

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>50,552</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;"><b>9/27/2022</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>01</b></p>	4. GMD: <p style="text-align: center; font-size: 1.2em;"><b>0</b></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

<p>7a. Applicant(s)                      Person ID <b>62113</b> New to system <input type="checkbox"/>                      Add Seq# <u>1</u></p> <p><b>GLOVER REAL ESTATE LLC PO BOX 3823 BLUFFTON, SC 29910</b></p>	<p>7c. Landowner(s)                      Person ID _____</p>
<p>7b. Landowner(s)                      Person ID <b>68605</b> New to system <input checked="" type="checkbox"/>                      Add Seq# _____</p> <p><b>TURKEY CREEK DUCK CLUB LLC c/o CLARK BOONE 30397 S. 567TH RD ST ANDREWS #74 BOX12 AFTON, OK 74331-8268</b></p>	<p>7e. Miscellaneous                      Person ID _____</p>

<p>8. WUR Correspondent                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____ Overlap File (s) WUC                      Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>7b.</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater            <input checked="" type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR            <input checked="" type="checkbox"/> REC            <input type="checkbox"/> DEW            <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK            <input type="checkbox"/> SED            <input type="checkbox"/> DOM            <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR            <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____    <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2023            11. Perfection Date: 12/31/2027            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: \_\_\_\_\_

<p style="color: red; font-weight: bold; font-size: 1.1em;">9/26/2022 JDK</p>	<p>Date Prepared: <b>8/31/2022</b>    By: <b>LHH</b></p> <p>Date Entered: <span style="border: 1px solid blue; padding: 2px;">10/3/2022</span>    LMoody</p>	
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File No. **50,552**      15. Formation Code:      Drainage Basin: **NEOSHO RIVER**      County: **NO**      Special Use:      Stream: **TURKEY CREEK**

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
√			<b>88708</b>	<b>NE NW SE</b>	<b>3</b>	<b>28S</b>	<b>18E</b>	<b>1</b>	<b>2487</b>	<b>1500</b>	<b>6,500</b>	<b>42</b>	<b>6,500</b>	<b>42</b>	<b>NONE</b>
√			<b>88709</b>	<b>SW NE SE</b>	<b>3</b>	<b>28S</b>	<b>18E</b>	<b>2</b>	<b>1876</b>	<b>669</b>					

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No      To be installed by **12/31/2023**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use																		Total	Owner	Chg? <b>NO</b>	Overlap Files							
MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
								NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
<b>MOD</b>			<b>70331</b>	<b>3</b>	<b>28S</b>	<b>18E</b>	<b>1</b>	<b>MARSH (S2 NE) (E2 SE)</b>													<b>7b</b>	<b>Yes</b>	<b>NONE</b>					

Comments:

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

**M E M O R A N D U M**

**TO:** Files

**DATE:** August 31, 2022

**FROM:** Lloyd Hemphill

**RE:** New Application, File No. 50,552

Bobby Glover (Glover Real Estate LLC) has filed the new application referred to above proposing to appropriate 42 acre-feet of surface water at a diversion rate of 6,500 gallons per minute from two pumpsites on Turkey Creek (Neosho River), for recreational use in a wetland. This application will allow water to be pumped directly from the creek (when flows are adequate, and permission is granted). The water will be used to fill and maintain water levels in the wetland (i.e. offset evaporative and seepage losses). The wetland is divided into three individual cells with two north of the creek and one south of the creek. The proposed points of diversion are two pumpsites (one for each side of the creek). The pumpsites are located in the Southeast Quarter of Section 3, in Township 28 South, Range 18 East, Neosho County, Kansas. Two of the wetland cells are located in the Northeast Quarter of Section 3 and the other in the Southeast quarter of the same section. This file does not overlap any other point of diversion or place of use.

After filing the application, the applicant sold the property to the Turkey Creek Duck Club, LLC. This new owner owns all the land associated with the points of diversion and place of use. The application was signed by a representative stating the applicant had access to the point of diversion.

Following a discussion with the new owner (after the application was filed), the configuration of the wetland was modified to either match what had already been constructed or to match the new owner's plan to manage the wetland. As modified, the total wetland surface area is 47.4 acres. The requested 42 acre-feet will provide 10.6 inches of water over the footprint of the wetland. Based on the engineers plans submitted to Structures, the average depth (when filled to the auxiliary spillway) will be 1.85 ft (22.2 inches). Since the quantity cannot be increased under this application, the owner will need to file an additional application if more water is needed. The potential evaporation component is expected to be 11.85 acre-feet for this wetland ( $6 \text{ in/yr} \times \frac{1}{2} \text{ yr} \times 1 \text{ ft/12 in} \times 47.4 \text{ acres surface area} = 11.85 \text{ AF}$ )

Notification letters were sent to upstream and downstream landowners on January 21, 2022. Two phone calls were received. Keith Kraft called with general questions and indicated that he does not use water and raised no concerns. Jennifer Smith Beal called with concerns about the drainage changes and potential effects to her property which is adjacent to the southern wetland pool. She was advised that this permit would not authorize the applicant to back water up onto her property. Chris Warren in DWR Structures reviewed LIDAR data showing the topography near the property line. This data appears to show that the wetland, when filled to the auxiliary spillway elevation, would not flood the neighboring property. However, a definitive determination can not be made in this case due to the limits of the resolution of the LIDAR data. The owner of this wetland will be advised of this specific issue. The only other file within two miles is Pending Application, File No. 50,557 (same ownership) for a similar project with the point of diversion located on a different tributary stream. Approval of this application will not impair senior water rights.

