# Kansas Department of Agriculture Division of Water Resources

**CHANGE: P/U WORKSHEET** 

1. File Number: <b>8975</b>	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
6. Status: Approved	☐ Denied by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: <b>5/19/2023</b>
8a. Applicant(s) New to system □  TRL LAND CO LLC 21506 12 ROAD MONTEZUMA, KS 6	Person ID 67764 Add Seq#	11235 \$		RD
8b. Landowner(s) New to system   8a	Person IDAdd Seq#	8d. WUC New to sy 8a & 8c		Person IDAdd Seq#
☐ Anti-Reverse Meter ☐	: ☑ DWR Meter(s) Date to Comp    Meter Seal   ☑ Check Valve   Required: Da	⊠ N & P Form	☑ Water Tube ☐	to Comply: 3/1/2024  Driller Copy
10. Use Made of Water From		To: _		9.
			Date Prepared: <b>6/2/</b> 2 Date Entered:	<b>2023</b> ву: <b>АМ</b> ву:

File No	8975			11. County	FI	Ва	sin: Al	RKAN	SAS F	RIVER			S	tream	:					-	F	ormation	Code:	Special Use:	
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Lir	nitation:			af/yr	at				gpm (_			10	cfs) w	hen co	ombine	ed with	file n	umber	(s)	25	<u> </u>			<u> </u>	
15. 5Y	R Allocatio	n:	Allocation T	уре	Sta	rt Year		_	5 YR	Amou	nt	-	Amo	ount U	nit	_	Base	Acres		_ Co	mment		25	775	
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Garden City Field Office 4532 W. Jones, Suite B Garden City, KS 67846



Phone: 620-276-2901 Fax: 620-276-9315 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

June 6, 2023

TRL LAND CO LLC 21506 12 ROAD MONTEZUMA, KS 67867

RE: Filed Office Application for Change

Water Right, File Nos. 5953; 7520; 8975; 11369; 13279;

20391; 23788; 29807 & 29808

Dear Sir or Madam:

Enclosed is the order executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file numbers. Note: this approval does not allow any single point of diversion to exceed its annual authorized quantity. All pivots must be adjusted to the now authorized acres per pivot.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

Austin J. McColloch

Assistant Water Commissioner

AM: enclosures

pc: Mike & Carol Deaver

GMD 3

### CERTIFICATE OF SERVICE

On this 6<sup>th</sup> day of June, 2023, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 5,953, 7,520, 8,975, 11,369, 13,279, 20,391, 23,788, 29,807 and 29,808 dated 6<sup>th</sup> day of June, 2023 was mailed postage prepaid, first class, US mail to the following:

TRL LAND CO LLC 21506 12 ROAD MONTEZUMA, KS 67867

Pc:

