

# THE STATE OF KANSAS



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

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

**51342**

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

## APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

1. Name of Applicant (Please Print): Cuthbertson Revocable Trust (Scott Cuthbertson)  
Address: 649 W 590<sup>th</sup> St  
City: Girard State KS Zip Code 66743  
Telephone Number: (620) 704-7915

2. The source of water is:  surface water in Flat Rock Creek (stream)  
OR  groundwater in NEOSHO RIVER BASIN (drainage basin)

10/22/2024  
KJN

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. **Auxiliary Spillway Storage Volume = 11.7 ac-ft. The maximum quantity requested is three (3) times the auxiliary spillway volume.**

3. The maximum quantity of water desired is 35 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 5,000 gallons per minute OR \_\_\_\_\_ cubic feet per second.

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

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

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

**For Office Use Only:**  
F.O. 1 GMD REG Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G/S County NO By KJN Date 10/22/24  
Code \_\_\_\_\_ Fee \$ 200 TR # PY2410B84P2 Receipt Date 10/22/2024 Check # \_\_\_\_\_

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

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

(A) One in the NW quarter of the SW quarter of the NE quarter of Section 18, more particularly described as being near a point 3,846 feet North and 2,138 feet West of the Southeast corner of said section, in Township 29 South, Range 21 East, Neosho County, Kansas.

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

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

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

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

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

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

\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(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 \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of one (1) direct diversion pump site  
(number of wells, pumps or dams, etc.)  
and will be completed (by) following approval  
(Month/Day/Year - each was or will be completed)

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

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

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

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

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

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

- If yes, show the Water Structures permit number here Floodplain fill permit pending
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

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

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within ½ mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

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

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

Storage application for the wetland cell capture of surface runoff from the contributing drainage area.

The storage application and this direct diversion application are being filed together.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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File No. \_\_\_\_\_

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of owner / operator.  
(owner, tenant, agent or otherwise)

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

\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

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

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(month) (year)

\_\_\_\_\_  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by Brian Severin, P.E. Eocene Environmental Group Date: 8/12/2024  
(office/title)



**FEE SCHEDULE**

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

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

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

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

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

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

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

**MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE**

**ATTENTION**

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

**CONVERSION FACTORS**

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

File No. \_\_\_\_\_

Name of Applicant (Please Print): Cuthbertson Revocable Trust (Scott Cuthbertson)

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): Construction of low level wetland dike to seasonally impound shallow water for wildlife use.

2. Please summarize how the water will be used and justify the quantity of water requested: Constructed wetland storage at the auxiliary spillway elevation = 11.7 acre-feet  
Proposed Flat Rock Creek direct diversion = 35 acre-feet (3 times the auxiliary spillway volume). Water from the creek will be pumped into adjacent wetland cell.  
Excess will be released into the floodplain when lowering or emptying the cell.

3. Please complete the following table showing estimated future water requirements:

<b>ESTIMATED FUTURE WATER DIVERTED/STORED</b>	
<b>NEXT 5 YEARS</b>	<b>WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)</b>
Year 1	35 acre-feet
Year 2	35 acre-feet
Year 3	35 acre-feet
Year 4	35 acre-feet
Year 5	35 acre-feet

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

NE 1/4 Sec 18, T-29S; R-21E (see plan sheets)

You may attach any additional information you believe will assist in informing the Division of the need for your request.

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

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 90 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land. (A) = Proposed Pump Site (Direct Diversion)

- (A) One in the NW quarter of the SW quarter of the NE quarter of Section 15, more particularly described as being near a point 3,840 feet North and 2,130 feet West of the Southeast corner of said section, in Township 22 South, Range 21 East, Neosho County, Kansas.
- (B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_, \_\_\_\_\_ County, Kansas.
- (C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_, \_\_\_\_\_ County, Kansas.
- (D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_, \_\_\_\_\_ County, Kansas.

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

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

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

\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

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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 8-15 2024

[Signature]  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of one (1) direct diversion pump site and will be completed (by) following approval  
(number of wells, pumps or dams, etc.)  
(Month/Day/Year - each was or will be completed)
8. The first actual application of water for the proposed beneficial use was or is estimated to be following approval  
(Mo/Day/Year)

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of owner / operator  
(owner, tenant, agent or otherwise)

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

\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

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

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_ (month) \_\_\_\_\_ (year)

  
\_\_\_\_\_  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

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# Cuthbertson Revocable Trust (Flat Rock Bottoms)

## As Constructed Wetland Development

August 13, 2024

**Prepared By:**

Brian W. Severin, P.E.

Director of Technical Services

[bseverin@eocene.com](mailto:bseverin@eocene.com)

785.207.0201

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## Design Report

### Project Information

- Name: Cuthbertson Revocable Trust (Flat Rock Bottoms)
- Practice: As Constructed Wetland Development
- Legal: NE 1/4 Section 18, Township 29 South; Range 21 East
- Location: Neosho County, Kansas

### Project Description

The project is located along and within the floodplain of Flat Rock Creek. The wetland development includes one wetland cell with a water control structure. The dike structure was constructed July 2024 (prior to securing permits). The low-level dike will provide additional water storage and create diverse topography within the degraded wetland area. The dike will increase water storage capacity and maintain hydrology at times throughout the year. The project will not hydraulically affect adjacent landowners, as the permanent pools will be confined to the landowner's property.

