

# 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.

WATER RESOURCES RECEIVED  
MAY 04 2022  
11:10  
KS DEPT OF AGRICULTURE

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
Earl D. Lewis Jr., Chief Engineer

50780

File Number \_\_\_\_\_  
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): BEN THOMAS  
Address: 12621 SW 80<sup>TH</sup> ST  
City: ANDOVER State KS Zip Code 67002  
Telephone Number: (316) 640-3406

needs stream name

2. The source of water is:  surface water in Walnut River Tributary (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.

3. The maximum quantity of water desired is 64.52 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of NF 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)  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 Meets K.A.R. 5-3-1 (YES/NO) Use **REC** Source G/S County **BT** By **BMM** Date **5/4/22**  
Code **REG** Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 5/4/22 Check # 4184

5/9/2022  
LMoody

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- (A) ... ..
- (B) ... ..
- (C) ... ..
- (D) ... ..

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MAY 04 2022

5. The location of the proposed wells, pump sites or other works for diversion of water is:

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**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 NE quarter of the NE quarter of the NW quarter of Section 14, more particularly described as being near a point 4648 feet North and 2,642 feet West of the Southeast corner of said section, in Township 27 South, Range 3 EAST, BUTLER 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):

SAME AS APPLICANT

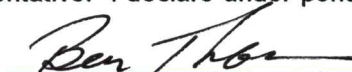
(name, address and telephone number)

(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 April 29<sup>th</sup>, 2022



**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 SERIES OF PONDS

(number of wells, pumps or dams, etc.)

and was completed (by) PONDS EXISTED PRIOR TO 1996

(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 ASAP

(Mo/Day/Year)



File No. \_\_\_\_\_  
MAY 04 2022

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):

APPLICANT  
(name, address and telephone number)

Mary Abbey 8119 SW. Miriam Dr. Andover KS. 67002 316 409-5731  
(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 4:08 PM, Kansas, this 29 day of April, 2022.  
(month) (year)

  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

Ben Thomas  
(Agent or Officer - Please Print)

Assisted by JNE \_\_\_\_\_ SFFO/ESII \_\_\_\_\_ Date: 04/28/2022  
(office/title)

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**FEE SCHEDULE**

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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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27S03E11



**Legend**

-  Water Appropriation
-  Section Corner
-  Berm
-  Section Line
-  Proposed Place of Use

**Application, File No.** \_\_\_\_\_

14-27-3E // Butler County

To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

Signature / Date

04/11/2022 JNE/SFFO 1:4,000 scale



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- 3. 1950
- 4. 1950
- 5. 1950

1950

1950



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**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

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

Name of Applicant (Please Print): Ben Thomas

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

2. Please summarize how the water will be used and justify the quantity of water requested: We used K.A.R. 5-6-5 to calculate the maximum reasonable quantity of water to be requested, runoff per 5-6-4 is not a limiting factor. The amount in (b)(1)(A) is not applicable and (b)(1)(B) exceeds the reservoir capacity, so per 5-6-5 (2) we used the sum of (A)(B)(C) to calculate the quantity as shown below.

Capacity per DWR structures on 9.64 acres of ponds = 33.5 acre-feet (capacity table attached)

Capacity for remaining ponds covering 5.11 acres = 10.12 acre-feet (5.11 acres x 6' average depth x 0.33 = 10.12 acre-feet)

Total Capacity of ponds covering 14.75 acres = 33.5 acre-feet + 10.12 acre-feet = 43.62 AF

Evap calculation: 14.75 acres x 17"(Pot Net Evap)/12 = 20.9 AF x 3 years = 62.7 AF indirect use

Maximum Reasonable Calculation: (A) = N/A + (B) 43.62AF + (C) 20.9AF = 64.52 AF

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	64.52 AF
Year 2	64.52 AF
Year 3	64.52 AF
Year 4	64.52 AF
Year 5	64.52 AF

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested. (see attached runoff calculation sheet with drainage area map and DWR structures capacity table for a portion of the ponds)

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.

