

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: 50,034	2. Status Change Date: 7/18/2018	3. Field Office: 01	4. GMD: 0
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) Person ID 66023 New to system <input type="checkbox"/> Add Seq# _____</p> <p>ROY R BUESSING 1083 29TH RD AXTELL KS 66403</p>	<p>7c. Landowner(s) Person ID 66025 New to system <input type="checkbox"/> Add Seq# _____</p> <p>RICHARD BUESSING 1087 30TH RD AXTELL KS 66403</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7d. Landowner(s) Person ID 66024 ROGER H BUESSING 2920 JAYHAWK RD AXTELL KS 66403</p> <p>7e. Misc Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>MIDWEST IRRIGATION. % KEITH GRIMM ** 1215 OREGON ST HIAWATHA KS 66434</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2019 11. Perfection Date: 12/31/2023 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

***NOTE THIS IS A STORAGE AND REDIVERSION APPLICATION** Date Prepared: **6/20/2018** By: **DWS**
Date Entered: **7/19/2018** By: **UM**

File No. **50,034** 15. Formation Code: _____ Drainage Basin: **Black Vermillion River** County: **MS** Special Use: _____ Stream: **North Fork Black Vermillion River Trib 10A**

16. Points of Diversion

MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD	86703	NW	NE	NE	27	2	10E	2	4695	1130

*Add Comment: **Dam Exemption Under DMS-0176**
(Water Structures File No)

17. Rate and Quantity **MOD Qty**

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
1000	87.8	1000	48	NONE

18. Storage: Rate _____ NF Quantity **87.8** ac/ft Additional Rate _____ NF Additional Quantity **87.8** ac/ft

19. Limitation: **528** af/yr at _____ gpm (_____ cfs) when combined with file number(s): **50,033 (ON THE PLACE OF USE)**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2019** Date Acceptable Meter Installed _____

21. Place of Use

MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner Files	Chg? NO	Overlap	
								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					
√	68830	22	2	10E	1																40	40	40	40	160	7a.	NO	50,033
√	68832	23	2	10E	1									40	40	40	40							160	7d.	NO	50,033	
√	68831	27	2	10E	1	40	40																	80	7a.	NO	50,033	
√	68833	27	2	10E	2			40	40															80	7c.	NO	50,033	

Comments: *** Action Trail**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 20, 2018

FROM: Doug Schemm

RE: Applications, File Nos. 50,033 and 50,034

Roy R. Buessing has filed the above referenced new applications proposing to appropriate surface water by both the direct diversion of surface water at a pump site (File No. 50,033), and the collection and storage of natural flows in a proposed reservoir (File No. 50,034). Both applications are located on tributaries to the North Fork Black Vermillion River. The files will be used for the same irrigation project (i.e. overlap in place of use). Application, File No. 50,033 will allow water to be pumped directly from the stream (when flows are adequate and permission has been granted) either directly to the place of use or into the reservoir requested under Application, File No. 50,034, to be stored for subsequent re-diversion for irrigation use. The points of diversion are located in the Northeast Quarter of Section 27, Township 2 South, Range 10 East, Marshall County, Kansas. The applications' place of use comprises a total of 480 acres, a portion owned by the applicant, and other portions owned by Richard Buessing and Roger Buessing. The applicant has signed the application forms stating that he has legal access to the points of diversion.

Application, File No. 50,033 is requesting 480 acre-feet of surface water at a diversion rate of 1,000 gallons per minute. Per K.A.R 5-3-15, Application, File No. 50,033 will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. The application also complies with K.A.R 5-3-15 (c)(5) because the proposed off-stream reservoir will provide adequate water storage, and there is no need for direct diversion of water from July 1 through September 30.

Application, File No. 50,034 is requesting 87.8 acre-feet of surface water storage, and the re-diversion of 87.8 acre-feet of the stored water for irrigation use at 1,000 gallons per minute. Runoff computations have determined that the 98 acre drainage area will result in only 87.8 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity **IS** the limiting factor, and the application quantity was reduced to reflect this allowable maximum. Keith Grimm agreed to the reduced quantity in a May 11, 2018 e-mail.