### Design

The wetland cell has approximately 97 acres of drainage area. The contributing hydrology into the wetland cell is direct rainfall, overland flow runoff, and seasonal flood events. The low-level dike is expected to overtop during flood events. The dikes were constructed with a minimum profile to reduce damage during these events. Average annual rainfall and seasonal flooding is expected to maintain wetland hydrology in the cell at most times throughout the year. However (permit pending), the cell will be supplemented with pumped surface water from Flat Rock Creek.

### Permitting and Permissions

The following permits will be required for the as constructed dike and wetland operation activities. Pertinent information for the permits has been supplied on the applications.

- Kansas Department of Agriculture, Division of Water Resources: DWR 1-100 Water Appropriation for Beneficial Use (Direct Diversion – Pump Site)
- Kansas Department of Agriculture, Division of Water Resources: DWR 1-100 Water Appropriation for Beneficial Use (Natural Flow – Surface Water Storage)
- Kansas Department of Agriculture, Division of Water Resources: DWR 2-200 Floodplain Fill



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## **Survey**

The as constructed project was surveyed by Matt Miller, Engineering Technician, Eocene using survey grade GPS equipment. The survey data was post processed using NOAA – Online Positioning User Service (OPUS) and corrected to Kansas State Plane, Zone South. The project is tied to permanent benchmarks labeled and described on the Plan Sheets. LiDAR topographic data was compared to the survey data and elevation corrected for planning and design use.

## **Appendix**

The attached Appendix includes Plan Sheets, KDA-DWR Report, and Permit Documentation.



Project: Cuthbertson Revocable Trust (Flat Rock Bottoms)

Practice: As Constructed Wetland Development

Location: NE 1/4 Sec 18, T-29S; R-21E

Neosho County, Kansas

Index to Drawings

Sheet No.	Description
1	Cover Sheet
2	Location Map and Adjacent Landowners
3	Orthographic Plan Map
4	Plan View and Storage Table
5	Dike 1 Profile
6	Dike 1 Cross Sections
7	Base Flood Analysis
8	Base Flood Analysis

Brian W. Severin, P.E.                      August 2024  
Designed by    Date



Approved by \_\_\_\_\_ Date \_\_\_\_\_

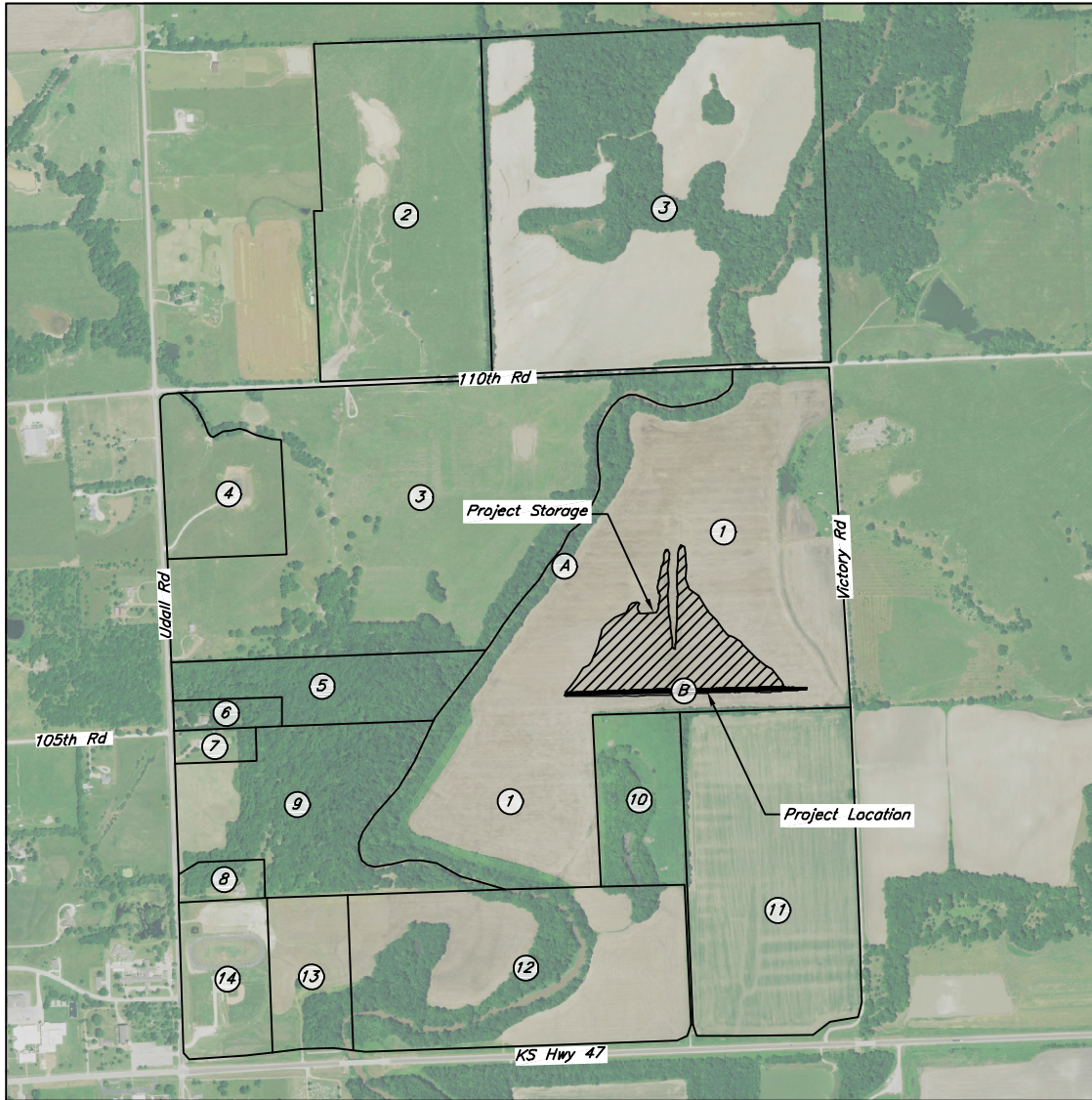
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Before any investigation or construction activity, the excavator is responsible for calling Kansas One-Call at 800-344-7233 (800-DIG-SAFE) or 811





The approximate project location is 1 mile east and 0.5 mile north of Saint Paul, Kansas.

