

File No. 51,010	13. County: NO-Neosho Basin: 34 -Neosho River Stream: 1082- Hickory Creek (Neosho)		
Structures File No: LNO-0174 & LNO-0175	Aquifer Code:	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
CHK	90264	SW SW SE	34	30S	21E	4	20	1980	320	320	10,000	10,000					

15. Limitations	Type:	Quantity:	Rate:	combined with file no(s):
	Type:	Quantity:	Rate:	combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: **12/31/2024**

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
PDIV	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
MOD	71341	34	30S	21E	3	Marsh (W SE) W/2 SE																	5b	<input type="checkbox"/>		
ENT	? 71728	34	30S	21E	3	Marsh (SW)																	5a	<input type="checkbox"/>		

18. Point of Diversion and Place of Use Overlaps	
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MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: May 6, 2024

From: Christa Anhold , Environmental Scientist

Re: New Application File No. 51,010 – Glover Real Estate LLC

Summary

Bobby Glover (Glover Real Estate LLC) filed the above referenced application proposing to appropriate 320 acre-feet per year of surface water to be diverted at a rate of 10,000 gallons per minute from one (1) pump site on Hickory Creek to manage water levels in a marsh in Neosho County. There are no overlapping files for the place of use or point of diversion. The applicant signed the application stating they have legal access to the proposed point of diversion and place of use.

The proposed marsh consists of six (6) wetland cells. The applicant owns four of the six cells. Three of the four Glover cells are fully enclosed with berms. The two northern Glover cells bump up against Hiller Revocable Living Trust existing dike which is permitted under LNO-0160 and File No. 50,473. The eastern cell is open at the top. Structures permit File No. LNO-0175, was approved for the four (4) Glover wetland berms on December 11, 2023.

Bobby Glovers neighbors, and co-applicants, Marcus and Amy Bowman own the proposed point of diversion and the remaining two (2) cells. These cells are open at the top. Structures permit File No. LNO-0174, for the two (2) Bowman wetland berms was approved on January 9, 2023.

Reasonable Rate and Quantity

The applicant proposes to appropriate 320 acre-feet of surface water to control vegetation in one marsh consisting of six (6) individual cells, each bermed, and controlled by water control structures. An area capacity table was provided with the application and is summarized below.

	Auxiliary Spillway Elevation			Top Of Dike	
	Surface Area (acre)	Average depth (feet)	Storage (acre-feet)	Surface Area (acre)	Storage (acre-feet)
Dike 1 (Glover)	15.02	1.31	19.71	15.18	27.26
Dike 2 (Glover)	23.47	2.29	53.85	23.89	63.62
Dike 3 (Glover)	46.62	0.95	44.42	47.50	52.12
Dike 4 (Glover)	10.25	0.40	4.10	18.53	19.58
Dike 1 (Bowman)	2.53	0.17	0.44	3.09	2.46
Dike 2 (Bowman)	6.12	0.53	3.25	9.71	11.50
Total	104.01	5.65	125.77	117.9	176.54

The maximum reasonable quantity for the six (6) wetland cells will be limited by three (3) years of direct use (125.77 AF x 3 years = 377.31 AF) plus one (1) year of potential net evaporation (104.01 AF x (5/12) = 43.33 AF) which is equal to 420.64 acre-feet. The requested 320 acre-feet of water is considered reasonable. Wetland cell operations vary by season, manager, and location. The management and maintenance of wetlands will vary from year to year to control vegetation and attract a variety of wildlife and waterfowl for recreational hunting. Typically, wetland cells are filled prior to the waterfowl season. There may be releases and additional pumping

throughout the hunting season to attract specific species and hunting experiences. Cells are drained at the end of the season for maintenance, which can include flooding the cells to remove undesirable vegetation, therefore additional pumping may be used to manage vegetation. The wetland may be pumped full (if precipitate/runoff is not adequate) and water released more than once a year.

There are other wetland water appropriations in the area that utilize direct diversion at a rate of 10,000 gallons per minute. The applicants request of 10,000 gallons per minute is reasonable.

Safe Yield

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

Nearby Water Rights

The closest upstream Water Right, File No. 50,473, is one mile from the proposed point of diversion and is fed by a stream that flows directly through the applicants place of use. The closest downstream Water Right, File No. 50,543, is over two miles away. The applicant provided names and address of nearby landowners one half mile up and downstream of the proposed point of diversion. Nearby notifications were mailed on April 8, 2024. No responses have been received to date.

Recommendations

The application was sent for consideration to Brett Bungler, Water Commissioner of the Topeka Field Office on May 6, 2024, and recommended for approval in an e-mail dated May 6, 2024.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office. It does not appear that approval of the application will impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Christa Anhold
Environmental Scientist
Manhattan Headquarters

From: Bunger, Brett [KDA]
Sent: Mon 5/6/2024 1:35 PM
To: Anhold, Christa [KDA]
Subject: RE: 51010 recommendation request

Sounds good Christa. Please proceed with approval.