A quantity of 528 acre-feet is the maximum allowable to irrigate the proposed 480 acres, since 1.1 acre-feet per acre is allowable in Marshall County, Kansas. Therefore, a quantity limitation is required on the junior application (File No. 50,034) when combined with the senior file for direct IRR use on the proposed place of use (limited to 528 acre-feet on the place of use). The junior file will provide for 48 acre-feet of additional water (528 AF – 480 AF).

Notification letters for both applications were sent to upstream and downstream landowners on May 14, 2018. No responses of any kind were received. The WRIS database indicates there are only two other surface water rights within a two (2) mile radius of either file, one is a sediment control reservoir and the second is a reservoir for IRR use, both these reservoirs are located on different tributaries. Therefore, approval of these applications will not impact any senior water rights. As noted above, the direct diversion of water under File No. 50,033 will generally be limited to off-season, and only when there is sufficient water to satisfy all senior water rights.

The proposed structure was reviewed by DWR Structures Program staff under File No. DMS-0176 and the dam was determined to be exempt from dam safety permit requirements specified in K.S.A. 82a-301(a). There is no established Minimum Desirable Streamflows (MDS) for the Black Vermillion River Basin.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under either of these permits, check valves will also need to be installed.

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended the referenced applications be approved in a discussion on June 19, 2018. Based on the above discussion, North Fork Black Vermillion River is open to new appropriations meeting specific criteria, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications be approved, with the conditions discussed above.

Doug Schemm
Environmental Scientist
Topeka Field Office

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

FILE COPY

ROY R BUESSING
1083 29TH RD
AXTELL KS 66403

July 20, 2018

Re: Appropriation of Water, File Nos. 50,033 and 50,034

Dear Mr. Buessing:

There are enclosed permits to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the sources and at the locations specified in these permits, and to use it for the purpose and at the location described in these permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits, with specific reference to **Paragraph Nos. 19 and 20 for File No. 50,033 requiring you to obtain permission prior to diverting water at your pump site.** Water meters are required and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports. Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in these permits to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights. If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws

Enclosures

pc: Topeka Field Office
Richard Buessing
Roger H Buessing
MWI LLC

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**
(This is not a Certificate of Appropriation)

This is to certify that I have examined Application File No. 50,034 of the applicant

**ROY R BUESSING
1083 29TH RD
AXTELL KS 66403**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **April 9, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
22	2S	10E																40	40	40	40	160
23	2S	10E								40	40	40	40									160
27	2S	10E	40	40	40	40																160

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to North Fork Black Vermillion River, designated in the office of the Chief Engineer as North Fork Black Vermillion River Trib 10A, not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **87.8 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW¼ NE¼ NE¼) of Section 27, more particularly described as being near a point 4,695 feet North and 1,130 feet West of the Southeast corner of said section, in Township 2 South, Range 10 East, Marshall County, Kansas, to provide **87.8 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,000 gallons per minute (2.23 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2023** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

6. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

7. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

8. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

9. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

10. That all re-diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the re-diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

11. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

12. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

13. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

14. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

16. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 50,033, will provide a **total not to exceed 528 acre-feet** of water per calendar year for direct irrigation use on the authorized place of use described herein.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary. To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 18th day of July, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 18th day of July, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 20th day of July, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,034, dated July 18th 2018 was mailed postage prepaid, first class, US mail to the following:

ROY R BUESSING
1083 29TH RD
AXTELL KS 66403

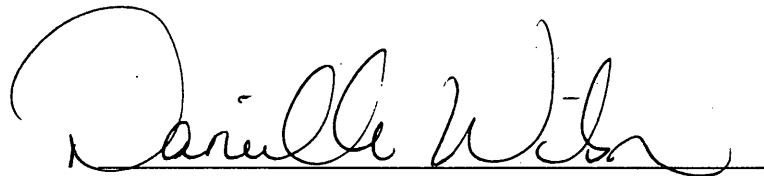
With photocopies to:

RICHARD BUESSING
1087 30TH RD
AXTELL KS 66403

ROGER H BUESSING
2920 JAYHAWK RD
AXTELL KS 66403

MIDWEST IRRIGATION
% KEITH GRIMM
1215 OREGON ST
HIAWATHA KS 66434

Topeka Field Office



Division of Water Resources

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 Received

APPLICATION COMPLETE
6/19/18
Reviewer KAB for DWS

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.)