Upstream and Downstream Landowners

- 1) Project Location  
Cuthbertson Revocable Trust  
649 W 590th St  
Girard, Kansas 66743
- 2) Beachner Southwest Farming  
PO Box 128  
Saint Paul, Kansas 66771
- 3) Beachner Bros Inc  
PO Box 128  
Saint Paul, Kansas 66771
- 4) Beachner, Cory  
10780 Udall Rd  
Saint Paul, Kansas 66771
- 5) Beachner, Alice M Trust  
909 Willowbrook Rd  
Parsons, Kansas 67357
- 6) Chambers, Ken A & Kari S  
10510 Udall Rd  
Saint Paul, Kansas 66771
- 7) Carter Roy Revocable Trust  
108 St. Joseph  
Saint Paul, Kansas 66771
- 8) Pollick Michael William & Johnson Claire White  
10260 Udall Rd  
Saint Paul, Kansas 66771
- 9) Riverlands Investment Property LLC  
10900 S Woodland Rd  
Olathe, Kansas 66061
- 10) Dehlert, Jeremy D  
407 Webster  
Pittsburg, Kansas 66762
- 11) Oplatnik Frank E & Sandra Revocable Trust  
1238 W Hwy 47  
Girard, Kansas 66743
- 12) Smith Joshua M  
808 N Western Ave  
Girard, Kansas 66743
- 13) Smith Joseph A  
19800 Udall Rd  
Erie, Kansas 66733
- 14) USD #505  
430 Elm  
Chetopa, Kansas 67336

Points of Diversion

- A) Pump Site – Direct Diversion
- B) Water Control Structure 1 – Storage

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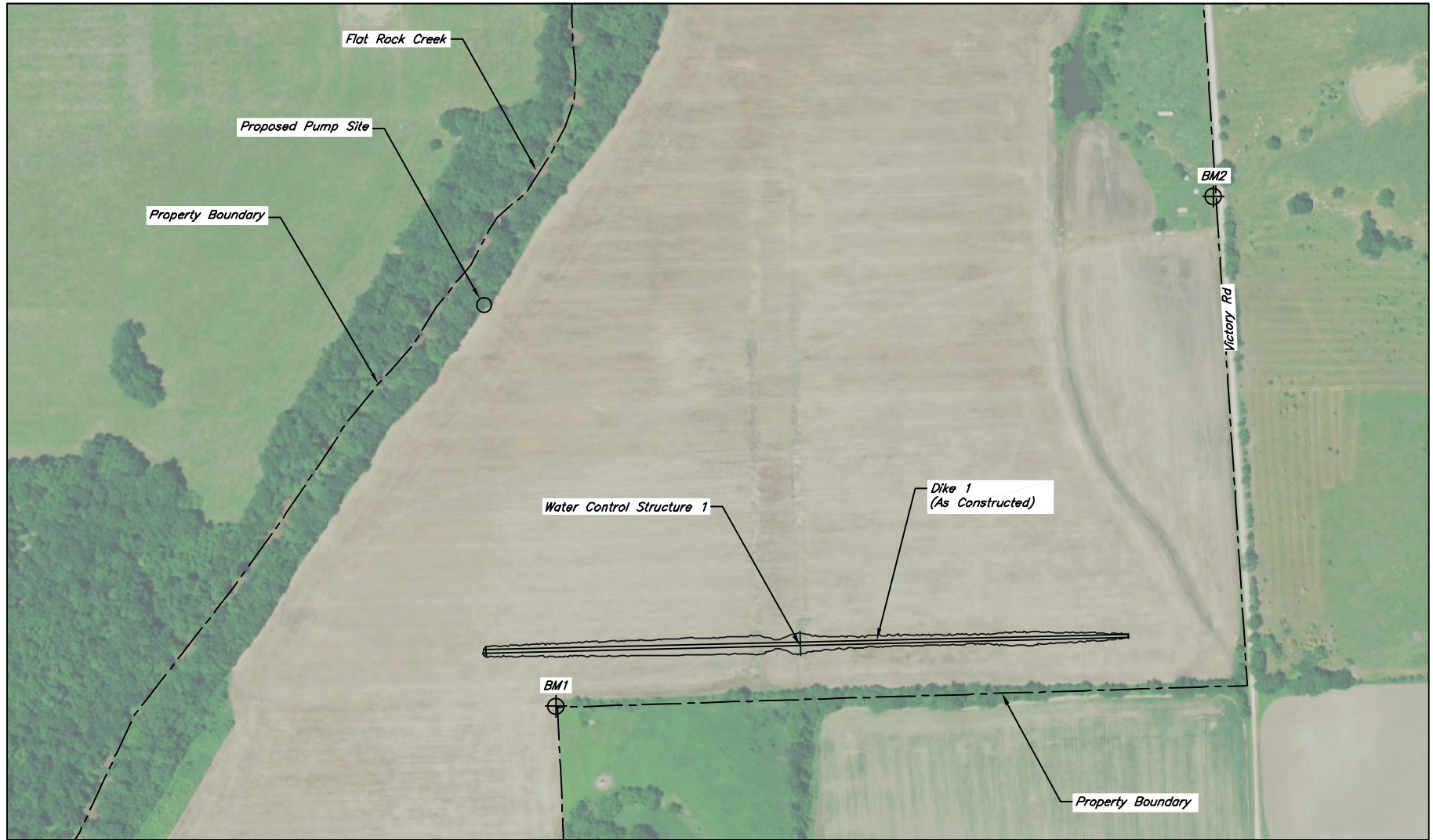
Location Map and Adjacent Landowners

