

**SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION**

AGENDA ITEM NO. 7

May 23, 1996

**STAFF REPORT
(Preliminary Plat)**

CASE NUMBER: S/D 96-27 EXPLORATION PLACE ADDITION

OWNER/APPLICANT: The City of Wichita, a municipal corporation, 455 North Main, Wichita, KS 67201

OWNER: Kansas Gas & Electric, Co., c/o Ron Holt, P. O. Box 208, Wichita, KS 67201

AGENT: Exploration Place, Inc., c/o Phil Frick, 209 E. William, Wichita, KS 67202

SURVEYOR/ENGINEER: Mid-Kansas Engineering Consultants, Inc., 411 North Webb Road, Wichita, KS 67206

LOCATION: Southwesterly of the Arkansas River and north of 2nd Street

SITE SIZE: 20.0 Acres

NUMBER OF LOTS

| | |
|--------------|----------|
| Residential: | |
| Office: | |
| Commercial: | |
| Industrial: | <u>2</u> |
| Total: | <u>2</u> |

MINIMUM LOT AREA: 0.36 Acres

CURRENT ZONING: "LI" Limited Industrial

PROPOSED ZONING:

VICINITY MAP:



NOTE: This plat is for the site of the "Childrens' Museum". Platting is being undertaken in order to consolidate numerous separate parcels into a coherent building site and to eliminate (vacate) any existing easements, building setbacks and similar previously platted or created features that would encumber the site if not replatted. As is indicated by the preliminary plat, two (2) lots are being platted. A smaller lot along the Addition's western line is being created to cover an existing KG&E electric substation. The City is also in the process of establishing its ownership down to the water's edge of the Arkansas River.

STAFF COMMENTS:

- A. City Engineering, Traffic Engineering, and/or the applicant's agent need to explain the status of various improvements involving this site. Particularly as to the status of McLean's relocation and the resulting changes being made to other effected streets (Walnut, Hunley, Osage, etc.).
- B. Based on the museum's development plans and access needs for the KG&E substation lot, the final plat shall dedicate appropriate access controls to McLean and 2nd Streets. Any openings not in agreement with this access shall be closed.

Since the City will be the plattor of this site, the dedication of access controls as provided for in the plattor's text shall be indicated as being provided to the "public".
- C. If this plat is itself dedicating any street right-of-way, such dedications shall be clearly shown on the final plat.
- D. Any easements being granted by the plat shall also be noted as being granted to the public by the City.
- E. A preliminary platting binder (to the report) is indicating that this site is still under a number of ownerships. Prior to this plat being recorded, title shall be acquired by the indicated plattor(s). Also, any outstanding mortgages will need to be shown as having been released or the mortgage holders will need to be included as signatories to the plat.
- F. Both City Engineering and the Utility Representatives need to indicate any requirements for easements or if utilities are to be relocated.
- G. All buildings within street rights-of-way and/or presently within the building setbacks, shall be removed.
- H. The final plat shall reference a tie point to a previously platted lot corner or section corner.
- I. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

- J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- K. Requirements for a final plat (see pages 5-5 through 5-10, Part 4, Article 5 of the MAPC Subdivision Regulations).
- L. Prior to or at the time of submitting the final plat, the applicant shall submit a drainage plan to City Engineering for review and approval.
- M. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 30, Marquette, KS 67464 (913-546-2294) or Kansas Department of Wildlife and Parks, P. O. Box 317, Valley Center, KS 67147] for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The representatives from City Engineering should be prepared to comment on the status of the applicant's drainage concept. Engineering also needs to indicate if the indicated minimum building pad elevation is acceptable.





April 25, 1997

1-913-296-5557

this needs to meet for review

Mr. David G. Freise, P.E.
Bureau of Water
Kansas Department of Health and Environment
Building 283, Forbes Field
Topeka, Kansas 66620-0001

Reference: Exploration Place NPDES
Stormwater Runoff from Construction Activity

Dear David:

Enclosed is a completed Notice of Intent (NOI), drawings and specifications along with a check in the amount of \$60.00 for the annual fee. The proposed construction work for Exploration Place is along the right bank of the Arkansas River in Wichita, Kansas. Ground breaking is scheduled for May 31, 1997.

Thank you for your time and assistance. If you have any questions, problems or need additional information, please call me.

Sincerely,

MID-KANSAS ENGINEERING CONSULTANTS, INC.

J. Neil Jednoralski

J. Neil Jednoralski, P.E.

JNJ/kb

C: Exploration Place
Eby Construction

FAWPPROJECT199707061LT-KDHEJNJ



See Attached Sheet for Instructions

NOTICE OF INTENT (NOI) For Stormwater Discharges Associated with Construction Activity Authorized by a Kansas Water Pollution Control General Permit Under the National Pollutant Discharge Elimination System

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form requests authorization for coverage under a Kansas Water Pollution Control general permit issued for stormwater runoff from construction activities in the State of Kansas. ... INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT. Please Print or Type.

I. OWNER & RECORD LOCATION INFORMATION

Owners Name: Al DeSena, President Will permit records be located on site? X Y; 0 N
Name of Company: Exploration Place, Inc. If no, provide address where records will be kept:
Mailing Address: 711 W. Douglas, Suite 101 Business Name:
City: Wichita State: KS Zip Code: 67213 Street Address:
City:

II. SITE INFORMATION

A. LOCATION

Name of Project: Exploration Place SE Quarter of the NW Quarter of Section 2-0
Address: 500 N. McLean Blvd. Along McLean Blvd.-Seneca to 2nd Street North Township: 27 South, Range: 1 N E; 0 W;
City: Wichita State: KS Zip Code: 67203 County: Sedgwick
Contact Person: Larry Fickel, Eby's Project Manager Phone: 913 - 268-3500

B. EXISTING CONDITIONS/USES

Is any part of the project located on Indian Lands? 0 Y; X N
If site runoff goes into a Municipal Separate Storm Sewer System; Owner/Operator's Name:
Name of the first receiving water; stream; or lake: Arkansas River
Are there any known soil contamination areas which will be disturbed by the construction activity? X Y; 0 N
For information contact: Wichita-Sedgwick County Dept. of Community Health
Are there any intakes for public drinking water supplies located within 1/2 mile of the site discharge points? 0 Y; X N
Are there any known historical or archeological sites present? 0 Y; X N
Are any threatened or endangered species known to be present near the site or in the receiving water body? X Y; 0 N
If yes, list species and describe habitat location in relation to project location: Arkansas River Shiner and the Speckled Chub

Are any Critical Water Quality Management Areas, Special Aquatic Life Use Waters, or Outstanding Natural Resource Waters located within one-half mile of the site boundary? X Y; 0 N

Describe the site soil types: NRCS Ua - Urban Land - Canadian Complex

If you have other existing environmental permits at this site, list their permit numbers (e.g. I-UA44-C277):

C.O.E. 404 Permit #96-01078 KDWR WSN: CSG - 0149 Notice No. 96103

C. FUTURE SITE ACTIVITY/USES

Description of Planned Project: Construction of a Hands-On Science Center and Children's Museum

C. FUTURE SITE ACTIVITIES/USES CONTINUED:

Anticipated Start Date: 31 May 1997 and Completion Date: Fall 1999 Estimate of final runoff coefficient: 0.46
Estimated area to be disturbed: 19.5 Acres, Total area of the site: 20.1 Acres Increase in Impervious Area: 8.5 Acres
Types of fill materials and source: Fill areas will use on-site materials. Excess material will be hauled away by contractor.

D. STORMWATER POLLUTION CONTROL MEASURES

Do you plan to disturb ten or more acres that are within a common drainage area? Y; N

If yes, will a sediment basin be installed in that drainage area? Y; N

If no, on a separate sheet, explain why and what other erosion and sediment control measures that will be implemented in lieu of a sediment basin. Flat sandy site. Sheet flow to Arkansas River. Silt fence along River.

Attach a description of the best management practices, planned to be utilized to control erosion and sedimentation and other pollutants in stormwater discharges during construction. Include a description of applicable local erosion and sediment control requirements.

Describe on a separate sheet of paper the best management practices that will be installed during the project construction which will be left in place after construction is complete in order to control pollutants which will be generated by the final land use. Include a description of applicable local stormwater pollution control requirements for permanent stormwater management features.

On a separate sheet describe the intended sequence of major activities which disturb soils for major portions of the site.

E. MAPS

Attach to this NOI the appropriate maps as described in the instructions. Include the required information on the maps.

III. ANNUAL FEE

Enclose a check for the first year of the annual fee specified in K.A.R. 28-16-1 et seq. as amended (Make check payable to "KDHE-Water Pollution Control Permit").

IV. APPLICANT CERTIFICATIONS

I, the undersigned, certify that a Stormwater Pollution Prevention Plan will be or has been developed for the construction site listed in Section II of this NOI. I further certify that the plan will be implemented at the time construction begins, and, as required by the NPDES general permit for Stormwater Runoff from Construction Activity, will revise the SWP2 plan if necessary.

I certify that I have read and understand the Part I requirements relating to criteria for coverage under the NPDES general permit for Stormwater Runoff from Construction Activity, including those requirements relating to the protection of Threatened or Endangered Species identified in K.A.R. 115-15-1 and sites listed or eligible for listing on the National Register of Historic Places; and

To the best of my knowledge, the discharges which will be covered under this NPDES general permit for Stormwater Runoff from Construction Activity and the construction of BMPs to control stormwater runoff are not likely to and will not likely adversely affect any species identified in K.A.R. 115-15-1; or the discharges and construction are eligible for coverage under the NPDES general permit due to a previous authorization from the Kansas Department of Wildlife and Parks; and

I further certify to the best of my knowledge such discharges and construction of BMPs to control stormwater runoff do not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act; or the discharges and construction are eligible for coverage under the NPDES general permit due to a previous agreement with the State Historic Preservation Officer.

I understand that continued coverage under the NPDES general permit for Stormwater Runoff from Construction Activity is contingent upon maintaining eligibility as provided for in Part I of the general permit.