DWR Structures reviewed this project under WSN: LNO-168. It was determined that this wetland required a floodplain fill permit. Structures notified the applicant of this requirement in a January 26, 2022 letter. Structures indicated that some of the wetland cells were constructed in 2020 based on aerial photos and would require after-the-fact permitting. A Structures application was received on July 5, 2022. Both of these applications will be approved at the same time.

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) has confirmed that there are no NRCS easements on this property (See April 12, 2022 e-mail from Brent Turney). This is a critical determination because any property that has an NRCS easement must complete a Compatible Use Agreement (CUA) application for water level management, and ultimately have it approved.

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

The proposed point of diversion is located above the Minimum Desirable Streamflow (MDS) gage near Parsons so this permit will be subject to MDS administration and streamflows at this gage. A Minimum Desirable Streamflow (MDS) form signed and notarized by the applicant was received on August 29, 2022, acknowledging that there may be times when diversion of water will not be allowed.

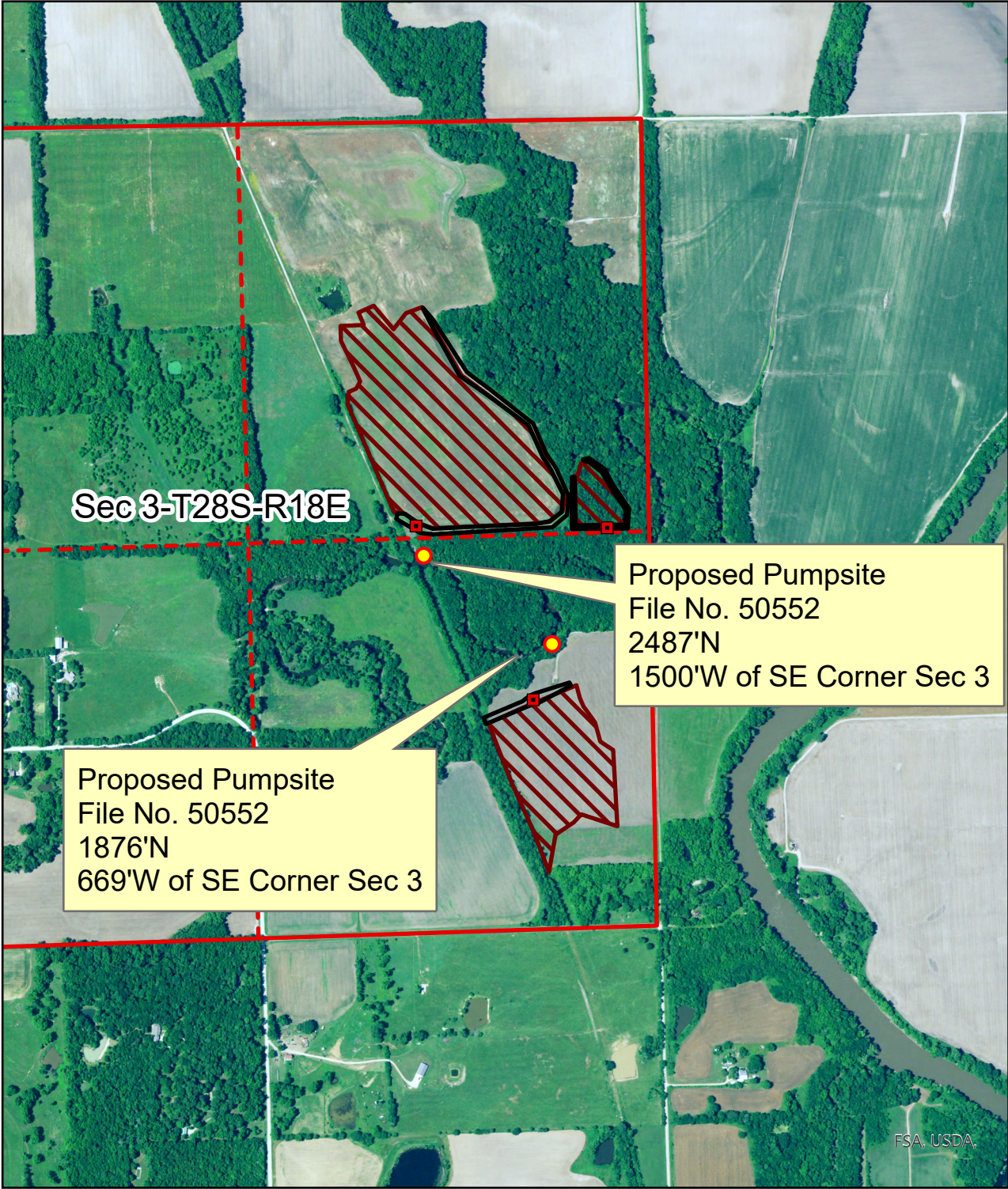
In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12.

