

Submit To:
CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502-5000
<http://agriculture.ks.gov/dwr>

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

WATER RESOURCES
RECEIVED

JUN 24 2024
15:03



State of Kansas

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION
Please refer to the Fee Schedule attached to this application form.

File Number: **51254**

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

1. Name of Applicant: FBFJ LLC, Attn: Victor Slade
Address: 2600 Exeter Mill Road
City: Church Road State: VA Zip Code: 23833
Phone: (804) 892-7411 Email: vjslade@slade-sons.com

2. The source of water is: surface water in _____ (stream)
 groundwater in North Fork Ninnescah River (drainage basin)

3. The maximum annual quantity of water desired is 36 acre-feet gallons
to be diverted at a maximum rate of 305 gpm c.f.s. natural flows natural evaporation
 This project involves surface water storage and redirection. The maximum annual quantity of water desired to be
rediverted is n/a acre-feet gallons, at a rate of n/a gpm c.f.s.

Conversion Factors

1 acre-foot (AF) = 325,851 gallons

1 million gallons (mg) = 3.07 acre-feet (AF)

1 cubic foot per second (c.f.s.) = 448.8 gallons per minute (gpm)

IMPORTANT: Once your application has been assigned a priority date and file number, the requested maximum rate of diversion and maximum requested annual quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum annual quantity of water are appropriate and reasonable for your proposed project.

4. The water is intended to be appropriated for the following use(s):

<input type="checkbox"/> Artificial Recharge*	<input type="checkbox"/> Irrigation*	<input checked="" type="checkbox"/> Recreational*	<input type="checkbox"/> Water Power*
<input type="checkbox"/> Industrial*	<input type="checkbox"/> Municipal*	<input type="checkbox"/> Stockwatering*	<input type="checkbox"/> Sediment Control
<input type="checkbox"/> Domestic	<input type="checkbox"/> Dewatering	<input type="checkbox"/> Hydraulic Dredging	<input type="checkbox"/> Fire Protection
<input type="checkbox"/> Thermal Exchange	<input type="checkbox"/> Contamination Remediation		

***IMPORTANT:** You **must** submit a supplemental form providing information to substantiate your request for the quantity of water listed in Item No. 3 for the intended use(s) referenced above.

FOR OFFICE USE ONLY															
FO	<u>2</u>	GMD	<u>5</u>	DUA	-	Use	<u>REC</u>	Source	<u>GW</u>	County	<u>SF</u>	By	<u>KJN</u>	Date	<u>6/25/24</u>
Code	<u>REC</u>	Fee \$	<u>200</u>	TR #		Receipt Date	<u>6-24-24</u>	Check #	<u>1504</u>						

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KS Dept. of Agriculture

5. The location(s) of the proposed diversion work(s) (well, pumphouse, etc.) are described below. Note that for the application to be accepted, the point of diversion location(s) **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. You can specify a nickname for the point of diversion via the A.K.A. line to help you identify it.

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 800gpm and which supply water to a common distribution system.

(NW¹/₄ SW¹/₄ SW¹/₄)

(A) One in the NC W2 quarter of the W2 quarter of the SW quarter of Section 2, more particularly described as being near a point 1280 feet North and 4795 feet West of the Southeast corner of said section, in Township 25 South, Range 12 E W, Stafford County, KS. A.K.A: _____

(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 _____ E W, _____ County, KS. A.K.A: _____

(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 _____ E W, _____ County, KS. A.K.A: _____

(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 _____ E W, _____ County, KS. A.K.A: _____

(E) 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 _____ E W, _____ County, KS. A.K.A: _____

6. The proposed project for diversion of water will consist of one well, one pump, and ponds
(number of wells, pumps, dams, etc.)
and was/will be completed on or by the following date: as soon as possible.
(date each was or will be completed)

7. The first actual application of water for the proposed beneficial use was or is estimated to be ASAP
(Date)

8. List any application, appropriation of water, water right, or vested right file number that covers the same point(s) of diversion 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.

This new application is utilizing K.A.R. 5-25-22 to move an existing water right to this location. File No. 17516 has a pending dismissal contingent upon approval of this application.

There will be waivers associated with this application because it does not meet parts of 5-25-22. Due to that, there may be additional evaluations ran by DWR

or GMD#5 and there is no guarantee this can approved as filed. There is also a pending water bank term permit on File No. 17516 to allow

use in 2024 while this application is being processed.