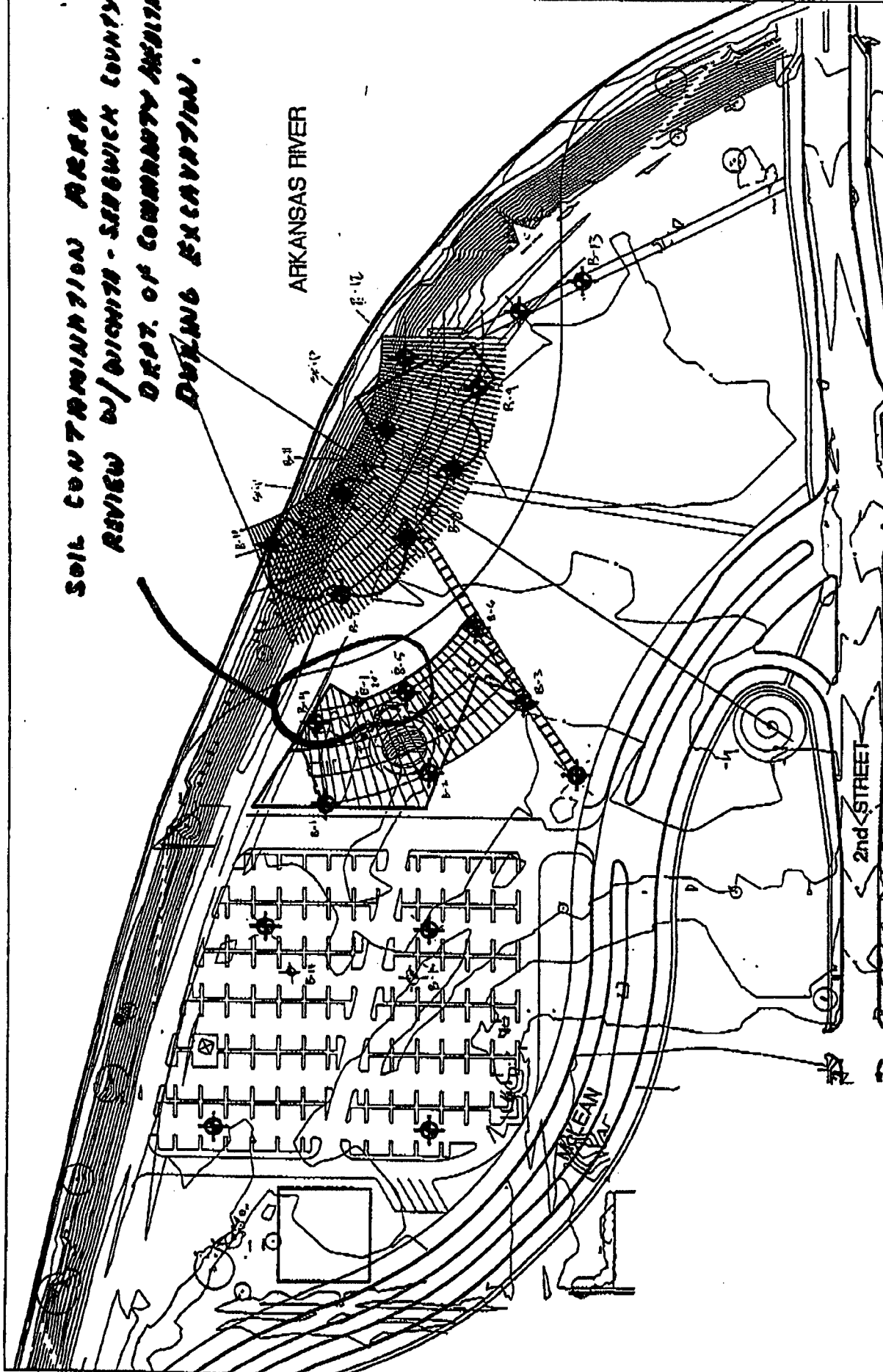
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on the inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Al DeSena
Signature

4/23/97
Date

Al DeSena, President, Exploration Place, Inc.
Name and Official Title (Please Print)

**SOIL CONTAMINATION AREA
REVIEW W/DITCHES - SEBOWICK COUNTY
DEPT. OF COMMUNITY HEALTH
DURING EXCAVATION.**



Site Plan
1 December 1995

WICHITA SCIENCE CENTER AND CHILDREN'S MUSEUM

Wichita State and Associates, Inc.
Bohler-Ultman, Coi Fry, Associates



Federal Emergency Management Agency

Washington, D.C. 20472

DEC 10 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
Case No.: 96-07-243R

The Honorable Bob Knight
Mayor, City of Wichita
City Hall, First Floor
455 North Main Street
Wichita, Kansas 67202

Community: City of Wichita, Kansas
Community No.: 200328

104

CLOMR APPROVED
JAN 3
17 DEC 96

Dear Mayor Knight:

-\$640 check

This responds to a submission dated June 18, 1996, from Mr. Dalton C. Hostetler, Mid-Kansas Engineering Consultants, Inc., to the Federal Emergency Management Agency (FEMA) regarding the effective Flood Insurance Rate Map (FIRM), Flood Boundary and Floodway Map (FBFM), and Flood Insurance Study (FIS) report for the City of Wichita, Kansas. With his submission, Mr. Hostetler provided additional information to support a May 24, 1996, request for a Conditional Letter of Map Revision (CLOMR) from Ms. Suzanne C. S. Loomis, former Acting Stormwater Engineer, City of Wichita. Ms. Loomis requested that FEMA evaluate the effects that the proposed Exploration Place development project along the Arkansas River would have on the effective FIRM, FBFM, and FIS report.

All data required by FEMA to evaluate this request were submitted with Mr. Hostetler's June 18 submission and Ms. Loomis' May 24 letter.

We have reviewed the data submitted and the flood data used to prepare the effective FIRM and FBFM for the City of Wichita, Kansas. The submitted data included three HEC-2 hydraulic computer models identified as the duplicate effective, corrected effective, and revised/project models. We used the submitted corrected effective hydraulic computer model, dated March 18, 1996, as the base conditions model in our review of the proposed conditions model for this CLOMR request. We believe that if the proposed project is constructed as shown on the plans entitled "Science Center & Children's Museum - Area Site Plan," dated March 7, 1996, and "Wichita Science Center & Children's Museum - Proposed Cofferdam Layout & Proposed Rip-Rap Erosion Protection," dated March 21, 1996, both prepared by Mid-Kansas Engineering Consultants, Inc., revisions to the FIRM and FBFM would be warranted.

Our review of the corrected effective model indicated the duplicate effective model was revised to add cross sections based on more detailed topography and to correct the coding of the First/Second Street North and Union Pacific Railroad (UPRR) bridges. Our comparison of this corrected effective model to the duplicate effective model revealed increases and decreases in the elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). According to the corrected effective model, the base flood elevations (BFEs) increase from approximately 750 feet downstream of the UPRR to the upstream limit of the corrected effective model, approximately 5,000 feet upstream of the UPRR. The maximum increase in BFE, 1.3 feet, occurs just upstream of the First/Second Street North bridge. According to the corrected effective model, the BFEs decrease from approximately 1,800 feet downstream to approximately 750 feet downstream of the UPRR. The maximum decrease in BFE, 0.1 foot, occurs approximately 950 feet downstream of the UPRR.

2

Our review of the revised/project model revealed that the BFEs will increase compared to the corrected effective model BFEs from the upstream side of the First/Second Street North bridge to approximately 1,400 feet upstream of the First/Second Street North bridge. The maximum increase in BFE, 0.07 foot, will occur approximately 500 feet upstream of the First/Second Street North bridge.

As a result of the proposed project and the previously described modeling corrections, the BFEs will increase in some areas and decrease in other areas compared to those shown on the effective FIRM. The BFEs will increase from approximately 750 feet downstream of the UPRR to the upstream limit of the submitted model, approximately 5,000 feet upstream of the UPRR. The maximum increase in BFE, 1.3 feet, will occur just upstream of the First/Second Street North bridge. The BFEs will decrease from approximately 1,800 feet downstream to approximately 750 feet downstream of the UPRR. The maximum decrease in BFE, 0.1 foot, will occur approximately 950 feet downstream of the UPRR. The width of the Special Flood Hazard Area (SFHA), the area inundated by the base flood, will increase from just upstream to approximately 1,400 feet upstream of the First/Second Street North bridge.

Before FEMA can issue a final determination on revising the effective FIRM and FBFM, the issues described in the following paragraphs must be addressed.

Our comparison of the submitted mapping to the effective FIRM indicates that as much as 45 feet of the proposed Exploration Place structure will be constructed within the effective regulatory floodway along the south bank of the Arkansas River, from approximately 900 feet upstream to approximately 1,200 feet upstream of the First/Second Street North bridge. Because the revised/project model shows increases in BFEs compared to the effective BFEs as a result of proposed construction in the regulatory floodway, a floodway revision must be completed to remove the area of proposed construction from the regulatory floodway.

Upon completion of the project, a revised floodway analysis for the Arkansas River in the vicinity of the project and a completed copy of Application/Certification Form 4, entitled "Riverine Hydraulic Analysis Form," must be submitted. With Form 4, hydraulic analyses, for as-built conditions, of the base flood and the floods having a 10-, 2-, and 0.2-percent chance of being equaled or exceeded in any given year must also be submitted. The encroachment stations for the as-built floodway analysis should be set to remove the area of proposed construction from the regulatory floodway. The floodway limits must be set so that neither the corrected effective BFEs nor the proposed BFEs, if less than the corrected effective BFEs, will increase by more than 1.0 foot, as specified in Subparagraph 60.3(d)(2) of the National Flood Insurance Program (NFIP) regulations (copy enclosed). Because the effective base flood water-surface elevations with floodway conditions and without floodway conditions in the vicinity of the proposed project are coincident, as shown in the FIS report, the floodway surcharges shown in the effective Floodway Data Table along this reach are 0.0 foot. Our comparison of the submitted revised/project model to the corrected effective model indicated that the surcharge value that would result from this floodway revision, approximately 0.1 foot, would not exceed the allowable surcharge limit specified in Subparagraph 60.3(d)(2) of the NFIP regulations.

The submitted topographic mapping did not indicate the revised SFHA boundary delineations in the vicinity of the proposed project. Form 5, "Riverine/Coastal Mapping Form," and revised topographic mapping showing the post-project base flood boundary delineations must be submitted. The revised floodway boundary delineation should also appear on the same topographic map used for the delineation of the revised base flood boundary delineations.

3

Upon completion of the project, your community may request that we make a final determination on revising the effective FIRM, FBFM, and FIS report. To support such a request, your community must submit the data discussed below.

- The following items described in detail earlier in this letter must be submitted:
 - Revised HEC-2 floodplain and floodway models representing "as-built conditions"
 - Topographic mapping incorporating the revised SFHA and floodway boundary delineations and a completed copy of Application/Certification Form 5, entitled "Riverine/Coastal Mapping Form."
- The submitted corrected effective (revised existing conditions) model and revised/project model BFEs do not tie into the effective BFEs upstream of the project area within 0.5 foot. The models should be extended upstream to ensure they tie in properly.
- Detailed application/certification forms, which were used in processing this request, must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1, entitled "Revision Requester and Community Official Form," and Form 2, entitled "Certification by Registered Professional Engineer and/or Land Surveyor," must be included.
- Effective October 1, 1996, FEMA revised the fee schedule for reviewing and processing requests for modifications to published flood information and maps. Under this schedule, FEMA established a flat review and processing fee for each type of request. All requests dated October 1, 1996, or later will be processed under this new schedule. The fee for your map revision request will be \$2,300 and must be received before we can begin processing your request. Payment of this fee shall be made in the form of a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card. The payment must be forwarded to the following address:

Federal Emergency Management Agency
 Fee-Collection System Administrator
 P.O. Box 3173
 Merrifield, VA 22116-3173

- As-built plans, certified by a registered professional engineer, of all proposed project elements.
- Community acknowledgment of the map revision request.
- Certification that all fill placed in the currently effective base floodplain and below the proposed BFE is compacted to 95 percent of the maximum density obtainable with the Standard Proctor Test method issued by the American Society for Testing and Materials (ASTM Standard D-698) or an acceptable equivalent method for all areas to be removed from the base floodplain.

4

- A copy of the public notice distributed by your community stating your community's intent to revise the floodway, or a statement by your community that it has notified all affected property owners and affected adjacent jurisdictions?
- A letter stating that your community will adopt and enforce the modified floodway? OR, if the State has jurisdiction over either the floodway or its adoption by your community, a copy of your community's letter to the appropriate State agency notifying it of the floodway modification and a copy of the letter from that agency stating its approval of the modification

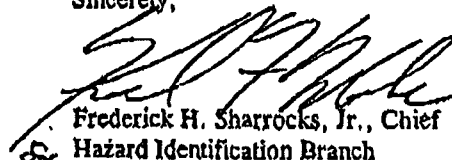
After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM, FBFM, and FIS report. Because the BFEs would change as a result of this project, a 90-day appeal period would be initiated, during which community officials and interested persons may appeal the revised BFEs based on scientific or technical data.

