

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

NOV 27 2023

14:01

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

51142

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

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

1. Name of Applicant (Please Print): KayDee Farms, LLC
Address: 605 Crescent Blvd, Ste 200
City: Ridgeland State MS Zip Code 39157
Telephone Number: (601) 415-5674

2. The source of water is: [x] surface water in Slate Creek (stream)
OR [] groundwater in (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 270 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 1000 gallons per minute OR cubic feet per second.

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

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

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

For Office Use Only:
F.O. 2 GMD Meets K.A.R. 5-3-1 (YES) NO Use REC Source G/S County SU By ALB Date 11/28/23
Code BE2 Fee \$ 300 TR # Receipt Date 11-27-23 Check # 12261

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

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

- (A) One in the SW quarter of the NW quarter of the NE quarter of Section 22, more particularly described as being near a point 3550 feet North and 1955 feet West of the Southeast corner of said section, in Township 32 South, Range 1 East/West (circle one), Sumner County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

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

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

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

NA _____
 (name, address and telephone number)

NA _____
 (name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20____. _____
 Applicant's Signature

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

7. The proposed project for diversion of water will consist of 1 River Pump
 (number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) AS SOON AS APPROVED
 (Month/Day/Year - each was or will be completed)

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

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

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

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

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

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required The banks for the
impoundments will not exceed 12" in height.

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

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

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

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

NONE

13137 223

File No. _____

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

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

Well location as shown in paragraph

No.

(A)

(B)

(C)

(D)

Date Drilled

Total depth of well

Depth to water bearing formation

Depth to static water level

Depth to bottom of pump intake pipe

14. The relationship of the applicant to the proposed place where the water will be used is that of

OWNER

(owner, tenant, agent or otherwise)

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

NA

_____ (name, address and telephone number)

NA

_____ (name, address and telephone number)

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

Dated at 11:08 AM, Kansas, this 14 day of NOVEMBER, 2023.
(month) (year)

(Applicant Signature)

By

Ernie Coward
(Agent or Officer Signature)

ERNIE COWARD - MANAGER
(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

December 1, 2023

KAYDEE FARMS LLC
605 CRESCENT BLVD STE 200
RIDGELAND MS 39157

RE: Application, File No(s). **51142**

Dear Sir or Madam:

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

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

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kris Neuhauser". The signature is written in a cursive style with a long horizontal flourish at the end.

Kris Neuhauser
New Applications Lead
Water Appropriation Program

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): KAYDEE FARMS, LLC

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): WATERFOWL,
SHOREBIRD/WADING BIRD HABITAT ENHANCEMENT AND ASSOCIATED
SHALLOW WATER WETLAND/WILDLIFE HABITAT DEVELOPMENT.

2. Please summarize how the water will be used and justify the quantity of water requested: THE SUBJECT
PROPERTY LIES ADJACENT TO AND PREDOMINATELY SOUTH AND WEST OF SLATE CREEK
A SIGNIFICANT PORTION OF KAYDEE FARMS PROPERTY IS PERIODICALLY INUNDATED BY SLATE
CREEK. IN FACT, THE ENTIRE KAYDEE FARMS OWNERSHIP IS, BY ITS NATURAL TOPOGRAPHIC DESIGN,
A MAJOR CONTRIBUTOR TO THE SLATE CREEK WATERSHED. PLEASE SEE THE ATTACHED SUPPLEMENT.

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

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	270
Year 2	270
Year 3	270
Year 4	270
Year 5	270

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

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

FRL SECTION 22, TOWNSHIP 32 SOUTH, RANGE 1 WEST, SUMNER CO. KS; LYING MORE PARTICULARLY
WEST OF HIGHWAY 81 (SOUTH HOOVER ROAD), SOUTH AND WEST OF SLATE CREEK, SOUTH OF WEST MILL
STREET, EAST OF SOUTH RIDGE ROAD AND NORTH OF EAST 30TH STREET SOUTH.

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



SUSTAINABLE RESOURCE MANAGERS, LLC

P.O. Box 820186 Vicksburg, MS 39182

RECREATIONAL USE SUPPLEMENTAL SHEET DWR 1-100.25 (REVISED 09/05/2001)

KAYDEE FARMS, LLC

SUPPLEMENT TO QUESTION #2 AS HERETOFORE REFERENCED AND AS FOLLOWS:

PAST USE OF THE HERETOFORE REFERENCED PROPERTY INCLUDED LIMITED FARMING, HAY PRODUCTION AND CATTLE GRAZING. HOWEVER, THE GENERAL TOPOGRAPHY AND JUXTAPOSITION OF THE PROPERTY TO SLATE CREEK SEEMINGLY LIMITS THE PRACTICAL EXTENT OF SUCH LAND USE TO SMALL ISOLATED PARCELS WITHIN THE WHOLE.

KAYDEE FARMS, LLC HAS PURCHASED THE ~451 ACRE PROPERTY WITH A PRIMARY FOCUS ON MANAGEMENT OF THE LANDSCAPE IN A WAY THAT IS BENEFICIAL TO WILDLIFE, INCLUDING WATERFOWL, NEOTROPICAL BIRDS, AND RESIDENT WILDLIFE. REALIZING THAT THE GENERAL TOPOGRAPHY OF THE FARM IS PARTIALLY TERRACED AT THE WESTERN EXTREME, THE REMAINDER FALLING RATHER QUICKLY TO THE SLATE CREEK FLOODPLAIN, THE OWNERS FELT THAT THE PROPERTY HIGHEST AND BEST USE WAS/IS AS WINTERTING WATERFOWL AND WILDLIFE HABITAT. AN APPROXIMATE EIGHT (8) ACRE WATERSHED IS PRESENT ON THE PROPERTY, AS ARE THREE (3) SMALLER (<1 ACRE) MAN-MADE IMPOUNDMENTS. ALL WERE CONSTRUCTED PRIOR TO PURCHASE BY KAYDEE FARMS.

WITH REGARDS TO THE BENEFICIAL USE OF WATER FROM SLATE CREEK, PUMPING WOULD ONLY OCCUR DURING THE MONTHS OF OCTOBER – JANUARY IN SUCCESSIVE YEARS, AND ONLY TO THE EXTENT THAT IS NEEDED TO SUPPLEMENT NATURAL RAINFALL/SNOWMELT. WATER WOULD FILL NATURALLY CONCAVE FEATURES, AS WELL AS DEVELOPED AREAS IN CLOSE PROXIMITY AND HAVING MINIMAL BERMS NOT-TO-EXCEED TWELVE (12) INCHES IN HEIGHT.

KAYDEE FARMS IS COMMITTED TO THE ENHANCEMENT OF THE APPURTENANT SLATE CREEK DRAINAGE AND BELIEVE THAT THE PROPERTY USE, AS IS PROPOSED HEREIN, WILL BEST SERVE TO ACCOMPLISH THAT OBJECTIVE.

THANK YOU IN ADVANCE FOR YOUR KIND CONSIDERATION OF THIS REQUEST.

820 South Street, 4th Floor
Vicksburg, MS 39180
(601)661-8555 (Office)
(601)636-8040 (Facsimile)
(601)415-5674 (Mobile)
btomlinson10@gmail.com

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 51142

APPLICANT	PDIV ID	BATTERY ID
PERSON ID & SEQ # 69356	90703	

LANDOWNER	PUSE ID
PERSON ID & SEQ # 69356	71623

WATER USE CORRESPONDENT
PERSON ID & SEQ # 69356
11/27/2023
SURFACE IN SLATE CREEK (ARK rIVER)
207 AF 100 GPM
REC
FO 2
COUNT SU