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

FBFJ LLC, 18101 Sandy Point RD, Charles City, VA 23030 (804) 892-7411

(name, address, and phone)

(name, address, and phone)

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

Owner Agent Tenant Other: part owner of LLC

16. A water use correspondent (WUC) must be designated. The WUC will be mailed the annual water use report, which must be filed with the Division by March 1 of each year. Failure to timely file an accurate water use report will subject the owner(s) to a civil fine of up to \$1,000 and potential suspension of the water appropriation or right. By signing this application, I verify that the owner(s) of the water right or permit have confirmed that the following person or agent should be designated as the WUC:

FBFJ LLC, Attn: Victor Slade, 2600 Exeter Mill Road, Church Road, VA 23833

(name, address, and phone)

17. I understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. This could affect the economics of my decision to appropriate water. Situations where this might occur may include times when minimum desirable streamflow (MDS) requirements are not met, when Assurance District or Water Marketing releases are made from storage in federal reservoirs, when a Water Reservation Right upstream of a federal reservoir is administered, or when water rights administration becomes necessary to prevent impairment.

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

By signing below, I verify that the information set forth above is true to the best of my knowledge, I agree with all statements made above, and that this application is submitted in good faith.

(Applicant Signature)

6/21/24

(Date)

Victor Slade Jr

(Applicant Name – please print)

(Applicant Title, if applicable – please print)

Assisted by CRC

SFFO/Assistant Water Commissioner

(office/title)

Date: 6/21/2024

JUN 24 2024

KS Dept. of Agriculture

FEE SCHEDULE

Make checks payable to the Kansas Department of Agriculture.

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

Million Gallons (mg)	Acre-Feet (AF)	Fee
≤ 32.585	≤ 100	\$200.00
32.586 - 104.272	100.1 – 320.0	\$300.00
> 104.272	> 320	\$300.00 plus \$20 for each additional 100AF (32.586mg) or any part thereof

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

Million Gallons (mg)	Acre-Feet (AF)	Fee
≤ 81.462	≤ 249.9	\$200.00
≥ 81.463	≥ 250	\$200.00 plus \$20 for each additional 100AF (32.586mg) 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 **waterpower** or **dewatering** use shall be \$100.00 plus \$200.00 for each 44,880 gallons per minute (100 c.f.s.), or part thereof, of the diversion rate requested.

IMPORTANT NOTICE

If this application is approved, the applicant shall notify the Chief Engineer when the diversion works (well, pump, reservoir, pit, etc.) has/have been completed via the *Notice of Completion of Diversion Works* form (DWR 1-203.11) and along with the statutorily required field inspection fee of:

- \$200.00 for sediment control use or groundwater pits for industrial use, or
- \$400.00 for all other uses made of water

Failure to complete the diversion works by the deadline specified in the *Approval of Application and Permit to Proceed* (or any subsequent extension of time of said deadline) and/or failure to submit the proper notice and field inspection fee will result in the dismissal of the appropriation and forfeiture of any priority associated with it.

For assistance with this application, please contact the Division of Water Resources (DWR).

Manhattan HQ
1320 Research Park Dr.
Manhattan, KS 66502
785-564-6638

Topeka Field Office
1131 SW Winding Rd, Ste 400
Topeka, KS 66615
785-296-5733

Stafford Field Office
300 S. Main St
Stafford, KS 67578
620-234-5311

Stockton Field Office
820 S. Walnut
Stockton, KS 67669
785-425-6787

Garden City Field Office
4532 W. Jones Ave, Ste B
Garden City, KS 67846
620-276-2901

