

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;">50,555</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">9/27/2022</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">01</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">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 **68270**
New to system Add Seq# _____

BOBBY GLOVER
2479 US HWY 400
MCCUNE, KS 66753

***Note name and address change**

7b. Landowner(s) Person ID **62113**
New to system Add Seq# **1**

GLOVER REAL ESTATE LLC
PO BOX 3823
BLUFFTON, SC 29910

7c. Landowner(s) Person ID _____

7e. Miscellaneous Person ID _____

8. WUR Correspondent Person ID **68270**
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: 12/31/2023 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: _____

Date Prepared: **8/22/2022** By: **LHH**
Date Entered: 10/3/2022 By: LMoody

9/26/2022
JDK

File No. **50,555** 15. Formation Code: Drainage Basin: **NEOSHO RIVER** County: **LB** Special Use: Stream: Neosho River

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√				88713	SW NW SE	21	31S	21E	1	1823	2562

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
6,500	100	6,500	100	NONE

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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T	MOD	DEL	ENT	PUSE	S	T	R	ID		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				
MOD				CHK 70334	21	31S	21E	1	MARSH	(SW NE) & (NW SE)																	7b	NO	NONE

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 22, 2022

FROM: Lloyd Hemphill

RE: New Application, File Nos. 50,555;
Dismissal, File No. 50,746

Bobby Glover (Glover Real Estate LLC) has filed the new applications referred to above proposing to appropriate surface water for recreational use in a wetland located in the Southwest Quarter of the Northeast Quarter and the Northwest of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 21, in Township 31 South, Range 21 East, Labette County, KS. The wetland will consist of four adjacent cells.

File No. 50,555

This application is proposing to appropriate 100 acre-feet of surface water at a diversion rate of 6,500 gallons per minute from one pumpsite. The proposed pumpsite is geographically located on a tributary to the Neosho River in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 21, in Township 31 South, Range 21 East, Labette County, Kansas. However, based on inspection of aerial imagery and information provided by the applicant's consultant there is a significant backwater pool from the Neosho River that extends upstream of the proposed pumpsite. During drier periods, tributary flows are unlikely to support the proposed pumping rate. This application will allow water to be pumped directly from the creek/river (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). A Neosho River Assurance District (MDS) form signed and notarized by the applicant was received on August 19, 2022, acknowledging that there may be times when diversion of water will not be allowed.

File No. 50,746

This application is proposing to appropriate 114.25 acre-feet of surface water (storage of natural flows) at the rate of natural flows. The five proposed points of diversion are water control structures, four that allow internal communication of water between each of the pools and one draining the entire wetland to the creek.

After further review, it was determined that Application, File No. 50746 is not required. Based on engineering plans, the wetland has a total storage capacity of 75.6 acre-feet, clearly greater than 15 acre-feet. However, the wetland is completely enclosed by dikes or berms and the only water to possibly enter the wetland is direct rainfall, flooding, and pumping (with approved permit). Normal surface runoff does not enter the wetland. In this case, we do not consider direct rainfall within the wetland perimeter as natural flows, and flood events that will overtop the wetland dikes during the normal operational period of the wetland are expected to be to be relatively infrequent. The primary way of filling the wetland is expected to be direct diversion from tributary streams under File No. 50,555. The applicant was advised of these findings in an email on June 23, 2022. A signed voluntary dismissal form was received on July 1, 2022.

These files do not overlap any other points of diversion or place of use. The applicant owns the point of diversion and place of use, and the application was signed by a representative stating the applicant has access to the point of diversion.

The Recreational Use Supplemental sheet and engineering plans note that the surface area of the wetland covers approximately 43 acres. Filled to an average depth of 1.83 feet (22 inches) would equal a volume of 78.5 acre-feet. An additional 21.5 acre-feet (0.5 feet X 43 ac.) was requested to offset evaporation and seepage bringing the total quantity to 100 acre-feet. The potential annual evaporation component is 9 acre-feet for this seasonal wetland (43 ac. surface area X 5 in/yr X ½ yr X 1 ft/12 in = 9 AF). This quantity appears reasonable for this project.

Notification letters were sent to upstream and downstream landowners on January 21, 2022. Jeff Shultz called on the behalf of the Clemens Revocable Trust (upstream landowner). Mr. Shultz indicated that there are typically about 17 cow-calf pairs that drink from the stream approximately 3,200 feet above the proposed pumpsite. Mr. Shultz described this as being water "pooled" in the creek. Aerial images show that the backwater pool from the Neosho River extends above the proposed pumpsite and, in wet seasons, may reach the location where Mr. Shultz waters his cattle. However, based on the discussion with Mr. Shultz and inspection of aerial photos, it appears likely that in normal to dry conditions the backwater pool does not reach the location where cattle access the stream. Therefore, the proposed pumping will not have an effect on the source of water for the cattle. No other responses were received. There are several permitted water rights and pending applications within a two-mile circle. None of these projects are located on the same tributary stream. An industrial use pumpsite authorized by LB 8-D1; LB 8-D2; and 49754 is located just under 2 miles downstream (but on the main channel of the Neosho River). Approval of this application will not impair senior water rights.

DWR Structures reviewed this project under WSN: LLB-111 and determined that this wetland requires a Water Structures permit. Janelle Phillips notified the applicant of this requirement in a January 26, 2022 letter. An application for a floodplain fill permit was received on March 16, 2022. The Structures application will be signed at the same time as the Water Appropriation application.

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.

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. A water flowmeter will be required for File No. 50,555. Flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12.

Glover Real Estate LLC - Memorandum
File No. 50,555 & 50,746
Page 3

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended in an August 15, 2022 email that this package be approved. 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 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 Application, File No. 50,555 be approved and Application, File No. 50,746 be dismissed as requested.

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

Hemphill, Lloyd [KDA]

From: Tietsort, Katie [KDA]
Sent: Monday, August 15, 2022 12:51 PM
To: Hemphill, Lloyd [KDA]
Subject: RE: Application File No 50555 & Dismissal File No 50746: For Your Recommendation

Lloyd,

This [package looks good and I am pretty afraid to ask... but with that big gap in file numbers... is this one someone told them needed a NF permit?

Katie Tietsort

Water Commissioner

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

From: Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>
Sent: Friday, August 12, 2022 4:20 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Application File No 50555 & Dismissal File No 50746: For Your Recommendation

Katie,

Will you provide your recommendation for the Approval of Application, File No. 50,555 and Dismissal of File No, 50746 (Bobby Glover)? The latter file will be dismissed because the wetland structure is bermed around the full perimeter and will not collect natural runoff.

Final review and approval of File No. 50,555 will be contingent on the receipt of a signed and notarized Neosho WAD form. This permit will be signed along with floodplain fill permit, WSN: LLB-111.