APR 09 2018 11:12
KS Dept Of Agriculture

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

2. The source of water is: [x] surface water in unamed tributary to North Fork Black Vermilion (stream) Trib 10A #3940
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 320 87.8 * (or what Orange will give) DWS/DWR 5/10/18 Re-divert 87.8 AF @ 1,000 gpm
to be diverted at a maximum rate of 1000/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) [x] 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 IFR Source G(S) County WS By ADW Date 4/9/18
Code DIS-2 Fee \$ 300 TR # Receipt Date 4/9/18 Check # 1078

DWR 1-100 (Revised 06/16/2014) * Quantity Limited by Basin Runoff potential.
Reduced Quantity agreed to by Keith Grimm in 5/11/18 e-mail. DWS/DWR
4/11/2018 LLM

* Modified per application map.
Verified by applicant in 5/11/18 e-mail
DWS/DWR 6/20/18

File No. 50,034

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^{4695*} 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 & Pump
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) On 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)

Water Resources
Received

APR 09 2018

KS Dept Of Agriculture

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
Received

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): Ray A. 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 IER Source G County KS By ADW Date 4/9/18
Code D152 Fee \$ 300 TR # _____ Receipt Date 4/9/18 Check # 1078

SCANNED

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)

Water Resources
 Received

APR 09 2018

- 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 tall 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

Water Resources
Received

APR 09 2018

KS Dept Of Agriculture

SCANNED

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/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

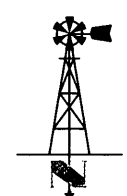
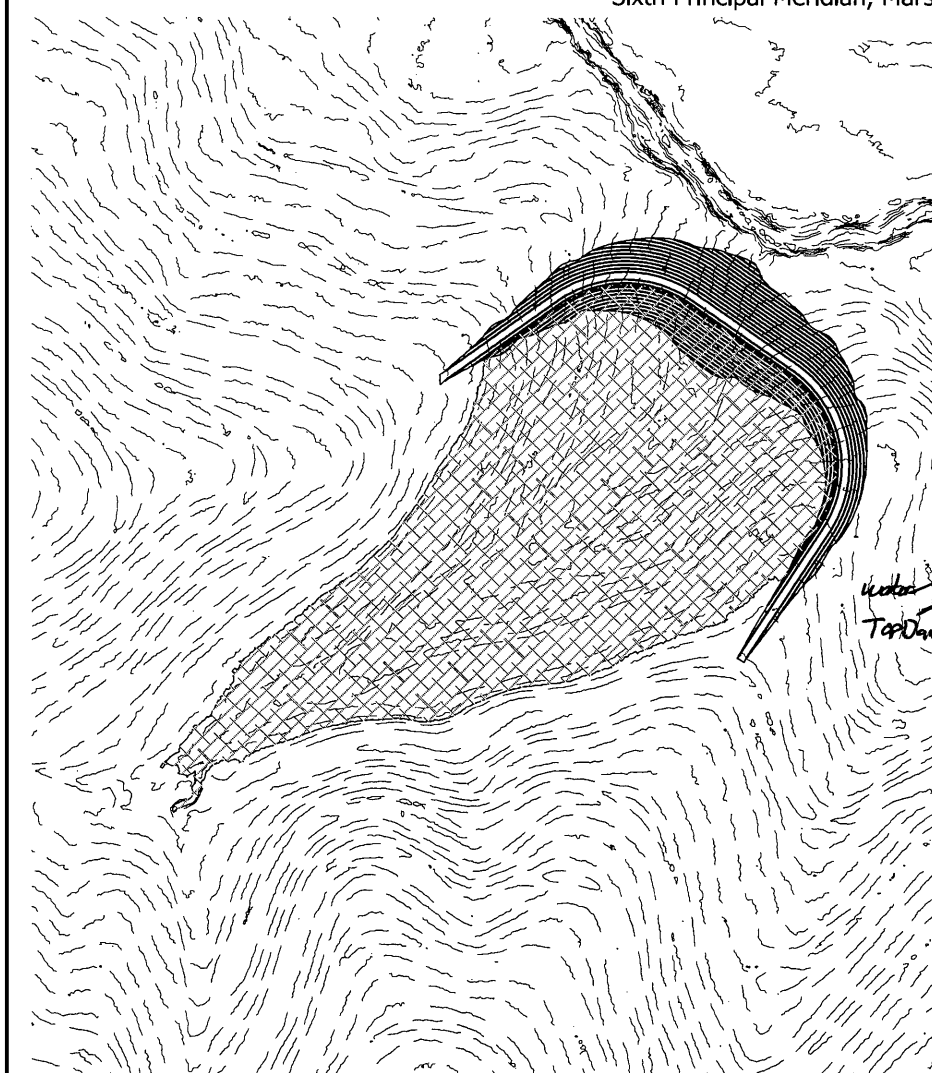
Landowner of Record NAME: Richard Buessing
ADDRESS: 1087 30th Rd Atwell KS 66403

