

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,830</p>	2. Status Change Date: <p style="text-align: center; color: blue; font-weight: bold;">12/17/2024</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">1</p>	4. GMD:
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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 <u>65499</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p style="font-weight: bold; margin-top: 20px;">WARREN BUSS PO BOX 156 LINN, KS 66953</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p style="font-weight: bold; margin-top: 20px;">7a</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</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 style="font-weight: bold; margin-top: 20px;">7a</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input 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: **12/31/2026** 11. Perfection Date: **12/31/2030** 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: _____

Date Prepared: 12/17/2024	By: KJN
Date Reviewed: 12/17/2024	By: KAK
Date Entered: 12/19/2024	By:
	KAnderson

File No. **50,830** 15. Formation Code: **330** Drainage Basin: **REPUBLICAN RIVER** County: **WS** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
MOD			89704	NW SW SW	5	4S	3E	1	1279	5240	800	96	800	96	none

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

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2025** Date Acceptable Meter Installed _____
26

21. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
MOD	DEL	ENT	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				
CHK			70957	5	4S	3E	1																			

Comments:

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: September 20, 2024

From: Kris Neuhauser, Environmental Scientist

Re: New Application File No. 50,830 – Warren Buss

Summary

Warren Buss has filed an application to appropriate groundwater to irrigate 80 acres in Washington County, Kansas, requesting one well, with a quantity of 96 acre-feet of water per calendar year, at a diversion rate of 800 gallons per minute.

Reasonable Rate and Quantity

The proposed quantity of 96 acre-feet per calendar year provides 1.2 acre-feet per acre, making it the maximum reasonable quantity for Washington County ($1.2 \times 80 \text{ acres} = 96 \text{ acre-feet}$).

Source of Supply and Safe Yield

Based on the well log and nearby logs and the 'Top Configuration of the Dakota Aquifer' geologic map (via KGS, circa 1995), the source of supply appears to be the unconfined Dakota Aquifer. Evaluation of the area of consideration included the extent of the confined aquifer, which provided an area of consideration of 8,042 acres. With a potential annual recharge of 2.9 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1,457.61 acre-feet. Existing water rights have appropriated 657.13 acre-feet, providing a difference of 800.48 acre-feet available for appropriation, and the application requesting 96 acre-feet complies with safe yield.

Nearby Water Rights

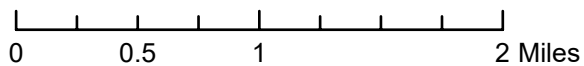
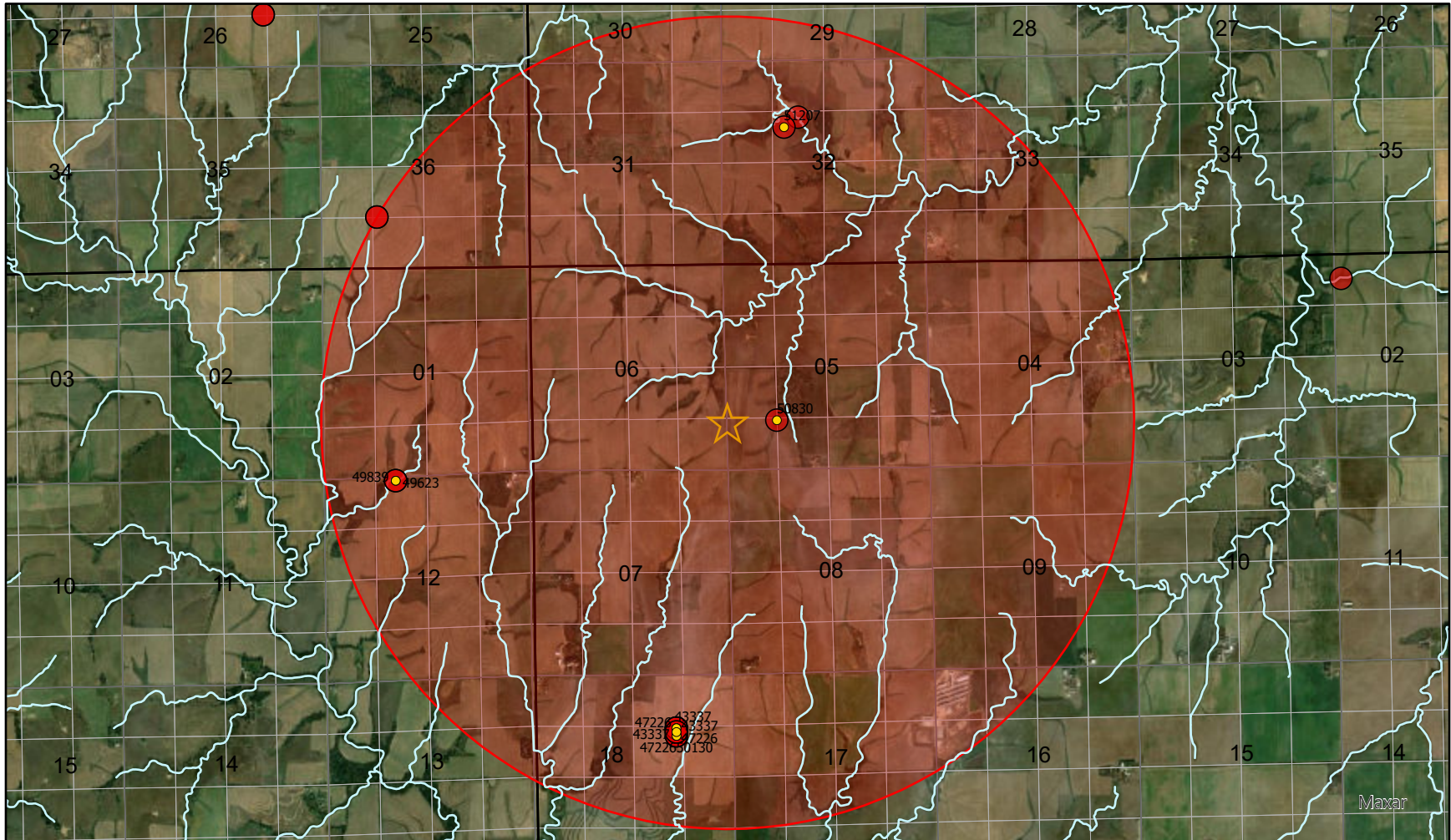
The closest non-domestic well is over 1.5 miles away and is a pending new application (File No. 51,207). The closest domestic well is over 0.5 mile away. Based on K.A.R. 5-4-4, well spacing criteria for wells sourcing the unconfined Dakota aquifer is met. As stated previously, no domestic wells fall within 0.5 mile of the point of diversion, therefore, no nearby notification letters were required.

