

# 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, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50252
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

MAY 09 2019

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

KS DEPT OF AGRICULTURE

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): TOWANDA LAND COMPANY LLC
Address: 3709 S WEST STREET
City: WICHITA State KS Zip Code 67217
Telephone Number: (316) 522 3471 CONTACT: RICK THOME 316 522 3471
rthome@bergkampconstruction.com

2. The source of water is: [ ] surface water in (stream)
OR [x] groundwater in LITTLE ARKANSAS RIVER (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. 20 AC GROUNDWATER POND @ 19" ANNUAL EVAPORATION

3. The maximum quantity of water desired is 31.67 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of NATURAL EVAPORATION 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 0 Meets K.A.R. 5-3-1 (YES / NO) Use REC Source G/S County SG Date 5/9/19
Code RFG Fee \$ 1.00 TR # Receipt Date 5/9/19 Check # 4205

UNACCEPTABLE FOR PRIORITY 4205
2019
1259
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5/15/2019
WM

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 SE quarter of the SE quarter of Section 21, more particularly described as being near a point 600 feet North and 1,300 feet West of the Southeast corner of said section, in Township 26 South, Range 1 East West (circle one), SEDGWICK 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):

\_\_\_\_\_  
 (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 MAY 6, 2019. Rick Thome FOR TOWANDA LAND CO LLC  
 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 ONE (1) GROUNDWATER POND  
 and (was) (will be) completed (by) 12/17/2021  
 (number of wells, pumps or dams, etc.)  
 (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) 12/27/2021  
 (Mo/Day/Year)

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 APR 29 2019

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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 \_\_\_\_\_

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

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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):

OWNERS OF  
TOWANDA LAND  
COMPANY LLC

SCOTT BERGKAMP 3709 S WEST ST WICHITA KS 3165223471  
(name, address and telephone number)

CHRIS SNOOK 3709 S WEST ST WICHITA KS 3165223471  
(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 WICHITA, Kansas, this 26 day of APRIL, 2019.  
(month) (year)

TOWANDA LAND Co LLC  
(Applicant Signature)

By Rick Thome  
(Agent or Officer Signature)

RICK THOME  
(Agent or Officer - Please Print)

Assisted by \_\_\_\_\_ Date: \_\_\_\_\_  
(office/title)

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**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

File No. 50252

Name of Applicant (Please Print): TOWANDA LAND COMPANY LLC

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): FISHING

2. Please summarize how the water will be used and justify the quantity of water requested: \_\_\_\_\_

WATER WILL BE USED FOR FISHING AND STORMWATER  
DETENTION IN A POTENTIAL FUTURE DEVELOPMENT

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 <u>2021</u>	<u>31.67 AF</u>
Year 2 <u>2022</u>	<u>31.67 AF</u>
Year 3 <u>2023</u>	<u>31.67 AF</u>
Year 4 <u>2024</u>	<u>31.67 AF</u>
Year 5 <u>2025</u>	<u>31.67 AF</u>

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.

SW 1/4 OF SE 1/4 OF SE 1/4 S 21 T 26 S R 1 E SEDGWICK COUNTY

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

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50252

"an equal opportunity employer"  
(316) 522-3471 • FAX # (316) 522-5296

MAY 7  
April 26, 2019

Division of Water Resources  
Attn: Chief Engineer  
1320 Research Park Drive  
Manhattan, KS 66502

Re: Application for Permit to Appropriate Water for Beneficial Use  
Section 21 Township 26S Range 1E  
Sedgwick County

Enclosed are:  
Application  
Recreational Use Supplemental Sheet  
Check for Filing Fee - \$200.00

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MAY 09 2019

*Rick Thome*  
Rick Thome  
Bob Bergkamp Construction/Towanda Land Company LLC  
[rthome@bergkampconstruction.com](mailto:rthome@bergkampconstruction.com)  
Office: 316-522-3471  
Cell 316-218-8718

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KRIS - I'VE SIGNED PARAGRAPH 6  
I AM AN AUTHORIZED REPRESENTATIVE OF  
TOWANDA LAND COMPANY LLC FOR THIS MATTER.  
THANKS  
*Rick Thome*

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



50252  
900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

May 2, 2019

TOWANDA LAND COMPANY LLC  
3709 S WEST STREET  
WICHITA KS 67217

Re: Unacceptable Application

Dear Applicant:

Returned herewith is your Application for Term Permit received by the Division of Water Resources on April 18, 2019 with Check No. 004205 in the amount of \$200. This application is not acceptable for filing in its present form.