Thanks,
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



SUSTAINABLE Environmental Consultants

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Project: Glover Real Estate LLC (Davis)

Practice: Wetland Development (As-Constructed)

Location: E 1/2 Sec 21, T-31S; R-21E

Labette County, Kansas

Index to Drawings

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3	Orthographic Plan Map
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5	Northwest Dike Profile
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7	Northeast Dike Profile
8	Southwest Dike Detail
9	Southwest Dike Profile
10	Southeast Dike Detail
11	Southeast Dike Profile
12	Base Flood Analysis

Before any investigation or construction activity, the excavator is responsible for calling Kansas One-Call at 800-344-7233 (800-DIG-SAFE) or 811

Brian Severin, P.E. March 2022
 Designed by Date



Approved by Date

**WATER RESOURCES
RECEIVED**

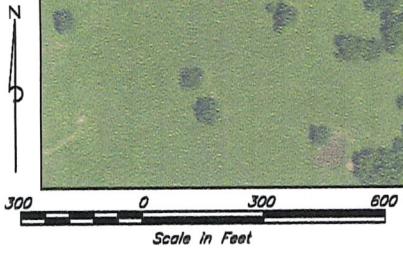
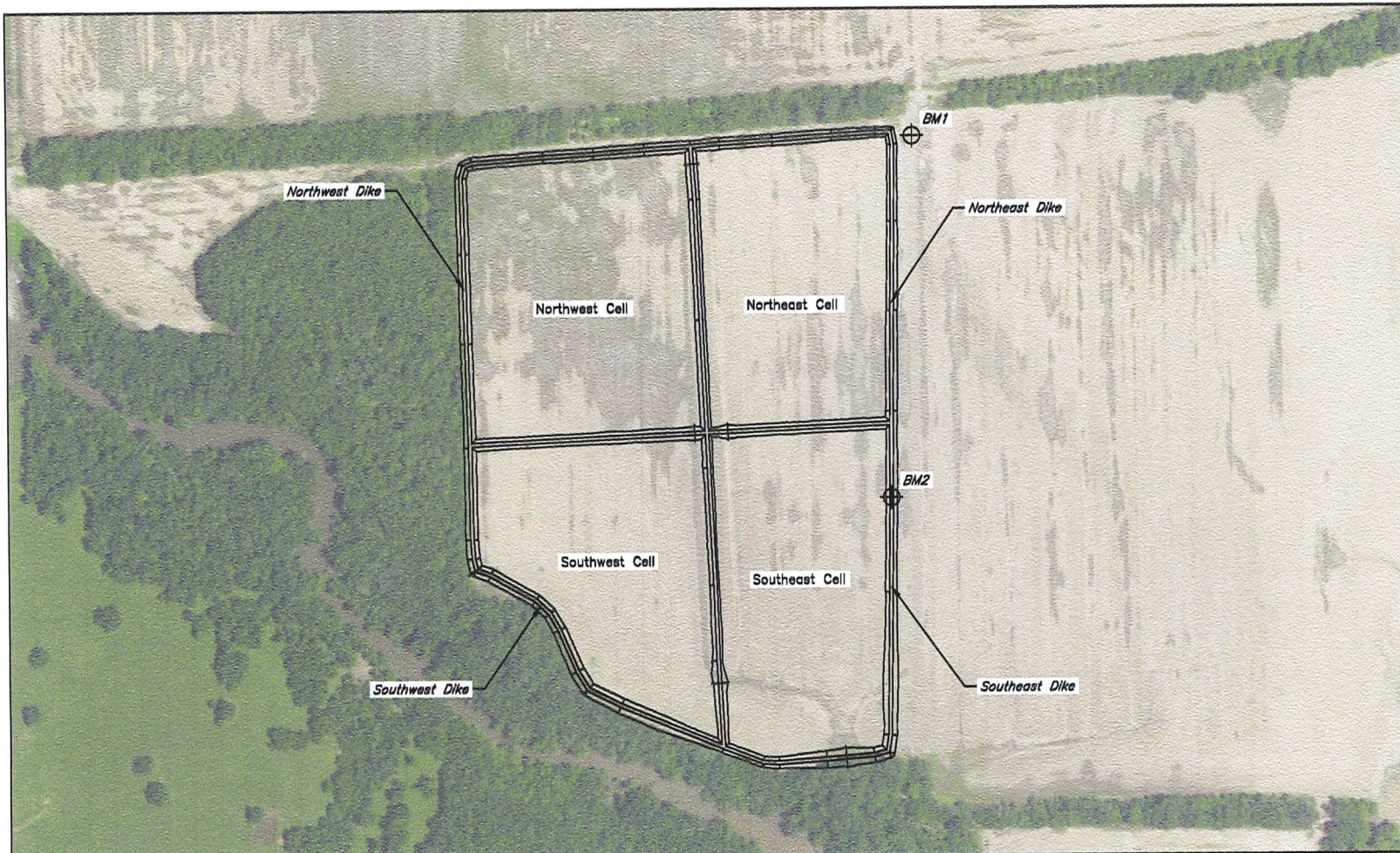
MAR 16 2022

KS DEPT OF AGRICULTURE

Date: 03/22
 Designed: B. Severin
 Drawn: B. Severin
 Checked: M. Miller
 Approved: B. Severin

Glover Real Estate LLC (Davis)
 Wetland Development (As-Constructed)
 E 1/2 Sec 21, T-31S; R-21E
 Labette County, Kansas

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 Sheet 3 of 12



Benchmark Table				
Benchmark	Northing	Easting	Survey Elevation	Description
BM1	0.00	0.00	833.95	Top of rebar; west side of hedge post Latitude 37:20:5.27 N; Longitude 95:06:29.93 W
BM2	-63.96	-1026.90	834.98	Top of rebar driven flush with the top of dike elevation

Survey Area:
Latitude/Longitude

WATER RESOURCES
 Orthographic Plan Map
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MAR 16 2022

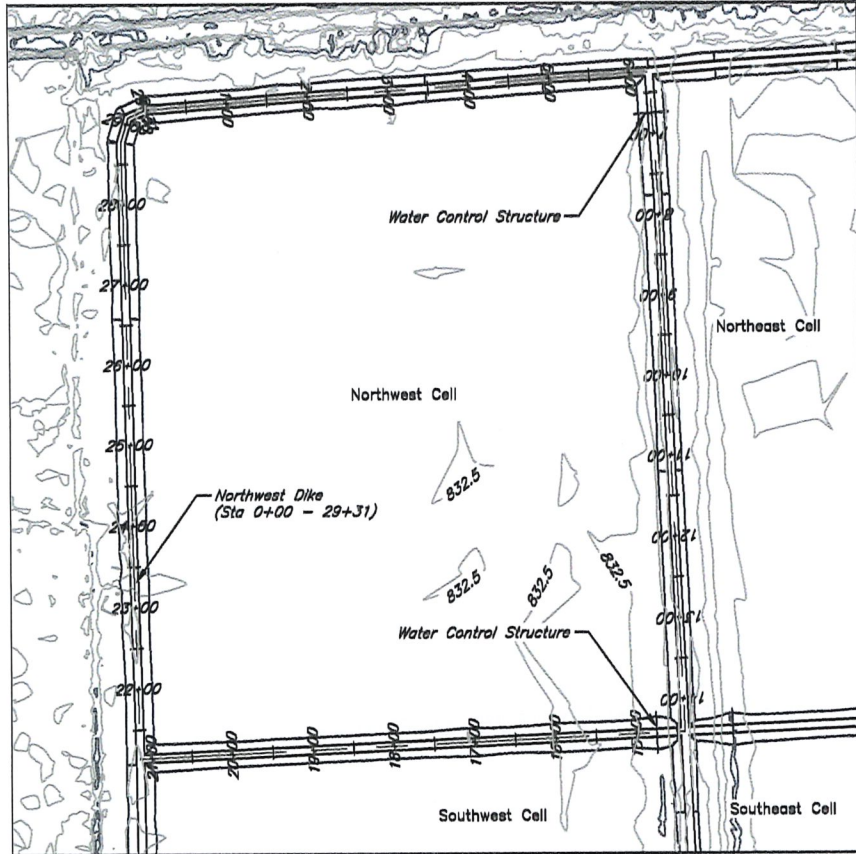
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Date 03/22
 Designed B. Severin
 Drawn B. Severin
 Checked M. Miller
 Approved B. Severin

