	M. Miller		09/21
Approved	B. Severin		09/21

Bobby Glover
 Wetland Development (As-Constructed)
 NE 1/4 Sec 3, T-32S; R-21E
 Labette County, Kansas



**WATER RESOURCES
 RECEIVED
 MAR 16 2022
 KS DEPT OF AGRICULTURE**



Profile View of Dike 3

Designed	B. Severin	Date	09/21
Drawn	B. Severin		
Checked	M. Miller		
Approved	B. Severin		

Bobby Glover
 Wetland Development (As-Constructed)
 NE 1/4 Sec 3, T-32S; R-21E
 Labette County, Kansas

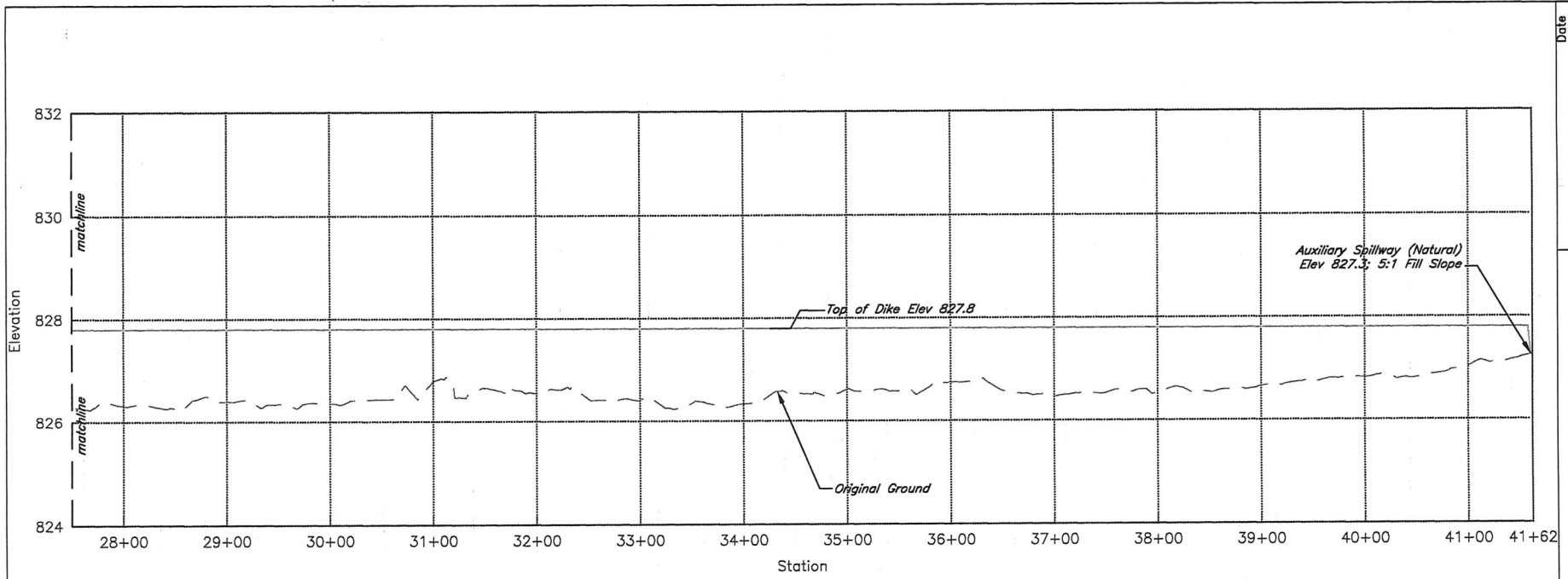
SUSTAINABLE
 Environmental Consultants
 Powered by ECOPRACTICES