Based on the above discussion, the area remains open to new appropriations, the approval is subject to specific conditions relative to direct surface water diversions, diversion is typically limited to fall "off-season" pumping, the project is properly permitted by the Structures Program, and there is no indication that existing water rights will be impaired, it is recommended that the referenced application be approved.

Lloyd Hemphill  
Environmental Scientist  
Topeka Field Office



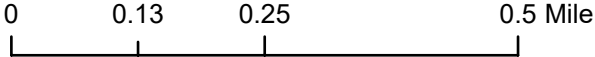
**REVISED  
NEW APPLICATION, FILE NO. 50,552**



 Proposed Place of Use



Scale: 1:12,000



Map prepared by: LHH/TFO 8.22.2022



8-29-22

(Date)

Kansas Department of Agriculture  
Division of Water Resources  
Earl D. Lewis, Jr., Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Application  
File No. 50,552

Minimum Desirable Streamflow

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

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

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

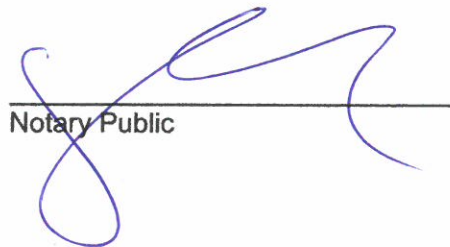
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

  
\_\_\_\_\_  
Signature of Applicant

State of ~~Kansas~~ <sup>Oklahoma</sup> )  
County of Delaware ) ss

MARK BOONE  
\_\_\_\_\_  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 29<sup>th</sup> day of August, 2022.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
Feb 25, 2026

CHARITY TILLER  
Notary Public in and for  
STATE of OKLAHOMA  
Commission # 14001994  
Expires: February 25th, 2026

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

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

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

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

## Hemphill, Lloyd [KDA]

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**From:** Tietsort, Katie [KDA]  
**Sent:** Friday, May 13, 2022 10:07 AM  
**To:** Hemphill, Lloyd [KDA]  
**Subject:** FW: Test  
**Attachments:** Turkey Creek Duck Club Partner Info.docx; Map of 5 marshes on property as related to Chante KS Neosho Co.docx

This is what Clark Boone sent me.

*Katie Tietsort*

Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

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**From:** Clark Boone <clarkbooner@gmail.com>  
**Sent:** Wednesday, May 11, 2022 3:09 PM  
**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Cc:** Cutter Boone <boonecu1996@gmail.com>; Paxson St Clair <paxsonstclair@icloud.com>; Mark Brick <markbrick@villagemarina.com>  
**Subject:** Re: Test

**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.

RE: Chanute, KS/Neosho County, 190th Road south to approximately 180th Road, Chanute, KS purchased from Glover Real Estate, LLC.

Katie, thanks for your time today on the phone. Below/attached is the information you requested per our conversation.

Legal Description of this property is three connected tracks/parcels totaling approximately 196 acres (5 marshes fed with 4 proposed portable pump sites) on Little Turkey Creek and Turkey Creek. S03, T28 R018 (138.06 acres, 42.50 acres and 15.32 acres)

Photo of property as it related to Chanute, KS is attached. The image also shows marshes outlined in blue.

I also attached complete owner contact information and also copied on this email. Please feel free to correspond with "reply all" so my partners can be informed as well. I will be your contact for the group. My son Cutter Boone lives in Chanute.

Thanks again for your time and coaching as we navigate and complete this permit process that Mr Glover started several months ago. Let us know our next step of paperwork and/or site visit and inspection by Sheila from Parson Field Office.

Clark Boone  
[clarkbooner@gmail.com](mailto:clarkbooner@gmail.com)  
620-431-8461

On Wed, May 11, 2022 at 11:11 AM Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)> wrote:

*Katie Tietsort*

Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

**Turkey Creek Duck Club, LLC**

East 35<sup>th</sup> Street  
Chanute, KS 66720  
620-431-8461

FEIN # 87-4488726

KS Articles of Incorporation EIN # 6892319

**Partners:**

Clark Boone

30397 S. 567<sup>th</sup> Road

St. Andrews #74 Box 12

Afton, OK 74331-8268

620-431-8461

[Clarkbooner@gmail.com](mailto:Clarkbooner@gmail.com)

Cutter Boone

23399 Viola Road

Chanute, KS 66720

620-212-4696

[Boonecu1996@gmail.com](mailto:Boonecu1996@gmail.com)

William Paxson St. Clair

2625 Verona Road

Mission Hills, KS 66208

913-645-7003

[paxsonstclair@ucloud.com](mailto:paxsonstclair@ucloud.com)

