

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

1. File Number: <b>32154</b>	2. Status Change Date: <i>5/14/2018</i>	3. Change Num: <b>C1</b>	4. Field Office: <b>02</b>	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: <b>10/20/2017</b>
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"/>	
<b>WILMETTA D DIETZEL TRUST CO-TRUSTEES 871 SOAP HOLLOW RD HOLLSOPPLE PA 15935</b>				
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID <b>65698</b> Add Seq# _____	8d. WUC New to system <input type="checkbox"/>	
<b>KEVIN N &amp; KIM C KOHLS 76 27TH AVE MOUNDRIDGE KS 67107-7467</b>		<b>8b</b>		
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: <b>5/9/2018</b> By: <b>LI</b> Date Entered: <i>5/15/2018</i> By: <i>CCM</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

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

May 15, 2018

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.

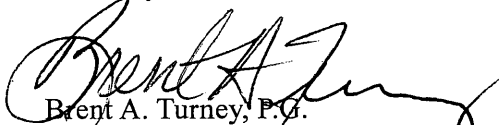
The orders dismissing the applications for change do not need to be recorded with the register of deeds as no modification of the referenced appropriations has been ordered by the Chief Engineer.

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. 32,154**

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. 32,154, 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. 32,154 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. 32,154, 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. 32,154, 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 14<sup>th</sup> 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 14<sup>th</sup> 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 15<sup>th</sup> 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. 32,154, 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. 32154

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 27<sup>th</sup> Ave  
(Mailing Address)

76 27<sup>th</sup> Ave  
(Mailing Address)

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

Moundridge KS 67107-7467 Stafford Field Office  
(City, State, Zip) Division of Water Resources

RECEIVED  
APR 10 2018

**ACKNOWLEDGMENT**

State of Kansas )  
County of Stafford )

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

My appointment expires:



Jessica Engelbrecht  
Notary Public

EKF/SFFO  
DWR Initials  
5/9/18 LI/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.

WATER RESOURCES  
RECEIVED

OCT 20 2017  
11:30  
KS DEPT OF AGRICULTURE

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

File No. 32,154

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

2. Name of applicant: 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. <u>2</u>	GMP <u>0</u>	Meets K.A.R. 5-5-1	(YES / NO) Use <u>FR</u>	Source <u>G</u>	S County <u>MP</u>	By <u>ADW</u>	Date <u>10/23/17</u>
Code <u>CGT</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>10/25/17</u>	Check # <u>1041</u>			

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 29,889

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					

WATER RESOURCES RECEIVED  
OCT 20 2017

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

KS DEPT OF AGRICULTURE

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



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 4,160 feet West of Southeast corner of section.

Authorized Rate 70 gpm Authorized Quantity 15 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 29,889

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

KS DEPT OF AGRICULTURE  
SCANNED

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](http://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.

- a. If a change in the location of the point(s) of diversion is proposed, show:
  - 1) 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.
  - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 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 1/2 mile, please indicate so on the map.
  - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. 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

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 18th day of September, 2017

Margaret Hillegass, Trustee  
(Owner)

\_\_\_\_\_  
(Spouse)

Margaret Hillegass  
(Please Print)

\_\_\_\_\_  
(Please Print)

Carol J Cranston, TTEK  
(Owner)

\_\_\_\_\_  
(Spouse)

Carol J Cranston  
(Please Print)

\_\_\_\_\_  
(Please Print)

Ronald Dietzel, Trustee  
(Owner)

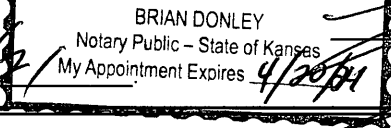
\_\_\_\_\_  
(Spouse)

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 18th day of Sept, 2017.

My Commission Expires 4/20/21  \_\_\_\_\_  
Notary Public

**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

KS DEPT OF AGRICULTURE  
SCANNED

## NOTICE

To: the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources.