Designed	B. Severin	Date	08/24
Drawn	B. Severin		08/24
Checked	M. Miller		08/24
Approved	B. Severin		08/24

Cuthbertson Revocable Trust (Flat Rock Bottoms)  
As Constructed Wetland Development  
NE 1/4 Sec 18, T-29S; R-21E  
Neosho County, Kansas







Scale in Feet  
10/22/2024

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Benchmark Table				
Benchmark	Northing	Easting	Survey Elevation	Description
BM1	1641189.13	2283586.24	864.73	Top of rebar east of corner post
BM2	1642666.42	2285490.73	873.35	Top of rebar next to H-brace

Survey Area:  
Kansas State Plane, South

Orthographic Plan Map

Date	08/24
Designed	B. Severin
Drawn	B. Severin
Checked	M. Miller
Approved	B. Severin

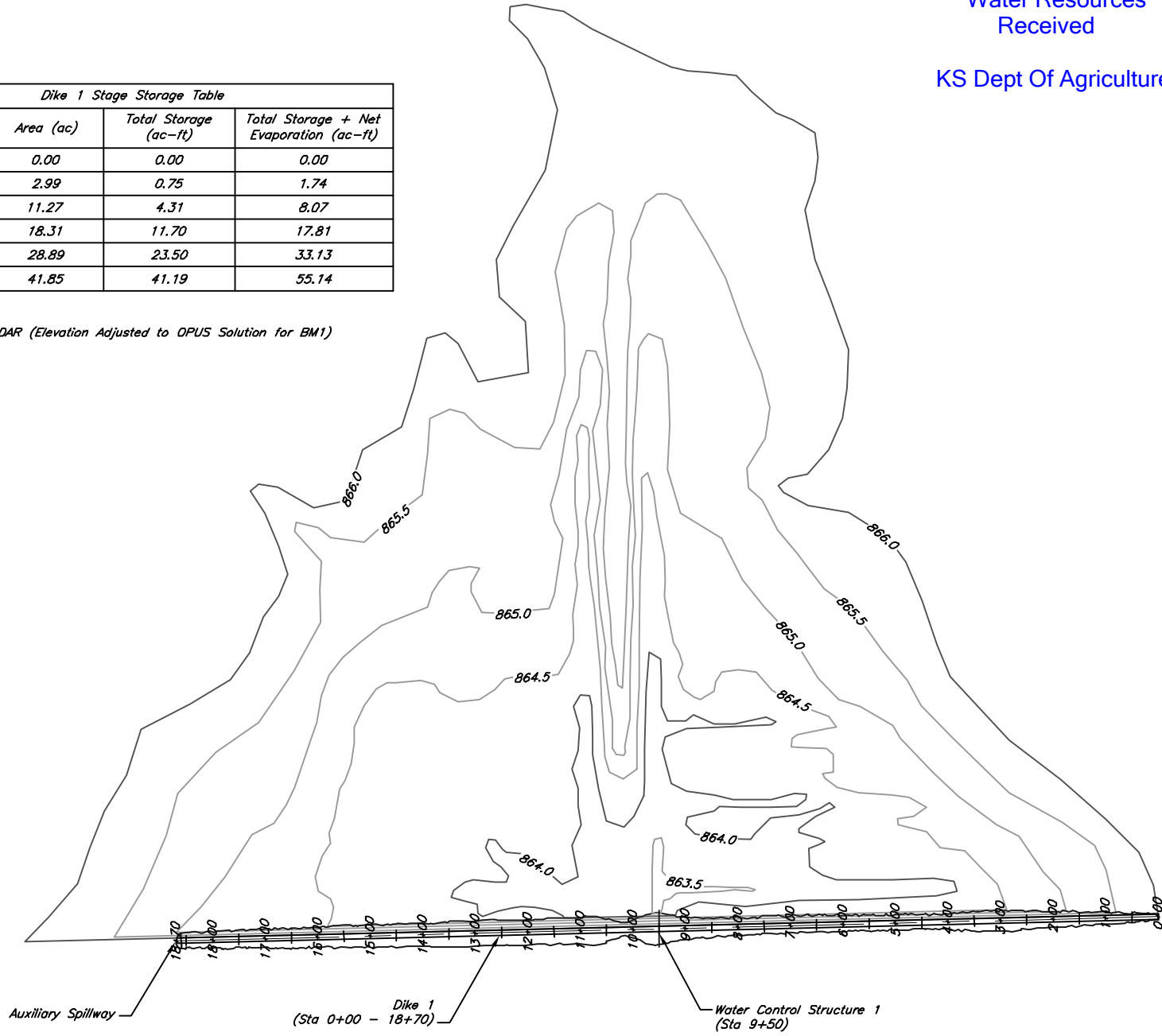
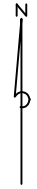
Cuthbertson Revocable Trust (Flat Rock Bottoms)  
As Constructed Wetland Development  
NE 1/4 Sec 18, T-29S; R-21E  
Neosho County, Kansas