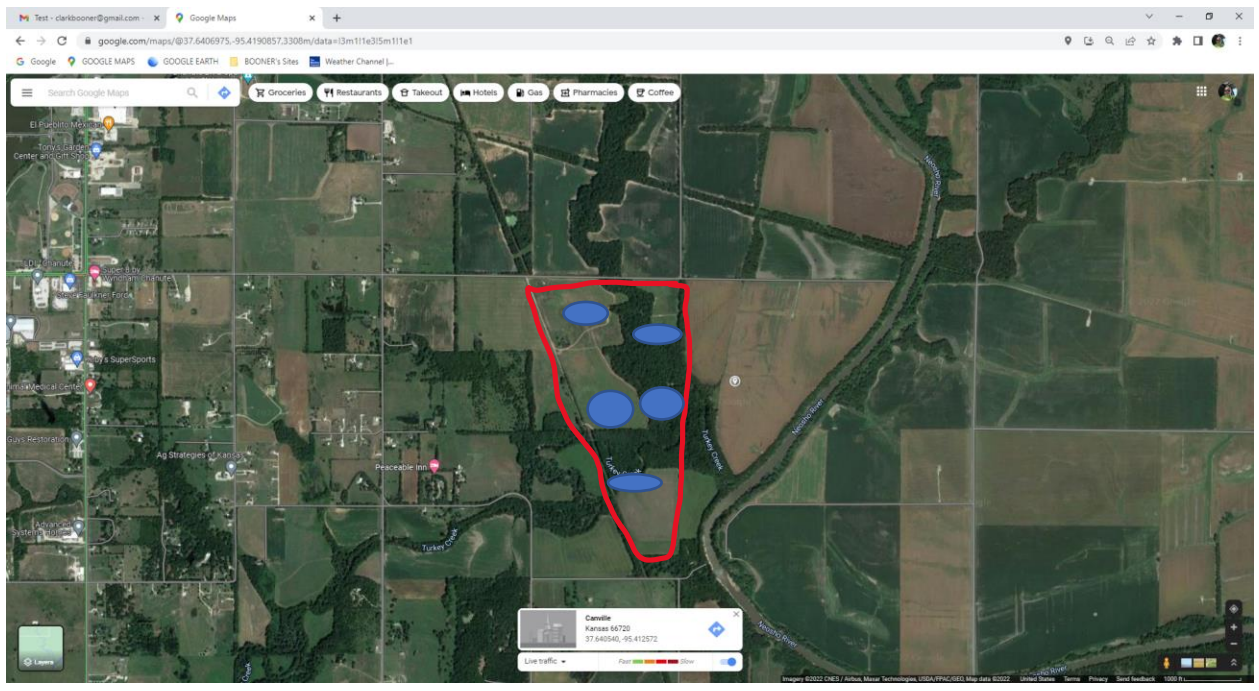
Mark R. Brick

79 Village Marina Road

Eldon, MO 65026

573-216-1802

[markbrick@villagemarina.com](mailto:markbrick@villagemarina.com)





Large Evaporation minus Annual Normal Precipitation) for  
 age for Dikes 1, 2, 3, and 4 was analyzed from the  
 was analyzed from the top of dam, as there is no  
 structures will be used to manage the water level within  
 evaporation for Dike 2, 3, and 4 is greater than 15 ac-ft.  
 age permit is required for those wetland cells. The  
 ations permit application, but it will need updated to

LLOYD,

I E-MAILED THIS

ENCLURE BUT TRAVEL

I WOULD ENCLOSE

MASSACHUSETTS

TWA, MAINE

Stage Storage Table

	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
	0.00	0.00
	0.05	0.14
	0.27	0.60
	1.27	1.39
	1.87	2.47
	2.54	3.91
	3.26	5.72
900.0 (Auxiliary Spillway)	4.04	7.93
	5.91	10.57
901.0 (Top of Dike)	4.86	8.14

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958153805 7032



FOR LLOYD MEMPHILL DWR Pump Permit

RECEIVED

JUL 05 2022



## KDA - Division of Water Resources (DWR) Project Report

### Surface Water Storage

The Potential Net Evaporation (Annual Average Evaporation minus Annual Normal Precipitation) for the project location is 6 inches. The net storage for Dikes 1, 2, 3, and 4 was analyzed from the auxiliary spillway. The net storage for Dike 5 was analyzed from the top of dam, as there is no constructed auxiliary spillway. Water control structures will be used to manage the water level within the wetland cells. The Total Storage + Net Evaporation for Dike 2, 3, and 4 is greater than 15 ac-ft. Therefore, a DWR Water Appropriations storage permit is required for those wetland cells. The landowner has submitted the water appropriations permit application, but it will need updated to include the wetland storage.

Dike 1 Stage Storage Table

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
897.0	0.02	0.00	0.00
897.5	0.19	0.05	0.14
898.0	0.68	0.27	0.60
898.5	1.27	0.75	1.39
899.0	1.87	1.54	2.47
899.5	2.54	2.64	3.91
900.0 (Auxiliary Spillway)	3.26	4.09	5.72
900.5	4.04	5.91	7.93
901.0 (Top of Dike)	4.86	8.14	10.57

Dike 2 Stage Storage Table

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
894.0	0.01	0.00	0.00
894.5	0.04	0.01	0.03
895.0	0.30	0.10	0.24
895.5	0.83	0.38	0.79
896.0	1.64	0.99	1.81
896.5	2.84	2.11	3.54

