

ATTACHMENT 1. TABLE OF EXCEPTIONAL STATE WATERS (ESW), SPECIAL AQUATIC LIFE USE WATERS (SALU) AND OUTSTANDING NATIONAL RESOURCE WATERS (ONRW) provided by Kansas Department of Health and Environment. (5/2000) (revised 3/2001, 2nd 4/2004, 3rd 2/21/07, 4th 5/10/07, 5th 8/8/07).

COUNTY	*EXCEPTIONAL STATE WATERS	* SPECIAL AQUATIC LIFE USE WATERS
Allen		Little Osage River, Middle Fork, Bloody Run, Onion Cr. Neosho R., Little Osage R., Marmaton R. WETLANDS(7) : within boundaries of a point from NE corner of S34 T24 R18E, West to NW corner S35 T24 R17E, South to SW corner of S35 T24 R17E, East to SE corner of S34 T25 R18E, back north to origin ; Other: (6) all oxbow lakes and WETLANDS within NE 1/4 of S32 T26S R18E, N 1/2 and SE 1/4 of S33 T26 R18E
Anderson		Pottawatomie Cr., South Fk., Pottawatomie Cr., Little Indian Cr., Little Osage River Middle Fork, Middle Cr. WETLANDS(8) : within boundaries of a point from the NE corner of S24 T21 R19E, West to the NW corner S22 T21 R18E, South to SW corner of S22 T25 R18E, back north to origin.
Atchison		Missouri R. WETLANDS(9) : All WETLANDS within S15 T6 R7E and S16 T6 R7E
Barber		Amber Cr., Bear Cr., Elm Cr., East Branch South Elm Cr., South Branch Elm Cr., North Branch Elm Cr., Medicine Lodge River, Mulberry Cr., Mule Cr., Sand Cr., Turkey Cr., Two unnamed tributaries to Medicine Lodge River, Unnamed tributary to Turkey Cr.
Barton	Blood Cr., Little Cheyenne Cr.	Arkansas River, Blood Cr., Little Cheyenne Cr. WETLANDS(5) : Cheyenne Bottoms Preserve: Designation applies to all surface waters within the Nature Conservancy wildlife preserve in Sections 2, 11, 12, 16, 13, 22, 24, 25, 36 and parts of Sections 3, 10, 15, 14, 23,26, 34, and 35 in T18S R13W and from the NE corner of S07, west to NW 1/4 of S02 south to W 1/2 of S35 East to S31 of T18S R12W
Bourbon		Marmaton River, Little Osage River
Butler	Walnut River, Grouse Cr., Cottonwood River South Fork	Walnut River, Grouse Cr., Cottonwood River South Fork
Chase	Cottonwood River South Fork, Cedar Cr.	Bloody Cr., Cedar Cr., Collett Cr., Cottonwood River, Cottonwood River South Fork, Jacob Cr., Little Cedar Cr., Middle Cr.
Chautauqua	Caney River, Otter Cr.	Caney River, Otter Cr.
Cherokee	Neosho River, Shoal Cr., Spring Cr., Unnamed tributary to Shoal Cr.	Brush Cr., Cow Cr., Labette Cr., Neosho River, Shoal Cr. Spring Cr., Taylor Branch, Turkey Cr., Un. Trib. to Shoal Cr. WETLANDS(10a) : 10a All cave waters & associated springs within that portion of Cherokee County encompassed by a line that extends from NE corner of Sec. 24, T34S, R25E, due W. to NW corner of Sec. 24, T34S, R24E, then due S. to KS/OK(Sec.13 T35S, R.24E), then due E. to KS/MO border (Sec.13, T35S, 25E), then N. to point of origin. And 10b :All wetlands within those portions of Cherokee & Labette counties encompassed by a line that extends from KS/MO border at NE corner of Sec. 24, T31S, R25E due W. to NW corner of Sec.20, T31S, R25E, then due S. to NW corner of Sec. 17, T33S, R25E, then due W. to NW corner of Sec. 14, T33S, R21E, then due S to KS/OK border(Sec. 14, T35S, R21E), then due E. to KS/MO border(Sec.13, T35S, R25E), then due S. to point of origin.

