

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



State of Kansas

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

WATER RESOURCES  
 RECEIVED

File Number: **51346**

**OCT 30 2024**

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

KS DEPT OF AGRICULTURE  
 2:16 PM

1. Name of Applicant: Bill Tomlinson  
 Address: PO Box 820186  
 City: Vicksburg State: MS Zip Code: 39182  
 Phone: (601) 661-8555 Email: btomlinson10@gmail.com

**NEEDS STREAM NAME**

11/1/2024  
KJN

2. The source of water is:  surface water in Tributary to Slate Creek (stream)  
 groundwater in \_\_\_\_\_ (drainage basin)

3. The maximum annual quantity of water desired is 59.4  acre-feet  gallons  
 to be diverted at a maximum rate of N/A  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	-	DUA	-	Use	<b>REC</b>
Code	<u>REC</u>	Fee \$	<u>200</u>	TR #		Source	<u>SW</u>
						County	<u>SU</u>
						By	<u>KJN</u>
						Date	<u>11/1/24</u>
						Receipt Date	<u>10/30/2024</u>
						Check #	<u>4396</u>

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

5. The location(s) of the proposed diversion work(s) (well, pumpsite, 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.

- (A) One in the NE quarter of the NW quarter of the SE quarter of Section 35, more particularly described as being near a point 2340 feet North and 1540 feet West of the Southeast corner of said section, in Township 32 South, Range 1 E W, Sumner 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 1 dam and associated outlet/overflow structures  
(number of wells, pumps, dams, etc.)  
and was/will be completed on or by the following date: 2024  
(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 2024  
(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.

There are no other applications associated with this project.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OCT 30 2024

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

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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 DWR prior to submitting this application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you made an application for a permit for construction of this dam and reservoir with DWR?  Yes  No

If yes, write the Water Structures permit number here: \_\_\_\_\_ No structures permit is needed per emails from Janelle.

11. Furnish a detailed topographic or aerial map that depicts the following information:

The application **must** be supplemented by a topographic map, aerial photograph or a detailed plat showing the information described in A-D below.

(A) The center of the section, the section lines or the section corners, and labels showing the appropriate section, township and range numbers, as well as a north arrow and scale,

(B) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) described in Item No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section,

(C) The location of the proposed place of use identified by crosshatching,

(D) **For Groundwater Use**, the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells and indicate for each well its type of use and the name and mailing address of the property owner or owners, (If there are no wells within 1/2 mile, please indicate that on the map.)

**For Surface Water Use**, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines, and

(E) The locations of proposed or existing dams, dikes, reservoirs, canals, pipelines, power houses, and any other structures for the purpose of storing, conveying, or using water.

12. For groundwater use, furnish copies of the driller's logs for all test holes or completed wells. Please ensure that the driller's logs provide depth to the static water level. If driller's logs cannot be obtained for an existing well, provide the following information:

Well location as shown in Item No. 5	(A)	(B)	(C)	(D)	(E)
Date drilled	--	_____	_____	_____	_____
Total depth of well	--	_____	_____	_____	_____
Depth to static water level	--	_____	_____	_____	_____

13. The owner(s) of the point of diversion, if other than the applicant is:

**KAYDEE FARMS LLC, 605 Crescent BLVD STE 200, Ridgeland, MS 39157**

(name, address, and phone)

\_\_\_\_\_  
(name, address, and phone)



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

KAYDEE FARMS LLC, 605 Crescent BLVD STE 200, Ridgeland, MS 39157

(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: \_\_\_\_\_

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:

Sustainable Resource Managers, LLC, Attn: Bill Tomlinson, PO Box 820186, Vicksburg, MS 39182

(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.

*W. H. Tomlinson*  
(Applicant Signature)

OCTOBER 24, 2024  
(Date)

W. H. "Bill" Tomlinson  
(Applicant Name - please print)

AGENT FOR KAYDEE FARMS, LLC  
(Applicant Title, if applicable - please print)

Assisted by CRC

SFFO/Assistant Water Commissioner  
(office/title)

Date: 10/17/2024

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**FEE SCHEDULE**

Make checks payable to the Kansas Department of Agriculture.

- 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

- 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.

