

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
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50,034
This item to be completed by the Division of Water Resources.

Water Resources
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APR 09 2018

11:12

KS Dept Of Agriculture

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): Roy R Buessing
Address: 1083 29th Rd
City: Axtell State KS Zip Code 66403
Telephone Number: (785) 736 2766

2. The source of water is: surface water in unnamed tributary to North Fork Black Vermillion #3940
(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. *(or what Orange will give)*

3. The maximum quantity of water desired is 320 acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of 1000 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. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G County KS By ADW Date 4/9/18
Code 2152 Fee \$ 300 TR # _____ Receipt Date 4/9/18 Check # 1078

4/11/2018 LCM

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 NW quarter of the NE quarter of the NE quarter of Section 27, more particularly described as being near a point 530 feet North and 1130 feet West of the Southeast corner of said section, in Township 2 South, Range 10 East/West (circle one), Marshall 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

 (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 4/6, 2018. RRB

 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 1 Pond Dam's Pump

 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) Dec 1st 2018

 (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 Dec 1st 2018.
 (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. *Attached 9.8 Acres Drange under 30ft hill and under 125 AC/ES*

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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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/tenant
(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):

Roger H Buessing 2920 Jayhawk Rd Axtell KS 66103 785-736-2303
(name, address and telephone number)

Richard Buessing 1087 30th Rd Axtell KS 66103
(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 Hiawatha, Kansas, this 4 day of April, 2018.
(month) (year)

RRB
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Keith Grimm MWJ Date: 4/6/18
(office/title)

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Roy R Buessing

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Roy R Buessing
ADDRESS: 1083 29th Rd Atwell KS 66403

| S | T | R | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|----|----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 22 | 2s | 10E | | | | | | | | | | | | | 40 | 40 | 40 | 40 | 160 |
| 27 | 2s | 10E | 40 | 40 | | | | | | | | | | | | | | | 80 |
| | | | | | | | | | | | | | | | | | | | |

240

Landowner of Record NAME: Roger H Buessing
ADDRESS: 2920 Jayhawk Rd Atwell KS 66403

| S | T | R | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|----|----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 23 | 2s | 10E | | | | | | | | | 40 | 40 | 40 | 40 | | | | | 160 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

480 Total

Landowner of Record NAME: Richard Buessing
ADDRESS: 1087 30th Rd Atwell KS 66403

| S | T | R | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|----|----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 27 | 2s | 10E | | | 40 | 40 | | | | | | | | | | | | | 80 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Buessing Roy, Richard and Roger