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Cheyenne		Arkaree River, Republican River South Fork
Clark	Cimmaron River (23) St. Jacob's Well: NW1/4 of SW1/4 of S19 T32S R24W	Bluff Cr., Cimmaron River, Kiowa Cr. West, Rattlesnake Cr. (23) Clark County State Fishing Lake
Clay		Republican River
Cloud	(25) All surface waters within Jamestown Waterfowl Management Area	Republican River
Coffey		Frog Cr., Little Indian Cr., Long Cr., Neosho River, Wolf Cr.
Commanche	Cimmaron River	Bluff Cr., Calvary Cr., Cimmaron Cr., Kiowa Cr., Kiowa Cr. Middle, Kiowa Cr. West, Mule Cr., Nescatunga Cr., Wiggins
Cowley	Beaver Cr., Grouse Cr., Otter Cr., Walnut River	Arkansas River, Grouse Cr., Little Beaver Cr., Spring Cr., Walnut River
Crawford		Brush Cr., Cow Cr., Cow Cr East, First Cow Cr., Taylor Cr.
Dickinson	Lyon Cr.	Carry Cr., Lime Cr., Lyon Cr., Lyon Cr West Branch, unnamed tributary to West Branch Lyon Cr. (19) Herrington Reservoir
Doniphan		Missouri R.
Douglas		Appanoose Cr., Buck Cr., Kansas River, West Fork Tauy Cr. (16) Clinton Reservoir, WETLANDS(11) All within S18 T13S R20E
Edwards		Rattlesnake Cr.
Elk	Caney River, Fall River, Grouse Cr.	Caney River, Fall River, Grouse Cr.
Ellis	Saline River	
Ellsworth	Smoky Hill River	Smoky Hill River
Finney		Arkansas River
Ford		Bluff Cr., Kiowas Cr West, Rattlesnake Cr.
Franklin		Appanoose Cr., Marais Des Cygnes River, Ottawa Cr., Pottawatomie Cr., Tauy Cr., West Fork Tauy Creek
Geary	Lyon Cr.	Carry Cr., Kansas River, Lyon Cr., Republic River (14) Konza Prairie Natural Area; designation applies to all surface waters within natural area
Grant	Cimmaron River	Cimmaron River
Greeley		Ladder Cr.
Greenwood	Fall River, Fall River East Branch, Fall River West Branch	Fall River, Fall River East Branch, Fall River West Branch, Otter Cr. South Branch, Verdigris River (2) Flint Hills Tallgrass Prairie Preserve, all surface waters within the Nature Conservancy Reserve: Section 22 & 23 T23S R8E

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Hamilton		Arkansas River
Harper	Chikaskia River	Chikaskia River, Sand Cr.
Jefferson		Buck Cr., Kansas River (18) Perry Reservoir
Jewell		Republican River
Johnson		Kansas River (17) Hillsdale Reservoir
Kearny		Arkansas River
Kingman	Chikaskia River	Allen Cr., Chikaskia River, Chikaskia River North Fork, Duck Cr., Nester Cr., Ninnescah River South Fork, Painter Cr., Pat Cr., Sand Cr., Silver Cr., Smoots Cr., Unnamed tributary to Smoots Cr., nine separate tributaries to South Ninnescah River
Kiowa	Thompson	Calvary Cr., Kiowa Cr., Kiowa Cr Middle, Kiowa Cr West, Medicine Lodge River, Mule Cr., Rattlesnake Cr., Soldier Cr., Thompson Cr., Wiggins Cr., Unnamed tributary to Thompson Cr.
Labette	Neosho River	Labette Cr.
Leavenworth		Kansas River, Missouri River, Salt Cr.
	Big Sugar Cr., Marais Des Cygnes River, Middle Cr., Muddy Cr., Sugar Cr North (12) all surface waters within Marais des Cygnes Waterfowl Area, all WETLANDS, oxbow lakes and classified streams within Linn County extending from the Kansas/Missouri border at NE corner of S26 T19S R25E west to NW corner of S26 T19S R23E, south to SW corner of S12 T22S R23E, east to Kansas/Missouri border at SE corner of S12 T22S R25E	Big Sugar Cr., Marais Des Cygnes River, Middle Cr., Muddy Cr., Sugar Cr. North (12) all surface waters within Marais des Cygnes Waterfowl Area, all WETLANDS, oxbow lakes and classified streams within Linn County extending from the Kansas/Missouri border at NE corner of S26 T19S R25E west to NW corner of S26 T19S R23E, south to SW corner of S12 T22S R23E, east to Kansas/Missouri border at SE corner of S12 T22S R25E
Linn		Chalk Cr., Depperschmidt Draw, Ladder Cr., Smoky Hill River, Twin Butte Cr.
Logan		Cottonwood River, Elm Cr., Jacob Cr., Neosho River
Lyon	Lyon Cr.	Cattin Cr., Lyon Cr., Middle Cr., Spring Cr.
Marion	Mill Cr West Branch	Lime Cr., Middle Cr., Neosho River, Six Mile Cr.
Marshall		(15) McPherson Valley Wetlands: Classification applies to all surface waters within state owned portions of wetlands
McPherson		Cimmarron River, Crooked Cr., Spring Cr., Stumpie Arroyo, unnamed tributary to Stumpy Arroyo (22) Lake Meade
Meade		Marais Des Cygnes River, Middle Cr., Pottawatomie Cr., Unnamed tributary to North Wea Cr. (17) Hillsdale Reservoir
Miami	Marais Des Cygnes River, Middle Cr.	