Recommendations

Nathan Westrup, Water Commissioner of the Topeka Field Office recommended approval of the application on December 16, 2024. Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, and approval of the application should not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

50830

Safe Yield Report Sheet
Proposed Point of Diversion
Point of Diversion in 05-04S-03E
Footages from SE corner: 1279 feet North 5240 feet West



ANALYSIS RESULTS

The selected PD is in an area OPEN to New appropriations
 The safe yield based on the variables listed below is 1457.61 AF.
 Total prior appropriations in the circle is 1117.13 AF. **- 364 AF - 96 AF = 657.13 AF**
 Total quantity of water available for appropriation is ~~340.48 AF.~~

1457.61 AF - 657.13 AF = 800.48 AF AVAILABLE

SAFE YIELD VARIABLES

The area used for the analysis is calculated as 8042 acres. The radius is set at 2.0 miles.
 The potential annual recharge at the circle center is estimated to be 2.9 inches.
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 2024-12-11 and are based on Appropriated and Vested ground water rights.
 Domestic, Term and Temporary water rights, and GMD #2 Stream Nodes have been excluded.
 There are 7 water rights and 6 points of diversion within the circle.

File Number	Use	ST	SR	DIST	Q4	Q3	Q2	Q1	FtN	FtW	S	TP	RN	ID	Aquifers	QBy	Auth_Qnt	Add_Qnt	
A	43337	STK	NK	G	8244		NE	SW	NE	3761	1476	18	04	03E	1		WR	118.07	118.07
A	43337	STK	NK	G	8047		SE	NW	NE	3961	1476	18	04	03E	2		WR		
A	43337	STK	NK	G	8146		NE	SW	NE	3861	1476	18	04	03E	3		WR		
A	47226	STK	NK	G	8244		NE	SW	NE	3761	1476	18	04	03E	1		WR	129.49	11.42
A	47226	STK	NK	G	8047		SE	NW	NE	3961	1476	18	04	03E	2		WR		
A	47226	STK	NK	G	8146		NE	SW	NE	3861	1476	18	04	03E	3		WR		
A	50130	STK	LR	G	8244		NE	SW	NE	3761	1476	18	04	03E	1		WR	204.22	143.64
A	50130	STK	LR	G	8047		SE	NW	NE	3961	1476	18	04	03E	2		WR		
A	50130	STK	LR	G	8146		NE	SW	NE	3861	1476	18	04	03E	3		WR		
A	49839	IRR	KK	G	8754		NW	NE	NW	5142	3319	12	04	02E	1	340	WR	288.00	288.00
A	49623	IRR	KK	G	8754		NW	NE	NW	5142	3319	12	04	02E	1	340	WR	96.00	96.00
A	50830	IRR	AY	G	1281			SW	1320	3960	05	04	03E	1		WR	96.00	96.00	
A	51207	IRR	AY	G	7823		NW	SE	NW	3584	3618	32	03	03E	2		WR	364.00	364.00

File Number	Seq	Limitations
A	47226	2 42.195 MGY @ 145 GPM COM/W #43337
A	50130	1 89 MGY COM/W #43337 & #47226

From: "Westrup, Nathan [KDA]"
Sent: Tue 12/17/2024 9:41 AM
To: "Neuhauser, Kris [KDA]" <Kris.Neuhauser@ks.gov>
CC: "Johnson, Shaun [KDA]" <Shaun.Johnson@ks.gov>
Subject: RE: 50830 recommendation request

Thanks Kris.

