

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PD WORKSHEET

1. File Number: 29889	2. Status Change Date: <i>5/14/2018</i>	3. Change Num: C1	4. Field Office: 02	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request				7. Filing Date of Change: 10/20/2017
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID <u>38146</u> Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>	
WILMETTA D DIETZEL TRUST CO-TRUSTEES 871 SOAP HOLLOW RD HOLLSOPPLE PA 15935				
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID 65698 Add Seq# _____	8d. WUC New to system <input type="checkbox"/>	
KEVIN N & KIM C KOHLS 76 27TH AVE MOUNDRIDGE KS 67107-7467		8b		
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input 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: 5/9/2018 By: LI Date Entered: <i>5/15/2018</i> By: <i>WM</i>				
NO INFORMATION ON BACK				

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO:Files

DATE: May 9, 2018

FROM: Leslie Ireland

RE: Water Right, File Nos. 13,560;
29,889 & 32,154

On October 20, 2017, the owners of the referenced appropriations filed applications to change the point of diversion under File Nos. 29,889 & 32,154. The ownership has changed from a trust to family members, with the most recent owners signing requested to voluntary dismiss the 2017 applications for change.

The previous owners had also requested to reduce the place of use under File No. 13,560. A letter dated April 10, 2018, and signed by the most recent owners request to withdraw the reduction in place of use and have the original paperwork returned.

Based on the above discussion, it is recommended that the applications to change point of diversion filed on October 20, 2017, for File Nos. 29,889 & 32,154, be dismissed by a Findings and Order. Additionally, the reduction request for File No. 13,560, should not be processed and returned to the current owners Kevin and Kim Kohls, as requested.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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

May 15, 2018

FILE COPY

KEVIN N & KIM C KOHLS
76 27TH AVE
MOUNDRIDGE KS 67107-7467

RE: Water Right, File Nos. 13,560; 29,889 & 32,154

Dear Mr. & Mrs. Kohls:

Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismisses the *Applications for Approval to Change the Point of Diversion* for File No. 29,889 & 32,154, received in our office on October 20, 2017, and requested to be dismissed via your letter dated April 10, 2018.

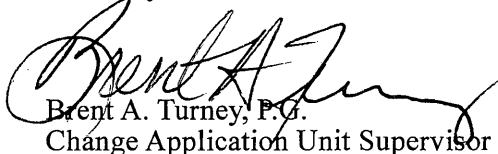
The orders dismissing the applications for change do not need to be recorded with the register of deeds as no modification of the referenced appropriations has been ordered by the Chief Engineer.

Your April 10, 2018 written request for the voluntary withdraw and return of the *Requests to Reduce a Portion of an Existing Water Right* for File No. 13,560, received in the office of the Chief Engineer on October 16, 2017 & October 20, 2017, have been enclosed for your records in accordance with your request.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office.

If you have any questions, please contact Leslie Ireland at (785) 564-6633 or me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor

BAT:LI:li
Enclosures
pc: Stafford Field Office

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE DISMISSAL
OF AN APPLICATION FOR APPROVAL
TO CHANGE THE AUTHORIZED
POINT OF DIVERSION
UNDER WATER RIGHT, FILE NO. 29,889**

FILE COPY

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on June 28, 1993, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to Water Right, File No. 29,889, for permit to appropriate water for irrigation use.
2. That on October 20, 2017, an Application for Approval to Change the Point of Diversion for the file described in paragraph No. 1 of these findings was received in the office of the Chief Engineer.
3. That by means of a written request dated April 10, 2018, received in the office of the Chief Engineer on April 13, 2018, Kevin N. & Kim C. Kohls, 76 27th Avenue, Moundridge Kansas 67107-7467, as owner of the place of use authorized under the file described in paragraph No. 1, request the Application for Approval to Change the Point of Diversion, Water Right, File No. 29,889 received on October 20, 2017, described in Finding No. 2 above be dismissed.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Point of Diversion Under an Existing Water Right, received in the Office of the Chief Engineer on October 20, 2017, under Water Right, File No. 29,889, shall be dismissed and its priority forfeited.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to irrigation use under Water Right, File No. 29,889, dated June 28, 1993, remains as authorized.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