On August 4, 2015, Stanley A. and Kristen K. Wempen, filed a Petition in the District Court of McPherson County, Kansas, Case No. 2015-CV-000059, (the "Lawsuit") against Ronald Dietzel, Carol Cranston, and Margaret Hillegass, Co-Trustees of the *Wilmetta D. Dietzel Trust dated December 17, 1997*, (the "Dietzel Trust") asserting an ownership interest in three Kansas water appropriation rights designated by the Kansas Department of Agriculture, Division of Water Resources as Files numbered 13,560; 29,889; and 32,154 (the "Water Rights"). The Wempens owned a tract of land generally described as the West Half of the Northwest Quarter of the Northwest Quarter (W/2 NW/4 NW/4) of Section 34, Township 21 South, Range 1 West, McPherson County, Kansas. The Wempen's tract is more particularly described as follows:

A portion of the Northwest Quarter (NW/4) of Section Thirty-four (34), Township Twenty-one (21) South, Range One (1) West of the Sixth Principal Meridian, more particularly described as follows:

Beginning at the Northwest corner of the NW/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/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/4; thence North 00 degrees 10 minutes 04 seconds East along the West line of said NW/4 1357.25 feet to the point of beginning, McPherson County, Kansas.

On \_\_\_\_\_, Stanley A. and Kristen K. Wempen transferred all of their interests in that property into the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015*.

The Dietzel Trust owns the remaining acreage in the Northwest Quarter of Section 34, Township 21 South, Range 1 West, McPherson County, Kansas.

On April \_\_\_, 2017, the Parties resolved their disputes and executed the attached Quit Claim Deeds.

While the authorized Point of Diversion for Water Rights 29,889 and 32,154 is located on the Wempen Trust's land, the Dietzel Trust has disclaimed any interest in the well.

WATER RESOURCES  
RECEIVED

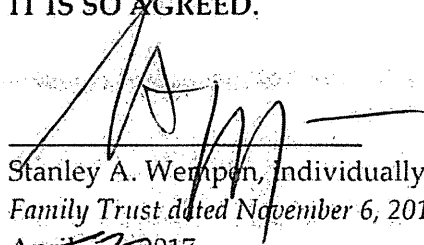
OCT 20 2017

KS DEPT OF AGRICULTURE SCANNED

While a portion of the authorized place of use for Water Right 13,560 is on the Wempen Trust's land, Stanley A. and Kristen K. Wempen, individually and as Trustees of the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015*, have disclaimed any interest in the Water Rights, including Water Rights numbered 13,560; 29,889; and 32,154, which are now wholly owned by the Dietzel Trust.

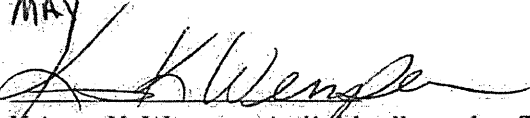
Therefore, any future application to change the characteristics of the Water Rights or any of them do not require signature by the Wempen Trust or its successors in interest.

IT IS SO AGREED.

  
Stanley A. Wempen, individually and as Trustee of the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015*,

April 2, 2017.

MAY

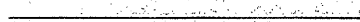
  
Kristen K. Wempen, individually and as Trustee of the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015*,

April 2, 2017.

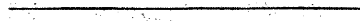
MAY

  
Ronald Dietzel, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17, 1997*,

April 28, 2017.

  
Carol Cranston, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17, 1997*,

April   , 2017.

  
Margaret Hillegass, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17, 1997*,

April   , 2017.

WATER RESOURCES  
RECEIVED

OCT 20 2017

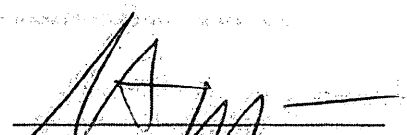
KS DEPT OF AGRICULTURE

SCANNED

While a portion of the authorized place of use for Water Right 13,560 is on the Wempen Trust's land, Stanley A. and Kristen K. Wempen, individually and as Trustees of the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015*, have disclaimed any interest in the Water Rights, including Water Rights numbered 13,560; 29,889; and 32,154, which are now wholly owned by the Dietzel Trust.

Therefore, any future application to change the characteristics of the Water Rights or any of them do not require signature by the Wempen Trust or its successors in interest.

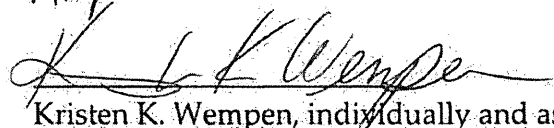
**IT IS SO AGREED.**



Stanley A. Wempen, individually and as Trustee of the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015*,

April 2, 2017

MAY

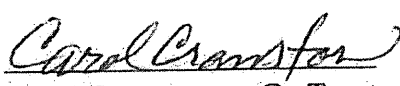


Kristen K. Wempen, individually and as Trustee of the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015*,

April 2, 2017.

