

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

9/16/2020

AA00300445

10324098

Water Resources
Received
2:54
KS Dept Of Agriculture

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

50446

File Number _____
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

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

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

1. Name of Applicant (Please Print): KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT _____
Address: 4033 PARKVIEW DRIVE
City: FRONTENAC _____ State: KS _____ Zip Code 66763
Telephone Number: (620) 231-8540 _____

9/16/2020
KJN

2. The source of water is: surface water in TRIB TO LIGHTENING CREEK _____
(stream) **NEEDS STREAM NAME***
OR groundwater in NEOSHO RIVER _____
(drainage basin)

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

3. The maximum quantity of water desired is 88.5 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of NF gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:
F.O. 1 GMD _____ Meets K.A.R. 5-3-1 (YES / NO) Use REC Source G / S County CK By KJN Date 9/16/2020
Code REG Fee \$ 200.00 TR # _____ Receipt Date 9/16/2020 Check # AA00300445

DWR 1-100 (Revised 02/16/2011)

9/21/2020
LMoody

Lisa Duncan-Edes

KS Dept Of Agriculture

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

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

(A) One in the NW quarter of the NE quarter of the SE quarter of Section 1, more particularly described as being near a point 2,565 feet North and 886 feet West of the Southeast corner of said section, in Township 33 South, Range 21 EAST, CHEROKEE County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

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

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

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

KANSAS DEPARTMENT OF WILDLIFE, PARKS, & TOURISM; 512 SE 25th AVENUE, PRATT, KS 67124; 620-672-5911
(name, address and telephone number)

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

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

Executed on 9-15, 2020.


Applicant's Signature

7. The proposed project for diversion of water will consist of ONE WATER CONTROL STRUCTURE
(number of wells, pumps or dams, etc.)

and (was) completed (by) FALL 2020
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be FALL 2020
(Mo/Day/Year)

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No If "yes", a check valve shall be required.

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

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

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

• If yes, show the Water Structures permit number here LNO-0165 _____

• If no, explain here why a Water Structures permit is not required _____

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

(a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.

(b) If the application is for groundwater, please show the location of any existing water wells of any kind within ½ mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within ½ mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.

(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.

(e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

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

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

NO OVERLAPS

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File No. _____

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

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

Well location as shown in paragraph No. (A) (B) (C) (D)

Date Drilled _____

Total depth of well _____

Depth to water bearing formation _____

Depth to static water level _____

Depth to bottom of pump intake pipe _____

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

AGENCY
(owner, tenant, agent or otherwise)

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

KANSAS DEPARTMENT OF WILDLIFE, PARKS, & TOURISM

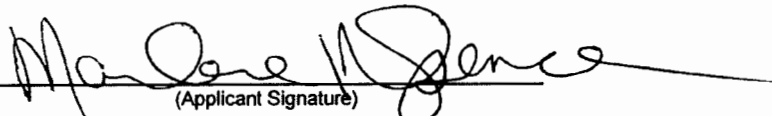
(name, address and telephone number)

512 SE 25th AVENUE, PRATT, KS 67124; 620-672-5911

(name, address and telephone number)

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

Dated at FRONTENAC, Kansas, this 15th day of September, 2020
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 9/10/2020
(office/title)

9/16/2020

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Underwater Lab
FEE SCHEDULE

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

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

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

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

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

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

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

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

3821 3770 264306V_FE03 \$200.00

MNS 9/15/20

9/16/2020

Water Resources
Received

KS Dept Of Agriculture

Division of Environment
Surface Mining Satellite Office
4033 Parkview Drive
Frontenac, KS 66763



Phone: 620-231-8540
Fax: 620-231-0753
www.kdheks.gov/mining

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

September 15, 2020

Mr. Doug Schemm
Ms. Janelle N. Phillips
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502

RE: Application for Beneficial Use – Recreation
Underwater Lab Abandoned Mine Land Reclamation Project

Dear Ms. Phillips and Mr. Schemm:

In June 2020, the Kansas Department of Health and Environment, Surface Mining Unit, submitted an Application for Permit for a Floodplain Fill for our reclamation project located in Cherokee County, Kansas. The associated application fee (\$300) was made by interagency transfer. The permit application package included supplemental information as well as a ½ size set of the appropriate drawings.

Since that initial submittal, it was determined that additional permitting was required. Enclosed is an Application to Appropriate Water for a Beneficial Use – Recreation. The associated fee (\$200) will be paid by interagency transfer. Since drawings were previously provided they have not been included. Should you need a new set, please call and one will be provided.