(over)

Ordered this 14th day of May, 2018, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 14th day of May, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 15th day of May, 2018, I hereby certify that the foregoing Findings and Order in the Matter of the Dismissal of an Application for Approval to Change an Existing Water Right, Water Right, File No. 29,889, was mailed postage prepaid, first class, US mail to the following:

KEVIN N & KIM C KOHLS
76 27TH AVE
MOUNDRIDGE KS 67107-7467

With photocopies sent to:

Stafford Field Office

Danielle Wilson
Division of Water Resources

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF APPLICATION FOR CHANGE

To: Kansas Department of Agriculture
 Division of Water Resources (DWR)
 1320 Research Park Dr.
 Manhattan KS 66502
 Telephone: (785) 564-6645
www.ksda.gov/dwr

Re: Appropriation of Water
 Water Right
 Vested Right
 Term Permit
(Check Appropriate Box Above)
 File No. 29889

RECEIVED

APR 10 2018

Stafford Field Office
 Division of Water Resources

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the application to change the place of use filed on October 20, 2017, be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said application for change.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced application for change. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate the application for change and forfeit any priority associated with it forever.

Kevin N. Kohls
 (Signature of Owner or Authorized Agent)

Kim C Kohls
 (Signature of Spouse or Title of Authorized Agent)

Kevin N. Kohls
 (Please print name here)

Kim C Kohls
 (Please print name here)

76 27th Ave
 (Mailing Address)

76 27th Ave
 (Mailing Address)

Moundridge KS 67107-7467
 (City, State, Zip)

Moundridge KS 67107-7467
 (City, State, Zip)

**Water Resources
 Received**

APR 13 2018

ACKNOWLEDGMENT

KS Dept Of Agriculture

State of Kansas)
 County of Stafford)

This instrument was acknowledged before me this 10th day of April 2018 by
 (owners:) Kevin Kohls & Kim Kohls
 (Seal)

My appointment expires:



Jessica Engelbrecht
 Notary Public

EKF/SFFO
 DWR Initials

ec 5/9/18 LE/dwr

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
(Check one or more) Point of Diversion
 Use Made of Water

WATER RESOURCES
RECEIVED

OCT 20 2017
11:29

KS DEPT OF AGRICULTURE

File No. 29,889

2. Name of applicant: Ron Dietzel, Carol Cranston, and Margaret Hillegass, Trustees of the Wilmetta D. Dietzel Trust
dated 12/7/1997

Address: 1409 W. 8th Street

City, State and Zip: Newton, KS 67114

Phone Number: (316) 734-5708

E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Ronald L. Dietzel

Address: 321 East 2nd St.

City, State and Zip: Newton, KS 67114

Phone Number: (316) 283-7511

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): The point of diversion is located on property owned by others and the Trustees do not have legal access to the well. This application requests that the point of diversion be moved to the current point of diversion for File 13,560. See the attached Notice and Quit Claim Deeds.

The change(s) (was) (will be) completed by upon approval.

(Date)

For Office Use Only:

F.O. 2 GMP 5 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source G/S County MP By AJW Date 10/23/17
Code CGT Fee \$ 200 TR # _____ Receipt Date 10/20/17 Check # 1047

4. The presently authorized place of use is:

Ron Dietzel, Carol Cranston, and Margaret Hillegass, Trustees of the Wilmetta D.

Owner of Land — NAME: Dietzel Trust dated 12/7/1997

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
34	21	1W					20			20								40	

List any other water rights that cover this place of use. 13,560 and 32,154

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: No change

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

OCT 10 2017

6. The presently authorized point(s) of diversion (is) (are) one well
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) one well
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the NW Quarter of the NW Quarter of Section 34, Township 21 South, Range 1 (E/W), in McPherson County, Kansas, 4,300 feet North 4,610 feet West of Southeast corner of section. Authorized Rate 70 gpm Authorized Quantity 6.14 af
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the NC Quarter of the NW Quarter of Section 34, Township 21 South, Range 1 (E/W), in McPherson County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point 13,560 and 32,154

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. The owners do not have access to the point of diversion for this water right but believe that the well is intact.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

OCT 20 2017

12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to No change purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
No change
-
-
-
- (Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to no reduction (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to no reduction gallons per minute (____ c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- If a change in the location of the point(s) of diversion is proposed, show:
 - The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.
 - If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
 - If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

The current point of diversion and the proposed point of diversion are located in the same
quarter section.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

Not applicable.