Glover Real Estate LLC (Davis)
 Wetland Development (As-Constructed)
 E 1/2 Sec 21, T-31S; R-21E
 Labette County, Kansas

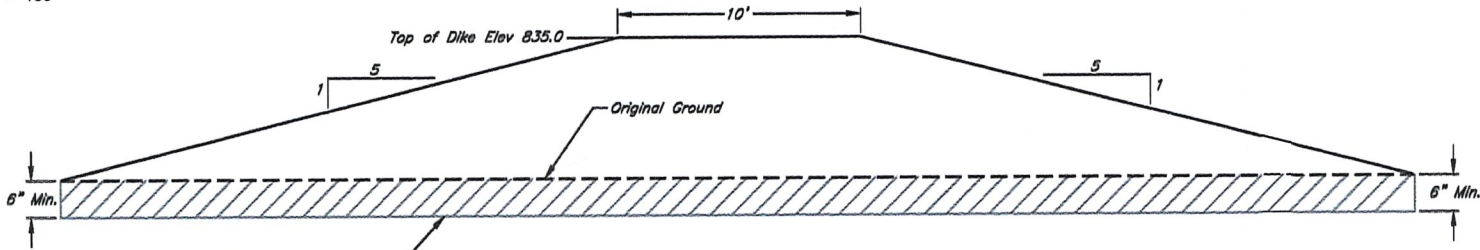


Sheet 4 of 12



Scale: 1" = 150'

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
832.0	0.00	0.00	0.00
832.5	0.44	0.11	0.29
833.0	11.38	3.06	7.80
833.5	11.54	8.79	13.60
834.0	11.70	14.60	19.48
POOL 834.5	11.87	20.49	25.44
TOD 835.0	12.03	26.47	31.48

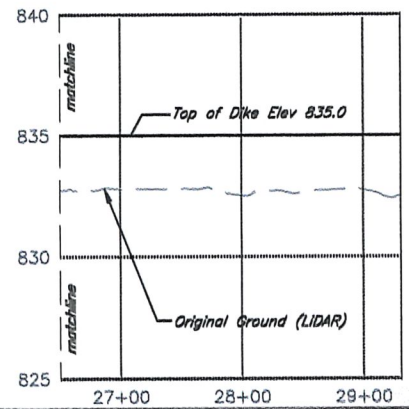
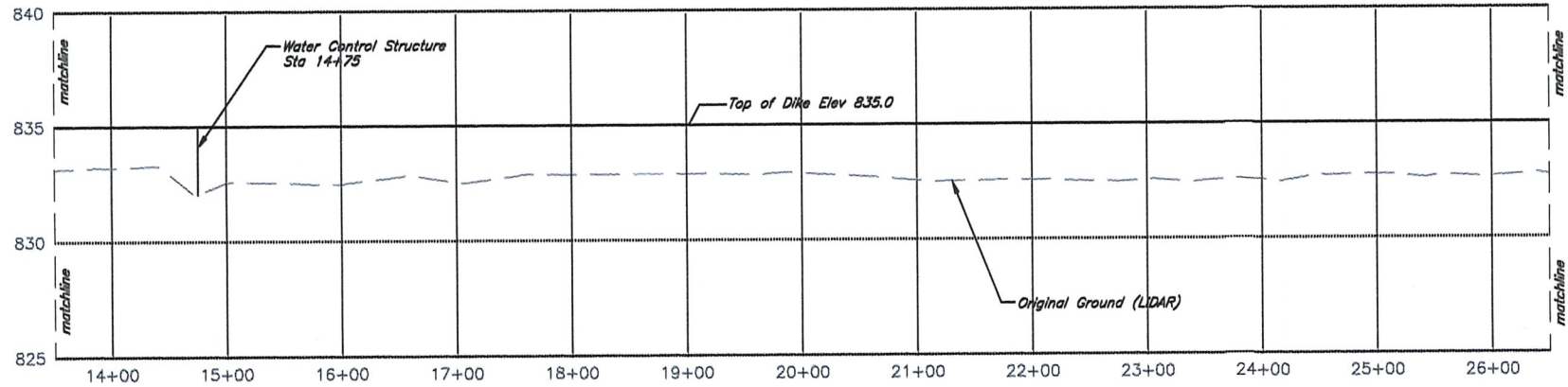
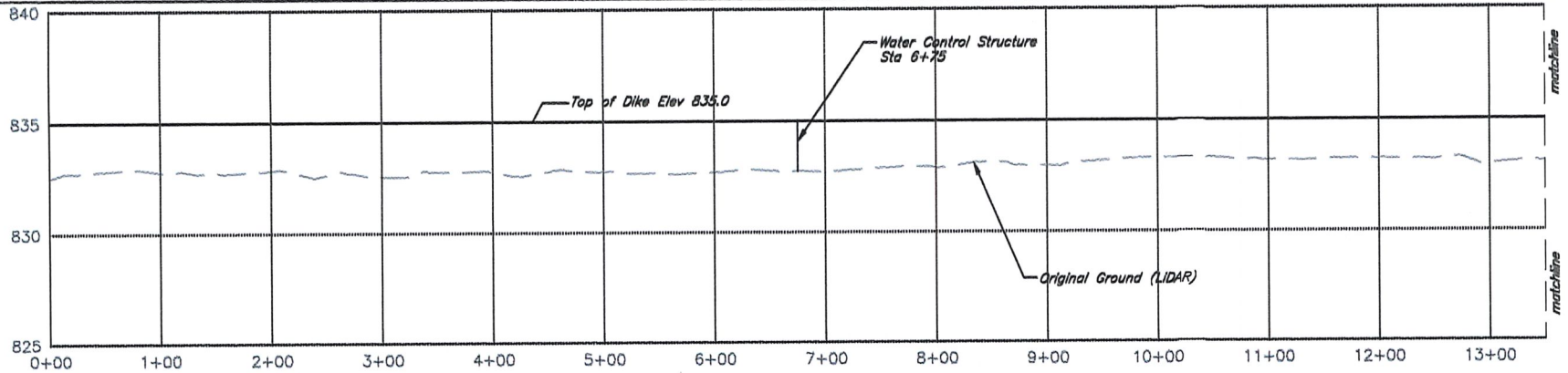