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

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



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



SCALE: 1" = 200'

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



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: 10/10/17

SHEET 1 OF 2

JOB NO.
 5262.78

SCANNED

Schemm, Doug [KDA]

From: Keith Grimm <Keith@mwivalley.com>
Sent: Friday, May 11, 2018 6:49 AM
To: Schemm, Doug [KDA]
Subject: RE: Roy Buessing 50,033 and 50,034

Doug I think this all looks good!! Thanks

Keith Grimm, Owner
MWI, LLC
1215 Oregon St
Hiawatha, KS 66434
Cell: 785-547-7556
Office: 785-288-1783

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Thursday, May 10, 2018 11:28 AM
To: Keith Grimm <Keith@mwivalley.com>
Subject: Roy Buessing 50,033 and 50,034

Hello Keith,

For Roy's storage application (File No. 50,034) I can only get **87.8 AF** of run-off, so the quantity on the application has to be reduced to 87.8 AF.

Also please review the attached site map. The feet distances on the original applications and maps were off somehow. Let me know if this is all ok.

Have a great day,

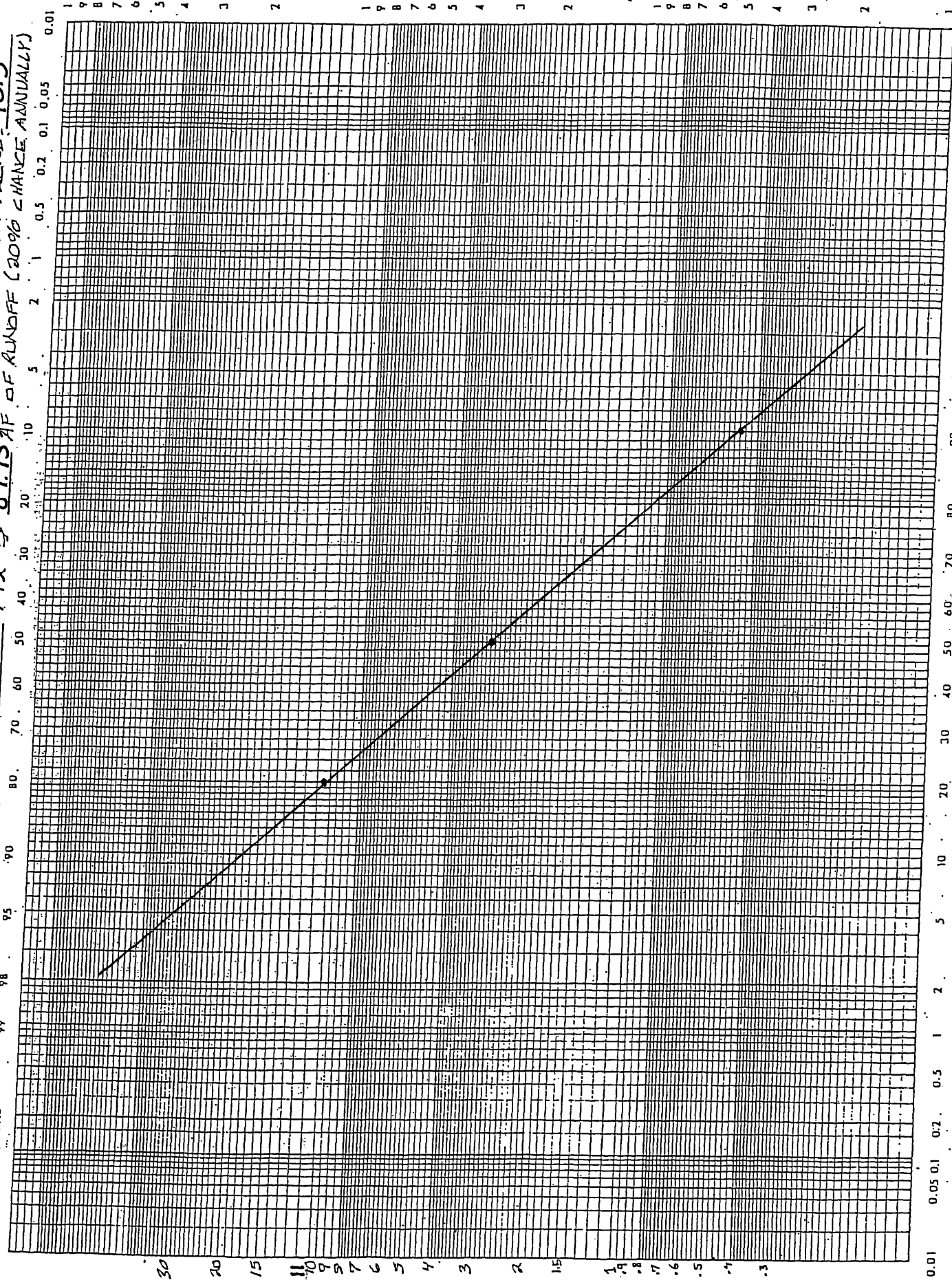
Thanks, Doug

FILE NO. 50,034 27-25-10E
98 ACRES IN DRAINAGE x 10.5" = 1029

SOIL: "76" PRECIP.: 32"

MARSHALL CO.
INCHES RUNOFF / ACRE: 10.5"
OF RUNOFF (20% CHANCE ANNUALLY)