Thanks

Brett

From: Anhold, Christa [KDA] <Christa.Anhold@ks.gov>
Sent: Monday, May 6, 2024 1:26 PM
To: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: 51010 recommendation request

Brett,

Attached is a draft memo for 51,010, for your review and recommendation. Nearby notifications were mailed on April 8, 2024. No responses have been received to date.

Let me know if you need anything else.

Christa Anhold
Environmental Scientist
Department of Water Resources
(785)-564-6644
Christa.anhold@ks.gov

From: Turney, Brent - FPAC-NRCS, KS
Sent: Mon 5/6/2024 12:32 PM
To: Anhold, Christa [KDA]
Subject: RE: Water right files and NRCS Easements

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Christa,

Its good to hear from a fellow DWR person. First things first, that's Brent, Not Mr. Turney. Are you based out of Topeka or Parsons?

I have reviewed the three applications and have found that only 51,021 (Dan Wright) is proposing to pump to an easement. The others are not involved with NRCS in any way. I appreciate that you have taken the time to give me a heads up. The only thing I ask is that you let me know if and when a permit is approved. I will need to grant Dan the proper paperwork to allow him to put water on his easement.

Thanks,

Brent

Brent A. Turney
Easement Specialist



3020 West 18th Avenue, Suite B, Emporia, Kansas, 66801
p: (620) 487-3413 | c: (620) 682-3538
e: brent.turney@usda.gov | w: www.ks.nrcs.usda.gov

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From: Anhold, Christa [KDA] <Christa.Anhold@ks.gov>
Sent: Monday, May 6, 2024 11:14 AM
To: Turney, Brent - FPAC-NRCS, KS <Brent.Turney@usda.gov>
Subject: Water right files and NRCS Easements

Mr. Turney,

I have a few water right applications being processed and was wondering if there are any NRCS easements associated with the properties.

File No. 51,010 – Bobby Glover to pump water directly from Hickory Creek (Neosho River Tributary) to maintain a marsh in the SW SW SE Section 34 Township 30S, Range 21E, Neosho County. Near 37.38383963, -95.09484615.

File No. 51,015 – Travis Wilson to pump water directly from Neosho River to maintain a marsh in the NE NE SW Section 16, Township 34S, Range 21E, Labette County. Near 37.25780012, -95.11517266.

File No. 51,021 – Dan Wright to pump water from the Neosho River to maintain an existing marsh in the S/2 SW Section 14, Township 29S, Range 20E, Neosho County. Near 37.51731644, -95.19003334

Maps of each are attached.

Thank you,

Christa Anhold
Environmental Scientist
Department of Water Resources
(785)-564-6644
Christa.anhold@ks.gov

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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. 51,010** of the applicant

**GLOVER REAL ESTATE LLC
PO BOX 3823
BLUFFTON SC 29910**

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 **April 14, 2023**.
2. That the water sought to be appropriated shall be used for recreational use in a waterfowl marsh located in the Southwest Quarter (SW $\frac{1}{4}$) and the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 34, Township 30 South, Range 21 East, Neosho County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from Hickory Creek, to be diverted at one (1) pumpsite located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 34, more particularly described as being near a point 20 feet North and 1,980 feet West of the Southeast corner of said section, in Township 30 South, Range 21 East, Neosho 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 **10,000 gallons per minute (22.28 c.f.s.)** and to a quantity not to exceed **320 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.

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

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

15. 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.

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

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

18. That failure without cause to comply with the provisions of this 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 7 day of May, 2024, in Manhattan, Riley County, Kansas.

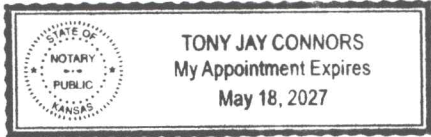
Lane P. Letourneau

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 7 day of May, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors
Notary Public



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
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900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

May 16, 2024

ROBERT GLOVER
GLOVER REAL ESTATE LLC
PO BOX 3823
BLUFFTON SC 29910

RE: Appropriation of Water
File No. 51,010

Dear Mr. Glover,

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

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswateruserreport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Topeka Field Office at (785)-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAB:kak:cla
Enclosure(s)

pc: Topeka Field Office
Marcus W & Amy N Bowman

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 16 day of May, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,010, dated May 7, 2024, was mailed postage prepaid, first class, US mail to the following:

Original to:

GLOVER REAL ESTATE LLC
PO BOX 3823
BLUFFTON SC 29910

With photocopies to:

MARCUS W & AMY N BOWMAN
254 NW COAL VALLEY RD
CHEROKEE KS 66724

KDA-DWR Topeka Field Office



Division of Water Resources