Effective July 1, 2009, K.S.A. 82a-709 requires all applicants for new appropriation rights for the beneficial use of water in the State of Kansas to provide evidence of legal access to or control of the point of diversion from the landowner or the landowner's authorized representative. Applicants may provide a copy of a recorded deed, lease, easement or other document with the application. **In lieu of providing this documentary evidence, you may sign Paragraph No. 6 of the original permit application, which constitutes a sworn statement.**

**If you choose to sign Paragraph No. 6, you do not need to complete an entirely new application. We will accept this same application back (including the signature stated above).**

Upon return of the acceptable application, it will be assigned a priority based upon the date and time it is received in the office of the Chief Engineer. If you have any questions, please contact me at (785) 564-6643 or [Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov).

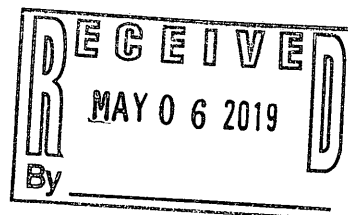
Sincerely,

Kris Neuhauser  
Environmental Scientist  
Water Appropriation Program

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SECTION 22 T26S R1E SW QUARTER  
WELLS WITHIN 1/2 MILE OF GEOCENTER OF PROPOSED GROUNDWATER POND

BY: Rock Thorne

DATE: 4/26/2019

USE	OWNER	STREET	CITY	STATE	ZIP CODE
DOMESTIC	CITY OF PARK CITY	1941 E 61ST N	PARK CITY	KS	67219
DOMESTIC	WALLACE AKENGA	4702 N BRIARGATE	PARK CITY	KS	67219
DOMESTIC	ANNIE ROOS	4668 N CHELTENHAM	PARK CITY	KS	67219
DOMESTIC	CHRIS LEWIS	1830 E SHADOW	PARK CITY	KS	67219
DOMESTIC	ROY BOHLKEN	4922 N SHADOW	PARK CITY	KS	67219
DOMESTIC	BEN ZAPATA	4933 N SHADOW	PARK CITY	KS	67219
DOMESTIC	SORRINA GONZALEZ	4901 N SHADOW	PARK CITY	KS	67219
DOMESTIC	LENORA STUCKEY	4945 N SHADOW	PARK CITY	KS	67219
DOMESTIC	DAVID NORTON	4951 N SHADOW	PARK CITY	KS	67219
DOMESTIC	BYRON LINDSTED	4811 N STEEDS CROSSING	PARK CITY	KS	67219
DOMESTIC	SHANNON JONES	4817 N STEEDS CROSSING	PARK CITY	KS	67219
DOMESTIC	RONALD MENGES	2001 E WYNDHAM	PARK CITY	KS	67219
DOMESTIC	KEVIN BAUER	4740 N WYNDHAM	PARK CITY	KS	67219
DOMESTIC	KYLE BUEN	4743 N WYNDHAM	PARK CITY	KS	67219
DOMESTIC	MARY REICHERT	4762 N WYNDHAM	PARK CITY	KS	67219
DOMESTIC	LESSLIE BREES	4860 N WYNDHAM	PARK CITY	KS	67219
DOMESTIC	LAURENCE LEONARD	4918 N WYNDHAM	PARK CITY	KS	67219
DOMESTIC	BRUCE TERRELL	4937 N WYNDHAM	PARK CITY	KS	67219
DOMESTIC	JOHN STEWART	4942 N WYNDHAM	PARK CITY	KS	67219
DOMESTIC	PATSY WEISER	4953 N WYNDHAM	PARK CITY	KS	67219
DOMESTIC	TOM STRUBLE	4969 N WYNDHAM	PARK CITY	KS	67219
DOMESTIC	CAROL HAMMAN	4972 N WYNDHAM	PARK CITY	KS	67219

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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

May 15, 2019

TOWANDA LAND COMPANY, LLC  
3709 S WEST STREET  
WICHITA, KS 67217

RE: Application, File No. **50252**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number 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 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 is unlawful.