RUNOFF IN INCHES

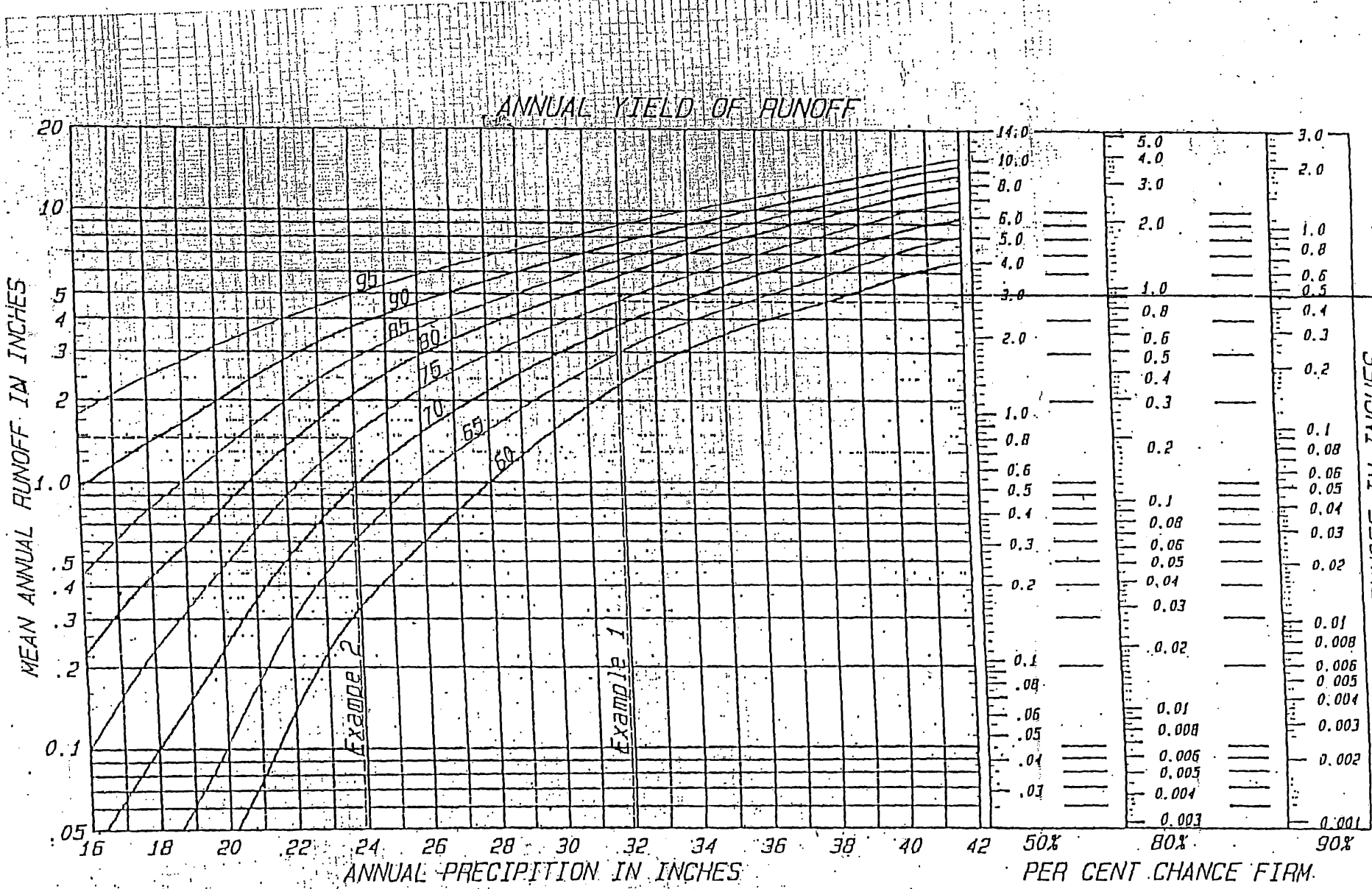


20% CHANCE

PREPARED BY:

99.99

EFM Notice KS-38, 12/12/91



RUNOFF IN INCHES

KS-2-36

KAR 5-6-4(a)(1)

United States department of agriculture, natural resources conservation service, nation engineering handbook series, part 650, engineering field handbook.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

4695 ft N and 1130 ft W of the SE Corner of Section 27, T 2S, R 10E

Located at: 96.280925 West Longitude and 39.854930 North Latitude

SURFACE WATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 47078 00 SED NK S      6182 -- SE SE NE 3276 397 26 2 10E 1      .00      .00 AF
***** Authorized storage = 187.40 AF Additional storage = 187.40 AF
A__ 49919 00 IRR GY S      9455 -- SW NW SE 1346 2005 16 2 10E 1      160.00 160.00 AF
A__ 50033 00 IRR AY S      4485 -- NE NE NE 330 100 27 2 10E 1      480.00 480.00 AF
A__ 50034 00 IRR AY S      4165 -- NW NE NE 530 1130 27 2 10E 2      320.00 320.00 AF
=====

```

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=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      800.00      .00
Total Permitted Amount (AF) =      160.00      160.00
Total Inspected Amount (AF) =          .00      .00
Total Pro_Cert Amount (AF) =          .00      .00
Total Certified Amount (AF) =          .00      187.40
Total Vested Amount (AF) =          .00      .00
TOTAL AMOUNT (AF) =      960.00      347.40
=====

