

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

1. File Number: 50,423 50574	2. Status Change Date: 12/12/2023	3. Field Office: 02	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 **67800**
New to system Add Seq# _____

RON & VALERIE SMITH
1104 W HARRY ST
ANDOVER, KS 67002

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

7A

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

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

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

7a

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

Remove Industrial

10. Completion Date: ~~12/31/2024~~ **2025** 11. Perfection Date: ~~12/31/2026~~ **2029** 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: **3/6/23** By: **JNE**
Date Entered: **12/26/2023** By: **KAnderson**

File No. **50,574** 15. Formation Code: Drainage Basin: **Walnut River** County: **BU** Special Use: Stream: **FOURMILE CREEK (WALNUT)**

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
CHK	88819			NW SW SW	2 30	26S	7E 3e	1	1,123	4,837	0	0	0	0	NONE

18. Storage: Rate **NF** NF Quantity ~~**70.07**~~ **105** ac/ft Additional Rate ~~**0**~~ **NF** NF Additional Quantity ~~**70.07**~~ **0** 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										NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4						
CHK	70398			30	27S	3E	1	40 ACRE SUBDIVISION POND Pond (W/2 SW/4)																70. 7a	NO	NONE			

Comments: **STRUCTURE PERMIT LBU-0066-FF**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 28, 2023

FROM: Jessica Engelbrecht

RE: Application, File No. 50,574

Ron and Valerie Smith have filed the above referenced application proposing to appropriate 70.07 acre-feet of surface water for recreational use at a diversion rate of natural flows of the Walnut River Four Mile Creek tributary. An additional 87.36 acre-feet will be authorized via special condition on a one-time basis for the initial filling of a reservoir. The proposed point of diversion is a water control structure located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW¼ SW¼ SW¼) of Section 30, more particularly described as being near a point 1,123 feet North and 4,837 feet West of said section, in Township 27 South, Range 3 East, Butler County, within the boundaries of the Walnut Creek drainage basin. The water will be used to cover evaporation losses and seepage from the reservoir. Based on the engineering diagrams submitted with the application, the reservoir is being dug down approximately 8 -feet below ground level. Statis water levels from nearby wells were listed as 18-20 feet below ground level so the application should be only surface water if the reservoir is constructed as planned. The reservoir is already permitted by the DWR Water Structures Program under File No. LBU-0066-FF

The surface area of the proposed reservoir is 10.92 acres. Potential net evaporation in inches based on K.A.R. 5-6-3 is 17 inches. As per K.A.R. 5-6-5(1)(B), the maximum reasonable annual quantity for storage of water for beneficial use in a reservoir is a three-year supply of water for indirect use.

10.92 acres x 17 inches of evaporation / 12 inches = 15.47 acre-feet (1 year of evaporation)
15.47 acre-feet x 3 years = 46.41 acre-feet
Additional 23.66 acre-feet for seepage: 10.92 acres x 0.5"/week x 52 weeks/12 = 23.66 acre-feet
Total = 70.07 acre-feet

A runoff calculation was performed for the application using a drainage area map. The runoff calculation listed the drainage area at 8,141 acres. The runoff calculation listed the potential runoff for the pond at 6079.81 acre-feet (20% chance of rainfall: 6.2 inches x 8,141 acres.

Letters were mailed to nearby landowners within a half-mile upstream and a half-mile downstream of the point of diversion on December 29, 2022. No response of any kind was received.

The applicant has submitted a signed Minimum Desirable Streamflow (MDS) statement, which has been notarized. 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.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the application in an email dated October 20, 2023.

Based upon the above discussion, the area is open to new applications, the structure has been properly permitted under DWR water structures program, approval of this application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Friday, October 20, 2023 3:01 PM
To: Engelbrecht, Jessica [KDA]
Subject: 50574 Application.

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Jessica;

I think the above referenced application can be approved.

Please add a permit condition similar to the following "A valve or other device that can be opened in order to allow pass through of inflows during times when Minimum Desirable Streamflow administration is occurring shall be installed in the dam"

There is probably a similar better written condition somewhere in your quiver of permit conditions. I have asked for it before.