- 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

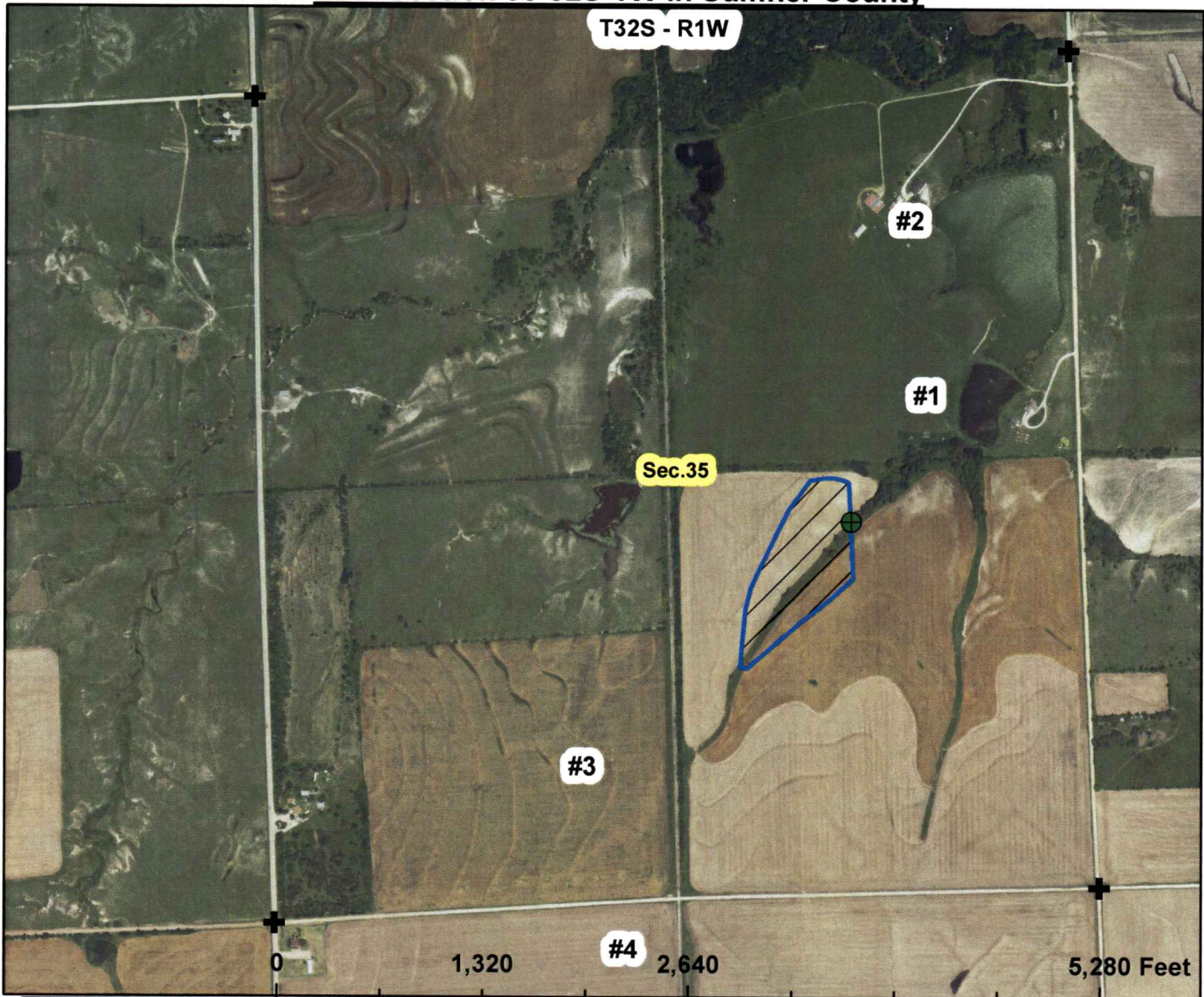
<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation>  
<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-appropriation-forms>  
<https://www.kgs.ku.edu/Magellan/WaterWell/index.html>  
<https://agriculture.ks.gov/divisions-programs/dwr/dam-safety/permit-requirements>



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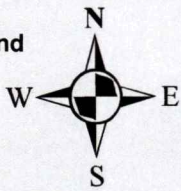
**New Application Map**  
**Appropriation No.**  
**SE¼ Section 35-32S-1W in Sumner County**



