

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.



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

WATER RESOURCES RECEIVED
SEP 15 2022 11:10
KS DEPT OF AGRICULTURE
DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

File Number 50860
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): TBR Farm LLC (contact: Craig Raiford; email: craig@kcsales.com)
Address: 13121 Walmer Street
City: Overland Park State KS Zip Code 66209
Telephone Number: (913) 449-8384

2. The source of water is: [X] surface water in Long 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.

Estimated three pumps per year at wetland auxiliary spillway plus net evaporation (45 ac-ft x 3 = 135 ac-ft)

3. The maximum quantity of water desired is 135 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 5,000 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. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G/S County CF By ALB Date 9/16/22
Code RE2 Fee \$ 300 TR # Receipt Date 9/15/22 Check # 1237

9/20/2022
LMoody

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 SE quarter of Section 28, more particularly described as being near a point 1,795 feet North and 2,107 feet West of the Southeast corner of said section, in Township 20 South, Range 16 East, Coffey County, Kansas.

(B) One in the NW quarter of the NW quarter of the SE quarter of Section 28, more particularly described as being near a point 2,399 feet North and 2,288 feet West of the Southeast corner of said section, in Township 20 South, Range 16 East, Coffey 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 _____, _____ 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 _____, _____ 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):

(name, address and telephone number)

(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 two pump sites to wetland cells
(number of wells, pumps or dams, etc.)

and (will be) completed (by) upon approval
(Month/Day/Year - each was or will be completed)

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8. The first actual application of water for the proposed beneficial use was or is estimated to be 07/01/2023.
(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 wetland dikes and associated water control structures will be designed and constructed outside of the FEMA Zone A floodplain boundary. The designed and constructed dikes will not exceed the DWR definition of a dam.

- 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.

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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):

(name, address and telephone number)

(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 Ovett Park, Kansas, this 14 day of September, 2022.
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Brian Severin, P.E. Sustainable Environmental Consultants Date: 9/13/2022

(office/title)

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FEE SCHEDULE

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

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

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

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage 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 a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): TBR Farm LLC (contact: Craig Raiford)

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
Low level wetland dikes to seasonally impound shallow water for wildlife use.

2. Please summarize how the water will be used and justify the quantity of water requested: Water
from Long Creek will be pumped into and stored in the adjacent wetland cells.

The water level in each wetland cell will be seasonally managed. The maximum
quantity requested allows for 3 pumps per year at auxiliary storage plus net
evaporation. Proposed direct diversion from Long Creek = 135 acre-feet

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	135 acre-feet
Year 2	135 acre-feet
Year 3	135 acre-feet
Year 4	135 acre-feet
Year 5	135 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.

SE 1/4 Section 28, Township 20 South; Range 16 East (see attached Plan Sheet)

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

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9/14/22
(Date)

Kansas Department of Agriculture
Division of Water Resources
Earl D. Lewis, Jr., Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. _____

Minimum Desirable Streamflow

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also 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. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

CRTA
Signature of Applicant

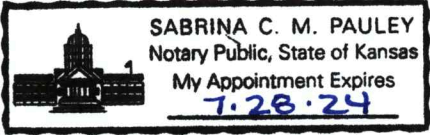
State of Kansas)
County of Johnson) ss

CRAIG RAIFORD
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 14 day of September, 20 22.

Sabrina C. M. Pauley
Notary Public

My Commission Expires:



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**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

