

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/U WORKSHEET**

Document Signature LPL

1. File Number: <b>9075</b>	2. Status Change Date: <b>9/3/2020</b>	3. Change Num: <b>C2</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>3/13/20</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>BEN RATZLAFF ESTATE ATTN: % LINDA FINK PO BOX 996 ELKHART, KS 67950</b>		Person ID <b>50887</b> Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/>  <b>AMY K RATZLAFF ET AL PO BOX 996 ELKHART KS 67950</b>		Person ID <b>41714</b> Add Seq# _____		8d. WUC <b>NO CHANGE</b> New to system <input type="checkbox"/>  <b>BEN RATZLAFF ESTATE % LINDA FINK PO BOX 996 ELKHART KS 67950</b>
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/20</b> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>9/1/20</b> By: <b>LI</b> Date Entered: <span style="border: 1px solid blue; padding: 2px;"><b>9/15/2020</b></span> By: <b>LMoody</b>				

File No. **9075**      11. County: **MT**    Basin:      Stream:      Formation Code:      Special Use:

12. Points of Diversion  
 T  
 MOD  
 DEL    PDIV  
 ENT  
 Qualifier      S    T    R    ID    'N    'W    Comment  
 Rate and Quantity  
 Authorized      Additional  
 Rate    Quantity      Rate    Quantity  
 gpm/cfs    af/mgy      gpm/cfs    af/mgy      Overlap PD Files

**NO CHANGE**

13. Storage: Rate \_\_\_\_\_ NF    Quantity \_\_\_\_\_ ac/ft    Additional Rate \_\_\_\_\_ NF    Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation:    Allocation Type \_\_\_\_\_    Start Year \_\_\_\_\_    5 YR Amount \_\_\_\_\_    Amount Unit \_\_\_\_\_    Base Acres \_\_\_\_\_    Comment \_\_\_\_\_

16. Place of Use  
 CK  
 MOD  
 DEL  
 ENT    PUSE    S    T    R    ID

	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files					
	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									
<b>MOD 4952</b>	<b>25</b>	<b>32</b>	<b>42W</b>	<b>1</b>	11.50	35.50	40.00	35.50	35.50	11.50	35.50	40.00	40.00	35.50	11.50	35.50	35.50	40.00	35.50	11.50	<b>490</b>	<b>8B</b>	<b>NO</b>	<b>28234</b>	<b>28235</b>
<b>CK 36847</b>	<b>26</b>	<b>32</b>	<b>42W</b>	<b>1</b>					31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25					<b>250</b>	<b>8B</b>	<b>NO</b>	<b>28234</b>	<b>28235</b>
<b>DEL 36256</b>	<b>27</b>	<b>32</b>	<b>42W</b>	<b>2</b>													25.0			40.0	<b>65</b>	<b>8B</b>	<b>NO</b>	<b>28234</b>	<b>28235</b>
<b>MOD 67624</b>	<b>28</b>	<b>32</b>	<b>42W</b>	<b>3</b>									31.25	31.25	31.25	31.25					<b>125</b>	<b>8B</b>	<b>NO</b>	<b>28234</b>	<b>28235</b>
<b>CK 25505</b>	<b>33</b>	<b>32</b>	<b>42W</b>	<b>1</b>					31.25	31.25	31.25	31.25									<b>125</b>	<b>8B</b>	<b>NO</b>	<b>28234</b>	<b>28235</b>
<b>MOD 38428</b>	<b>34</b>	<b>32</b>	<b>42W</b>	<b>1</b>	10.75	35.25	40.00	35.25	35.25	10.75	35.25	40.00	40.00	35.25	10.75	35.25	35.25	40.00	35.25	10.75	<b>485</b>	<b>8B</b>	<b>NO</b>	<b>28234</b>	<b>28235</b>

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files  
**DATE:** September 2, 2020

**FROM:** Leslie Ireland  
**RE:** Water Right,  
File Nos. 9,075, 28,234; 28,235 & 28,236

The representatives of Amy K. Ratzlaff, etal, are requesting to change the irrigated place of use. The applications were received on March 13, 2020, propose to change a portion of the place of use authorized for irrigation use in the North Fork of the Cimarron River Basin.

The referenced water rights are considered in compliance with both K.S.A. 82a-718. and K.S.A. 82a-732. As required by K.S.A. 82a-1906, and that new acres are being added and existing removed, the nearby landowners were informed by letter dated August 12, 2020. One general inquire call was received.

Submitted documents indicate the ownership comprising the ETAL has been updated due to the death of Wade Ratzlaff. It appears all parties representing the ownership have signed per K.A.R. 5-5-5, *Signatures required on change applications*, and the applications comply with K.A.R. 5-5-2a, *Complete change application*.

The referenced files authorize a complete overlap of 1,475 acres in Sections 25, 26, 28 33 and 34, all in Township 32 South, Range 42 West, Morton County. The base acres were determined in 2016, by staff of the Garden City Field Office to be 1,480 acres.