● completed spillway, 2340' N & 1540'W

▨ proposed p/u covering ~11.3 acre pond

⊕ section corners



**Downstream land owners:**  
**#1: Jason & Whitney Newberry**  
437 S West RD, Wellington, KS 67152

**#2: Bill Sr & Diana Rhiley**  
403 S West RD, Wellington, KS 67152

**Upstream land owners:**  
**#3: Alan & Shirley Weber**  
847 E 30th ST S, Wellington, KS 67152

**#4: same as applicant**

*By signing I agree that all landowners within ½ mile up and down stream of the point of diversion are shown on the map.*

signature \_\_\_\_\_ date \_\_\_\_\_

1 inch = 1,000 feet

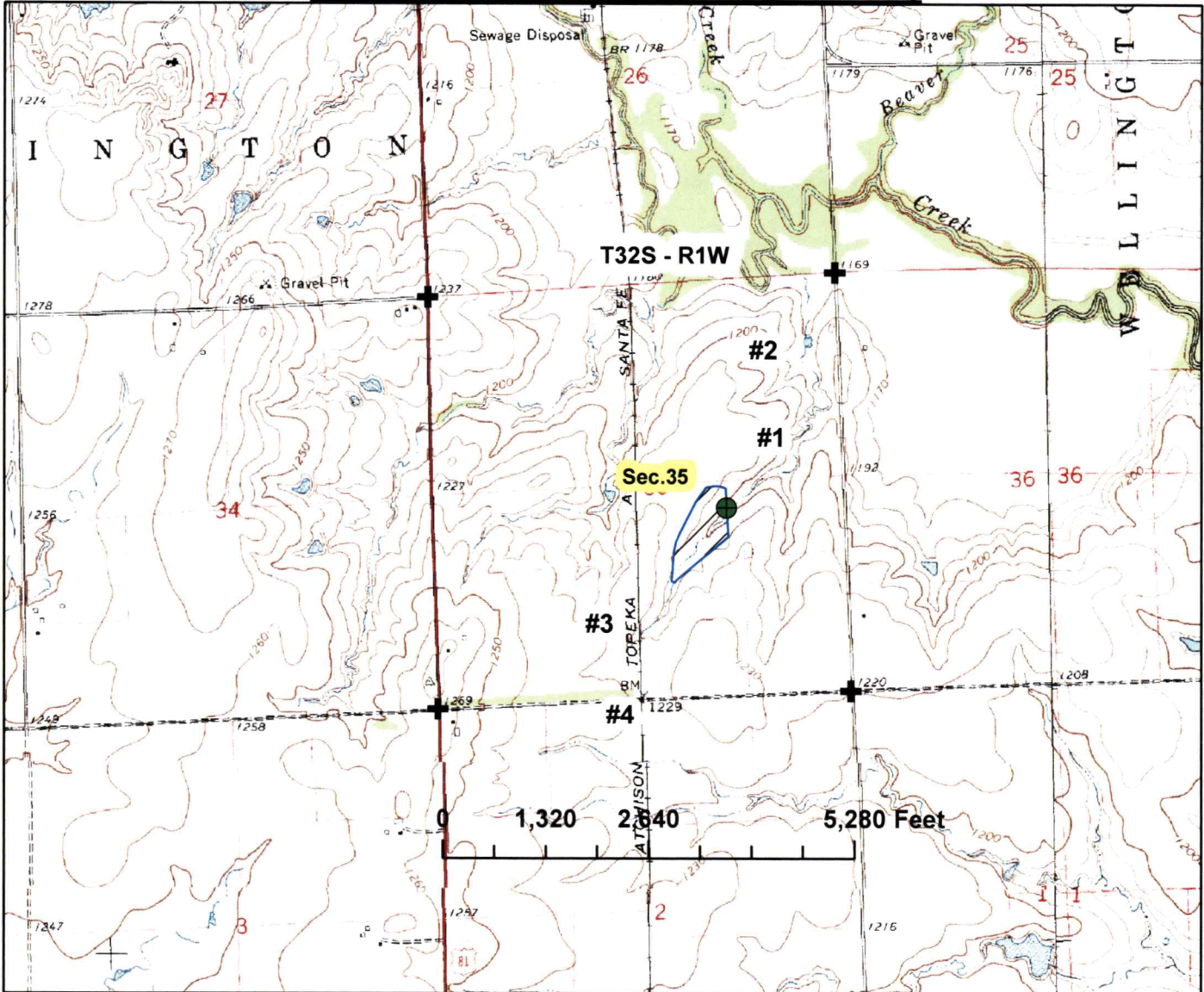
map created on 10/17/24 scale 1:12,000






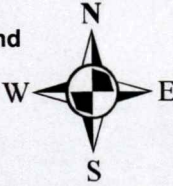
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KS DEPT OF AGRICULTURE

**New Application Map**  
**Appropriation No.**  
**SE¼ Section 35-32S-1W in Sumner County**



-  completed spillway, 2340' N & 1540'W
-  proposed p/u covering ~11.3 acre pond
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847 E 30th ST S, Wellington, KS 67152

**#4: same as applicant**

*By signing I agree that all landowners within ½ mile up and down stream of the point of diversion are shown on the map.*

signature

date

1 inch = 2,000 feet

map created on 10/17/24 scale 1:24,000

OCT 30 2024

KS DEPT OF AGRICULTURE

**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

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

Name of Applicant (Please Print): Bill Tomlinson

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): \_\_\_\_\_  
Waterfowl hunting, wildlife benefits, fishing.