MAY

\_\_\_\_\_  
Ronald Dietzel, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17, 1997*,  
April   , 2017.

  
Carol Cranston, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17, 1997*,  
April 28, 2017.

\_\_\_\_\_  
Margaret Hillegass, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17, 1997*,  
April   , 2017.

WATER RESOURCES  
RECEIVED

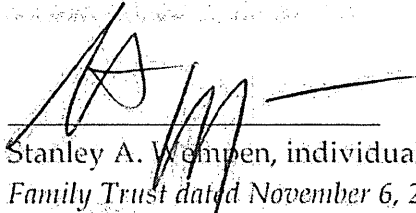
OCT 20 2017

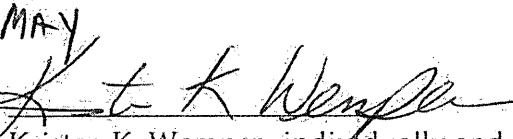
SCANNED  
KS DEPT OF AGRICULTURE

While a portion of the authorized place of use for Water Right 13,560 is on the Wempen Trust's land, Stanley A. and Kristen K. Wempen, individually and as Trustees of the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015*, have disclaimed any interest in the Water Rights, including Water Rights numbered 13,560; 29,889; and 32,154, which are now wholly owned by the Dietzel Trust.

Therefore, any future application to change the characteristics of the Water ~~Rights or any of them do not require signature by the Wempen Trust or its successors in~~ interest.

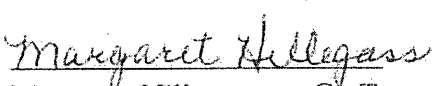
IT IS SO AGREED.

  
Stanley A. Wempen, individually and as Trustee of the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015*,  
April 2, 2017

MAY  
  
Kristen K. Wempen, individually and as Trustee of the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015*,  
April 2, 2017.

\_\_\_\_\_  
Ronald Dietzel, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17, 1997*,  
April \_\_, 2017.

\_\_\_\_\_  
Carol Cranston, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17, 1997*,  
April \_\_, 2017.

  
Margaret Hillegass, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17, 1997*,  
April 1, 2017.  
MAY

WATER RESOURCES  
RECEIVED

OCT 20 2017 CANNED

KS DEPT OF AGRICULTURE

ELECTRONICALLY FILED  
2017 May 30 PM 5:27  
CLERK OF THE MCPHERSON COUNTY DISTRICT COURT  
CASE NUMBER: 2015-CV-000059



**Court:** McPherson County District Court  
**Case Number:** 2015-CV-000059  
**Case Title:** Stanley A Wempen, et al. vs. Wilmetta Dietzel, et al.  
**Type:** Agreed Order of Dismissal with Prejudice

SO ORDERED.

A handwritten signature in cursive script, appearing to read "Joe Dickinson".

/s/ Honorable Joe Dickinson, District Court Judge

Electronically signed on 2017-05-30 17:27:49 page 1 of 3

WATER RESOURCES  
RECEIVED

OCT 20 2017

KS DEPT OF AGRICULTURE  
SCANNED



Adrian & Pankratz, P.A.  
Attorneys at Law  
301 N. Main Ste. 400  
Newton, KS 67114  
Phone: (316) 283-8746  
Fax: (316) 283-8787

IN THE DISTRICT COURT OF MCPHERSON COUNTY, KANSAS

Stanley A. and Kristen K. Wempen,

Plaintiff

vs.

Case No. 15-CV-59

Wilmetta Dietzel, Ron Dietzel, Carol Cranston, and  
Margaret Hillegass as Trustees of the Wilmetta D.  
Dietzel Revocable Trust, and Kent Boeckner as Tenant,

Defendant

---

**AGREED ORDER OF DISMISSAL WITH PREJUDICE**

NOW, Plaintiffs appear through their attorneys, Thomas A. Adrian and David J. Stucky of Adrian & Pankratz, P.A. Defendants Ronald Dietzel, Carol Cranston, and Margaret Hillegass, Trustees of the Wilmetta D. Dietzel Trust dated 12/7/1997, and Wilmetta D. Dietzel, appear by and through their attorney David M. Traster of Foulston Siefkin LLP. There are no other appearances.