RECEIVED

JUL 05 2022



Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
895.0	0.01	0.00	0.00
895.5	0.11	0.03	0.08
896.0	1.43	0.41	1.13
896.5	8.67	2.94	7.28
897.0	14.17	8.65	15.73
897.5	18.39	16.79	25.98
898.0	22.68	27.06	38.40
898.5	27.89	39.70	53.65
899.0	30.13	54.21	69.21
899.5 (Auxiliary Spillway)	31.01	69.49	85.00
900.0 (Top of Dike)	32.05	85.26	101.29

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
896.0	0.01	0.00	0.00
896.5	0.17	0.04	0.13
897.0	0.44	0.19	0.41
897.5	0.79	0.50	0.90
898.0	1.59	1.10	1.89
898.5	2.59	2.15	3.44
899.0	3.85	3.76	5.68
899.5	5.34	6.05	8.72
900.0	7.66	9.30	13.13
900.5 (Auxiliary Spillway)	13.67	14.63	21.47
901.0 (Top of Dike)	21.70	23.48	34.33

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
897.5	1.24	0.22	0.22

RECEIVED

JUL 05 2022



### **Direct Diversion**

Pumping sites are proposed to control and maintain the wetland hydrology. The landowner has submitted the water appropriations permit application for the pumping site locations.

### **Base Flood Analysis**

The project is located within the FEMA Zone A flood boundary the Neosho River. Therefore, a floodplain fill permit will be required. A base flood analysis was completed to determine the increase in base flood area and flood elevation. The elevation of the existing ground and channels was approximated from Kansas LiDAR topographic data and U.S. Geological Survey (USGS) 7.5-minute quadrangle map. The Base Flood Elevation (BFE) for the project location was determined by William Pace, KDA-DWR. The floodplain (FEMA Zone A, 100-yr floodplain) was approximated from the FEMA FIRM data (Map Number FM20133C0045D Unincorporated areas of Neosho County, Kansas). The project earthfill will increase the base flood area by 3% and the base flood elevation by 0.3 feet. See Base Flood Analysis plan sheet for further detail.

## Hemphill, Lloyd [KDA]

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**From:** Turney, Brent - NRCS, Emporia, KS <Brent.Turney@usda.gov>  
**Sent:** Tuesday, April 12, 2022 2:39 PM  
**To:** Hemphill, Lloyd [KDA]  
**Subject:** RE: Glover Real Estate Wetland Projects  
**Attachments:** Glover-WLM CUA exp 93024.pdf; Glover 10-00XV2 multi CUA exp 9-30-26.pdf

**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.

Sorry Lloyd, got wrapped up in something and forgot all about this email. I have copied the body of an email that I sent to Kristen last fall. This should help! I have attached the CUA's for 50,553 and 50,556. The other two will be following soon.  
Brent

Kristen,  
I looked at the Applications filed by Bobby Glover:  
50,541; 50,542; 50,544; 50,552; 50,553; 50,555; 50,556 and 50,557.

I found that many of those applications propose a place of use that are on existing easements:  
50,541; 50,544; 50,553 and 50,556

The wetland cells and structures associated with these File Nos. were most likely constructed with full knowledge of DWR permitting requirements (Appropriations and Structures) If a structure permit was required, NRCS would have required an approved DWR structures permit before construction could begin. Same for a water appropriations permit for storage if the wetland cell held more than 15 AF including evaporation. We will be working on CUA's for water level Management, so that your office can proceed with processing these applications.

The proposed places of use for File Nos. 50,542; 50,552; 50,555 and 50,557 are not on properties with NRCS easements. These applications will not require a CUA from NRCS.

We will keep you in the loop on the CUA's for the first group of applications as we complete them. And thanks for the opportunity to comment on these applications.

Take Care,  
Brent

*Brent Turney*  
Easement Specialist  
3020 W. 18<sup>th</sup> Ave Suite B  
Emporia, KS 66801  
Office 620-487-3413  
Cell 620-682-3538  
[brent.turney@usda.gov](mailto:brent.turney@usda.gov)

*Brent Turney*  
Easement Specialist



3020 W. 18<sup>th</sup> Ave Suite B  
 Emporia, KS 66801  
 Office 620-487-3413  
 Cell 620-682-3538  
[brent.turney@usda.gov](mailto:brent.turney@usda.gov)

**From:** Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>  
**Sent:** Friday, April 8, 2022 2:11 PM  
**To:** Turney, Brent - NRCS, Emporia, KS <Brent.Turney@usda.gov>  
**Subject:** Glover Real Estate Wetland Projects

Hello Brent,

Bobby Glover on behalf of Glover Real Estate, LLC has filed applications for recreational use in wetlands as listed below. You have already commented on File No. 50,541.

Application, File No. 50,557 appears to be at least partially located within a NRCS Wetland Reserve Easement. Can you confirm that this wetland remains in this easement and whether or not any of the other projects involve an WRE? If any of these projects involve a WRE, has a Compatible Use Agreement been formed or is in progress?

If any of these wetlands are NRCS projects, can you share the plans?