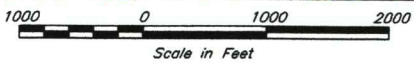
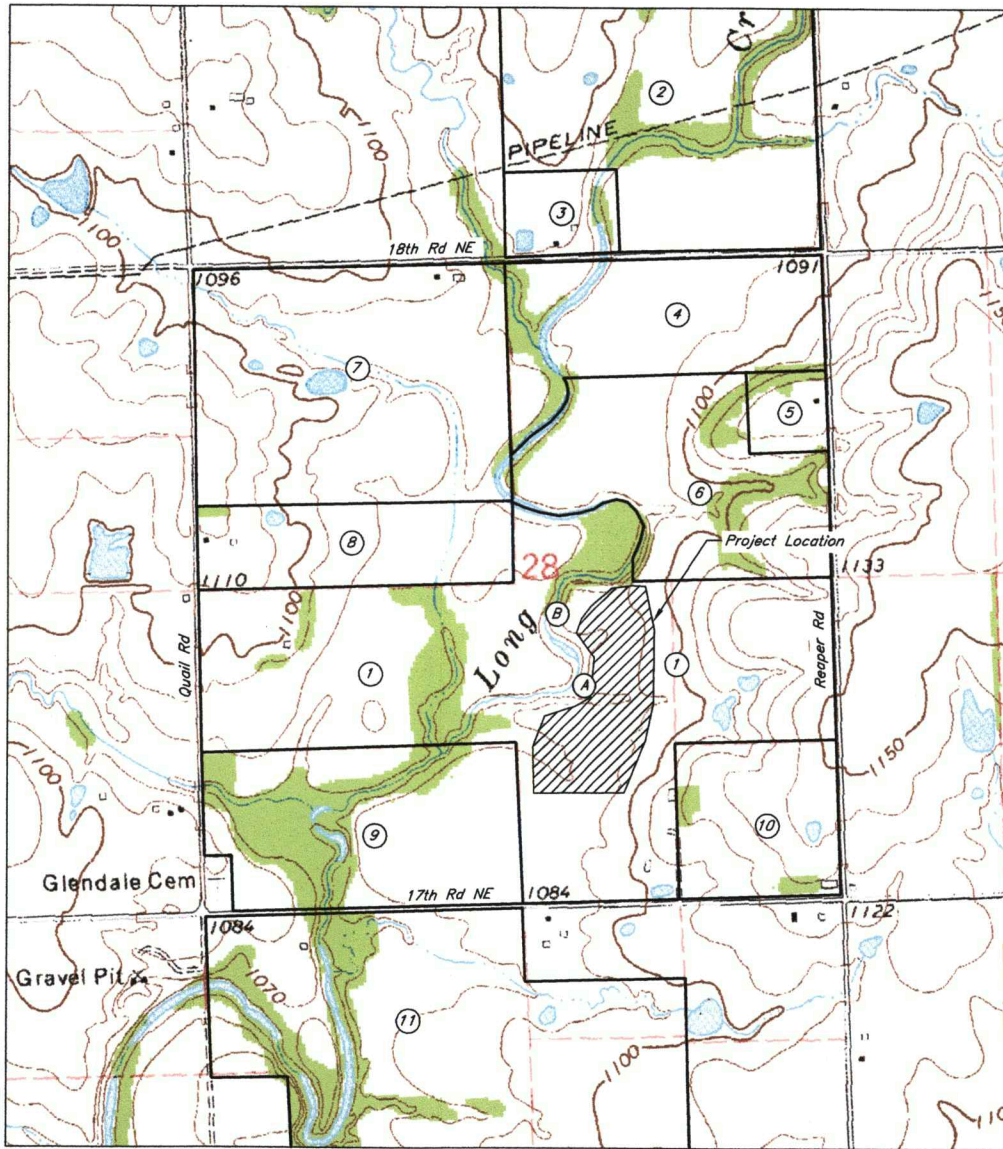
Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

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The approximate project location is 1 mile north and 5 miles east of New Strawn, Kansas.

