NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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

3/19/2019 LLM

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. 8.5 must be completed. Complete all other applicable portions. If change in point of diversion is greater

than	100 feet	or if pl	ace of	use w									•						posed point(s)
or an	ersion a	and/or p	lace o	i use.													F	RECE	IVED
								o. <u>6236</u>						-			M.	AR O	8 2019 P.W.
1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Stockton Field C							ield Office												
							lace o				Point								ter Resources
	under th				s the s				ation i					naition	s aesc	ribea i	below.		
	The sou	rce of s	uppiy i	S:		XI G	Fround	water		Ш	Surfa	ce wat	er						
	Name ai						<u>/I HOR</u>	INEK											
_	Phone N					01		,	Fmail	addre	ss.		-						
	Name a					orresp	onder												
_						·													
	Phone N			_)					Email	addre	ss:								
	The pres	•		•									TD. 10						
(Owner o		NA ADDRI									RINEK	TRUS	<u> </u>					
(If there is						•												
`	(If there is more than one landowner, attach supplemental sheets as necessary.) NE½ NW½ SW½ SE½ TOTAL																		
Sec.	. Twp.	Range	NE1⁄4	NW1/4		SE¼	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE¼	NE1/4	NW¼	SW1/4	SE1/4	ACRES
33	8	40													40	40	40	40	160
34	8	40									40	30	25	40	10	40	40	40	235
35	8	40									40	40	40	40					160
(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: TONY M HORINEK TRUST & ANITA M HORINEK TRUST ADDRESS: 1980 CTY RD 1 COLBY, KS 67701 (If there is more than one landowner, attach supplemental sheets as necessary.)																		
NE1/4				NW1/4				SW1/4			SE¼			TOTAL					
Sec.	Twp.	Range	NE¼	NW¼	SW1/4	SE1/4	NE1/4	NW½	SW1/4	SE¼	NE1/4	NW¼	SW¼	SE¼	NE1/4	NW1/4	SW¼	SE1/4	ACRES
33	8	40						<u> </u>							30	30	30	30	120
34	8	40					27.5	27.5	27.5	27.5	15.5			15.5	5	34.5	34.5	5	220
35	8	40						<u> </u>			30	30	30	30		,			120
For Office Use Only: Code WATER FFEE CURES TR# Receipt Date 218 19 Check # 1594																			
- 7	-03	Gu	NDI	-1	G	-12 1R1	.v2_ 8 201	9	5	H	Me	its	5-5	5-1					
DWR	1-121 (R	evised 0	4/5/201	•				. +:		Page 1								File No	D
	KS DEPT OF AGRICULTURE																		