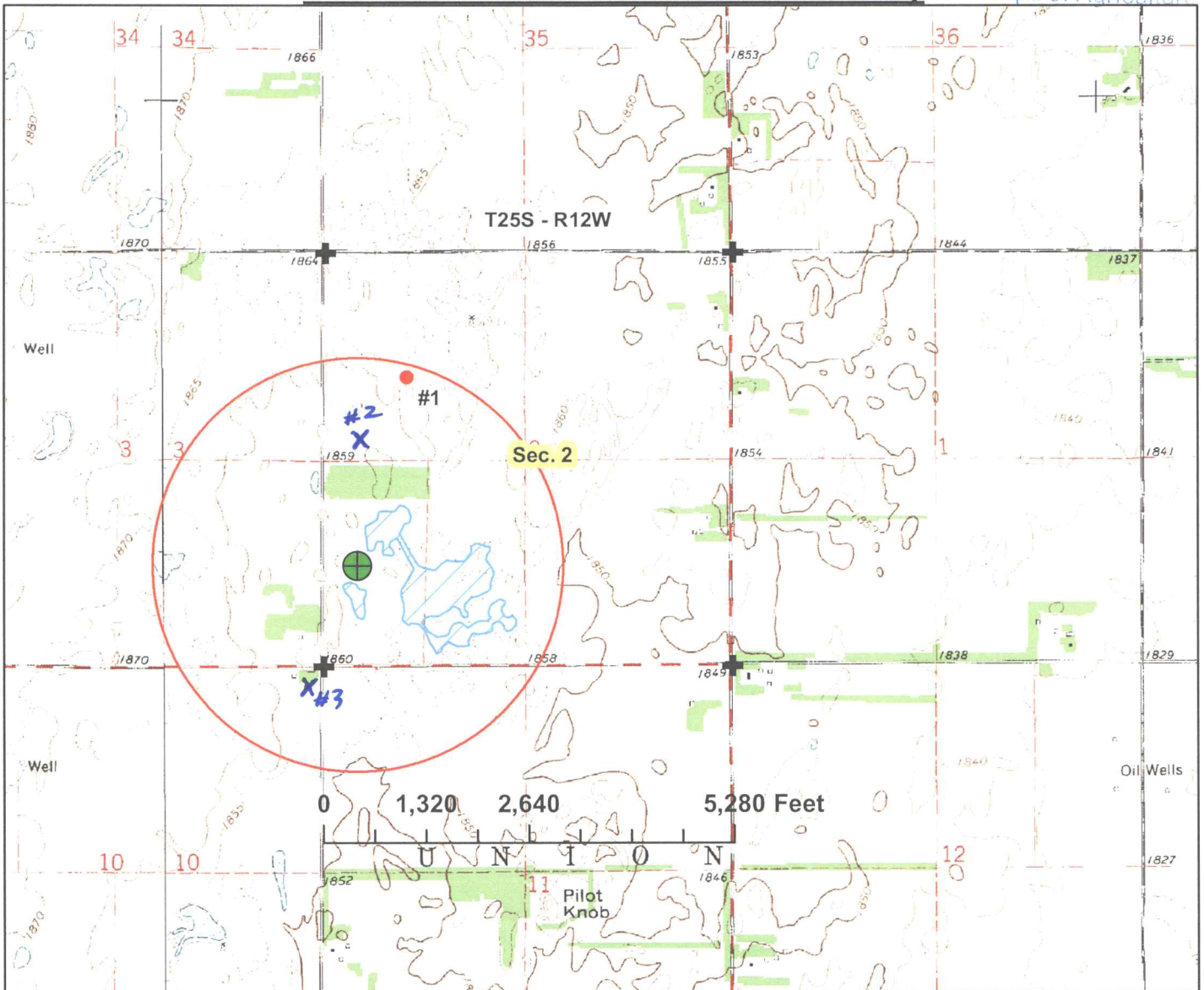
Helpful Sources of Information






DWR Water Appropriation Program
DWR Water Appropriation Forms
KGS Water Well Completion Records
DWR Structures Program

<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation>
<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-appropriation-forms>
<https://www.kgs.ku.edu/Magellan/VWaterWell/index.html>
<https://agriculture.ks.gov/divisions-programs/dwr/dam-safety/permit-requirements>

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New Application Map
Appropriation No. 51254 FC 7/23/2024
SW¼ Section 2-25S-12W in Stafford County KS Dept. of Agriculture

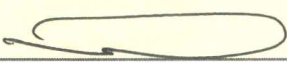


-  proposed well located 1280' N & 4795' W
-  proposed p/u covering ~28.5 acres of wetlands
-  1/2 mile circle around proposed point
-  nearby wells
-  section corners

NEARBY WELLS:
#1: File No. 25977
Max Properties LP
PO Box 515
Great Bend, KS 67530
#2: stock well
Max Properties LP
#3: Lawrence Debes
stock well



By signing I agree that all wells within 1/2 mile of the authorized point of diversion are shown on the map.


