

THE STATE OF KANSAS



WATER RESOURCES RECEIVED

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KS Dept. of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting Secretary of Agriculture

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

WATER STRUCTURE NUMBER _____ WATER APPROPRIATION NUMBER **51187**
(For Agency Use Only)

Filing fees must accompany this application. Refer to fee schedule on page 5.

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

Application is hereby made for written consent or permit of the Chief Engineer, Division of Water Resources, 1320 Research Park Drive, Manhattan, Kansas 66502, by: (PLEASE TYPE OR PRINT CLEARLY)

1. **Applicant:** Doyle Creek Watershed JD #86

Mailing Address: 1405 S. Spencer Road
Newton, KS 67114-4126

E-mail Address: _____

Telephone No.: 620 283-0370 Ext 3468 FAX No.: _____

2. **Designer:** Jarred Green, PE

Firm: KLA Environmental Services, Inc.

Contact Person: Jarred Green, PE

Mailing Address: 1700 East Iron, Salina, KS 67401

E-mail Address: jgreen@klaenviro.com

Telephone No.: 785 342-3914 FAX No.: 913 273-1493

2/21/2024
KAnderson

For Office Use Only:							
F.O.	<u>1</u>	GMD	<u>Meets K.A.R. 5-3-1</u>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Use	<u>SED</u>	Source
Code	<u>REG</u>	Fee \$	<u>200</u>	TR #		Receipt Date	<u>2-14-24</u>
Code	<u>DLP</u>	Fee \$	<u>200</u>	TR #		Receipt Date	<u>2-14-24</u>
						Check #	<u>1989</u>
						Check #	<u>1989</u>

3. POINT OF DIVERSION

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The location of the proposed dam is (use intersection of dam centerline and stream centerline where applicable): One dam in the SE quarter of the SE quarter of the NW quarter of Section 28, more particularly described as being near a point 2910 feet North and 2850 feet West of the Southeast corner of said section, in Township 21 South, Range 2 East West (circle one), Marion County, Kansas, in, along and across (stream or watercourse name): Tributary to Doyle Creek. **COTTONWOOD RIVER**

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

Loewen Family Revocable Trust, 3004 S. Duncan, Newton, KS 67114 (620) 382-6206

(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 February 1, 2024.

Brian D. Lang
Applicant's Signature

4. The project will (complete all that apply): be 1370 feet long, 26.5 feet high, have a 3:1 upstream side slope, and 2.5:1 downstream side slope, 14.0 feet top width, and 65,310 cubic yards of fill. Site name Doyle Creek FRD #11 ~~(was)~~ or (will be) completed 11/15/2025.
(mo/day/year)

Further description: FRD 11 will be a compacted earthfill dam with a 24" diameter concrete pressure pipe principal spillway and a 100' wide vegetated earthen auxiliary spillway.

5. The maximum quantity of water desired is 20.3 acre-feet for initial filling of the reservoir to be diverted at the rate of all natural flows not needed to satisfy all vested rights and prior appropriation rights.

6. The quantity of water for indirect use (seepage loss and the average annual potential net evaporation loss from the surface of the water originally impounded in the reservoir for beneficial use) will be 40.4 acre feet per calendar year. (See calculation below for guidance.) See K.A.R. 5-6-3 for potential net evaporation for Kansas.

$$\frac{8.5}{\text{Total surface area acres}} \times \frac{19}{\text{Potential net evaporation(Inches/yr)}} / 12 \text{ " per year} \times 3 \text{ years} = \frac{40.4}{\text{Acre-feet}}$$

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

7. PLACE OF USE

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

SE/4 of the SE/4 of the NW/4 of Section 28, T21S, R2E

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

8. Please list the proposed type(s) of recreational use (boating, fishing, swimming, fish and wildlife benefits, etc.) If not being used for recreational use, please list sediment control in a reservoir. Sediment control in a reservoir, fish and wildlife benefits.

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

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

Construction was started or was completed: ____/____/20____.

Construction has not begun. Planned date to begin construction: 09 / 15 /20 24.

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

- (a) The location of the proposed dam should be plotted as described in Paragraph No. 3 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) The names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
- (c) The location of the permanent pool described in Item 7 should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (d) The design, construction, operation, and maintenance of the dam must conform to the requirements of the rules and regulations adopted by the Chief Engineer. Applicable regulations are K.A.R. 5-40-1 through 5-43-5, including Engineering Guides 1 and 2. Please visit our web site, www.ksda.gov/dwr or contact our office to obtain those rules and regulations.

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

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

None

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

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

Loewen Family Revocable Trust, 3004 S. Duncan, Newton, KS 67114
(name, address and telephone number)

(name, address and telephone number)

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

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

- fill a channel
- fill or drain deep pools
- inundate a stream
- relocate a channel
- create deep pools
- disturb or endanger historic sites or structures
- affect threatened and endangered species
- remove streamside vegetation, including
 2 acres of trees and 8.5 acres of vegetation

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

- with a vegetative strip, describe: native grass vegetation will remain outside of the 8.5 acre pool
- with erosion control measures during construction, describe: Measures outlined in the Stormwater Pollution Prevention Plan will be implemented during construction
- with mitigation or replacement of environmental impacts or values, describe: as required by COE
- by halting work and contacting the Kansas State Historical Society when historical sites or artifacts are encountered.
- other: _____

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

Dated at Solomon, Kansas, this 1st day of February, 2024.

(Applicant Signature)

By Brian D. Lang, CO
(Agent or Officer Signature)

Brian D. Lang, Contracting Officer
(Agent or Officer - Please Print)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

48-6214003
and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

Assisted by _____ (office/title) Date: _____

Lang Watershed Services

1797 Daisy Road
Solomon, KS 67480

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KS Dept. of Agriculture

February 7, 2024

Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Dr.
Manhattan, KS 66502

RE: Doyle Creek Floodwater Retarding Dam #11

Enclosed find the Application for Permit Obstructions in Streams and Appropriation of Water for Beneficial Use for the sediment control storage in the structure. The construction plans, specifications, design report, soil mechanics report, geology investigation, geology report, reservoir capacity table, and supplemental topographic map are being sent electronically. A check from the Doyle Creek Watershed in the amount of \$400 for the application permit fee is also included with this application. A copy of the signed application is also be sent with the other electronic information.

If you need any additional information, let me know.

Respectfully,



Brian D. Lang, P.E.,
Doyle Creek Contracting Officer
1797 Daisy Road
Solomon, KS 67480

Enclosures

cc: Doyle Creek Watershed, 1405 S. Spencer Rd, Newton, KS 67114