Thanks

Jeff Lanterman PG, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
(620)234-5311

jeff.lanterman@ks.gov

<https://agriculture.ks.gov/divisions-programs/dwr>

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

August 18, 2022

RON SMITH
1104 W HARRY ST
ANDOVER KS 67002

Re: Proj. No.: Valsong West
Floodway Fringe
Four Mile Creek
Butler County
WSN: LBU-0066-FF Modification 1, Notice No.: 2021065

Dear Mr. Smith:

Consideration has been given to your application for a permit and approval of plans relating to the placement fill for development in the floodplain of Four Mile Creek at a location in the W 1/2 of the SW 1/4 of Section 30, Township 27 South, Range 3 East, Butler County, Kansas.

In accordance with the provisions of K.S.A. 24-126, the Chief Engineer has approved the plans and issued the enclosed approval of application, authorizing construction of the proposed project. Please note the approval conditions on the reverse side of the approval document. Condition No. 9 requires the owner to notify this office within 30 days after the project is completed. A Notice and Proof of Completion form is enclosed for this purpose. Other special conditions have been added to limit the removal of timber and vegetation, to require the use of clean material for riprap, to prohibit the introduction of toxic or deleterious materials into the watercourse, to require a permanent benchmark be placed after construction, prohibit water to be or pumped to the proposed pond and all outlet structure will remain open until the water right application is approved by separate permit, and to require the project meet the floodplain management requirements of the community.

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

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

Ron Smith

WSN: LBU-0066-FF Modification 1, Notice No.: 2021065

Page 2

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

Sincerely,



Terry Medley, P.E.

Water Structures Program Manager

(785) 564-6657

Enclosure

pc: Michael Edwards- KE Miller Engineering
Dave Alfaro- Butler County FPA

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION
NO. LBU-0066-FF Modification 1

K.S.A. 24-126

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, by virtue of the powers and duties imposed by K.S.A. 24-126, hereby issues this approval to Ron Smith, giving his consent to the placement fill for development in the floodplain of Four Mile Creek at a location in the W 1/2 of the SW 1/4 of Section 30, Township 27 South, Range 3 East, Butler County, Kansas.

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

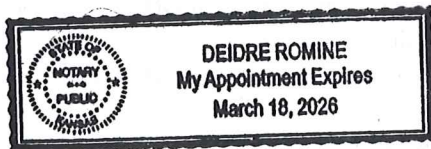
Witness my hand this 18TH day of August, 2022.



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

State of Kansas)
)SS
County of Riley)

The foregoing instrument was acknowledged before me this 18th day of August, 2022, by Terry Medley, authorized agent of Earl D. Lewis Jr., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Deidre Romine
Notary Public

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

APPROVAL CONDITIONS

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

STATE OF KANSAS
DIVISION OF WATER RESOURCES
DEPARTMENT OF AGRICULTURE

In the matter of: Water Structure No. LBU-0066-FF Modification 1
Ron Smith
Floodway Fringe
Four Mile Creek
Butler County
Proj. No.: Valsong West

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

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

I, the undersigned, being the holder of an approval to construct pursuant to K.S.A. 24-126 for floodway fringe fill in the floodplain Four Mile Creek at a location in the W 1/2 of the SW 1/4 of Section 30, Township 27 South, Range 3 East, Butler County, Kansas, hereby certify that the works, identified above, have been completed as of _____. I further certify that these works have been completed in accordance with such permit, the approved plans, approved specifications, and the terms, conditions and limitations incorporated therein.

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

Dated this _____ day of _____ 20____.

Signature: _____

Name: _____
(Please Print)

Address: _____

Telephone No: _____

Phillips, Janelle [KDA]

From: Kathy Haynes <k.haynes@kcc.ks.gov>
Sent: Thursday, February 11, 2021 1:46 PM
To: Phillips, Janelle [KDA]
Subject: RE: ECA#2021065

