

Kansas Department of Agriculture / Division of Water Resources
Stockton Field Office

TO: HEADQUARTERS

RE Vested Right; Water Right; Appropriation of Water; Application

File No(s). 11504 County SH

Enclosed are the following checked items:

A _____ FIR Full Partial Inspection Return to Field Office

Proposed Certificate to deliver to Certificate Unit

Meter Order: GMD#4

Lower Smoky

Other _____

A Compliance Check Inspection on _____

Meter Install New App Chg App Other _____

In Compliance Not in Compliance, why _____

Modify Point of Diversion No Yes, document attached

Indicate all overlapping p/d files _____

An application and judgment sheet with recommendation.

A memorandum dated _____

A request for an extension of time to perfect or complete.

A verified report.

A closure request.

A field investigation report.

Notice of Non-Compliance _____

Violation

Date

An ownership change (name(s) and address(es) below).

A water use report for _____

A letter dated _____

A copy of an Approval to Change the place of use and/or point of diversion,

Filing Fee attached. #541

\$200.00

An Advanced copy of a change application and the filing fee, to be processed at the field office.

An original field office change application and the filing fee needing headquarters office review and further processing.

Other: _____


Assistant Water Commissioner

9-17-18
Date

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STOCKTON FIELD OFFICE
820 S. WALNUT
STOCKTON, KS 67669-0192

STATE OF KANSAS



PHONE: (785) 425-6787
FAX: (785) 425-6842
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

September 19, 2018

DEAN TOPLIFF
6244 ROAD 17
GOODLAND KS 67735-9043

Re: Water Right, File No. 11,504

Dear Mr. Topliff:

Enclosed is the order executed by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the terms, conditions, and limitations specified in this approval for change. Also, the approval of the order requires the installation of a water flow meter(s) on the point(s) of diversion authorized under the above referenced file number by **December 31, 2018**. Please complete and return the enclosed Notice of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters are found in K.A.R. 5-1-4 through K.A.R. 5-1-12 along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address:

<http://agriculture.ks.gov/meters>

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

The abandoned water well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <http://kdheks.gov/waterwell>

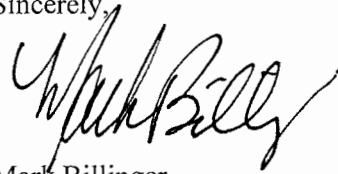
Since this order modifies the original certificate, it should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

This document is a summary order by this agency regarding this matter. This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

(over)

If you have any questions, please feel free to contact this office at (785)425-6787. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,



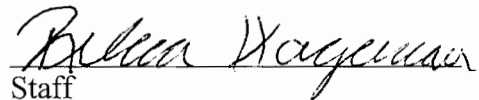
Mark Billinger
Assistant Water Commissioner

MB:rfh
Enclosures
pc: G.M.D.4

CERTIFICATE OF SERVICE

On this 19th day of September, 2018, I hereby certify that the attached **SUMMARY ORDER APPROVING APPLICATION FOR CHANGE in POINT OF DIVERSION** for water right, File No. 11,504, dated on the 19th day of September, 2018, was mailed postage prepaid, first class, U.S. mail, to the following:

DEAN TOPLIFF
6244 ROAD 17
GOODLAND KS 67735-9043



Staff

A copy of the Change Approval was sent to the following:

Groundwater Management District No. 4
P.O. Box 905
Colby, KS 67701

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

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

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



STATE OF KANSAS

APPLICATION COMPLETE
 9/17/18
 Reviewer MB

WATER METER REQUIRED

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

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

RECEIVED

File No. 11,504

SEP 10 2018
 10:48 AM

Stockton Field Office
 Division of Water Resources

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: Randy Topliff

607 Kansas Ave., Goodland, KS 67735

Phone Number: (785) 821-1212 Email address: rockytop58@icloud.com

Name and address of Water Use Correspondent: Same as applicant

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Topliff Rev. Trust

ADDRESS: 607 Kansas Ave Goodland, Ks 67735

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: _____

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	

For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

5. **Presently authorized point of diversion:**
 One in the NE Quarter of the NW Quarter of the SW Quarter of Section 34, Township 8 South, Range 40 W, in Sherman County, Kansas, 2630 feet North 4140 feet West of Southeast corner of section. Authorized Rate 1235 gpm Authorized Quantity 560 AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NW Quarter of the NW Quarter of the SW Quarter of Section 34, Township 8 South, Range 40 W, in Sherman County, Kansas, 2500 feet North 5250 feet West of Southeast corner of section. Proposed Rate 1235 gpm Proposed Quantity 560 AF Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point N/A

6. **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 _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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 _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) _____
Old well is not performing