Water Appropriation File Number	Water Structures Number	S-T-R	County	Comments
50541	LLB-95	(NE1/4) 27-32S-21E	Labette	NRCS Wetland Reserve Easement; Structures permit not required if area remains in WRE.
50542	LLB-109	(NE 1/4) 3-32S-21E	Labette	Structures permit required.
50543	LLB-110	(NE 1/4) 16-31S-21E	Labette	Structures permit required.
50544	LLB-60 & LLB-76	(S2) 16 & (N2) 21-34S-R21E	Labette	Additional Structures permitting not required if no new work is planned.
50552	LNO-168	(E2) 3-28S-18E	Neosho	After the fact Structures permit required.
50553	LLB-41	(NW1/4) 27-31S-21E	Labette	Additional Structures permit not required if no new work is planned.
50554	LLB-79	(W2) 23-31S-21E	Labette	Existing south wetland is within a NRCS Wetland Reserve Easement. Structures permit not required if area remains in WRE.
50554	LLB-112	(W2) 23-31S-21E	Labette	North wetland will require an after the fact Structure permit.
50555	LLB-111	(E2) 21-31S-21E	Labette	After the fact Structures permit required.
50556	LLB-72	(NW1/4) 35-31S-21E	Labette	Additional Structures permit not required if no new work is planned.
50557	LNO-169	(E2) 3-28S-18E	Neosho	After the fact Structures permit required.
All or portion of project located in a Wetland Reserve Easement.				

Let me know if you need any more information. Do you know about the DWR notices page? All of these applications can be found on this page with some looking.

Thanks and have a great weekend!

Lloyd

Lloyd Hemphill, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources, Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615  
(785) 296-5733

**NOTE NEW ADDRESS**

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## Hemphill, Lloyd [KDA]

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**From:** Warren, Chris [KDA]  
**Sent:** Tuesday, August 9, 2022 12:10 PM  
**To:** Hemphill, Lloyd [KDA]  
**Subject:** RE: Turkey Creek Duck Club LLC- WR 50552 & 50557 (LNO-0168 & 169)

Let's talk after lunch. We allow up to a foot of backwater looking at the 2 and 100-yr. events. By itself, this is close to a foot from the top of the wetland. When considering the vastness of the Neosho River floodplain, it would blow away what impact it would have. Like a pebble in an ocean analogy. I still don't see a problem with this on our side.

---

**From:** Hemphill, Lloyd [KDA] <[Lloyd.Hemphill@ks.gov](mailto:Lloyd.Hemphill@ks.gov)>  
**Sent:** Tuesday, August 9, 2022 12:04 PM  
**To:** Warren, Chris [KDA] <[Chris.Warren@ks.gov](mailto:Chris.Warren@ks.gov)>  
**Subject:** RE: Turkey Creek Duck Club LLC- WR 50552 & 50557 (LNO-0168 & 169)

Sorry, I was on the phone.

It would be the auxiliary spillway elevation of 900.5 we would be interested in. From our standpoint, they will either have to construct the wetland so it does not flood the neighbor or form an agreement with the neighbor.

How do you handle this on the Structures side? I can talk after lunch if needed.

Lloyd

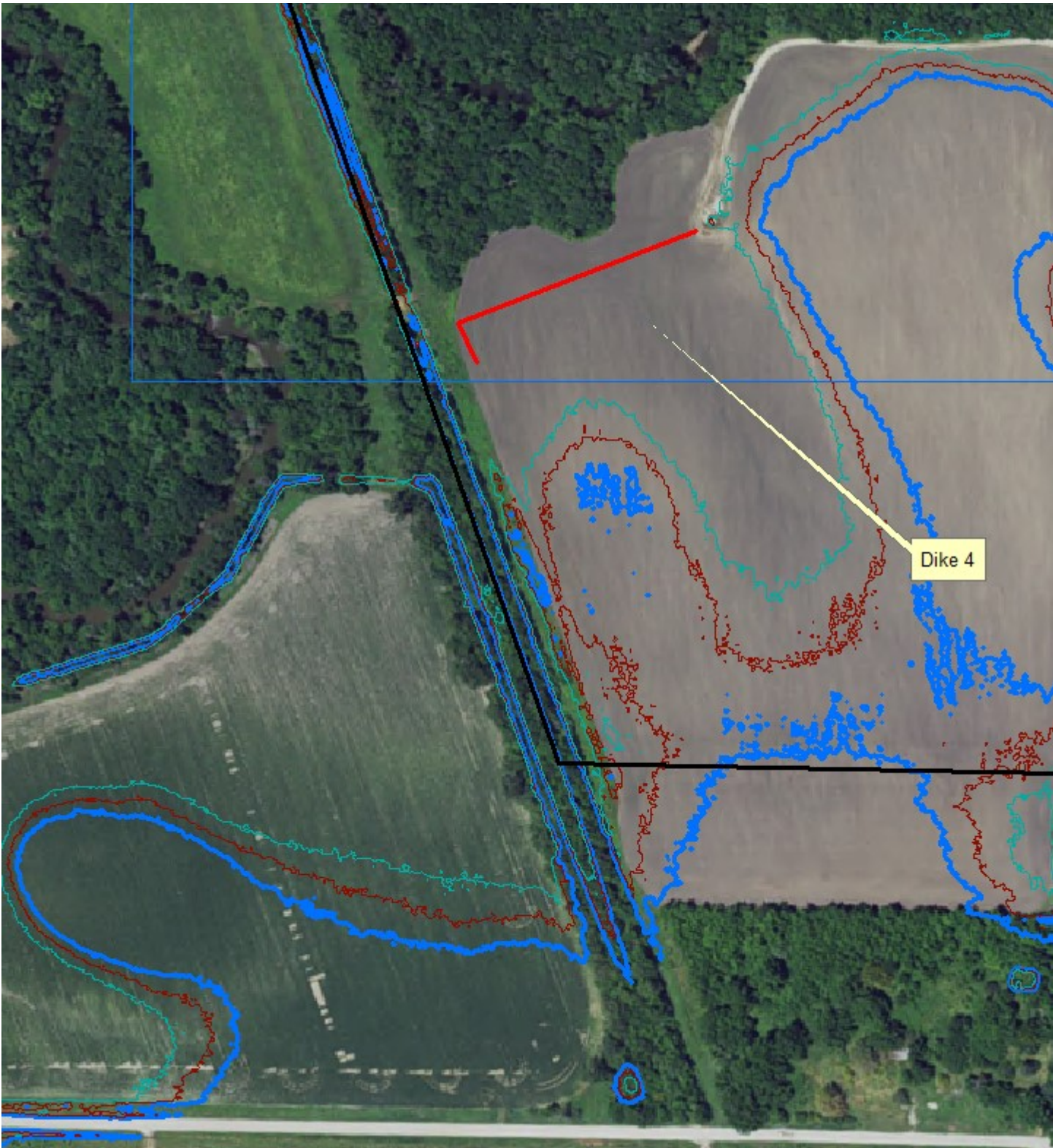
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**From:** Warren, Chris [KDA] <[Chris.Warren@ks.gov](mailto:Chris.Warren@ks.gov)>  
**Sent:** Tuesday, August 9, 2022 11:57 AM  
**To:** Hemphill, Lloyd [KDA] <[Lloyd.Hemphill@ks.gov](mailto:Lloyd.Hemphill@ks.gov)>  
**Subject:** RE: Turkey Creek Duck Club LLC- WR 50552 & 50557 (LNO-0168 & 169)