MICHAEL R & CAROL A DEAVER 11235 S WEST FORK RD GARDEN CITY, KS 67846

GMD 3

Division of Water Resources Staff

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

# DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

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5.	Presently authorized point of diversion:		77 (2)
	One in the Quarter of the	Quarter of theQu	uarter
	of Section, Township	South, Range(li	E/W).
	in County, Kansas, fe	feet North feet West of Southeast corner of sect	tion.
	Authorized Rate Authorized Quantity		'n
	(DWR use only: Computer ID No GPS		4
- 1		as follows: No change, point better described with GPS as follo	ws:
		is requested or if existing point is better described by G	
-1		Quarter of theQu	
	of Section, Township	South, Range(I	F/\/\)
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	Proposed Rate Proposed Quantity	Proposed well depth (feet)	JOH.
		er water rights that will use this point	
L	This point is. Additional Well Geo Center List other	water rights that will use this point	
ا ہ	Presently authorized point of diversion:		
6.		O Marine California	
		Quarter of the Qu	
	in County, Kansas, fe	feet North feet West of Southeast corner of sect	ion.
	Authorized Rate Authorized Quantity	Depth of well (feet)	
	(DWR use only: Computer ID No GPS _	teet North teet west)	
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		is requested or if existing point is better described by G	
	One in the Quarter of the	Quarter of the Qu	uarter
	of Section, Township	South, Range (E	Ξ/W),
	in County, Kansas, fe	eet North feet West of Southeast corner of sect	ion.
	Proposed Rate Proposed Quantity	Proposed well depth (feet)	1
	This point is: Additional Well Geo Center List other		<u> </u>
7.	The changes herein are desired for the following reasons? (please be specific)	North	
8.	If a well, is the test hole log attached?  Yes No	200 +   +   +   =   +   +   = 20	0
9.	The change(s) (was)(will be) completed by?	100   +   +   =   +   +   = 100	0
10.	If the point of diversion is a well:	West 0 ++-	Fast
	(a) What are you going to do with the old well?		Last
	(a) What are you going to do with the old well:	or transfer of the first transfer of the second of the sec	
		100 -   +   +   -   +   +   -   100	0
	(b) When will this be done?		
	(a) This is the bodone.		_
11	Groundwater Management District recommendation attached?	$200 \left[ -1 + 1 + 1 + \frac{1}{2} + 1 + 1 + \frac{1}{2} + \frac{1}{2$	0
11.	Groundwater Management District recommendation attached?  Yes No		
	Tes INO	Emtonlandanlandan.≢mtonlandanlandan.∄	
12.	Assisted by CL-GMD3	300 200 100 0 100 200 300 South Scale: 1 hashmark=10 ft	
	If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines	of the existing point of diversion will be relocated within 3 of the existing point of diversion, indicate its location diagram shown above in relation to the existing policy diversion. (PLEASE NOTE: The "X" in center of diabove represents the presently authorized policy diversion.)	on the oint of agram

### APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 8975
MAKE ADDITIONAL COPIES AS NECESSARY

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ec.	Twp.	Range	NE1/4	NW1/4	SW¼	SE¼	NE1/4	NW1/4	SW1/4	SE¼	NE1/4	NW¼	SW1/4	SE¼	NE¼	NW¼	SW <sup>1</sup> / <sub>4</sub>	SE¼		
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ec.	Twp.	Range	NE¼	NW¼	SW1/4	SE¼	NE1/4	NW1/4	SW1/4	SE¼	NE¼	NW¼	SW1/4	SE¼	NE1/4	NW¼	SW1/4	SE¼		
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Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	INVV/4	344/4	SE/4	INE/4	144474	011/4	02/4		14474	344/4	JL/4		
Sec.	Twp.	Range	NE¼	NW1/4	SW1/4	SE/4	NE/4	INVV/4	3VV/4	SE/4	NE74	1447/4	OWA	02/4		14474	344/4	JL/4		
C	ontinue	ed: If th	nis app	lication	n is for	a chai	nge in													
C	ontinue	ed: If th	nis app	lication AME: ESS:	is for TRL L 21506	a chai	nge in	place	of use,	, it is p		ed that	the pla	ace of		e chan	ged to		TOTA	
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14. If the proposed groundwater point of diversion is 300 o	r fewer feet from the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the ☐ Yes ☐ No (If no, all owners must	currently authorized place(s) of use identified in this application? sign this application.)
(b) Will the ownership interest of any owner of the confidence of this application is approved as requested ☐ Yes ☐ No (If yes, all owners must	
(c) If this application is not approved expeditiously, wi ☐ Yes ☐ No (If no, all owners must	Il there be substantial damage to property, public health or safety? sign this application.)
	of diversion, a groundwater change in point of diversion greater than 300 feet, by all owners of the currently authorized place of use, or their duly authorized n).
age and the owner, the spouse of the owner, or a their behalf, in regards to the water right(s) to wh contained in this application are true, correct and	
Dated at GARDEN CZ7Y	Kansas, this
Canother .	
Gornt Lave (Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	PATRICIA STAPLETON NOTARY PUBLIC (Please Print)
State of Kansas  County of Finney  SS	STATE OF KANSAS MY COMM. EXPIRES 05/01/005
	signed in my presence and sworn to before me this 19 day
Content and an empression of a Company of	Fatricia Stapleton
My Commission Expires $5-31-3035$ .	Notary Public 1
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be accurate information; maps, if necessary, must be included; signate the appropriate fee must be paid.	be complete, all of the applicable portions of the application form must be completed with ures of all the appropriate owners' must be affixed to the application and notarized; and
	FEE SCHEDULE
Each application to change the place of use or the point of court in the schedule below: Make checks payable to: <b>Kan</b> (1) Application to change a point of diversion 300 f  (2) Application to change a point of diversion more	diversion under this section shall be accompanied by the application fee set

