

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: **51347**

OCT 30 2024

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

KS DEPT OF AGRICULTURE
2:20 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 Secondary Tributary to Slate Creek
(stream)
 groundwater in _____
(drainage basin)

3. The maximum annual quantity of water desired is 18.6 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):
 Artificial Recharge* Irrigation* Recreational* Water Power*
 Industrial* Municipal* Stockwatering* Sediment Control
 Domestic Dewatering Hydraulic Dredging Fire Protection
 Thermal Exchange 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	<u>REC</u>
Code	<u>REG</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>4397</u>

OCT 30 2024

KS DEPT OF AGRICULTURE

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 quarter of the ^{NE 1/4 E 1/4} quarter of the NE quarter of Section 2, more particularly described as being near a point 4040 feet North and 320 feet West of the Southeast corner of said section, in Township 33 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 outlet structure
(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

KS DEPT OF AGRICULTURE

File No. _____

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 with 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)

OCT 30 2024

KS DEPT OF AGRICULTURE

File No. _____

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.

[Handwritten Signature]

(Applicant Signature)

[Handwritten Date]

(Date)

[Handwritten Name]

(Applicant Name - please print)

[Handwritten Title]

(Applicant Title, if applicable - please print)

Assisted by CRC

SFFO/Assistant Water Commissioner

(office/title)

Date: 10/17/2024

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	https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation
DWR Water Appropriation Forms	https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-appropriation-forms
KGS Water Well Completion Records	https://www.kgs.ku.edu/Magellan/WaterWell/index.html
DWR Structures Program	https://agriculture.ks.gov/divisions-programs/dwr/dam-safety/permit-requirements

OCT 30 2024

New Application Map
Appropriation No. _____
NE¼ Section 2-33S-1W in Sumner County



-  completed spillway, 4040' N & 320'W
-  proposed p/u covering ~3.7 acre pond
-  section corners



Downstream land owners:
#2: Poorman Fam Rev Liv Trust
11725 Zeller DR, New Carlisle, OH 45344