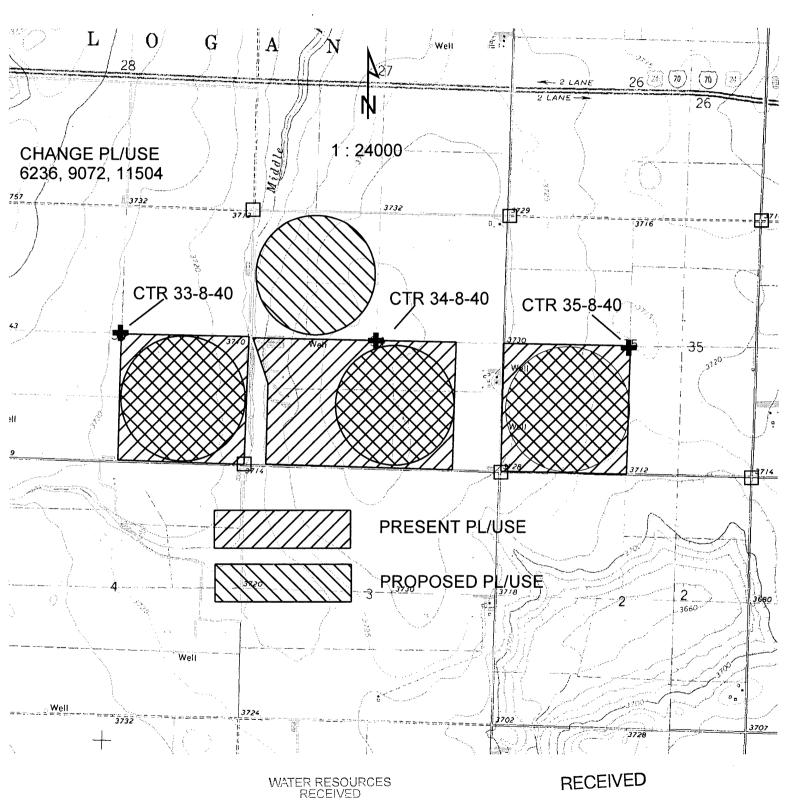
5. Г	Presently authorized point of diversion:				
٠.	One in the Quarter of the	NW	Quarter of the	SW	Quarter
1	of Section 35 Township				
	in <u>SHERMAN</u> County, Kansas, <u>2150</u> fe				
	Authorized Rate 1000 GPM Authorized Quantity				
	(DWR use only: Computer ID No GPS				
	☑This point will not be changed ☐This point will be changed as				
	Proposed point of diversion: (Complete only if change is				
	One in the Quarter of the				
	of Section, Township				
	in County, Kansas, fe				
	Proposed Rate Proposed Quantity				
	This point is: Additional Well Geo Center List other				
			·		
6. [Presently authorized point of diversion:				
١.	One in the NW Quarter of the	SW	Quarter of the	SW	Quarter
	of Section 35 , Township				
	in <u>SHERMAN</u> County, Kansas, <u>975</u> fe				
	Authorized Rate 1000GPM Authorized Quantity				
	(DWR use only: Computer ID No GPS				
	☐This point will not be changed ☑This point will be changed as				
	Proposed point of diversion: (Complete only if change is	request	ed or if existing point is be	etter describ	ed by GPS)
ı	One in the Quarter of the				
	of Section, Township				
	in County, Kansas, fee				
İ	Proposed Rate Proposed Quantity				
	This point is: Additional Well Geo Center List other	water rig	hts that will use this point		
_					
7.	The changes herein are desired for the following reasons?				
	(please be specific) REDUCE LAND TO STOP 5-5-11 AND ADD NEW PIVOT	. 300	North 0 200 100 0	100 200	300
	AND ADD NEW FIVOT	<u> </u>	<u>, uluuluuluuluuluuluuluul</u> uulu	<u> 100 100</u>	<u>ыш</u> д
		E		<u> </u>	4
8.	If a well, is the test hole log attached? Yes No	200	-1+1+1=1	+ + +	1 = 200
0	The change (a) (was) (will be) completed by 2	E	=	1 ' 1	' =
9.	The change(s) (was)(will be) completed by?	E			Ī
	5/1/19	100	-1+1+1=1	+ 1 +	- 클100
10	If the point of diversion is a well:		=		7
		West 0 H	: :+::::::::::::::::::::::::::::::::::	mhataah	
	(a) What are you going to do with the old well?		=		1 1 2 2 2 2 2
	NA ·		<u> </u>		=
	(b) When will this be done? NA	100	-1+1+11	+ 1 +	100
	(b) What will the be defice.				4
11	Groundwater Management District recommendation attached?	200	- -++++=	4 1 4	200
	Yes No	200		1 ' 1	1 = 200
			- <u>-</u> - -	-	. 🗐
12.	Assisted by RL GMD #4	ы 300		<u>1111111111111111111111111111111111111</u>	300 गोगा <u>प</u>
13a	. If the proposed point of diversion will be relocated more than 300	200	South	Scale: 1 hashm	

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 addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile addresses of the landowner(s) one-half mile downerteem and one half mile unstream from your property. 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