The owners propose to eliminate the irrigation of the 65 acres located in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 27, removing the irrigated corners in Section 28, providing 35 acres, and adjusting the acres authorized in Section 25 from a 500 to 490 acre pivot, to add these acres to the Southwest Quarter (SW  $\frac{1}{4}$ ) of Section 34, to complete a full section pivot. The proposed modifications result in the total authorized 1,475 acres to remain at 1,475 acres. The change in place of use for the referenced files complies with, Part (b) of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, as the proposal will not exceed the 1,480 base acres.

As these overlapping rights will remain as complete overlaps and not exceed the developed base acres the changes comply with K.A.R. 5-5-3, *Change in consumptive use*.

In a letter dated August 17, 2020, Jason Norquest, on behalf of the Southwest Kansas Groundwater Management District No. 3, reviewed the applications and recommend approval.

Michael Meyer, Water Commissioner of the Garden City Field Office, was contacted for a recommendation on the proposed changes in place of use. He recommended approval of the proposed changes per his email dated August 31, 2020.

Water flow meters will be required per as the changes do not meet K.A.R. 5-5-11(e). If the rights will chemigate they will be required to install and maintain check valves. Water level measurement tubes are not applicable to these changes, as no new wells have been authorized.

Based on the above discussion, that the changes are reasonable, there will be no significant increase in the consumptive use and impairment of existing water rights is unlikely, it is recommended that the referenced applications for change in place of use be approved.



Leslie Ireland  
Environmental Scientist



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Christopher W. Beightel, Acting Chief Engineer

## APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 9,075

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Linda and Phillip J. Fink, Amy K. Ratzlaff and Linda Fink on behalf of Brenda Ratzlaff and the Ben Ratzlaff Estate, all on behalf of Amy K. Ratzlaff, Et Al, PO Box 996, Elkhart, Kansas 67950, received in the office of the Chief Engineer on March 13, 2020, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated June 16, 1995 and August 6, 1996, approving the applications to change the authorized points of diversion; the Order of the Chief Engineer dated June 24, 1997, approving the application to change the authorized place of use; the Correction Order of the Chief Engineer dated August 26, 1997, to correct the location of the authorized points of diversion; the Findings and Order of the Chief Engineer dated October 4, 2012, in the matter of the authorized place of use; and by the Order of the Chief Engineer dated March 15, 2016, approving the application to change the authorized place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
25 32S 42W	11.50	35.50	40.00	35.50	35.50	11.50	35.50	40.00	40.00	35.50	11.50	35.50	35.50	40.00	35.50	11.50	490.00
26 32S 42W					31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25					250.00
28 32S 42W									31.25	31.25	31.25	31.25					125.00
33 32S 42W					31.25	31.25	31.25	31.25									125.00
34 32S 42W	10.75	35.25	40.00	35.25	35.25	10.75	35.25	40.00	40.00	35.25	10.75	35.25	35.25	40.00	35.25	10.75	485.00

a total of 1,475 acres, in Township 32 South, Range 42 West, Morton County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

All diversion works 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.



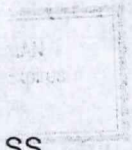
The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 9,075, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 23, 1983, as modified and amended by the aforementioned orders.

Ordered this 3 day of September, 2020, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

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



State of Kansas )  
County of Riley )

SS

The foregoing instrument was acknowledged before me this 3 day of September, 2020, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, 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

September 15, 2020

AMY K RATZLAFF ETAL  
ATTN: LINDA FINK  
PO BOX 996  
ELKHART, KS 67950

RE: Water Right, File Nos. 9,075; 28,234; 28,235 & 28,236

Dear Mrs. Fink:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flow meter must be installed on the diversion works authorized. Please return the required notification of installation of the meter as soon as this action is completed.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6640. If you have any questions regarding the installation of the required flow meter, please contact Michael Meyer, with our Garden City Field Office at 620-276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger  
Change Unit Leader  
Water Appropriation Program

RAK:LI:li  
Enclosures  
pc: Garden City Field Office  
Groundwater Management District No. 3



### 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, KS 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, KS 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

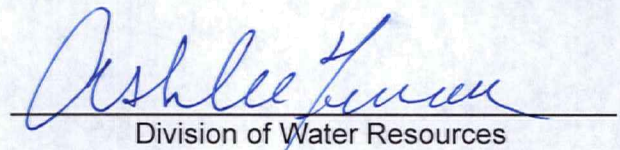
### CERTIFICATE OF SERVICE

On this 15 day September, 2020, I hereby certify that the attached Approval of Application for Change in Place of Use, File No. 9,075 dated, 3 September 2020 was mailed postage prepaid, first class, US mail to the following:

AMY K RATZLAFF ET AL  
ATTN: LINDA FINK  
PO BOX 996  
ELKHART KS 67950

With photocopies sent to:

Garden City Field Office  
Groundwater Management District No. 3

  
Division of Water Resources



AUG 27 2020

Signature Page for Existing Change Application

File No. 9075

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Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Marion County, Kansas, this 21<sup>st</sup> day of August, 2020.