Susan McCart, P.E., P.G., of SCS Engineers is the contact person should you need additional engineering information. If you require another set of drawings or more information about the project, please contact me at (620)231-8540.

Thank you for your continued assistance with our projects.

Sincerely,

A handwritten signature in black ink that reads "Marlene N. Spence". The signature is written in a cursive style.

Marlene N. Spence, Administrator
Surface Mining Unit

Ec: S. McCart SCS, D. Jenkins KDWPT

DATA ENTRY SYSTEM ID NUMBER SHEET

50446

FILE NUMBER _____

APPLICANT PERSON ID & SEQ #	88410	PDIV ID	BATTERY ID
40526 2	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

LANDOWNER PERSON ID & SEQ #	70122	PUSE ID
40526 2	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

WATER USE CORRESPONDENT PERSON ID & SEQ #
40526 2

Phillips, Janelle [KDA]

From: McCart, Susan <SMcCart@scsengineers.com>
Sent: Sunday, August 16, 2020 11:19 AM
To: Phillips, Janelle [KDA]
Cc: Marlene Spence [KDHE]; Warren, Tyler; Cotter, Floyd
Subject: RE: Underwater Lab reclamation site
Attachments: KDA Pond Volumes_2020-08-13.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hello Janelle,

Per your request to assist with determining whether KDA-DWR permits other than a floodplain fill are needed for the Underwater Lab reclamation project, we have estimated the water storage volume capacities of the ponds/water structures for the following work areas or combined work areas:

- Area 1
- Areas 2A, 2B, 2C, 5A, and 5B
- Area 2D
- Area 3
- Areas 4A, 4B, 4C

The results are summarized on the attached summary table. Of note, the extents of the ponds for work Area 1 was not mapped by our survey. Therefore, we used Google Earth to approximate the boundaries of the pond extents, and calculated the approximated surface area in AutoCAD. Additionally, SCS collected only limited pond depth measurements in each pond or water feature for designing the reclamation plans. Therefore, several assumptions have been made to calculate the water storage volume capacities, including surface area, pond depth, side slopes, etc. These calculations are **estimated** per the assumptions listed on the attached summary table.

As explained by the Surface Mining Unit, the “rock toe dams” or “rock cofferdams” proposed for this project are part of the embankment fill that will be placed to move the water’s edge further away from the road for mitigation of potential road hazards. SCS understands the KDA DWR may require an Obstruction in Streams Permit if the project involves construction, modification, or repair of a dam, stream obstruction in a designated stream, or channel change in a designated stream; or excavation or dredging within the bank lines of a designated stream.

Construction, Modification, or Repair of a Dam

- Per K.S.A. 82a-301(b)(1), “*Dam*” means any artificial barrier including appurtenant works with the ability to impound water, waste water or other liquids that has a height of 25 feet or more; or has a height of 6 feet or greater and a storage volume at the top of the emergency spillway elevation of 50 or more acre feet”. It is our opinion that these structures do not meet the intent of the definition of a dam. There are no existing dams where we will be filling; there are not emergency spillways; and these are not intended to “impound” water, waste water, or other liquids. The rock structures are being placed to allow filling behind them; the intent is to revise the existing pond boundaries.

- The intent of the structures is to move the water's edge/move the bank line of the *existing* ponds. Therefore, it is our opinion that the placement of the fill material is not for the construction of a dam.
- The existing embankments are not dams, so the placement of the fill material is not modifying or repairing a dam.

Work Within a Designated Stream

- A designated stream is any watercourse that has or has had a well-defined bed and well-defined banks, and that has a watershed exceeding the allowable acreage (greater than 640 acres for Cherokee County). By this definition, the existing ponds within the work areas are not considered designated streams.

Therefore, it is our opinion that an Obstruction in Streams Permit is not required.

As portions of the work are located within a FEMA-designated floodplain, a floodplain fill permit has been requested.

Please let us know if you need additional information.

Thank you,
Susie

Susan L. McCart, P.E., P.G.
Senior Project Manager

SCS ENGINEERS

8575 West 110th Street, Suite 100
Overland Park, Kansas 66210
Office: (913) 681-0030, ext 2323
Direct Dial: (913) 749-0710
Fax: (913) 681-0012
Mobile: (913) 634-0156
smccart@scsengineers.com
www.scsengineers.com

From: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Sent: Wednesday, August 12, 2020 7:52 AM
To: McCart, Susan <SMcCart@scsengineers.com>
Cc: Marlene Spence [KDHE] <Marlene.Spence@ks.gov>
Subject: Underwater Lab reclamation site

This email originated from outside of SCS Engineers. Do not click links or open attachments unless you recognize the sender and know the content is safe.