14. If the proposed groundwater poi	nt of diversion is 300 o	r fewer feet fror	n the existing poin	t of diversion, complete the	following:
(a) Does the undersigned repre	esent all owners of the (If no, all owners must			se identified in this applicati	on?
(b) Will the ownership interest affected if this application is ☐ Yes ☐ No		d?		e identified in this application	on be adversely
(c) If this application is not app	roved expeditiously, wi (If no, all owners must			property, public health or sa	ifety?
If the application proposes a surface or a change in place of use, the appl agent (attach notarized statement au	ication must be signed	by all owners of	groundwater chang If the currently aut	ge in point of diversion grea horized place of use, or the	iter than 300 feet, ir duly authorized
I hereby verify, being first duly age and the owner, the spouse their behalf, in regards to the contained in this application ar	of the owner, or a water right(s) to wh	duly authoriz	ed agent of the ication pertains	owner(s) to make this s. I further verify that t	application on
• •	lbn.	Manage this	day of	March	2019
Dated at	100	Kansas, this _	I day of	1 60000	
	To				
(Owner))			(Spouse)	·
Tonu M. Horine	k Trustee	ي ا			
(Please Pr	/ · · ·			(Please Print)	
 · · · · · · · · · · · · · · · · · ·	Ounek				
(Owner)	1. Taxa	1.0		(Spouse)	
(Please Pr	ek Irus	<u>ee</u>		(Please Print)	
(Flease Fl	1111)			(Flease Fills)	•
(Owner))			(Spouse)	
(Please Pr	int)			(Please Print)	
State of Kansas)	DRY PUL AI	MEE APPLEBU	RY	
County of Thomas	SS	Q 1 1 1 1 1	NOTARY PUBLIC TATE OF KANSA		
I hereby certify that the foreg		STATE OF KANSAS MY A	ppt Exp 1-8-1	sworn to before me th	is 4th day
οι <u>11034 Ο ΄</u>	<u> </u>	(-	1	
		<u>_</u>	me s	Applilury Public	
My Commission Expires 1-8-3	3031			Montally F about	
ONLY COMPLETE APPLICATIONS WILI accurate information; maps, if necessary, the appropriate fee must be paid.					
	j	FEE SCHEDUL	E		
Each application to change the place forth in the schedule below: Make change a place (2) Application to change a place (2) Application to change a place (3) Application to change a place (4) Application to change the place (5) Application to change the place (6) Application to change (6) Application (6) Applicat	necks payable to: Kan spoint of diversion 300 fopoint of diversion more	sas Departmer eet or less than 300 feet .	t of Agriculture		\$100 \$200
(3) Application to change the WATE	RECEIVED		RECEI	 V FD	φευυ
			NEUEI	v	
M	AR 1 8 2019		MAR 0 8	3 2019	
DWR 1-121 (Revised 04/5/2018)	T OF AGRICULTURE	Page 3		File	No
NO DEF	, 0. /		Stockton Fi	er Resources	

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro Wit	s Summary Order is issued under authority of K.S.A. 82a-70 visions of the <i>Kansas Water Appropriation Law, K.S.A.</i> 82a-h the exception of those conditions expressly contained herein tations of File No.	701 et. seq., and rules and re-	gulations promulgated thereunder,
1.	A change application was received on diversion authorized under the above-referenced file numbers.	requesting that per be changed as described in	t the place of use and / or point on the application.
2.	On and after the effective date of this summary order, the aut the topographic map accompanying the application to cha	thorized place(s) of use shall beinge the place of use.	e located substantially as shown or oplicable
3.	The change in point of diversion shall not impair existing right previously authorized. The point of diversion authorized be radius of the authorized point(s) of diversion. ☐ Applicab	ov this summary order shall be I	ame source or sources of water as located within a foot
4.	The point(s) of diversion described herein is administrative Positioning System (GPS), as described in the application	ely corrected to be more accu ☐ Applicable ☐ Not Applica	rately described using the Globa ble
5.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion. ☐ Applicable ☐ N	be located more than ot Applicable	feet from the previously
6.	As required by K.A.R. 5-3-5d, if the works for diversion is a wor other device suitable for making water level measureme K.A.R. 5-6-13. Applicable Not Applicable	vell with a diversion rate of 100 nts shall be installed, operated	gallons per minute or more, a tube and maintained in accordance with
7.	The owner of the authorized place(s) of use shall proper December 31, 20, or before the first use of water, operated and maintained in accordance with K.A.R. 5-1-4 K.A.R. 5-3-5e, the owner shall maintain records and report diverted annually to the Chief Engineer by March 1 following Applicable Not Applicable	whichever occurs first. The wathrough 5-1-12. As required by the reading of the water flow m	vater flow meter shall be installed K.S.A. 82a-732, as amended, and neter and the total quantity of water
8.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 the works for diversion has been completed, on the form provi	applicant shall notify the Chief	f Engineer that construction of the
9.	The completed well log shall be submitted with the requi	ired notice. Applicable	☐ Not Applicable
10.	All diversion works into which any type of chemical or other f with an in-line, automatic, quick-closing check valve capal check valve(s) shall be installed, operated and maintained	ble of preventing pollution of th	e source of the water supply. The
11.	Additional Conditions are attached.		
12.	In accordance with K.S.A. 82a-708a, as amended, and K.A water appropriated under the above-referenced file numb limitations, as amended and/or supplemented by this Sun Appropriation Law and the Rules and Regulations promuresult in civil penalties pursuant to K.S.A. 82a-737, as amwater or appropriation right or any other enforcement actions.	per are responsible for complianmary Order, and with applicabiligated thereunder. Failure to sended, and/or the suspension	ince with its terms, conditions and ble provisions of the <i>Kansas Water</i> comply with these provisions may
	Administrative Appeal and Effective Date of Order		ICE USE ONLY
lf v	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901,		APPROVED AND
you	may request an evidentiary hearing before the Chief	SUMMARY (ORDER ISSUED
Agr	ineer or request administrative review by the Secretary of iculture. A request for hearing by the Chief Engineer must be	Ву:	·
filed	d within 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30	Duly Authorized De	esignee of the Chief Engineer
day	s pursuant to K.S.A. 77-531. Any request for administrative	(Print Name):	es - Kansas Department of Agriculture
File	ew must state a basis for review pursuant to K.S.A. 77-527. any request with Kansas Department of Agriculture ,		
	pal Ďivision, 1320 Research Park Drive, Manhattan, KS 02. Failure to timely request a hearing or review may	Date of Issuance:	
pre	clude review under the Kansas Judicial Review Act.	State of Kansas))
	For Use by Register of Deeds	County of	´)
		by	
		Signature:	
		J	Notary Public
		My commission expires:	
		My commission expires:	(Notary Seal)