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

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

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

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

Kathy Haynes
Department of Environmental Protection and Remediation



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

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

From: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Sent: Thursday, February 11, 2021 11:20 AM
To: Klein, Andrew <ajklein@ksu.edu>; biological survey <biosurvey@ku.edu>; Kathy Haynes <k.haynes@kcc.ks.gov>; KDA DOC Office Assistant <KDA.DOC@ks.gov>; Environmental Services, KDWP [KDWP] <KDWP.ess@ks.gov>; KSHS_Historic Preservation <KSHS.SHPO@ks.gov>; Scott Satterthwaite [KDHE] <Scott.Satterthwaite@ks.gov>
Cc: Michael Edwards <michael@kemiller.com>; 'dalfaro@bucoks.com' <dalfaro@bucoks.com>; Dodson, Scott T NWK (Scott.T.Dodson@usace.army.mil) <Scott.T.Dodson@usace.army.mil>
Subject: ECA#2021065

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

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

necessary to comply with our rules and regulations and any concerns or comments we receive from the environmental coordination agencies.

This letter does not provide any permission to begin the construction of your project. **Construction can begin only after written approval has been obtained from the Chief Engineer of this agency.** If you have any questions or comments please contact this office by writing or calling (785) 564-6656.

Notice No.: 2021065

Date of Notice: 2/11/2021

WS No.: LBU-0066-FF Modification 1

Expiration Date: 3/13/2021

Project No.: Valsong West Floodplain Fill

Along Four Mile Creek at a location in the W 1/2 of the SW 1/4 of Section 30, Township 27 South, Range 3 East, Butler County, Kansas.

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

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

Phillips, Janelle [KDA]

From: Pounds, Samantha [KDWPT]
Sent: Thursday, March 11, 2021 10:59 AM
To: Phillips, Janelle [KDA]
Subject: KDWPT review, Floodplain fill, Butler County (Notice# 2021065; Track# 20030666-2)

Dear Janelle Phillips,

We have reviewed the information for the proposed floodplain fill along Four Mile Creek in the Butler County, KS (Sec 30 T27S R03E). The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered species and species in need of conservation, and Kansas Department of Wildlife, Parks, and Tourism managed areas for which this agency has administrative authority.

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

- **We discourage any development in floodplain areas due to probable flooding, potential destruction or damage to the proposed project, and the impacts to natural hydrologic interaction of the stream with its floodplain.**
- **The continued encroachment and development in the floodplain of the Four Mile Creek is a concern, particularly with the impacts that accompany such development (e.g. impervious surfaces). With those impacts come safety concerns, as impervious surfaces increase the intensity of floods. As a result of those safety concerns, the response is often to build more levees for flood protection (which frequently fail at some point), disrupting important hydrologic connection of the river to its floodplain. The situation can be avoided by developing areas outside of the floodplain.**
- **Avoid impacts to existing streams and rivers, adjacent riparian zones, wetlands, and native prairie and woodland areas.**
- **Minimize all bank or instream activity, particularly during general fish spawning season (March 1 – Aug. 31).**
- **Incorporate principles of low impact development (LID), such as permeable asphalt pavement, porous concrete, swales, bioretention, or raingardens. More info. on LID: <http://www.epa.gov/owow/NPS/lid/>**
- **Implement and maintain standard erosion-control Best-Management-Practices during all aspects of construction by installing sediment barriers (wattles, filter logs, rock ditch checks, mulching, or any combination of these) across the entire construction area to prevent sediment and spoil from entering aquatic systems. Barriers should be maintained at high functioning capacity until construction is completed and vegetation is established. For more information, go to: <http://www.kdheks.gov/stormwater/#construct>**

• **Reseed disturbed areas with native warm-season grasses, forbs, and trees.**

Although KDWPT has no regulatory authority related to state-listed species or designated critical habitat for the proposed site, we continue our outreach to the public and private sectors on the importance of intact, functioning watersheds. Also, we strive to inform how “healthy” watersheds provide for flood and grade stabilization control, good water quality, quality terrestrial vegetation, and other functions associated with watersheds in Kansas. Since the Department’s recreational land obligations and the State’s species listings periodically change, if construction has not started within one year of this date, or if design changes are made in the project plans, the project sponsor must contact this office to verify continued applicability of this assessment report. For our purposes, we consider construction started when advertisements for bids are distributed. Permits may still be required from other agencies, and we recommend consultation with all other applicable regulatory authorities.

Please consider this email our official review for this project. Thank you for the opportunity to provide these comments and recommendations. Please let me know if you have any questions or concerns about the preceding information.