Upstream and Downstream Landowners

- 1) Project Location
TBR Farm LLC (Contact: Craig Railford)
13121 Walmer Street
Overland Park, Kansas 66209
- 2) Middlecreek Farm LLC
12839 Century St
Overland Park, Kansas 66213
- 3) Carlson, David J & Sally A Trust
1758 18th Rd
Waverly, Kansas 66871
- 4) Combes, Kenneth L & Irene E Trusts
2329 26th Rd
Waverly, Kansas 66871
- 5) Fure, Rickard J & Lisa M
1770 Reaper Rd
Waverly, Kansas 66871
- 6) Eccles, Donald Ray
8836 SE Green Rd
Berryton, Kansas 66409
- 7) Watts, Nathan M
1739 18th Rd
Waverly, Kansas 66871
- 8) Watts, Jessica E
755 Quail Rd
Waverly, Kansas 66871
- 9) Yakum, Thomas W & Beverly L
1825 Reaper Rd
Waverly, Kansas 66871
- 10) Hess, Larry G & Sallee A Trust
1795 17th Rd
Waverly, Kansas 66871
- 11) Benne, William J Trust
Attn: Benne, William & Veronica
23645 W 191st St
Spring Hill, Kansas 66083

Points of Diversion

- A) Pump Site - Direct Diversion
- B) Pump Site - Direct Diversion

WATER RESOURCES
 DESIGNED: B. Sawatzki 08/22/22
 DRAWN: B. Sawatzki 08/22/22
 CHECKED: M. Miller 09/09/22
 APPROVED: B. Sawatzki 09/09/22

TBR Farm LLC
 Wetland Development - Direct Diversion
 SE 1/4 Sec 28, T-20S; R-16E
 Coffey County, Kansas

SUSTAINABLE
 Environmental Consultants
 Powered by EcoPRACTICES



Location Map

TBR Farm LLC

Wetland Development – Direct Diversion

Prepared by: Brian Severin, P.E., Director of Agricultural Engineering | September 13, 2022
785-207-0201 | bseverin@sustainableenviro.com



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Sustainability Risk Management | Agricultural Compliance & Engineering | Erosion Control

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888.287.7600 | sustainableenviro.com

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Design Report

Project Information

- Name: TBR Farm LLC
- Legal: SE 1/4 Sec 28, T-20S; R-16E
- Location: Coffey County, Kansas

Project Description

The proposed wetland development project is located adjacent to Long Creek. The project is in the preliminary design phase and will be constructed in the spring / summer 2023. All wetland dikes and structures will be constructed outside of the FEMA Zone A floodplain boundary. The constructed low-level dikes will increase water storage capacity, create a diverse wetland topography, and maintain hydrology at times throughout the year. The project will not hydraulically affect adjacent landowners, as the permanent pools will be confined to the landowner's property. The cells will be supplemented by direct diversion (pumping) of the adjacent Long Creek surface water. The proposed pump sites are shown on the attached Location Map.

Survey

The project area was surveyed by Matt Miller, Engineering Technician, Sustainable Environmental Consultants using survey grade GPS equipment. The survey data was OPUS corrected and transformed to Kansas State Plane, Zone South (1502) US Survey Feet, NAVD88 Vertical Datum, 2018 Geoid. The project is tied to permanent benchmarks, which will be described in detail on the final plans.

Appendix

The attached Appendix includes KDA-DWR Report and DWR 1-100 Permit Documentation.

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KDA – Division of Water Resources (DWR) Project Report

Surface Water Storage

The final design will document the surface water storage in each of the wetland cells. If a wetland cell has 15 acre-feet (or greater) storage + net evaporation, DWR will be notified to revise the Water Appropriation for Beneficial Use permit.

Direct Diversion

Two pump sites are proposed to control and maintain the wetland hydrology. The pump sites will be located as shown on the attached Location Map, with the water source being Long Creek. Therefore, a Water Appropriation for Beneficial Use permit will be required.

Base Flood Analysis

The wetland development dikes and associated water control structures will be constructed outside of the FEMA Zone A floodplain boundary. Therefore, no additional floodplain fill permits are required for this project.

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DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50860

APPLICANT PERSON ID & SEQ #	89787	PDIV ID	BATTERY ID
68585	89788		

LANDOWNER PERSON ID & SEQ #	71005	PUSE ID
68585		

WATER USE CORRESPONDENT PERSON ID & SEQ #
68585