On June 16 and July 13, DWR requested by email the water storage volume capacities of the proposed configurations at Area 1; combined area of 2A, 2B, 2C, 5A, and 5B; Area 2D; and combined 3A,4A,4B, and 4C. To date we have not received this information. **Please provide this information by September 12, 2020 or your application will be dismissed.**

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

UNDERWATER LAB WATER STORAGE CAPACITIES			ASSUMPTIONS				
Estimated Water Behind Cofferdams	Volume of Water (CY)	Volume of Water (acre-foot) ¹	Max Depth (ft) ²	Area of Water (sf) ³	Area of Water (AC) ³	Assumed Average Side Slope ⁴	Desc. of Side Slopes
Area 1 ⁵	140,393	87.02	17	420,010	9.6	3:1	3:1 From 822 to 808, 30:1 from 807 to 805
Area 2D	29,983	18.58	20	136,128	3.1	3:1	3:1 from 827 to 819, 4:1 close to dam from 820 to 807
Area 3	25,128	15.58	15	118,502	2.7	3:1	3:1 existing From 832 to 817, 3:1 proposed from 832 to 823
Area 4A, 4B, 4C	127,525	79.04	21	272,757	6.3	3:1	3:1 from 820 to 799
Area 2A, 2B, 2C, 5A, 5B ⁶	1,213,813	752.37	15	2,911,110	66.8	3:1	3:1 from 822 to 807

AREAS 2A, 2B, 2C, 5A, 5B

10	72,737	1.7	4:1	4:1 FROM 822 TO 812
5	10,748	0.2	3:1	3:1 FROM 822 TO 817
5	66,186	1.5	4:1	4:1 from 823 to 818
15	2,761,439	63.4	3:1	3:1 from 822 to 807