Eocene<sup>SM</sup>  
Environmental Group

Sheet 3 of 8

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
863.5	0.00	0.00	0.00
864.0	2.99	0.75	1.74
864.5	11.27	4.31	8.07
ASW 865.0	18.31	11.70	17.81
865.5	28.89	23.50	33.13
TOD 866.0	41.85	41.19	55.14

Scale: 1" = 200'  
Contours: 0.5-ft LiDAR (Elevation Adjusted to OPUS Solution for BM1)



Plan View and Storage Table

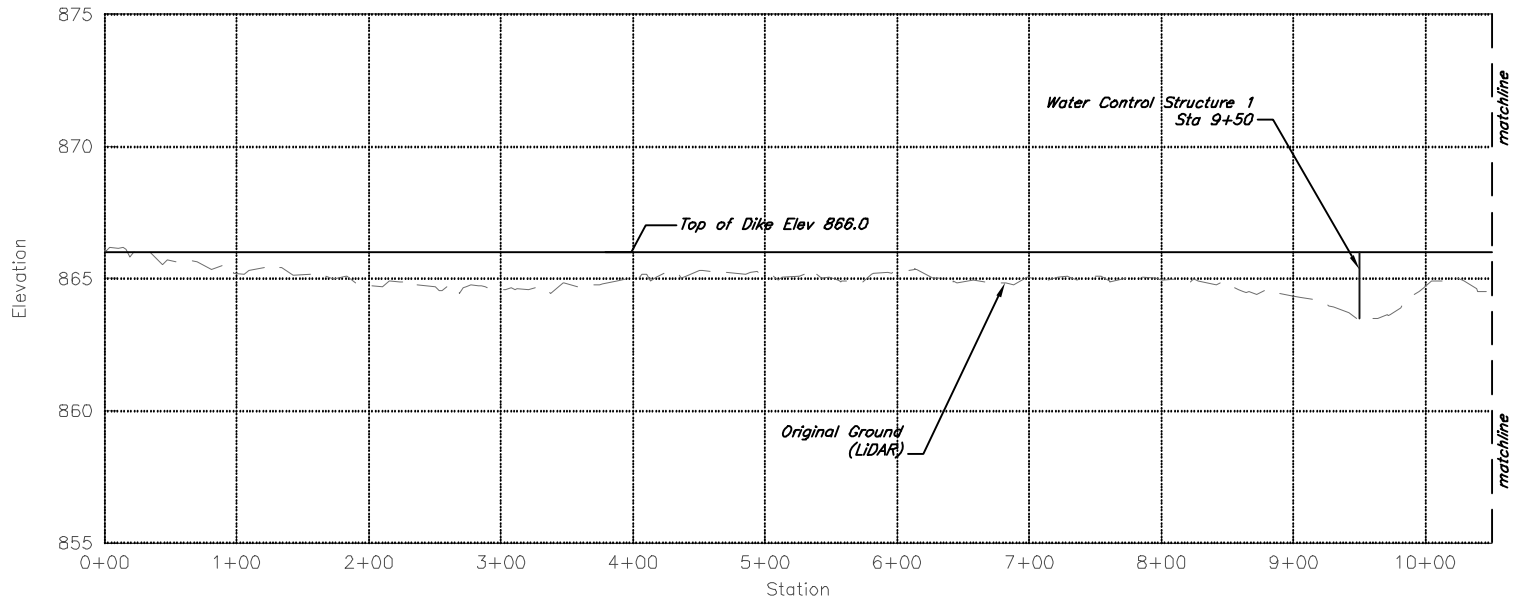
Date
08/24
08/24
08/24
08/24

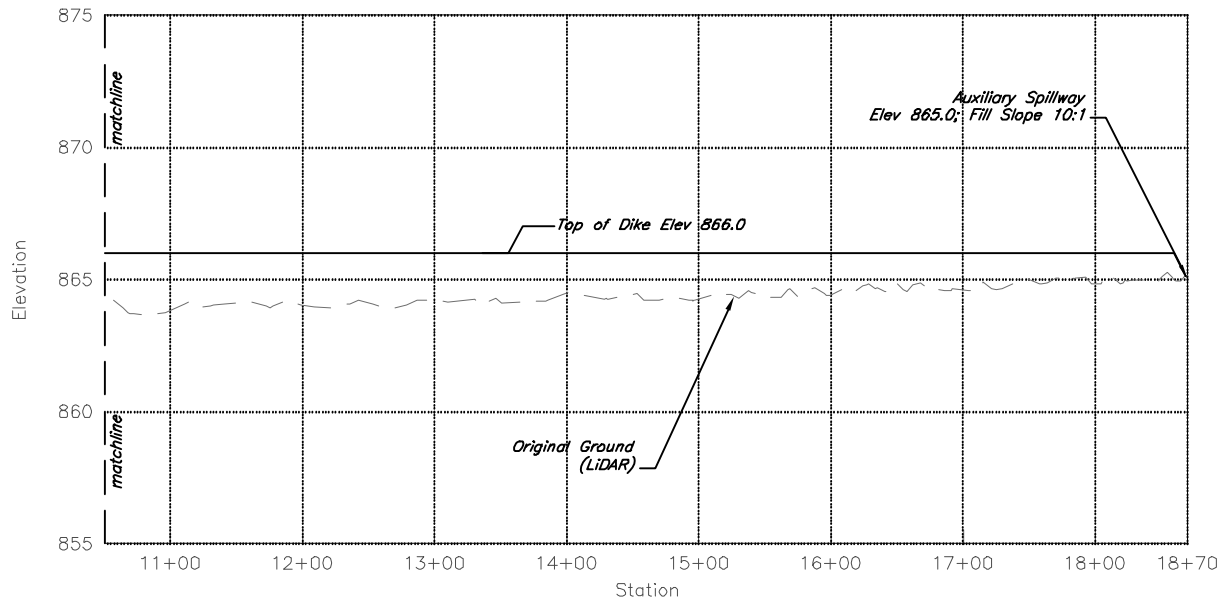
Designed	B. Severin
Drawn	B. Severin
Checked	M. Miller
Approved	B. Severin

