

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

1. File Number: <p style="text-align: center; font-weight: bold; font-size: 1.2em;">49651</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">10/12/2016</p>	3. Field Office: <p style="text-align: center; font-weight: bold; font-size: 1.2em;">02</p>	4. GMD:
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

7a. Applicant(s) Person ID 65024
New to system Add Seq# _____

MARQUE PEER
3504 N GREAT PLAINS ST SUITE 100
WICHITA KS 67220

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

7b. Landowner(s) Person ID _____
New to system Add Seq# _____

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

8. WUR Correspondent Person ID 65024
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No
SAME AS 7A

9. Use of Water: Changing? Yes No
 Groundwater Surface Water
 IRR REC DEW MUN
 STK SED DOM CON
 HYD DRG WTR PWR ART RECHRG
 IND SIC: _____ OTHER: _____

10. Completion Date: 12/31/2017 11. Perfection Date: 12/31/2021 12. Exp Date: _____

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

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

Date Prepared: **9/13/16** By: **CCP**
Date Entered: **10/13/2016** By: **LLM**

File No. **49651** 15. Formation Code: Drainage Basin: **WALNUT RIVER** County: **SG** Special Use: Stream: **WHITEWATER CREEK TRIB 3**

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
	NC			85375	SE SE SE	3	26	2E	2	450	450

17. Rate and Quantity				
Authorized			Additional	
Rate gpm	Quantity af	Overlap PD Files	Rate gpm	Quantity af
		N		

18. Storage: Rate **ALL** NF Quantity **5.15** ac/ft Additional Rate **ALL** NF Additional Quantity **5.15** 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							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	NE ¼	NW ¼	SW ¼	SE ¼				
	MOD			67791	3	26	2E	2	TWO (2) CONNECTED RESERVOIRS IN THE E½ SE¼ OF 3-26-2E, SG CO. KS																	7A	N	N

Comments: **WATER CONTROL STRUCTURE, NO STRUCTURES PERMIT NEEDED**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 11, 2016

FROM: Charlotte Philip

RE: Application, File No. 49,651

Marque Peer has filed the above-referenced new application to appropriate 5.15 acre-feet of surface water storage at a rate not to exceed natural flows of Whitewater Creek Trib. No. 3 (Walnut) for recreational use. This application is for two reservoirs as follows: one proposed reservoir and one existing reservoir that has been in place for many years (since at least 1991). The applicant included plans to expand the existing reservoir into two separate reservoirs that will be connected through an outfall pipe for overflow. Based on an August 22, 2016, email from Janelle Phillips, P.E., Water Structures Program, the water control structure is not permitted under DWR Water Structures Program, as the drainage area is not large enough.

The new application is required to cover indirect use of water (evaporation) from the reservoirs located in the East Half of the Southeast Quarter (E½ SE¼) of Section 3, in Township 26 South, Range 2 East, Sedgwick County, Kansas. The point of diversion represents the lowest point at which water comes under control by man-made means to create the existing reservoir. Mr. Peer has signed the application form stating that he has legal access to the point of diversion. The requested quantity of 5.15 acre-feet appears to be reasonable for indirect use, based on the following information. The reservoir surface area at normal pool storage elevation is estimated at 3.43 acres. Potential net evaporation in inches, based on K.A.R. 5-6-3, is 18 inches; therefore, the natural evaporation can be estimated as follows:

$$3.43 \text{ acres} \times 18 \text{ inches of evaporation} / 12 \text{ inches} = 5.15 \text{ acre-feet (1 year of evaporation)}$$

No seepage quantity was requested by the applicant. Per K.A.R. 5-6-5, the maximum quantity of water that can be requested is limited by either the amount of potential runoff available or the capacity of the reservoir. The capacity of the reservoir at normal pool is approximately 20.3 acre-feet and the quantity requested for indirect use is 5.15 acre-feet. Potential annual runoff per K.A.R. 5-6-4 was calculated as approximately 94.25 acre-feet of water, based on a drainage basin area is 87 acres and precipitation is 34". The capacity of the reservoir is significantly less than the potential annual runoff; therefore, it is the controlling factor. As there is no direct use, the applicant could have applied for three (3) years of evaporation as long as it didn't exceed the capacity (5.15 AF x 3 = 15.45 AF); however, the applicant only applied for one (1) year of evaporation, which is acceptable and reasonable.

Even though the existing reservoir is storing water, due to the construction and expansion of the reservoirs, a Special Condition on the Permit is needed to provide an initial fill quantity.

Originally missing from the application package, a Minimum Desirable Streamflow (MDS) statement was emailed to the applicant on August 22, 2016. It was received signed and notarized on August 25, 2016 from the applicant. By completing this statement, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under this permit.

There are only three other permitted surface water points of diversion within a two-mile radius circle. They are all recreational reservoirs located on different tributaries to Whitewater Creek than the application and should not be impacted in any way. As noted this reservoir has been in place for several years, and although the application proposes significant modifications and the addition of a new reservoir, the proposed appropriation of water will not likely impair any senior water rights. This appropriation permit is to authorize the on-going beneficial recreational use of water (evaporation) from the reservoir. Due to the addition of a second reservoir, landowners within one-half (½) mile upstream and downstream of the applicant's property were notified of the pending application by letter dated, August 23, 2016. On August 26, 2016, Gary Jacks, a nearby landowner, called to express his concerns regarding the pending application. Mr. Jacks has a senior domestic pond located on his property downstream from the pending application and he wanted to ensure that the expansion of the reservoir upstream would not prevent flow to his downstream pond. I assured him that his senior domestic pond has priority over the pending application, and if flow becomes impaired, he would need to contact the Stafford Field Office. To date, no other comments have been received in this office.

(over)

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the application in an e-mail received on October 10, 2016. Based upon the above discussion, the area is open to new applications, approval of the application will authorize the storage of water for recreational use, and there is no indication that the proposed beneficial use of water will impair existing water rights, it is recommended that the referenced application be approved.

A handwritten signature in black ink that reads "Charlotte Philip". The signature is written in a cursive, flowing style.