Linda Fink  
(Owner)

Phillip J. Fink  
(Spouse)

Linda Fink  
(Please Print)

Phillip J. Fink  
(Please Print)

Linda Fink DPOA  
(Owner)

(Spouse)

Brenda Ratzlaff by Linda Fink DPOA  
(Please Print)

(Please Print)

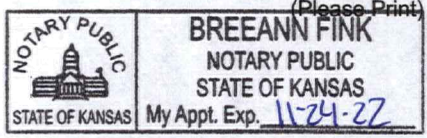
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }  
County of Marion } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21<sup>st</sup> day of August, 2020.

[Signature]  
Notary Public

My Commission Expires 11-24-22

PAID	FEE SCHEDULE	PAID
Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:		
(1)	Application to change a point of diversion 300 feet or less .....	\$100
(2)	Application to change a point of diversion more than 300 feet .....	\$200
(3)	Application to change the place of use .....	\$200
(4)	Application to change the use made of the water .....	\$300
Make check payable to Kansas Department of Agriculture.		



AUG 27 2020

FILED

IN THE DISTRICT COURT OF MORTON COUNTY, KANSAS

IN THE MATTER OF THE ESTATE OF  
WADE RATZLAFF, DECEASED

2017 SEP 28 AM 10:12

MORTON COUNTY KANSAS  
CLERK OF THE DISTRICT COURT

*Mark*

Case No. 16 -PR- 29

**JOURNAL ENTRY OF FINAL SETTLEMENT**

ON September 28, 2017, the Court hears the Petition for Final Settlement filed by Brian Mitchell, Executor of the Estate of Wade Ratzlaff, deceased.

The Petitioner appears in person and by his attorneys, Graybill, Witcher & Carey, LLP of Elkhart, Kansas. There are no other appearances.

After examining the files, and hearing the evidence, statements and arguments of counsel, the Court finds:

1. Due diligence has been exercised in the search for names, ages, relationships, and residences and addresses of the heirs, devisees, legatees and creditors.
2. Notice of this hearing has been given as required by law and the order of this court, and proof of notice has been filed and is approved.
3. The allegations of the Petition are true.
4. All the terms and provisions of the Servicemembers Civil Relief Act have been complied with as to any interested person or persons who are in the service of the United States or its allies.
5. No Kansas estate tax is chargeable against the estate.
6. Decedent owned at the time of death, the following described real estate situated Morton

County, Kansas:

1. Lot Six (6), Block 1, W.J. Light 3<sup>rd</sup> Addition, City of Rolla  
405 7<sup>th</sup> Avenue, Rolla, Morton County, Kansas
2. Breckenridge Time Share
3. Rio Cucharas Phase 1 Lot 134



STATE OF KANSAS } **JSS**  
MORTON COUNTY }  
I hereby certify that the foregoing is a  
true copy of the record on file in this  
court and cause.  
Clerk of the District Court  
Date 09-28-2017  
Mark Kich  
Clerk/Deputy of District Court



AUG 27 2020

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4. An undivided one-third interest in the following real estate:
- a. Southwest Quarter (SW/4) of Section Thirteen (13), Township Thirty-one (31) South Range Forty (40) West of the 6<sup>th</sup> P.M., Morton County, Kansas
  - b. Southeast Quarter of the Southwest Quarter (SE/4 of SW/4) and the Southwest Quarter of the Southeast Quarter (SW/4 of SE/4) of Section Three (3), Township Thirty-three (33) South, Range Forty (40) West of the 6<sup>th</sup> P.M., Morton County, Kansas
  - c. Northwest Quarter (NW/4) of Section Thirteen (13), Township Thirty-two (32) South, Range Forty-one (41) West of the 6<sup>th</sup> P.M., Morton County, Kansas
  - d. Southeast Quarter (SE/4) of Section Thirty-five (35), Township Thirty-one (31) South, Range Forty-three (43) West of the 6<sup>th</sup> P.M., Morton County, Kansas
  - e. Northeast Quarter (NE/4) of Section One (1), Township Thirty-three (33) South, Range Forty-one (41) West of the 6<sup>th</sup> P.M., Morton County, Kansas
  - f. Northeast Quarter (NE/4) of Section Twenty-three (23), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
  - g. Northwest Quarter (NW/4) and the Northeast Quarter (NE/4) of Section Twenty-five (25), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
  - h. Southwest Quarter (SW/4) and the Southeast Quarter (SE/4) of Section Twenty-five (25), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
  - i. Southwest Quarter (SW/4) of Section Twenty-six (26), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
  - j. Northwest Quarter (NW/4) of Section Twenty-six (26), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
  - k. Northwest Quarter (NW/4) of Section Thirty-three (33), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
  - l. Southeast Quarter (SE/4) of Section Thirty-four (34), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas



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- m. Northeast Quarter (NE/4) of Section Thirty-four (34), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
- n. Northwest Quarter (NW/4) of Section Thirty-four (34), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
- o. Northwest Quarter (NW/4) of Section Twenty-two (22), Township Thirty-three (33) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
- p. Southwest Quarter (SW/4) of Section Twenty-eight (28), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
- q. Gas, oil, and other minerals in and under the Northeast Quarter (NE/4) of Section Thirty-three (33), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
- r. Gas, oil, and other minerals in and under the Southwest Quarter (SW/4) of Section Twenty-eight (28), Township Thirty-one (31) South, Range Forty (40) West of the 6<sup>th</sup> P.M., Morton County, Kansas
- s. Gas, oil, and other minerals in and under the Northwest Quarter (NW/4) of Section Five (5), Township Thirty-four (34) South, Range Forty-one (41) West of the 6<sup>th</sup> P.M., Morton County, Kansas
- t. Gas, oil, and other minerals in and under the Northeast Quarter (NE/4) of Section Six (6), Township Thirty-four (34) South, Range Forty-one (41) West of the 6<sup>th</sup> P.M., Morton County, Kansas
- u. Gas, oil, and other minerals in and under the Northwest Quarter (NW/4) of Section Five (5), Township Thirty-one (31) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
- v. Gas, oil, and other minerals in and under the Southeast Quarter (SE/4) of Section Two (2), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
- w. Gas, oil, and other minerals in and under the Northeast Quarter (NE/4) of Section Four (4), Township Thirty-five (35) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas
- x. Gas, oil, and other minerals in and under the East Half of the Southwest Quarter (E/2 of SW/4) of Section Thirty (30), Township Thirty-two (32) South, Range Forty-one (41) West of the 6<sup>th</sup> P.M., Morton County, Kansas



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y. Gas, oil, and other minerals in and under the East Half of the Southeast Quarter (E/2 of SE/4) of Section Twenty-seven (27), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas

z. Southwest Quarter (SW/4) of Section Twenty-five (25), Township Twenty-two (22) South, Range Thirty-two (32) West of the 6<sup>th</sup> P.M., Finney County, Kansas

aa. East Half of the West Half (E/2 of W/2) and the Northeast Quarter (NE/4) of Section Thirteen (13), Township Twenty-eight (28) South, Range Twenty-one (21) West of the 6<sup>th</sup> P.M., Ford County, Kansas

bb. Northeast Quarter (NE/4) of Section Twenty-four (24), Township Twenty-eight (28) South, Range Twenty-one (21) West of the 6<sup>th</sup> P.M., Ford County, Kansas

cc. Southeast Quarter (SE/4) and East Half of the Southwest Quarter (E/2 of SW/4) of Section Eighteen (18), Township Twenty-eight (28) South, Range Twenty (20) West of the 6<sup>th</sup> P.M., Kiowa County, Kansas

dd. All of Section Nineteen (19), Township Twenty-eight (28) South, Range Twenty (20) West of the 6<sup>th</sup> P.M., Kiowa County, Kansas

ee. All of Section Thirty (30), Township Twenty-eight (28) South, Range Twenty (20) West of the 6<sup>th</sup> P.M., Kiowa County, Kansas

ff. Northwest Quarter (NW/4) of Section Thirty-two (32), Township Twenty-eight (28) South, Range Twenty (20) West of the 6<sup>th</sup> P.M., Kiowa County, Kansas

gg. Gas, oil, and other minerals in and under the Northwest Quarter (NW/4) of Section Thirty-one (31), Township Twenty-eight (28) South, Range Twenty (20) West of the 6<sup>th</sup> P.M., Kiowa County, Kansas

HH. Gas, oil, and other minerals in and under all of the Northwest Quarter (NW/4) lying North of the Railroad Tracks of Section Thirty-one (31), Township Twenty-eight (28) South, Range Twenty (20) West of the 6<sup>th</sup> P.M., Kiowa County, Kansas (10 acres)

ii. Gas, oil, and other minerals in and under all of the Southwest Quarter (NW/4) lying South of the Railroad Tracks of Section Twenty-nine (29), Township Twenty-eight (28) South, Range Twenty (20) West of the 6<sup>th</sup> P.M., Kiowa County, Kansas (10 acres)

jj Northwest Quarter (NW/4) of Section Eight (8), Township Thirty-three (33) South, Range Thirty-eight (38) West of the 6<sup>th</sup> P.M., Stevens County, Kansas



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kk. Southwest Quarter (SW/4) of Section Thirty-two (32), Township Thirty-three (33) South, Range Thirty-eight (38) West of the 6<sup>th</sup> P.M., Stevens County, Kansas

ll. Southeast Quarter (SE/4) of Section Eight (8), Township Twenty-five (25) South, Range Seventeen (17) West of the 6<sup>th</sup> P.M., Edwards County, Kansas

mm. North Half (N/2) of Section Two (2), Township Thirty (30) South, Range Six (6) West of the 6<sup>th</sup> P.M., Cowley County, Kansas

nn. Southwest Quarter (SW/4) of Section Eleven (11), Township Thirty (30) South, Range Six (6) West of the 6<sup>th</sup> P.M., Cowley County, Kansas

oo. Southeast Quarter (SE/4) of Section Five (5), Township Thirty-two (32) South, Range Forty (40) West of the 6<sup>th</sup> P.M., Morton County, Kansas