Typical Northwest Dike (Station 0+00 - 29+31) Cross Section

WATER RESOURCES
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 Northwest Dike Detail

MAR 16 2022

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Date	03/22
Designed	B. Severin
Drawn	B. Severin
Checked	M. Miller
Approved	B. Severin

Glover Real Estate LLC (Davis)
Wetland Development (As-Constructed)
E 1/2 Sec 21, T-31S; R-21E
Labette County, Kansas

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Sheet 5 of 12

WATER RESOURCES
Northwest Dike Profile
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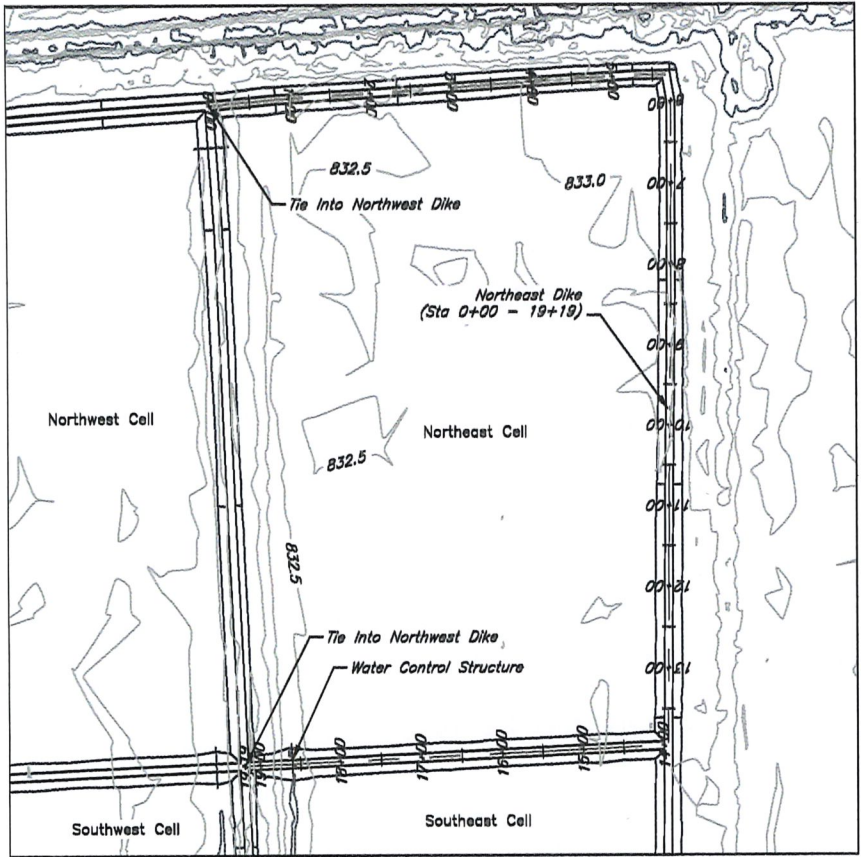
KS DEPT OF AGRICULTURE

Date 03/22
 Designed B. Severin
 Drawn B. Severin
 Checked M. Miller
 Approved B. Severin

Glover Real Estate LLC (Davis)
 Wetland Development (As-Constructed)
 E 1/2 Sec 21, T-31S; R-21E
 Labette County, Kansas

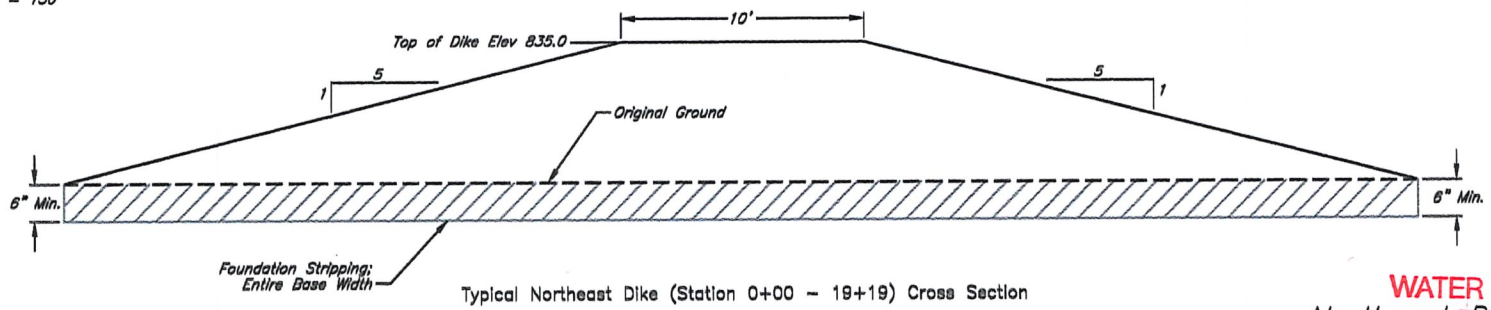


Sheet 6 of 12



Scale: 1" = 150'

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
832.0	0.00	0.00	0.00
832.5	0.31	0.08	0.21
833.0	9.08	2.43	6.21
833.5	9.57	7.09	11.08
834.0	9.72	11.91	15.97
POOL 834.5	9.88	16.81	20.93
TOD 835.0	10.03	21.79	25.97