Charlotte Philip
Environmental Scientist
Certificate Unit

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 13, 2016

Marque Peer
3504 N Great Plains St., Suite 100
Wichita, KS 67220

FILE COPY

Re: Appropriation of Water, File No. 49,651

Dear Mr. Peer:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit. Please note that no permit is required from our Water Structures Program at this time for the dam associated with this project, however, if this dam is not constructed as proposed, or should you consider re-building or modifying this structure you will need to obtain the proper structures permit for such work.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. Records must be maintained from which the quantity of water actually diverted may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

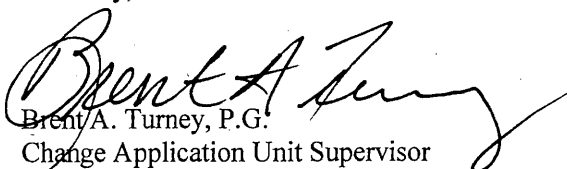
Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:ccp
Enclosures
pc: Stafford Field Office



KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, 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. 49,651** of the applicant

**MARQUE PEER
3504 N GREAT PLAINS ST, SUITE 100
WICHITA KS 67220**

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 **June 9, 2016**.
2. That the water sought to be appropriated shall be used for recreational use in two (2) connected reservoirs, located in the East Half of the Southeast Quarter (E½ SE¼) of Section 3, in Township 26 South, Range 2 East, Sedgwick County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of Whitewater Creek Tributary No. 3 (Walnut River), not needed to satisfy all vested rights and prior appropriation rights to be stored to a maximum extent of **5.15 acre-feet** per calendar year, in two (2) reservoirs created by a water control structure located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼ SE¼) of Section 3, more particularly described as being near a point 450 feet North and 450 feet West of the Southeast corner of said section, in Township 26 South, Range 2 East, Sedgwick County, Kansas, as shown on the topographic map accompanying the application.
4. That in accordance with K.A.R. 5-6-6, a maximum quantity not to exceed **20.3 acre-feet** of water may also be diverted to complete initial filling of the reservoir only, and shall not count toward perfection of a water right under the authority of this permit. Subsequent refilling of the reservoir shall require authorization under a term permit.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2017** 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, 2021** 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 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.

15. That the applicant shall ensure the ability to effectively bypass inflows by providing an adequate bypass of the dam either by tube, valve, siphon, pump, or other acceptable method, over, through, or around the dam to the channel below in an efficient and timely manner when required for administration of water rights.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

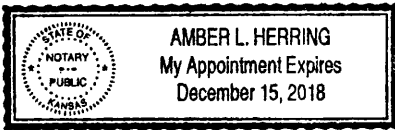
Ordered this 12th day of October, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 12th day of October, 2016, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Amber L. Herring
Notary Public

CERTIFICATE OF SERVICE

On this 13th day of October, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,651, dated October 12, 2016, was mailed postage prepaid, first class, US mail to the following:

Original to:
Marque Peer
3504 N. Great Plains St., Suite 100
Wichita, KS 67220

Photocopies to:
Stafford Field Office

Daniel Wilson

Division of Water Resources

Philip, Charlotte

From: Lanterman, Jeff
Sent: Monday, October 10, 2016 4:06 PM
To: Philip, Charlotte
Cc: Conant, Cameron
Subject: RE: New Application, File No. 49,651

Charlotte;

Sorry this has taken so long. This looks fine to approve.

I would like to make sure that they have some mechanism for passing inflows in case the downstream user needs it. I think there may be some wording in the permit vault to require a valve that would allow them to bypass inflows.

Thanks

Jeff

From: Conant, Cameron
Sent: Monday, October 10, 2016 3:32 PM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: New Application, File No. 49,651

Jeff, this is for a set of 2 connected surface water drainage ponds covering a proposed total of 3.43 acres for recreational purposes. From what I gather in a quick Docuware review, this is a proposed home building site and recreational pond.

I don't think this requires a permit through DWR. According to our Maximum Water Surface for Domestic Reservoirs and Ponds, this location allows for a 10 acre pond which would still be considered domestic. That said, the application has been filed, so I guess we continue processing at this point.

There are several other (non-permitted domestic) down-stream ponds that were notified. Per the memo, Gary Jacks called with concerns about the proposed ponds inhibiting the ability of his downstream domestic pond to catch adequate water. He was directed to the FO to claim impairment in the future if he thinks he is being impaired. No determination of priority has been made on the surrounding ponds. Since this one is being modified, I'm thinking it will be junior to everything nearby.

The MDS form has been submitted. Structures has been notified and this is non-jurisdictional.

I think this can be recommended for approval. There has been an existing ~1 acre pond at this location since at least 2002 with the other domestic ponds still located to the south. We have not had complaints to date from this area, specifically Gary Jacks.

Please pass on to Charlotte if you agree this can be recommended for approval. Do you recall, have we ever added actual additional conditions in the permit to have equipment in place at the ponds to bypass flow in times of impairment or MDS administration?

Cameron

From: Philip, Charlotte
Sent: Tuesday, September 13, 2016 11:28 AM
To: Lanterman, Jeff
Cc: Conant, Cameron
Subject: New Application, File No. 49,651

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

MEMORANDUM

TO: Files

DATE: September 13, 2016

FROM: Charlotte Philip

RE: Application, File No. 49,651

Marque Peer has filed the above-referenced new application to appropriate 5.15 acre-feet of surface water storage at a rate not to exceed natural flows of Whitewater Creek Trib. No. 3 (Walnut) for recreational use. This application is for two reservoirs as follows: one proposed reservoir and one existing reservoir that has been in place for many years (since at least 1991). The applicant included plans to expand the existing reservoir into two separate reservoirs that will be connected through an outfall pipe for overflow. Based on an August 22, 2016, email from Janelle Phillips, P.E., Water Structures Program, the water control structure is not permitted under DWR Water Structures Program, as the drainage area is not large enough.