The basis of this CLOMR is, in whole or in part, a channel-modification project. NFIP regulations, as cited in Paragraph 60.3(b)(7), require that communities assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management regulations. Consequently, the ultimate responsibility for maintenance of the modified channel rests with your community.

This response to Ms. Loomis' request is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all proposed floodplain development, including this request, and for assuring that the necessary permits required by Federal or State law have been received. State and community officials, based on knowledge of local conditions and in the interest of human safety, may set higher standards for construction or may limit development in floodplain areas. If the State of Kansas or your community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

If you have any questions regarding floodplain management regulations for your community or the NFIP in general, please contact the Consultation Coordination Officer (CCO) for your community. Information on the CCO for your community may be obtained by contacting the Director, Mitigation Division of FEMA in Kansas City, Missouri, at (816) 283-7002. If you have any technical questions regarding this CLOMR, please contact Mr. Alan Johnson of our staff in Washington, DC, either by telephone at (202) 646-3403 or by facsimile at (202) 646-4596.

Sincerely,



Frederick H. Sharrocks, Jr., Chief
Hazard Identification Branch
Mitigation Directorate

Enclosure

cc: Mr. Chris Breitenstein, P.E.
Acting Storm Water Engineer
City of Wichita
Department of Public Works



DEPARTMENT OF THE ARMY
TULSA DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 81
TULSA, OKLAHOMA 74121-0081

April 25, 1996

REPLY TO
ATTENTION OF:

Operations Division
Technical Support Branch

Mr. J. Neil Jednoralski
Mid-Kansas Engineering Consultants, Inc.
411 N. Webb Road
Wichita, KS 67202

Dear Mr. Jednoralski:

This is in response to your letter of March 26, 1996, for our review of additional information for the proposed Wichita Science Center and Children's Museum to be located on the west bank of the Arkansas River near downtown Wichita, Kansas. This pertains to the Wichita/Valley Center Flood Protection Project.

We have reviewed the additional information for the Wichita Science Center and Children's Museum project. Since we act in an advisory capacity to the city, the owner of the flood protection project, our response has been furnished to Ms. Suzanne Loomis of the city. Ms. Loomis will be happy to discuss our comments with you.

If you have any questions, contact Mr. Jack Ball at 918-669-7382.

Sincerely,

A handwritten signature in cursive script that reads "Larry D. Hogue".

Larry D. Hogue, P.E.
Chief, Operations Division

Copy Furnished:

Ms. Suzanne Loomis
Department of Public Works
City Hall, Eighth Floor
455 North Main Street
Wichita, KS 67202



DEPARTMENT OF THE ARMY
TULSA DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 81
TULSA, OKLAHOMA 74121-0081

REPLY TO
ATTENTION OF:

March 28, 1996

Operations Division
Technical Support Branch

Ms. Suzanne Loomis
Department of Public Works
City Hall, Eighth Floor
455 North Main Street
Wichita, KS 67202

Dear Ms. Loomis:

This is in response to a letter from Mid-Kansas Consultants, Inc., concerning the proposed Wichita Science Center and Children's Museum. The project will be located on the west bank of the Arkansas River near downtown Wichita, Kansas.

We have reviewed the enclosed plans for the proposed project and have no comments or objections to the work. We are responding by letter to Mr. J. Neil Jednoralski with Mid-Kansas Consultants, Inc., that our comments on the project have been furnished to you.

If you have any questions, contact Mr. Jack Ball at 918-669-7382.

Sincerely,

Larry D. Hogue, P.E.
Chief, Operations Division

Enclosure

TO: LACKEY
LINDEBAK
ROBSON

4/5/96

FROM: S. LOOMIS

I will keep original & attachments in my file.

COK 404 PERMIT

DEPARTMENT OF THE ARMY PERMIT

Permittee Science Center, Inc.Permit No. 96-01078Issuing Office U.S. Army Engineer District, Kansas City

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below, and with the plans and drawings attached hereto which are incorporated in and made a part of this permit.

Project Description: Proposed: This permit authorizes the related construction activities riverward of the Ordinary High Water Mark (OHWM) of the Arkansas River in association with building the Wichita Science Center and Children's Museum. The permit authorizes the placement of a temporary cofferdam, 550 feet long, constructed as a double sheet pile wall and filled with a maximum 300 cubic yards of sand. The excavation of material between the cofferdam and the new "island building" foundation wall. The placement of a maximum 550 cubic yards of riprap, two feet thick, along the base of the new "island building" foundation wall.

Permit Drawing(s): Location map, plan view, cross section, Sheet 1 of 4 through 4 of 4, dated 10 June 1996.

Project Location: In and along the right bank of the Arkansas River, between 2nd Street North and Seneca Street, in the northwest quarter of Section 20, Township 27 south, Range 1 east, in the City of Wichita, Sedgwick County, Kansas.

(Latitude: 37-41-25 Longitude: 97-20-53)

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 1998. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

Encl 1'

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See continuation sheet, page 4, of this document.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
- () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorization required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- A. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- B. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- C. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.

d. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 309.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)
ROBERT E. MORRIS
BY: Lawrence M. Cavin
Chief, Regulatory Branch
Construction-Operations Division

(DATE)

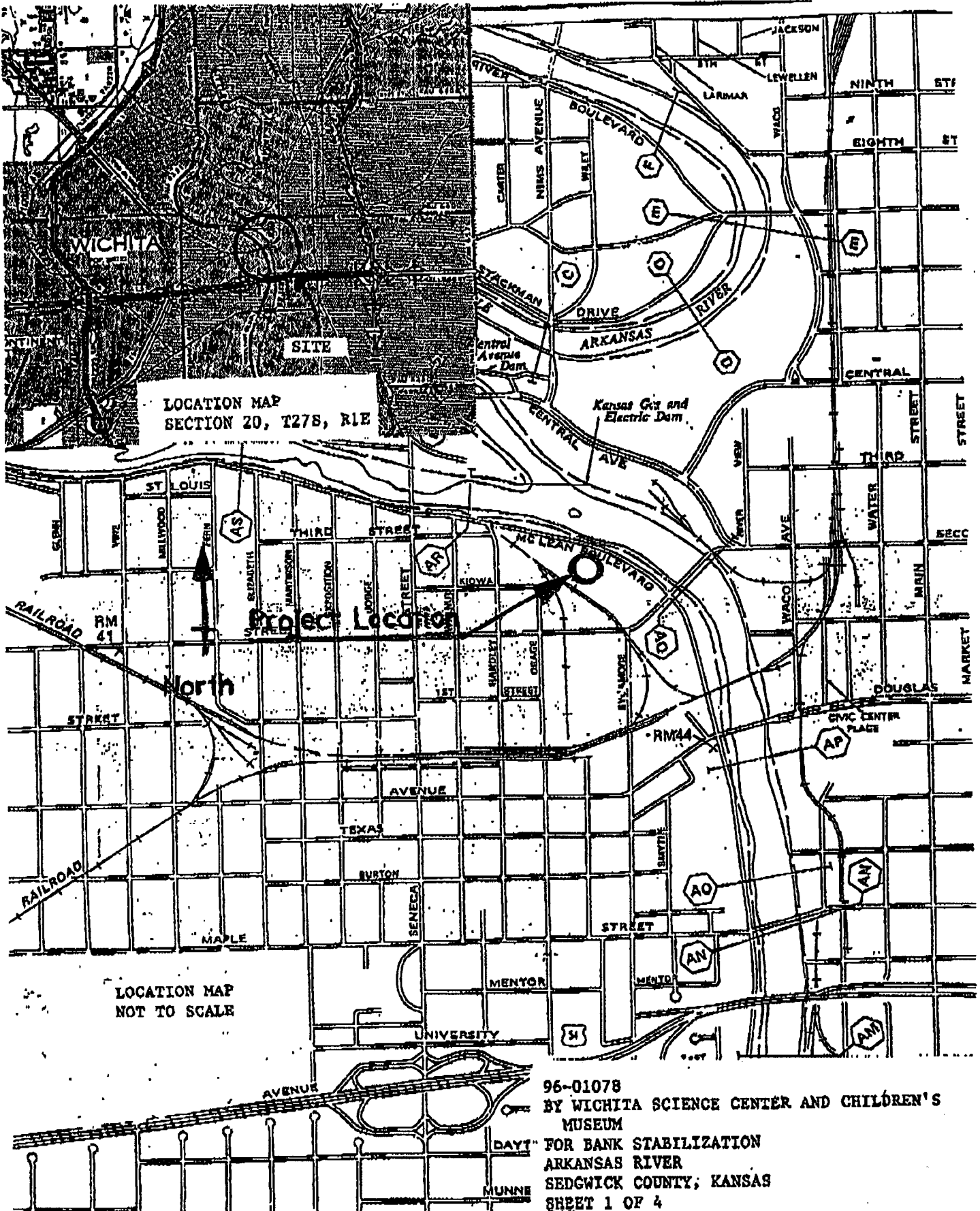
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

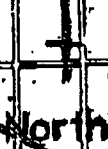
(DATE)

Special Conditions:

- a. If any part of the authorized work is performed by a contractor, before starting work you must discuss the terms and conditions of this permit with the contractor; and, you must give a copy of this entire permit to the contractor.
- b. You must use clean, uncontaminated materials for fill in order to minimize excessive turbidity by leaching of fines, as well as to preclude the entrance of deleterious and/or toxic materials into the waters of the United States by natural runoff or by leaching.
- c. You must dispose of excess concrete and wash water from concrete trucks and other concrete mixing equipment in a nonwetland area above the ordinary high water mark and at a location where the concrete and wash water cannot enter the water body or an adjacent wetland area.
- d. You must excavate, dredge and/or fill in the watercourse in a manner that will minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation.
- e. You must immediately remove and properly dispose of all debris during every phase of the project in order to prevent the accumulation of unsightly, deleterious and/or toxic materials in or near the water body.
- f. You must not dispose of any construction debris or waste materials below the ordinary high water mark of any water body, in a wetland area, or at any location where the materials could be introduced into the water body or an adjacent wetland as a result of runoff, flooding, wind, or other natural forces. All temporary fill must be removed to an upland site at the conclusion of the project.
- g. You must store all construction materials, equipment, and/or petroleum products, when not in use, above anticipated high water levels.
- h. You must restrict the clearing of timber and other vegetation to the absolute minimum required to accomplish the work.
- i. You must not discharge fill or dredged material or excavate below the water surface from April 1 to June 15 unless you obtain written approval in advance from the Kansas City District. In addition, you must excavate during periods of low or average water levels.
- j. Upon completion of earthwork operations, you must seed, replant or otherwise protect from erosion all fills in the water or on shore, and other areas on shore disturbed during construction. If seeding does not successfully vegetate the disturbed areas by the end of the first growing season, you must implement alternate measures, such as placing riprap, slope terracing with untreated railroad ties, gabions or concrete blocks, or additional vegetative plantings, to protect the disturbed areas from further erosion. You must contact the Kansas City District, Regulatory Branch prior to beginning work on any additional erosion control measures so that a determination can be made whether further authorization is required.
- k. You must use only graded rock, quarry-run rock and/or clean concrete rubble for riprap. The material must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150 pound pieces. Generally, the maximum weight of any piece should not be more than 500 pounds. Gravel and dirt should not exceed 15% of the total fill volume. If you use concrete rubble, you must break all large slabs to conform to the well graded requirement, and remove all exposed reinforcement rods, trash, asphalt, and other extraneous materials before you place the rubble in the water of the United States.