Lloyd,

I zoomed in a little further, and I think this will address your issue if you are only concerned with elevation 900.5 (ASW). The contours are 900 (aqua), 900.5 (red), and 901 (blue). The black line is roughly their property limit. Let me know what you think. Thanks.

- Chris



**From:** Hemphill, Lloyd [KDA] <[Lloyd.Hemphill@ks.gov](mailto:Lloyd.Hemphill@ks.gov)>  
**Sent:** Monday, August 8, 2022 4:34 PM  
**To:** Warren, Chris [KDA] <[Chris.Warren@ks.gov](mailto:Chris.Warren@ks.gov)>  
**Subject:** RE: Turkey Creek Duck Club LLC- WR 50552 & 50557 (LNO-0168 & 169)



Did you come to any conclusions about whether the neighboring property (Smith-Beal) to the south would be flooded?

Other than that issue, it is just a matter of getting my documents wrapped up and forwarded to HQ for final review and signature.

Lloyd

---

**From:** Warren, Chris [KDA] <[Chris.Warren@ks.gov](mailto:Chris.Warren@ks.gov)>  
**Sent:** Monday, August 8, 2022 4:13 PM  
**To:** Hemphill, Lloyd [KDA] <[Lloyd.Hemphill@ks.gov](mailto:Lloyd.Hemphill@ks.gov)>  
**Subject:** Turkey Creek Duck Club LLC- WR 50552 & 50557 (LNO-0168 & 169)

Hi Lloyd,

Just letting you know that my reviews are done for this project. Our 30-day ECA period is up on the 11<sup>th</sup>. How are you on your end? Thanks.

- Chris

Chris R. Warren  
Water Structure Program- Permits Team  
Kansas Dept of Agriculture  
Division of Water Resources  
1131 SW Winding Rd Ste 400  
Topeka KS 66615  
(785) 296-0501

**NEW E-MAIL ADDRESS:** [chris.warren@ks.gov](mailto:chris.warren@ks.gov)  
<https://agriculture.ks.gov/divisions-programs/dwr/stream-and-floodplain-permits>

Our applications have changed. Please visit our website to obtain them for new projects at:  
<http://agriculture.ks.gov/divisions-programs/dwr/stream-and-floodplain-permits>

JUL 05 2022

FDR  
LLOYD  
NEWHILL  
DWR  
PUMP  
PERMIT

## KDA - Division of Water Resources (DWR) Project Report

### Surface Water Storage

The Potential Net Evaporation (Annual Average Evaporation minus Annual Normal Precipitation) for the project location is 6 inches. The net storage for Dikes 1, 2, 3, and 4 was analyzed from the auxiliary spillway. The net storage for Dike 5 was analyzed from the top of dam, as there is no constructed auxiliary spillway. Water control structures will be used to manage the water level within the wetland cells. The Total Storage + Net Evaporation for Dike 2, 3, and 4 is greater than 15 ac-ft. Therefore, a DWR Water Appropriations storage permit is required for those wetland cells. The landowner has submitted the water appropriations permit application, but it will need updated to include the wetland storage.