Stanley A. and Kristen K. Wempen filed this action on August 4, 2015 and thereafter transferred all of their interests in the property that is the subject matter of this action, being a tract in the NW/4 Section 34, Township 21 South, Range 1 West, McPherson County, Kansas, to the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015.*

No motion to substitute the Trust for the individual interests was filed in this case. Nevertheless, the Trust is the current owner of the subject property and is and has been prosecuting this action since the Trust was created.

It is in open Court represented and stated that the claims asserted against the Defendants

WATER RESOURCES  
RECEIVED

OCT 20 2017

KS DEPT OF AGRICULTURE  
SCANNED

by Stanley A. and Kristen K. Wempen, husband and wife, individually and as Co-Trustees of the Trust, have been disposed of by settlement and compromise between the parties hereto and agreed by the parties hereto that the same should be dismissed with prejudice to any future action, each party to bear their own costs and attorney's fees.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that the claims asserted against Defendants by Stanley A. and Kristen K. Wempen, husband and wife, individually and as Co-Trustees of the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015*, are hereby dismissed with prejudice to any future action, with each party to bear their own costs and attorney's fees.

This Order is effective as of the date and time shown on the electronic stamp.

IT IS SO ORDERED.

\_\_\_\_\_  
District Judge

SUBMITTED BY:

/s/ David J. Stucky

Thomas A. Adrian, SC# 06976

David J. Stucky, SC #23698

ADRIAN & PANKRATZ, P.A.

tom@aplawpa.com

dave@aplawpa.com

Attorneys for Stanley A. and Kristen K. Wempen,  
husband and wife, individually and as Co-Trustees  
of the *Stanley A. and Kristen K. Wempen Family  
Trust dated November 6, 2015*

/s/ David M. Traster

David M. Traster, #11062

FOULSTON SIEFKIN LLP

dtraster@foulston.com

Attorneys for Defendants

WATER RESOURCES  
RECEIVED

OCT 20 2017

KS DEPT OF AGRICULTURE  
SCANNED

ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS 31 DAY  
OF May A.D. 2017  
Hollie D. Maloney  
CO. CLERK

State of Kansas, McPherson County, SS: 2066  
This instrument was filed for record  
on the 30 day of May A.D. 2017  
at 9:00 o'clock A.m, and recorded  
in book Tab 5 on page 9343, 9344

QUIT CLAIM DEED

James B. Wenzel  
Register of Deeds  
Cindy Gustafson  
Deputy

On this 31 day of April, 2017, Stanley A. Wempen and Kristen K. Wempen, husband and wife, individually and as Co-Trustees of the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015*, QUITCLAIM to the *Wilmetta D. Dietzel Trust dated December 17, 1997*, the following described real estate in McPherson County, Kansas:

Any and all legal and equitable rights, if any, in three Kansas water appropriation rights established pursuant to the Kansas Water Appropriation Act, K.S.A. 82a-701, *et seq.*, and designated by the Kansas Department of Agriculture, Division of Water Resources ("DWR") as Files numbered 13,560; 29,889; and 32,154, which rights are appurtenant to portions of the following described property:

Northwest Quarter (NW/4) of Section Thirty-four (34), Township Twenty-one (21) South, Range One (1) West of the Sixth Principal Meridian, McPherson County, Kansas,

and all other interests, if any, in any portion of the above-described property owned by the *Wilmetta D. Dietzel Trust dated December 17, 1997*, in full settlement of disputed claims to the ownership of said real estate.

Title to each of the three referenced water rights is hereby severed from the following described real property in the NW/4 of the NW/4 of Section 34:

A portion of the Northwest Quarter (NW/4) of Section Thirty-four (34), Township Twenty-one (21) South, Range One (1) West of the Sixth Principal Meridian, more particularly described as follows:

Beginning at the Northwest corner of the NW/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/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 fine of said NW/4; thence North 00 degrees 10 minutes 04 seconds East along the West line of said NW/4 1357.25 feet to the point of beginning, McPherson County, Kansas.