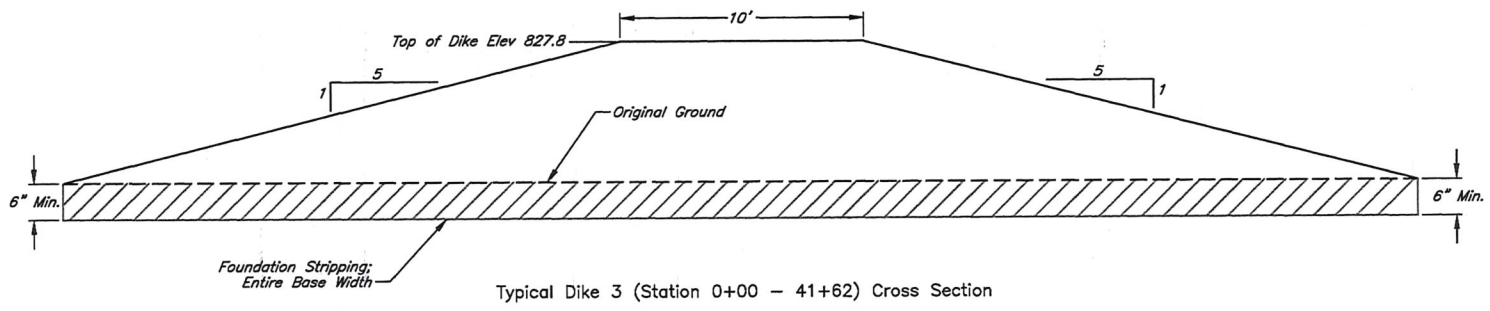
WATER RESOURCES RECEIVED Dike 3 Detail

MAR 16 2022

KS DEPT OF AGRICULTURE



Profile View of Dike 3



Typical Dike 3 (Station 0+00 - 41+62) Cross Section

Date	09/21
Designed	B Severin
Drawn	B Severin
Checked	M Miller
Approved	B Severin

Bobby Glover
 Wetland Development (As-Constructed)
 NE 1/4 Sec 3, T-32S; R-21E
 Labette County, Kansas

SUSTAINABLE
 Environmental Consultants
 Powered by ECAPRACTICES



WATER RESOURCES
 RECEIVED

MAR 16 2022

KS DEPT OF AGRICULTURE

Dike 3 Detail

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. 50,745** 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 16, 2022**.
2. That the water sought to be appropriated shall be used for recreational use in a marsh located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 3, in Township 32 South, Range 21 East, Labette County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Litup Creek, designated in the office of the Chief Engineer as Litup Creek Trib 1 (Neosho), not needed to satisfy all vested rights and prior appropriation rights, to be stored to a maximum extent of **99.07 acre-feet** per calendar year in a marsh created by four (4) water control structures:

one located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 3, more particularly described as being near a point 4,457 feet North and 570 feet West of the Southeast corner of said section,

one located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 3, more particularly described as being near a point 3,588 feet North and 860 feet West of the Southeast corner of said section,

one located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 3, more particularly described as being near a point 3,400 feet North and 1,440 feet West of the Southeast corner of said section, and

one located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 3, more particularly described as being near a point 3,975 feet North and 1,900 feet West of the Southeast corner of said section,

all in Township 32 South, Range 21 East, Labette County, Kansas, located substantially as shown on the map accompanying the application.

4. That the structure creating the above referenced wildlife marsh has been assigned Division of Water Resources Structures Permit No. LLB-109.

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, which is currently \$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, which is currently \$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, which is currently \$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.

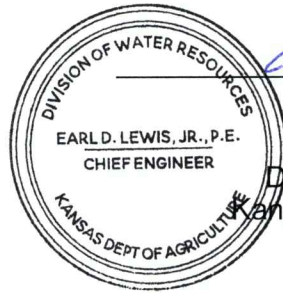
11. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure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

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

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

14. 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.

Ordered this 15th day of September, 2022, in Manhattan, Riley County, Kansas.

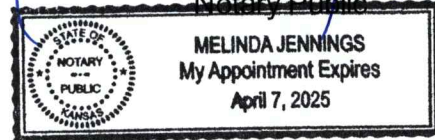


Earl D. Lewis Jr.
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
County of Riley) SS

The foregoing instrument was acknowledged before me this 15 day of September, 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings



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

CERTIFICATE OF SERVICE

On this day of
Application, File No. 50,745, dated
mail to the following:

, 2022, I hereby certify that the foregoing Approval of
was mailed postage prepaid, first class, US

BOBBY GLOVER
2479 US HWY 400
MCCUNE, KS 66753

With photocopies to:

Topeka Field Office

Division of Water Resources

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 20, 2022

BOBBY GLOVER
2479 US HWY 400
MCCUNE, KS 66753

RE: Appropriation of Water, File Nos. 50,542 & 50,745

Dear Mr. Glover:

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

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 the permit(s). 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 File No. 50,542 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 applications 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 rights. 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

CERTIFICATE OF SERVICE

On this 20 day of September, 2022, I hereby certify that the foregoing Approval of Application, File No. 50,745, dated 15 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