pp. North Half of the Northeast Quarter (N/2 of NE/4) of Section Thirty-one (31), Township Thirty-one (31) South, Range Forty (40) West of the 6<sup>th</sup> P.M., Morton County, Kansas

qq. Northeast Quarter (NE/4) of Section Two (2), Township Thirty-two (32) South, Range Forty-one (41) West of the 6<sup>th</sup> P.M., Morton County, Kansas

rr. Southeast Quarter (SE/4) of Section Eight (8), Township Thirty-three (33) South, Range Thirty-nine (39) West of the 6<sup>th</sup> P.M., Morton County, Kansas

ss. East Half (E/2) and the Southwest Quarter (SW/4) of Section Sixteen (16), Township Thirty-three (33) South, Range Thirty-nine (39) West of the 6<sup>th</sup> P.M., Morton County, Kansas

tt. Gas, oil, and other minerals in and under Section Fifteen (15), Township Thirty-five (35) South, Range Thirty-one (31) West of the 6<sup>th</sup> P.M., Seward County, Kansas

uu. . Improvements on the Southwest Quarter (SW/4) of Section Twenty-six (26), Township Thirty-two (32) South, Range Forty-two (42) West of the 6<sup>th</sup> P.M., Morton County, Kansas

8. Wade Ratzlaff was survived by the following named persons who, so far as known or can with reasonable diligence be ascertained are all of Wade Ratzlaff's heirs:



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Name	Age	Relationship	Address
Brenda Ratzlaff	Adult	Spouse	P.O. Box 41 Rolla, KS 67954
Staci LaRae Ratzlaff	Adult	Daughter	P.O. Box 41 Rolla, Kansas 67954
Dotti G. Ratzlaff	Adult	Daughter	9682 FM 1854 Dale, Texas 78616
Mica Don Ratzlaff	Minor	Daughter	P.O. Box 41 Rolla, Kansas 67954

11. Decedent had no spouse or children or issue of deceased children, or other heirs who survived the decedent other than the persons above named.

12. The names, ages, relationships, residences and addresses of the devisees and legatees so far as known or can with reasonable diligence be ascertained are:

Name	Age	Relationship	Address
------	-----	--------------	---------

NONE.

11. The Last Will and Testament of the decedent should be construed to distribute the Estate as follows:

(a) All the rest, residue and remainder of the estate, both real and personal wherever situated, to Brenda Ratzlaff, to be hers absolutely.

12. Brian Mitchell has waived compensation for services as Executor, and has employed Graybill & Witcher, LLP as attorneys in this Estate; there are other costs due this Court; the following fees, expenses and costs are reasonable and should be paid:

(a) To the Executor for attorney's fees in the sum of \$3,513.50

**THE COURT ORDERS:**

1. The above findings are made a part of the order and decree of this court.
2. The accounts of Brian Mitchell, Executor of the Estate of Wade Ratzlaff, deceased, are settled and allowed and all of Brian Mitchell's acts and proceedings are approved and Brian



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Mitchell is authorized and directed to pay the fees, expenses, and costs set out in paragraph 12 above.

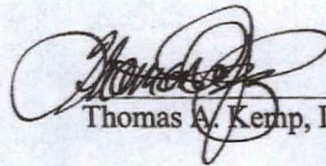
3. After the payment of fees, expenses and costs, the assets remaining in the hands of the Executor, and all other real and personal property owned by the decedent at the time of death, subject to any lawful disposition previously made, are assigned pursuant to the terms of the decedent's Last Will and Testament, as construed in this order, as follows:

(a) All the rest, residue and remainder of the estate, both real and personal wherever situated, to Brenda Ratzlaff, to be hers absolutely.

4. The real estate is assigned as of the date of death of the decedent. The Executor is directed to distribute the personal property forthwith.

5. Upon the filing of proper receipts, the administration of the estate shall be closed, and Brian Mitchell shall be finally discharged as Executor of the Estate of Wade Ratzlaff, deceased.

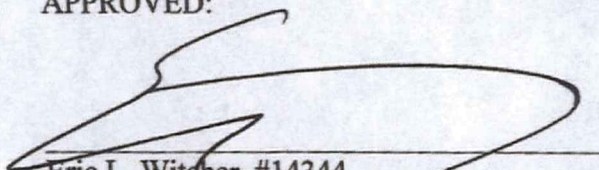
IT IS SO ORDERED.



Thomas A. Kemp, District Magistrate Judge



APPROVED:



Eric L. Witcher, #14344  
GRAYBILL, WITCHER & CAREY, LLP  
450 Morton  
P.O. Box 898  
Elkhart, Kansas 67950  
620/697-4514  
620/697-4502 (Fax)  
*Attorneys for Petitioners*



# General Durable Power of Attorney

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Brenda Ratzlaff  
405 &th Ave  
Rolla, Ks. 67954

AUG 27 2020

Pursuant to the Kansas Power of Attorney Act, K.S.A. 58-650 to K.S.A. 58-665, I appoint the following person as my attorney-in-fact:

Linda Fink  
11 North Street Road  
Elkhart, Ks. 67950

If the above person should be unable to perform in this capacity due to death, disability, disqualification, or incapacity, then I appoint the following person as my attorney-in-fact:

This is a durable power of attorney, and the authority of my attorney-in-fact shall not terminate if I become disabled or in the event of later uncertainty regarding whether I am alive or dead. This durable power of attorney shall become effective immediately. My attorney-in-fact shall not be obligated to furnish bond or other security as a condition to this instrument. No compensation shall be paid for services as attorney-in-fact, but reasonable expenses accrued therewith shall be compensated.