The Co-Trustees further agree, for themselves and for their successors and assigns, that the following agreements are covenants that run with the fee simple estate of the tract in

WATER RESOURCES  
RECEIVED

OCT 20 2017

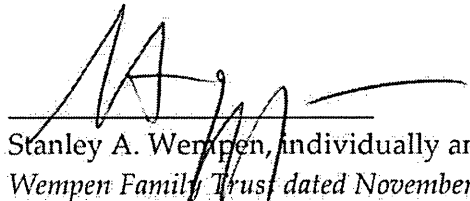
KS DEPT OF AGRICULTURE

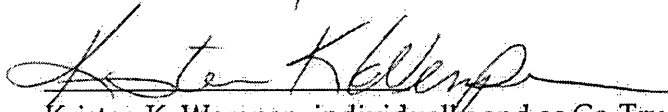
SCANNED

the NW/4 of the NW/4 of Section 34 described above and bind all present and future owners thereof.

(1) Any existing or replacement wells located on the tract in the NW/4 of the NW/4 of Section 34 described above are hereby limited to domestic use as that term is defined at K.S.A. 82a-701 and cannot be used to irrigate any land other than the two acres permitted for domestic use; and

(2) No claim may be asserted that existing or replacement wells that supply water for irrigation of the portion of Section Thirty-four (34), Township Twenty-one (21) South, Range One (1) West of the Sixth Principal Meridian other than the tract in the NW/4 of the NW/4 of Section 34 described above impair any well on the tract in the NW/4 of the NW/4 of Section 34 described above.

  
Stanley A. Wempen, individually and as Co-Trustees of the *Stanley A. and Kristen K. Wempen Family Trust* dated November 6, 2015.

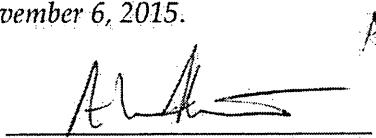
  
Kristen K. Wempen, individually and as Co-Trustees of the *Stanley A. and Kristen K. Wempen Family Trust* dated November 6, 2015.

**ACKNOWLEDGMENT**

STATE OF Nevada §

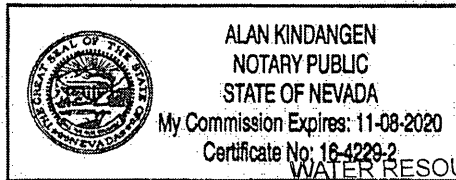
COUNTY OF Washoe §

This instrument was acknowledged before me on this 2<sup>nd</sup> day of <sup>May</sup> ~~April~~, 2017, by Stanley A. Wempen and Kristen K. Wempen, individually and as Co-Trustees of the *Stanley A. and Kristen K. Wempen Family Trust* dated November 6, 2015.



Notary Public

My Appointment Expires: 11/08/2020



Env.  
24  
4  
1  
2/32  
Adriana Paukratz

OCT 20 2017 SCANNED

COVER SHEET

ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS 24 DAY  
OF June A.D. 2017  
Hollie D. Melroy  
CO. CLERK

State of Kansas, McPherson County, SS: 2465 X  
This instrument was filed for record  
on the 23 day of June A.D. 20 17  
at 11:00 o'clock A.m, and recorded  
in book 666 on page 1049-1055  
Laurie B. Wignard  
Register of Deeds  
Cordy Gustus  
Deputy

This page was added by the McPherson County Register of Deeds office in accordance with KSA 28-115(e) "If sufficient space is not provided for the necessary recording information and certification on a document, such recording information shall be placed on an added sheet and such sheet shall be counted as a page."

WATER RESOURCES  
RECEIVED

OCT 20 2017

KS DEPT OF AGRICULTURE  
SCANNED

## QUIT CLAIM DEED

On this 1st day of ~~April~~<sup>May</sup>, 2017, Ronald Dietzel, Carol Cranston, and Margaret Hillegass, Co-Trustees of the *Wilmetta D. Dietzel Trust dated December 17, 1997*, QUITCLAIM to Stanley A. Wempen and Kristen K. Wempen, husband and wife, and ["and" or "as"?] Co-Trustees of the *Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015* the following described real estate in McPherson County, Kansas:

Any and all legal and equitable interests in a water well located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE/4 NW/4 NW/4) of Section 34, near a point 4,300 feet North and 4,610 feet West of the Southeast corner of the Section which is the designated point of diversion for two Kansas water appropriation rights established pursuant to the Kansas Water Appropriation Act, K.S.A. 82a-701, *et seq.*, and designated by the Kansas Department of Agriculture, Division of Water Resources ("DWR") as Files numbered 29,889 and 32,154, which rights are appurtenant to portions of the following described property:

