

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

1. File Number: 50,191	2. Status Change Date: 3/15/2021	3. Field Office: 2	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) New to system <input type="checkbox"/></p> <p>Person ID 61146 Add Seq# _____</p> <p>THANE J & SHANNON D BUSS 1 HONEYSUCKLE CT OXFORD, KS 67119</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p>Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p>Person ID _____ Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p>Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><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: 12/31/2022 11. Perfection Date: 12/31/2026 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: **2/15/2021** By: **KJN**
Date Entered: **3/15/2021** By: **LMoody**

2/23/2021
Lireland

File No. 50,191	15. Formation Code: 100 Drainage Basin: Arkansas River	County: SU	Special Use:	Stream:																																																																																																											
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="10">16. Points of Diversion</th> <th colspan="5">17. Rate and Quantity</th> </tr> <tr> <td>T MOD DEL ENT</td> <td>PDIV</td> <td>Qualifier</td> <td>S</td> <td>T</td> <td>R</td> <td>ID</td> <td>'N</td> <td>'W</td> <td></td> <td></td> <td>Rate gpm</td> <td>Quantity af</td> <td>Rate gpm</td> <td>Quantity af</td> <td>Overlap PD Files</td> </tr> <tr> <td>CHK 88313</td> <td>SE NE NE</td> <td>33</td> <td>30S</td> <td>2E</td> <td>6</td> <td>4438</td> <td>573</td> <td>GEO CTR</td> <td></td> <td></td> <td>800</td> <td>106.6</td> <td>800</td> <td>106.6</td> <td>none</td> </tr> <tr> <td>CHK 88313</td> <td>SE NE NE</td> <td>33</td> <td>30S</td> <td>2E</td> <td>7</td> <td>4600</td> <td>347</td> <td></td> <td></td> <td></td> <td></td> <td>35</td> <td>45.6</td> <td>47595</td> </tr> <tr> <td>CHK 88313</td> <td>SW NE NE</td> <td>33</td> <td>30S</td> <td>2E</td> <td>8</td> <td>4272</td> <td>804</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>CHK 88313</td> <td>SW NE NE</td> <td>33</td> <td>30S</td> <td>2E</td> <td>9</td> <td>4603</td> <td>786</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>CHK 88313</td> <td>SE NE NE</td> <td>33</td> <td>30S</td> <td>2E</td> <td>10</td> <td>4276</td> <td>353</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>					16. Points of Diversion										17. Rate and Quantity					T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W			Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	CHK 88313	SE NE NE	33	30S	2E	6	4438	573	GEO CTR			800	106.6	800	106.6	none	CHK 88313	SE NE NE	33	30S	2E	7	4600	347					35	45.6	47595	CHK 88313	SW NE NE	33	30S	2E	8	4272	804								CHK 88313	SW NE NE	33	30S	2E	9	4603	786								CHK 88313	SE NE NE	33	30S	2E	10	4276	353							
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18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																																																																																																															
19. Limitation: _____ MG/yr at 800 gpm (_____ cfs) when combined with file number(s) 47595 Limitation: 106.6 af/yr at 800 gpm (_____ cfs) when combined with file number(s) 47595																																																																																																															
20. Meter Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																																																																																																															
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2/22/2021
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: February 4, 2021

FROM: Kris Neuhauser

RE: New Application, File No. 50,191

Thane J. Buss has filed the above referenced new application proposing to appropriate 106.6 acre-feet of groundwater per calendar year at a diversion rate not to exceed 800 gallons per minute for irrigation use from a battery of four (4) wells, with a geo-center located in the Northeast Quarter of Section 33, Township 30 South, Range 2 East, Sumner County, Kansas. Water Appropriation, File No. 47,595 authorizes the same wells and a portion of the place of use (47,595 was certified on December 22, 2020). This new application is designed to add acres and authorized quantity.

The place of use is a total of 82 acres, including 58 acres in the Northeast Quarter of Section 33, Township 30 South, Range 2 East and 24 acres in the Northwest Quarter of Section 34, Township 30 South, Range 2 East, Sumner County, Kansas.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004—2005 entitled “Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas”. In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

DWR completed an evaluation of a USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state and is the current percent available for applications in the Ninnescah River basin in the area. Therefore, for pending applications within the model area, safe yield will be valued using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a potential annual recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75 percent.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 6,266 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,114.67 acre-feet. Existing water rights have appropriated 1,850.52 acre-feet, providing a difference of 264.15 acre-feet available for appropriation, and the application requesting 106.6 acre-feet complies with safe yield.