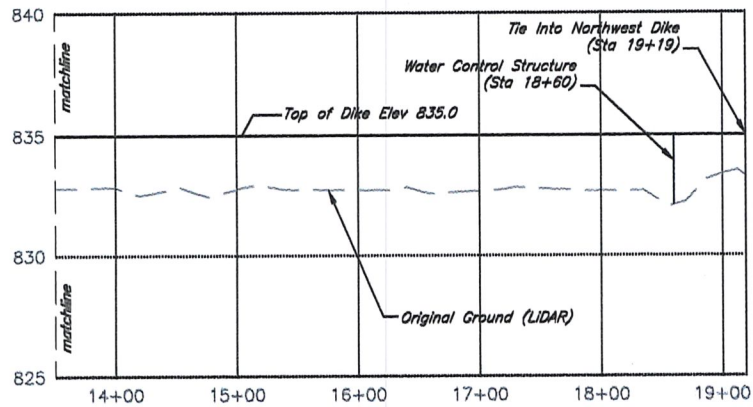
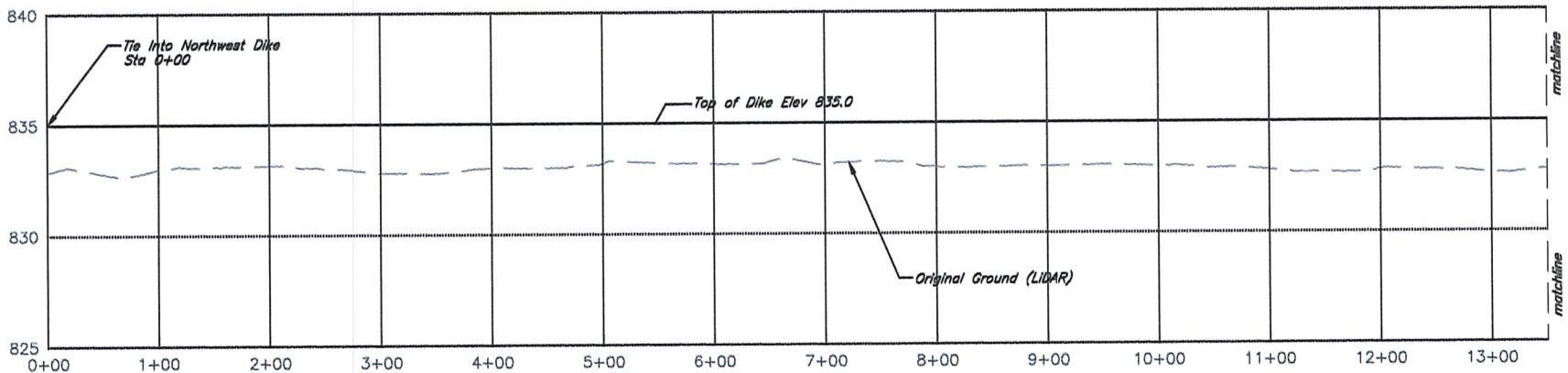


Typical Northeast Dike (Station 0+00 - 19+19) Cross Section

WATER RESOURCES
 Northeast Dike Detail

MAR 16 2022

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Date	03/22
Designed	B. Severin
Drawn	B. Severin
Checked	M. Miller
Approved	B. Severin

Glover Real Estate LLC (Davis)
 Wetland Development (As-Constructed)
 E 1/2 Sec 21, T-31S; R-21E
 Labette County, Kansas



WATER RESOURCES
 Northwest Dike Profile

RECEIVED

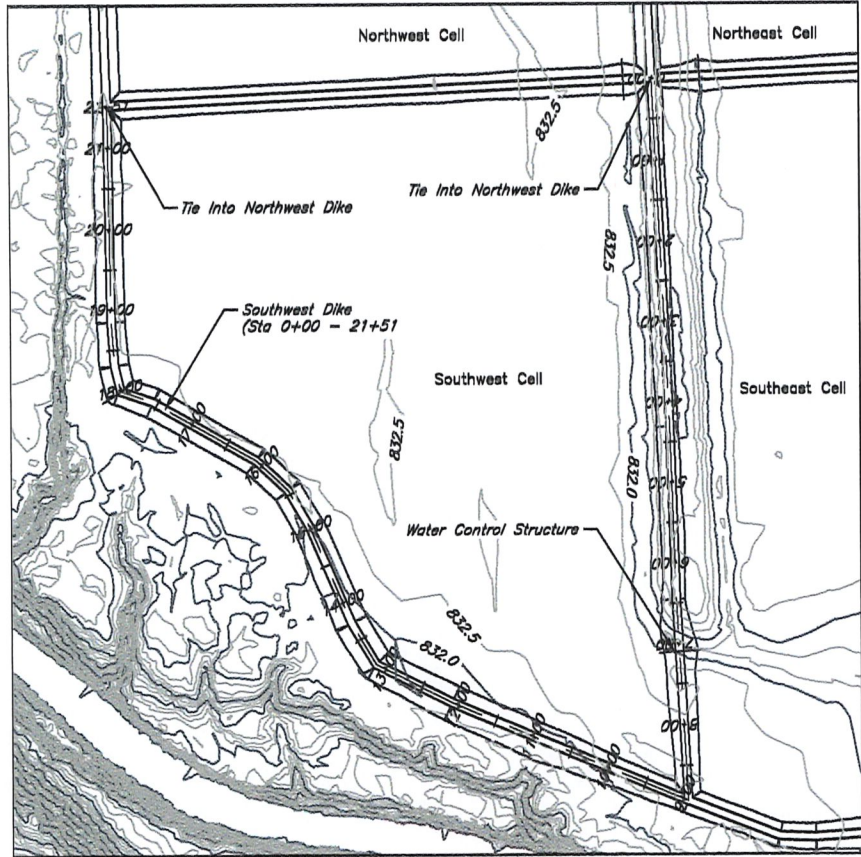
MAR 16 2022

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Date 03/22
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 Drawn B. Severin
 Checked M. Miller
 Approved B. Severin

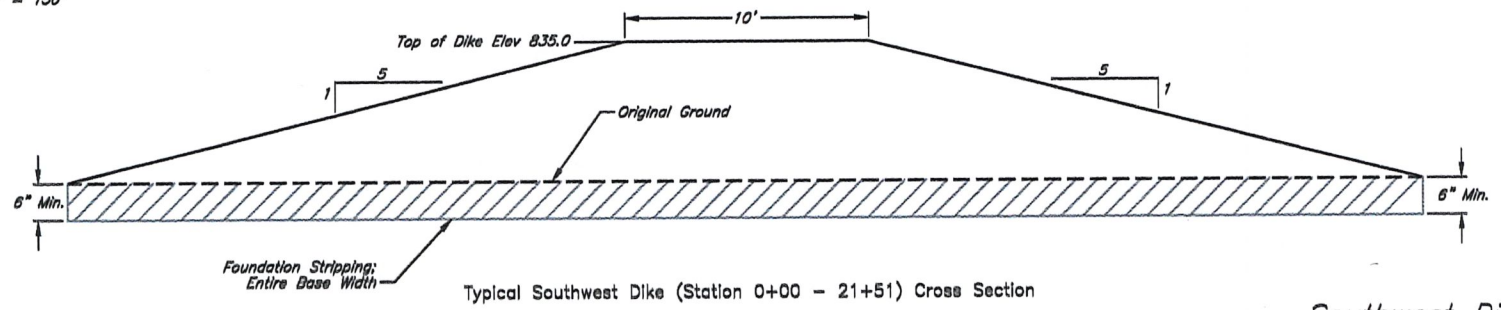
Glover Real Estate LLC (Davis)
 Wetland Development (As-Constructed)
 E 1/2 Sec 21, T-31S; R-21E
 Labette County, Kansas

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Scale: 1" = 150'

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
831.5	0.00	0.00	0.00
832.0	0.19	0.12	0.32
832.5	1.73	0.68	1.40
833.0	9.25	3.42	7.27
833.5	9.40	8.08	12.00
834.0	9.56	12.82	16.80
POOL 834.5	9.72	17.64	21.69
TOD 835.0	9.88	22.54	26.65

