

Kansas Department of Agriculture  
Division of Water Resources  
**CHANGE: P/U WORKSHEET**

Document Signature LPL

1. File Number: <b>47595</b>	2. Status Change Date: <b>7/18/2018</b>	3. Change Num: <b>1</b>	4. Field Office: <b>02</b>	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>6/4/18</b>
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID <b>61146</b> Add Seq# _____
<b>THANE J BUSS</b> <b>1 HONEYSUCKLE CT</b> <b>OXFORD KS 67119</b>	

8c. pc New to system <input type="checkbox"/>	Person ID <b>55457</b> Add Seq# _____
<b>CHARLES C &amp; LOU ANN BUSS</b> <b>1692 E 30TH AVE N</b> <b>OXFORD KS 67119</b>	

8b. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____

8d. WUC New to system <input type="checkbox"/>	Person ID <b>61146</b> Add Seq# _____
<b>SAME AS 8A</b>	

9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____
<input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter
<input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____

10. Use Made of Water    From: _____    To: _____
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	Date Prepared: <b>7/11/18</b> By: <b>BAT</b>
	Date Entered: <b>7/19/2018</b> By: <b>LLM</b>

File No.	11. County:	Basin:	Stream:	Formation Code:	Special Use:
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12. Points of Diversion											Rate and Quantity				
T											Authorized		Additional		
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment		Rate	Quantity	Rate	Quantity	Overlap PD Files
DEL											gpm/cfs	af/mgy	gpm/cfs	af/mgy	
ENT															

13. Storage: Rate \_\_\_\_\_ NF    Quantity \_\_\_\_\_ ac/ft    Additional Rate \_\_\_\_\_ NF    Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation:    Allocation Type \_\_\_\_\_    Start Year \_\_\_\_\_    5 YR Amount \_\_\_\_\_    Amount Unit \_\_\_\_\_    Base Acres \_\_\_\_\_    Comment \_\_\_\_\_

16. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
T																													
MOD	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
DEL																													
ENT																													

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**MEMORANDUM**

**TO:** Files

**DATE:** July 11, 2018

**FROM:** Brent A. Turney


**RE:** Appropriation of Water  
File No. 47,595

Thane J. and Shannon D. Buss, and Charles Buss, owners of the referenced water rights have filed an application for approval to change the place of use under File No. 47,595.

The referenced file number does not appear to be abandoned as per K.S.A. 82a-718.

The applications to change the authorized place of use under the referenced water right is simply proposing to add acres and to clean up an ownership problem with 1 acre of land included in the original application that has not been irrigated. The owner of this land has refused to sign the application to change the place of use.

In a letter dated June 12, 2018, Thane J. Buss, applicant, was notified that the application does not comply with K.A.R. 5-5-5, signatures required on the application, and that the owners of the 1acre tract must sign the application. Mr. Buss was given until June 30, 2018, to obtain the required signatures or request additional time to do so. As of today's date no information was received. Therefore, it is recommended that the referenced application to change the place of use be dismissed for failure to comply with K.A.R. 5-5-5.

  
Brent A. Turney, P.G.  
Change Application Unit Supervisor

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
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FAX: (785) 564-6777



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TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

**FILE COPY**

July 20, 2018

THANE J BUSS  
1 HONEYSUCKLE CT  
OXFORD KS 67119

RE: Appropriation of Water  
File No. 47,595

Dear Mr. Buss:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismisses the change in place of use under Appropriation of Water Right, File No. 47,595.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office.

If you have any questions, please contact me at 785-564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT  
Enclosure  
pc: Stafford Field Office



KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

**FINDINGS AND ORDER  
IN THE MATTER THE DISMISSAL  
OF APPLICATION TO CHANGE  
THE AUTHORIZED  
PLACE OF USE,  
UNDER  
APPROPRIATION OF WATER, FILE NO. 47,595**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on September 10, 2010, the Chief Engineer approved Appropriation of Water, File No. 47,595, for permit to appropriate water for irrigation use.
2. That on April 27, 2018, an Application for Approval to Change the Authorized Place of Use was received in the office of the Chief Engineer under File No. 47,595.
3. That it has been determined 1 acre of the currently authorized place of use is owned by CD Antlers LLC, and that the application only contains only the signatures of Thane J. and Shannon D. Buss, and Charles C. Buss.
4. That K.A.R. 5-5-5 of the Rules and Regulations of the Kansas Water Appropriation Act states in part:

"If more than one person is the owner of a water right, and an application is filed for a change in the place of use, point of diversion, use made of the water, or any combination thereof, only the signature(s) of the landowner(s) whose portion of the water right(s) is (are) involved in the change shall be required on the application. If the extent of each owners interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application . . ."