On June 4, 2018, Mr. Buss submitted an application to change the place of use for Water Appropriation, File No. 47,595, which was eventually dismissed due to a missing signature from a required landowner (CD Antlers LLC). File No. 47,595 has since been certified (on December 22, 2020) and Mr. Buss has submitted another change application. This change application proposes a change in place of use, to create a complete overlap with New Application, File No. 50,191. The 1 acre tract owned by CD Antlers LLC was not irrigated during the perfection period of Water Right, File No. 47,595, so now that it is certified, this land has been removed, and no signature is needed on the latest change application. Elizabeth Fitch, Stafford Field Office, is working the referenced change application.

The proposed point of diversion meets minimum well spacing requirements, with the nearest non-domestic well over 3,700 feet away, and the nearest domestic well over 3,000 feet away. Three domestic wells were identified within ½ mile of the proposed point of diversion. Three nearby notification letters were mailed on June 24, 2019. No responses of any kind were received.

The rate of diversion of water approved under this permit will be limited to the rate which combined with senior Water Right, File No. 47,595 will provide a total not to exceed 800 gallons per minute. The quantity will also be limited to 106.6 acre-feet when combined with Water Right, File No. 47,595.

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 this permit, a check valve will also need to be installed.

On February 17, 2021, Jeff Lanterman, Water Commissioner of the Stafford Field Office, gave a verbal recommendation that the new application should be approved, in conjunction with the change application for Water Right, File No. 47,595 (which will be signed at the field office at the same time).

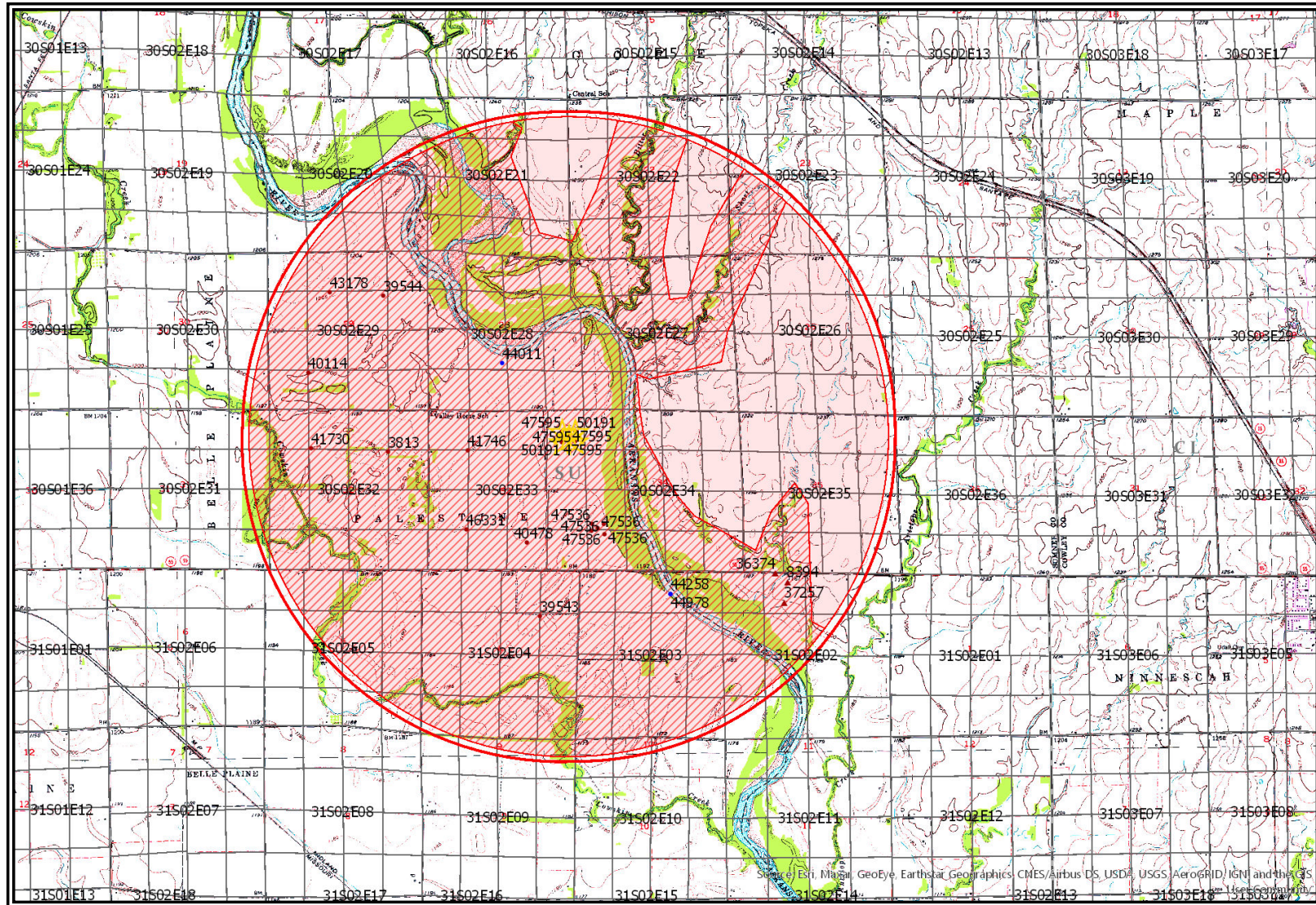
In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R.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

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 will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Kris Neuhauser
Environmental Scientist
Water Appropriation Program

Safe Yield Report Sheet
Water Right- A5019100
Point of Diversion in 33-30S-02E
Footages from SE corner- 4,438 feet North 573 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 2,114.67 AF.