Pond Drainage Basin 98acres

Creek site is pump station to fill pond

½ mile upstream and downstream

KOHAKE, FRANK J & MARILYN R
1181 29TH RD AXTELL, KS 66403

ROTTINGHAUS, DONNA J TRUST
2926 INDIAN RD AXTELL, KS 66403

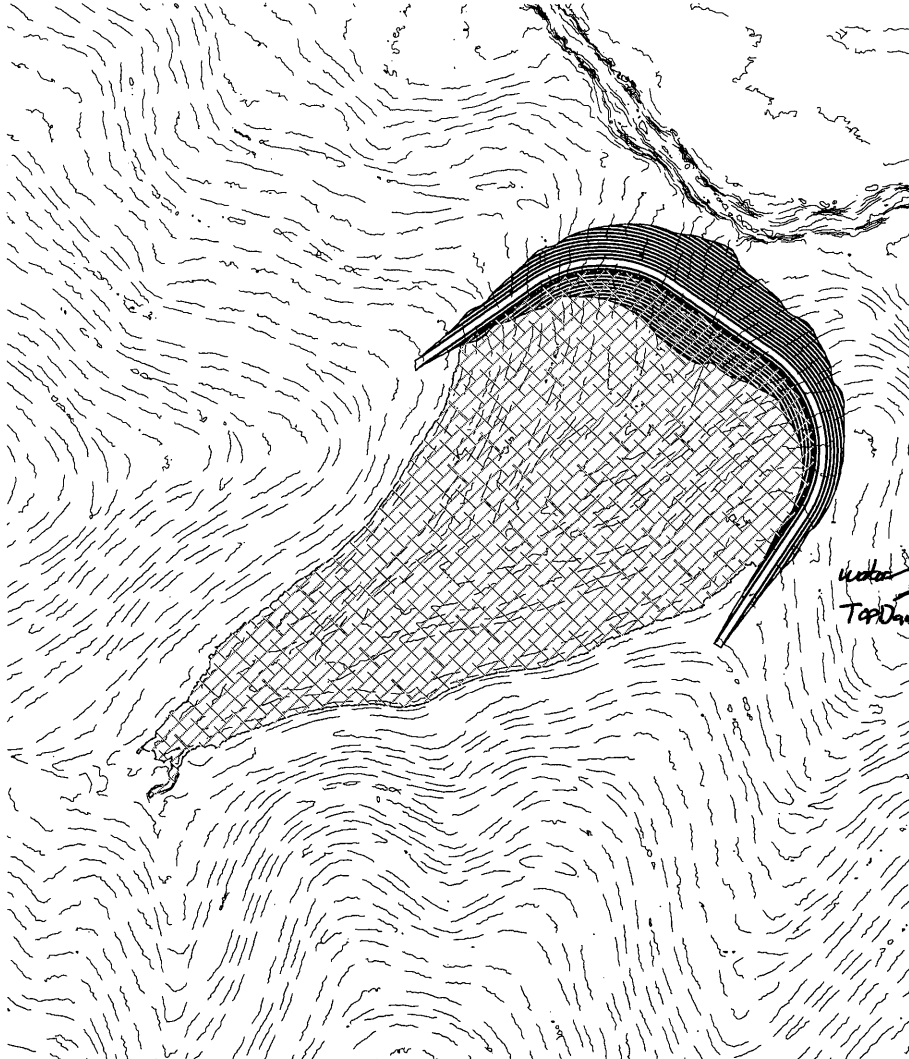
Water Resources
Received

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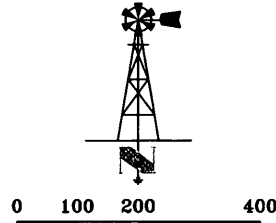
KS Dept Of Agriculture

TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Northeast One-Quarter of Section 27,
Township 2 South, Range 10 East of the
Sixth Principal Meridian, Marshall County, Kansas



| Contour | Area | 1' Volume | Total Volume | Ac. Ft. | Embankment | Height |
|---------|------------|------------|---------------|----------|------------|--------|
| 1302 | - | - | - | - | - | - |
| 1303 | 191.05 | 95.53 | 95.525 | 0.0022 | | 5.15 |
| 1304 | 2,430.02 | 1,310.54 | 1,406.060 | 0.0323 | | 6.15 |
| 1305 | 6,594.37 | 4,512.20 | 5,918.255 | 0.1359 | | 7.15 |
| 1306 | 12,485.72 | 9,540.05 | 15,458.300 | 0.3549 | | 8.15 |
| 1307 | 18,419.83 | 15,452.78 | 30,911.075 | 0.7096 | | 9.15 |
| 1308 | 25,099.96 | 21,759.90 | 52,670.970 | 1.2092 | | 10.15 |
| 1309 | 35,755.97 | 30,427.97 | 83,098.935 | 1.9077 | | 11.15 |
| 1310 | 47,455.96 | 41,605.97 | 124,704.900 | 2.8628 | | 12.15 |
| 1311 | 58,608.50 | 53,032.23 | 177,737.130 | 4.0803 | | 13.15 |
| 1312 | 69,940.14 | 64,274.32 | 242,011.450 | 5.5558 | | 14.15 |
| 1313 | 82,097.24 | 76,018.69 | 318,030.140 | 7.3010 | | 15.15 |
| 1314 | 95,892.37 | 88,994.81 | 407,024.945 | 9.3440 | | 16.15 |
| 1315 | 113,578.46 | 104,735.42 | 511,760.360 | 11.7484 | | 17.15 |
| 1316 | 140,975.54 | 127,277.00 | 639,037.360 | 14.6703 | | 18.15 |
| 1317 | 160,205.32 | 150,590.43 | 789,627.790 | 18.1274 | | 19.15 |
| 1318 | 182,280.75 | 171,243.04 | 960,870.825 | 22.0586 | | 20.15 |
| 1319 | 199,988.69 | 191,134.72 | 1,152,005.545 | 26.4464 | | 21.15 |
| 1320 | 217,011.03 | 208,499.86 | 1,360,505.405 | 31.2329 | | 22.15 |
| 1321 | 235,108.02 | 226,059.53 | 1,586,564.930 | 36.4225 | | 23.15 |
| 1322 | 251,548.96 | 243,328.49 | 1,829,893.420 | 42.0086 | | 24.15 |
| 1323 | 289,511.19 | 270,530.08 | 2,100,423.495 | 48.2191 | | 25.15 |
| 1324 | 341,829.06 | 315,670.13 | 2,416,093.620 | 55.4659 | | 26.15 |
| 1325 | 372,129.96 | 356,979.51 | 2,773,073.130 | 63.6610 | 21,836 | 27.15 |
| 1326 | 395,655.21 | 383,892.59 | 3,156,965.715 | 72.4740 | 24,541 | 28.15 |
| 1327 | 422,508.91 | 409,082.06 | 3,566,047.775 | 81.8652 | 27,479 | 29.15 |
| 1328 | 452,943.24 | 437,726.08 | 4,003,773.850 | 91.9140 | 30,669 | 30.15 |
| 1329 | 483,528.14 | 468,235.69 | 4,472,009.540 | 102.6632 | 34,139 | 31.15 |
| 1330 | 513,244.13 | 498,386.14 | 4,970,395.675 | 114.1046 | 37,900 | 32.15 |