Group of ponds located in Section 14, Township 27 South, Range 3 East, Butler County, Kansas

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



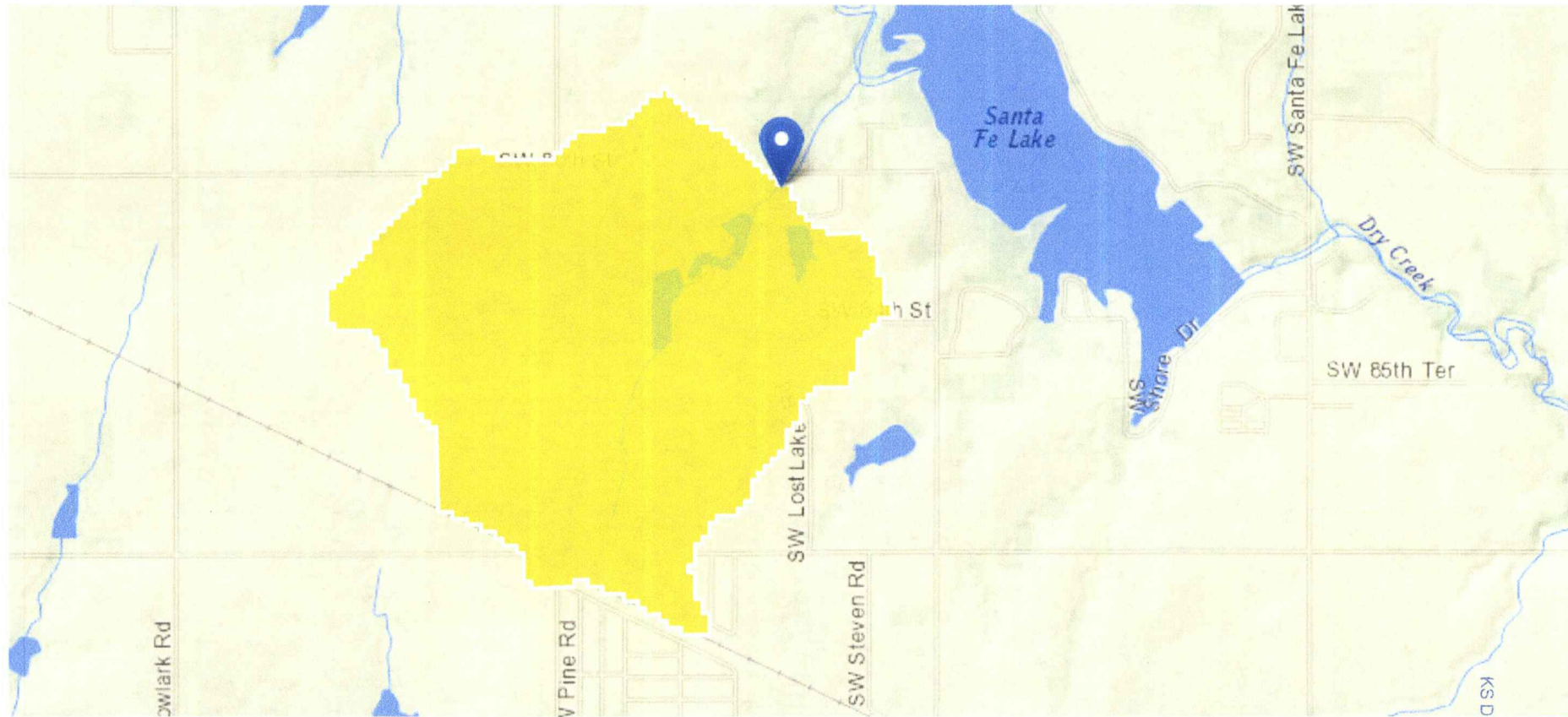
# B. Thomas 14-27-3E Butler County

Region ID: KS

Workspace ID: KS20220412165542228000

Clicked Point (Latitude, Longitude): 37.70796, -97.06947

Time: 2022-04-12 11:56:02 -0500



*Ben K*

1.21 Square Miles = 774.4 Acres

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## Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	1.21	square miles

USGS Data Disclaimer: Unless otherwise stated, all data, metadata and related materials are considered to satisfy the quality standards relative to the purpose for which the data were collected. Although these data and associated metadata have been reviewed for accuracy and completeness and approved for release by the U.S. Geological Survey (USGS), no warranty expressed or implied is made regarding the display or utility of the data for other purposes, nor on all computer systems, nor shall the act of distribution constitute any such warranty.