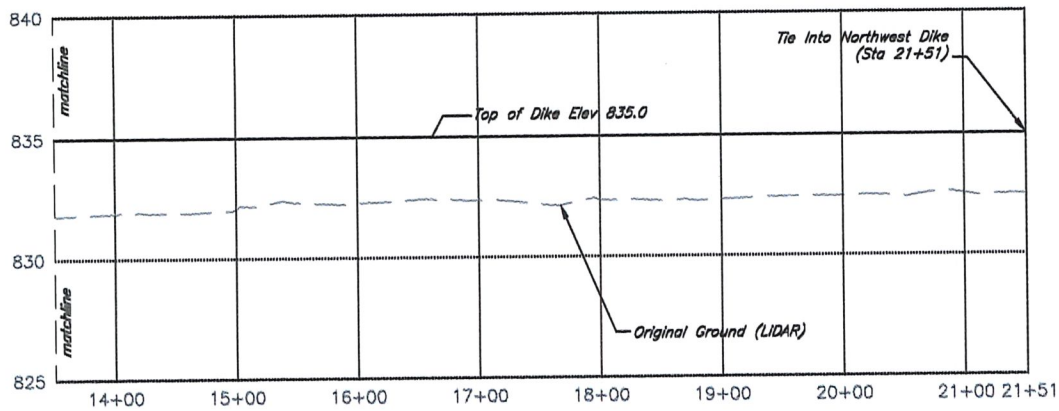
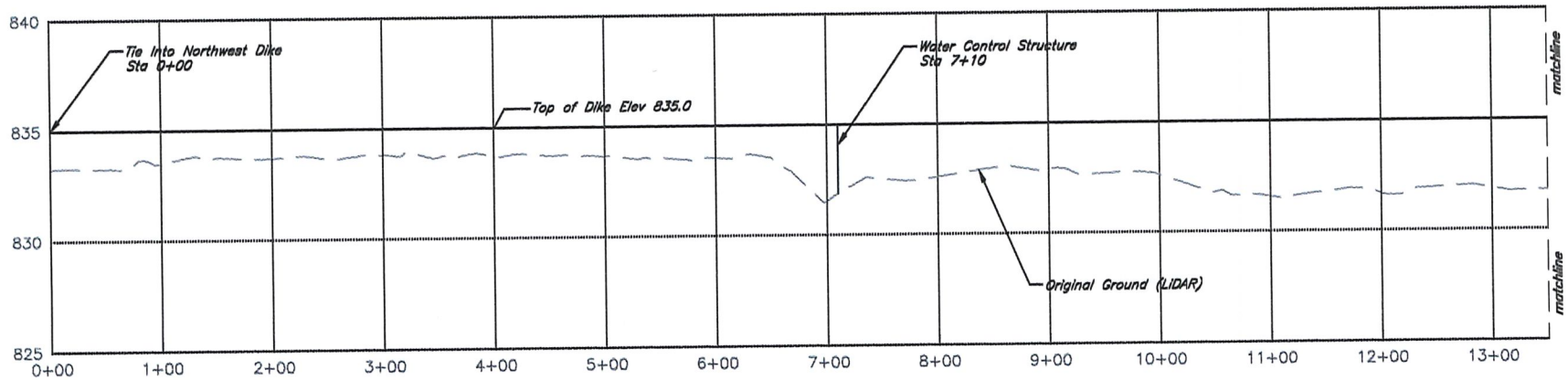


Typical Southwest Dike (Station 0+00 - 21+51) Cross Section

Southwest Dike Detail
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 MAR 16 2022

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Date	03/22
Designed	B. Severin
Drawn	B. Severin
Checked	M. Miller
Approved	B. Severin

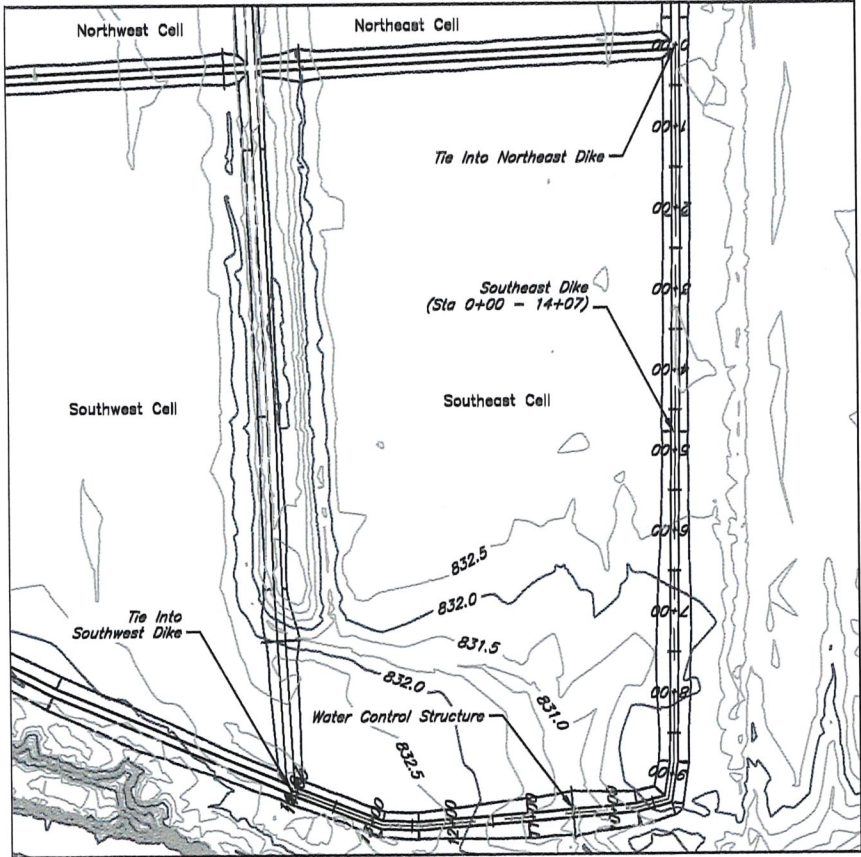
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 Labette County, Kansas



Southwest Dike Profile
 WATER RESOURCES
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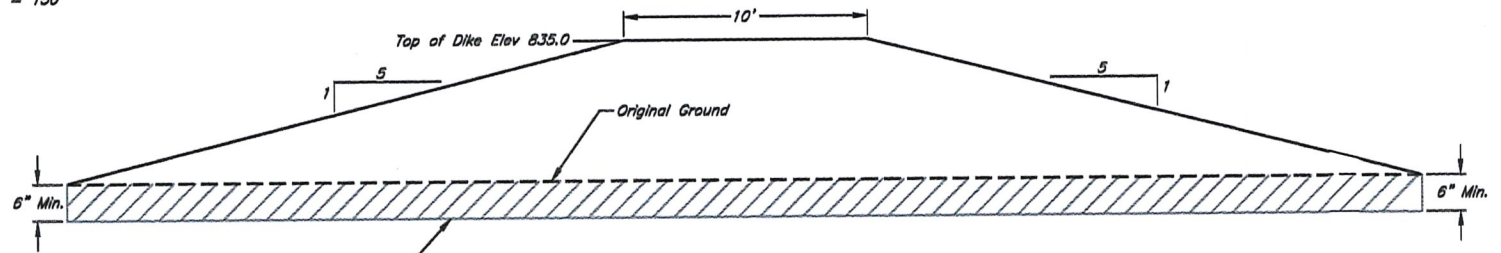
Date 03/22
 Designed B. Severin
 Drawn B. Severin
 Checked M. Miller
 Approved B. Severin