Upstream land owners:
#1: 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

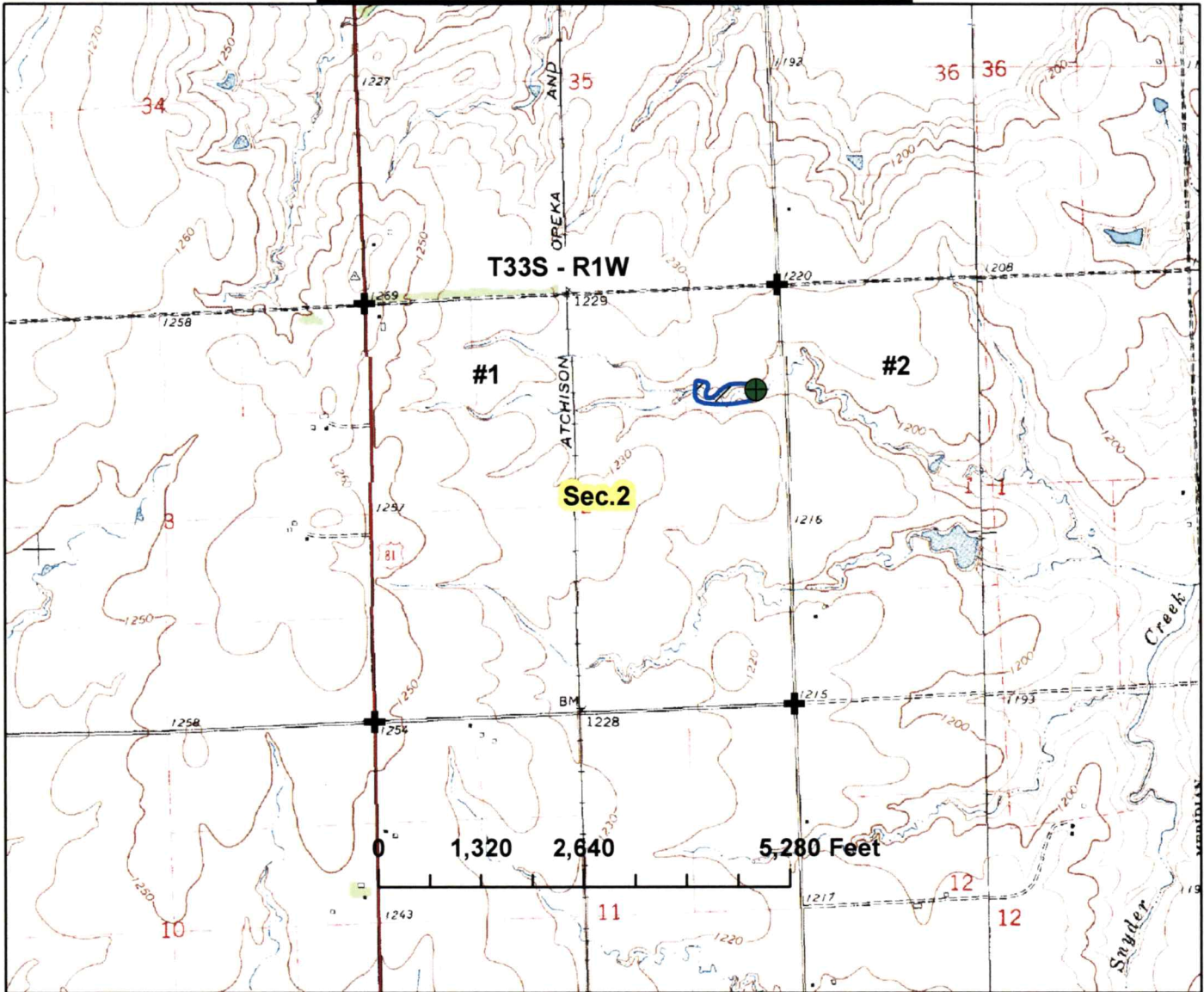
1 inch = 1,000 feet




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

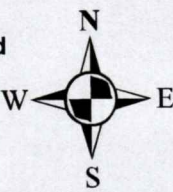
OCT 30 2024

KS DEPT OF AGRICULTURE

New Application Map
Appropriation No. _____
NE¼ Section 2-33S-1W in Sumner County



-  completed spillway, 4040' N & 320'W
-  proposed p/u covering ~3.7 acre pond
-  section corners



Downstream land owners:
#2: Poorman Fam Rev Liv Trust
11725 Zeller DR, New Carlisle, OH 45344

Upstream land owners:
#1: 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

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

KS DEPT OF AGRICULTURE

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 the method of calculation should be based on a 3 year supply of
water for indirect use, which in this case is 3 years of evaporation calculated as follows:
~3.7 acres x 20" evaporation = 74 / 12 = 6.2 AF x 3 years = 18.6 AF

There may be an initial fill of the pond per 5-6-6 but that can be done with permit conditions and is not
considered part of the actual water right quantity calculation. The pond will average ~7' deep.

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	18.6 AF
Year 2	18.6 AF
Year 3	18.6 AF
Year 4	18.6 AF
Year 5	18.6 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 ~3.7 acre pond is located in the E½ of the NE¼ of Section 2-T33S-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 3 pages supplied by Lange Excavating Inc. showing the rough pond design-*

OCT 30 2024

KS DEPT OF AGRICULTURE

Conant, Cameron [KDA]

From: Tanya Lange <tanya@langeexcavating.com>
Sent: Wednesday, October 2, 2024 7:52 AM
To: Conant, Cameron [KDA]
Cc: btomlinson10@gmail.com
Subject: KayDee Farm ponds
Attachments: KayDee Farm Ponds.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,

Below you will find the pictures and attached you will find the other information requested.

If I can be of further assistance please let me know.

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

Untitled Map

Write a description for your map.