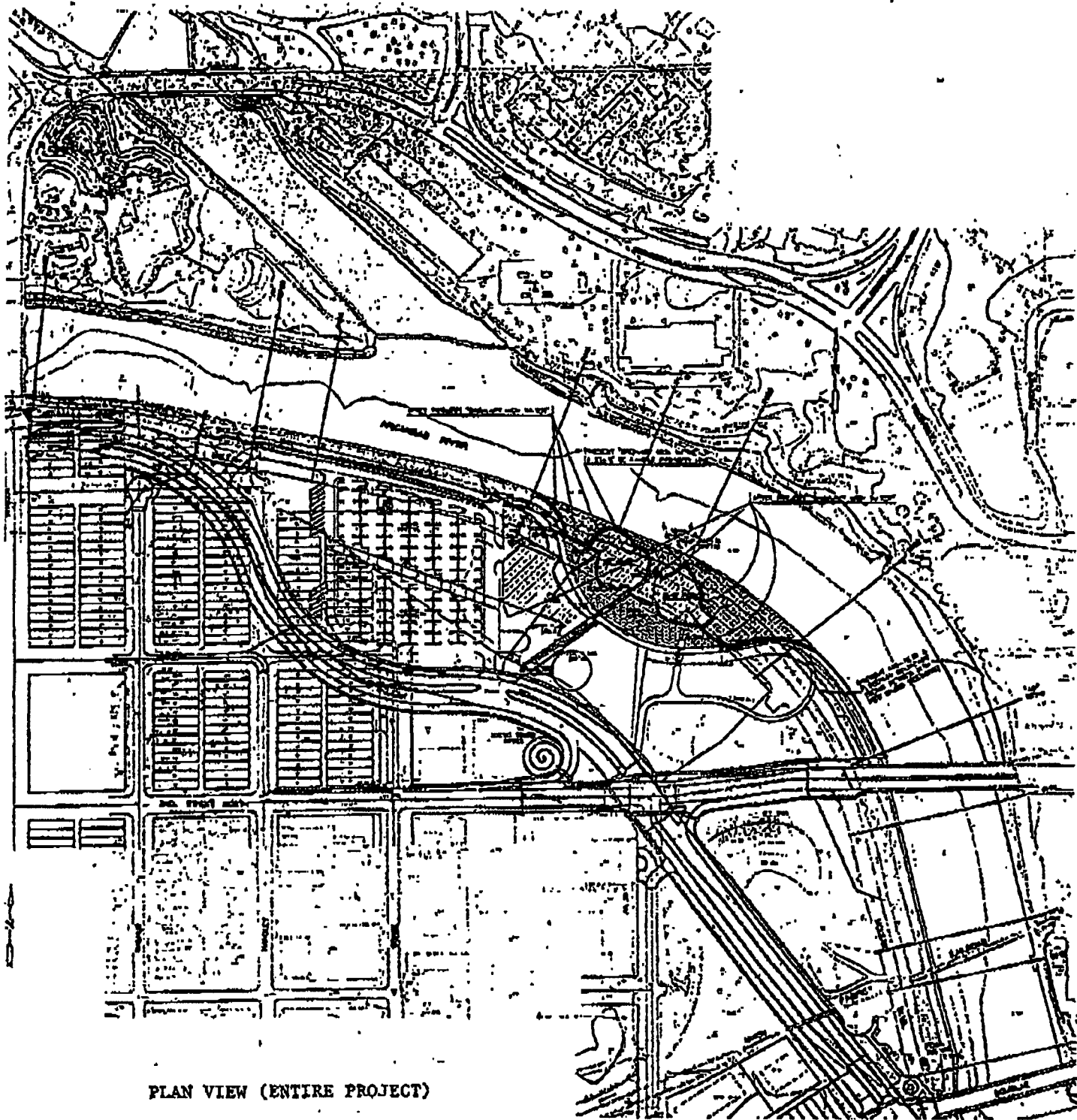


LOCATION MAP SECTION 20, T27S, R1E



LOCATION MAP NOT TO SCALE

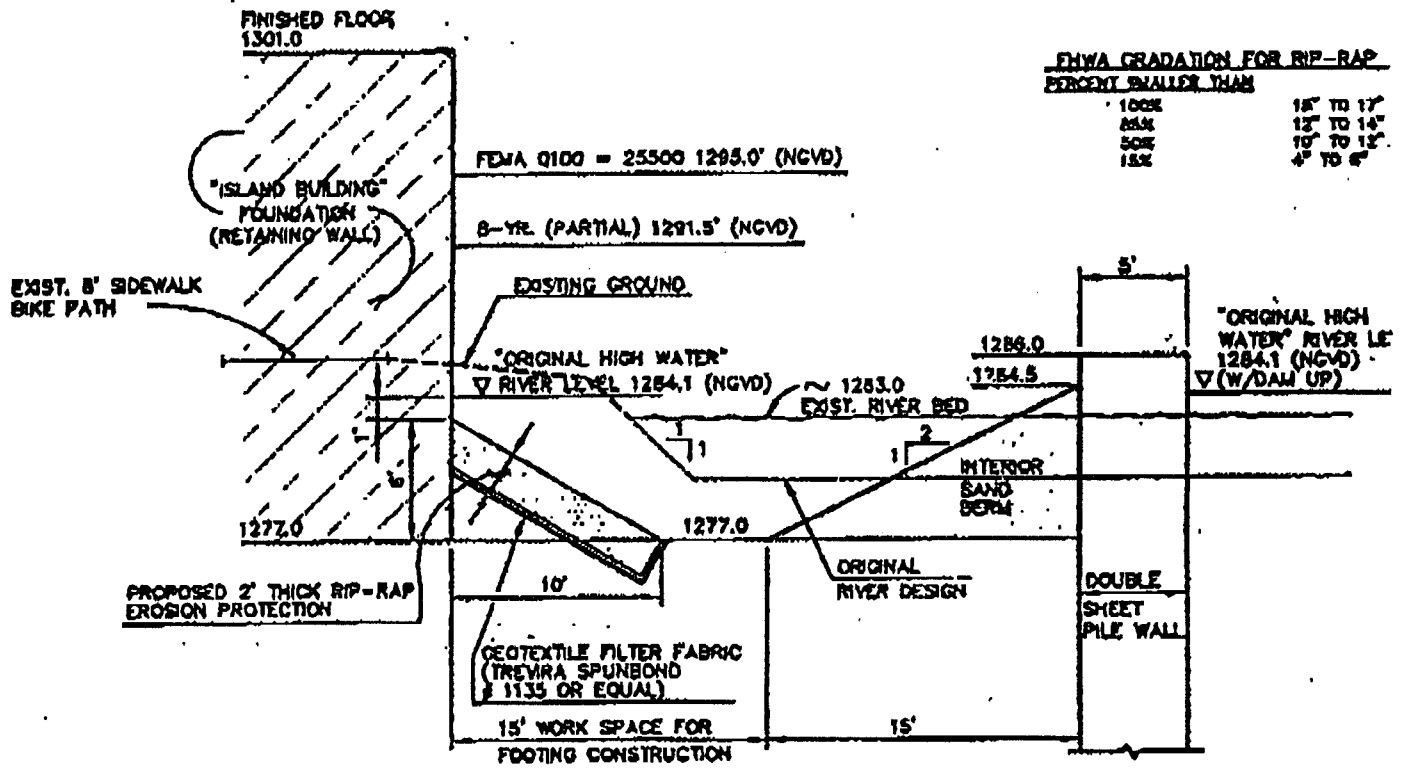
96-01078
 BY WICHITA SCIENCE CENTER AND CHILDREN'S MUSEUM
 FOR BANK STABILIZATION
 ARKANSAS RIVER
 SEDGWICK COUNTY, KANSAS
 SHEET 1 OF 4



PLAN VIEW (ENTIRE PROJECT)

NOT TO SCALE

96-01078
 BY WICHITA SCIENCE CENTER AND CHILDREN'S
 - MUSEUM
 FOR BANK STABILIZATION
 ARKANSAS RIVER
 SEDGWICK COUNTY, KANSAS
 SHEET 2 OF 4 DATED: 6/10/96



**FHWA GRADATION FOR RIP-RAP
PERCENT SMALLER THAN**

| | |
|------|------------|
| 100% | 18" TO 17" |
| 85% | 12" TO 14" |
| 50% | 10" TO 12" |
| 15% | 4" TO 6" |

TYPICAL CROSS SECTION • C-C OF WORK AREA

NOT TO SCALE

96-01078
 BY WICHITA SCIENCE CENTER AND CHILDREN'S
 MUSEUM
 FOR BANK STABILIZATION
 ARKANSAS RIVER
 SEDGWICK COUNTY, KANSAS
 SHEET 1 OF 1 DATE: 6/10/96

State of Kansas

Bill Graves



Governor

Department of Health and Environment

James J. O'Connell, Secretary

June 4, 1996

Mr. Lawrence Cavin, Acting Chief
Regulatory BR/Operations Div.
U.S. Army Corps of Engineers
700 Federal Building
Kansas City, MO 64106-2896

401 Water Quality Certification

ATTN: Public Notice #96-01078: Science Center, Inc. is proposing to utilize rip rap to stabilize and protect the right bank of the Arkansas River. Said project is located in between 2nd Street North and Seneca, Wichita, NW1/4 of Section 20, Township 27 South, Range 1 East, Sedgwick County, Kansas. Applicant is The Science Center INC., 209 East Williams, Wichita, KS 67202.

Mr. Cavin:

Pursuant to Section 401 of the Clean Water Act, the Kansas Department of Health and Environment, Bureau of Water has reviewed the subject project.

We certify the proposed project to comply with terms and conditions of the Kansas Surface water quality standards provided the project is executed in accordance with the following conditions.

1. Measures are taken to prevent violations of the water quality criteria described in K.A.R.28-16-28c. The applicant is directed to pay particular attention to preventing pollution impacts of turbidity, pH, temperature, nutrients, microbial pathogens, pesticides, chemicals, deposits of solids, suspended solids, floating debris, scum, visible oil and grease, or solvents from equipment leaks and dissolved or emulsified grease concentrations in waters of the state during the project and after completion of the project.

Appropriate measures include discharging runoff from the construction site to filter strips or detention basins, minimizing the amount of area being disturbed at any time, and rapidly stabilizing any disturbed areas with temporary and permanent vegetation. The applicant shall take special care to avoid or minimize the discharge of sediments from the removed material fill area to the adjacent riparian zone.

Mr. Cavin PN # 96-01078

Page 2

June 4, 1996

2. Upon completion of the project, disturbed areas, including equipment staging areas shall be expeditiously stabilized with temporary and permanent vegetation, bio-artificial ground cover or other appropriate non-polluting material. Fertilizer application shall be done in a manner that will not contribute to the current nutrient load to the Arkansas River.
3. Soils and rip rap materials being utilized for streambank stabilization shall be free of contaminants which might leach or be transported through runoff.
4. All waste materials produced by the construction project shall be disposed of in accordance with the provisions of the Kansas solid waste management statutes and regulations (K.S.A. 65-3401 and K.A.R. 28-29-1 et. seq.) or applicable local rules. Good house keeping including personal refuse such as food containers, sacks etc. should also be considered.
5. Fuels and other maintenance chemicals necessary to complete the project should be stored away from the water body and in such a manner that accidental spillage is reduced or can be temporarily contained before reaching the water body. Maintenance areas should also be located in this manner.
6. Should a spill of gasoline or discharge of pollutants occur, the Kansas Department of Health and Environment shall be notified immediately: (913)- 296-1679 Daytime and After Hours (913) 296-0614. A state wide number for spill reporting is the Adjutant General Kansas Division of Emergency Preparedness, (913) 296-3176. The KDHE South Central District Office can be contacted at (316) 337-6020. City of Wichita- emergency staff should also be contacted. Spill response plan development is encouraged.
7. The applicant shall take appropriate measures to capture any floating debris released to the Arkansas River as a result of this project.
8. This certification does not relieve the applicant of the responsibility for any discharge into waters of the state. The Kansas Department of Health and Environment retains the option of revoking the certification any time an inappropriate discharge may occur. As provided for in K.S.A. 65-171(f), failure to comply with the conditions of this certification may subject the responsible party to fines up to \$ 10,000 per violation with each day the violation occurs constituting a separate violation.