Total prior appropriations in the circle is 1,957.12 AF. ~~-106.6 AF~~ = 1850.52 AF

Total quantity of water available for appropriation is ~~157.56 AF~~. **264.15 AF**

Safe Yield Variables

The area used for the analysis is set at 6,266 acres.

The potential annual recharge at the circle center is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 04-FEB-2021 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 15 water rights and 22 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 3813 00	IRR	NK	G			NC	NE	4043	1320	32	30	02E	4	WR	320.00	320.00	160.00	160.00
A 8394 00	MUN	NK	G					5010	3190	02	31	02E	5	WR	35.29	35.29		
A 36374 00	MUN	NK	G		NW	NE	NW	5463	3749	02	31	02E	3	WR	56.77	107.1 49.23		
A 37257 00	MUN	NK	G		SW	NE	NW	4482	3462	02	31	02E	4	WR	42.96	22.59		
A 39543 00	IRR	NK	G			NC	NE	4220	1300	04	31	02E	1	WR	187.00	187.00	130.00	130.00
A 39544 00	IRR	NK	G		NE	SW	NE	3814	1439	29	30	02E	5	WR	125.00	125.00	115.00	115.00
A 40114 00	IRR	NK	G		NE	SW	SW	1300	3970	29	30	02E	6	WR	197.00	197.00	135.00	135.00
A 40478 00	IRR	NK	G		NE	SW	SE	940	1970	33	30	02E	2	WR	63.00	63.00	75.00	75.00
A 41730 00	IRR	NK	G		SW	NE	NW	4077	3800	32	30	02E	3	WR	148.00	148.00	108.00	108.00
A 41746 00	IRR	NK	G		SW	NE	NW	4024	3935	33	30	02E	4	WR	237.00	237.00	160.00	160.00
A 43178 00	IRR	NK	G		NE	SE	NW	3940	3216	29	30	02E	7	WR	161.00	161.00	130.00	130.00
A 46331 00	IRR	NK	G		SE	NW	SW	1399	4008	33	30	02E	5	WR	104.00	104.00	109.00	109.00
A 47536 00	IRR	LR	G		SW	NW	SW	1550	4860	34	30	02E	1	WR	140.40	140.40	108.00	108.00
Same	IRR	LR	G		SW	NW	SW	1500	4860	34	30	02E	2	WR				
Same	IRR	LR	G		SW	NW	SW	1600	4860	34	30	02E	3	WR				
Same	IRR	LR	G		SW	NW	SW	1550	4810	34	30	02E	4	WR				
Same	IRR	LR	G		SW	NW	SW	1550	4910	34	30	02E	5	WR				
A 47595 00	IRR	NK	G		SE	NE	NE	4438	573	33	30	02E	6	WR	61.00	61.00	75.50	75.50
Same	IRR	NK	G		SE	NE	NE	4600	347	33	30	02E	7	WR				
Same	IRR	NK	G		SW	NE	NE	4272	804	33	30	02E	8	WR				
Same	IRR	NK	G		SW	NE	NE	4603	786	33	30	02E	9	WR				
Same	IRR	NK	G		SE	NE	NE	4276	353	33	30	02E	10	WR				
A 50191 00	IRR	AY	G		SE	NE	NE	4438	573	33	30	02E	6	WR	106.60	106.60	82.00	25.50
Same	IRR	AY	G		SE	NE	NE	4600	347	33	30	02E	7	WR				
Same	IRR	AY	G		SW	NE	NE	4272	804	33	30	02E	8	WR				

1957.12 AF

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
Same	IRR	AY	G		SW	NE	NE	4603	786	33	30	02E	9	WR				
Same	IRR	AY	G		SE	NE	NE	4276	353	33	30	02E	10	WR				

Limitations

File Number	Seq Num	Limitations
A 36374 00	1	27.543 MGY COM/ #8394
A 37257 00	1	34.904 MGY COM/W #8394 & #36374 107.1 AF
A 40478 00	1	5YR ALLOCATION

From: Fitch, Elizabeth [KDA]
Sent: Mon 2/15/2021 2:01 PM
To: Neuhauser, Kris [KDA]
Subject: RE: 50191 recommendation request (47595 question)
Attachments: 47595 PU Change Memo.docx

Kris,

Here is the memo I worked up for the change on File No. 47595.