```

An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

96.280925 West Longitude and 39.854930 North Latitude

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 47078 00 SED NK S
> UPPER BLACK VERMILLION WATERSHED DIST#37
> 404 COMMERCIAL ST
> PO BOX 272
> CENTRALIA KS 66415
-----
A__ 49919 00 IRR GY S
> LARRY RONNEBAUM
>
> 2986 HARVEST RD
> AXTELL KS 66403
-----
A__ 50033 00 IRR AY S
> ROY R BUESSING
>
> 1083 29TH RD
> AXTELL KS 66403
-----
A__ 50034 00 IRR AY S
> ROY R BUESSING
>

```

> 1083 29TH RD
> AXTELL KS 66403

>-----

=====

STATE OF KANSAS



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619

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

May 14, 2018

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

Re: Pending Applications, File Nos. 50,033 and 50,034

Dear Sir or Madam:

This is to advise you that Roy Buessing has filed the applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,033 is requesting to appropriate 480 acre-feet of surface water per calendar year from a tributary to the North Fork Black Vermillion River, to be diverted at a maximum rate of 1,000 gallons per minute. Please note that the direct diversion of surface water is subject to specific permit conditions including requesting permission prior to diverting, and not stopping flow in the stream. Application, File No. 50,034 is requesting to appropriate 87.8 acre-feet of surface water per calendar year at the rate of natural flows to be stored in a proposed reservoir, and re-divert 87.8 acre-feet of the stored water for irrigation use.

The proposed point of diversion for File No. 50,033 is one pump site located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 27, and the proposed point of diversion for File No. 50,034 (where the dam crosses the centerline of the stream) is located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 27; both in Township 2 South, Range 10 East, Marshall County, Kansas.

A map is enclosed indicating the location of the proposed points of diversion. Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. You may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Roy E. Buessing
MWI, LLC

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

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

May 14, 2018

DONNA J ROTTINGHAUS TRUST
2926 INDIAN ROAD
AXTELL KS 66403

Re: Pending Applications, File Nos. 50,033 and 50,034

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A map is enclosed indicating the location of the proposed points of diversion. Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. You may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Roy E. Buessing
MWI, LLC

#50,034

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

STATE OF KANSAS