The other one I was referencing to the NW is file 50054.

Nathan Westrup, Water Commissioner

Topeka Field Office
Division of Water Resources
Kansas Department of Agriculture
Phone: 785-296-7064
Mobile: 785-230-2991
Nathan.Westrup@ks.gov

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, December 17, 2024 8:58 AM
To: Westrup, Nathan [KDA] <Nathan.Westrup@ks.gov>
Cc: Johnson, Shaun [KDA] <Shaun.Johnson@ks.gov>
Subject: RE: 50830 recommendation request

Morning Nate,

That is just a typo; should say unconfined. I'll get that fixed up.

As for the percent recharge, let me look into that a bit. Looks like 50130 to the south was also 75%. Thanks for the heads up on that!

Kris Neuhauser

New Applications Lead
Kansas Department of Agriculture, Division of Water Resources
Cell: 785-370-1451
Office: 785-564-6643

From: Westrup, Nathan [KDA] <Nathan.Westrup@ks.gov>
Sent: Monday, December 16, 2024 4:04 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Johnson, Shaun [KDA] <Shaun.Johnson@ks.gov>
Subject: RE: 50830 recommendation request

Hey Kris,

I have no objection to approval, but I do have a couple comments/questions.

The following sentence, "Evaluation of the area of consideration included the extent of the confined aquifer, which provided an area of consideration of 8,042 acres." -- I am not sure if you meant to say extent of the unconfined or if you were saying that you considered the confined and it wasn't in the area of consideration?

Another thing is that it might be good to reference how you determined that 100% of the recharge was available. It doesn't look like it matters if you use 75% or 100% for approval, but Lloyd processed a file just a few miles NW of there and it was in the same basin (Mill Creek/Little Blue). I am pretty sure Ken and Kristen went with 75%, to be more conservative. I really am not sure if there has been any concrete decisions made on that issue, but thought I would point it out.

Thanks,

Nathan Westrup, Water Commissioner

Topeka Field Office

Division of Water Resources

Kansas Department of Agriculture

Phone: 785-296-7064

Mobile: 785-230-2991

Nathan.Westrup@ks.gov

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>

Sent: Friday, December 13, 2024 4:23 PM

To: Westrup, Nathan [KDA] <Nathan.Westrup@ks.gov>

Cc: Johnson, Shaun [KDA] <Shaun.Johnson@ks.gov>

Subject: 50830 recommendation request

Hi Nate,

Attached is my SY report and draft memo of 50830, for your review and recommendation. Calling this unconfined Dakota and using the full two-mile circle. Looks to easily pass SY and meets well spacing.

If you want to discuss it further or need anything else, please let me know!

TGIF

Kris Neuhauser

New Applications Lead

Kansas Department of Agriculture, Division of Water Resources

Cell: 785-370-1451

Office: 785-564-6643

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., 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. 50,830** of the applicant

**WARREN BUSS
PO BOX 156
LINN, KS 66953**

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 **July 14, 2022**.
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	
5 - 4S - 3E										40	40						80

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW¼ SW¼ SW¼) of Section 5, more particularly described as being near a point 1,279 feet North and 5,240 feet West of the Southeast corner of said section, in Township 4 South, Range 3 East, Washington County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **96 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2026**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$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 of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2030**, 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 of \$100.00.

7. 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.

8. 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.

9. 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.

10. 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.

11. That all 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 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.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with 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).

14. 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.

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

16. 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.

17. 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.

Ordered this 17 day of December, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

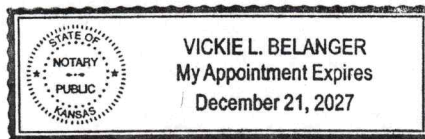
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 17 day of December, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

Notary Public



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



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

Mike Beam, Secretary

Laura Kelly, Governor

December 26, 2024

WARREN BUSS
PO BOX 156
LINN KS 66953

RE: Appropriation of Water
File No. 50,830

Dear Mr. Buss:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Included with your new permit is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:kak:kjn
Enclosure(s)
pc: Topeka Field Office

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 request an evidentiary hearing before the Chief Engineer or 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 Division, 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 review 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.

CERTIFICATE OF SERVICE

On this 26 day of December, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,830, dated December 17, 2024, was mailed postage prepaid, first class, US mail to the following:

WARREN BUSS
PO BOX 156
LINN KS 66953

With photocopies to:

KDA-DWR Topeka Field Office



Division of Water Resources