8. If a well, is the test hole log attached? Yes No

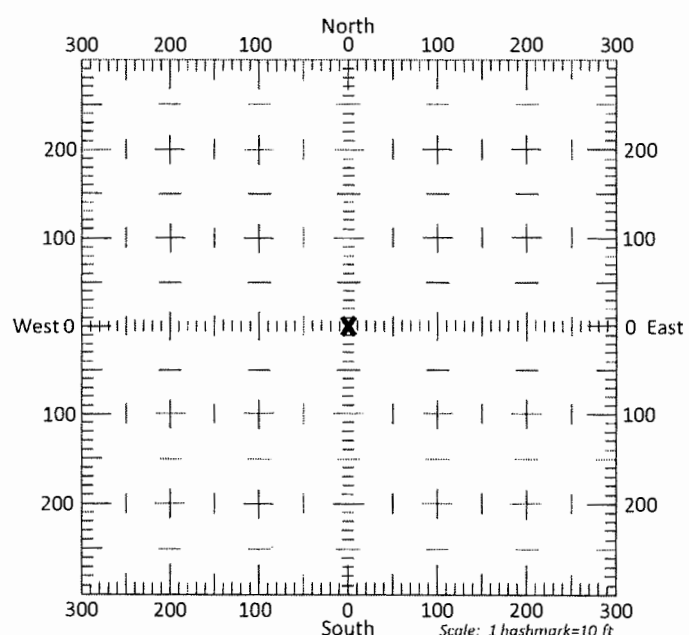
9. The change(s) (was)(will be) completed by?
Upon approval

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Cap it
 (b) When will this be done? Upon approval

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by Shannon Kenyon, GMD 4

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

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SEP 10 2018

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Goodland, Kansas, this 6th day of September, 2018.

<u>Topliff Revocable Trust</u> <u>Randy D. Topliff</u> Trustee	 (Spouse)
<u>Topliff Revocable Trust</u> <u>Randy D. Topliff</u> , Trustee (Please Print)	 (Please Print)
 (Owner)	 (Spouse)
 (Please Print)	 (Please Print)
 (Owner)	 (Spouse)
 (Please Print)	 (Please Print)

State of Kansas
 County of Sherman } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6th day of September, 2018.