Mr. Cavin PN # 96-01078
Page 3
June 4, 1996

- 9. This certification does not relieve the applicant of the responsibility to determine if the project is subject to NPDES (National Pollutant Discharge Eliminating System) permitting requirements of 40 CFR 122.26 (stormwater construction) and to secure such permit as needed. Any inquiries should be directed to:

- WILL BE
REQUIRED
W/5 ACRES
OF DISTURBED
CONSTRUCTION
SITE

Kansas Department of Health and Environment, Bureau of Water
Industrial Program Section, Building 283, Forbes Field,
Topeka, Kansas 66620. Attention -- Dave Freise, Phone 913-296-5557

- 10. The applicant shall comply with regulations and guidelines contained within the City of Wichita NPDES permit.

GG7 COPY

If the applicant believes the conditions of this certification will result in impairment of important social and economic development, the applicant is advised of the variance provisions of K.A.R.28-16-18f(c)(3).

Sincerely,

Scott L. Satterthwaite
Nonpoint Source Section

c: South Central District Office
401 Water Quality Certification File
Ed Byrd- Division of Water Resources
Office of Science and Support

STATE OF KANSAS

BILL GRAVES, GOVERNOR
Alice A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer-Director
901 South Kansas Avenue, 2nd Floor
Topeka, Kansas 66612-1283
(913) 296-3717 FAX (913) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

May 21, 1996

SCIENCE CENTER INC
AL DESENA PRESIDENT
209 EAST WILLIAM
WICHITA KS 67202

Re: Channel Change
Arkansas River
Sedgwick County
WSN: CSG-0149, Notice No. 96103

Dear Mr. DeSena:

Consideration has been given to your application for a permit and approval of plans relating to the construction of a channel change in and along the Arkansas River at a location in the N ½ of the SE ¼ of the NW ¼ of Section 20, Township 27 South, Range 1 East, Sedgwick County, Kansas.

In accordance with the provisions of K.S.A. 82a-301 to 305a, the Chief Engineer has approved the plans and issued the enclosed permit, authorizing construction of the proposed project. A waiver has been issued by the Chief Engineer to waive the requirement for no increase in the base flood elevation in the floodway of the Arkansas River in which this project is contained. Please note the conditions on the reverse side of the permit. Condition No. 9 requires the permittee to notify this office within 30 days after the project is completed. A Notice and Proof of Completion form is enclosed for this purpose. Special conditions have been added to limit the removal of timber and vegetation, to require the use of clean material for riprap, to require that the project meet the requirements of the floodplain management of the community, and to prohibit the introduction of toxic or deleterious materials into the watercourse.

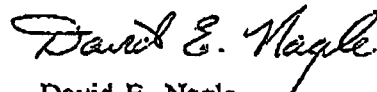
The one set of plans submitted to this office has been endorsed with the Chief Engineer's approval and will be retained in our files. Should you desire any copies of the plans with the Chief Engineer's approval shown thereon, please submit the required number.

Comments about this proposed project were received from several agencies during the environmental review process. Copies of the letters with recommendations from the Kansas Biological Survey, Kansas Corporation Commission, Kansas Dept. of Wildlife and Parks, and the Kansas State Historical Society are enclosed for your information. These recommendations should be considered in the construction of this project.

Science Center, Inc.
WSN: CSG-0149, Notice No. 96103
Page 2

The work has been authorized to be completed on or before July 1, 1998. Approval for construction of this project will expire on that date unless the time is subsequently specifically extended by the Chief Engineer. Any desired extension of time should be requested in writing approximately 30 days prior to the expiration date.

Very truly yours,



David E. Nagle
Water Structures Engineer
Arkansas River System Unit

DEN:pa
Enclosure

pc: Kansas State Historical Society
Kansas Corporation Commission
State Conservation Commission
Cooperative Extension Service-Forestry
Kansas Biological Survey
Kansas Dept. of Health and Environment
Kansas Dept. of Wildlife and Parks
Kansas Water Office
District Engineer, Kansas City
Corps of Engineers
Stafford Field Office
Wichita Floodplain Administrator
Mid-Kansas Engineering Cons., Inc.

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Alice A. Devine, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

PERMIT NO. CSG-0149

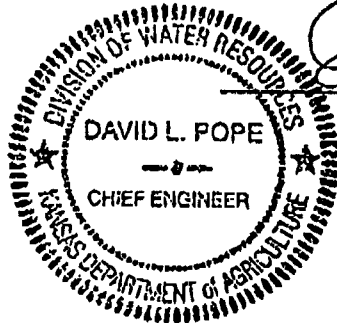
K.S.A. 82a-301 et seq.

COPY FOR YOUR
INFORMATION

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, by virtue of the powers and duties imposed by K.S.A. 82a-301 to 305a, hereby issues this permit to Science Center, Inc., giving his consent to the construction of a channel change in and along the Arkansas River at a location in the N 1/4 of the SE 1/4 of the NW 1/4 of Section 20, Township 27 South, Range 1 East, Sedgwick County, Kansas.

All work authorized by this permit shall be performed in accordance with the maps, plans, profiles and specifications filed with the application, and approved by the Chief Engineer and in accordance with plans for any changes or modifications subsequently approved by the Chief Engineer subject to the provisions of the aforementioned statutes, their regulations and the attached permit conditions.

Witness my hand this 20th day of May, 1996

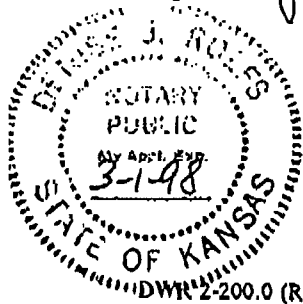


[Handwritten Signature]

David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
County of Shawnee)SS

The foregoing instrument was acknowledged before me this 20th day of May, 1996, by David L. Pope, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



[Handwritten Signature]
Notary Public

RECORD THIS PERMIT WITH THE REGISTER OF DEEDS
OF THE COUNTY WHEREIN THE WORK IS LOCATED

Permit No. CSG-0149
Page 2

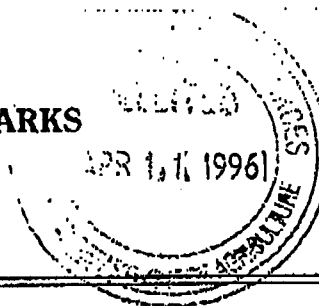
PERMIT CONDITIONS

1. This permit grants no water rights nor other property rights, nor does it authorize any injury to private property, invasion of private rights nor impairment of senior water rights, nor does it exempt you from obtaining consent from appropriate federal, state or local government.
2. The work shall at all times be subject to supervision and inspection by representatives of the Division of Water Resources.
3. No changes in the work, maps, plans, profiles and specifications as approved shall be made except with the written consent of the Chief Engineer.
4. Any work authorized by this permit will be maintained in a condition satisfactory to the Chief Engineer and substantially in accordance with the approved plans.
5. The clearing of trees, brush, drift and other debris in order to maintain the work substantially in accordance with the approved plans is hereby authorized, except that the removal of plantings made specifically for habitat or environmental mitigation is not authorized by this permit.
6. Any excess material deposited in the stream channel incident to the construction and maintenance of the project authorized by this permit shall be removed and the channel restored to a condition satisfactory to the Chief Engineer and substantially in accordance with the approved plans.
7. All areas disturbed by construction and all other exposed soil areas shall be seeded and maintained with a mixture of grass or other vegetation appropriate to the soils, climate and project in order to minimize erosion and protect the project integrity.
8. If the work is not completed on or before the 1st day of July, 1998, this permit, if not specifically extended, shall cease and be null and void. If, upon the expiration or revocation of this permit, the work has not been completed, the permittee shall, at his own expense and to such extent and in such time and manner as the Chief Engineer may require, remove all or any portion of the uncompleted work and restore the watercourse to a satisfactory condition. No claim shall be made against the State of Kansas on account of any such removal or alteration.
9. Within thirty (30) days after the completion of the work authorized by this permit, the permittee shall file with the Division a statement that the work has been completed in accordance with this permit and the approved maps, plans, profiles and specifications.
10. The Chief Engineer reserves the right to require such changes in the maps, plans, profiles, specifications and conditions as may be considered necessary. The Chief Engineer further reserves the right to modify, suspend or revoke this permit at any time should the permittee fail to comply with any of the conditions of this permit or regulations of the Division without sufficient cause or should such action be deemed necessary in the interest of public safety and welfare.
11. That the clearing of timber and vegetation is restricted to the absolute minimum required to accomplish the work and not interfere with the beneficial use of project.
12. Only graded rock, quarry-run rock and/or clean concrete rubble shall be used in the work as approved. If concrete rubble is used, all large slabs should be broken up and all exposed reinforcement rods, trash, and other extraneous materials shall be removed prior to placement. No asphalt material shall be placed as fill material.
13. The project must meet the requirements of the floodplain management of the community.
14. No deleterious or toxic materials shall be introduced into the watercourse or reservoir by runoff, leaching or disposal during or in connection with the work authorized by this permit.



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Operations Office
512 SE 25th Avenue
Pratt, KS 67124-8174
316/672-5911 FAX 316/672-6020



April 8, 1996

REF: D1.1102 SEDGWICK

Mr. Edward E. Byrd, P.E.
KDA Division of Water Resources
901 S. Kansas Ave., 2nd Floor.
Topeka, KS 66612-1283

Tracking No. 960163

Dear Mr. Byrd:

We have reviewed ECA Notice No. 96103 pertaining to the Wichita Science Center's proposal to construct an "island building" by excavating the descending right bank of the Arkansas River and widening the river, construct a reflecting pool, and replace existing cement riprap with a cement retaining wall in Wichita, KS between the 1st Street and Seneca Bridges (NW/4 of Sec. 20, T27S, R1E; SG County). The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered wildlife species, and public recreation areas for which this agency has some administrative authority. Field checks were conducted.

We consider this project to be an Impact Level 2, meaning significant negative impacts to terrestrial and aquatic wildlife and their habitats will occur if special project conditions are not implemented. We have no objections to this project if the attached conditions are in place.