signature

6/21/24
date

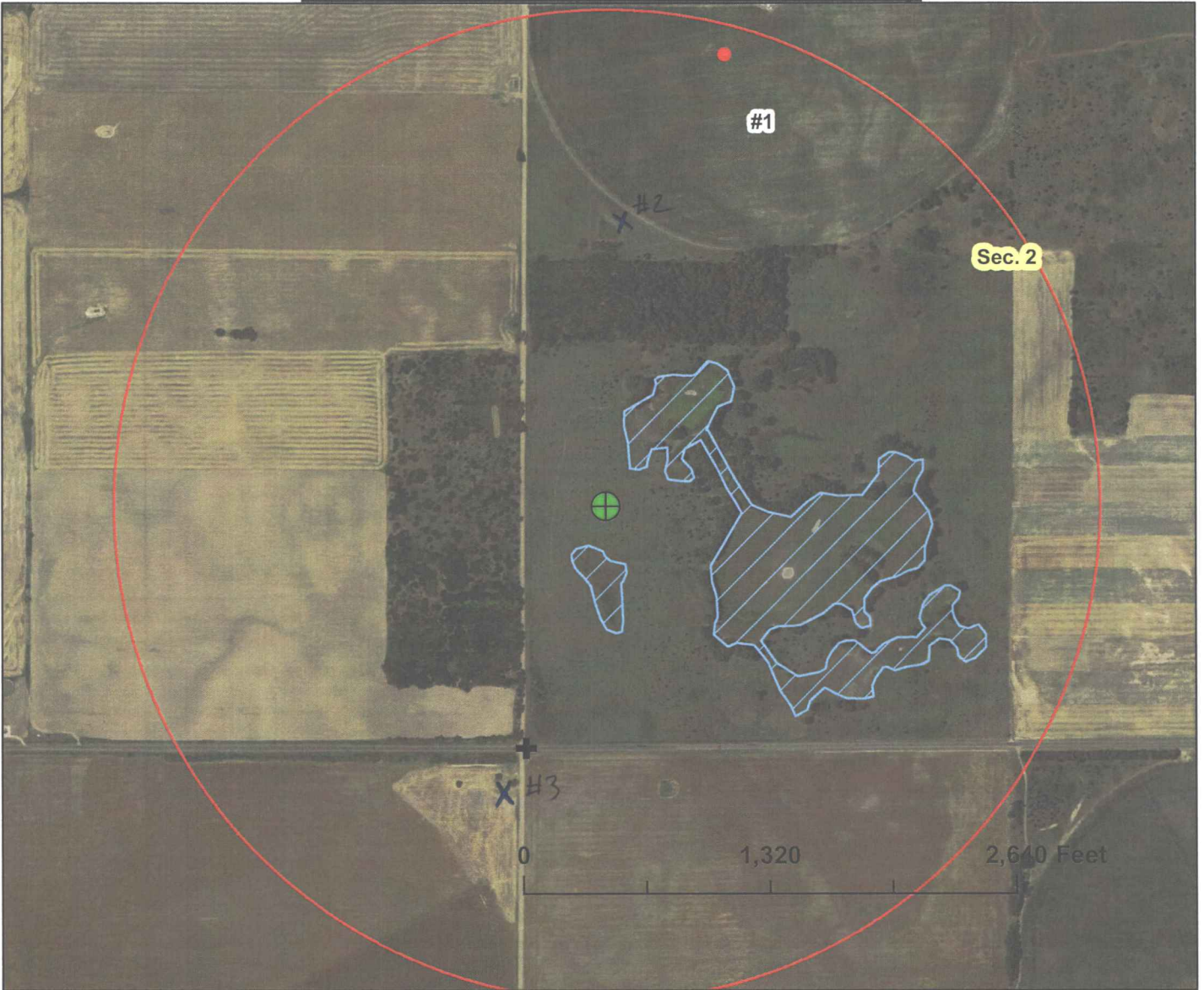
1 inch = 2,000 feet

map created on 6/21/24 scale 1:24,000

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KS Dept. of Agriculture

New Application Map
Appropriation No. 51254 FC 7/23/2024
SW¼ Section 2-25S-12W in Stafford County



Sec. 2

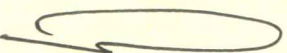
0 1,320 2,640 Feet

-  proposed well located 1280' N & 4795' W
-  proposed p/u covering ~28.5 acres of wetlands
-  ½ mile circle around proposed point
-  nearby wells
-  section corners

NEARBY WELLS:
#1: File No. 25977
Max Properties LP
PO Box 515
Great Bend, KS 67530
#2: Stock well
Max Properties LP
#3: Lawrence Debes
Stock well



By signing I agree that all wells within ½ mile of the authorized point of diversion are shown on the map.

 6/21/24

signature date

1 inch = 833 feet

map created on 6/21/24 scale 1:10,000

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KS Dept. of Agriculture

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. **51254 FC 7/23/2024**

Name of Applicant (Please Print): Victor Slade

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
Hunting and wildlife benefits.