The new application is required to cover indirect use of water (evaporation) from the reservoirs located in the East Half of the Southeast Quarter (E½ SE¼) of Section 3, in Township 26 South, Range 2 East, Sedgwick County, Kansas. The point of diversion represents the lowest point at which water comes under control by man-made means to create the existing reservoir. Mr. Peer has signed the application form stating that he has legal access to the point of diversion. The requested quantity of 5.15 acre-feet appears to be reasonable for indirect use, based on the following information. The reservoir surface area at normal pool storage elevation is estimated at 3.43 acres. Potential net evaporation in inches, based on K.A.R. 5-6-3, is 18 inches; therefore, the natural evaporation can be estimated as follows:

$$3.43 \text{ acres} \times 18 \text{ inches of evaporation} / 12 \text{ inches} = 5.15 \text{ acre-feet (1 year of evaporation)}$$

No seepage quantity was requested by the applicant. Per K.A.R. 5-6-5, the maximum quantity of water that can be requested is limited by either the amount of potential runoff available or the capacity of the reservoir. The capacity of the reservoir at normal pool is approximately 20.3 acre-feet and the quantity requested for indirect use is 5.15 acre-feet. Potential annual runoff per K.A.R. 5-6-4 was calculated as approximately 94.25 acre-feet of water, based on a drainage basin area is 87 acres and precipitation is 34". The capacity of the reservoir is significantly less than the potential annual runoff; therefore, it is the controlling factor. As there is no direct use, the applicant could have applied for three (3) years of evaporation as long as it didn't exceed the capacity (5.15 AF x 3 = 15.45 AF); however, the applicant only applied for one (1) year of evaporation, which is acceptable and reasonable.

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There are only three other permitted surface water points of diversion within a two-mile radius circle. They are all recreational reservoirs located on different tributaries to Whitewater Creek than the application and should not be impacted in any way. As noted this reservoir has been in place for several years, and although the application proposes significant modifications and the addition of a new reservoir, the proposed appropriation of water will not likely impair any senior water rights. This appropriation permit is to authorize the on-going beneficial recreational use of water (evaporation) from the reservoir. Due to the addition of a second reservoir, landowners within one-half (½) mile upstream and downstream of the applicant's property were notified of the pending application by letter dated,

August 23, 2016. On August 26, 2016, Gary Jacks, a nearby landowner, called to express his concerns regarding the pending application. Mr. Jacks has a senior domestic pond located on his property downstream from the pending application and he wanted to ensure that the expansion of the reservoir upstream would not prevent flow to his downstream pond. I assured him that his senior domestic pond has priority over the pending application, and if flow becomes impaired, he would need to contact the Stafford Field Office. To date, no other comments have been received in this office.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the application in an e-mail received on XXXXXXXXXXXX. Based upon the above discussion, the area is open to new applications, approval of the application will authorize the storage of water for recreational use, and there is no indication that the proposed beneficial use of water will impair existing water rights, it is recommended that the referenced application be approved.

Charlotte Philip, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6642
My e-mail address has changed: charlotte.philip@ks.gov
<http://agriculture.ks.gov/divisions-programs/dwr>

Philip, Charlotte

From: Phillips, Janelle
Sent: Monday, August 22, 2016 1:28 PM
To: Philip, Charlotte
Subject: WR 49651

Based on our review of the application for WR 49651 in SE ¼ of Section 3, Township 26 South, Range 2 East, Sedgwick County KS, the WR application will not require a water structure permit.

Janelle N. Phillips, P.E., C.F.M., LEED-AP
Water Structures Program
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502
785-564-6656
My email has changed: janelle.phillips@ks.gov

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 23, 2016

FILE COPY

GARY JACKS
6656 N 127TH ST E
WICHITA KS 67226

Re: Pending Application, File No. 49,651

Dear Mr. Jacks:

This is to advise you that Marque Peer has filed the application referenced above for a permit to appropriate 5.15 acre-feet of surface water per calendar year from Whitewater Creek Tributary No. 3, for recreational purposes in two (2) reservoirs created by a water control structure located as follows:

one: in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, more particularly described as being near a point 450 feet North and 450 feet West of the Southeast corner of said section, in Township 26 South, Range 2 East, Sedgwick County, Kansas.

A map is enclosed for your review and reference. Records in this office indicate that you own land along the creek in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water.

Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. If you have any questions, please contact me at (785) 564-6642 or charlotte.philip@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Charlotte C. Philip".

Charlotte C. Philip
Environmental Scientist
Water Appropriation Program

enclosure

pc: Stafford Field Office
Marque Peer

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 23, 2016

FILE COPY

VIRGIL UHLMAN
6721 N 127TH ST E
WICHITA KS 67226

Re: Pending Application, File No. 49,651

Dear Mr. Uhlman:

This is to advise you that Marque Peer has filed the application referenced above for a permit to appropriate 5.15 acre-feet of surface water per calendar year from Whitewater Creek Tributary No. 3, for recreational purposes in two (2) reservoirs created by a water control structure located as follows:

one: in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, more particularly described as being near a point 450 feet North and 450 feet West of the Southeast corner of said section, in Township 26 South, Range 2 East, Sedgwick County, Kansas.

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A handwritten signature in cursive script that reads "Charlotte C. Philip".

Charlotte C. Philip
Environmental Scientist
Water Appropriation Program

enclosure

pc: Stafford Field Office
Marque Peer

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 23, 2016

FILE COPY

PAUL MATZEK
9222 E 69TH ST N
VALLEY CENTER KS 67149

Re: Pending Application, File No. 49,651

Dear Mr. Matzek:

This is to advise you that Marque Peer has filed the application referenced above for a permit to appropriate 5.15 acre-feet of surface water per calendar year from Whitewater Creek Tributary No. 3, for recreational purposes in two (2) reservoirs created by a water control structure located as follows:

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Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. If you have any questions, please contact me at (785) 564-6642 or charlotte.philip@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Charlotte C. Philip".

