

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

1. File Number: <b>50,033</b>	2. Status Change Date: <b>7/18/2018</b>	3. Field Office: <b>01</b>	4. GMD: <b>0</b>
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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 <b>66023</b>          New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>ROY R BUESSING</b>  <b>1083 29TH RD</b>  <b>AXTELL KS 66403</b></p>	<p>7c. Landowner(s)                      Person ID <b>66025</b>          New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>RICHARD BUESSING</b>  <b>1087 30TH RD</b>  <b>AXTELL KS 66403</b></p>
<p>7b. Landowner(s)                      Person ID _____          New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>7a.</b></p>	<p>7d. Landowner(s)                      Person ID <b>66024</b>  <b>ROGER H BUESSING</b>  <b>2920 JAYHAWK RD</b>  <b>AXTELL KS 66403</b></p> <p>7e. Misc                                      Person ID _____          New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>MIDWEST IRRIGATION</b>  <b>% KEITH GRIMM</b>  <b>1215 OREGON ST</b>  <b>HIAWATHA KS 66434</b></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><b>7a.</b></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: \_\_\_\_\_

Date Prepared: **6/20/2018**    By: **DWS**  
 Date Entered: **7/19/2018**    By: **LM**

File No. **50,033**      15. Formation Code:      Drainage Basin: **Black Vermillion River**      County: **MS**      Special Use:      Stream: **NORTH FORK BLACK VERMILLION TRIB 10A**

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			86702	NE NE NE	27	2	10E	1	4822	100	1000	480	1000	480	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 **12/31/2019**      Date Acceptable Meter Installed \_\_\_\_\_

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						
√			68830	22	2	10E	1									40	40	40	40	160	7a.	NO	50,034						
√			68832	23	2	10E	1					40	40	40	40					160	7d.	NO	50,034						
√			68831	27	2	10E	1	40	40											80	7a.	NO	50,034						
√			68833	27	2	10E	2			40	40									80	7c.	NO	50,034						

Comments: *special condition = permission to divert*

**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.

Memorandum  
File Nos. 50,033 and 50,034  
Page 2

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

ROY R BUESSING  
1083 29<sup>TH</sup> RD  
AXTELL KS 66403

July 20, 2018

**FILE COPY**

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



**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. 50,033** 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 authorized source from which the appropriation shall be made is surface water from North Fork Black Vermillion River Trib 10A, to be withdrawn by means of one (1) pump site located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼ NE¼) of Section 27, more particularly described as being near a point 4,822 feet North and 100 feet West of the Southeast corner of said section, in Township 2 South, Range 10 East, Marshall 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 **1,000 gallons per minute (2.23 c.f.s.)** and to a quantity not to exceed **480 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, 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.

6. 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.

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 an acceptable water flow meter shall be installed on the 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 ending of the report year).

13. 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.

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

15. 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.

16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

17. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

18. 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.

19. That during the period October 1 through June 30, the verbal or written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, shall be obtained in order to divert water each time the applicant desires to divert water.

20. That during the period July 1 through September 30 each calendar year, no direct diversions of surface water shall be permitted unless written permission is obtained from the Chief Engineer, or the Chief Engineer's authorized representative.

#### **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.





Creek  
8  
340

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 50,033  
This item to be completed by the Division of Water Resources.

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.)

Water Resources Received  
APR 09 2018  
11:11  
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 Bussing  
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 unamed tributary to North Fork Black Vermillion #39410  
(stream) North Fork Black Vermillion Trib 10A  
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 480 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-(YES) Use FRR Source G(S) County MS By AW Date 4/9/18  
Code RE3 Fee \$ 340 TR # \_\_\_\_\_ Receipt Date 4/9/18 Check # 1678

SCANNED

4/11/2018 WCM

\* modified per application map  
verified by applicant in 5/11/18 email  
DWS/DWR 6/20/18

File No. \_\_\_\_\_

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 NE quarter of the NE quarter of the NE quarter of Section 27, more particularly described as being near a point 330 <sup>4822 \*</sup> feet North and 100 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 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 Apr 1st 2019  
(Mo/Day/Year)

Water Resources  
Received

APR 09 2018

KS Dept Of Agriculture

SCANNED

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.

*10A* 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.

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

13A

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 Buesing 2920 Jayhawk Rd Axtell KS 66403 785-736-2303  
(name, address and telephone number)

Richard Buesing 1087 30th Rd Axtell KS 66403  
(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 6 day of April, 2018.  
(month) (year)

RRB  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

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

Water Resources  
Received  
APR 09 2018  
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KS Dept Of Agriculture

## 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 29<sup>th</sup> Rd Artell 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	80	240
27	2s	10E	40	40															80	

**Landowner of Record** NAME: Roger H Buessing  
ADDRESS: 2920 Jayhawk Rd Artell 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 30<sup>th</sup> Rd Artell 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	

Water Resources  
Received

APR 09 2018

KS Dept Of Agriculture

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## Schemm, Doug [KDA]

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**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

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

4822 ft N and 100 ft W of the SE Corner of Section 27, T 2S, R 10E

Located at: 96.277257 West Longitude and 39.855278 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      5227 -- 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      10065 -- SW NW SE  1346  2005 16  2 10E  1      160.00  160.00 AF
A__  50033 00 IRR AY S      4492 -- NE NE NE   330   100 27  2 10E  1      480.00  480.00 AF
A__  50034 00 IRR AY S      4414 -- NW NE NE   530  1130 27  2 10E  2      320.00  320.00 AF
=====

```

```

=====
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:

96.277257 West Longitude and 39.855278 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
>

```



S22-T2S-R10E

S23-T2S-R10E

Roy Buessing

Roger Buessing

Creek Pump site 330ft North and 100ft West

50,033

1130ft west and 530ft north

50,034

Jayhawk Rd

Richard Buessing

S27-T2S-R10E

291st Rd

© 2018 Google

Google Earth  
Earth Point

1991

Imagery Date: 10/19/2014 39°51'22.04" N 96°16'32.54" W elev 1302 ft eye alt 9494 ft

# 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

FRANK J & MARILYN R KOHAKE  
1181 29<sup>TH</sup> 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  
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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

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

NEW STREAM WORKSHEET

ES ANW

Date: 4/9/18

File No. \_\_\_\_\_

Basin Name: Black Vermillion Rwy Basin No. 14

Stream Name: North Fork Black Vermillion Trib 10A

Stream location (confluence with parent stream):

Section 27, Township 2 South, Range 1 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

---

Stream No. 3940 (computer assigned - entered by data entry staff)

Date Entered 4/11/2018 By LCM

# 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. 50033

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,

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: TOPEKA Field Office  
GMD

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S22-T2S-R10E

S23-T2S-R10E

Roy Buessing

Roger Buessing

Water Resources  
Received  
APR 09 2010  
KS Dept. Of Agriculture

Creek Pump stite 330ft North and 100ft West

Jayhawk Rd

1130ft west and 530ft north

Richard Buesign

S27-T2S-R10E

29th Rd

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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

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**

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

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



ROY E BUESSING - SITE MAP  
FILE NOS. 50,033 AND 50,034



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1:24,000

● Proposed Point of Diversion



Proposed Place of Use