SCALE: 1" = 200'

General Notes for Site:
 No Field verification of LIDAR elevations performed.
 Front toe of stream obstruction elevation: 1302.80'
 Rear toe of stream obstruction elevation: 1297.85'
 Assumed top of structure width: 12'
 Assumed front and back slope: 3:1

LAND SURVEYOR'S CERTIFICATE
 THIS IS TO CERTIFY THAT THIS SURVEY
 WAS DONE BY THE UNDERSIGNED, AND
 THAT THE SURVEY WAS DONE ON THE
 GROUND ON _____



THIS DRAWING ORIGINALLY CREATED AT
 SPECIFIED SCALE. IF LINE BELOW DOES NOT
 MEASURE 1 INCH, DRAWING HAS BEEN
 REDUCED.
 ORIGINAL DRAWING
 SIZE: 1 INCH

JORGENSEN SURVEYING
 73051 617 Ave
 Tecumseh, NE 68450
 (402) 335-2033
 jorgensensurveying@gmail.com

Stream Obstruction
 NE 1/4 Sec 27, T2S, R10E
 Marshall County, Kansas
 PREPARED FOR
 MWI - Roy Buessing

| | |
|-----------|-----------|
| SCALE | 1" = 200' |
| FIELD ON: | |
| CHK. BY | MARCY |
| DWN. BY | BRENT |
| DATE: | 10/10/11 |
| SHEET | 1 OF 2 |
| JOB NO. | 5262.78 |

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

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

April 10, 2018

ROY R BUESSING
1083 29TH RD
AXTELL KS 66403

RE: Application
File No. 50034

Dear Sir or Madam:

Your application for permit to appropriate water in 27-2S-10E in Marshall County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum".

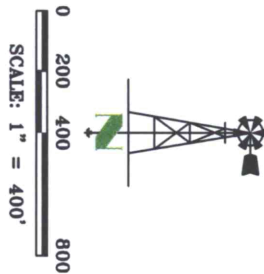
Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

APR 09 2018



TOPOGRAPHIC SURVEY
 Compute Proposed Stream Obstruction Volume in the Northeast One-Quarter of Section 27,
 Township 2 South, Range 10 East of the
 Sixth Principal Meridian, Marshall County, Kansas



| | | | |
|---|---|---|--|
| SCALE: 1"=400' FIELD NO.: CHK. BY: MARCY DWN. BY: BRENT DATE: 10/10/17 SHEET 2 OF 2 JOB NO. 5262.78 | Stream Obstruction NE 1/4 Sec 27, T2S, R10E Marshall County, Kansas | JORGENSEN SURVEYING 73051 617 Ave Tecumseh, NE 68450 (402) 335-2033 jorgensensurveying@gmail.com | THIS DRAWING ORIGINALLY CREATED AT SPECIFIED SCALE. IF LINE BELOW DOES NOT MEASURE 1 INCH, DRAWING HAS BEEN REDUCED. ORIGINAL DRAWING SIZE: 1 INCH |
| | PREPARED FOR MWI - Roy Buessing | | |

S22-T2S-R10E

S23-T2S-R10E

Roy Buessing

Roger Buessing

Creek Pump site 330ft North and 100ft West

Jayhawk Rd

1130ft west and 530ft north

Richard Buesign

KS Dept Of Agriculture

APR 09 2018

Water Resources
Received

S27-T2S-R10E

25th Rd

© 2018 Google

Google Earth
Earth Point

1991

Imagery Date: 10/19/2014 39°51'22.04" N 96°16'32.34" W elev 1302 ft eye alt 9494 ft

S22-T2S-R10E

S23-T2S-R10E

Roy Buessing

Roger Buessing

Creek Pump site 330ft North and 100ft West

1130ft west and 530ft north

Jayhawk Rd

Richard Buesign

29th Rd

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S27-T2S-R10E

1991

Water Resources
Received
APR 09 2018
KS Dept Of Agriculture

Imagery Date: 10/19/2014 39°51'22.04" N 96°16'32.34" W elev 1302 ft eye alt 9494 ft

Google Earth
Earth Point