

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

1. File Number: <p style="text-align: center;">47,400</p>	2. Status Change Date: <p style="text-align: center;">7/2/2018</p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

7a. Applicant(s) Person ID 66145
New to system Add Seq# _____

EVELYN HARDER
21775 EASTON RD
EASTON KS 66020

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

7a.

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

7d. Misc. 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: _____

10. Completion Date: 12/31/2019 11. Perfection Date: 12/31/2023 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: _____

***OWNER NAME CHANGE**

Date Prepared: **5/21/2018** By: **DWS**
Date Entered: **7/2/2018** By: **LLM**

File No. 47,400	15. Formation Code:		Drainage Basin: STRANGER CREEK		County: LV		Special Use:		Stream: BUCKHORN CREEK TRIB 1 (STRANGER)												
16. Points of Diversion						17. Rate and Quantity															
T MOD DEL ENT						Authorized			Additional												
PDIV Qualifier S T R ID 'N 'W						Rate gpm		Quantity af		Rate gpm		Quantity af		Overlap PD Files							
✓ 76891 NW SW NW 16 8 21E 1 3600 4900						0		0		0		0		NONE							
<i>structure Permit OLV-0057</i>																					
18. Storage: Rate _____ NF Quantity 8 _____ ac/ft Additional Rate _____ NF Additional Quantity 8 _____ 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																					
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? YES	Overlap Files
T MOD DEL ENT		NE¼				NW¼				SW¼				SE¼							
PUSE S T R ID		NE¼				NW¼				SW¼				SE¼							
MOD 60671 16 8S 21E 1		RESERVOIR (NW)																			
		<i>7.8 ac reservoir</i>																			
Comments:																					

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: May 21, 2018

FROM: Doug Schemm

RE: Application, File No. 47,400

Evelyn Harder has filed the above-referenced application to appropriate 8 acre-feet of surface water for storage of natural flows of Buckhorn Creek Trib 1 (Stranger) for recreational use. The application is designed to cover the indirect use of water (evaporation) from an existing reservoir that is located in the Northwest Quarter of Section 16, Township 8 South, Range 21 East, in Leavenworth County, Kansas. The point of diversion represents the point at which the center of the dam intersects the stream.

This application has been held for many years due to structure permitting issues, and was originally filed by Ronald H. Foster. The new property owner (Evelyn Harder) has submitted information to the DWR Structures Program and desires to get the dam properly permitted, so that she is compliant with Division of Water Resources regulations.

The requested quantity of 8 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 7.8 acres and the storage volume is 71 acre-feet. Potential net evaporation in inches, based on K.A.R. 5-6-3, is 4 inches; therefore the natural evaporation can be estimated as follows:

7.8 acres x 4 inches of evaporation / 12 inches = 2.6 acre-feet

2.6 acre-feet x 3 years of evaporation = 7.8 acre-feet (rounds up to 8 AF – with seepage)

The requested quantity on the application was based on three years of natural evaporation. Rounding up to 8 acre-feet provides for a very small seepage quantity as well. A runoff calculation was not prepared because the 149 acre drainage area will certainly provide 8 acre-feet in one out of five calendar years.

The reservoir has a pending application under the DWR water structures program, File No. DLV-0057. The reservoir has been in place since 1972, and is currently storing water, therefore no Special Condition on the Permit is required to provide for an initial fill.

There is only one other permitted surface water point of diversion within the two-mile radius circle. Appropriation of Water, File No. 13,659-05 is for domestic use from a different stream located in a different drainage basin (Missouri River). Therefore, the proposed appropriation of water would not impair any known senior water rights. The applicant owns the entire property where the reservoir and dam are located. In keeping with previous permitting procedures, because this is an existing reservoir (built over 35 years ago), no physical alterations of the dam will be performed, and approval of the application will not result in any changes to the current operation of the reservoir, it was deemed not necessary to notify landowners in the area. They are all certainly aware of this existing reservoir, and they have had more than ample time to have expressed any concerns related to the reservoir.

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the application in an electronic mail received on June 29, 2017. Based upon the above discussion, the area is open to new applications, approval of the application will bring the existing reservoir into compliance with water appropriation regulations, 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, in conjunction with structures file DLV-0057.

Doug Schemm
Environmental Scientist
Topeka Field Office

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

July 3, 2018

FILE COPY

EVELYN HARDER
21775 EASTON RD
EASTON KS 66020

Re: Appropriation of Water, File No. 47,400

Dear Ms. Harder:

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.

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.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Topeka 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. 47,400** of the applicant

**EVELYN HARDER
21775 EASTON RD
EASTON KS 66020**

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 **September 15, 2009**.
2. That the water sought to be appropriated shall be used for recreational use in a reservoir located in the Northwest Quarter (NW $\frac{1}{4}$) of Section 16, in Township 8 South, Range 21 East, Leavenworth County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Buckhorn Creek, designated in the office of the Chief Engineer as Buckhorn Creek Trib 1 (Stranger), not needed to satisfy all vested rights and prior appropriation rights to be stored to a maximum extent of **8 acre-feet** per calendar year, in a reservoir created by a dam located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16, more particularly described as being near a point 3,600 feet North and 4,900 feet West of the Southeast corner of said section, in Township 8 South, Range 21 East, Leavenworth County, Kansas, as shown on the topographic map accompanying the application.
4. That the structure creating the above referenced reservoir has been assigned Division of Water Resources Structures Permit No. DLV-0057.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2019**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2023**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

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

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

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

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

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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 Section, 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 hearing 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.

Ordered this 2nd day of July, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 2nd day of July, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 3rd day of July, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 47,400, dated July 2nd, 2018 was mailed postage prepaid, first class, US mail to the following:

EVELYN HARDER
21775 EASTON RD
EASTON KS 66020

With photocopies to:

Topeka Field Office

Amber J. Herring

Division of Water Resources

5118/18

APPLICATION COMPLETE

~~6/21/2017~~

Reviewer DWS



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Adrian J. Polansky, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

E.O. 1
GMD _____
MEETS _____
KAR 5 3-1
USE REC
S
G/S _____
LV

APPLICATION FOR PERMIT
OBSTRUCTIONS IN STREAMS
K.S.A. 82a-301 - 305a
and
APPROPRIATION OF WATER FOR BENEFICIAL USE
K.S.A. 82a-701 et seq

WATER RESOURCES
RECEIVED
9/15/09
1:53 PM
KS DEPT OF AGRICULTURE

WATER STRUCTURE NUMBER DLV-1051 WATER APPROPRIATION NUMBER 47,400
(For Agency Use Only)

2009353
Filing fees must accompany this application. Refer to fee schedule on page 6.

This application is to be used when applying for a permit to construct or modify a dam that has a height of 25 feet or more, or has a height of 6 feet or greater and also has the capacity to impound 50 or more acre feet, and for a permit to appropriate water for associated recreational use.

Application is hereby made for written consent or permit of the Chief Engineer, Division of Water Resources, 109 SW 9th Street, Second Floor, Topeka, Kansas 66612-1283, by: (PLEASE TYPE OR PRINT CLEARLY)

1. Applicant: ~~Ronald H. Foster~~ EVELYN HARDER

Mailing Address: 21775 Easton-Road
Easton; Ks. 66020

E-mail Address: eharder@yahoo.com

Telephone No.: Cell 913-683-1035 406-0145 FAX No.: _____

2. Designer: Don White

Firm: D. G. White & Associates

Contact Person: Don White

Mailing Address: P.O. Box 192 Lansing, Ks. 66043

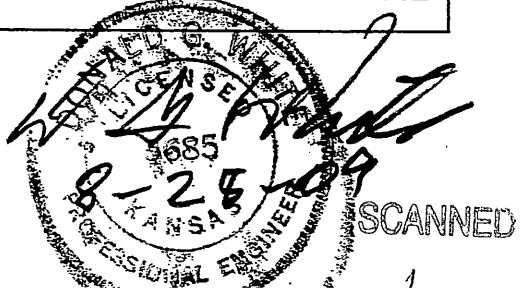
E-mail Address: dwhite@600gmail.com

Telephone No.: 913-727-1007 FAX No.: 913-727-6740

WATER RESOURCES
RECEIVED
SEP 15 2009
12:53 PM
KS DEPT OF AGRICULTURE

For Office Use Only: Code DCP Fee \$ 500⁰⁰ TR # _____ Receipt Date 8-31-09 Check # 316
Code REG Fee \$ 200⁰⁰ TR # 10006147 Receipt Date 9-9-09 Check # 3671