Charlotte C. Philip
Environmental Scientist
Water Appropriation Program

enclosure

pc: Stafford Field Office
Marque Peer

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 23, 2016

FILE COPY

SEDGWICK COUNTY
525 N MAIN SUITE 211
WICHITA KS 67203

Re: Pending Application, File No. 49,651

Dear Sir or Madam:

This is to advise you that Marque Peer has filed the application referenced above for a permit to appropriate 5.15 acre-feet of surface water per calendar year from Whitewater Creek Tributary No. 3, for recreational purposes in two (2) reservoirs created by a water control structure located as follows:

one: in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, more particularly described as being near a point 450 feet North and 450 feet West of the Southeast corner of said section, in Township 26 South, Range 2 East, Sedgwick County, Kansas.

A map is enclosed for your review and reference. Records in this office indicate that you own land along the creek in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water.

Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. If you have any questions, please contact me at (785) 564-6642 or charlotte.philip@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Charlotte C. Philip".

Charlotte C. Philip
Environmental Scientist
Water Appropriation Program

enclosure

pc: Stafford Field Office
Marque Peer

SCANNED

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,651
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

JUN 09 2016

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

10:48
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): MARQUE PEER
Address: 3504 N GREAT PLAINS ST, SUITE 100
City: WICHITA State KS Zip Code 67220
Telephone Number: (316) 684.1540

2. The source of water is: surface water in TRIBUTARY TO WHITEWATER CREEK Trib 3 *AJW
(stream) (WALNUT)
OR groundwater in _____
(drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. 20.30 INITIAL FILL

3. The maximum quantity of water desired is 5.15 YEARLY acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of INITIAL FILL ONCE gallons per minute OR _____ cubic feet per second.
EVER YEARLY

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
- (a) Artificial Recharge
 - (b) Irrigation
 - (c) Recreational
 - (d) Water Power
 - (e) Industrial
 - (f) Municipal
 - (g) Stockwatering
 - (h) Sediment Control
 - (i) Domestic
 - (j) Dewatering
 - (k) Hydraulic Dredging
 - (l) Fire Protection
 - (m) Thermal Exchange
 - (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 2 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G(S) County SG By AJW Date 6/9/16
Code REF Fee \$ 200 TR # _____ Receipt Date 6/9/16 Check # 12501

SCANNED

6/22/2016 CCW

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the SE quarter of the SE quarter of the SE quarter of Section 3, more particularly described as being near a point 450 feet North and 450 feet West of the Southeast corner of said section, in Township 26 South, Range 2 (East) West (circle one), SEDGWICK County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

 (name, address and telephone number)
SAME AS APPLICANT

 (name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on JUNE 6, 2016. [Signature]
 Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 2 SURFACE WATER PONDS
 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) JUNE 2016
 (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be JUNE 1, 2016
 (Mo/Day/Year)

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JUN 09 2016

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No DA NOT LARGE ENOUGH FOR JURISDICTION.

If yes, show the Water Structures permit number here _____

If no, explain here why a Water Structures permit is not required DRAINAGE AREA NOT LARGE ENOUGH FOR DWR JURISDICTION.

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

OWNER
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

SAME
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at WICHITA, KS, Kansas, this 6 day of JUNE, 2016.
(month) (year)

x [Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

MARQUE PEER
(Agent or Officer - Please Print)

Assisted by TREVOR KURTH, PE

BAUGHMAN
(office/title)

Date: 6.6.16

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JUN 09 2016

KS DEPT OF AGRICULTURE

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 49,051

Name of Applicant (Please Print): MARQUE PEER

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): FISHING, SWIMMING, AESTHETICS

2. Please summarize how the water will be used and justify the quantity of water requested: _____

WATER WILL BE USED TO INITIALLY FILL A NEW REC POND AND TO FILL YEARLY EVAPORATIVE LOSSES THAT OCCUR. REQUESTED QUANTITY FOR EVAP AND INITIAL FILL.

UPSTREAM BASIN IS 87 ACRES, POND SURFACE AREA(S) IS 3.4 ACRES.

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE WATER DIVERTED/STORED		
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)	
Year 1	20.3	INITIAL FILL
Year 2	5.2	EVAP
Year 3	5.2	EVAP
Year 4	5.2	EVAP
Year 5	5.2	EVAP

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

SE 1/4, SE 1/4, SE 1/4 SEC 3, TOWNSHIP 26 S.
R 2 EAST.

You may attach any additional information you believe will assist in informing the Division of the need for your request.

WATER RESOURCES
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JUN 09 2016



June 6, 2016

Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

**RE: Application for Surface Water Appropriation
Marque Peer Residence – SE1/4, SE1/4, SE1/4, Sec 3, T26S, R2E**

To Whom it May Concern,

Please find herein an application for appropriation for 2 surface water ponds in series located at the North West corner of 127th St E and 69th St North in Sedgwick County, Kansas. The ponds have been previously excavated and have been partially impounding water since the first of June. This application is for an after-the-fact permit pertaining to this impoundment.

We have enclosed a location quadrangle map showing adjacent owners as well as the location of the surface water impoundment. Also attached is a drainage basin map portraying the area of runoff to this impoundment as well as the total area of runoff to the downstream most pond to the south. A pond volume spreadsheet has been included to show the volume of each pond and total appropriation needed. Please note, the permit will need an initial surface water volume to fill the pond at 20.3 acft as well as a yearly volume of 5.15 ac-ft due to evaporation loss only.

Please find attached the appropriate applications, fees, and associated maps that correspond with these requests. Any and all of the attachments can be emailed upon request.

Please review and notify us of any additional information that may be needed to complete your review of this application. If there are any questions please contact me at 316.262.7271 or by email at tkurth@baughmanco.com.

Sincerely,
Baughman Company, P.A.