Glover Real Estate LLC (Davis)
 Wetland Development (As-Constructed)
 E 1/2 Sec 21, T-31S; R-21E
 Labette County, Kansas



Scale: 1" = 150'

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
830.5	0.00	0.00	0.00
831.0	0.17	0.04	0.11
831.5	0.80	0.28	0.62
832.0	2.03	0.99	1.84
832.5	3.49	2.37	3.82
833.0	9.75	5.68	9.74
833.5	9.91	10.60	14.73
834.0	10.07	15.59	19.79
POOL 834.5	10.23	20.67	24.93
TOD 835.0	10.39	25.82	30.15

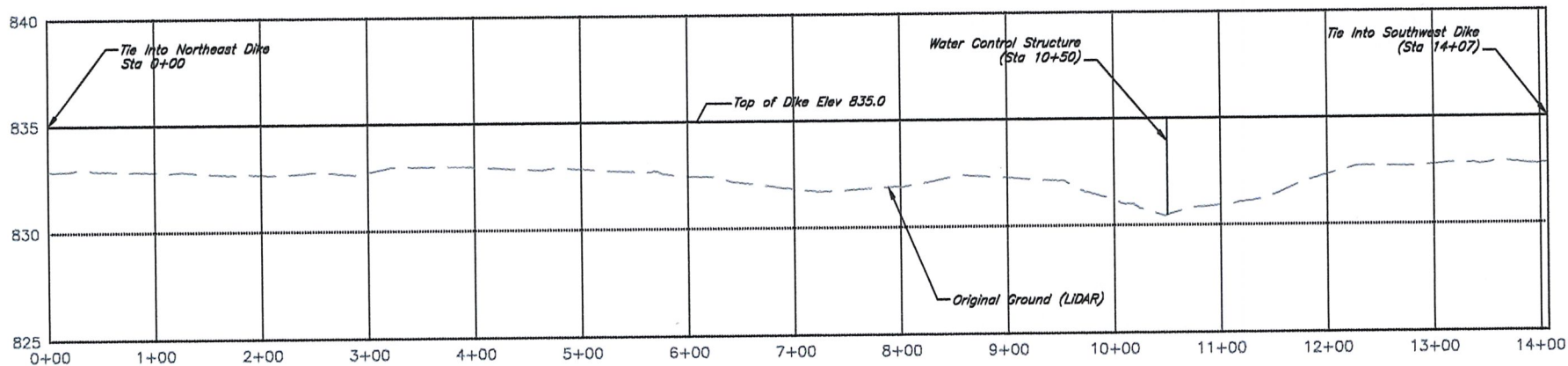


Typical Southeast Dike (Station 0+00 - 14+07) Cross Section

WATER RESOURCES RECEIVED
 Southeast Dike Detail

MAR 16 2022

KS DEPT OF AGRICULTURE



Designed	B. Severin	Date	03/22
Drawn	B. Severin		03/22
Checked	M. Miller		03/22
Approved	B. Severin		03/22

Glover Real Estate LLC (Davis)
 Wetland Development (As-Constructed)
 E 1/2 Sec 21, T-31S; R-21E
 Labette County, Kansas

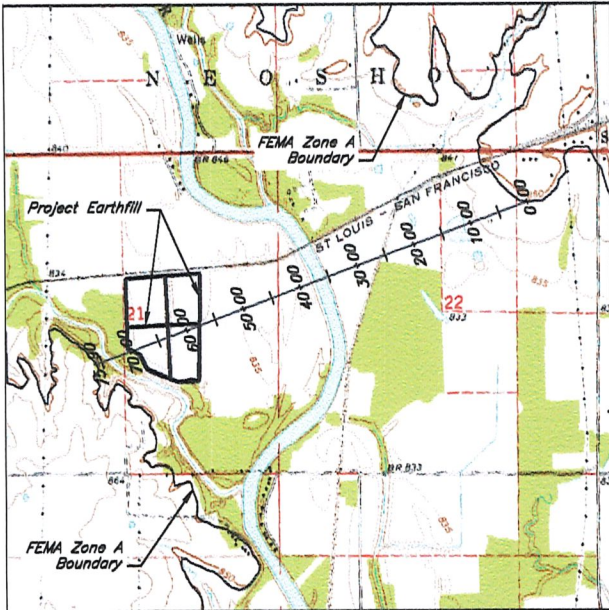


WATER RESOURCES
 Southeast Dike Profile
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Sheet 11 of 12

MAR 16 2022

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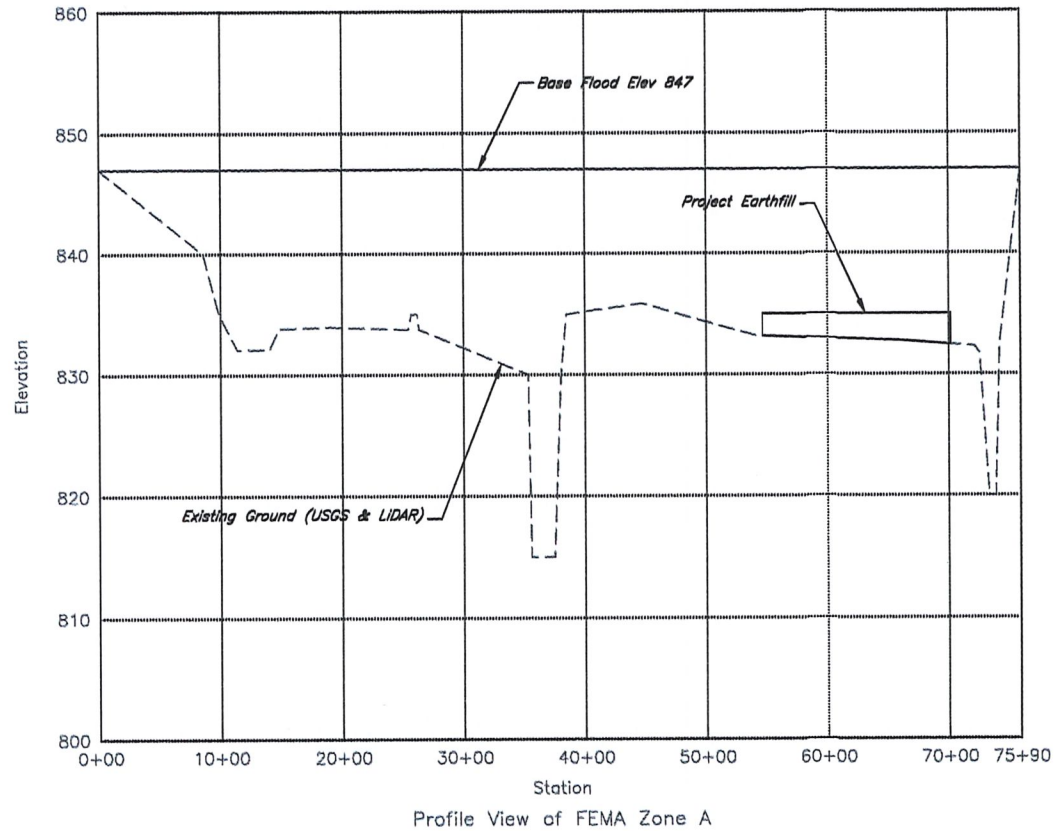
Scale: 1" = 2000'