14. If the	proposed groundwater point of diver	sion is 300 or fewer feet from the	existing point of diversion	n, complete the following:
	ooes the undersigned represent all or Yes No (If no, all o	wners of the currently authorized owners must sign this application.	place(s) of use identified )	in this application?
а	Vill the ownership interest of any own ffected if this application is approved ☐ Yes ☐ No (If yes, all	rner of the currently authorized p l as requested? owners must sign this application		in this application be adversely
	f this application is not approved exp ☐ Yes ☐ No (If no, all o	editiously, will there be substantia wners must sign this application.	al damage to property, pu )	blic health or safety?
or a chang	ication proposes a surface water cha ge in place of use, the application mu ach notarized statement authorizing i	ist be signed by all owners of the	ndwater change in point o currently authorized plac	f diversion greater than 300 feet ce of use, or their duly authorized
age and their beh	verify, being first duly sworn uthe owner, the spouse of the onalf, in regards to the water riged in this application are true, c	wner, or a duly authorized a ht(s) to which this application	agent of the owner(s)	to make this application on
Dated at _	dhah pari web shaw at his	, Kansas, this	day of	, 20
intring of	1-11	want trage in all hosps bridge	TO THE STATE OF TH	the eperated A.A.H
M	Le W Wear	A TAN AND LESS GRANGED THE	(Carrier of the Carrier of the Carri	Manufacture of the second
	Michael Deaver (Please Print)		(Sp	ouse)
	(Please Print)		(Pleas	se Print)
	MIND WALLES		(i load	oc i mity
	(Owner)	W. opered v. injectory offers a	(Sp.	ouse)
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h, beid to !	(Ourner)	en zida: 4145-11.12.4-2 fira-k		42.5 day sonsweeps at 124
	(Owner)		(Spi	ouse)
	(Please Print)	DATE OF THE PARTY	A STAPLETON (Pleas	se Print)
State of K	ansas )	NOT STATE	ARY PUBLIC	e items textimization.
County of	Finney s	S MY C	OMM. EXPIRES	
	by certify that the foregoing appli	lication was signed in my or	esence and sworn to	before me this \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
of Y	20 33.	ilication was <del>aigned</del> in my pr	eserice and sworn to	before the this tay
	A Comment of the Comm	10	tricing 2	to Notion
My Comm	ission Expires May 21,3	1025	Notary	Public
		The state of the s		
accurate in	MPLETE APPLICATIONS WILL BE PROC formation; maps, if necessary, must be in iate fee must be paid.	<u>ESSED</u> . To be complete, all of the a cluded; signatures of all the appropria	ipplicable portions of the apparte owners' must be affixed to	olication form must be completed with the application and notarized; and
		FEE SCHEDULE		
forth in the	ication to change the place of use or e schedule below: Make checks paya ) Application to change a point of di ) Application to change a point of di	able to: Kansas Department of version 300 feet or less	Agriculture	\$100
(3	) Application to change the place of	use		\$200
	7592   81 years			
DWR 1-121	(Revised 04/5/2018)	Page 3		File No. <u>8975</u>

### SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro	s Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, <i>et seq.</i> and other applicable visions of the <i>Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.</i> , and rules and regulations promulgated thereunder, h the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and tations of File No.
1.	A change application was received on requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2.	On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable
3.	The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a foot radius of the authorized point(s) of diversion.   Applicable Not Applicable
4.	The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.   Applicable Not Applicable
5.	The point(s) of diversion authorized herein shall not actually be located more than feet from the previously authorized point(s) of diversion.   Applicable Not Applicable
6.	As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable \sum Not Applicable
7.	The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20 23, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  Applicable  Not Applicable
8.	Installation of the works for diversion of water shall be completed on or before December 31, 20 3, or within any authorized extension of time. By March 1, 20 4 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  Applicable Not Applicable
9.	The completed well log shall be submitted with the required notice.
10.	All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable \(\sigma\) Not Applicable
11.	Additional Conditions are attached.  Yes No
12.	In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the <i>Kansas Water Appropriation Law</i> and the <i>Rules and Regulations</i> promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.
	Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY
you Eng Agr filed	APPLICATION APPROVED AND Summary request an evidentiary hearing before the Chief gineer or request administrative review by the Secretary of iculture. A request for hearing by the Chief Engineer must be d within 15 days of service of this Order and a request for ininistrative review by the Secretary must be filed within 30  APPLICATION APPROVED AND SUMMARY ORDER ISSUED  By:  Duly Authorized Designee of the Chief Engineer
revi File Leg	presument to K.S.A. 77-531. Any request for administrative liew must state a basis for review pursuant to K.S.A. 77-527. It is any request with Kansas Department of Agriculture, and Division, 1320 Research Park Drive, Manhattan, KS 602. Failure to timely request a hearing or review may clude review under the Kansas Judicial Review Act.  (Print Name):  Division of Water Resources - Kansas Department of Agriculture  Date of Issuance:  State of Kansas  )  SS
	County of Linney  Acknowledged before me on June 6, 2023
	by Justin McColloch
	Signature: Aaron holsted
	My commission expires  My Appointment Expires  (Notally Receil)7
DW	R 1-121 (Revised 04/5/2018) Page 4 File No. 8975



IRR

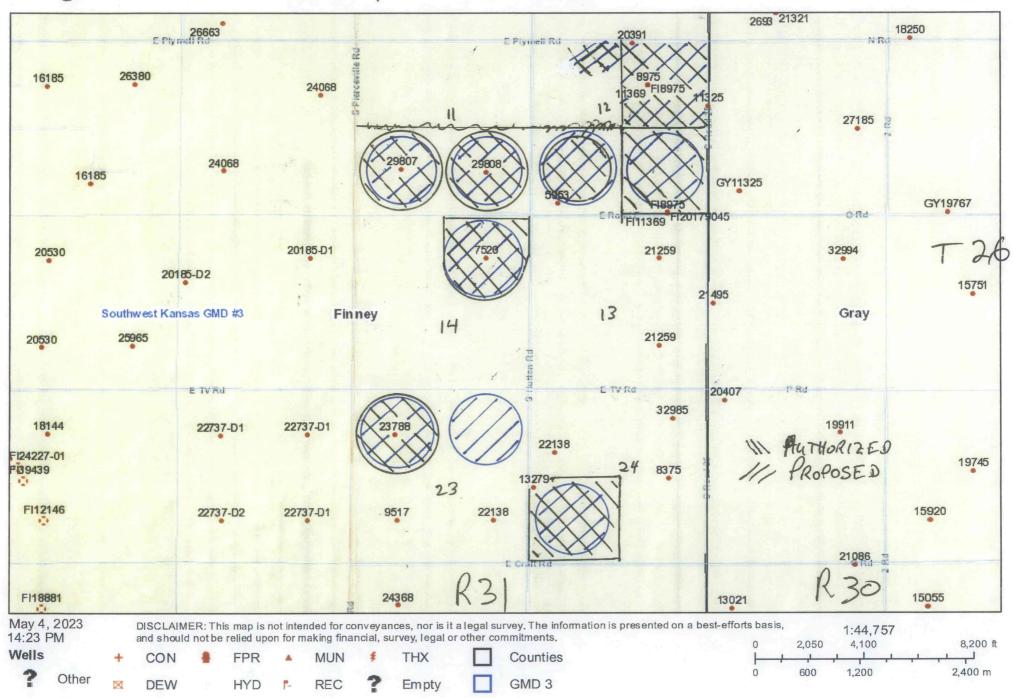
DOM

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Sections

### DEAVER & TRL PU Change



Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

# DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.

Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

							File N	o. <u>897</u>	5					_					RECE
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### ENTERED IN TRANSFER RECORD IN MY OFFICE, COUNTY CLERK