Trevor R. Kurth, P.E., CFM
Director of Water Resources Engineering

Encl: Application, Maps, Fee

Cc: Jay Russell, R&M Realty LLC
File

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Upper Pond

<u>Elev</u>	<u>Area (sq ft)</u>	<u>Average (sq ft)</u>	<u>Depth (ft)</u>		<u>Volume Under Static</u>
1370	73775	54919	8	=	10.09 acft
1369	68900				
1368	64200				
1367	59600				<u>Initial Fill</u>
1366	54900				3286603 gallons
1365	50400				
1364	46000				
1363	41500				
1362	35000				

Lower Pond

<u>Elev</u>	<u>Area (sq ft)</u>	<u>Average (sq ft)</u>	<u>Depth (ft)</u>		<u>Volume Under Static</u>
1364	75890	55620	8	=	10.21 acft
1363	70990				
1362	66200				
1361	61500				<u>Initial Fill</u>
1360	56800				3328528 gallons
1359	50400				
1358	44100				
1357	39000				
1356	35700				

Total Appropriations

					6615131 gallons	Initial Fill
					or	
T26S R2E	18" Net loss Evaporation				20.30 acft	Initial Fill
	Total Exposed Surface Area	3.436 acres			5.15 acft	Yearly Evap
					1679356 gallons	Yearly Evap

**WATER RESOURCES
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JUN 09 2016

KS DEPT OF AGRICULTURE

SCANNED

8-22-16

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application File No. 49651

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Signature of Applicant

MARGUE C PECK
(Print Applicant's Name)

State of Kansas)
County of SEDGWICK) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 22nd day of August, 2016.



Penny Anderson
Notary Public

My Commission Expires: 1/10/19

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AUG 25 2016

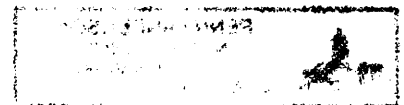
KS DEPT OF AGRICULTURE

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River





NOTICE OF INTENT (NOI)

For Authorization to Discharge Stormwater Runoff from Construction Activities
In accordance with the Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System (NPDES)

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form requests authorization for coverage under the Kansas Water Pollution Control general permit, or KDHE issued successor permits, issued for stormwater runoff from construction activities in the State of Kansas. Becoming a permittee obligates the discharger to comply with the terms and conditions of the general permit. Completion of this NOI does not provide automatic coverage under the general permit. Coverage is provided and discharge permitted when the Kansas Department of Health and Environment (KDHE) authorizes the discharge of stormwater runoff from the construction activities identified on the NOI and supporting documentation. A signed and dated copy of the first page of the NOI indicating the Authorization will be provided to the owner or operator, or all three pages for Conditional Authorizations. Upon authorization of the construction activity discharge, a Kansas permit number and a Federal permit number will be assigned to the construction project. A complete request for Authorization for coverage under the general permit must be submitted or the request will not be processed (see listing on Page 3 of this NOI). KDHE will notify owners or operators whose Notice of Intent (NOI) and supporting documentation for Authorization of stormwater runoff associated with construction activities are incomplete, deficient, or denied. Please Print or Type.

I. OWNER OR OPERATOR ADDRESS, BILLING, CONTACT & RECORDS LOCATION INFORMATION

A. Owner or Operator's Name: Marque Peer
Company Name:
Owner or Operator's Phone: 316.927.3202
Mailing Address: 3504 N Great Plains Dr, Ste 100
City: Wichita State: KS Zip: 67220
C. Contact Name: Trevor Kurth, PE
Company Name: Baughman Company
Contact Phone: 316.262.7271
Mailing Address: 315 Ellis
City: Wichita State: KS Zip: 67211
E-mail Address (optional): tkurth@baughmanco.com
B. Billing Contact Name: Same as above
Billing Contact Address (if different):
City: State: KS Zip:
D. Address where records will be kept (if not on-site):
Records Address: On Site
City: State: Zip:

II. SITE INFORMATION

A. Project Name: Peer Res - 69th & 127th
Site Address: NW Corner of 69th St N & 127th St E
City: Kechi State: KS Zip: 67067
(Nearest City to Project) County: Sedgwick
B. LEGAL SITE DESCRIPTION:
QTR of E 1/2 QTR of SE QTR Section: 3
Township: 26 South; Range: 2 E W
Latitude: 37.8216 Longitude: -97.1919
Deg. Min. Sec. Deg. Min. Sec.

For Official Use Only:

Received RECEIVED JAN 21 2016 BUREAU OF WATER
Amount Paid: \$60
Date: 1-21-16
Initials: dg
Check No.: 420163
Authorized: Y; N
Is Authorization Conditional? Y; N
Reviewer: [Signature]
Date: 2/19/16
Secretary, Kansas Department of Health and Environment
KS Permit No.: S-LA09-0013
Federal Permit No.: KSR111771

Send completed 3 page NOI form with original signature and all appropriate submittals (see page 3 of NOI) to:

Note: A copy of the permit can be obtained at: www.kdheks.gov/stormwater or by submitting a written request to KDHE.

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367

KDHE Contact Information:
Phone: (785) 296-5545
E-mail: stormwater@kdheks.gov

C. EXISTING CONDITIONS/USES

- 1) Is any part of the project located on Indian Country land? Y; N
If yes: Contact EPA regarding discharging stormwater runoff from industrial activities on Indian Country land.
- 2) If stormwater runoff drains to or through a Municipal Separate Storm Sewer System (MS4): MS4 Name: N/A
- 3) Name of the first receiving water, stream, or lake: Whitewater Creek, River Basin: Walnut
- 4) Are contaminated soils present on the site or is there groundwater contamination located within the site boundary? Y; N
If yes: On separate paper please explain in detail the locations, contaminants and concentrations.
- 5) Are there any contaminated soils that will be disturbed or any contaminated groundwater that will be pumped by the proposed construction activity? Y; N
If yes: On separate paper provide a description of the special erosion and sediment control measures to be utilized.
- 6) Are there any surface water intakes for public drinking water supplies located within 1/2 mile of the site discharge points? Y; N
- 7) Are there any known historical or archeological sites present within the site boundary or any historic structures located within 1000 feet of the project site? Y; N
Note: Include documentation of project-specific coordination with the Kansas Historical Society in making this determination.
- 8) Is any threatened or endangered species habitat located within the site boundary or in the receiving water body? Y; N
Note: Include documentation of project-specific coordination with the Kansas Department of Wildlife, Parks & Tourism in making this determination.
- 9) Will the project impact the line or grade of a stream or does it include dredge or fill of a potential jurisdictional water body or wetlands? Y; N
If yes: Include documentation of project-specific coordination with the US Army Corps of Engineers and/or the Kansas Department of Agriculture, Division of Water Resources in making this determination.
- 10) Are any Critical Water Quality Management Areas, Special Aquatic Life Use Waters, or Outstanding National Resource Waters located within 1/2 mile of the facility boundary? Y; N
If yes, list the names of all such areas and waters: _____

D. PROJECT DESCRIPTION

- 1) Project Description: Expansion of existing pond and construction of perimeter berms for a single residential property.