References:
 Existing ground and channels: U.S. Geological Survey (USGS) 7.5 minute quadrangle map and LIDAR topographic data
 FEMA Zone A Base Flood: National Flood Insurance Program, Flood Insurance Rate Map (FIRM)
 Map Number FM20099C0250D, Unincorporated areas of Labette County, KS (1/2/2009)

Base flood elevation = 847
 Base flood section area = 98,800 sq. ft.
 Top width of base flood section = 7,590 ft
 Maximum earthfill area below base flood elevation = 3,320 sq. ft.

Earthfill will increase base flood area by 3%
 Earthfill will increase base flood elevation by 0.4 ft.

Base Flood Analysis Completed By: Brian W Severin Date: 3/4/2022



Designed	B Severin	Date	03/22
Drawn	B Severin		03/22
Checked	M Miller		03/22
Approved	B Severin		03/22

Glover Real Estate LLC (Davis)
 Wetland Development (As-Constructed)
 E 1/2 Sec 21, T-31S; R-21E
 Labette County, Kansas



Base Flood Analysis
 WATER FLOOD ANALYSIS
 RECEIVED
 MAR 16 2022

Hemphill, Lloyd [KDA]

From: Hemphill, Lloyd [KDA]
Sent: Thursday, August 11, 2022 1:08 PM
To: Hemphill, Lloyd [KDA]
Subject: FW: Application, File No. 50,555: Source of Water

From: Scott Williams - ModernAg Inc. <scott.williams@modernaginc.com>
Sent: Thursday, August 11, 2022 12:24 PM
To: Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>
Subject: Re: Application, File No. 50,555: Source of Water

I would agree with your last statement. Thanks

Sent from Scott Williams iPhone

On Aug 11, 2022, at 12:05 PM, Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov> wrote:

In the Fall and Winter duck seasons when you would be pumping water is it likely that the tributary would have 14.4 cfs (6500 gpm) of flow? It sounds like backwater would be the more reliable source.

Lloyd

From: Scott Williams - ModernAg Inc. <scott.williams@modernaginc.com>
Sent: Thursday, August 11, 2022 11:38 AM
To: Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>
Subject: Re: Application, File No. 50,555: Source of Water

So during seasonal rain the trib flows most days but right now it would be back water from low water KGE dam down stream. Does that answer your question?

Sent from Scott Williams iPhone

On Aug 11, 2022, at 9:33 AM, Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov> wrote:

Scott,

Can you provide us some additional information that will help us to determine the proper source of water for Application, File No. 50,555 (Davis) east of Parsons?

The proposed pumpsite is geographically located on a tributary to the Neosho River and the source of water will be natural flows of surface water. We need to determine whether the source is flows of the tributary stream or backwaters from the Neosho River. The clip below is from a 9/27/2011 aerial image from a relatively dry season. The proposed pump site would be in the upper left corner of the image. From this image, it appears that there may be a substantial backwater pool from the Neosho River. During

dry times, is there flowing water in the tributary? Is this flow greater than the pumping rate for this project? Does the backwater pool ever dry up when the river is low?

How we define the source of water will determine how the water right will be administered.

1. If we determine that the source of supply is the tributary, the rate of diversion at any given time will be limited to no more than the flow of the stream. The application has proposed a rate of diversion of 6,500 GPM (14.5 cubic feet per second).
2. If the source is the Neosho River, diversion of water may be subject to the protection of any releases from upstream reservoirs.



Let me know if you have any questions.

Thank you,
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

Hemphill, Lloyd [KDA]

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. 18th Ave Suite B
Emporia, KS 66801
Office 620-487-3413
Cell 620-682-3538
brent.turney@usda.gov

Brent Turney
Easement Specialist

3020 W. 18th Ave Suite B
 Emporia, KS 66801
 Office 620-487-3413
 Cell 620-682-3538
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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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. 50,555** of the applicant

**GLOVER REAL ESTATE LLC
C/O BOBBY GLOVER
2479 US HWY 400
MCCUNE, KS 66753**

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 Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 21 in Township 31 South, Range 21 East, Labette County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from the Neosho River, to be withdrawn by means of one (1) pump site located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 21, more particularly described as being near a point 1,823 feet North and 2,562 feet West of the Southeast corner of said section all in Township 31 South, Range 21 East, Labette 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 **100 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.

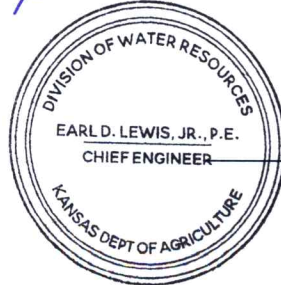
17. That diversion of natural flow shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

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

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

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

Ordered this 27th day of September, 2022, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 27 day of September, 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman

Notary Public

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

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

GLOVER REAL ESTATE LLC
C/O BOBBY GLOVER
2479 US HWY 400
MCCUNE, KS 66753

RE: Appropriation of Water, File No. 50,555
Dismissal, File No. 50,746

Dear Mr. Glover:

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

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

An 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.

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.

Also enclosed, is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing the application to appropriate water for beneficial use (File No. 50,746) as requested by the voluntary dismissal form received on July 1, 2022.

This order shall become final agency action without further notice to the parties, if a request for hearing or a petition for administrative review is not filed in a manner set forth in the enclosed order.

If you have any questions or need assistance, please contact our office at 785-564-6640 or the 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

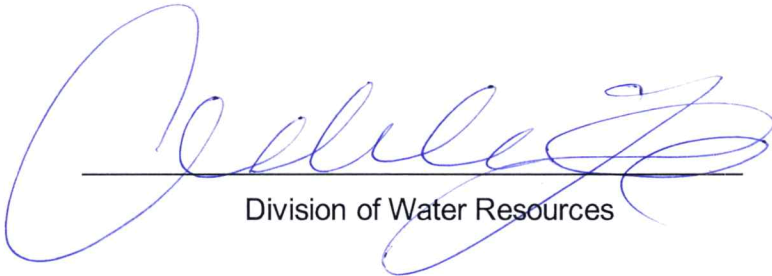
CERTIFICATE OF SERVICE

On this 5 day of October, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,555, dated 27 September, 2022 was mailed postage prepaid, first class, US mail to the following:

GLOVER REAL ESTATE LLC
C/O BOBBY GLOVER
2479 US HWY 400
MCCUNE, KS 66753

With photocopies to:

Topeka Field Office



Division of Water Resources