The above condition recommendations are based upon the following:

- ▶ The Arkansas River is one of only three public rivers in Kansas and it provides public outdoor recreation opportunities -- angling, canoeing, crew, trapping, hunting, swimming, wading, wildlife appreciation, River Festival activities.
- ▶ The Arkansas River is classified as a High-Priority Fishery Resource. It provides angling opportunities for flathead catfish, channel catfish, black bullhead, common carp, river carpsucker, largemouth bass, white bass, bluegill, green sunfish, orangespotted sunfish, longear sunfish, black crapple, white crapple, black buffalo, and freshwater drum. Recently reintroduced paddlefish have been caught as far upstream as the Lincoln Street Dam. The Arkansas River supports populations of glizzard shad, red shiner, sand shiner, emerald shiner, suckermouth minnow, bluntnose minnow, fathead minnow, rosyface shiner, redbfin shiner, slenderhead darter, logperch, and mosquitofish.
- ▶ The endangered speckled chub is recently re-established in the Arkansas River within the City of Wichita with the improved municipal sewage treatment plant.
- ▶ The Arkansas River in Wichita is included in the KDWP-KDHE Joint Fish Consumption Health Advisory because of chlordane contamination exceeding FDA and National Academy of Science levels in fish tissue. Chlordane and other contaminants such as the heavy metals chromium, lead, and cadmium are concentrated within the sediments of the Arkansas River, particularly upstream of the Lincoln Street Dam in this altered, depositional reach.
- ▶ The threatened Eastern spotted skunk is known to use suitable riparian habitat along the right descending bank of the Arkansas River and its tributaries.
- ▶ Instead of filling the existing channel to construct an island facility, this project enlarges the river cross-section by excavating the right bank and then places an "island building" in the middle of the new section of river channel.
- ▶ Bank stabilization with a retaining wall replaces existing broken concrete riprap.

Except for the above mentioned conditions, no other Department of Wildlife and Parks Permits or special authorizations are needed. Because the Department's recreational land obligations, state threatened and endangered species list and critical habitat designations periodically change; if construction has not started within one year of the date of this review, or if design changes are made in the project plans, the project sponsor must contact this office to verify continued applicability of this review assessment. For our purposes, we consider construction started when advertisements for bids are distributed.

Thank you for providing us this opportunity to review this project.

Larry Zuckerman
Larry Zuckerman, Aquatic Ecologist
Environmental Services Section

Sincerely,

LDZ

Encl. {Sedgwick CO T&E List, Species Profiles: Speckled chub, Eastern spotted skunk}
xc: Sorensen, KDWP REG4 F&W Superv., Wichita
Mueldener, KDHE, Topeka
Gill, FWS, Manhattan
Kivett, KDWP L&WCF, Off. of Sec., Topeka

Liechtl, KBS, Lawrence
Cavin, COE, KCMO
Jacobs, EPA, KCKS
(# : WPS \HES\PROJ\1996\960163.LDZ)

Project Tracking 960163: Wichita Science Center's Island Bldg & bank stab - Ark R (SG CO)

GENERAL PROJECT CONDITIONS

- ▶ Do not use existing Crucial Wildlife Habitat -- wetlands, streams, springs, riparian forests -- as waste fill or borrow areas.
- ▶ Use "Best Management Practices" -- stabilized heavy equipment staging area; minimize heavy equipment operation in the Arkansas River and nearby wetlands; use silt barriers, hay bales & mulch; safely store all fuels, lubricants & other potential toxicants away from Arkansas River, nearby wetlands, their tributaries, and their flood plains; maintain riparian buffer strip -- to prevent construction-related nonpoint source pollution from degrading the Arkansas River and associated aquatic ecosystems.
- ▶ Restore natural contours to the Arkansas River after construction.
- ▶ Reseed disturbed areas with an USDA Natural Resource Conservation Service-approved native-nonnative grass mixture and replant native trees and shrubs.
- ▶ Leave banks of the Arkansas River in a stable condition. If necessary, use native limestone, willow posts, or willow stakes to stabilize the stream banks along with backsloping and other techniques. If cement riprap must be used, remove rebar and other exposed metal. Consider setting up demonstration sites of bioengineering solutions to bank stabilization for public education.
- ▶ Minimize riparian tree and shrub removal. If necessary, create brush piles to partially replace lost crucial wildlife habitat, instead of burning or disposing.
- ▶ Consider restoring riparian buffer strips and wetlands along the Arkansas River. Consider constructing stormwater retention wetlands (superior biofilters of nonpoint source contaminants) or ponds to compensate for potential downstream damage due to floodplain development and loss of percolation.
- ▶ Do not use pentachlorophenol-treated wood in or near the water or in places where human skin may contact. Penta-treated wood includes retired utility and fence posts often. If treated wood is necessary, use CCA-treated lumber.
- ▶ Dispose of old transformers (potentially contaminated with PCBs) and old foundations (potentially treated with chlordane) in a legal and environmentally-sound fashion. Use care to minimize the disturbance of the substrate of the Arkansas River and use silt barriers and coffer dams to keep the silt and potential contaminants from negatively impacting downstream reaches. Chlordane, PCBs, and other chlorinated hydrocarbons, once mobilized, are easily taken into the aquatic food web, where they bioaccumulate in fatty tissue and can be passed on to humans ingesting contaminated fish and wildlife tissue.

Technical assistance from our new Wichita office at the Great Plains Nature Center is available upon request.



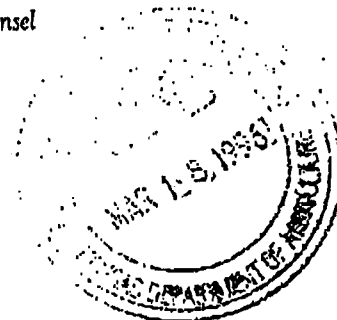
CSG-0147

Kansas Corporation Commission

Bill Graves, Governor Susan M. Seltman, Chair F.S. Jack Alexander, Commissioner Timothy E. McKee, Commissioner
Judith McConnell, Executive Director David J. Heinemann, General Counsel

March 15, 1996

Edward E. Byrd P.E.
Division of Water Resources
109 SW 9th Street
Topeka, Kansas 66612



RE: DWR Application 96103
N2SENW Section 20, Township 27 South,
Range 1 East, Sedgwick County

Dear Mr. Byrd:


We have reviewed the above-captioned application by Science Center, Inc., that proposes a channel changes in and along the Arkansas River. We find no indication the proposals will be affected by any regulations or activity administered by the Kansas Corporation Commission.

In the event unexpected circumstances are encountered during construction, such as the discovery of abandoned oil, gas or exploratory holes, the applicant should contact Doug Louis, Acting KCC District #2 Supervisor in Wichita (316) 337-6231, so appropriate regulatory response can be made.

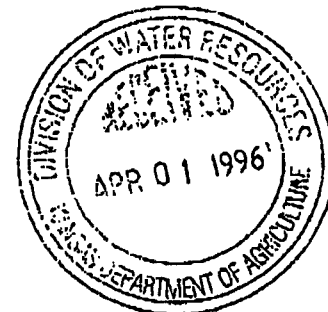
Sincerely,

Beverly A. Steinmeyer
Conservation Division

Attachment
cc: Doug Louis


**KANSAS
BIOLOGICAL
SURVEY**

Division of Water Resources
901 S. Kansas Avenue, Second Floor
Topeka, KS 66612-1283



LET
9/2/93
CSG-0149

Attention: Bristow, Nagle, Kibby, Sothers, Byrd, Henderson, Saddi & Thorsell

Date: March 28, 1996

We do not believe the following proposed projects will result in significant negative impacts to aquatic and near stream resources, provided standard erosion control and revegetation measures are employed. We urge the removal of riparian vegetation be limited as much as possible and recommend consideration be given to using a mixture of adapted native grasses for the purposes of revegetation and planting trees along streams where trees will be removed.

| <u>Notice No.</u> | <u>WS No.</u> | <u>County</u> | <u>Applicant</u> | <u>DWR Reviewer</u> |
|-------------------|-----------------------|---------------|-----------------------|---------------------|
| 96078 | SMC-0015 | Comanche | KDOT | Bristow |
| 96087 | LSG-0107 | Sedgwick | City of Wichita | Nagle |
| 96089 | DLN-0129 | Linn | Kent & Mary Foster | Kibby |
| 96090 | LMG-0068 | Montgomery | KDWP | Nagle |
| 96093 | DMN-0063 | Marion | Jean Ward | Kibby |
| 96095 | DLY-0143 | Lyon | Allen Creek WD No. 89 | Sothers |
| 96096 | LSG-0108 | Sedgwick | City of Wichita | Sothers |
| 96097 | CBB-0021 | Bourbon | Jason Troike | Sothers |
| 96098 | SRO-0026; SPL-0023 | Rooks | Rooks Co. Hwy. Dept. | Bristow |
| 96099 | SDG-0092 | Douglas | City of Lawrence | Byrd |
| 96101 | SSG-0174 | Sedgwick | City of Wichita | Saadi |
| 96102 | SPN-0017 | Pawnee | Ward Feed Yard, Inc. | Henderson |
| 96103 | CSG-0149 | Sedgwick | Science Center, Inc. | Nagle |

| <u>Notice No.</u> | <u>WS No.</u> | <u>County</u> | <u>Applicant</u> | <u>DWR Reviewer</u> |
|-------------------|---------------|---------------|---------------------------------|---------------------|
| 96105 | DMI-0187 | Miami | Robert Foote | Kibby |
| 96111 | SDG-0093 | Douglas | City of Lawrence | Byrd |
| 96113 | LMG-0069 | Montgomery | KDOT | Nagle |
| 96114 | LMG-0070 | Montgomery | KDOT | Nagle |
| 96118 | CMG-0040 | Montgomery | KDOT | Sothers |
| 96119 | SKE-0008 | Kearny | Colorado Interstate Gas Co. | Bristow |
| 96120 | LMG-0071 | Montgomery | KDOT | Nagle |
| 96121 | LHV-0010 | Harvey | Harvey Co. Fair Board | Nagle |
| 96122 | SSW-0010 | Seward | Panhandle Eastern Pipe Line Co. | Bristow |
| 96123 | DJA-0342 | Jackson | Deleware WJD No. 10 | Thorsell |

Sincerely,



Paul M. Liechti
Assistant Director
Environmental Coordination Contact

CC: Environmental Services Section, KDWP Pratt



KANSAS
STATE
HISTORICAL
SOCIETY

425 S.W. 6th Avenue
Topeka Kansas
66615-1099

PHONE# (913) 272-8681
FAX# (913) 272-8682
TTY# (913) 272-8683

KANSAS HISTORY CENTER

Administration
Center for Historical Research
Cultural Resources
Education / Outreach
Historic Sites
Kansas Museum of History
Library & Archives

HISTORIC SITES

Adair Cabin
Constitution Hall
Cottonwood Ranch
First Territorial Capitol
Fort Hays
Goodnow House
Grinter Place
Hollenberg Station
Kaw Mission
Marnis des Cygnes Massacre
Minc Creek Battlefield
Native American Heritage Museum
Pawnee Indian Village
Pawnee Rock
Shawnee Mission

CULTURAL RESOURCES DIVISION

Archeology Office
913-272-8681 ext. 230

MEMORANDUM

To: Applicant(s)
From: Kansas State Historical Society
Re: Division of Water Resources Permits/Approvals

Your application for a permit from the Kansas Department of Agriculture, Division of Water Resources, has been reviewed by staff of the Kansas State Historical Society to determine if your project will affect any recorded historic or prehistoric archeological site. No known sites are located within the project area, but digging, grading, or other types of earth disturbing activities can reveal the presence of buried sites that were previously unknown. If your project includes earth moving, your construction contractor should be aware of this possibility. Sites discovered during construction should not be further disturbed. The Division of Water Resources (913-296-2933) and the Kansas State Historical Society should be notified of the discovery as soon as possible.