## STEPHANIE SHOCKLEY REGISTER OF DEEDS - FINNEY COUNTY KANSAS

Book: 357 Page: 581

Receipt #: 175817

Recording Fee: \$38.00

Pages Recorded: 1 of 2

Japhanie Thakley

File No.: 1633215

Date Recorded: 3/17/2023 8:34:30 AM [ELECTRONICALLY FILED]

Fired By First American Tiffe 417 N. 8th Gerden City, KS 67846 520-275-7441

#### KANSAS WARRANTY DEED

Joint Tenants

THIS DEED, made and entered into this / day of March, 2023, by and between Rundell Land and Cattle LLC, a Kansas Limited Liability Company as Grantor(s), and Mike Deaver and Carol Deaver, as Grantee(s), whose mailing address is NE/4 12-26-31, Garden City, KS 67846.

**WITNESSETH**, that the Grantor(s), for and in consideration of the sum of One Dollar and other good and valuable consideration paid by the Grantee(s), the receipt and sufficiency of which is hereby acknowledged by Grantor(s), do/does by these presents **GRANT**, **BARGAIN AND SELL**, **CONVEY AND WARRANT** unto the Grantee(s), AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP, AND NOT AS TENANTS IN COMMON, the following described Real Estate, situated in the County of **Finney** and State of Kansas, to-wit:

The Northeast Quarter (NE/4) of Section Twelve (12), Township Twenty-six (26) South, Range Thirty-one (31) West of the 6th P.M., Finney County, Kansas.

Subject to all easements, restrictions and reservations, if any, now of record.

**TO HAVE TO HOLD** the same, together with all rights and appurtenances to the same belonging, unto the Grantee(s), and to the heirs and assigns of such Grantee(s) forever.

The Grantor(s) hereby covenanting that the Grantor(s), and the heirs, executors, administrators and assigns of the Grantor(s), shall and will **WARRANT AND DEFEND** the title to the premises unto the Grantee(s), and to the heirs and assigns of Grantee(s) forever, against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the current calendar year and thereafter, and special taxes becoming a lien after the date of this deed.

RECEIVED

APR 2 5 2023

Fried By First American Tiffe 417 N. 8th Osrden City, KS 67846 620-275-7441

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RECEIVED

APR 2 5 2023

File No.: 1633215

KSWDJT Rev. 10/1/14

Garden City Field Office Division of Water Resources

Dated: March 15, 2023
Rundell Land and Cattle LLC
By: Argory K. Rundell Title: Member
By: Name: Celeste Rundell-Biernacki Title: Member
STATE OF <b>Kansas</b> ) ) ss.
COUNTY OF Finney )
On
My appointment expires:
WALL TO WELL



RECEIVED

APR 25 2023

Garden City Field Office Division of Water Resources

File No.: 1633215



### Southwest Kansas Groundwater Management District

2009 E. Spruce Street Garden City, Kansas 67846-6158 (620) 275-7147 www.gmd3.org

May 31, 2023

RECEIVED

JUN 1 2023

Mike Meyer Kansas Department of Agriculture Division of Water Resources 4532 W Jones Ave Suite B Garden City, KS 67846 Garden City Field Office Division of Water Resources

RE: Application for Change in Place of Use

Water Right Files: 5953, 7520, 8975 **25**, 11369 **25**, 13279, 20391, 23788, 29807 &

29808

Dear Mike,

We have assisted with and completed a review of the applications for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District. The changes in place of use will rearrange acres to better suit the operations. At the same time it will create complete overlap of irrigated acres in accordance with K.A.R. 5-5-11(b)(1). It is therefore recommended that the applications be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions please don't hesitate to contact us.

Sincerely,

Jason L. Norquest Asst. Manager