WATER RESOURCES
RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY 2017

SCANNED KANSAS 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 Newton, Kansas, this 12th day of September, 2017.

Margaret Hillegass Marg
(Owner)

(Spouse)

Margaret Hillegass, Trustee
(Please Print)

(Please Print)

Carol J Cranston TTEE
(Owner)

(Spouse)

Carol J Cranston
(Please Print)

(Please Print)

Ronald Dietzel, Trustee
(Owner)

(Spouse)

Ronald Dietzel, Trustee
(Please Print)

(Please Print)

State of Kansas }
County of Harvey } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12th day of Sept, 2017.

BRIAN DONLEY
Notary Public - State of Kansas
My Appointment Expires 4/20/21

[Signature]
Notary Public

My Commission Expires _____

FEE SCHEDULE

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.**

WATER RESOURCES
RECEIVED

OCT 20 2017

KANSAS DEPT OF AGRICULTURE
SCANNED



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

RON DIETZEL, CAROL CRANSTON, & MARGARET HILLEGASS
1409 W 8TH ST
NEWTON, KS 67114

10/26/17

FILE COPY

RE: File No 29889

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STAFFORD Field Office GMD

Ireland, Leslie [KDA]

From: Saryerwinnie, Tyler [KDA]
Sent: Monday, May 7, 2018 3:52 PM
To: Turney, Brent [KDA]
Cc: Ireland, Leslie [KDA]; Conant, Cameron [KDA]
Subject: RE: File Nos. 29889 & 32154 - New set of change apps (13560)

Brent,

These applications were signed today (5/7/18). Please let us know if you need anything else.

Tyler

Tyler Saryerwinnie, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
Phone: (620)234-5311

From: Turney, Brent [KDA]
Sent: Monday, April 30, 2018 8:19 AM
To: Saryerwinnie, Tyler [KDA]
Cc: Ireland, Leslie [KDA]
Subject: RE: File Nos. 29889 & 32154 - New set of change apps

Tyler,
Go ahead and process the changes you have in your shop. If you get done before Leslie has completed the dismissals please give us a heads up email when they are signed.
Thanks,
Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Saryerwinnie, Tyler [KDA]
Sent: Thursday, April 26, 2018 1:22 PM
To: Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: File Nos. 29889 & 32154 - New set of change apps

Brent,

We have just received FO place of use change applications for File Nos. 29889 and 32154. I noticed that there are other change applications that were being held and now voluntary dismissal forms have been filed.

I thought I may avoid some confusion by giving someone in HQ a heads up that the advanced copies for the field office p/u changes were coming your way. I am not sure if it matters but is there any reason that I would need to hold off on processing these applications until the dismissals are final?

Tyler

Tyler Saryerwinnie, Environmental Scientist

Kansas Department of Agriculture

Division of Water Resources

Stafford Field Office

Phone: (620)234-5311

Turney, Brent [KDA]

From: Turney, Brent [KDA]
Sent: Monday, April 2, 2018 8:09 AM
To: Fitch, Elizabeth [KDA]; Kevin Kohls
Subject: RE: Request to hold change requests

Thank you Elizabeth,

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Fitch, Elizabeth [KDA]
Sent: Monday, April 2, 2018 8:00 AM
To: Kevin Kohls <kohlskevinn@outlook.com>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: RE: Request to hold change requests

Kevin,

Thank you for the new deed. I'll get that taken care of on our end.

As to the meeting, it would probably be best if you came to Stafford. My schedule is fairly open for the month of April outside of this week, so just let me know what works for you.

Elizabeth K Fitch, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
(620) 234-5311
My e-mail address has changed: elizabeth.fitch@ks.gov
agriculture.ks.gov

From: Kevin Kohls [<mailto:kohlskevinn@outlook.com>]
Sent: Tuesday, March 27, 2018 9:34 PM
To: Turney, Brent [KDA] <Brent.Turney@ks.gov>; Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Subject: RE: Request to hold change requests

Hello Brent and Elizabeth,

Attached you will find the deed transferring ownership from Mom and Dad to myself and Kim.