MAR 1 8 2019

KS DEPT OF AGRICULTURE

RECEIVED

MAR 08 2019

Stockton Field Office Division of Water Resources 1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov



900 SW Jackson, Room 456 Topeka, KS 66612 785-296-3556

Mike Beam, Interim Secretary

Laura Kelly, Governor

TONY M HORINEK
1980 CTY RD 18
COLBY, KS 67701

March 19, 2019

RE: File No 6236

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:

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: DLW4

BOOK 198 PAGE 240 ATTACHMENT

Legal Descriptions:

<u>Tract 1</u>: The Southeast Quarter (SE 1/4) of Section Thirty-three (33), Township Eight (8) South, Range Forty (40), West of the 6th P.M., Sherman County, Kansas

Tract 2: The Northwest Quarter (NW ¼) of Section Thirty-four (34), Township Eight (8) South, Range Forty (40), West of the 6th P.M., Sherman County, Kansas

Tract 3: The South Half (S ½) of Section Thirty-four (34), Township Eight (8) South, Range Forty (40) West of the 6th P.M., Sherman County, Kansas, LESS THE FOLLOWING DESCRIBED TRACTS:

(North Tract) A tract of land situate in the Southeast Quarter (SE 1/4) of Section Thirty-four (34), Township Eight (8) South, Range Forty (40) West of the 6th P.M., Sherman County, Kansas, and being more particularly described as follows:

Commencing at the East ½ corner of said Section 34; Thence South 02° 20' 25" West along the Easterly line of the SE ½ of said Section 34 a distance of 370.00 to the Northeast corner of that tract of land described in Book 194 Microfilm at Page 313 of Sherman County, Kansas records; Thence North 87° 39' 35" West along the Northerly line of said tract a distance of 1000 feet to the Northwest corner of said tract; Thence North 02° 20' 25" East a distance of 365.64 feet to a point on the Northerly line of said Southeast Quarter of Section 34; Thence South 87° 54' 34" East along said Northerly line of the Southeast Quarter a distance of 1,000.01 feet to the point of beginning, described parcel containing 8.44 acres, more or less.

And Less

(House and surrounding) A tract of land situate in the Southeast Quarter (SE 1.4) of Section Thirty-four (34), Township Eight (8) South, Range Forty (40) West of the 6th P.M., Sherman County, Kansas, and being more particularly described as follows:

Commencing at the East ¼ corner of said Section 34; Thence South 02° 20' 25" West along the Easterly line of said Southeast Quarter a distance of 370.00 feet to the true point of beginning; Thence South 02° 20' 25" West along said Easterly line of the Southeast Quarter a distance of 695.00 feet; Thence North 87° 39' 35" West a distance of 1,000.00 feet; Thence North 02° 20' 25" East a distance of 695.00 feet; Thence South 87° 39' 35" East a distance of 1,000.00 feet to the point of beginning.

And Less

(South tract) A tract of land situate in the Southeast Quarter (SE 1.4) of Section Thirty-four (34), Township Eight (8) South, Range Forty (40) West of the 6th P.M., Sherman County, Kansas, and being more particularly described as follows:

Commencing at the Southeast corner of said Section 34; Thence North 87° 52' 12" West along the Southerly line of the Southeast Quarter of said Section 34 a distance of 1,000.01 feet; Thence North 02° 20' 25" East a distance of 1,583.38 feet to the Southwest corner of that tract of land described in Book 194 Microfilm at Page 313 of the Sherman County, Kansas, records; Thence South 87° 39' 35" East along the Southerly line of said tract a distance of 1,000.00 feet to the Southeast corner of said tract on the Easterly line of said Southeast Quarter of Section 34; Thence South 02° 20' 25" West along said Easterly line of the Southeast Quarter a distance of 1,579.72 feet to the point of beginning, described parcel containing 36.31 acres, more or less.