My Commission Expires 3/23/22



Maribeth Stodola
 Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

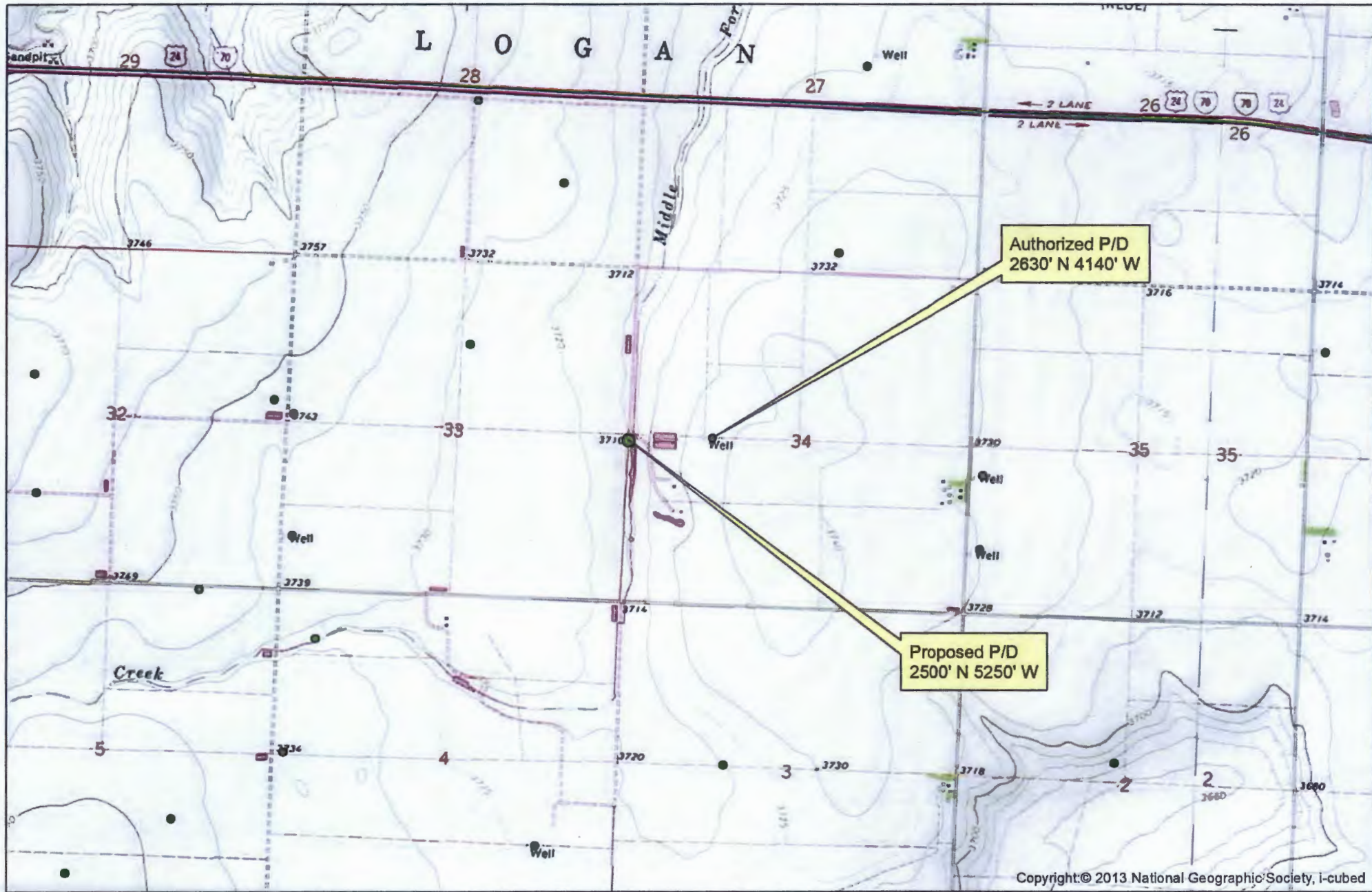
FEE SCHEDULE

- Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**
- (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