Cuthbertson Revocable Trust (Flat Rock Bottoms)  
As Constructed Wetland Development  
NE 1/4 Sec 18, T-29S; R-21E  
Neosho County, Kansas





Profile View of Dike 1



Profile View of Dike 1

10/22/2024

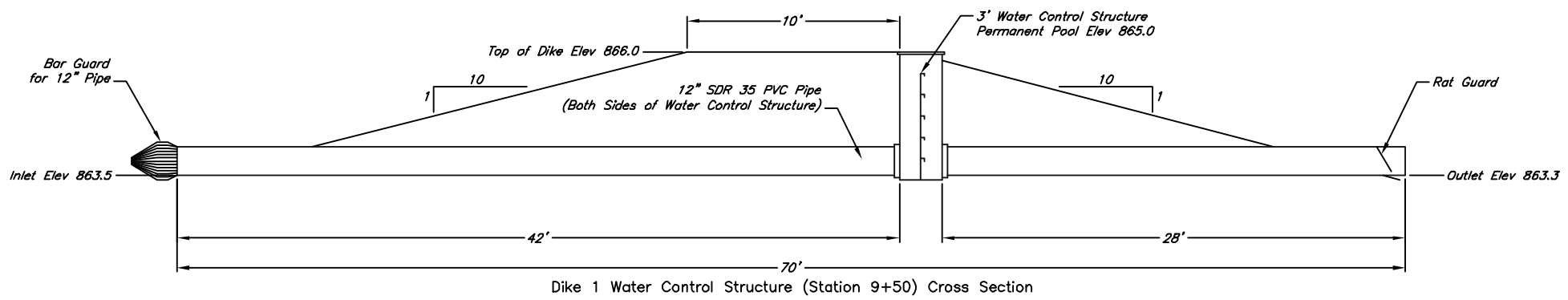
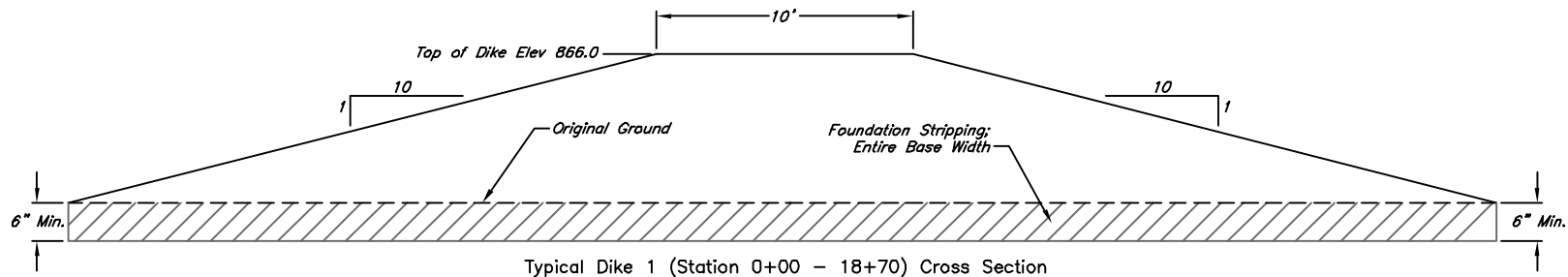
Water Resources  
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KS Dept Of Agriculture  
Dike 1 Profile

Date	08/24
Designed	B. Severin
Drawn	B. Severin
Checked	M. Miller
Approved	B. Severin

Cuthbertson Revocable Trust (Flat Rock Bottoms)  
As Constructed Wetland Development  
NE 1/4 Sec 18, T-29S; R-21E  
Neosho County, Kansas