- 2) Does this NOI include all proposed soil disturbing activities associated with the entire common plan of development? Y; N
If no, explain what development areas of the site are not included in this NOI and provide contact information, if available, for the party or parties that own or have operational control of these areas:

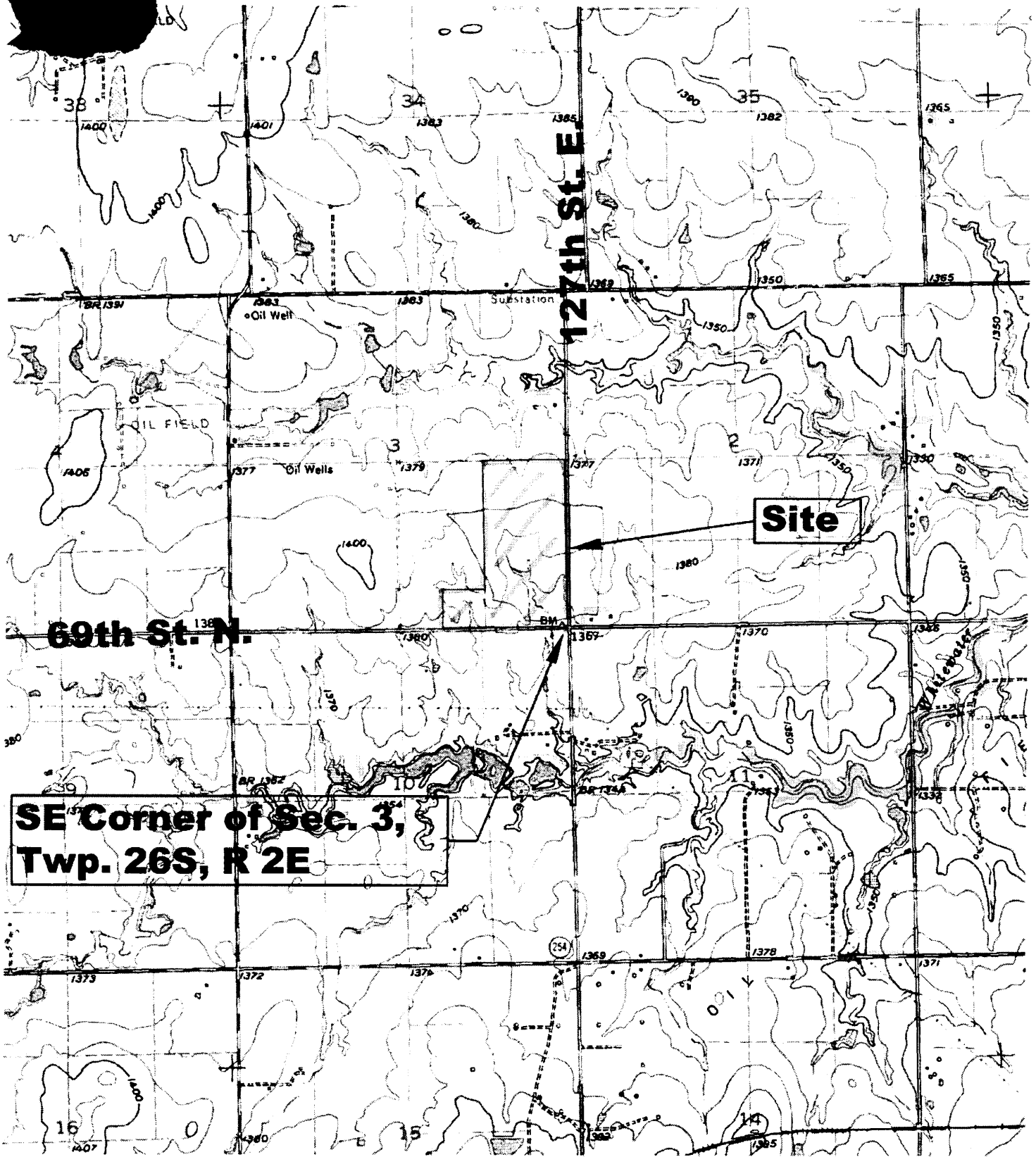
- 3) Anticipated project Start Date: Feb 2016, and Completion Date: Feb 2017
- 4) Estimated total area to be disturbed: 30 Acres Total area of the site: 85 Acres
- 5) Do you plan to disturb ten or more acres that are within a common drainage area? Y; N
If yes, will a sedimentation basin be installed in that drainage area? (Attach design calculations for each sedimentation basin.) Y; N
If a sediment basin is not feasible, on a separate sheet explain what similarly effective erosion and sediment control measures will be implemented in lieu of a sedimentation basin.

E. Maps


Include an area map showing the outline of the construction site and the general topographic features of the area at least one mile beyond the project site boundary.


F. EROSION CONTROL PLAN AND BEST MANAGEMENT PRACTICES

- 1) Provide a site plan showing the existing contour, proposed contour, the erosion control measures and the locations of stormwater management or pollution control features including BMPs. Incorporate details and notes as necessary to describe the erosion control plans and BMPs.
- 2) Provide a description of the best management practices which will be utilized to control erosion, sedimentation and other pollutants in stormwater runoff during construction.