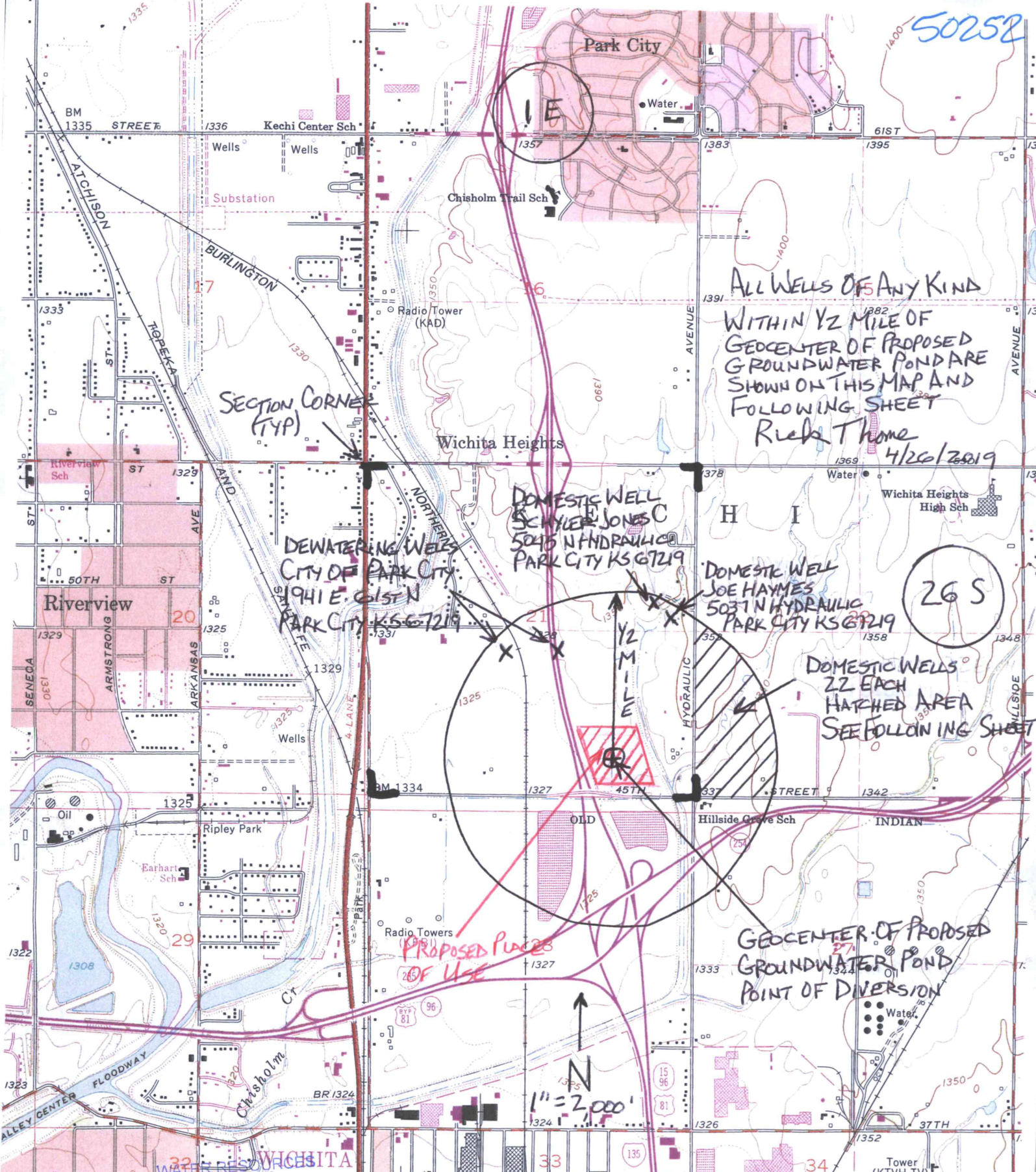
Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you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

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

50252



ALL WELLS OF ANY KIND  
 WITHIN 1/2 MILE OF  
 GEOCENTER OF PROPOSED  
 GROUNDWATER POND ARE  
 SHOWN ON THIS MAP AND  
 FOLLOWING SHEET  
 Rick Thome  
 4/26/2019

SECTION CORNER  
 (TYP)

DEWATERING WELLS  
 CITY OF PARK CITY  
 941 E. 61ST N  
 PARK CITY, K.S. 67219

DOMESTIC WELL  
 SCHYLER JONES C  
 5045 N HYDRAULIC  
 PARK CITY KS 67219

DOMESTIC WELL  
 JOE HAYMES  
 5031 N HYDRAULIC  
 PARK CITY KS 67219

26 S

DOMESTIC WELLS  
 22 EACH  
 HATCHED AREA  
 SEE FOLLOWING SHEET

PROPOSED PLACES  
 OF USE

GEOCENTER OF PROPOSED  
 GROUNDWATER POND  
 POINT OF DIVERSION

N  
 1" = 2,000'

10 FEET

Water Resources Received

MAY 09 2019

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1 1/2 1 0 1000 2000 3000 4000 5000 6000 70

1 1/2 1 0 1000 2000 3000 4000 5000 6000 70

1 KILOMETER

SCALE 1:24 000

CONTOUR INTERVAL 10 FEET

DOTTED LINES REPRESENT 5-FOOT CONTOURS

NATIONAL GEODETIC VERTICAL DATUM OF 1929

SCANNED