9-16-09
BX



3. POINT OF DIVERSION

The location of the proposed dam is (use intersection of dam centerline and stream centerline where applicable): One dam in the NW quarter of the SW quarter of the NW quarter of Section 16, more particularly described as being near a point 3600 feet North and 4900 feet West of the Southeast corner of said section, in Township 8 South, Range 21 East, Leavenworth County, Kansas, in, along and across (stream or watercourse name): Intermittant Flow-Tributary To Buckhorn Creek Trib 1 (Stranger)

4. The project will (complete all that apply): be 675 feet long, 32 feet high, have a 3:1 upstream side slope, and 3:1 downstream side slope, 14 feet top width, and unknown cubic yards of fill. Site name Wagner Dam completed 1972 Circa - 1969 Aerial Photo Show No Dam (mo/day/year)

pws low R

Further description: 1976 Photo Shows Full Reservoir & Full Vegetation.

5. The maximum quantity of water desired is 71 acre-feet per for initial filling of the reservoir to be diverted at the rate of all natural flows not needed to satisfy all vested rights and prior appropriation rights.

6. The quantity of water for indirect use (seepage loss and the average annual potential net evaporation loss from the surface of the water originally impounded in the reservoir for beneficial use) will be 7.5 acre feet per calendar year. See K.A.R. 5-6-3 for potential net evaporation for Kansas.

** 8 AF * RAK/Dwn 9/15/09*

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 quantity of water is appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

7. PLACE OF USE

Please provide the legal description of the permanent pool of the proposed reservoir (the pool at elevation of the lowest uncontrolled opening). Please designate the legal description by providing the fractional part of the Section, Township, and Range.

So. 30A of SW 1/4 of NW 1/4 of Section 16-T8S-R21E lying So. of Highway 192

You may attach any additional information you believe will assist the Division in processing your request.

8. Please indicate the proposed type(s) of recreational use (boating, fishing, swimming, fish and wildlife benefits, etc.): Domestic use, low speed boating, swimming, fishing & wildlife habitat.

9. Please attach a reservoir area capacity table and inform us as to the total acres of surface drainage area above the reservoir. Area of Reservoir- 7.8 Acres

Drainage Area 149 Acres WATER RESOURCES RECEIVED

AUG 31 2009

KS DEPT OF AGRICULTURE

** 7.8 acres x 4" / 12 x 3 = 7.8 AF Round up to 8 AF.*

10. Progress of construction (check the appropriate line and enter requested date):

Construction Complete: Circa 1972

Construction has not begun. Planned date to begin construction:

11. The application, plans and specifications 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 dam should be plotted as described in Paragraph No. 3 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.

(b) The names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

(c) The location of the permanent pool described in Item 7 should be shown by crosshatching on the topographic map, aerial photograph or plat.

(d) The design, construction, operation, and maintenance of the dam must conform to the requirements of the rules and regulations adopted by the Chief Engineer. Applicable regulations are K.A.R. 5-40-1 through 5-43-5, including Engineering Guides 1 and 2. Please visit our web site, <http://www.ksda.gov/dwr> or contact our office to obtain those rules and regulations.

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.

None

13. The relationship of the applicant to the proposed place where the water will be used is that of Owner (owner, tenant, agent or otherwise), and he/she is authorized to make this application on behalf of the interest(s) affected.

14. The owner(s) and spouse(s) of the property described in Item 7, if other than the applicant, is (please print):

NA

(name, address and telephone number)

(name, address and telephone number)

WATER RESOURCES RECEIVED SEP 15 2009

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED AUG 31 2009

SCANNED KS DEPT OF AGRICULTURE

15. Attach copies of Environmental Reviews, Assessments or Impact Statements, letters of comment and other pertinent information to the Water Projects Environmental Coordination Act, K.S.A. 82a-325 to 327, as amended. The following information should be provided in consultation with biologists, archaeologists, foresters or other professionals.

a. The project will (check all that apply):

- fill a channel
- fill or drain deep pools
- inundate a stream
- relocate a channel
- create deep pools
- disturb or endanger historic sites or structures
- affect threatened and endangered species
- remove streamside vegetation, including _____ acres of trees and _____ acres of vegetation

b. The applicant intends to minimize the project impact (check all that apply):

- with a vegetative strip, describe: _____
- with erosion control measures during construction, describe: _____
- with mitigation or replacement of environmental impacts or values, describe: _____
- by halting work and contacting the Kansas State Historical Society when historical sites or artifacts are encountered.
- other: _____

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 Home, Kansas, this 26 day of August, 2009.

x Ronald H. Foster
(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

CPMA 65-16-10
and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

Assisted by _____
(office/title)

WATER RESOURCES
Date: RECEIVED

AUG 31 2009

KS DEPT OF AGRICULTURE

15. Attach copies of Environmental Reviews, Assessments or Impact Statements, letters of comment and other pertinent information to the Water Projects Environmental Coordination Act, K.S.A. 82a-325 to 327, as amended. The following information should be provided in consultation with biologists, archaeologists, foresters or other professionals.

a. The project will (check all that apply):

- fill a channel
- fill or drain deep pools
- inundate a stream
- relocate a channel
- create deep pools
- disturb or endanger historic sites or structures
- affect threatened and endangered species
- remove streamside vegetation, including _____ acres of trees and _____ acres of vegetation

b. The applicant intends to minimize the project impact (check all that apply):

- with a vegetative strip, describe: _____
- with erosion control measures during construction, describe: _____
- with mitigation or replacement of environmental impacts or values, describe: _____
- by halting work and contacting the Kansas State Historical Society when historical sites or artifacts are encountered.
- other: _____

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 _____, Kansas, this _____ day of _____.

Ronald H. Foster

(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____

(Agent or Officer Signature)

and/or APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

WATER RESOURCES RECEIVED

SEP 15 2009

KS DEPT OF AGRICULTURE

Assisted by _____ Date: _____
(office/title)

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

May 18, 2018

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

Evelyn Harder
21775 Easton Road
Easton, KS 66020

Re: After the Fact Permit and Approval to Modify Dam
Water Structure No.: DLV-0057
Site Name: Harder Dam

Dear Dam Owner:

Enclosed is the Chief Engineer's written approval, and one set of the approved plans and specifications for an after the fact permit and authorization of modifications to upgrade an existing, illegal, unpermitted dam across a tributary to Buckhorn Creek in the NW 1/4 of the SW 1/4 of the NW 1/4 of Section 16, Township 8 South, Range 21 East, Leavenworth County, Kansas. A copy of the approved plans will be retained in our files.

Under the requirements of the Environmental Coordination Act an application notice was sent to seven state agencies for their review and comments. Copies of responses are enclosed for your information. Please review any comments and take appropriate steps to address the concerns.

You are required to notify the Division of Water Resources at least 48 hours in advance of the start of construction and backfilling of the primary spillway pipe.

The notice and proof of completion form included with this permit must be returned within 30 days of completion of construction. You are also required to include a final survey and benchmark information as outlined in K.A.R. 5-40-72.

Upon receipt of your notice that the modifications are complete, we may schedule a final checkout of the structure. Please include your telephone number on the notice of completion form so we can contact you for the final inspection.