**I. General Grant of Authority.** The attorney-in-fact shall have general powers regarding all lawful subjects and purposes, including every action or power that an able adult may perform through an agent, except as specifically provided in Section II of this document. The following specific powers are listed for illustration and clarification purposes and not to limit this authority.

**1. Collect Funds.** To demand, receive, and collect all money or property now or hereafter due or owing to me; to receipt and make releases or other discharges therefore; and to settle, adjust, or compromise any and all claims, accounts, or debts owing to me, including to file any proof of debt and take any proceedings under the Bankruptcy Code or similar statutes.

**2. Deposit and Withdraw Funds.** To receive, endorse, deposit, withdraw, and transfer all funds of any type into and from any checking, savings, or other account. This authority shall include taxes, Social Security, Medicare, Medicaid, Veteran's Benefits, and any other public or private assistance program. I nominate my attorney-in-fact to serve as my representative payee with respect to the receipt, deposit, and use of Social Security benefits, and I release the Social Security Administration from any claims that my attorney-in-fact misused Social Security payments.

**3. Safe Deposit Box.** To enter any safe deposit box on which I am the tenant or a co-tenant; to open new safe deposit boxes; to add to and remove any of the contents of any such safe deposit box; and to close out any safe deposit box.

**4. Property.** To maintain, repair, improve, manage, insure, rent, lease, sell, convey, mortgage, or otherwise dispose of, deal with, or encumber any interest in property, whether real, personal, tangible, intangible, jointly owned, presently owned, or later acquired; to execute any instrument; and to transfer property to a revocable or living trust made by me and that benefits me while alive.

**5. Homestead.** To give consent on my behalf to the sale, gift, transfer, mortgage or other alienation of my homestead or any interest in my homestead. The street address of the homestead is 405 &th Avenue, Rolla Ks., and the legal description is 405 &th Ave. Nothing in this document shall be construed as a limitation or abridgement of the right of my spouse to consent or withhold consent to the alienation of the spouse's homestead or any rights therein under Article 15, Section 9 of the Kansas Constitution.

**6. Transact Business.** To transact any and all lawful business of any kind on my behalf, including to open accounts with financial institutions, and to buy, sell, endorse, transfer, hypothecate, and borrow against any stocks, bonds, or other securities, and to vote as my proxy regarding the shares. This also includes authority to pay any and all expenses incurred on my behalf.



**7. Prosecute, Defend, and Settle Claims.** To institute, prosecute, defend, settle, compromise, or otherwise dispose of any claim on my behalf, including appearance on my behalf in any proceedings before any court, agency, or other venue, and the retaining of counsel.

**8. Power of Attorney Documents.** To execute a power of attorney required by any agency or entity on my behalf authorizing my attorney-in-fact to transact with such group or legal entity.

**9. Gifts.** To make or revoke a gift of my property, whether in trust or otherwise, and to disclaim a gift or devise of property to or for my benefit.

**10. Tax.** To make, sign, and file Federal and state tax returns of any type or forms, documents, or agreements with the Internal Revenue Service (IRS) or any state taxing agency, to receive and pay any amounts with regard to tax matters, and to represent me before the IRS as my attorney-in-fact (including signing Form 2848 authorizing my attorney-in-fact to act on my behalf). This shall include consenting that any gift made by my spouse was made one-half by me for gift tax purposes. It is not, however, my intention to grant a general power of appointment to my attorney-in-fact for purposes of any federal or state gift, estate, or generation skipping tax law.

**11. Public Assistance.** To apply for Medicaid, Social Security, Veteran's Benefits, Medicaid, or any other public or private assistance program, and to execute any documents or actions that are required to receive benefits, optional, or advisable for the optimal preservation of assets.

**12. Insurance.** To purchase, pledge, liquidate, borrow against or make claim against any insurance policy of any type. However, my attorney shall have no power arising to an incidence of ownership over any policy on my attorney-in-fact's life, including, without limitation, the power to surrender the policy, borrow on it, pledge it, or distribute it to any person, except that my attorney-in-fact may pay, out of my assets, any premium on such policies.

**13. Nomination of Guardian and/or Conservator.** If protective proceedings are commenced pursuant to my disability or incapacity, I nominate my attorney-in-fact to be my guardian and/or conservator and authorize my attorney-in-fact to name a guardian and/or conservator for my benefit.