Thanks again for holding the change application!

If possible, I would like to see if I can set up a time to meet in person to review three water rights on this property and see what the best options are for us. I also believe I would like to discard the change requests, but should review them again before we do..

If we can set up a meeting time, who does it make the most sense to meet with? I am thinking sometime in April if that works for you, are could be later as well.

Regards,

Kevin Kohls
316-680-2186
KohlsKevinN@outlook.com

From: Turney, Brent [<mailto:Brent.Turney@ks.gov>]
Sent: Monday, November 27, 2017 3:55 PM
To: Kevin Kohls <kohlskevinn@outlook.com>; Fitch, Elizabeth <Elizabeth.Fitch@ks.gov>
Cc: kohlsfarm@gmail.com
Subject: RE: Request to hold change requests

Thanks for the deed, we will transfer ownership over to your father and continue to hold the change application.
Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Kevin Kohls [<mailto:kohlskevinn@outlook.com>]
Sent: Monday, November 27, 2017 3:42 PM
To: Turney, Brent <Brent.Turney@ks.gov>; Fitch, Elizabeth <Elizabeth.Fitch@ks.gov>
Cc: kohlsfarm@gmail.com
Subject: RE: Request to hold change requests

Hello Brent and Elizabeth,

Attached you will find the deed to the property associated with the water rights 13560, 29889, and 32154. My father, Doug Kohls, has purchased this property at the auction held last month. As I had explained over the phone (and in the first email in this chain), I am in process to purchase the property from my father. FSA financing is the reason my father is holding the property short-term.

We wanted to send the deed under Doug and Mary Kohls for your records. Once the FSA financing process is complete and I have purchased the property from my father, I will send the deed transferring the property from Doug and Mary Kohls to Kevin and Kim Kohls.

Again, if you can hold any change requests until the property is under Kevin and Kim Kohls' name, I will then work with you to clean up any open items.

If there are any questions, please let me know.

Best Regards,

Kevin Kohls
316-680-2186
KohlsKevinN@outlook.com

Doug Kohls
316-648-4632
KohlsFarm@gmail.com

From: Kevin Kohls
Sent: Tuesday, November 14, 2017 11:52 PM
To: 'Brent.Turney@ks.gov' <Brent.Turney@ks.gov>
Subject: Request to hold change requests

Hello Brent,

It was good to speak with you on the phone earlier today.

I am requesting that any change requests be put on hold for water rights files:

13560
29889
32154

As we discussed over the phone, I am in process of purchasing the 140 acres from the Dietzel Trust which are covered by these water rights, and I already own the other 20 acres in this quarter section which includes a part of water right and a point of diversion.

Due to FSA assisting with the loan, I don't expect to close for 90 to 120 days from now. In the meantime, my father has purchased the 140 acres at the auction (he closes 17NOV2017) and I will immediately purchase from him.

Again, if you are able to hold any change requests on the above mentioned water files, I appreciate it.

If you need any other information, please let me know.

Best Regards,

Kevin Kohls
316-680-2186
KohlsKevinN@outlook.com

Turney, Brent

From: Kevin Kohls <kohlskevinn@outlook.com>
Sent: Tuesday, November 14, 2017 11:52 PM
To: Turney, Brent
Subject: Request to hold change requests

WATER RESOURCES
RECEIVED

NOV 15 2017

Hello Brent,

KS DEPT OF AGRICULTURE

It was good to speak with you on the phone earlier today.

I am requesting that any change requests be put on hold for water rights files:

13560
29889
32154

As we discussed over the phone, I am in process of purchasing the 140 acres from the Dietzel Trust which are covered by these water rights, and I already own the other 20 acres in this quarter section which includes a part of water right and a point of diversion.

Due to FSA assisting with the loan, I don't expect to close for 90 to 120 days from now. In the meantime, my father has purchased the 140 acres at the auction (he closes 17NOV2017) and I will immediately purchase from him.