5. That in a letter dated June 12, 2018, the water right owner was informed that the Application for Approval to Change the Authorized Place of Use under Appropriation of Water, File No. 47,595, would be denied and dismissed because it does not comply with K.A.R. 5-5-5. The applicant was advised they had a period of 15 days from the date of the letter (until June 30, 2018) to either submit additional information to the office of the Chief Engineer or to request additional time beyond the 15 days to submit additional information. The applicant was further informed that if they did not request more time within the 15 day period, or if their request was not granted, the application would be submitted to the Chief Engineer with a recommendation to deny the application.
6. Since no additional information has been received to show that the proposed change in place of use will comply with K.A.R. 5-5-5, nor was a request for additional time received, the Application for Approval to Change the Authorized Place of Use, Appropriation of Water, File No. 47,595, should be dismissed for failure to meet the requirements of K.A.R. 5-5-5 of the Rules and Regulations of the Kansas Water Appropriation Act.

### ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Authorized Place of Use received on June 4, 2018 under Appropriation of Water, File No. 47,595, shall be denied and dismissed.

In all other respects, the Approval of Application for Permit to Proceed issued pursuant to Appropriation of Water, File No. 47,595 is as stated and set forth in the Approval of Application for Permit to Proceed, dated September 30, 2013.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

**Request for Hearing.** According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this <sup>15<sup>th</sup></sup> day of July, 2018, in Topeka, Shawnee County, Kansas.

*Lane P. Letourneau*

Lane P. Letourneau, P. G.,  
Program Manager  
Water Appropriation Program  
Kansas Department of Agriculture

State of Kansas     )  
                                  ) SS  
County of Riley     )

The foregoing instrument was acknowledged before me this <sup>18<sup>th</sup></sup> day of July, 2018, by Lane P. Letourneau P.G., Program Manager, Water Appropriations Program, Kansas Department of Agriculture.



*Danielle Wilson*  
Notary Public

**CERTIFICATE OF SERVICE**

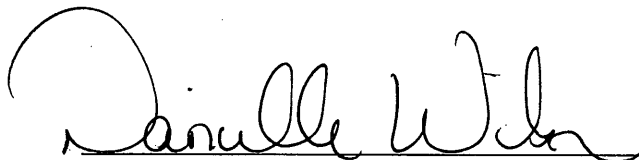
On this ~~20<sup>th</sup>~~ day of July, 2018, I hereby certify that the attached Dismissal of Application to Change the Authorized Place of Use File No. 47,595, dated was mailed postage prepaid, first class, US mail to the following:

THANE J BUSS  
1 HONEYSUCKLE CT  
OXFORD KS 67119

With photocopies to:

Stafford Field Office

CHARLES C & LOU ANN BUSS  
1692 E 30TH AVE N  
OXFORD KS 67119



Division of Water Resources



# STATE OF KANSAS

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GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

June 12, 2018

THAN J BUSS  
1 HONEYSUCKLE CT  
O0XFORD KS 67119

# COPY

RE: Appropriation of Water, File No. 47,595

Dear Mr. Buss:

Reference is made to the application for approval of the Chief Engineer to change the place of use under File No. 47,595, which was received in the office of the Chief Engineer on April 27, 2018, we find that additional information is needed.

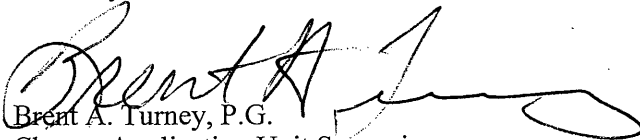
K.A.R. 5-5-5 *Signatures required on change applications* requires in part that if the extent of each owner's interest in the water right has not been legally determined, then all landowners holding an undetermined interest of the water right must sign the change application. Therefore, we will need the notarized signatures of all landowners and spouses of the authorized irrigation place of use. Records in this office indicate that CD Antlers L.L.C. owns a one (1) acre tract of land within the currently authorized irrigation place of use located in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 34, Township 30 South, Range 2 East, Sumner County, Kansas. Because this land is an authorized place of use, they too are considered to own an interest in Appropriation of Water, File No. 47,595, and must sign the application to change the authorized place of use.

Enclosed is an additional signature form that may used to obtain the original notarized signatures of all other owners and spouses of the authorized place of use. If this ownership information is not correct, please submit a copy of the recorded deed or other documents to clearly indicate the owners so that our records may be updated.

**We are returning the referenced application so that you may provide the requested information and made any needed modifications. In order that the application will retain its priority of filing, the original application must be returned, along with the requested additional information, to this office on or before June 30, 2018, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application and attachments as outlined above, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program  
BAT  
Enclosures

pc: Stafford Field Office

SCANNED