LOCATION MAP:
 Peer Residence - 69th & 127th
 E 1/2, SE 1/4 of Section 3, Township 26 South, Range 2 East,
 Nearest Intersection is 69st St. N. & 127th Street W.
 SEDGWICK COUNTY, KANSAS


1"=8000'


Baughman
ENGINEERING | SURVEYING | PLANNING
 LANDSCAPE ARCHITECTURE
Baughman Company, P.A.
 215 S. 11th St. Wichita, KS 67211
 316.262.7371 316.262.6349

Project Name: Peer Res - 69th & 127th

Notice of Intent (NOI)

- 3) Provide a summary of the sequence of major soil disturbing activities and the corresponding erosion control measures or BMPs.
- 4) Provide the name and License or Certification Number of the engineer, geologist, architect, landscape architect, or Certified Professional in Erosion and Sediment Control (CPESC) under which the construction stormwater pollution prevention plan has been developed.

Trevor Kurth, PE CFM	KS 19788	Engineer
Name	License or Certification Number	Profession or Field (Engineer, Architect, etc.)

III. ANNUAL FEE

Enclose a check for the first year of the annual permit fee specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE". Per K.A.R. 28-16-56, as amended, the current annual permit fee for this general permit is \$60. An invoice for the annual permit fee will be sent to the contact person requesting a permit until such time as the permittee submits a Notice of Termination (NOT).

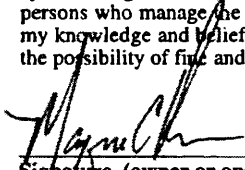
Failure to pay the annual fee will result in termination of the construction stormwater discharge Authorization.

IV. OWNER OR OPERATOR CERTIFICATIONS

I, the undersigned, certify that a Stormwater Pollution Prevention Plan (SWP2 Plan) will be or has been developed for the construction site described in this NOI and supporting documentation. I further certify that the plan will be implemented at the time construction begins, and, as required by the NPDES general permit for Stormwater Runoff from Construction Activity, will revise the SWP2 plan if necessary.

I understand that continued coverage under the NPDES general permit for Stormwater Runoff from Construction Activities is contingent upon maintaining eligibility as provided for in the requirements and conditions of the general permit, and paying the annual fee.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

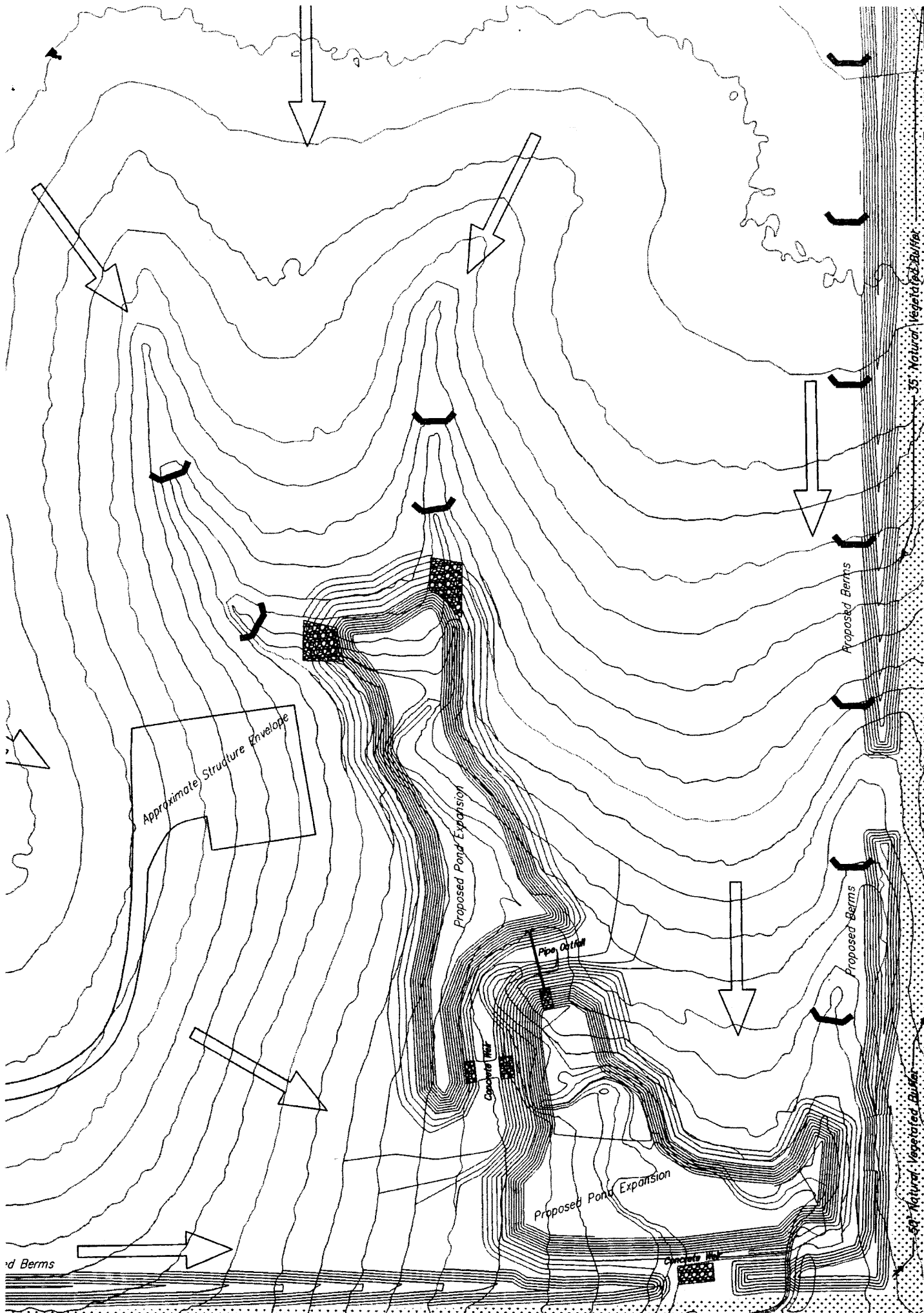
	1-18-16
Signature (owner or operator)	Date
Margue Peer, Owner	
Name and Official Title (Please print or type. Form with original signature must be sent to KDHE.)	