- ✓ Northwest Quarter (NW/4) of Section Thirty-four (34), Township Twenty-one (21) South, Range One (1) West of the Sixth Principal Meridian, McPherson County, Kansas.

and all other interests, if any, in any portion of the following described property, except the water rights designated as DWR Files numbered 13,560; 29,889; and 32,154, the ownership of which, if any, are hereby severed from the following property:

- ✓ A portion of the Northwest Quarter (NW/4) of Section Thirty-four (34), Township Twenty-one (21) South, Range One (1) West of the Sixth Principal Meridian, more particularly described as follows:

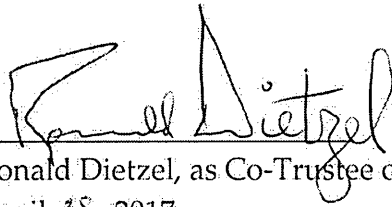
Beginning at the Northwest corner of the NW/4 of said Section 34; thence with an assumed bearing North 89 degrees 30 minutes 46 seconds East along the North line of said NW/4 652.48 feet; thence South 00 degrees 38 minutes 02 seconds West 701.22 feet; thence South 77 degrees 24 minutes 42 seconds East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

in full settlement of disputed claims to the ownership of said real estate.

WATER RESOURCES  
RECEIVED

OCT 20 2017

KS DEPT OF AGRICULTURE  
SCANNED



Ronald Dietzel, as Co-Trustee of the Wilmetta D. Dietzel Trust dated December 17, 1997,  
April 28, 2017.

Carol Cranston, as Co-Trustee of the Wilmetta D. Dietzel Trust dated December 17, 1997,  
April \_\_, 2017.

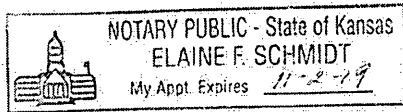
Margaret Hillegass, as Co-Trustee of the Wilmetta D. Dietzel Trust dated December 17,  
1997,  
April \_\_, 2017.

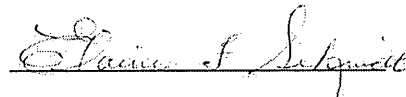
**ACKNOWLEDGMENTS**

STATE OF Kansas §

COUNTY OF Harvey §

This instrument was acknowledged before me on this 28<sup>th</sup> day of April, 2017, by  
Ronald Dietzel, as Co-Trustee of the Wilmetta D. Dietzel Trust dated December 17,  
1997.





Notary Public

My Appointment Expires:

WATER RESOURCES  
RECEIVED

OCT 20 2017

KS DEPT OF AGRICULTURE

SCANNED

\_\_\_\_\_  
Ronald Dietzel, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17, 1997*,  
April \_\_, 2017.

*Carol Cranston*

Carol Cranston, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17, 1997*,  
April 28, 2017.

\_\_\_\_\_  
Margaret Hillegass, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17,*  
*1997,*  
April \_\_, 2017.

#### ACKNOWLEDGMENTS

STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on this \_\_\_\_ day of April, 2017, by  
Stanley A. Wempen and Kristen K. Wempen individually and as Co-Trustee of the  
*Stanley A. and Kristen K. Wempen Family Trust dated November 6, 2015.*

\_\_\_\_\_  
Notary Public

My Appointment Expires:

WATER RESOURCES  
RECEIVED

OCT 20 2017

KS DEPT OF AGRICULTURE

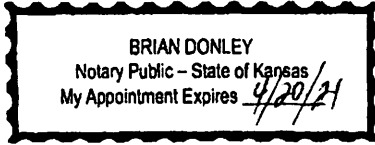
SCANNED




STATE OF Kansas §

COUNTY OF Harvey §

This instrument was acknowledged before me on this 28th day of April, 2017, by Carol Cranston, as Co-Trustee of the Wilmetta D. Dietzel Trust dated December 17, 1997.



  
\_\_\_\_\_  
Notary Public

My Appointment Expires: 4/20/2021

STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on this \_\_\_\_ day of April, 2017, by Margaret Hillegass, as Co-Trustee of the Wilmetta D. Dietzel Trust dated December 17, 1997.

\_\_\_\_\_  
Notary Public

My Appointment Expires:

WATER RESOURCES  
RECEIVED

OCT 20 2017

KS DEPT OF AGRICULTURE  
SCANNED

\_\_\_\_\_  
Ronald Dietzel, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17, 1997*,  
April \_\_, 2017.