Sincerely,

Ambrose J. Ketter, P.E.
Water Structures Engineer
(785) 564-6653

Enclosure

pc: Robert Chambers CFS Engineers
Antonella Cerchi, Kansas City Regulatory Office- Corps of Engineers
Doug Schemm

Notice No. 2017164

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

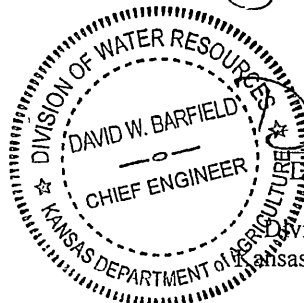
DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

PERMIT NO. DLV-0057
After the Fact Permit and Approval to Modify Dam
K.S.A. 82a-301 *et seq.*

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. 82a-301 to 305a, hereby issues this approval to Evelyn Harder giving his consent to the modification of an earthen dam designated as Harder Dam across a tributary to Buckhorn Creek in the NW 1/4 of the SW 1/4 of the NW 1/4 of Section 16, Township 8 South, Range 21 East, Leavenworth County, Kansas.


All work authorized by this permit shall be performed in accordance with the maps, plans, profiles and specifications filed with the application for this modification, subject to the provisions of the aforementioned statutes, their regulations and the attached conditions.

Witness my hand this 18th day of May, 20 18.


David W. Barfield
David W. Barfield, 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 May, 20 18, by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.


KAREN HUNTER
My Appointment Expires
October 24, 2018
Notary Public

[Signature]
Notary Public

**RECORD THIS APPROVAL WITH THE REGISTER OF DEEDS
OF THE COUNTY WHEREIN THE WORK IS LOCATED**

PERMIT CONDITIONS

1. This permit grants no water rights or other property rights, nor does it authorize any injury to private property, invasion of private rights or impairment of senior water rights, nor does it exempt you 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/or specifications as approved shall be made except with the written consent of the Chief Engineer.
4. Any work authorized by this permit 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 permit.
6. Any excess material deposited in the stream channel incident to the construction and maintenance of the project authorized by this permit 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 and all 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, 2020, this permit, if not specifically extended, shall cease and be null and void. If, upon the expiration or revocation of this permit, the work has not been completed, the permittee 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 by this permit, the permittee shall file with the Division of Water Resources a statement that the work has been completed in accordance with this permit and the approved plans and specifications.
10. The Chief Engineer reserves the right to require such changes in the maps, plans, profiles, specifications and conditions as may be considered necessary. The Chief Engineer further reserves the right to modify, suspend or revoke this permit at any time should the permittee fail to comply with any of the conditions of this permit or regulations of the Division of Water Resources without sufficient cause or should such action be deemed necessary in the interest of public safety and welfare.
11. Upon completion of construction, two permanent bench marks will be established near the dam at easily accessible locations and the location, type, and elevation of those bench marks will be submitted to the Division of Water Resources within thirty (30) days following completion of construction.
12. The Division of Water Resources shall be notified at least 48 hours in advance of commencement of the work on the dam authorized by this permit.
13. The construction or modification of the dam authorized by this permit shall be under the direction of a competent engineer and he/she or a competent representative shall be on the ground at all times during construction until the completion of the dam or modifications.
14. As-built drawings prepared by a licensed professional engineer must be submitted within ninety (90) days after the completion of the work authorized by this permit, as per K.A.R. 5-40-12.
15. The Division of Water Resources shall be notified at least 48 hours in advance of the installation or modification of the principal spillway pipe and appurtenances. No back-fill material shall be placed around or over the pipe and appurtenances until such operation has been approved by a representative of the Division of Water Resources.

STATE OF KANSAS
DIVISION OF WATER RESOURCES
DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DR
MANHATTAN KS 66502

In the matter of: Water Structure No. DLV-0057
Evelyn Harder
Harder Dam

NOTICE AND PROOF OF COMPLETION
After the Fact Permit and Approval to Modify Dam
K.S.A. 82a-301 *et seq.*

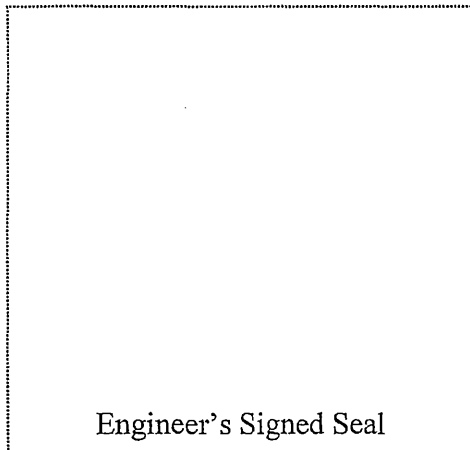
I, the undersigned, being the engineer responsible for the inspection of the dam permitted by the Chief Engineer under K.S.A. 82a-301 through 305a and located in the NW 1/4 of the SW 1/4 of the NW 1/4 of Section 16, Township 8 South, Range 21 East, Leavenworth County, Kansas, hereby certify that the modification to the dam, identified above, has been completed. I further certify that the modification has been completed in accordance with the approved plans and specifications, the permit, and the terms, conditions and limitations incorporated therein, except as noted in any description of variances attached to this document. (See backside of this sheet for the requirements of K.A.R. 5-40-12 and K.A.R. 5-40-72).

Date of completion: _____

Items included (check those items attached):

- _____ Explanation of variances from the approved plans
_____ Final survey of completed dam (required)
_____ Daily inspections logs (if required by permit)

Dated this _____ day of _____ 20_____.



Company: _____

Address: _____

Telephone
No: _____

PLEASE RETURN THIS FORM TO DIVISION OF WATER RESOURCES ACCORDING TO
CONDITION NO. 9 OF THE PERMIT.

K.A.R. 5-40-72. Construction inspection reports.

The engineer responsible for the inspection required by K.A.R. 5-40-71 shall, within 30 days of the completion of the construction, repair, or modification of the dam and its appurtenances, submit to the chief engineer an inspection report containing the following items:

- (a) A notice of completion showing the date on which construction, repair, or modification of the dam and its appurtenances was completed;
- (b) a statement indicating one of the following:
 - (1) The dam and its appurtenances were constructed, repaired, or modified substantially in accordance with the permit and the approved plans and specifications; or
 - (2) the completed work varied from the permit and the approved plans and specifications. A description of each variation shall be provided;
- (c) a final survey of the completed dam and its appurtenances, including the following:
 - (1) A profile of the top of the dam;
 - (2) a profile of the centerline of the auxiliary spillway or service spillway;
 - (3) a cross section at the control section of the auxiliary spillway or service spillway;
 - (4) a cross section of the dam at its deepest point;
 - (5) a cross section of the dam at the primary spillway if that section is not near the deepest section of the dam;
 - (6) the locations and elevations of the inlet and the outlet of the primary spillway;
 - (7) the location and elevation of each drain outlet; and
 - (8) the final elevation and coordinates of each permanent benchmark; and
- (d) a summary or a copy of the daily inspection logs if required by the permit. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-301a and 82a-303a; effective May 18, 2007.)

K.A.R. 5-40-12. As-built drawings.

- (a) Each permit shall be conditioned by the chief engineer to require as-built drawings for each category listed in subsection (b) to be submitted within 90 days of the completion of the dam, repairs, or modifications, or any extension of time authorized by the chief engineer for good cause. The drawings shall be prepared by a person qualified to prepare the original plans and specifications pursuant to K.A.R. 5-40-4.
- (b) As-built drawings shall be submitted for each of the following categories:
 - (1) All high-impact dams;
 - (2) any dam, if required by the chief engineer as a condition of the permit to build, repair, or modify the dam; and
 - (3) any dam, if required by the chief engineer as the result of an approval of a change in the approved plans requested by the applicant during construction.
- (c) The as-built drawings shall show all the features of the structure included in the approved plans as those features were constructed. A legibly marked-up copy of the approved plans shall be acceptable as as-built drawings.
- (d) A profile of the bottom of the cutoff trench as constructed shall be shown on the as built drawings. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 82a-303 and 82a-303a; effective May 1, 1987; amended May 18, 2007.)

Ketter, Ambrose [KDA]

From: Kathy Haynes <k.haynes@kcc.ks.gov>
Sent: Monday, June 19, 2017 11:37 AM
To: Ketter, Ambrose
Cc: Troy Russell
Subject: RE: ECA #2017164, WSN:DLV-0057, (Harder Dam Rehabilitation & Design)
Attachments: S35C-417061910360.pdf

A review of Conservation Division files revealed that drilling activity has occurred within the project area. Please see attached.