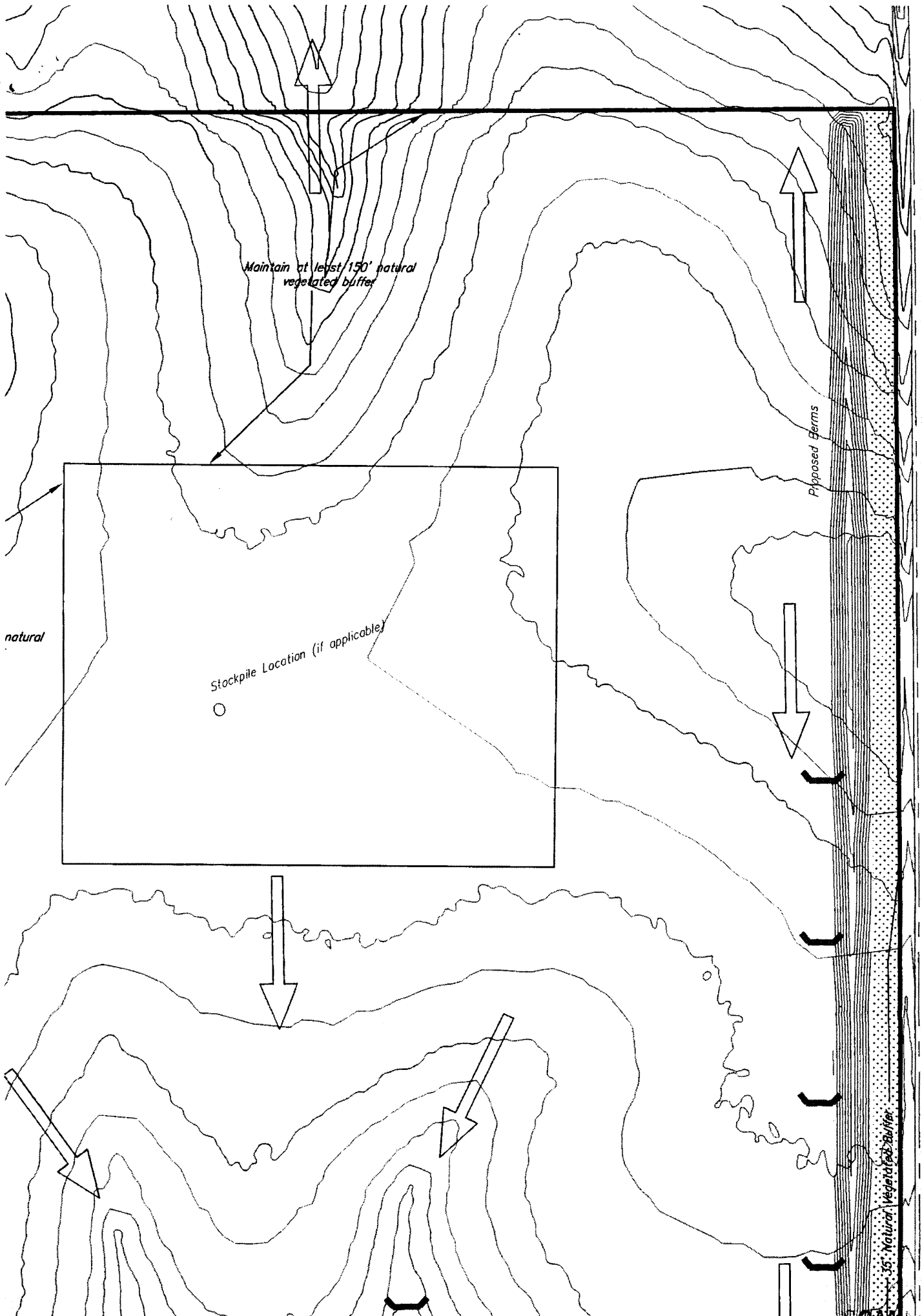
Conditions of Authorization - For Official Use Only:

When indicated, Conditions of Authorization are as follows:

A complete request for Authorization for coverage under the general permit must be submitted or the request will not be processed. A complete request for Authorization includes:

- An NOI form (construction stormwater) with an original authorized signature;
- The annual permit fee for the first year; (\$60.)
- An area map showing the outline of the construction site and the general topographic features of the area at least one mile beyond the project site boundary;
- A detailed site plan showing the existing contours, proposed contours, erosion and sediment control features, locations where stormwater runoff leaves the construction site;
- A narrative summary of the additional erosion and sediment control and other best management practices that will be utilized to prevent or reduce contamination of stormwater runoff from the construction activities;
- Total drainage area, storage capacity and design calculations for each sedimentation basin; and
- Copies of letters or e-mails documenting coordination with appropriate local, state or federal agencies.





NEW STREAM WORKSHEET

ES AJW

Date: 6.22.16

File No. 49,051

Basin Name: Walnut River Basin No. 51

Stream Name: Whitewater Creek Trib 3 (Walnut)

Stream location (confluence with parent stream):

Section 11, Township 20 South, Range 2 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

Stream No. 3 8 6 6 (computer assigned - entered by data entry staff)

Date Entered 6/22/2016 By LLM

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES
RECEIVED

JUN 09 2016

KS DEPT OF AGRICULTURE

1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

June 9, 2016

MARQUE PEER
3504 N GREAT PLAINS ST SUITE 100
WICHITA KS 67220

RE: Application
File No. 49651

Dear Sir or Madam:

Your application for permit to appropriate water in 3-26S-2E in Sedgwick County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: ALH
pc: STAFFORD Field Office
GMD

SCANNED



LOCATION MAP:

Peer Residence - 69th & 127th

E 1/4, SE 1/4 of Section 3, Township 26 South, Range 2 East,
Nearest Intersection is 69st St. N. & 127th Street W.

SEDGWICK COUNTY, KANSAS

**WATER RESOURCES
RECEIVED**

JUN 09 2016

KS DEPT OF AGRICULTURE



Baughman Company, P.A.
315 Ellis, Wichita, KS 67211
P316-262-7271 F316-262-0149

SCANNED



Peer Residence Appropriations Drainage Area Exhibit