**14. Medical Care.** My attorney-in-fact shall have the authority to, on my behalf:

A. Consent, refuse consent, or withdraw consent to any care, treatment, service, or procedure to maintain, diagnose, or treat a physical or mental condition, and to make decisions about organ donation, autopsy, and disposition of the body, including payment of the expenses of my funeral and the burial, cremation, or other disposition of the body.

B. make any and all arrangements at any hospital, psychiatric hospital, or psychiatric treatment facility, hospice, nursing home, or similar institution in Kansas or any other state or country; make arrangements for my release and removal from any institution; employ or discharge health care personnel to include physicians, psychiatrists, psychologists, dentists, nurses, therapists, or any other person who is licensed, certified, authorized, or permitted by law to administer health care, as the agent shall deem necessary for my physical, mental, and emotional well being;

C. request, receive, and review any verbal or written information regarding my personal affairs or physical or mental health, including medical and hospital records, to execute any releases that may be required to obtain this information, and to consent to the disclosure of this information.

D. I waive my patient-physician privileges relating to this General Durable Power of Attorney.

**15. HIPAA Release.** I intend for my agent to be treated as I would be with respect to my rights regarding the use and disclosure of my individually-identifiable health information or other medical records. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. 1320(d) and 45 C.F.R. 160-164. I authorize any physician, health care professional, dentist, health plan, hospital, clinic, laboratory, pharmacy, or other covered health care provider, any insurance company, and the Medical Information Bureau Inc. or other health care clearinghouse that has provided treatment or services to me or that has paid for

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or is seeking payment from me for such services, to give, disclose, and release to my agent, without restriction, all of my individually-identifiable health information and medical records regarding any past, present, or future medical or mental health condition, including all information relating to the diagnosis and treatment of any transmitted diseases, mental illness, and drug or alcohol abuse. The authority given my agent shall supersede any prior agreement that I may have made with my healthcare providers to restrict access to or disclosure of my individually identifiable health information. The authority given my agent has no expiration date and shall expire only in the event that I revoke the authority in writing and deliver it to my health care provider. The authority granted my agent under this paragraph shall be effective immediately.

16. **All Other Acts.** To do anything necessary or proper in handling and managing my affairs.

**II. Powers Prohibited.** Pursuant to K.S.A. 58-654(g), the attorney-in-fact shall not have authority:

1. To make, publish, declare, amend, or revoke any will.
2. To make, execute, modify, or revoke a living will, "do not resuscitate" order, a general durable power of attorney, or a durable power of attorney for health care decisions.
3. To require me, against my will, to take or refrain from taking any action.
4. To carry out any action that I have specifically forbidden while not disabled or incapacitated.

**III. Accounting Waived.** I waive the necessity of my attorney-in-fact to provide an accounting to me or any other person during my lifetime or upon my death.

**IV. Disability or Incapacity Defined.** Disability or incapacity means the person's ability to receive and evaluate information effectively or communicate decisions is impaired to the extent that the person lacks the capacity to manage personal financial resources or exercise a reasonable level of care with regard to the duties of an attorney-in-fact, as determined by the certification of one licensed physician, and shall apply if the person cannot take any effective actions due to involuntary detention or disappearance, as determined by affidavit of one party with such knowledge.

**V. Revocation.** I hereby revoke all of my previous powers of attorney, except any separate Durable Power of Attorney for Health Care Decisions, any separate power of attorney executed on Form 2848 appointing an agent to represent me before the IRS, and any separate Power of Attorney for Homestead Property. I retain the right to revoke or amend this document in whole or in part.

**VI. Attorney-Client Privilege.** I hereby authorize my attorney to provide my attorney-in-fact with any information that is necessary for my attorney-in-fact to adequately exercise the authority granted herein. I waive any attorney-client privilege for this limited purpose.

**VII. Execution and Construction.** This instrument is executed pursuant to the Kansas Power of Attorney Act and amendments thereto, and any questions surrounding this document shall be addressed pursuant to those statutes. Any question concerning the power or authority of my attorney-in-fact shall be construed in favor of the attorney-in-fact having such power or authority.

Signed: Brenda L Raystoff

Dated: 2-25-19

State of Kansas

County of Morton

This instrument was acknowledged before me on 2-25-19, \_\_\_\_\_, by \_\_\_\_\_.