2. Please summarize how the water will be used and justify the quantity of water requested: _____
Water will be pumped from the well to ensure up to 29 acres of ponds will be filled with water for the waterfowl hunting seasons. Water will also be pumped in the summer to maintain a smaller pool of water to provide additional wildlife habitat and benefit during the summer months.

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	36 acre-feet
Year 2	36 acre-feet
Year 3	36 acre-feet
Year 4	36 acre-feet
Year 5	36 acre-feet

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

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

Wetlands totaling ~29 acres in the SW¹/₄ of Section 2, Township 25 South, Range 12 West.

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

JUN 24 2024

KS Dept. of Agriculture

Conant, Cameron [KDA]

From: Conant, Cameron [KDA]
Sent: Thursday, June 13, 2024 10:53 AM
To: Phillips, Janelle [KDA]
Cc: Bird, Daniel [KDA]
Subject: RE: structures permit?

Thank you very much!

Cameron

From: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Sent: Thursday, June 13, 2024 10:49 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Cc: Bird, Daniel [KDA] <Daniel.Bird@ks.gov>
Subject: RE: structures permit?

I have nothing on record at this location. **It does not appear to require structures permitting.**

Janelle Phillips, P.E.
Water Structures Team Lead
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan KS 66502
785-564-6656 - office
785-307-8292 – cell
Janelle.phillips@ks.gov

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, June 13, 2024 10:41 AM
To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Cc: Bird, Daniel [KDA] <Daniel.Bird@ks.gov>
Subject: structures permit?

Hello Janelle, do you show any old Structures permits for any existing wetlands in the **SW¼ of Section 2-25S-12W?** There is a pretty large area of very old existing wetlands in the SW¼. I was starting to work on filling out a new app for them to cover pumping of a new well into the outlined wetlands (they are purchasing a water right and moving it via 5-25-22 to this location). The large part of the wetlands are enrolled in a WRP area which is monitored pretty closely by NRCS with regard to what they can and cannot do within the area but what they have planned so far is ok with NRCS.

Please let me know if you have anything on file or if you have any major concerns with them pumping into the outlined areas which cover ~6.5 acres and will be shallow. Thanks,