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) 337-6232 | <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: Ketter, Ambrose [<mailto:Ambrose.Ketter@ks.gov>]
Sent: Monday, June 19, 2017 11:05 AM
To: KDA SCC Office Assistant; Kansas Biological Survey; Environmental Services, KDWPT [KDWPT]; Kansas Forest Service; Kathy Haynes; Scott Satterthwaite [KDHE]; Weston, Tim [KSHS]; Corps of Engineers K. C. (antonella.i.cerchi@usace.army.mil); Schemm, Doug; Bob Chambers; eharder@yahoo.com
Cc: McQuillen, Cindy
Subject: ECA #2017164, WSN:DLV-0057, (Harder Dam Rehabilitation & Design)

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) 564-6653.

Notice No.: 2017164
WS No.: DLV-0057
Site Name.: Harder Dam

Date of Notice: 6-19-2017
Expiration Date: 7-19-2017

Across a tributary to Buckhorn Creek in the NW 1/4 of the SW 1/4 of the NW 1/4 of Section 16, Township 8 South, Range 21 East, Leavenworth County, Kansas.

<https://agriculture.ks.gov/eca-user-login>

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

Ambrose J. Ketter, P.E.
Water Structures Engineer
Division of Water Resources
(785) 564-6653
(My e-mail address has changed.)
Ambrose.Ketter@ks.gov
www.agriculture.ks.gov

Conservation Division
266 N. Main St., Ste. 220
Wichita, KS 67202-1513



Phone: 316-337-6200
Fax: 316-337-6211
<http://kcc.ks.gov/>

Pat Apple, Chairman
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Sam Brownback, Governor

June 19, 2017

Ambrose Ketter
Division of Water Resources
109 SW 9th St. 2nd Floor
Topeka, KS 66612-1283

Re: DWR Application No. 2017164
Permit for repair on dam
NWSWNW Sec. 16-08S-21E
Leavenworth County, Kansas

Dear Ambrose Ketter:

A review of Conservation Division files revealed that drilling activity has occurred within the acreage described above. According to our records, one well has been drilled within the project area. Additional wells or surface ponds may exist or have existed within the acreage described above which we do not have any record of. Should any oilfield related problems or additional wells be located during construction, please call Troy Russell at district office at (620) 432-2300 so appropriate regulatory responses can be made.

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

Sincerely,

Kathy Haynes
Environmental Protection and Remediation Department

Cc: district

2017164 - Dam repairs

APPLICATION NOTICE

As required by the Water Projects Environmental Coordination Act, K.S.A. 82a 325-327

Please Respond to: Ambrose Ketter

Notice No.: 2017164
 WS No.: DLV-0057
 Site Name.: Harder Dam

Date of Notice: 6-19-2017
 Expiration Date: 7-19-2017

This notice of application is provided so that interested persons and agencies identified by the Water Projects Environmental Coordination Act and interested persons or organizations may have an opportunity to review the plans and submit any comments to the Chief Engineer for consideration. The plans are available in this office for review any time during regular office hours. Comments should be submitted, in writing, prior to the expiration date listed above. If no comments are received by that date, we will presume you have no information to be considered.

APPLICANT

Name: Evelyn Harder

Address: 21775 Eason Road

Telephone: Easton, KS 66020
 (913) 406-0145

DESIGNER

Name: Robert S. Chambers

Address: CFS Engineers, P.A.
 2930 SW Woodside Drive

Telephone: Topeka, KS 66614
 (785) 272-4706

PROJECT LOCATION: Across a tributary to Buckhorn Creek in the NW 1/4 of the SW 1/4 of the NW 1/4 of Section 16, Township 8 South, Range 21 East, Leavenworth County, Kansas.

STATUTE: 82a-301 to 305a

PROJECT ACTIVITY: Repair of slide on back slope, installation of slope drain, embankment addition on both slopes to raise top of dam elevation, rip rap protection on front slope, and reconstruction of auxiliary spillway.

Prior Agency Comments (Attached): Yes () No (X)

Application page 2 and 3

Quad

Aerial

Plans

Ketter, Ambrose [KDA]

From: Hofmeier, Jordan [KDWPT]
Sent: Monday, July 10, 2017 11:03 AM
To: Ketter, Ambrose
Subject: KDWPT Review: Dam repairs - Harder Dam, LV Co. (Track #20170631; ECA: 2017164)

Dear Mr. Ketter,

We have reviewed the information for the proposed dam and spillway modifications for Wagner/Harder Dam in Leavenworth County, KS (Section 16, Township 8 South, Range 21 East). 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:

- **Many impoundments and dams are no longer providing the originally intended functions. Rehabilitation or maintenance of these structures may not be cost-effective or necessary, and removing the dam can restore many important functions to the stream system and watershed. For more information on dam removal, including funding opportunities: <https://www.epa.gov/cwa-404/frequently-asked-questions-removal-obsolete-dams>**
- **Avoid impacts to existing streams and rivers, adjacent riparian zones, wetlands, and native prairie and woodland areas.**
- **Avoid bank and streambed degradation and channel widening downstream of project area.**
- **Minimize all bank or instream activity, particularly during general fish spawning season (March 1 – Aug. 31).**
- **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.**

Results of our review indicate there will be no significant impacts to crucial wildlife habitats; therefore, no special mitigation measures are recommended. The project will not impact any public recreational areas, nor

could we document any potential impacts to currently-listed threatened or endangered species or species in need of conservation. No Department of Wildlife, Parks, and Tourism permits or special authorizations will be needed if construction is started within one year, and no design changes are made in the project plans. Permits or reviews may be required from other regulatory agencies including but not limited to: Kansas Dept. of Agriculture - Division of Water Resources, Kansas Dept. of Health and Environment, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, etc. You should verify this yourself.

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.

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 KDWP.T.ESS@ks.gov to streamline the review process for all parties.

JH

Jordan Hofmeier

Aquatic Ecologist, Ecological Services
Kansas Dept. of Wildlife, Parks, & Tourism
512 SE 25th Ave, Pratt, KS 67124
Office: (620) 672-0798
Cell: (785) 249-0874
Fax: (620) 672-2972
jordan.hofmeier@ks.gov

6425 SW 6th Avenue
Topeka, KS 66615



phone: 785-272-8681
fax: 785-272-8682
cultural_resources@kshs.org

Kansas Historical Society

Sam Brownback, Governor
Jennie Chinn, Executive Director

MEMORANDUM

To: ECA Permit Applicant
From: Kansas State Historical Society
Bob Hoard, State Archeologist
Re: Historic and Prehistoric Cultural Resources

Because of time and budget constraints, the Kansas State Historical Society has elected to waive review of permit applications under the Water Projects Environmental Coordination Act (KSA-82a-325 *et seq.*). However, digging, grading, and other types of construction activities may reveal the presence of buried historic and/or prehistoric archeological sites or artifacts within your project area. If archeological materials are encountered during construction, please contact me at 785-272-8681 ext. 269 or by email at rboard@kshs.org and do not further disturb the site. If the materials appear to be significant, we may ask for the opportunity to document or salvage the.

In the event human burials or remains are encountered, the Kansas Unmarked Burial Sites Preservation Act (KSA 75-2741 through 75-2754) requires the finder to immediately report these discoveries to the local law enforcement agency. If the remains are not the result of criminal activity, their fate will be determined by the Unmarked Burial Sites Preservation Board. Encountering an unmarked burial does not necessarily stop a project. Discussion with the Board may lead to modification of the project, and in some cases the burial is removed and the project allowed to proceed. Human burials and associated artifacts must not be further disturbed after their discovery, until law enforcement officials or the Unmarked Burial Sites Preservation Board has determined the appropriate action. The Unmarked Burial Sites Preservation Act provides substantial penalties for intentionally disturbing human burials and grave goods, whether located on public or private property. If you find a bone that you suspect may be human, leave it where it is and get expert help to identify it. The county coroner, a medical doctor, or an archeologist can help.