Please direct all review materials electronically to kdwpt.ess@ks.gov to streamline the review process for all parties.



Samantha Pounds
She/her
Ecologist, Ecological Services Section
Kansas Dept. of Wildlife, Parks, and Tourism
Pratt, KS 67124
Office: (620)672-0792
Cell: (620)388-6061
samantha.pounds@ks.gov

Phillips, Janelle [KDA]

From: Scott Satterthwaite [KDHE]
Sent: Friday, March 12, 2021 4:40 PM
To: Phillips, Janelle [KDA]
Cc: Larry Hook [KDHE]; KDHE SCDO Administrators; Kansas State, Regulatory; Katie Basiotis [KDHE]
Subject: RE: ECA#2021065 Comments on Valsong West- Ron Smith Floodplain Fill along Four Mile Creek BU

Ms. Phillips,

The referenced project is for a flood plain fill permit resulting in no real immediate impact on the adjacent waterbody's water quality standards. However, there are stormwater requirements and other water quality measures needing to be addressed to avoid overland flow impairing Four Mile Creek. Therefore, KDHE has completed review of the information provided by KDA-DWR. Please find, as KDHE's comments per are as follows:

The Kansas Department of Health and Environment has been notified by your office of the opportunity to review and comment on the referenced project. Pursuant to KSA 82a-326(a)(4) and (b) of the Environmental Coordination Act, the Kansas Department of Health and Environment has reviewed the proposed project. The project is considered to be a water quality impacting action subject to the provisions of K.A.R. 28-16-28f(b). This regulation specifies: "No action identified below shall be taken unless the department has issued a water quality certification for the following action:

- (1) any action requiring a federal license or permit pursuant to the federal clean water act;
- (2) any action subject to the permitting provisions of K.S.A. 65-165;
- (3) any water development project subject to the provisions of K.S.A. 82a-325 et. seq., as amended;
- (4) any action undertaken by any Kansas state agency which in the opinion of the department, has a potential water quality impact."

1 Construction activities disturbing one acre or more are subject to National Pollutant Discharge Elimination System (N.P.D.E.S.) stormwater permit requirements. Mr. Ron Smith shall obtain an Authorization to Discharge Under Construction Stormwater Runoff Kansas Water Pollution Control General Permit. For more information they shall contact Mr. Larry Hook, P.E., at 785/296-5549, lhook@kdheks.gov; Bureau of Water-Industrial Programs (BOW IP) with any questions or visit KDHE's website: www.kdheks.gov/stormwater. A Stormwater Pollution Prevention Plan (SWP2) is required for the issuance of the above described permit and a copy shall be posted on site for inspection and be available for submittal as requested by KDHE BOW IP.

a. Mr. Ron Smith shall prepare a written project water quality protection plan (PWQPP):
b. If one or more acres are disturbed the Stormwater Pollution Prevention Plan (SWP2) per Condition 1 above will suffice as the PWQPP. It shall be kept on site. KDHE should be notified by emailing KDHE.NPS@ks.gov, when construction starts.

c. This SWP2 should include the following measures to further protect the local water resources.

i. Fertilizer application: Fertilizer application for temporary erosion control on the construction site shall be done in a manner that does not allow it to leave the treated area.

- ii. Erosion and sediment control: Maintain practices to minimize or avoid soil loss and sedimentation.
- iii. Solid Waste: All waste materials produced by the construction project shall be disposed of in accordance with the provisions of the Kansas solid waste management statutes and regulations (K.S.A. 65-3401 and K.A.R. 28-29-1 et. seq.) or applicable local rules. Good housekeeping including personal refuse such as food containers, sacks etc. shall also be addressed.
- iv. Fuels, Chemicals and Maintenance Areas: All fuels and chemicals necessary to complete the project shall be stored in such a manner that accidental spillage is minimized or can be temporarily contained before reaching the water body. Equipment maintenance areas shall also be located in this manner.
- v. Spills: Should a spill of fuel or discharge of pollutants occur the local emergency staff should be contacted first by dialing 911. The Kansas Department of Health and Environment shall then be notified immediately: (785) 291-3333 (24 hours a day.) These incidences should also be reported to the National Spill Response Salt (1-800-424-8802). Hazardous materials spills and air releases that meet federal reportable quantities must also be reported to Kansas Division of Emergency Management (800-275-0297)." A Spill Prevention and Response Plan should be prepared. This should include reportable quantity limits (see www.kansas.gov/kdem).
- vi. Concrete wash water shall be disposed of in a manner that does not allow a discharge to the waters of the state.