2. Please summarize how the water will be used and justify the quantity of water requested: \_\_\_\_\_  
Per K.A.R. 5-6-5(1)(B) it appears that the method of calculation should be based on a 3 years supply of water for indirect use, which in this case is 3 years of evaporation calculated as follows:  
~11.3 acres x 21" evaporation = 237.3 / 12" = 19.8 AF x 3 years = 59.4 AF  
There may be an initial fill of the pond per 5-6-6 but that can be done with permit conditions not part of the actual water right quantity calculations. The pond will average about 7' deep, 10' at deepest.

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

<b>ESTIMATED FUTURE WATER DIVERTED/STORED</b>	
<b>NEXT 5 YEARS</b>	<b>WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)</b>
Year 1	59.4 AF
Year 2	59.4 AF
Year 3	59.4 AF
Year 4	59.4 AF
Year 5	59.4 AF

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.

The ~11.3 acre pond is located in the W<sup>1</sup>/<sub>2</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section 35-T32S-R1W in Sumner County.

You may attach any additional information you believe will assist in informing the Division of the need for your request. *-see the attached 4 pages supplied by Lange Excavating Inc. showing the rough pond design-*



OCT 30 2024

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**Conant, Cameron [KDA]**

---

**From:** Tanya Lange <tanya@langeexcavating.com>  
**Sent:** Tuesday, October 1, 2024 7:28 AM  
**To:** Conant, Cameron [KDA]  
**Cc:** btomlinson10@gmail.com  
**Subject:** KayDee Farms ponds located in the SE¼ Section 35-T32S-R1W and NE¼ Section 2-T33S-R1W in Sumner County Ca  
**Attachments:** IMG\_5761.HEIC; IMG\_5682 (002).heic; IMG\_5760.HEIC; North Pond.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Morning Cameron,

Attached are the requested pictures of the north pond with size and depth information for KayDee farms.

Keith will be following up with a phone call.

Thank you for working with us on this project.