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#11,504 - Change P/D

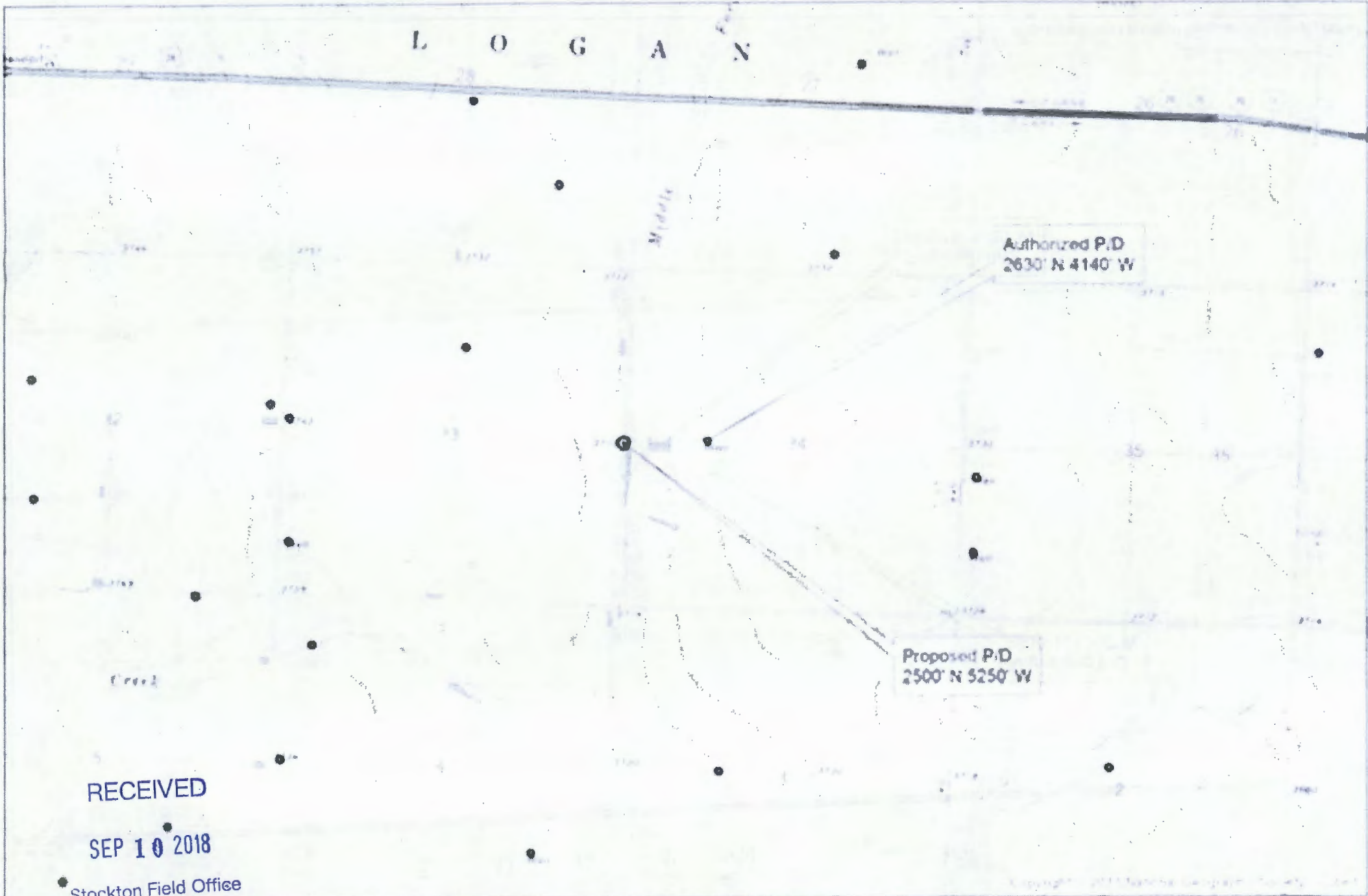


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All wells within 1/2 mile have been identified. Signed _____ Date _____ Prepared by Shannon Kenyon, GMD 4

#11,504 - Change P/D

L O G A N



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SEP 10 2018

Stockton Field Office
Division of Water Resources

All wells within 1/2 mile have been identified. Signed

Randy D. Tagg

Date 9-6-18

Prepared by Shannon Kenyon GMD 4

3795 W. Jones Ave.
Garden City, KS 67846
PH: 620-277-2389



PO Box 639
Garden City, KS 67846
Fax: 620-277-0224

Customer Name: Top of Family Trust WO#: 14406 Date: 8/31/18
 Street Address: 157 Kansas Ave Test #: 4 E LOG: Up
 City, State: Compton, KS 67285 Driller: Dawn Frizzell
 County: Sherman Quarter: SE Section: 23 Township: 8 Range: 46
 Location: From Test #3 - 72' 11" GPS: 39.31413° N 101.7824° W
 Rig #: 10003 Elevation: 3604 Static WL: 210 Estimated? Yes
 Proposed Well Depth: _____

%	Footage			Description of Strata
	From	Pay	To	
	0		2	2' 0"
	2		44	2' 0" to 44' 0" sand
	44		57	Sand fine to coarse, coarse sand to large gravel
	57		64	Brown yellow clay
	64		87	Sand fine to coarse, coarse sand to large gravel (oil on 20')
	87		102	Brown to brick, limestone
	102		117	Sand fine to coarse, coarse sand (classified as plastic thin clay)
	117		129	Green to blue clay (thin) few limestone
	129		160	Sand fine to small coarse sand
	160		177	Sand fine to coarse, coarse sand to large gravel
	177		197	Sand fine to coarse, coarse sand
	197		209	Brown Clay limestone
	209		215	Sand fine to coarse, coarse sand
	215		221	Brown Sand clay
25%	221	29	250	Sand fine to coarse, coarse sand to large gravel & brown rock
35%	250	12	262	Sand fine to coarse, coarse sand to large gravel
30%	262	24	286	Sand fine to coarse, coarse sand to large gravel brown rock limestone
15%	286	6	292	Sand to gravel (classified as plastic thin clay)
	292		298	Brown clay limestone (slightly sandy)
15%	298	8	306	Sand fine to small
20%	306	12	318	Sand fine to small (light to dark) clay limestone
5%	318	26	344	Sand fine to small (loose to dense) few limestone
10%	344	14	358	Sand silt to fine (fairly loose) thin clay
	358		369	Green yellow clay
	369		382	Shale gray yellow clay
	382		395	Shale

- Test Run
- Set well pack
- Pit to fail
- 2 Super Gel
- 3- Gall
- 6- 200 lb Pipe
- Perme Filter
- 1- Pipe

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STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STOCKTON FIELD OFFICE
820 S. WALNUT
STOCKTON, KS 67669-0192



PHONE: (785) 425-6787
FAX: (785) 425-6842
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

September 10, 2018

GROUNDWATER MANAGEMENT DISTRICT NO 4
PO BOX 905
COLBY KS 67701

Re: Water Right, File No. 11,504

Dear Ladies and Gentlemen:

Reference is made to the application referred to above which appears to be in proper form.

We are delaying any further action until **September 24, 2018** to allow you time to submit your recommendation concerning this application.

Please submit your recommendation within the allotted time or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly C. Stewart", with a long horizontal flourish extending to the right.

Kelly C. Stewart
Water Commissioner

KCS:rfh
Enclosures

SCANNED



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

September 13, 2018

Kelly Stewart
Stockton Field Office
820 South Walnut
Stockton, Kansas 67669-0192

RE: Application: 11,504
Randy Topliff

Dear Kelly,

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendation be made to the Chief Engineer:
If you have any questions, please contact this office.

Approve application

Sincerely,

Ray Luhman
Manager

RPL: jem

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SEP 13 2018

Stockton Field Office
Division of Water Resources

SCANNED