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Montgomery	Cimmaron River, Cimmaron River North Fork, Unnamed tributary to Cimmaron River North Fork	Onion Cr., Verdigris River
Morton	(20) Mallard Lake, Lake Cimmaron, Point of Rocks	Cimmaron River, Cimmaron River North Fork, Unnamed tributary to Cimmaron River North Fork
Nemaha		Big Nemaha River South Fork, Manley Cr.
Neosho		Flat Rock Cr., Neosho River
Osage		Appanoose Cr., Frog Cr., Long Cr.
Phillips		(4) Kirwin Lake; Kirwin National Wildlife Refuge; designation applies to all surface waters within wildlife refuge.
Pottawatomie	Deep Cr.	Black Vermillion River Clear Fork, Bluff Cr., Bucksnot Cr., Deep Cr., Kansas River, Spring Cr., Wildcat Cr.
Pratt	(26) All surface waters within Texas Lake Wildlife Area	Amber Cr., Chikaskia River North Fork, Elm Cr North, Elm Cr South East Branch, Mulberry Cr., Natrona Cr., Ninescch River South Fork, Ninescch River West Branch of South Fork, Painter Cr., Rattlesnake Cr., Sand Cr., Silver Cr., Turkey Cr.
Reno		Arkansas River, Ninescch River North Fork, Peace Cr., Red Rock Cr., Silver Cr., Smoots Cr., Unnamed Tributary to North Fork Ninescch River, Unnamed Tributary to Silver Cr. (3) Quivera Salt Marsh; All surface waters within Quivera National Wildlife Refuge
Republic	(25) All surface waters within Jamestown Waterfowl Management Area	Republican River
Rice		Arkansas River, Peace Cr., Rattlesnake Cr. (3) Quivera Big Salt Marsh
Riley		Bluff Cr., Deep Cr., Kansas River, Spring Cr., Wildcat Cr.
Rush	Blood Cr.	Blood Cr.
Russell	Saline River, Smoky Hill River	Smoky Hill River
Scott		Ladder Cr., (24) Lake Scott State Park, Scott Wildlife Area and feeder Springs
Sedgwick		Arkansas River, Clearwater Cr., Nester Cr., Ninescch River, Ninescch River South Fork, Sand Cr., Unnamed Tributary to North Fork Ninescch River
Seward		Cimmaron River
Shawnee		Kansas River
Stafford		Ninescch River North Fork, Peace Cr., Rattlesnake Cr. (3) Quivera Big Salt Marsh
Stevens	Cimmaron River	Cimmaron River
Sumner	Chikaskia River	Arkansas River, Chikaskia River, Ninescch River, Spring Cr.

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Wabaunsee	Deep Cr., Illinois Cr., Mill Cr. East Branch, Unnamed Tributary of Mill Cr. East Branch	Deep Cr., Elm Cr., Illinois Cr., Kansas River, Locust Cr., Mill Cr., Mill Cr. East Branch, Mill Cr. South Branch, Unnamed Tributary of Mill Cr. East Branch
Wallace		Eagletail Cr., Rose Cr., Coon Cr., Pond Cr., Capper Draw, Smoky Hill River, Willow Cr., Twin Butte Cr., Chalk Cr., Ladder Cr., Depperschmidt Draw
Wichita		Chalk Cr., Ladder Cr.,
Wilson	Fall River	Fall River, Verdigris River
Woodson		Bloody Run, Neosho River, Owl Cr. South, Verdigris River (21) Leonard Lake & Circle Lake (13) WETLANDS in Woodson County Sections 3 and 11, Township 26S, Range 14E
Wyandotte		Kansas River, Little Turkey Cr., Missouri River

The Following counties currently do not contain waters classified as ESW, SALU or ONW: Brown, Decatur, Gove, Graham, Gray, Harvey, Haskell, Hodgeman, Jackson, Lane, Lincoln, Mitchell, Ness, Norton, Osborne, Ottawa, Pawnee, Rawlins, Rooks, Saline, Sheridan, Sherman, Smith, Stanton, Thomas, Trego, Washington

***Kansas Regulations for Special Waters in Kansas**

Outstanding National Resource water, K.A.R. 28-16-28b (00), “means any of the surface waters or surface water segments of extraordinary recreational or ecological significance identified in the surface water register, as defined K.A.R. 28-16-28b (zz), and afforded the highest level of water quality protection under the anti-degradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).”

Exceptional state waters, K.A.R. 28-16-28b(x), “means any of the surface waters or surface water segments that are of remarkable quality or of significant recreational or ecological value, are listed in the surface water register as defined in K.A.R. 28-16-28b(zz), and afforded the highest level of water quality protection under the anti-degradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).”