Legend



Google Earth

SW RD

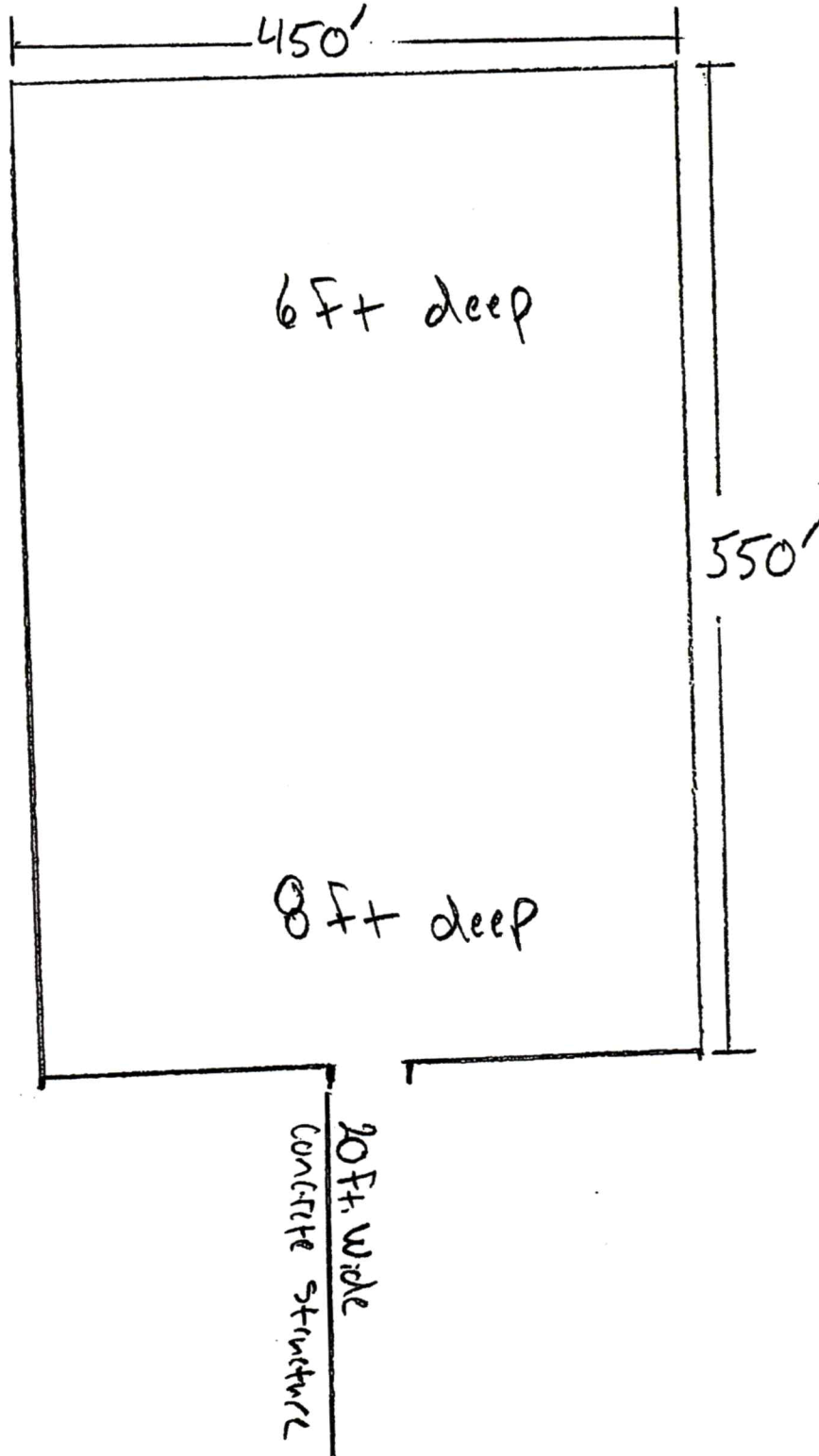


400 ft

SW RD

OCT 30 2024

South Pond





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). **51347**

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