10/22/2024

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Dike 1 Cross Sections

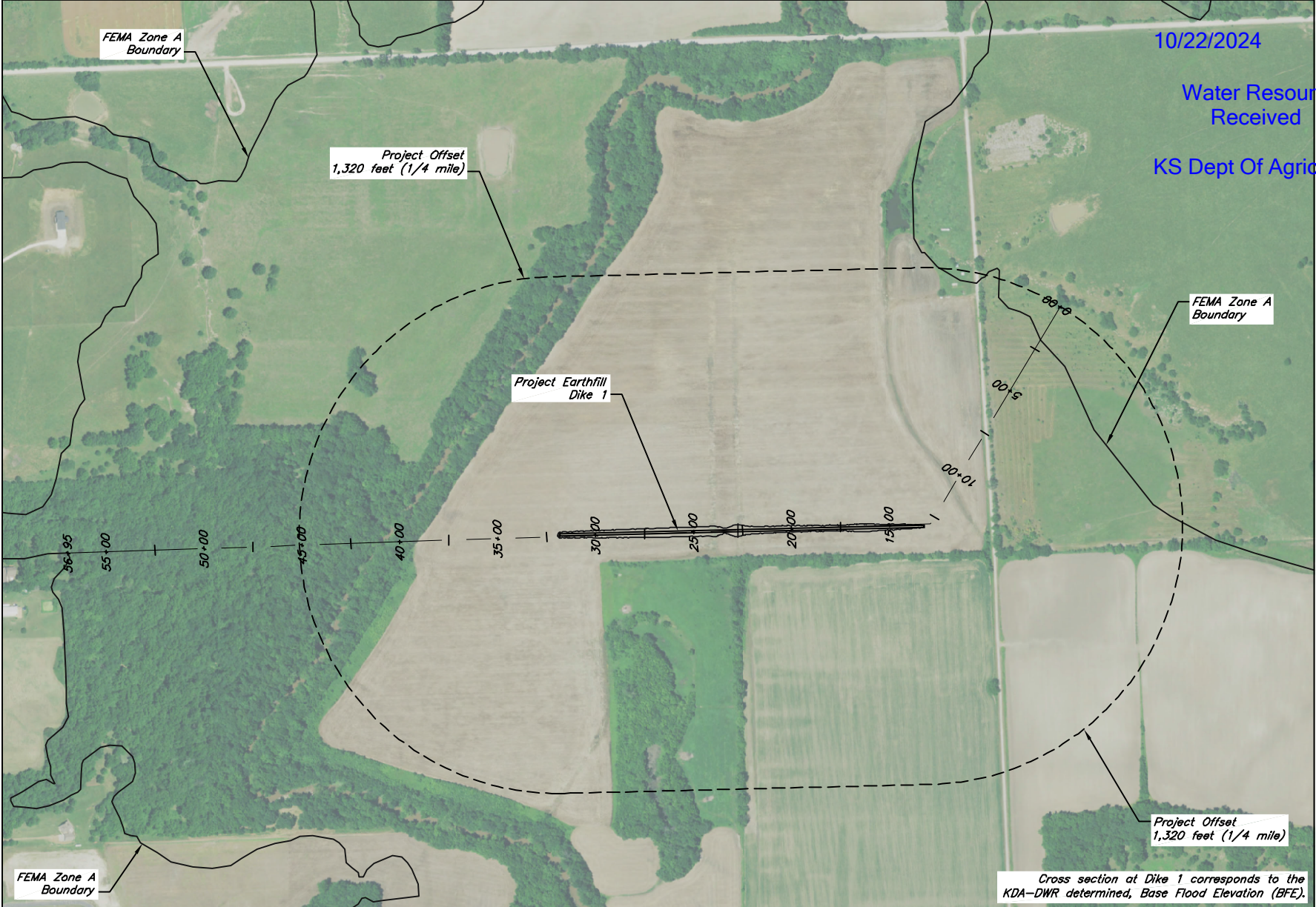
Designed	B. Severin	Date	08/24
Drawn	B. Severin		08/24
Checked	M. Miller		08/24
Approved	B. Severin		08/24

Cuthbertson Revocable Trust (Flat Rock Bottoms)  
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Neosho County, Kansas

Eocene<sup>SM</sup>  
Environmental Group

Sheet 6 of 8





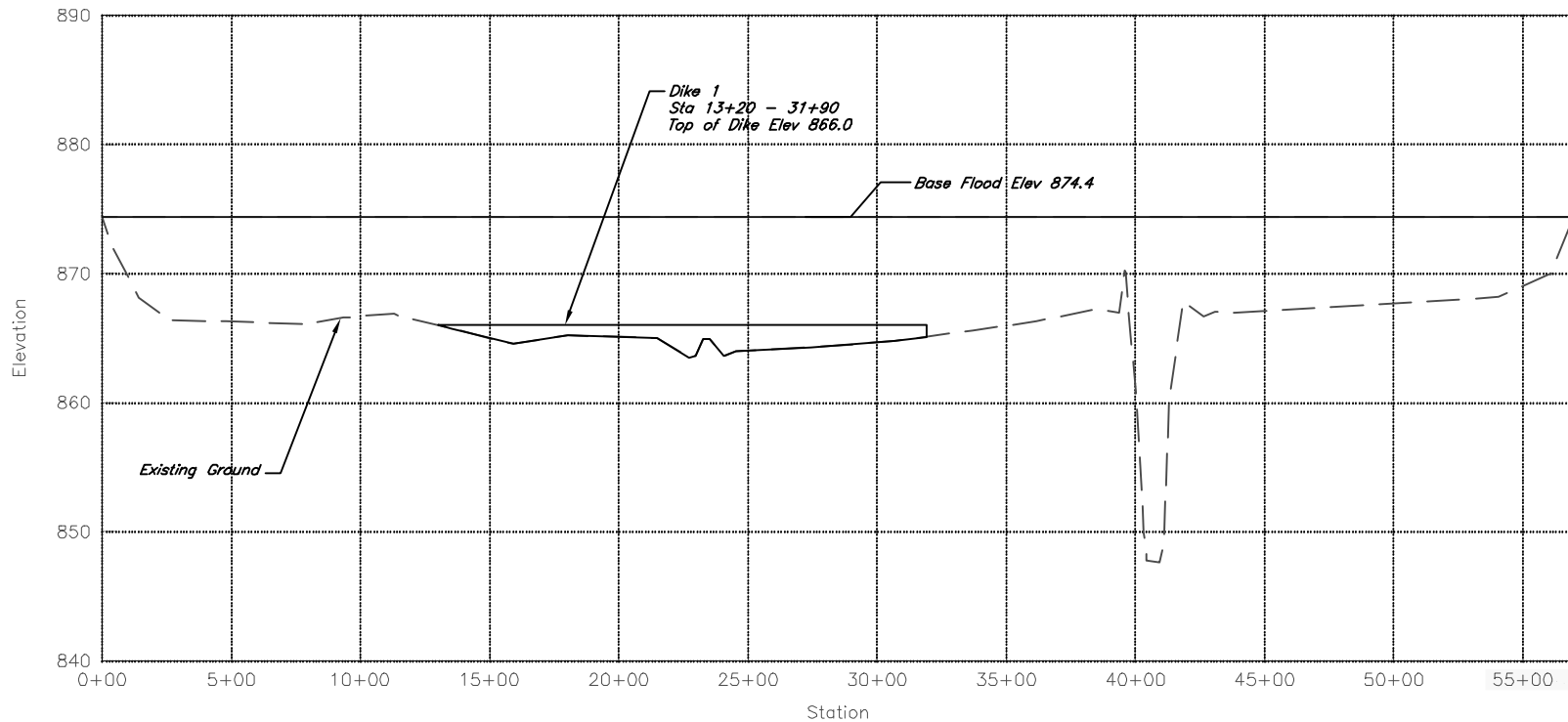
10/22/2024  
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 KS Dept Of Agriculture