What to Look For

Archeological sites from the historic and prehistoric periods may be buried. Prehistoric sites can be recognized by the presence of discolored earth, bones, stone tools (arrow heads, knives, scrapers), stone flakes (thin, sharp edged pieces of stone produced when making chipped stone tools), burned stones, and pieces of coarse, unglazed pottery. Stone flakes are the most commonly found artifact.

Historic period sites can be recognized by the presence of stone, brick, or concrete foundation walls, or concentrations of these materials. Many of the items used in historic times are similar to those used today. Bottles, cups, tin cans, buckets, hand tools, glass fragments, and other items can be easily recognized. If you are unsure of the significance of what you have found, contact my office.

Thank you for assisting in preserving the archeological heritage of Kansas.

These actions do not constitute compliance with Section 106 of the National Historic Preservation Act. If this project receives federal funding, licensing, permitting or assistance you must contact the State Historic Preservation Office (785-272-8681 ext. 240) prior to construction for a review of the undertaking under federal law.



Kansas Forest Service Policy for Environmental Coordination Act Permits

Under the Water Projects Environmental Coordination Act, the Kansas Forest Service (KFS) is responsible for reviewing permit applications from the Kansas Department of Agriculture, Division of Water Resources to determine if projects adversely affect critical forest resources.

Due to the large volume of permits we are unable to review them all. For this reason we request the Division of Water Resources to share this document with all people applying for ECA

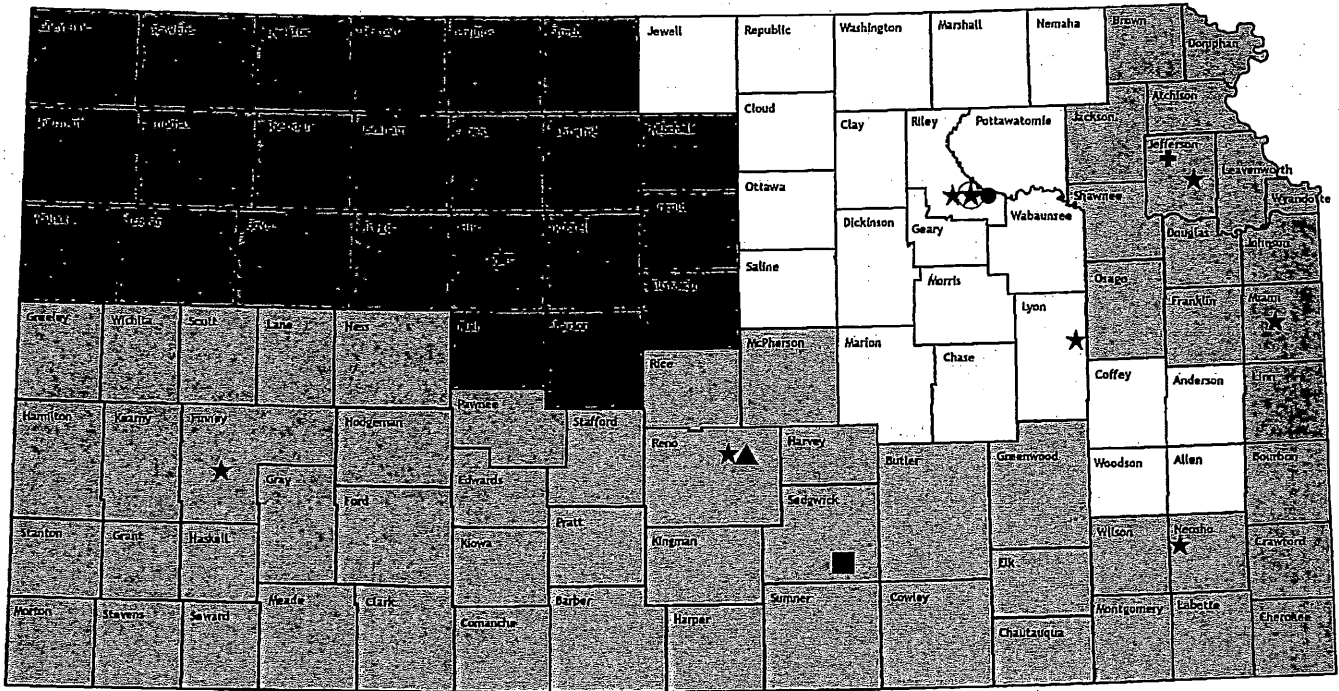
There is 2.2 million acres of forestland in Kansas and a significant percent is riparian forest that borders streams and rivers providing important water quality, soil conservation, wildlife habitat, recreational and wood product benefits to the people of Kansas.

Each year we lose a million acres of forestland to development in the United States (Ralph Alig, USDA FS Pacific NW Research Station). This generally occurs in small patches which often seem insignificant, but collectively degrades our quality of life.

If your project contributes to the conversion of forestland to another land use that exceeds an acre in size, the Kansas Forest Service requests that you consider mitigating the damage by planting at least 435 native trees per acre on a site of similar ecological value.

Kansas Forest Service foresters are available to assist with preparing tree planting plans at no charge and can also advise on financial incentives programs to help cover project expenses. Foresters contact information may be found on the back of this sheet. You are also invited to check out the KFS web site (www.kansasforests.org) for additional information.

Kansas Forest Service - State and District Offices



- ★ **STATE OFFICE PERSONNEL:**
Kansas Forest Service
 2610 Claflin Road
 Manhattan, KS 66502
 785-532-3300; Fax: 785-532-3305
 Larry Biles - State Forester
 Bob Atchison - Rural Forestry Coordinator
 Jarran Tindle - Water Quality Forester
 Darci Paull - GIS Specialist
 Mark Haller - Conservation Specialist
 Ryan Armbrust - Forest Health/Conservation Forester
 Aaron Yoder - Agricultural Technician
 Jason Hartman - Fire Protection Specialist
 Ross Hauck - Fire Management Coordinator
 Eric Ward - Excess Property Manager
 Jennifer Williams - Communications Coordinator
 Annie Cummings - Conservation Program Associate
 Kylie Rethman - Administrative Specialist
 Aimee Hawkes - Accountant
 Bob Duncan - Equipment Mechanic Specialist
 Terry Fleming - Equipment Mechanic
- ▲ **STATEWIDE**
 Fire Training Specialist
 Rodney Redinger
 3211 East 4th
 Hutchinson, KS 67501
 620-728-4464
 rodney2@ksu.edu
- ✦ **STATEWIDE**
 Marketing and Utilization Forester
 David Bruton
 7760 174th Street
 Valley Falls, KS 66088
 785-945-6147
 dbruton@ksu.edu
- **STATEWIDE**
 Watershed Forester
 Andrew Klein
 1320 Research Drive
 Manhattan, KS 66502
 785-564-6673
 ajklein@ksu.edu
- ★ **Rural District Forester**
 Ryan Rastok
 700 Jefferson Street
 Oskaloosa, KS 66066
 785-410-0399
 rrastok@ksu.edu
- ★ **Rural District Forester**
 Katy Dhungel
 104 South Brayman
 Paola, KS 66071
 785-477-6412
 kdhungel@ksu.edu
- ★ **Rural District Forester**
 Howard Freerksen
 2272 Road 250
 Reading, KS 66868
 620-699-3372
 hfreerksen@ksu.edu
- ★ **Rural District Forester**
 Ashley Stiffarm
 1500 West 7th Street
 Chanute, KS 66720
 620-431-0380
 stiffarm@ksu.edu
- ★ **Rural District Forester**
 Thad Rhodes
 3705 Miller Parkway, Suite B
 Manhattan, KS 66503
 785-776-7582, ext 517
 trhodes@ksu.edu
- ★ **Rural District Forester**
 Dennis Carlson
 2803 North Lorraine, Suite J
 Hutchinson, KS 67502
 620-921-3554
 dcarlson@ksu.edu
- ★ **Rural and Community District Forester**
 Jami Seirer
 3012 Broadway Avenue
 Hays, KS 67601
 785-624-3138
 jseirer@ksu.edu
- ★ **Rural and Community District Forester**
 John Klempa
 2106 East Spruce Street
 Garden City, KS 67846
 620-275-0211, ext 111
 jdklempa@ksu.edu
- ⊙ **Community District Forester**
 Kim Bomberger
 2610 Claflin Road
 Manhattan, KS 66502
 785-532-3315
 kbomberg@ksu.edu
- **Community District Forester**
 Community Forestry Coordinator
 Tim McDonnell
 1901 E. 95th Street South
 Haysville, KS 67060
 316-788-0492, ext 202
 tmcdonne@ksu.edu