Human burials may sometimes be uncovered. The Kansas Unmarked Burial Sites Preservation Act requires the finder to report these discoveries to the appropriate law enforcement officials. The law enforcement officials in turn notify the county coroner who determines if the burial is archeological or a forensic case. The State Archeologist (913-296-4779) is to be notified of human burials that are not investigated by law enforcement officials. Human burials, and artifacts associated with them, should not be further disturbed after their discovery. The law provides substantial penalties for intentionally disturbing human burials and grave goods, whether located on public or private property. If you find a bone, get expert help to identify it. The county coroner, a medical doctor, or state archeologist can help.

WHAT TO LOOK FOR

Archeological sites from the historic and prehistoric periods may be buried. Prehistoric sites can be recognized by the presence of discolored earth, bones, stone tools (for example, arrowheads, knives, scrapers), stone flakes, burned stones, and pieces of pottery. Stone flakes are the most commonly found artifact.

Historic period sites can be recognized by the presence of stones, bricks, or concrete foundation walls, or concentrations of these materials. Many of the items used in historic times are essentially unchanged in form from those used today. Bottles, cups, "tin" cans, buckets, hand tools, and other items can be easily recognized.

BILL GRAVES, GOVERNOR
Alice A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer-Director
901 South Kansas Avenue, 2nd Floor
Topeka, Kansas 66612-1283
(913) 296-3717 FAX (913) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

November 27, 1996

EXPLORATION PLACE INC
209 E WILLIAM
WICHITA KS 67202

COPY
YOUR INFORMATION

RE: Appropriation of Water
File No. 42,189 IR (IRRIGATION)

Dear Sir or Madam:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit, with specific reference to Paragraph No. 19. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

It is recommended that the applicant consult with Botanica, the Wichita Gardens, concerning water conservation for the landscaping at Exploration Place.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation.

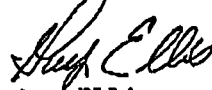
If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$50.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

Exploration Place Inc.
RE: File No. 42,189 IR
Page 2

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Guy Ellis
Water Rights Section Head

GE:MDJ:aru

Enc.

pc: Stafford Field Office
J. Neil Jednoralski

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Alice A. Devine, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED

(This is not a Certificate of Appropriation)
(IRRIGATION)

This is to certify that I have examined Application File No. 42,189 18 of the applicant

Exploration Place, Inc.
209 E. William
Wichita, Kansas 67202

COPY
FOR YOUR INFORMATION

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 April 10, 1996.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 20 | 27S | 1E | | | | | | | | | | | | | | | | | 9.5 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

3. That the authorized source from which the appropriation shall be made is groundwater in the drainage basin of the Arkansas River to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW¼ SE¼ NW¼) of Section 20, more particularly described as being near a point 3,850 feet North and 3,500 feet West of the Southeast corner of said section, in Township 27 South, Range 1 East, Sedgwick County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of 50 gallons per minute (0.11 c.f.s.) and to a quantity not to exceed 19 acre-feet for any calendar year.

5. That installation of works for diversion of water shall be completed on or before December 31, 19 97 or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$200.00 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, which is currently \$50.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 2001 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, which is currently \$50.00.

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 reasonably 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 to 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 all wells with a discharge rate of 100 gallons per second or more shall be equipped with a flow meter and a backflow preventer installed in accordance with specifications adopted by the Chief Engineer. This meter shall be maintained in an operating condition satisfactory to the Chief Engineer.~~

13. That an acceptable water flow meter shall be installed on the diversion works authorized by this permit in accordance with specifications adopted by the Chief Engineer on February 27, 1985, and shall be maintained in an operating condition satisfactory to the Chief Engineer, and shall be used to provide information required on the annual water use report (including the meter reading at the beginning and ending of the report year).

14. 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.

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

16. 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.

17. 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.

18. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

19. That at the end of the first calendar year after approval of this permit, the applicant shall submit information to the Chief Engineer on the landscaping planned, for this project, and how such planned landscaping provides for efficient use of irrigation water.

Dated this 26th day of November, 1996.

Wayland J. Anderson, for
David L. Pope, Chief Engineer, P.E.
Division of Water Resources
Kansas Department of Agriculture

WATER METER PROVIDED

BILL GRAVES, GOVERNOR
Alice A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer-Director
901 South Kansas Avenue, 2nd Floor
Topeka, Kansas 66612-1283
(913) 296-3717 FAX (913) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

November 27, 1996

EXPLORATION PLACE INC
209 E WILLIAM
WICHITA KS 67202

COPY
FOR YOUR INFORMATION

RE: Appropriation of Water
File No. 42,189 RE (RECREATION)
POND EVAPORATION

Dear Sir or Madam:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation.

If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$50.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

Exploration Place Inc.
RE: File No. 42,189 RE
Page 2

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Guy Ellis
Water Rights Section Head

GE:MDJ:aru

Enc.

pc: Stafford Field Office
J. Neil Jednoralski

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Alice A. Devine, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David L. Pope, 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. 42,189 RE (RECREATION) of the applicant

Exploration Place, Inc.
209 E. William
Wichita, Kansas 67202

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 April 10, 1996.
2. That the water sought to be appropriated shall be used for recreational use at a pond with a 0.95 acre surface area located in Section 20, Township 27 South, Range 1 East, Sedgwick County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater in the drainage basin of the Arkansas River to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 20, more particularly described as being near a point 3,850 feet North and 3,500 feet West of the Southeast corner of said section, in Township 27 South, Range 1 East, Sedgwick County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of 50 gallons per minute (0.11 c.f.s.) and to a quantity not to exceed 5.0 acre-feet (1.63 million gallons) for any calendar year.
5. That installation of works for diversion of water shall be completed on or before December 31, 19 97 or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$200.00 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 \$50.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 2001 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 \$50.00.

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 to 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 all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a pump or other device installed in accordance with specifications adopted by the Chief Engineer. The type of device installed shall be maintained in an operating condition satisfactory to the Chief Engineer.~~

13. That an acceptable water flow meter shall be installed on the diversion works authorized by this permit in accordance with specifications adopted by the Chief Engineer on February 27, 1985, shall be maintained in an operating condition satisfactory to the Chief Engineer, and shall be used to provide information required on the annual water use report (including the meter reading at the beginning and ending of the report year).

14. 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.

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

16. 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.

17. 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.

18. That the proposed conservation plan submitted by the applicant shall be adopted and implemented on or before the date water is used under the authority of this permit, or in accordance with the time schedule set forth in the approved conservation plan, whichever comes later. Once implemented, the applicant shall continue to maintain the conservation plan in a manner satisfactory to the Chief Engineer. The Chief Engineer reserves the right to review the conservation plan at ten (10) year intervals to determine if it is consistent with current Kansas Water Office conservation guidelines. If it is materially different from current Kansas Water Office guidelines, then the Chief Engineer may order the permit owner to amend the conservation plan to make it consistent with current Kansas Water Office guidelines.

19. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

20. That the rate of diversion approved under this permit is further limited to the rate which combined with Appropriation of Water, File No. 42,189 IR will provide a maximum diversion rate not in excess of 50 gallons per minute (0.11 c.f.s.) for recreational use.

Dated this 26th day of November, 1996

David L. Pope
David L. Pope, Chief Engineer, P.E.
Division of Water Resources
Kansas Department of Agriculture

WATER WATER WATER

STATE OF KANSAS

BILL GRAVES, GOVERNOR
Alice A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer-Director
901 South Kansas Avenue, 2nd Floor
Topeka, Kansas 66612-1283
(913) 296-3717 FAX (913) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

November 27, 1996

EXPLORATION PLACE INC
C/O ALPHONSE T DESENA
209 E WILLIAM
WICHITA KS 67202

COPY
FOR YOUR INFORMATION

RE: Term Permit
File No. 969094

Dear Mr. DeSena:

Your application for term permit to appropriate water for beneficial use has been examined, approved, and is being returned herewith for your records.

The approval of your application constitutes a term permit to appropriate water for beneficial use as set forth in the application. It does not constitute authority under K.S.A. 82a-301 through 305 to construct any dam or other obstruction; it does not give authority to any right-of-way, or authorize injury to, or trespass upon public or private property, nor does it obviate the necessity of assent from Federal or Local Governmental authorities, when necessary. Please be advised that K.S.A. 82a-728 sets forth, in essence, that it is unlawful to divert or threaten to divert water for the type of use you propose without first acquiring approval of the Chief Engineer of the Division of Water Resources.

An acceptable meter shall be installed on the diversion works authorized by this term permit in accordance with specifications adopted by the Chief Engineer on February 27, 1985, and shall be installed prior to water being put to beneficial use. Notification of installation of the required meter must be received in the office of the Chief Engineer within thirty (30) days of installation of the meter. A form for this purpose and for your convenience is enclosed. Accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined, shall be maintained by the applicant, 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.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Guy Ellis

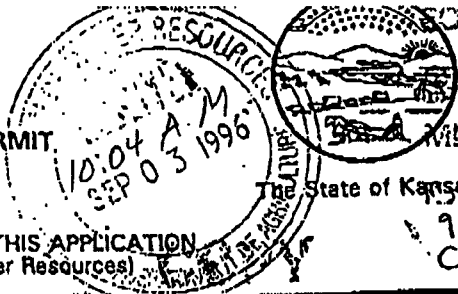
Water Rights Section Head

GE:MDJ:aru
Enclosures
pc: Stafford Field Office
J. Neil Jednoralski

Submit To: CHIEF ENGINEER-DIRECTOR
Division of Water Resources
Kansas State Board of Agriculture
801 S. Kansas Avenue, 2nd Floor
Topeka, KS 66612-1283

APPLICATION FOR TERM PERMIT

- GROUNDWATER
 - SURFACE WATER
- (check one)



SEP 5-3-1
9-3-96
CWG

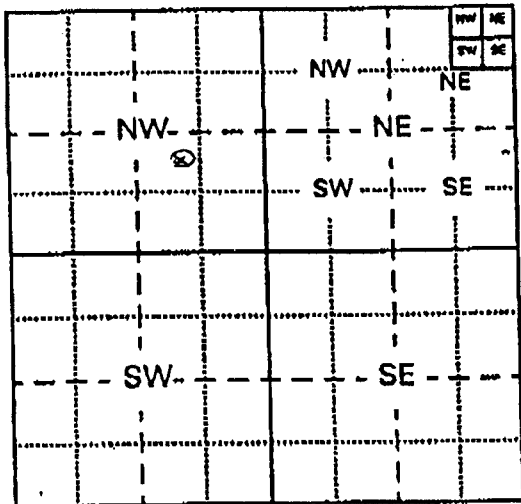
STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION
(Make check payable to the Division of Water Resources)

1. Applicant: (Please print or type)
Name EXPLORATION PLACE, INC. 9779 30 Aug 96
Street The Science Center
City and State Wichita, KS
Zip Code 67202 Telephone No. (316) 263-3375
Social Security I.D. No. _____
and/or Taxpayer I.D. No. 40-1000925

2. Location of Point of Diversion: NE SE NW
Sec. 20, Twp. 27 S, Rng. 1 (E)
Sedgwick County, Kansas.

Distance from Southeast Corner of Section:
3850 feet North from Southeast Corner
3500 feet West from Southeast Corner
NOTE: If point of diversion is not site specific (i.e., groundwater pit) show the approximate geographic center.

3. Water Use Data:
Proposed Max. Pumping Rate (gpm) 50
Amount Requested (acre-feet) 4.75
per calendar year
Depth of Well (feet) _____
Date (completed) (will be completed) April 1997
Drainage Basin Arkansas River
Name of Stream _____



4. Name and address of owner of land upon which point of diversion is located:
City of Wichita 50 yr lease
to Sedgwick Co. Public Bldg Commission
If other than applicant submit statement showing owner's permission to install diversion works has been obtained.

Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):
Irrigation of landscaping - 9.5 acres
* 6% of water for normal preparation to establish vegetation (supplemental irrigation)

6. Location of place of use:
9.5 Acres SE NW 20-27-1E

7. Period of use:
Commencing date: May 1, 1997
Ending date: May 1, 2002

If off-stream pit, check here .
Will pit floor intersect water table? Yes No

8. Location of the proposed point of diversion and those of other water users within 1/2 mile shall be indicated on the diagram to the lower-left, scale 1 inch = 2,000 feet. If surface water, indicate on the diagram the course of the stream, and its name. List other D.W.R. permit numbers that cover the requested point(s) of diversion or place of use here:
Owens 42189-1R

FEE SCHEDULE

1. The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:

| Acre-feet | Fee |
|---------------|----------|
| 0-100 | \$100.00 |
| 101-320 | \$150.00 |
| More than 320 | \$150.00 |

plus \$10.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, is:

| Acre-feet | Fee |
|---------------|----------|
| 0-250 | \$100.00 |
| More than 250 | \$100.00 |

plus \$10.00 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 purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

4. There is a separate application form for domestic use. Do not use this form for domestic use.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons
1 million gallons equal 3.07 acre-feet
* MDT/DWR 6-6-96

Assisted by MDT/DWR

9779 30 Aug 96

9. For groundwater use, list below all wells within 1/4 mile of the proposed well, and plot locations upon the diagram on reverse side. If additional space is needed, attach a map.

Other wells -

Well A Owner(s): _____
Address: _____

Well B Owner(s): _____
Address: _____

10. For surface water use, list below the names and addresses of all landowners from a point 1/2 mile upstream to a point 1/2 mile downstream of the tract of land upon which the point of diversion is located. If additional space is needed, attach sheet.

Tract A Owner(s): _____
Address: _____

Tract B Owner(s): _____
Address: _____

11. The applicant states that the information set hereon is true and accurate to the best of his/her knowledge.

12. The applicant agrees to waive any right to a hearing on the matter of abandonment of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be on May 1, 2002 or within any extension of time authorized by the Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.

13. The applicant agrees to provide water to nearby water users, at no charge to said users, should their rights to use water become impaired by the project proposed by this application.

* 14. Water use contact person (in event emergency contact is needed):

Name: ALPHONSE DESENA, PRESIDENT, EXPLORATION PLACE, INC. Telephone No. (316) 263-3373

Alphonse T. Desena
Signature of Applicant

or Authorized Representative

30 AUG, 1996
Date

ALPHONSE T. DESENA
Applicant's Name Printed

Title _____

DO NOT WRITE BELOW THIS LINE

CONDITIONS OF APPROVAL:

The applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined. Accurate and complete records shall be furnished to 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.

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.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

APPLICATION APPROVED

PERMIT NUMBER 969094

DATE ISSUED 11/25/96

EXPIRATION DATE 5/01/2002

WATER METER REQUIRED (✓) ()
YES NO

Wayland J. Anderson for
David L. Pope, P.E., Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

WATER METER REQUIRED



RECEIVED

JUN 05 1997

Department of Health and Environment

May 29, 1997

Al DeSena, President
Exploration Place, Inc.
711 W. Douglas, Suite 101
Wichita, Kansas 67213

Re: Kansas Water Pollution Control General Permit for Stormwater Runoff
from Construction Activities, General Permit No.: S-MCST ϕ -9601-1,
Kansas Permit No.: S-AR94-0004, Exploration Place

Dear Permittee:

You have fulfilled all filing requirements for the Kansas Water Pollution Control Permit for Stormwater Runoff from Construction Activities. We are pleased to forward your new permit. While it is permissible to make as many copies as needed, you need to retain the original permit for your files.

We suggest you carefully read the terms and conditions of your permit to ensure your Stormwater Pollution Prevention Plan meets all the requirements of the permit. This project is located less than one-half stream mile from a Special Aquatic Life Use Water and condition 3 of Part I has been waived by the Director. Diligent implementation of the best management practices is required to protect the receiving water. The terms and conditions of the attached permit are enforceable under State law.

Please remember to send a copy of page 1 and the Notice of Termination (NOT), located on page 2, to KDHE when coverage under this general permit is no longer needed. The NOT must contain an original signature.

We look forward to working with you in achievement and maintenance of high quality water for the State of Kansas. If you have any questions concerning this permit, please contact David Freise at (913) 296-5557.

Sincerely,

A handwritten signature in black ink that reads "Karl W. Mueldeher".

Karl Mueldeher, P.E.
Director, Bureau of Water

Enclosure

pc: South Central District Office

Permit File

Chris Breitenstein - City of Wichita

General Permit No.: S-MCST ϕ -9601-1

Kansas Permit No.: S-AR94-0004

Federal Permit No.: KS-R100065

Kansas Water Pollution Control General Permit
and Authorization to Discharge

STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES

Under the National Pollutant Discharge Elimination System

Pursuant to the Provisions of Kansas Statutes Annotated 65-164 and 65-165, the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.; the "Clean Water Act"),

Owner: Al DeSena, President
Exploration Place, Inc.

Owner's Address: 711 W. Douglas, Suite 101
Wichita, Kansas 67213

Name of Contact Person: Larry Fickel Phone Number: 913-268-3500

Name of Facility/Project to be Constructed: Exploration Place

Facility/Project Address or Location: 500 N. McLean Blvd., Wichita
Sedgwick County

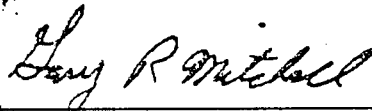
Receiving Stream & Basin: Arkansas River, Lower Arkansas River Basin

is authorized to discharge stormwater runoff from construction activities at the site described herein in accordance with the limitations and conditions set forth in this general NPDES permit and shall comply with Kansas Surface Water Quality Standards (K.A.R. 28-16-28 et seq.).

The general NPDES Permit S-MCST ϕ -9601-1 is effective January 1, 1997 through December 31, 2001. This general NPDES permit authorization supersedes all previous permits, agreements, decrees, or orders, in effect between KDHE and the permittee for the discharge of stormwater runoff from construction activities at the site described herein. The use of this general NPDES permit for the project described herein shall become effective on May 29, 1997, and shall expire on December 31, 2001.

PROJECT DESCRIPTION:

Construction of a Hands-On Science Center and Children's Museum.



Secretary, Kansas Department of Health and Environment

May 29, 1997
Date

June 20, 1996

STAFF REPORT
(Final Plat, Preliminary Plat Approved 5/23/96)

CASE NUMBER: S/D 96-27 EXPLORATION PLACE ADDITION

OWNER/APPLICANT: The City of Wichita, a municipal corporation, c/o Monty Robson, Downtown Development Coordinator, City Hall - (Engineering) - 7th Floor, 455 North Main, Wichita, KS 67201

OWNER: Kansas Gas & Electric, Co., c/o Ron Holt, P. O. Box 208, Wichita, KS 67201

AGENT: Exploration Place, Inc., c/o Phil Frick, 209 E. William, Wichita, KS 67202

SURVEYOR/ENGINEER: Mid-Kansas Engineering Consultants, Inc., 411 North Webb Road, Wichita, KS 67206

LOCATION: Southwesterly of the Arkansas River and north of 2nd Street

SITE SIZE: 20.0 Acres

NUMBER OF LOTS

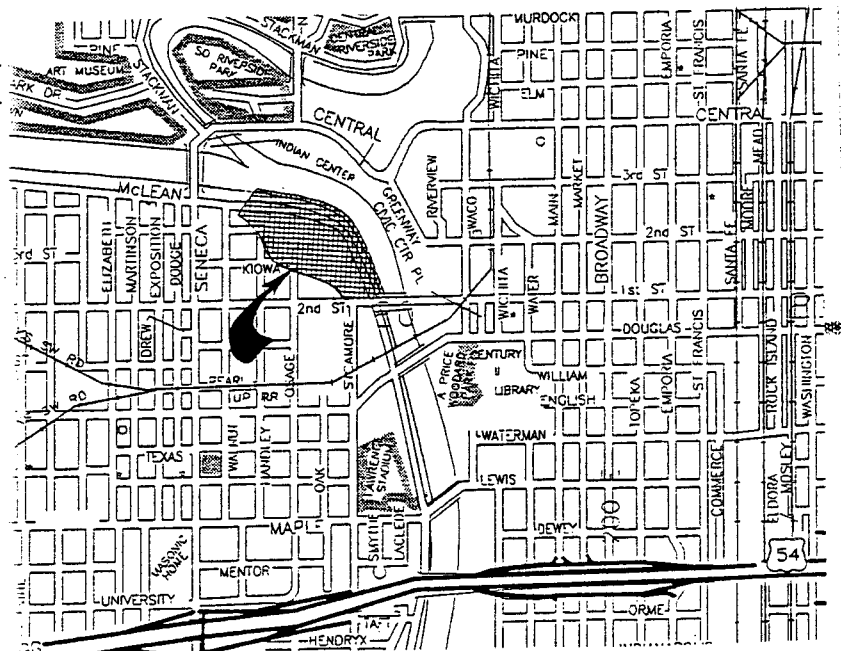
| | |
|--------------|----------|
| Residential: | |
| Office: | |
| Commercial: | |
| Industrial: | <u>2</u> |
| Total: | <u>2</u> |

MINIMUM LOT AREA: 0.36 Acres

CURRENT ZONING: "LI" Limited Industrial

PROPOSED ZONING:

VICINITY MAP:



NOTE: This plat is for the site of the "Childrens' Museum". Platting is being undertaken in order to consolidate numerous separate parcels into a coherent building site and to eliminate (vacate) any existing easements, building setbacks and similar previously platted or created features that would encumber the site if not replatted. As is indicated by the preliminary plat, two (2) lots are being platted. A smaller lot along the Addition's western line is being created to cover an existing KG&E electric substation. The City is also in the process of establishing its ownership down to the water's edge of the Arkansas River.

STAFF COMMENTS:

- A. Based on the museum's development plans and access needs for the KG&E substation lot, the final plat has dedicated access controls to McLean and 2nd Streets.
- On the final plat tracing, since the City will be the plattor of this site, the dedication of access controls as provided for in the plattor's text shall be indicated as being provided to the "public".
- B. A preliminary platting binder (to the report) is indicating that this site is still under a number of ownerships. Prior to this plat being recorded, title shall be acquired by the indicated plattor(s). Also, any outstanding mortgages will need to be shown as having been released or the mortgage holders will need to be included as signatories to the plat.
- C. As noted by KG&E-Gas and Southwestern Bell, certain of their facilities will be impacted by this site's development. The applicant or their agent needs to contact these utilities to confirm any needed easements and/or relocations.
- D. All buildings within street rights-of-way and/or presently within the building setbacks, shall be removed.
- E. The final plat tracing shall reference a tie point to a previously platted lot corner or section corner.
- F. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- G. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- H. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 30, Marquette, KS 67464 (913-546-2294) or Kansas Department of Wildlife and Parks, P. O. Box 317, Valley Center, KS 67147] for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies

to determine any such requirements.

- I. The final plat tracing shall indicate the required minimum building pad elevations. The establishment of these elevations shall also be noted in the plat's text of the final plat tracing.
- J. On the final plat tracing, "Deputy" shall be deleted from the City Clerk's signature block.
- K. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- L. Recording of the plat within 30 days after approval by the City Council.
- M. The representatives from City Engineering should be prepared to comment on the status of the applicant's drainage plan.