Notes

1 Conversion of 1 CY = 0.000619836 AC-FT

2 Max depth is taken at the deepest point of the pond, and is not representative of the entire pond.

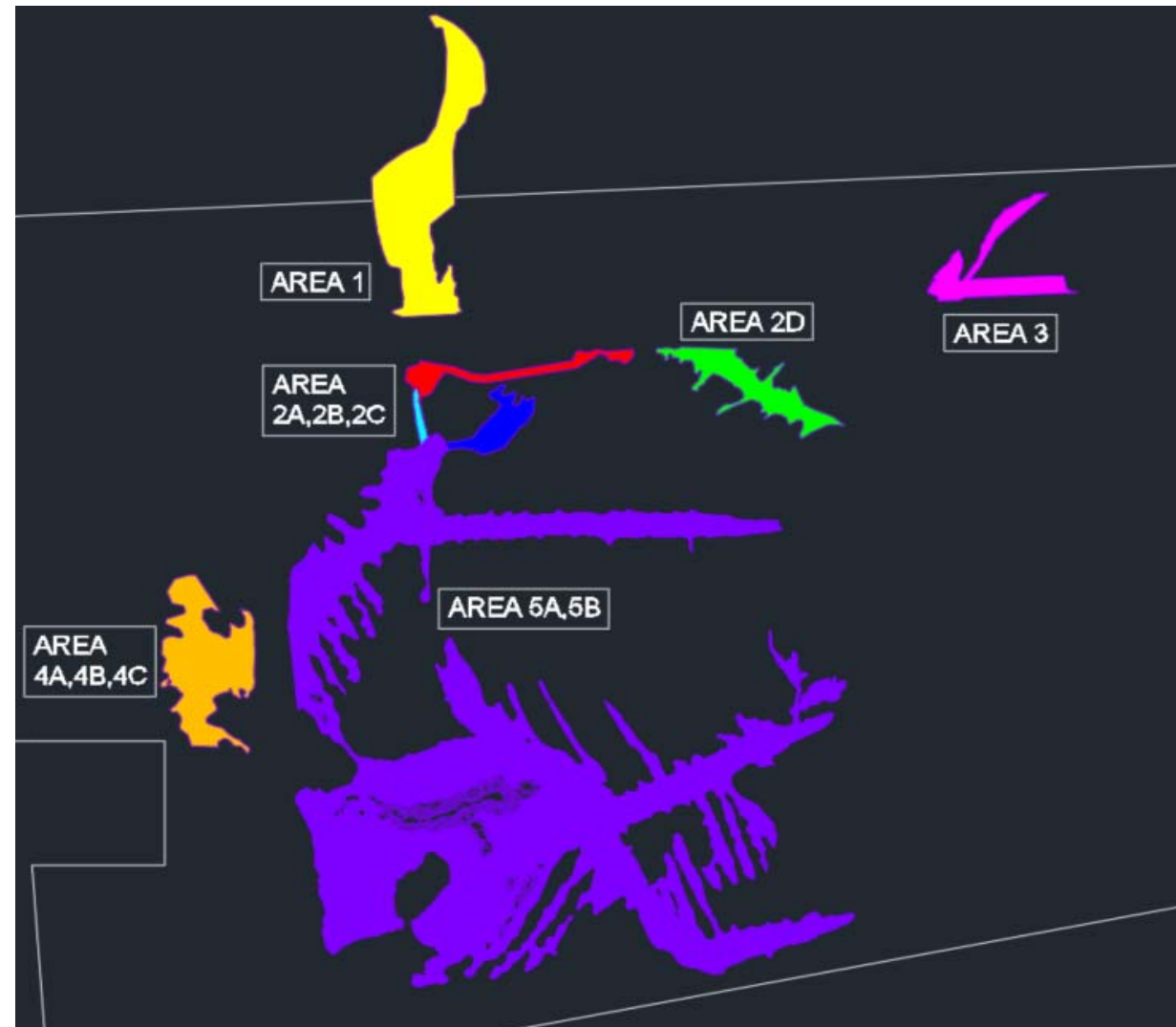
3 2D Area

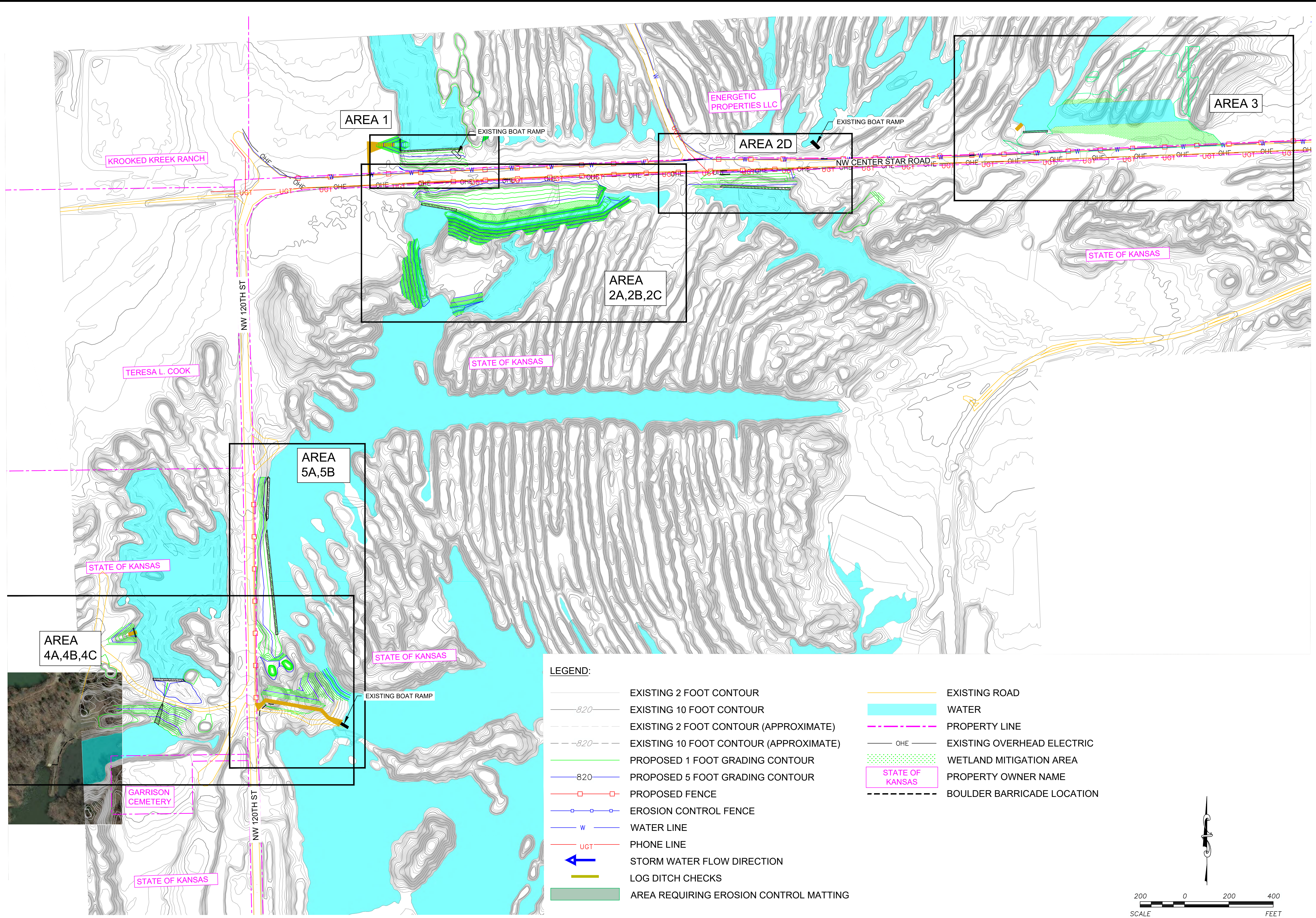
4 Assumes the the side slopes for the majority of the pond