[Elizabeth](#)

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Monday, February 15, 2021 8:46 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>;
Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: 50191 recommendation request (47595 question)

Sounds great. Thanks!

Kris

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Monday, February 15, 2021 8:07 AM
To: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Lanterman,
Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: 50191 recommendation request (47595 question)

Nice, thank you.

From: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Sent: Monday, February 15, 2021 8:06 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>;
Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: 50191 recommendation request (47595 question)

I was going to work it up today along with a few other changes. If all goes well, I'll have it ready for final review tomorrow.

[Elizabeth](#)

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Monday, February 15, 2021 8:04 AM
To: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Lanterman,
Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: 50191 recommendation request (47595 question)

Thank you Elizabeth, that is great. Are you beginning processing on it or would you like me to?

Kris, we will be in touch with you as it moves along.

Cameron

From: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Sent: Monday, February 15, 2021 7:18 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>;
Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: 50191 recommendation request (47595 question)

I just thought I'd let everyone know that we received the change for File No. 47595 last Friday.

[Elizabeth](#)

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Friday, February 5, 2021 8:37 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Subject: RE: 50191 recommendation request (47595 question)

Kris, I'd like to hold off on processing this new application until we have the change in hand. Elizabeth will do a p/u change for him to create the complete place of use overlap. It will be on a field office form that way we can get it processed quickly and get both of these turned out quickly.

Kris, we'll be in touch with you when the change nears the chance to be approved and we'll get the new app done at that time also if that works ok for you.

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, February 4, 2021 5:06 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: 50191 recommendation request (47595 question)

Hi guys,

Attached is my memo for New App 50191. Elizabeth and I coordinated on this one a long time ago, since it overlaps 47595 and she was working on the certificate at the time. It has since been certified (Ty finished it up on 12/22/2020).

From my understanding, the plan is for them to submit a PU change application for 47595, now that it is indeed certified, to create a complete overlap with 50191. No change has been submitted yet that I know of. This one has been on the back burner; waiting for the certification and a change app to be submitted, in order to work the new app and change app as a package. It is a relatively old file though.. Are you okay with providing a recommendation on 50191 now? Or should we wait for a 47595 change app, and work them at the same time?

Let me know what you think.

Kris Neuhauser

Environmental Scientist

Water Appropriations Program – Kansas Dept of Agriculture

(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 PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,191** of the applicant

**THANE J & SHANNON D BUSS
1 HONEYSUCKLE CT
OXFORD, KS 67119**

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 **December 27, 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	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
33	30S	2E	36.5			21.5													58
34	30S	2E					0.5	1.5											2
34	30S	2E					LOT 1 15	LOT 2 7											22

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells, with a geographical center located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE¹/₄ NE¹/₄ NE¹/₄) of Section 33, more particularly described as being near a point 4,438 feet North and 573 feet West of the Southeast corner of said section, in Township 30 South, Range 2 East, Sumner 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 **106.6 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, 2022** 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, 2026** 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 acceptable water flow meters 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. These water flow meters 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 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.

17. 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.

18. That the rate of diversion of water approved under this permit is further limited to the rate which combined with Water Right, File No. 47,595, will provide a total **not to exceed 800 gallons per minute** (1.78 c.f.s.) from the authorized point of diversion.

19. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 47,595, will provide a total **not to exceed 106.6 acre feet** of water per calendar year for irrigation use on the land described herein.

Ordered this 15 day of march, 2021, 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 15 day of march, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
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

March 16, 2021

THANE J & SHANNON D BUSS
1 HONEYSUCKLE CT
OXFORD, KS 67119

RE: Appropriation of Water, File No. 50,191

Dear Mr. & Mrs. 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 www.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.

Enclosed 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/divisions-programs/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 Stafford Field Office at 620-234-5311. 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: kjn
Enclosure(s)

pc: Stafford 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:

- 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

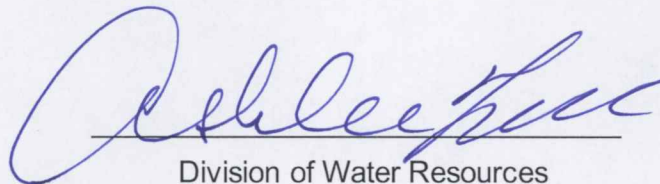
CERTIFICATE OF SERVICE

On this 16 day of March, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,191, dated 11 March, 2021, was mailed postage prepaid, first class, US mail to the following:

THANE J & SHANNON D BUSS
1 HONEYSUCKLE CT
OXFORD, KS 67119

With photocopies to:

Stafford Field Office



Division of Water Resources