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
897.0	0.02	0.00	0.00
897.5	0.19	0.05	0.14
898.0	0.68	0.27	0.60
898.5	1.27	0.75	1.39
899.0	1.87	1.54	2.47
899.5	2.54	2.64	3.91
900.0 (Auxiliary Spillway)	3.26	4.09	5.72
900.5	4.04	5.91	7.93
901.0 (Top of Dike)	4.86	8.14	10.57

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
894.0	0.01	0.00	0.00
894.5	0.04	0.01	0.03
895.0	0.30	0.10	0.24
895.5	0.83	0.38	0.79
896.0	1.64	0.99	1.81
896.5	2.84	2.11	3.54
897.0	5.11	4.10	6.66
897.5	8.31	7.46	11.61
898.0	10.13	12.07	17.13
898.5 (Auxiliary Spillway)	12.13	17.63	23.69
899.0 (Top of Dike)	13.67	24.08	30.91



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Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
895.0	0.01	0.00	0.00
895.5	0.11	0.03	0.08
896.0	1.43	0.41	1.13
896.5	8.67	2.94	7.28
897.0	14.17	8.65	15.73
897.5	18.39	16.79	25.98
898.0	22.68	27.06	38.40
898.5	27.89	39.70	53.65
899.0	30.13	54.21	69.21
899.5 (Auxiliary Spillway)	31.01	69.49	85.00
900.0 (Top of Dike)	32.05	85.26	101.29

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
896.0	0.01	0.00	0.00
896.5	0.17	0.04	0.13
897.0	0.44	0.19	0.41
897.5	0.79	0.50	0.90
898.0	1.59	1.10	1.89
898.5	2.59	2.15	3.44
899.0	3.85	3.76	5.68
899.5	5.34	6.05	8.72
900.0	7.66	9.30	13.13
900.5 (Auxiliary Spillway)	13.67	14.63	21.47
901.0 (Top of Dike)	21.70	23.48	34.33

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
897.5	1.04	0.00	0.00
898.0	2.57	0.90	2.18
898.5	2.67	2.21	3.55
899.0 (Top of Dike)	2.71	3.56	4.91





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JUL 05 2022



### **Direct Diversion**

Pumping sites are proposed to control and maintain the wetland hydrology. The landowner has submitted the water appropriations permit application for the pumping site locations.

### **Base Flood Analysis**

The project is located within the FEMA Zone A flood boundary the Neosho River. Therefore, a floodplain fill permit will be required. A base flood analysis was completed to determine the increase in base flood area and flood elevation. The elevation of the existing ground and channels was approximated from Kansas LiDAR topographic data and U.S. Geological Survey (USGS) 7.5-minute quadrangle map. The Base Flood Elevation (BFE) for the project location was determined by William Pace, KDA-DWR. The floodplain (FEMA Zone A, 100-yr floodplain) was approximated from the FEMA FIRM data (Map Number FM20133C0045D Unincorporated areas of Neosho County, Kansas). The project earthfill will increase the base flood area by 3% and the base flood elevation by 0.3 feet. See Base Flood Analysis plan sheet for further detail.



THE STATE  OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

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

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,552** of the applicant

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

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

1. That the priority date assigned to such application is **March 24, 2021**.
2. That the water sought to be appropriated shall be used for recreational use in a marsh located in the South Half of the Northeast Quarter (S $\frac{1}{2}$  NE $\frac{1}{4}$ ) and the East Half of the Southeast (E $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 3 in Township 28 South, Range 18 East, Neosho County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from Turkey Creek (Neosho River), to be withdrawn by means of two (2) pump sites located as follows:
  - one in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 3, more particularly described as being near a point 2,487 feet North and 1,500 feet West of the Southeast corner of said section, and
  - one in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 3, more particularly described as being near a point 1,876 feet North and 669 feet West of the Southeast corner of said section,both in Township 28 South, Range 18 East, Neosho County, Kansas, located substantially as shown on the map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **6,500 gallons per minute (14.48 c.f.s.)** and to a quantity not to exceed **42 acre-feet** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2023** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.



6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2027** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

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

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

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

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

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

13. 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.

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

15. 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.

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

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





1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

October 5, 2022

TURKEY CREEK DUCK CLUB LLC  
c/o CLARK BOONE  
30397 S. 567TH RD  
ST ANDREWS #74 BOX12  
AFTON, OK 74331-8268

RE: Appropriation of Water, File No. 50,552

Dear Mr. Boone:

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

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

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

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

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information is available on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance, please contact our office at 785-564-6640 or the local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:lh  
Enclosure(s)  
pc: Topeka Field Office



### RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

### CERTIFICATE OF SERVICE

On this 5 day of October, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,552, dated 27 September 2022, was mailed postage prepaid, first class, US mail to the following:

TURKEY CREEK DUCK CLUB LLC  
c/o CLARK BOONE  
30397 S. 567<sup>TH</sup> RD  
ST ANDREWS #74 BOX12  
AFTON, OK 74331-8268

With photocopies to:

Topeka Field Office

  
Division of Water Resources