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Application Version: 4.8.1

StreamStats Services Version: 1.2.22

NSS Services Version: 2.1.2

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**Phillips, Janelle [KDA]**

**From:** Phillips, Janelle [KDA]  
**Sent:** Thursday, April 21, 2022 12:06 PM  
**To:** Ben Thomas; Engelbrecht, Jessica [KDA]  
**Subject:** RE: Pond plans

KS DEPT OF AGRICULTURE

Mr. Thomas –

Based on our dam safety engineer, the proposed pond at 200 feet by 600 feet at a depth of 6 feet will not require a DWR permit. The existing pond is not within DWR jurisdiction due to the size and height. Any modifications could result in the dam becoming jurisdictional.

You will still need a water right for the existing and proposed pond. Jessica is working your application.

Thank you

Janelle N. Phillips, P.E. C.F.M  
Stream obstruction team lead  
Water Structures Program  
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:** Ben Thomas <t.ben54@gmail.com>  
**Sent:** Tuesday, April 05, 2022 2:15 PM  
**To:** Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>  
**Subject:** Pond plans

**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.

Ben Thomas  
12621 SW 80th st  
Andover, Ks. 67002  
cell 316-640-3406

In an effort to clarify my intentions for the pond on my property I have attached the google earth image to this email.  
1. The pond size is 200 feet by 600 feet at a depth of 6 feet equaling 120,000 square feet. Total acreage is 2.75 approx.  
2. No work will be performed to any existing structures.  
3. no embankment taller than the six feet maximum.

Please let me know if you have any questions.





12621 SW 80th St,  
Andover, KS 67002

Google

WATER RESOURCES  
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MAY 04 2022

KS DEPT OF AGRICULTURE

### Ownership Information

**Parcel Summary (For Full Report click here)**  
[Add to Multi-Parcel Report](#)

Parcel ID: 0682061400001009010  
Owner Name: JOHN REVAM TR  
Location: 7280 SW 80TH ST ANDOVER KS 67002  
Boundary Desc: S1/4 T21 R01E ACRES 67.9 CT 2 NW1/4 SW1/4 SW1/4 NW1/4 E340 S325 W40 S360 W330 N113 TO F08 & E40 S200 P25 JAN 28 18 1/4 W548 04 N435 01 E548 S438 1 TO F08 1/4 1/4 1/4 1/4

**Owner Information**  
Owner: JOHN REVAM TR  
Mailing Address: 7281 SW 80TH ST ANDOVER KS 67002-0251

**Property Details**  
Property Type: Farm Homestead  
Property Status: Active  
Taxing Unit: 137  
Neighborhood Code: 000 0

[Full Report](#)

**Parcel Summary (For Full Report click here)**  
[Add to Multi-Parcel Report](#)

Parcel ID: 0682061400001007000  
Owner Name: ABBY ROBERT & MARY TR  
Location: 06110 SW MIRIAM DR ANDOVER KS 67002  
Boundary Desc: MAIN'S LAKE ADD: S1/4 T21 R01E ACRES 12.2 13.9 11 11 12 13 14 15 21 24 25 26 27 28 29 W 2 17 E

**Owner Information**  
Owner: ABBY ROBERT & MARY TR  
Mailing Address: 8719 SW MIRIAM DR ANDOVER KS 67002-0730

**Property Details**  
Property Type: Farm Homestead  
Property Status: Active  
Taxing Unit: 137  
Neighborhood Code: 000 0

[Full Report](#)

WATER RESOURCES  
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MAY 04 2022

4/29/2022

(Date)

KS DEPT OF AGRICULTURE

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Application  
File No. \_\_\_\_\_

Minimum Desirable Streamflow

Dear Sir:

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.




Signature of Applicant

State of Kansas )  
County of Sedgewick ) ss

Ben Thomas  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 02 day of May, 2022.

  
Notary Public

My Commission Expires:



MAY 04 2022

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

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

**DATA ENTRY SYSTEM ID NUMBER SHEET**

FILE NUMBER 50780

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>68371</u>	<u>89523</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>68371</u>	<u>70852 SW</u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>68371</u>

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

May 10, 2022

BEN THOMAS  
12621 SW 80TH STREET  
ANDOVER KS 67002

RE: Application, File No(s). **50780**

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. *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 black ink that reads "Kris Neuhauser". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program