5 Pond Boundary Approximated by Google Earth, Calculated in AutoCAD

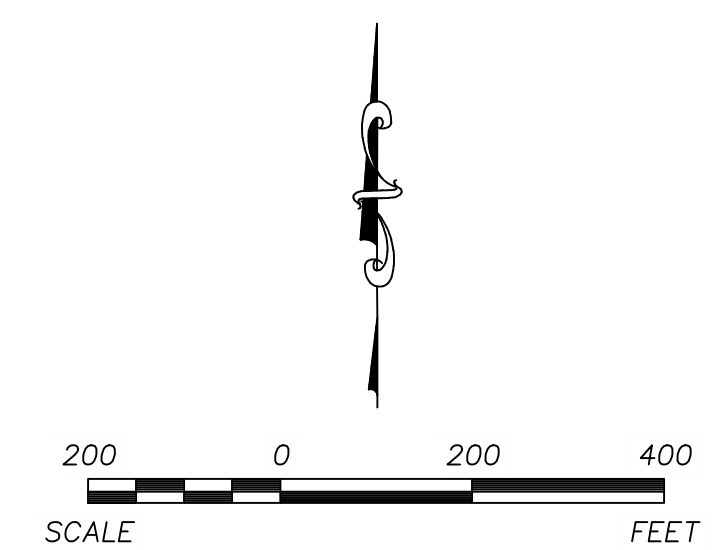
6 Area of water consists of red, blue, cyan, purple areas

TGW REVISED 2020-08-13





- LEGEND:**
- EXISTING 2 FOOT CONTOUR
 - 820- EXISTING 10 FOOT CONTOUR
 - - -820- - - EXISTING 2 FOOT CONTOUR (APPROXIMATE)
 - - -820- - - EXISTING 10 FOOT CONTOUR (APPROXIMATE)
 - PROPOSED 1 FOOT GRADING CONTOUR
 - 820— PROPOSED 5 FOOT GRADING CONTOUR
 - PROPOSED FENCE
 - EROSION CONTROL FENCE
 - W — WATER LINE
 - UGT — PHONE LINE
 - ← STORM WATER FLOW DIRECTION
 - LOG DITCH CHECKS
 - AREA REQUIRING EROSION CONTROL MATTING
 - EXISTING ROAD
 - WATER
 - PROPERTY LINE
 - OHE — EXISTING OVERHEAD ELECTRIC
 - WETLAND MITIGATION AREA
 - STATE OF KANSAS PROPERTY OWNER NAME
 - BOULDER BARRICADE LOCATION



REV.	DATE	BY	CHK.
1			
2			
3			
4			
5			

SHEET TITLE
GRADING PLAN OVERVIEW

PROJECT TITLE
UNDERWATER LAB RECLAMATION SITE

CLIENT
KDHE - SURFACE MINING UNIT
PAD KS-0056
CHEROKEE COUNTY, KS

SCS ENGINEERS
8676 W. 110th St, Ste. 400
Overland Park, KS 66210
PH: (913) 681-0030 FAX: (913) 681-0012

PROJ. NO. 27216329.00
DSN. BY: TCW
DWN. BY: TCW
CHK. BY: SLM
O/A R/W BY: SLM
PROJ. MGR. PMG

CADD FILE:
D4 - GRADING PLAN V0.02.DWG

DATE:
2/20/20

DRAWING NO.
4 of 20