Tract 4: The Southwest Quarter (SW 1/4) of Section Thirty-five (35), Township Eight (8) South, Range Forty (40) West of the 6th P.M., Sherman County, Kansas

SEAL

RECEIVED

MAR 0 8 2019

Stockton Field Office Division of Water Resources STATE OF KANSAS, COUNTY OF SHERMAN, SS
This instrument was filed this 17th
day of January 2019 at 3:11 P.M.
and recorded in Micorfilm Book 198
at Page 239-240 FEE \$ 38.00

Butto R Hour
Register of Deeds

Register of Dee Billie R. Hoyt

MICROFILM INDEXED ///XX

TRUSTEE'S DEED

THIS INDENTURE, made this_	17^{10} day of	January	_, 2019, by and between Randy Dean
Topliff, Trustee and Donald Ray Topl 1997, as GRANTOR, and	liff, Trustee o	of the Topliff'R	evocable Trust, UTA dated April 21,

The Tony M. Horinek Trust Agreement, dated June 21, 2002 AND The Anita M. Horinek Trust Agreement, dated June 21, 2002, as GRANTEES.

GRANTOR, acting under express powers conferred upon them by the terms of the **The Topliff Revocable Trust**, **UTA dated April 21**, **1997** and which said trust agreements remain in full force and effect at this time without having been revoked, and in consideration of the sum of \$1.00 and other valuable consideration, does by these presents, GRANT, BARGAIN, SELL AND CONVEY unto GRANTEE, all right, title and interest of the trustees of the **Topliff Revocable Trust**, **UTA dated April 21**, **1997**, and of the said trusts, in and to all the following described real estate located in Sherman County, Kansas, to-wit:

SEE ATTACHMENT

Excepting and Reserving: 50% of all the oil, gas and other minerals in and under the real estate for a term and period of ten years from the date of this deed. Rights to current gas production will terminate at the end of ten years from the date of this deed. If any new oil production exists in commercial quantities at the end of said period, then the term of this reservation and exception shall extend so long thereafter as said production in commercial quantities continues. This reservation shall be participating as to all future bonuses and delay rentals on all future oil and gas leases.

Subject to easements and restrictions of record.

TO HAVE AND TO HOLD the above granted premises, together with the appurtenances and hereditaments and every part thereof, unto GRANTEE, their heirs and assigns forever, and the said GRANTOR does hereby covenant with the said GRANTEE, their heirs and assigns, that they have in all things observed the requirements of law concerning said sale.

requirements of law concerning said safe.						
IN WITNESS WHEREOF, GRANTOR has signed thi	is instrument this 17 day of Jan., 2019					
By Janey Dom Joseph Randy Dean Topliff, individually and as Trustee of the Topliff Revocable Trust, UTA dated April 21, 1997	By Donald Ray Topliff, individually and as Trustee of the Topliff Revocable Trust, UTA dated April 21, 1997					
	RECEIVED					
	MAR 0 8 2019					
ACKNOWLEDGEMENT	Stockton Field Office Division of Water Resources WATER RESOURCES RECEIVED					
STATE OF Kansas	MAR 1 8 2019					
COUNTY OF Sherman, ss	. KS DEPT OF AGRICULTURE					
BE IT REMEMBERED, that on this 17 day of, 2019, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Randy Dean Topliff and Donald Ray Topliff, individually and as trustees of the Topliff Revocable Trust, UTA dated April 21, 1997 who are personally known to me to be the same persons, as trustees, who executed the within instrument of writing and such person duly acknowledged the execution of the same.						
IN WITNESS WHEREOF, I have hereunto set my	hand and affixed my official seal the day and year					
last above written.	entral particular and the second seco					
Notary Public Notary Public - Maje & CORYNEY L. DO	ommission expires: 4-30-19 SEAL					

My Appt. Expires 4-30-1

BOOK

198

2.39

PAGE

ENTERED IN TRANSFER RECORD
IN MY OFFICE THIS

A.D. 2019

AMULY 7. Maynus

COUNTY CLERK

1 | Page