Updated: 9/1/2017

Ronald Foster
DW - 57
#47,400

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Joshua Svaty, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

SWORN STATEMENT
PURSUANT TO K.S.A. 82a-709

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:

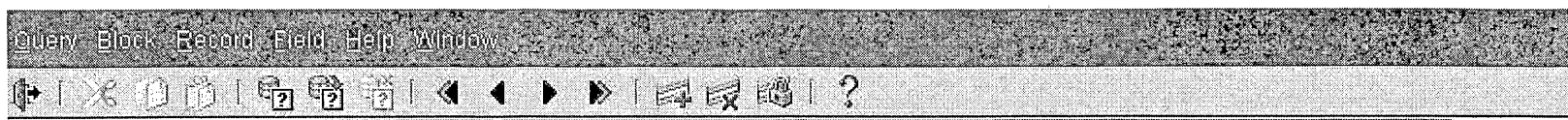
I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20_____

Ronald H. Foster
Applicant's Signature

WATER RESOURCES
RECEIVED
SEP 09 2009
KS DEPT OF AGRICULTURE

Ronald Foster, (913) 683-1035 Cell



Window 0

Name Id	26591
Add Seq Num	1
Title	
Last Name	HARDER
First Name	EVELYN
Address Line 1	
Address Line 2	21775 EASTON ROAD
City	EASTON
County	LEAVENWORTH
State	KS
Zip Code	68020
Zip Suffix	
Area Code/Name	913
Phone Number/Name	406-0145
Extn	
Area Code/Address	0
Phone Number/Address	000-0000
email/url info/NAME	EHARDER@YAHOO.COM
email/url info/ADDRESS	
email/url Comment	
Comadd Type	EMAIL

Lake Area = 7.8 acres
 (ps) spillway = 57.7 AF
 Drainage Area = 147 acres

to view multiple phones ect.

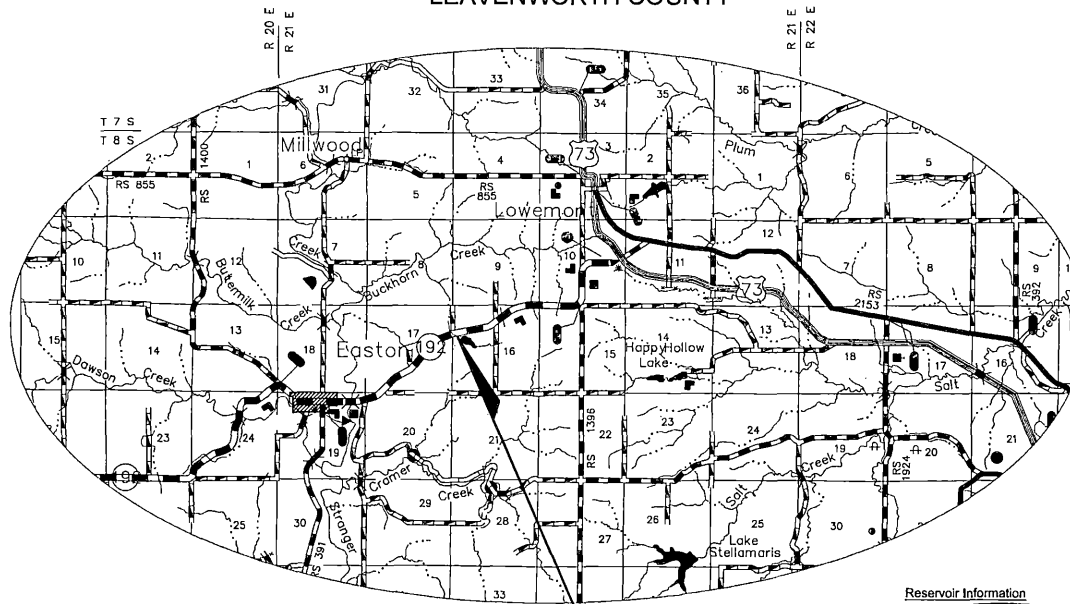
SCANNED

INDEX to SHEETS

Sheet	Title
01	Title Sheet
02-03	Typical Section
04	General Notes - Qty Recap
05-11	Plan & Profile Sheets
12-16	Erosion Control
17	Details
18-41	Cross-sections

HARDER DAM REHABILITATION & DESIGN

LEAVENWORTH COUNTY



Project Location

LEGEND

Saw Cut Line	---
Traffic Signal Line	TS --- TS --- TS
Underground Telephone Line	---OHT---OHT
Overhead Telephone Line	---UT---UT
Overhead Cable	---OHC---OHC
Underground Cable	---UC---UC
Overhead Electric Line	---OHE---OHE
Underground Electric Line	---UE---UE---UE---UE
Water Line	---W---W---W
Gas Line	---G---G---G
Sanitary Sewer	---SS---SS---SS
Storm Sewer	---STM---STM
Fiber Optic Line	---FO---FO
Centerline	---
Right-of-Way Line	---R/W---
Property Line	---P---
Lot Line	---
Chain link Fence	---o---o---o
Wood Fence	---x---x---x
Wire Fence	---
Railroad Tracks	---
Section Corner	△
Control Point	●
Property Pin	○
Power Pole	⊕
Telephone Pole	⊙
Street Light	⊛
Guy Pole	⊞
Guy Wire	⊟
Fire Hydrant	⊠
Water Meter	⊡
Water Valve	⊢
Gas Meter	⊣
Gas Valve	⊤
Mail Box	⊥
Existing Storm Inlet	⊦
Existing Manhole	⊧
Existing Traffic Manhole	⊨
Sign	⊩
Tree	⊪
Stump	⊫
Shrub	⊬

Reservoir Information

Lake Area = 7.8 Acres
 Drainage Area = 146.76 Acres
Ac-Ft Storage = 57.7
 Time of Concentration: 0.36 Hours/21.6 min.

Reservoir Capacity Table

Elev.	Area (Acres)	incr. Acre-Feet	Total Storage Acre-Feet
1004	0	0	0
P.S. 1028.75	0	57.7	57.7
1030	8.4	9.6	67.4
A.S. 1031	9	8.7	76.1
1032	9.7	9.3	85.4
1033	10.4	10.0	95.5
1034	11.1	10.7	106.2
1035	11.4	22.5	128.7
T.O.D. 1038.84	13.7	35.7	164.3

Elevation 1028.75 is based on a spillway elevation 2.25 feet below the auxiliary spillway (This is the difference in elevation shown on the as-built plans dated 8-31-2009). The surface area of 7 acres was simply measured from the normal pool elevation shown on ARCVIEW.

Location:

THE SW 1/4 OF THE NW 1/4 OF SECTION 16--T18S--R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS

Dam Information (After Repairs)

Dam Class C, High Hazard Size 2.
 Top of Dam: 1038.84 (After Repair)
 Flowline of Principle Spillway: (12" PVC) 1028.75
 Dam Free Board: 12.54 Feet (After Repairs)
 Elevation of Emergency Spillway: 1031.49 (After Repairs)
 Freeboard of Emergency Spillway: 7.35 Feet (After Repairs)
 Principle Spillway Capacity (Q)= 5.04 cfs
 Drawdown Time: 41 Hours

KANSAS ONE-CALL: 1-800-DIG-SAFE (1-800-344-7233)

Protect yourselves and your property against underground utility damage and liability.

Find out where the underground utility lines might be buried before you dig.

Anyone digging in Kansas must call before digging. The person who is doing the work is responsible for calling KOC. If the owner contracts with a professional excavator to do the excavation then the professional excavator is responsible for calling KOC.

You (the digger) will need to provide information about the work site when you call. This is a FREE service.