Date	08/24
Designed	B. Severin
Drawn	B. Severin
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 Environmental Group

Sheet 7 of 8



Section Base Flood Elevation – Dike 1

**References:**

Existing ground and channels: LiDAR Topographic Data and the U.S. Geological Survey (USGS) 7.5 minute quadrangle map

Base Flood Elevation Determination: Keegan Schwartz, KDA – Division of Water Resources

FEMA Zone A Floodplain: National Flood Insurance Program, Flood Insurance Rate Map (FIRM) Map Number FM20133C0220D, Unincorporated Areas of Neosho County, KS (01/20/2010)

**Note:**

1. No DWR permitted floodplain fills are located within 1/4 mile of the dike location. Therefore, a geometric base flood analysis was completed.

**Base Flood Calculations:**

- Base flood elevation = 874.4
- Base flood section area = 48,020 sq. ft.
- Top width of base flood section = 5,695 ft
- Maximum earthfill area below base flood elevation = 2,480 sq. ft.

Earthfill will increase base flood area by 5%  
 Earthfill will increase base flood elevation by 0.44 ft.

Base Flood Analysis Completed By: Brian W Severin Date: 8/12/24

10/22/2024

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Base Flood Analysis

Designed	B. Severin	Date	08/24
Drawn	B. Severin		08/24
Checked	M. Miller		08/24
Approved	B. Severin		08/24

Cuthbertson Revocable Trust (Flat Rock Bottoms)  
 As Constructed Wetland Development  
 NE 1/4 Sec 18, T-29S; R-21E  
 Neosho County, Kansas



# KDA – Division of Water Resources (DWR) Report

## Direct Diversion

A pumping site is proposed to control and maintain the wetland hydrology. The pumping site will be located as shown on the plan sheets, with the water source being Flat Rock Creek. Therefore, a Water Appropriation for Beneficial Use (Direct Diversion) permit will be required.

## Surface Water Storage

The Potential Net Evaporation (Annual Average Evaporation minus Annual Normal Precipitation) for the project location is 4 inches. The net storage for Dike 1 was analyzed from the auxiliary spillway. A water control structure is installed in the dike to maintain freeboard and manage the water level within the wetland cell. The Total Storage + Net Evaporation for the wetland cell is greater than 15 ac-ft. Therefore, a DWR Water Appropriation for Beneficial Use (Storage) permit will be required.

Dike 1 Stage Storage Table

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
863.5	0.00	0.00	0.00
864.0	2.99	0.75	1.74
864.5	11.27	4.31	8.07
865.0 (Auxiliary Spillway)	18.31	11.70	17.81
865.5	28.89	23.50	33.13
866.0 (Top of Dike)	41.85	41.19	55.14

10/22/2024

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## Base Flood Analysis

The project is located within the FEMA Zone A flood boundary of Flat Rock Creek. 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 the U.S. Geological Survey (USGS) 7.5-minute quadrangle map. The Base Flood Elevation (BFE) for the project location was determined by Keegan Schwartz, KDA-DWR. The base flood (FEMA Zone A, 100-yr floodplain) was approximated from the FEMA FIRIM data (Map Number FM20133C0220D, Unincorporated Areas of Neosho County, KS). There are no DWR permitted floodplain fills located within ¼ mile of the dike location. Therefore, a geometric base flood analysis was completed. The as constructed dike will increase the base flood area by 5% and the base flood elevation by 0.44 feet. See Base Flood Analysis plan sheets for further detail.



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



Mike Beam, Secretary

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

October 28, 2024

CUTHERBERTSON REVOCABLE TRUST  
649 W 590TH ST  
GIRARD KS 66743

RE: Application, File No(s). **51342**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Neuhauser".

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program