Again, if you are able to hold any change requests on the above mentioned water files, I appreciate it.

If you need any other information, please let me know.

Best Regards,

Kevin Kohls
316-680-2186
KohlsKevinN@outlook.com

1409 W. 8th Street
Newton, KS 67114

November 17, 2017

Brent A. Tourney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Water Rights Files 13560, 29889 and 32154

The farmground in the Northwest Quarter of Section 34, T21S, R1W in McPherson County which has been owned by the Wilmetta Dietzel Trust has been sold by the Dietzel Trust. The terms of the sale stipulated the Dietzel Trust transferred all mineral rights and water rights to the new owners.

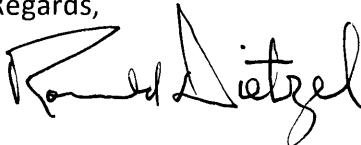
The new owners are Douglas A. and Mary A. Kohls. Enclosed is a signed copy of the Trustees' Deed. On November 17, 2017 it conveyed the property from the Dietzel Trust to the new owners.

Note: Regarding the property within the NW quarter of the NW 1/4 of Section 34 which was previously owned by Stanley and Kristen Wempen, we believe the current owners to be Kevin and Kim Kohls; and that Douglas Kohls and Kevin Kohls are father and son.

Pertaining to the three noted water rights files, change applications were recently submitted by the Dietzel Trust to the Division of Water Resources. Since the water rights were transferred to Douglas and Mary Kohls in the sale of the Dietzel Trust property to the Kohls, further processing of these change applications and related documents should be at the request of Douglas and Mary Kohls, the new owners.

Contact information is:	Douglas & Mary Kohls 17830 W. 95 th St. South Clearwater, KS 67026-8630	Kevin & Kim Kohls 76 27 th Ave. Moundridge, KS 67107
	316-648-4632 cell 620-584-6442 home	316-680-2186

Regards,



Ronald Dietzel, Co-Trustee

On behalf of Ronald Dietzel, Margaret Hillegass and Carol Cranston, Co-Trustees of the Wilmetta Dietzel Trust

WATER RESOURCES
RECEIVED

NOV 22 2017

KS DEPT OF AGRICULTURE

cc: Douglas & Mary Kohls, 17830 W. 95th St. South, Clearwater, KS 67026-8630
Kevin & Kim Kohls, 76 27th Ave., Moundridge, KS 67107
Jeff Lanterman, DWR Stafford Field Office, 300 S. Main St., Stafford KS 67578-1521
David Stucky, Adrian & Pankratz, 301 N. Main, Ste 400, Newton, KS 67114

Enclosure: Trustees' Deed conveying the Dietzel Trust property to D & M Kohls

SCANNED

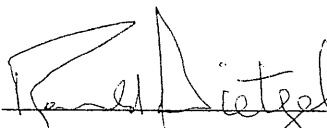
TRUSTEES' DEED

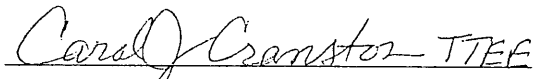
Grantors, **Ronald L. Dietzel and Carol J. Cranston** Trustees of the Wilmetta D. Dietzel Trust dated December 17, 1997, acting pursuant to the powers vested under said Trust, for the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey to **Douglas A. Kohls and Mary A. Kohls**, as joint tenants with rights of survivorship, all right, title and interest in the following described real estate:

NW 1/4 of Section 34, Township 21 South, Range 1 West of the 6th P.M., EXCEPT a tract described as follows:

Beginning at the Northwest corner of the NW 1/4 of said Section 34; thence with an assumed bearing North 89 degrees 30 minutes 46 seconds East along the North line of said NW 1/4 652.48 feet; thence South 00 degrees 38 minutes 02 seconds West 701.22 feet; thence South 77 degrees 24 minutes 42 seconds East 19.00 feet; thence South 01 degrees 34 minutes 02 seconds West 277.80 feet; thence South 04 degrees 12 minutes 14 seconds West 375.53 feet; thence South 89 degrees 31 minutes 27 seconds West 631.28 feet to the West line of said NW 1/4; thence North 00 degrees 10 minutes 04 seconds East along the West line of said NW 1/4 1357.25 feet to the point of beginning, McPherson County, Kansas.