CALL BEFORE YOU DIG
 IT'S THE LAW.
 [Chapter 66.--PUBLIC UTILITIES
 Article 18.--UTILITY DAMAGE PREVENTION]



PLANS PREPARED BY:

CFS ENGINEERS
 cfs.com
 2010 2nd Floor, Dr. Thomas A. K. Smith
 St. Louis, MO 63108-1428

[Signature]
 2/19/17

LOCATION MAP
 SHEET INDEX
 LEGEND

DATE: Jan. 2017
 SHEET: 1 of 41

SCANNED

#47,400

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

June 21, 2017

EVELYN HARDER
21775 EASTON ROAD
EASTON KS 66020

Re: Receipt of Application
WSN: DLV-0057
ECA: 2017164
Project/Site: Wagner Dam Rehabilitation (After-the-Fact)

Dear Ms. Harder:

We have received your application for a permit for the referenced project. Your project has been assigned the file number above and will be reviewed as quickly as possible.

In the next few days you will receive notification that your application has been forwarded to seven other state agencies for comment. Those agencies have up to 30 days to provide comments, and we will incorporate them into our review. You may be asked to address specific concerns prior to approval of the DWR permit.

In addition, if the proposed project disturbs more than one acre of soil, a construction stormwater permit will be required from the Kansas Department of Health and Environment (KDHE). Please visit www.kdheks.gov/stormwater, or contact KDHE directly for more information.

This letter does not provide any permission to begin construction of your project. If construction has started, construction is to be stopped until the permit is obtained. Construction may begin only after you receive written approval from the Chief Engineer. If you have any questions or comments please contact me at (785) 564-6654.

Sincerely,

A handwritten signature in cursive script that reads "Cindy M. McQuillen".

Cindy M. McQuillen
Water Structures Program

pc: Cook Flatt & Strobel (CFS) Engineers, P.A. - Robert S. Chambers
KDA DWR Water Rights File #47,400 – Kristen Baum & Doug Schemm

Schemm, Doug

From: Tietsort, Katie
Sent: Tuesday, September 22, 2009 10:05 AM
To: Schemm, Doug
Subject: RE: Ron Foster 47,400

Doug,

I agree with your recommendation for approval of Ron Foster's application to cover his existing reservoir. It meets all the applicable rules and regulations of the KWAA.

Thanks for your quick work on this one even if will sit awaiting the structures permit for a while.

Katie

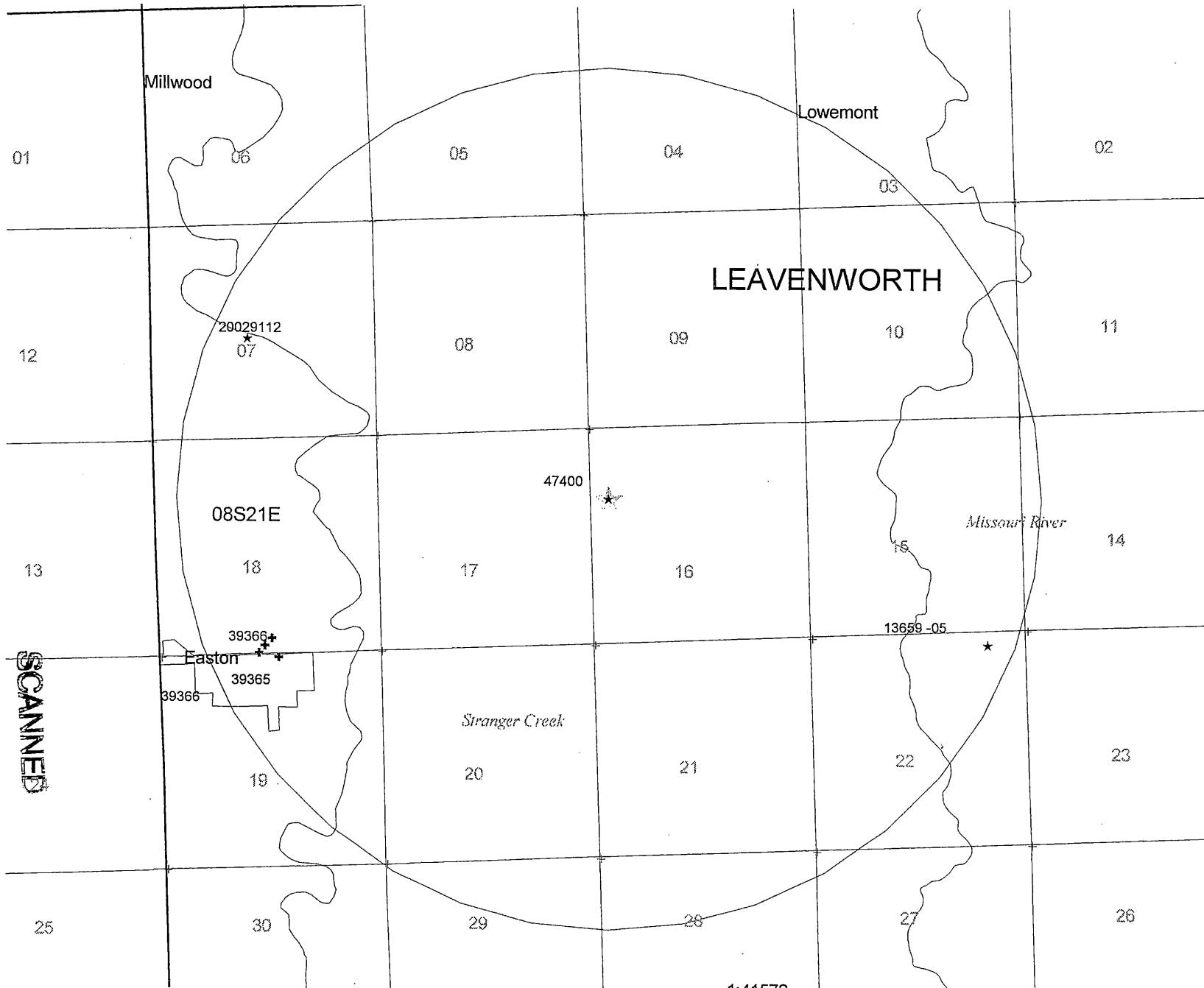
Katherine A. Tietsort
Water Commissioner
Topeka Field Office
Division of Water Resources
109 S. W. 9th Street, 1st Floor
Topeka, KS 66612-2216
(785) 368-8251
Fax (785) 296-4619
katie.tietsort@kda.ks.gov

"Please note that the Topeka Field Office will be moving to the Kansas Department of Agriculture Building 282 at Forbes Field later this year."

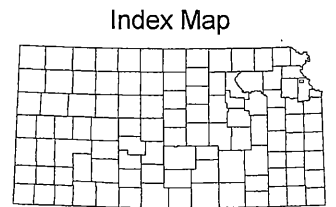
From: Schemm, Doug
Sent: Monday, September 21, 2009 4:52 PM
To: Tietsort, Katie
Subject: Ron Foster 47,400

Pending structures, but appropriation is good to go.

Water Right Number, 47400-00, With A 2 Mile Buffer



- + Section Corners
- ▭ PLSS
- PD
- + Ground Water
- * Surface Water
- ☆ Queried PD(s)
- ▭ Subbasins
- ▭ Hydrology
- Special Areas
- ▭ Closed
- ▭ Restricted
- ▭ Townships
- ▭ Cities
- ▭ Towns
- ▭ Lakes
- ▭ County
- ▭ GMD



This map was created by WIMAS on Sep 21, 2009 and represents water right conditions as of 09/21/2009.

SCANNED



1:41572

September 16, 2009

RONALD H FOSTER
21775 EASTON RD
EASTON KS 66020

RE: Application
File No. 47400

Dear Sir or Madam:

Your application for permit to appropriate water in 16-21E-8S, in Leavenworth County, was received and has been assigned the file number noted above.