Lacey Miller  
Notarial Officer

Title \_\_\_\_\_



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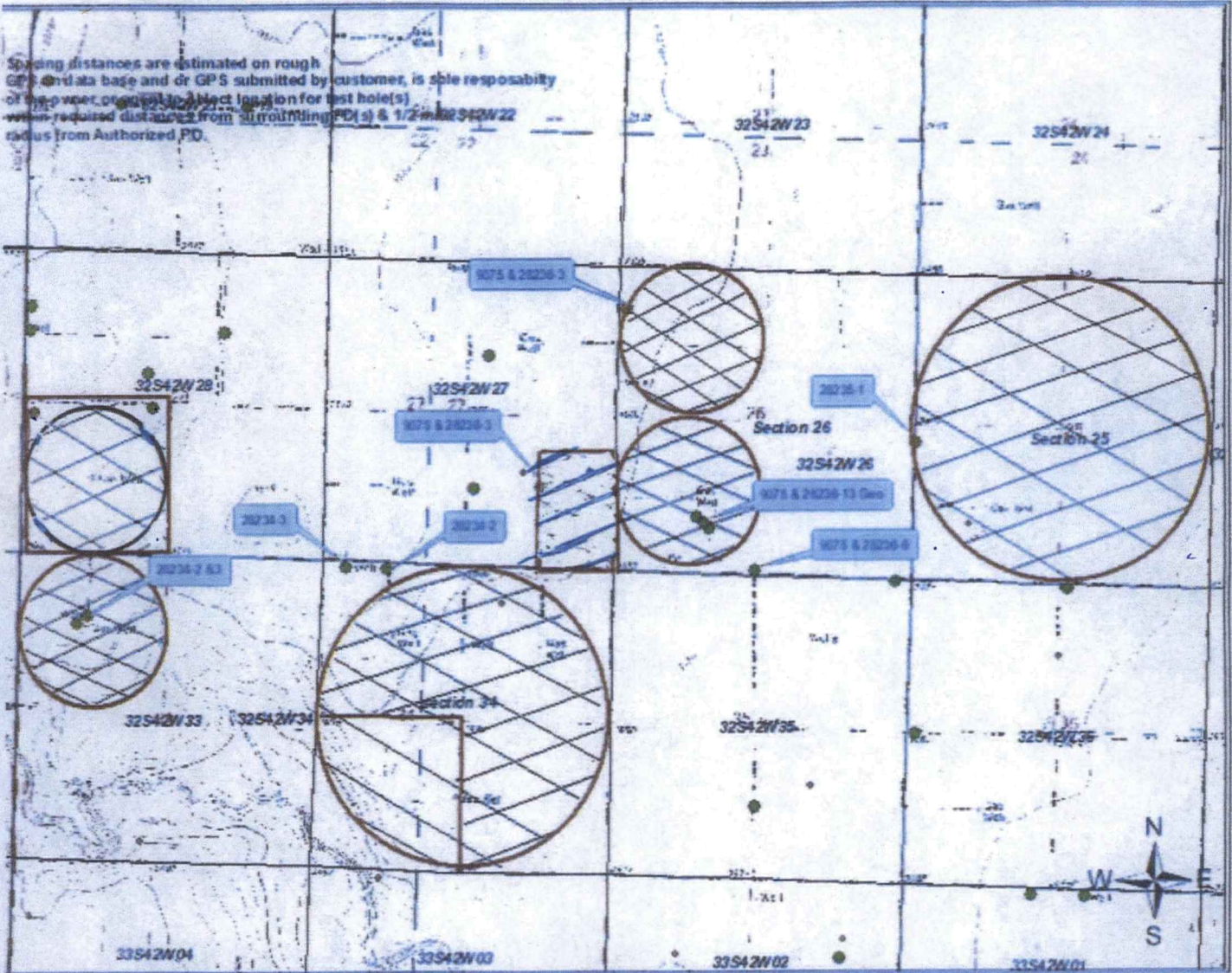
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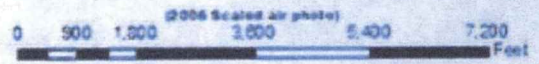
**Place of Use Change**  
**WR(s) 9075, 28234, 28235, 28236**  
**T32 R 42W Section(s) 25, 26, 27, 33 & 34**  
**Morton County**

KS DEPT OF AGRICULTURE

Spring distances are estimated on rough  
GPS or data base and or GPS submitted by customer, is sole responsibility  
of the user, or user to select location for test hole(s)  
when required distance from surrounding PD(s) & 1/2 mile  
radius from Authorized PD.



- Authorized PD
- Requested PD
- Point of Diversion
- ▨ Authorized PU
- ▨ Requested PU
- Half Mile Radius



Water Resources  
Received

MAR 13 2020

KS Dept Of Agriculture



AUG 27 2020

Signature Page for Existing Change Application

File No. 9075

KS DEPT OF AGRICULTURE

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Texas, Dallas, Kansas, this 18 day of August, 2020.

A K Ratzlaff  
(Owner)

(Spouse)

Amy K Ratzlaff  
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

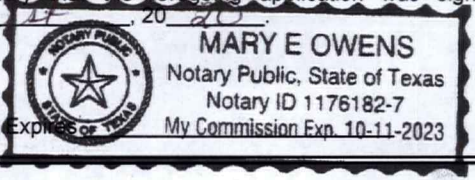
(Spouse)

(Please Print)

(Please Print)

Texas  
State of Kansas )  
County of Dallas ) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18<sup>th</sup> day of August, 2020.



Mary E Owens  
Notary Public

My Commission Expires

PAID	FEE SCHEDULE	PAID
Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:		
(1)	Application to change a point of diversion 300 feet or less .....	\$100
(2)	Application to change a point of diversion more than 300 feet .....	\$200
(3)	Application to change the place of use .....	\$200
(4)	Application to change the use made of the water .....	\$300
Make check payable to Kansas Department of Agriculture.		