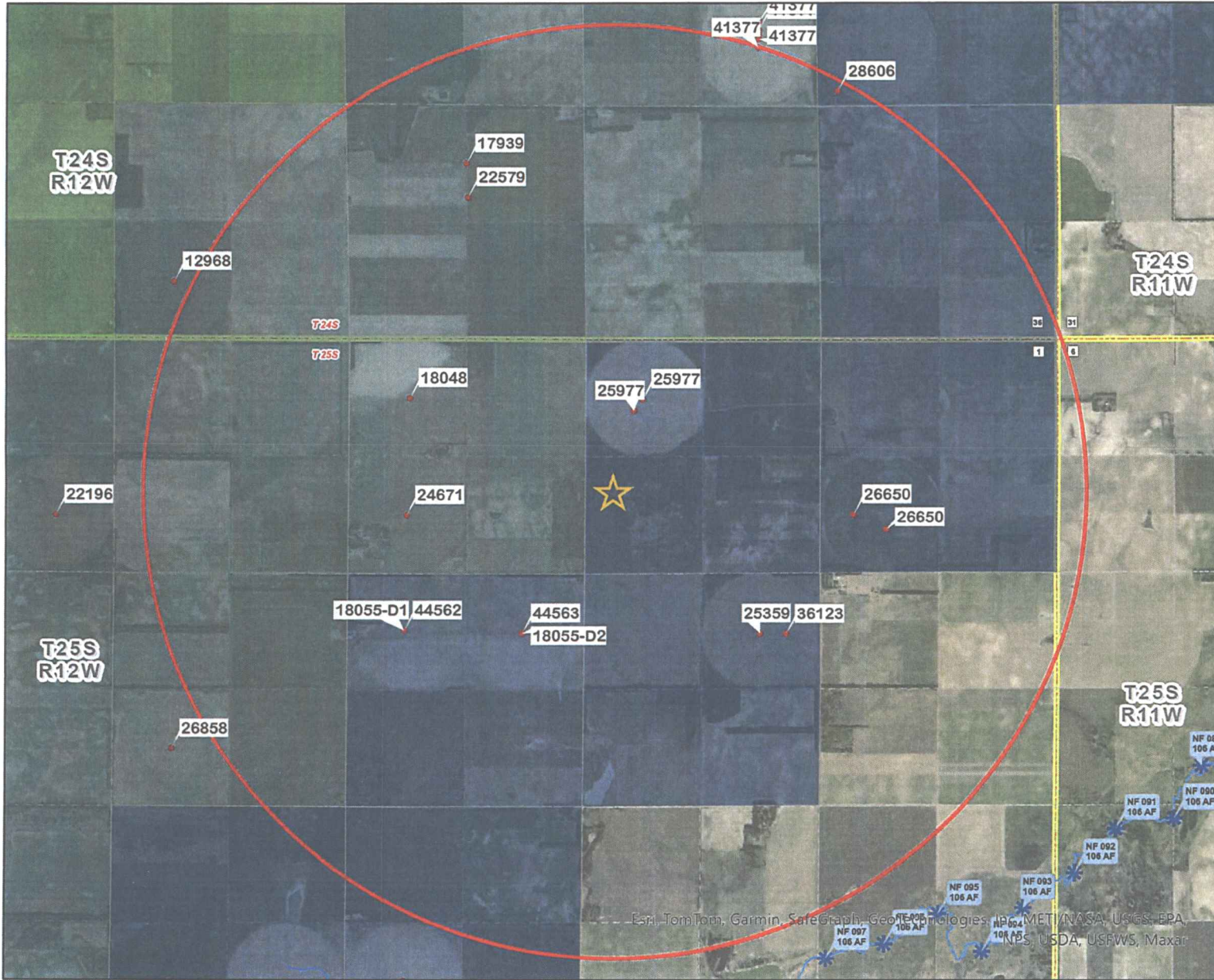
Cameron

K.A.R. 5-25-22 Evaluation
Proposed Location: SW NW SW 02-25S-12W @ 1870'N, 4620'W from SE corner

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KS Dept. of Agriculture



Legend

- Point of Diversion**
- ★ G_IND
 - G_IRR
 - ▲ G_MUN
 - ▢ G_REC
 - * Streamflow Node

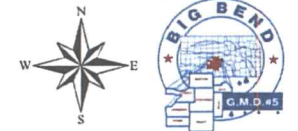
- Response Zone**
- < 10.00 %
 - 10.01 - 20.00 %
 - 20.01 - 30.00 %
 - 30.01 - 40.00 %
 - 40.01 - 50.00 %
 - 50.01 - 60.00 %
 - 60.01 - 70.00 %
 - 70.01 - 80.00 %
 - > 80.01 %

K.A.R. 5-25-22 Criteria

- Response Difference
15.04 % - 7.83 % = **7.21 %**
- Saturated Thickness
104 ft
- Water Level Change
0.4 ft = <1 %
- Authorized Quantity
1,566 AF
- Compliance Check
Does not meet requirements



This map was created by WIMAS on 01/26/2024 11:11 AM



**VOLUNTARY DISMISSAL OF A
WATER RIGHT OR PERMIT
& WAIVER OF HEARING**

WATER RESOURCES
RECEIVED

JUN 24 2024

KS Dept. of Agriculture

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

Re: Appropriation of Water
Water Right
Vested Right
Term Permit

File No. 17516

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right or permit freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I/we am indicating my/our understanding and agreement that I/we am relinquishing all right, title and interest in said water right or permit.

The signature(s) below represent all present owners (or an authorized agent) for the file number(s) shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Check the following if applicable:

7/23/2024

Processing dismissal is contingent upon approval of: Pending Appropriation No. 51254 FC, filed by FBFJ LLC, pursuant to KAR 5-25-22 on or about 6/21/2024.

New or Change Application, etc., include File No.

I wish to retain the point(s) of diversion for domestic use (water right not required).

Steve E. Brensing Trustee
Signature of Owner or Authorized Agent

Signature of Spouse or Title of Authorized Agent

Myron J & Shirley Brensing Living Trust
Print Name

Print Name

614 Cleveland Ave
Address

Address

Stafford, KS 67578-1623
City, State, Zip

City, State, Zip

State of Kansas)
County of Stafford) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 21st day of June, 2024.

Chelsi Snodgrass
Notary Public

My Commission Expires:



CRC-SFFO
DWR Initials

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

June 28, 2024

FBFJ LLC ATTN: VICTOR SLADE
2600 EXETER MILL ROAD
CHURCH ROAD VA 23833

RE: Application, File No(s). **51254**

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,

Kris Neuhauser
New Applications Lead
Water Appropriation Program