In order to be fair to all concerned, it is our policy to process applications in the order they are received. 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 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, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT:arh
pc: TOPEKA Field Office

SCANNED

September 10, 2009

RONALD H FOSTER
21775 EASTON RD
EASTON KS 66020

RE: Unacceptable Application
WSN: DLV-0057

Dear Mr. Foster:

Returned herewith is a copy of the application for permit to appropriate water for beneficial use, which was received on August 31, 2009 with your check # 316 in the amount of \$500. We are also in receipt of your check # 3671, dated September 8, 2009, in the amount of \$200. Previously the original application was returned to you, but you indicated that such document could not be located. The application is made on the joint form for Application for Permit Obstructions in Streams and Appropriation of Water for Beneficial Use (Form DWR 6-102). The \$500.00 filing fee referenced above has been applied to the Stream Obstructions (Water Structures) portion of the application, which has been accepted. However, the Appropriation of Water for Beneficial Use portion of the application is not acceptable for filing in its present form.

In order to be acceptable for filing, the application must be signed by the applicant or a representative. In *Item No. 16*, please sign and date the application. Although the received application is signed, the signature appears to be a copy. **The signature must be original and cannot be a copy.**

Therefore, we find it necessary to return the application to you. **Please sign the attached blank signature page, and return all documents to this office.** Upon re-submitting the application to this office with the original signature, it will receive a priority date for review. Your check(s) has been deposited and so it will not be necessary for you to submit the application fee again.

If you have any questions, please contact me at (785) 296-6084.

Sincerely,



Mandi Chace
Environmental Scientist
Permits Unit

WATER RESOURCES
RECEIVED
SEP 15 2009

Enclosures – Application Copy, Blank Signature Page (Form DWR 6-102)

pc: Topeka Field Office
Sherry Durst, DWR Structures
D.G. White & Associates, Attn. Don White, PO Box 192, Lansing, KS 66043

KS DEPT OF AGRICULTURE

September 10, 2009

RONALD H FOSTER
21775 EASTON RD
EASTON KS 66020

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Sincerely,



Mandi Chace
Environmental Scientist
Permits Unit

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pc: Topeka Field Office
Sherry Durst, DWR Structures
D.G. White & Associates, Attn. Don White, PO Box 192, Lansing, KS 66043

WHITE COPY

DLW-57

15. Attach copies of Environmental Reviews, Assessments or Impact Statements, letters of comment and other pertinent information to the Water Projects Environmental Coordination Act, K.S.A. 82a-325 to 327, as amended. The following information should be provided in consultation with biologists, archaeologists, foresters or other professionals.

a. The project will (check all that apply):

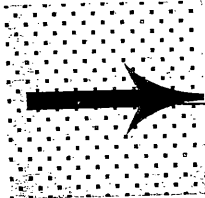
- fill a channel
- fill or drain deep pools
- inundate a stream
- relocate a channel
- create deep pools
- disturb or endanger historic sites or structures
- affect threatened and endangered species
- remove streamside vegetation, including _____ acres of trees and _____ acres of vegetation

b. The applicant intends to minimize the project impact (check all that apply):

- with a vegetative strip, describe: _____
- with erosion control measures during construction, describe: _____
- with mitigation or replacement of environmental impacts or values, describe: _____
- by halting work and contacting the Kansas State Historical Society when historical sites or artifacts are encountered.
- other: _____

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 _____, Kansas, this _____ day of _____, _____.



(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY
IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

Assisted by _____ (office/title) Date: _____

NEW STREAM WORKSHEET

ES RAK

Date: 9/15/09

File No. 47400

Basin Name: Stranger Basin No. 9

Stream Name: Buckhorn Creek Trib. (Stranger)

Stream location (confluence with parent stream):

Section 8, Township 8 South, Range 21 (East/ West)

Stranger
Buckhorn

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. 3521 (computer assigned - entered by data entry staff)

Date Entered 9-16-09 By BJO

NEW STREAM WORKSHEET

ES RAIL

Date: 9/15/09

File No. 47400

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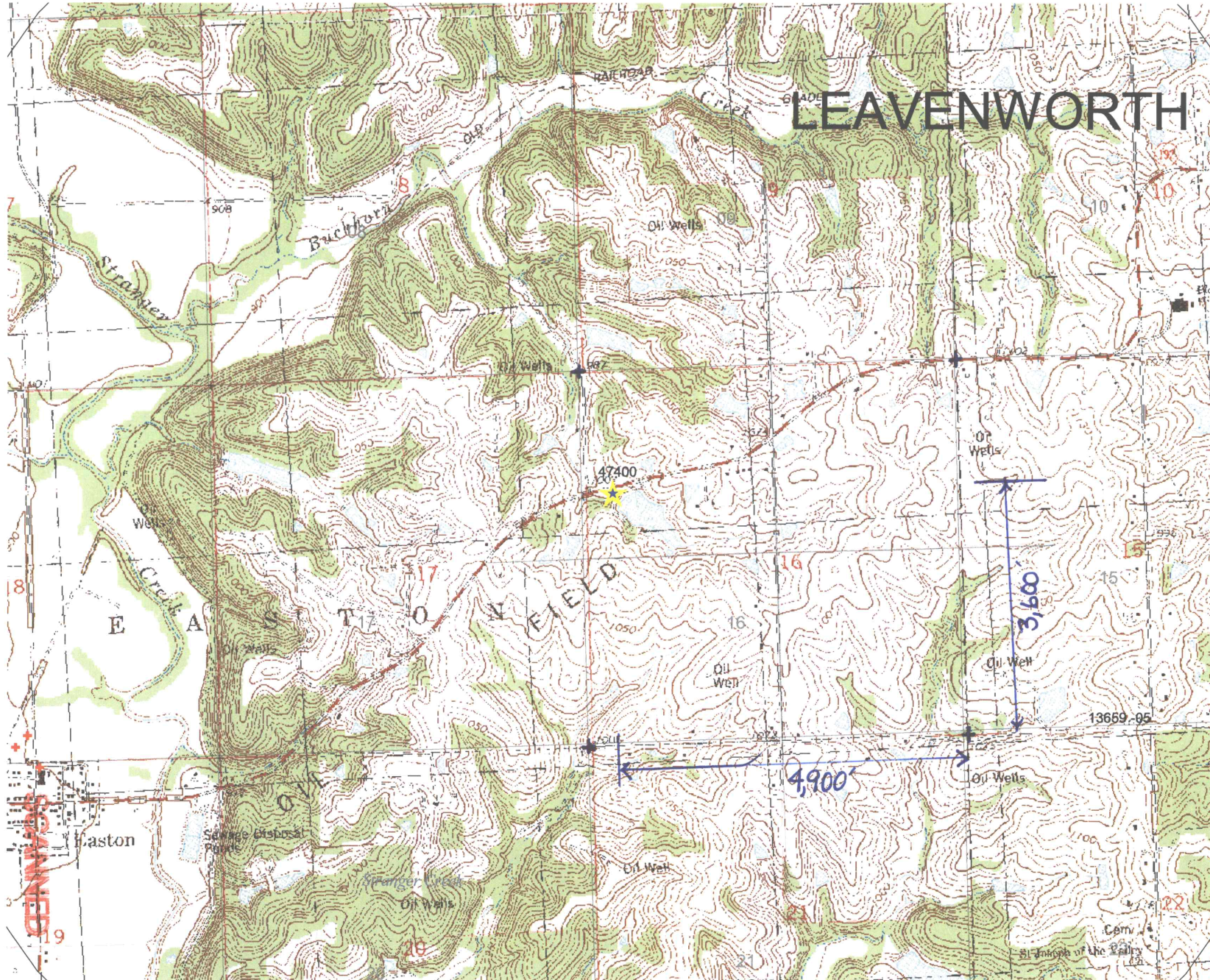
Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

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

Stream No. 3520 (computer assigned - entered by data entry staff)

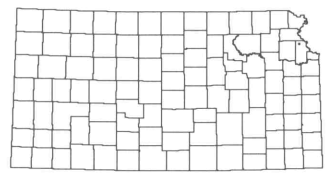
Date Entered 9-16-09 By BJD

Application, File Number, 47,400, Site Map



- PD
- ⊕ Ground Water
 - ★ Surface Water
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Index Map



This map was created by WIMAS on Sep 21, 2009 and represents water right conditions as of 09/21/2009.