TO HAVE AND TO HOLD the above described premises, together with the appurtenances and hereditaments thereunto appertaining, and every part thereof to the said Grantee(s) as above stated. Grantors further warrant that said Trust is in full force and effect, has not been amended or revoked, and this conveyance is within their authority as trustees, with this deed EXECUTED on November 17, 2017



Ronald L. Dietzel, Co-TRUSTEE


Carol J. Cranston, TRUSTEE


Ronald L. Dietzel and Carol J. Cranston
Trustees of the Wilmetta D. Dietzel Trust dated December 17, 1997

State of Kansas, Harvey County } ss.

This instrument was acknowledged before me on Nov 17, 17 by Ronald L. Dietzel and Carol J. Cranston, Trustees of the Wilmetta D. Dietzel Trust dated December 17, 1997, for and on behalf of said Trust.


Barbara L. Brown
Notary Public

My appointment expires:

 Security 1st Title
File No. 2224384

WATER RESOURCES
RECEIVED

NOV 22 2017

KS DEPT OF AGRICULTURE

SCANNED

McPherson County Property Data

General Information

Friday March 23 2018 11:59:04 AM

Subject Property

[Print](#)

Parcel ID : 0592183400000004000

[Click here to locate on Map](#)

Name : Kohls, Kevin N & Kim C

Location : 00000 27TH AVE, Moundridge, KS 67107

Legal Desc : S34, T21, R01, ACRES 138.4, NW4 LESS ROW & EX TR CA NW/C NW4 FOR
POB TH E652.4' S701.2' ELY19' S277.8' SLY375.5' W631. 2' N1357.2' TO POB

The information displayed here was collected for assessment purposes only

The owner names and legal descriptions provided are not adequate for use in legal documents

Owner Information

Name :

Mailing Address :

Kohls, Kevin N & Kim C

76 27th Ave Moundridge, KS 67107

Property Details

Property Type :

Property Status :

Taxing Unit :

Neighborhood Code :

Agricultural Use

Active

271

963.L

Market Land Details

Actual Width : Eff Width :

Eff Depth :

Acres :

Square Feet :

No Permit Details found.

Value Details

Year : 2018

Land : \$38,040

Building : \$0

Total : \$38,040

Book/Page Current Listing

Date :

Book :

Page :

Case :

3/15/2018

D667

5820

11/17/2017

D666

9656

7/1/2007

Book/Page Historical

Document List:

D667/5820 D666/9656 Z666/9655 D642/9400 D248/297 D211/331

No Sale Details found. (Please log in to view this data.)

McPherson County Property Data

General Information

Friday March 23 2018 11:59:47 AM

Subject Property

[Print](#)

Parcel ID : 0592183400000003000

[Click here to locate on Map](#)

Name : Kohls, Kevin N & Kim C

Location : 76 27TH AVE, Moundridge, KS 67107

Legal Desc : S34, T21, R01, ACRES 18.8, CA NW/C NW4 FOR POB TH E652.4' S701.2' ELY19' S277.8' SLY375. 5' W631.2' N1357.2' TO POB LESS ROW

The information displayed here was collected for assessment purposes only

The owner names and legal descriptions provided are not adequate for use in legal documents

Owner Information

Name :

Mailing Address :

Kohls, Kevin N & Kim C

76 27th Ave Moundridge, KS 67107

Property Details

Property Type :	Property Status :	Taxing Unit :	Neighborhood Code :
Farm Homesite	Active	271	963.L

Market Land Details

Actual Width :	Eff Width :	Eff Depth :	Acres :	Square Feet :
			.83	

No Permit Details found.

Value Details

Year : 2018
 Land : \$1,290
 Building : \$10,550
 Total : \$11,840

Year : 2018
 Land : \$29,380
 Building : \$100,420
 Total : \$129,800

Book/Page Current Listing

Date :	Book :	Page :	Case :
7/11/2017	D666	2252	
7/1/2007			

Book/Page Historical

Document List:

D666/2252 D662/6151 D643/3296+ M304/540 D214/554 D196/327