Thank you for the opportunity to comment. Please contact me if you have any questions. Thanks.

Best Regards,
Scott

Be Great, infiltrate...with healthy soils!

.....
PLEASE NOTE NEW INFORMATION BELOW:

Scott L. Satterthwaite
 Kansas Department of Health and Environment
 Bureau of Environmental Field Services, Watershed Management Section
 1000 S.W. Jackson St., Suite 430 (NEW ROOM ADDRESS)
 Topeka, KS 66612-1367
NEW EMAIL- Scott.Satterthwaite@ks.gov
 Phone (785) 296-5573
(NEW FAX) FAX- 785-559-4258
 Check out our web site! www.kdheks.gov/nps



From: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Sent: Thursday, February 11, 2021 11:20 AM
To: Klein, Andrew <ajklein@ksu.edu>; biological survey <biosurvey@ku.edu>; Kathy Haynes (k.haynes@kcc.ks.gov) <k.haynes@kcc.ks.gov>; KDA DOC Office Assistant <KDA.DOC@ks.gov>; Environmental Services, KDWPT [KDWP] <KDWP.ess@ks.gov>; KSHS_Historic Preservation <KSHS.SHPO@ks.gov>; Scott Satterthwaite [KDHE] <Scott.Satterthwaite@ks.gov>
Cc: Michael Edwards <michael@kemiller.com>; 'dalfaro@bucoks.com' <dalfaro@bucoks.com>; Dodson, Scott T NWK (Scott.T.Dodson@usace.army.mil) <Scott.T.Dodson@usace.army.mil>
Subject: ECA#2021065

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

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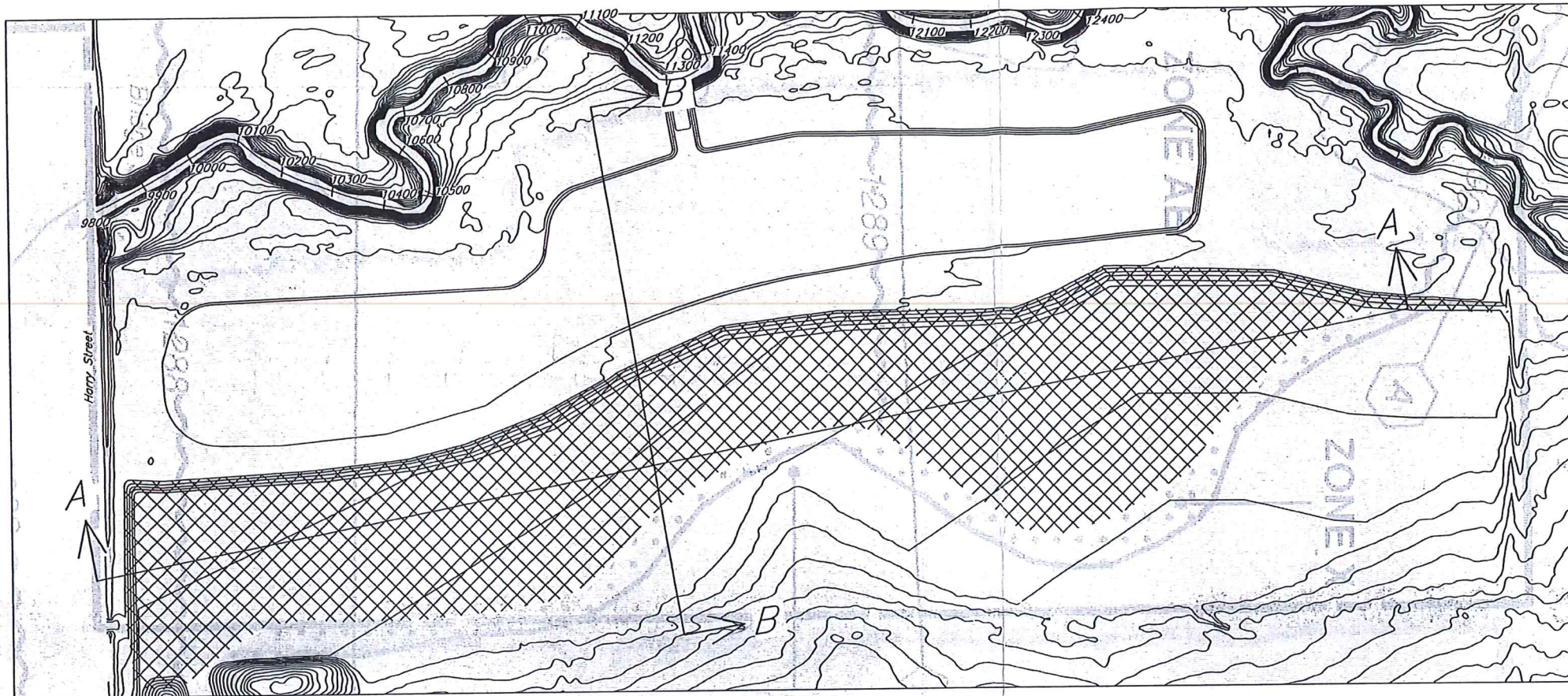
Notice No.: 2021065
WS No.: LBU-0066-FF Modification 1
Project No.: Valsong West Floodplain Fill