Very Respectfully,  
Tanya Lange

**Lange Excavating Inc.**

409 S. Clear Creek St  
Clearwater, KS 67026  
Office: (620) 456-2937  
Tanya: (316) 648-2125



OCT 30 2024

KS DEPT OF AGRICULTURE Legend

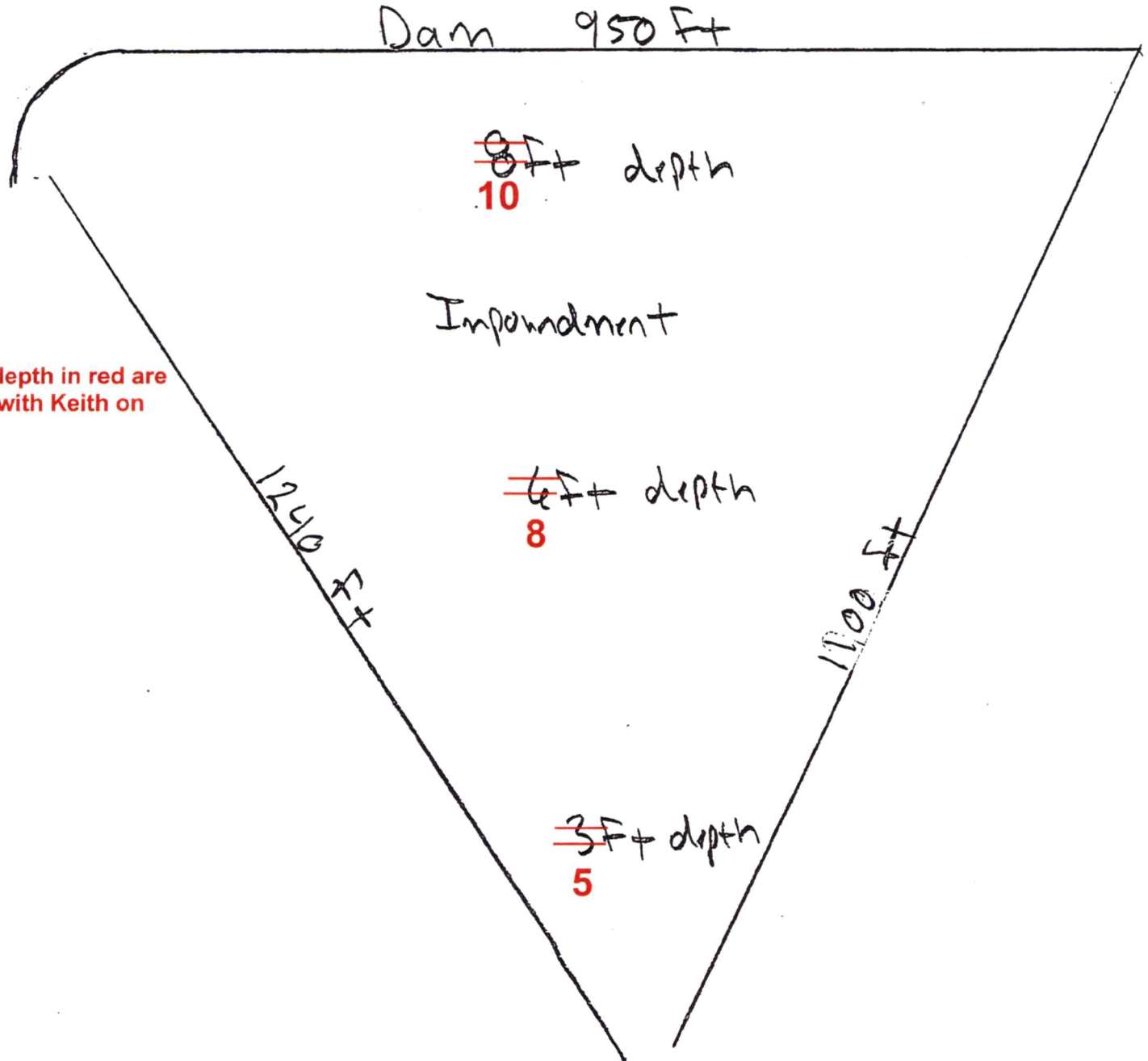
### Untitled Map

Write a description for your map.



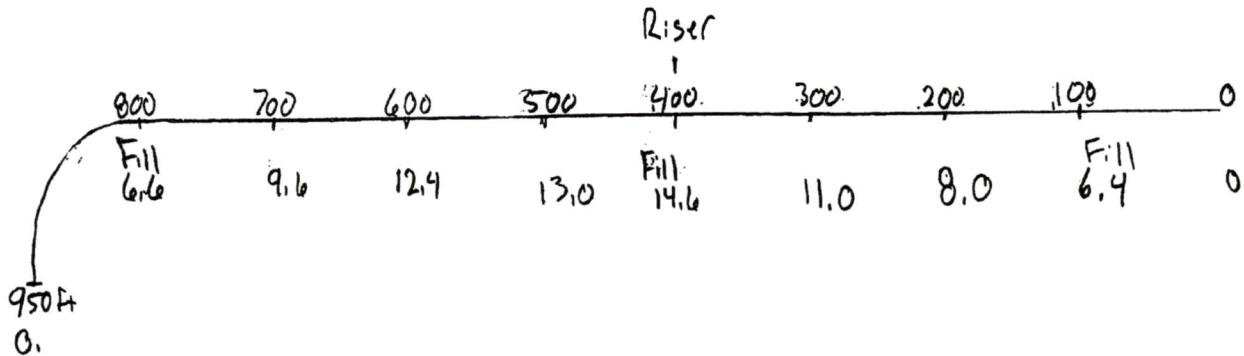


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\* The changes to depth in red are from a phone call with Keith on 10/1/24. CRC

OCT 30 2024



Riser elevation - 8.6  
Top of Dam - 2.6

Dam is 15ft wide at top.  
Riser is 30" with 24" discharge pipe.  
Rip Rap distilling basin.





**SUSTAINABLE RESOURCE MANAGERS, LLC**  
**“SUSTAINABILITY FOR THE AGES”**

W.H. “Bill” Tomlinson

Certified Wildlife Biologist/Registered Forester

P.O. Box 820186/ 820 South Street, 4th Floor

Vicksburg, MS 39182

Office: 601-661-8555, Fax: 601-636-8040,

Cell:601-415-5674

*btomlinson10@gmail.com*



SRM

Sustainable  
Resource  
Managers  
LLC



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

November 7, 2024

BILL TOMLINSON  
PO BOX 820186  
VICKSBURG MS 39182

RE: Application, File No(s). **51346**

Dear Sir or Madam:

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

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

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local 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