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 20, 2018

Roy Buessing
1083 29th Road
Axtel KS 66403

RE: Low Hazard Dam Exemption

WSN: DMS-0176

Site: Buessing Dam

Legal Location: NW ¼ of the NE ¼ of the NE ¼ of Section 27, Township 2S, Range 10E

Hazard Classification: "A" Low

Dear Mr. Buessing:

This letter is confirmation that the information submitted to the Division of Water Resources qualifies your proposed dam for exemption from the dam safety permit requirements specified in K.S.A. 82a-301(a).

You indicated that the proposed structure will have a height of 29.96 feet and an emergency spillway storage volume of less than 125 acre-feet. This, combined with your assertion that it will meet hazard class "A" standards, satisfies the requirements for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1).

This exemption does **not** absolve the owner from compliance with other local, state, or federal requirements that **may** apply.

Please note that your dam could be reclassified to a hazard class B or C in the future as a result of changes to downstream properties and/or other factors. **If this occurs, you will be required to obtain a permit in adherence to all aspects of K.S.A. 82a-301 through 82a-328.** This could also involve redesign and/or reconstruction to meet state statutes and regulations.

50,034

Page 2
DMS-0176
April 20, 2018

Should you have any questions, please feel free to contact me at (785) 564-6651, or e-mail me at Mikayla.Kortan@ks.gov.

Sincerely,

A handwritten signature in cursive script that reads "Mikayla Kortan".

Mikayla Kortan
Water Structures Engineer

PC: Doug Schemm – Topeka Field Office (50033 & 50034)

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

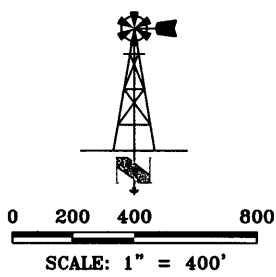
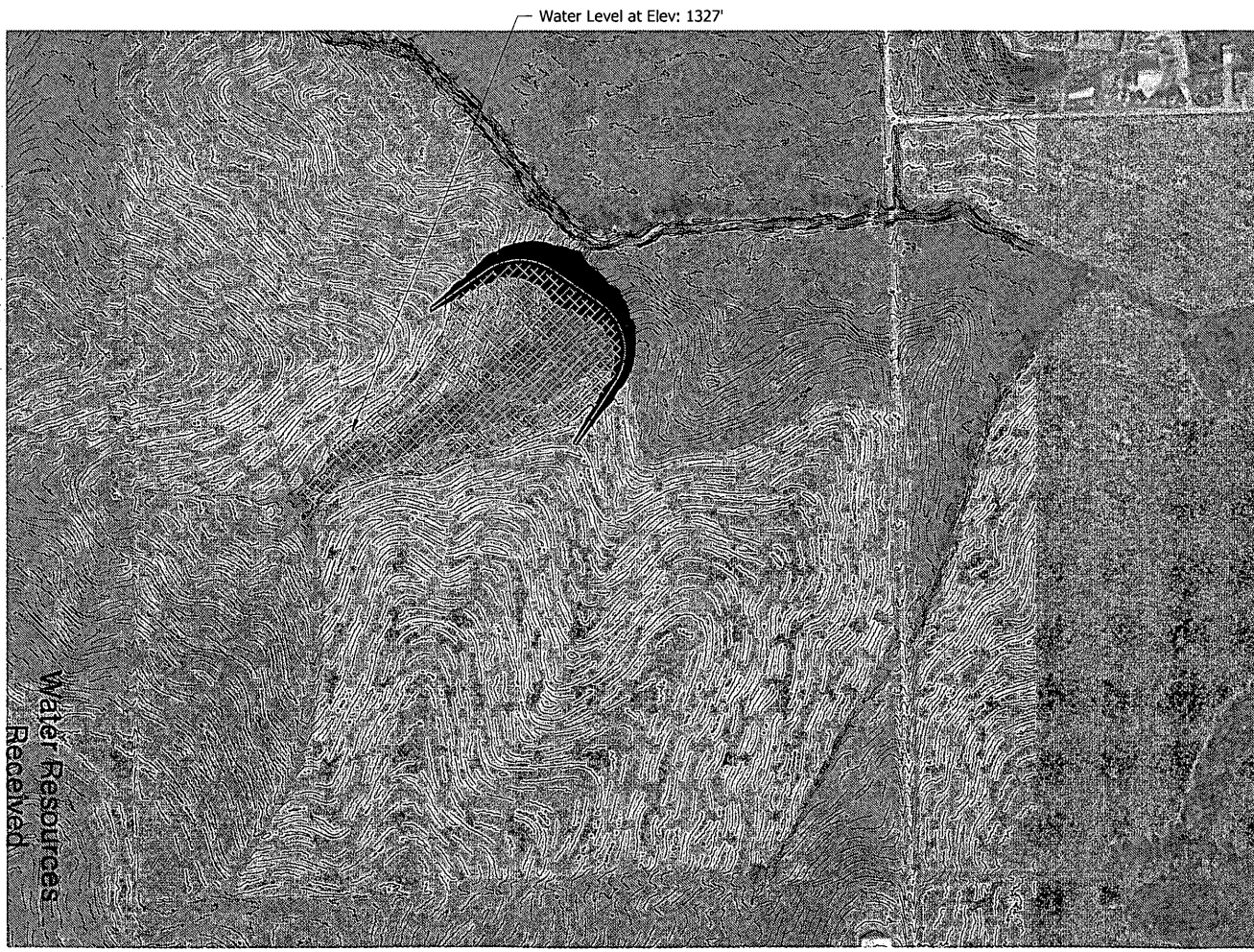
Water Resources
Received

APR 09 2018

KS Dept Of Agriculture

SCANNED

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



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
 MWT - Roy Buessing

SCALE	1"=400'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	10/10/17
SHEET	2 OF 2
JOB NO.	5262.78

APR 09 2018
 SCANNED
 KS Dept Of Agriculture

Water Resources
 Received

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 Buessing

S27-T2S-R10E

28th 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

KS Dept. of Agriculture

APR 09 2018

Water Resources
Restoration

SCANNED

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 cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

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

S27-T2S-R10E

25.6-Rd

© 2018 Google

Google Earth
Earth Point

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

1991

KS Dept Of Agriculture
Water Resources
Received
APR 09 2018

SCANNED