Date of Notice: 2/11/2021
Expiration Date: 3/13/2021



Along Four Mile Creek at a location in the W 1/2 of the SW 1/4 of Section 30, Township 27 South, Range 3 East, Butler County, Kansas.

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

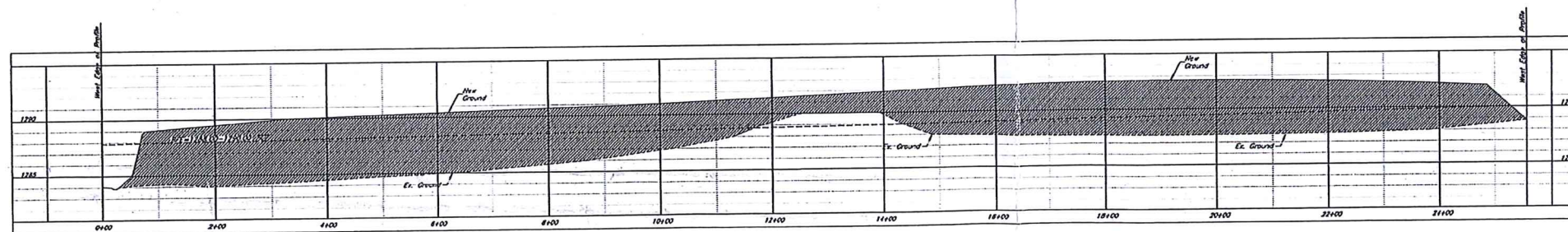
Janelle Phillips, P.E. *, CFM
Stream Obstruction Team Lead
Water Structures Program
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Office: 785-564-6656
Cell: 785-307-8292
Janelle.phillips@ks.gov
*licensed in KS, MO, CO



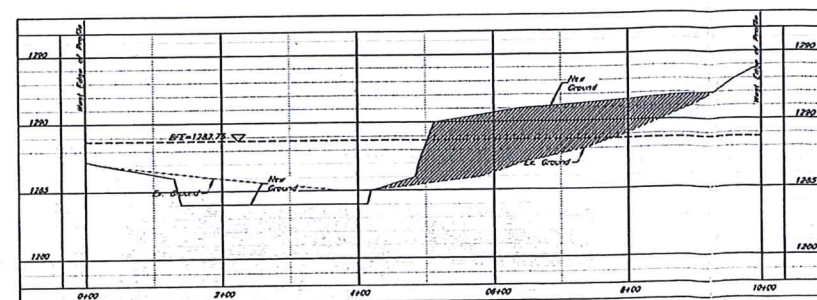
Hatching Legend:

-  100-yr Floodplain
SFHA: Zone AE
-  Area raised above 100-yr Floodplain
(70.924 SF, 1.63 ac.)