Special Aquatic Life Use, K.A.R. 28-16-28d (a)(2)(A), “means surface waters that contain combinations of habitat types and indigenous biota not found commonly in the state, or surface waters that contain representative populations of threatened or endangered species.”

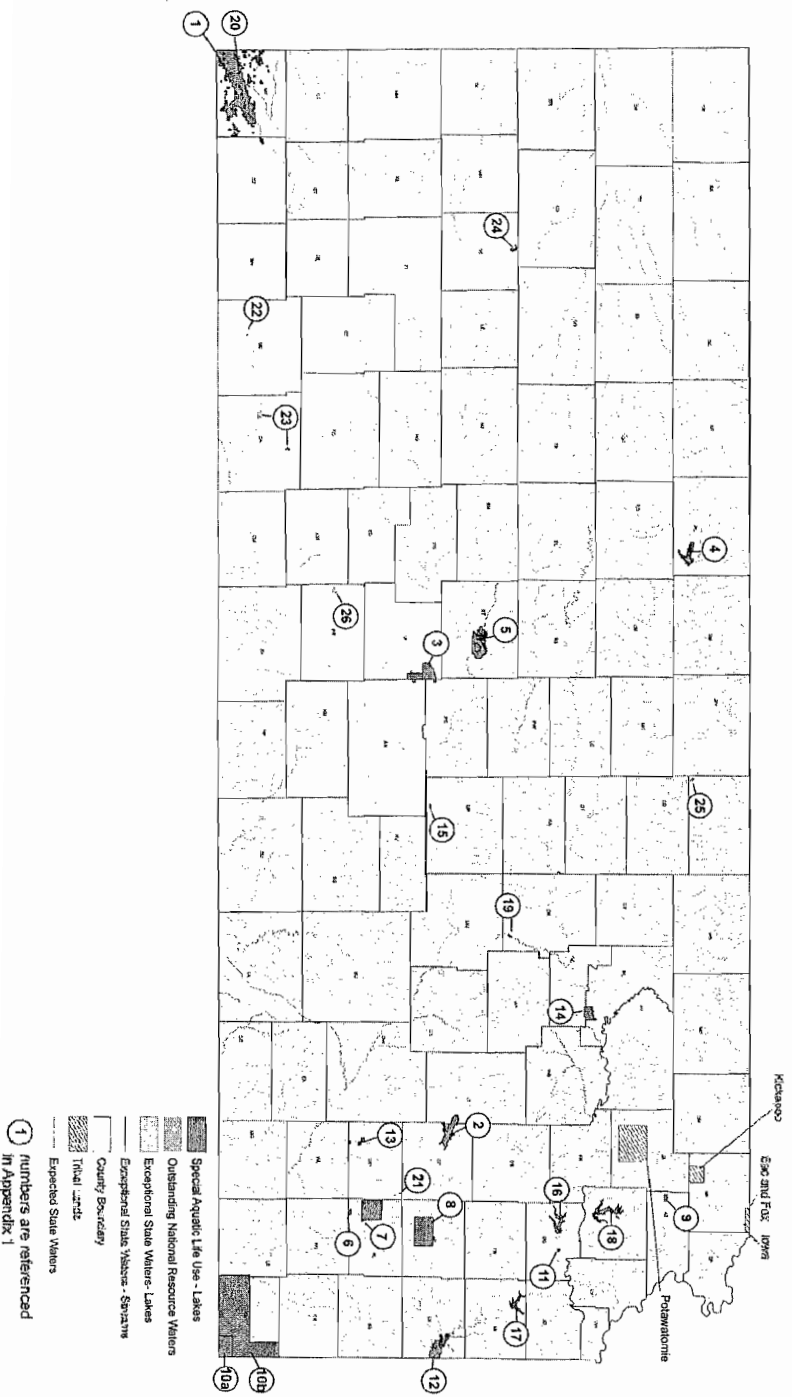
K.A.R. 28-16-28c(a)B(2)- “Wherever state surface waters constitute exceptional state waters, discharges shall be allowed only if existing uses and existing water quality are maintained and protected.”

K.A.R. 28-16-28c(a)B(3)- “Wherever state surface waters constitute outstanding national resource waters existing water quality shall be maintained and protected. New or expanded discharges shall not be allowed into outstanding national resource waters.”

Finally, the Kansas Surface Water Standards K.A.R. 28-16-28 can be found at: [HTTP://www.ks.us/water/SWQS_12_03.pdf](http://www.ks.us/water/SWQS_12_03.pdf)

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**OUTSTANDING NATIONAL RESOURCE WATERS,
EXCEPTIONAL STATE WATERS,
AND SPECIAL AQUATIC LIFE USE WATERS**



① numbers are referenced in Appendix 1