\_\_\_\_\_  
Carol Cranston, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17, 1997*,  
April \_\_, 2017.

*Margaret Hillegass*  
Margaret Hillegass, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17,*  
1997,  
April 1, 2017.  
*May*

**ACKNOWLEDGMENTS**

STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on this \_\_\_\_ day of April, 2017, by  
Ronald Dietzel, as Co-Trustee of the *Wilmetta D. Dietzel Trust dated December 17,*  
1997.

\_\_\_\_\_  
Notary Public

My Appointment Expires:

WATER RESOURCES  
RECEIVED

OCT 20 2017

KS DEPT OF AGRICULTURE

SCANNED

STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on this \_\_\_\_ day of April, 2017, by Carol Cranston, as Co-Trustee of the Wilmetta D. Dietzel Trust dated December 17, 1997.

\_\_\_\_\_  
Notary Public

My Appointment Expires:

STATE OF Pennsylvania §

COUNTY OF Somerset §

This instrument was acknowledged before me on this 1<sup>st</sup> day of <sup>MAY</sup>~~April~~, 2017, by Margaret Hillegass, as Co-Trustee of the Wilmetta D. Dietzel Trust dated December 17, 1997.

Lindsey M Callihan  
Notary Public

My Appointment Expires: 1-29-19

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Lindsey M. Callihan, Notary Public  
Conemaugh Twp., Somerset County  
My Commission Expires Jan. 29, 2019  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Emw.

74 Foulston Siefkin  
1.4 Wichita  
3.50  
3.50  
7/102

WATER RESOURCES  
RECEIVED

OCT 20 2017

KS DEPT OF AGRICULTURE  
SCANNED

# FOULSTON SIEFKIN LLP

ATTORNEYS AT LAW

1551 N. Waterfront Parkway, Suite 100  
Wichita, Kansas 67206-4466  
316.267.6371  
www.foulston.com

32 Corporate Woods, Suite 600  
9225 Indian Creek Parkway  
Overland Park, Kansas 66210-2000  
913.498.2100  
Fax 913.498.2101



Topeka Tower, Suite 1400  
534 South Kansas Ave.  
Topeka, Kansas 66603-3436  
785.233.3800  
Fax 785.233.1610



David M. Traster  
316.291.9725  
866.347.3138 Fax  
dtraster@foulston.com

October 12, 2017

WATER RESOURCES  
RECEIVED  
OCT 20 2017  
KS DEPT OF AGRICULTURE

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

Re: Change Applications – Files 29,889 and 32,154  
Request for Reduction in the Place of Use— File 13,560

Dear Brent:

I am attaching change applications for Files 29,889 and 32,154. These applications seek to move the point of diversion for these two overlapping water rights to the current point of diversion for a third partially overlapping water right, File 13,560.

The Request to Reduce removes the Wempen property that is mostly in the West Half of the Northwest Quarter of the Section. The request has been signed by Ron Dietzel, one of the trustees. The two other trustees will sign and submit duplicates.

I am also attaching a check in the amount of \$400.00, a Notice, two Quit Claim Deeds, and a Journal Entry of Dismissal of the lawsuit mentioned in the Notice. I am also enclosing an illustration outlining the property that includes the portion of the place of use for File 13,560 that is to be removed.

The Trustees have no plans to irrigate this property and are in the process of selling its interest in the NW/4 of Section 34.

You and Jeff Lanterman have said that DWR's policy and practice permits splitting single point of diversion into multiple points of diversion after wells from two or more water rights have been consolidated so long as the number of total wells never exceeds the number of original wells. A future owner may want to take advantage of this approach.

SCANNED

Page 2

We have previously explained the issues in the lawsuit mentioned in the Notice. See my letter to Lane Letourneau dated August 20, 2015. If you need additional information about the claims made, the resolution, or any other information, please let me know.

Very truly yours,

FOULSTON SIEFKIN LLP

A handwritten signature in black ink, appearing to read 'DMT', with a long horizontal line extending to the right.

David M. Traster

DMT/apm  
Enclosures

WATER RESOURCES  
RECEIVED

OCT 20 2017

KS 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 32154

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](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

---

**From:** Saryerwinnie, Tyler [KDA]  
**Sent:** Thursday, April 26, 2018 1:22 PM  
**To:** Turney, Brent [KDA] <[Brent.Turney@ks.gov](mailto: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