Fourmile Creek			
100-yr Event			
Reach Station	W.S. Elevation (ft)		Rise (ft)
	Pre-Dev	Post-Dev	
9794	1287.63	1287.63	0.00
9932	1287.71	1287.70	-0.01
10169	1288.01	1287.92	-0.09
10416	1288.16	1288.11	-0.05
10804	1288.42	1288.42	0.00
10996	1288.58	1288.62	0.04
11348	1288.90	1288.84	-0.06
11799	1289.26	1289.13	-0.13
12215	1289.68	1289.50	-0.18
12384	1289.90	1289.70	-0.20
12998	1290.34	1290.17	-0.17
13486	1290.65	1290.56	-0.09



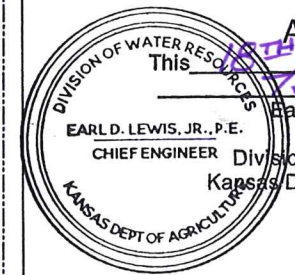
Section A-A
(Scale: 1:2 H, 1:20 V)



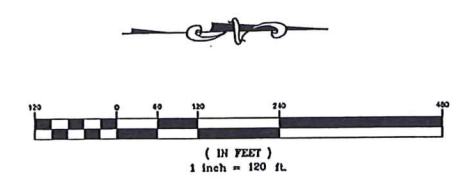
Section B-B
(Scale: 1:2 H, 1:20 V)

RECEIVED WATER RESOURCES
FEB 08 2021
KS DEPT AGRICULTURE

APPROVED
This 14th day of August, 2022
Earl D. Lewis, Jr., P.E.
Earl D. Lewis, Jr., P.E. Chief Engineer
Division of Water Resources
Kansas Department of Agriculture



DATE: 01.20.2021
THIS SHEET HAS BEEN
SIGNED, SEALED AND
DATED ELECTRONICALLY



Valsong West
Fill Cross Section
Andover, Kansas

 KEMILLER ENGINEERING PA 117 E. 14th, Topeka, KS 67202 (785)344-0212	KEM. NO. 21004	FILE	DATE 01/2021	SHEET 1.0
	DESIGN ME	DRAWN ME	REVISED	

From: Phillips, Janelle [KDA]
Sent: Mon 12/11/2023 4:24 PM
To: Kopp, Kenneth [KDA]
Subject: RE: Ron and Valerie Smith in (SW¼) 30-27S-3E, Butler Co.
Attachments: 2022-08-18 LBU-0066-FF Mod 1 Permit.pdf

Structures application was approved on 8/18/2022 with the condition that no water be pumped or held in the pond.

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

From: Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>
Sent: Monday, December 11, 2023 4:21 PM
To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Subject: Ron and Valerie Smith in (SW¼) 30-27S-3E, Butler Co.

Janelle,

Do you have a pending WS application for Ron and Valerie Smith? The WA application is 50574. This is one we are ready to approve.

Thanks,

Ken

Kenneth A. Kopp, P.G.
Project Manager
Kansas Department of Agriculture - Division of Water Resources
Desk: (785) 564-6672
Cell: (785) 477-0418
<http://agriculture.ks.gov/dwr>

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. 50,574** of the applicant

**RON & VALERIE SMITH
1104 W HARRY ST
ANDOVER KS 67002**

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

1. That the priority date assigned to such application is **May 6, 2021**.
2. That the water sought to be appropriated shall be used for recreational use in a pond located in the West Half of the Southwest Quarter ($W\frac{1}{2} SW\frac{1}{4}$) of Section 30, in Township 27 South, Range 3 East, Butler County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from Fourmile Creek, to be diverted by means of a water control structure located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter ($NW\frac{1}{4} SW\frac{1}{4} SW\frac{1}{4}$) of Section 30, more particularly described as being near a point 1,123 feet North and 4,837 feet West of the Southeast corner of said section, in Township 27 South, Range 3 East, Butler County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of natural flow and to a quantity not to exceed **70.07 acre-feet** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2025**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2029**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

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.

12. 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.

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

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

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

17. That 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 water control structure, to the channel below, in an efficient and timely manner when required for administration of water rights.

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

Ordered this *12th* day of *December*, 2023, 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)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *12th* day of *December*, 2024, by Earl D. Lewis Jr., P.E., Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

Notary Public

