

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.

44527.pdf

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.

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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

2. Name of applicant: MULVANE FARM DBA: THE DAVID M & MARTHA M HUGHES TRUST
THE ZENIA A HUGHES TRUST File No. 44507

Address: 16231 NW 54TH ST, LOT #1

City, State and Zip: ROSSVILLE KS 66533

Phone Number: (785)584-6795 E-mail address: RMJ@PECK72.com

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

Name of water use correspondent: SAME AS APPLICANT

Address: 16231 NW 54TH ST, LOT #1

City, State and Zip: ROSSVILLE KS 66533

Phone Number: (785)584-6795 E-mail address: CELL # 503-860-6356

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

TO COVER AN EXPANDED PLACE OF USE

The change(s) (was) (will be) completed by ALREADY COMPLETE (Date) 1/11/2023

LMoody

For Office Use Only:															
F.O. Code	<u>1</u>	GMD	<u>cpu</u>	Meets K.A.R. 5-5-1	<input type="checkbox"/> YES <input type="checkbox"/> NO	Use	<u>IRR</u>	Source	<u>G/S</u>	County	<u>SN</u>	By	<u>ALB</u>	Date	<u>1/10/23</u>
Fee \$	<u>2000</u>	TR #		Receipt Date	<u>1/11/23</u>	Check #	<u>1894</u>								

4. The presently authorized place of use is:

Owner of Land — NAME: **MULVANE FARM**

ADDRESS: **16231 NW 54TH ST ROSSVILLE KS 66533**

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			
31	10	13E	12			36											L-1 1.5				49.5
32	10	13E					6	20									L-3 1				27
																				TOTAL = 76.5 ACRES	

List any other water rights that cover this place of use. **NONE**

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.)

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

Owner of Land — NAME: **MULVANE FARM**

ADDRESS: **16231 NW 54TH ST ROSSVILLE KS 66533**

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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			
31	10	13E	13.5			35											L-1 3				51.5
32	10	13E					9.5	27									L-3 2				38.5
																				TOTAL = 90 ACRES	

List any other water rights that cover this place of use. **NEW APPLICATION**

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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6. The presently authorized point(s) of diversion IS ONE WELL

(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) NO CHANGE

(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **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 _____

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. N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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.

A NEW APPLICATION IS BEING FILED TO AQUIRE ADDITIONAL WATER RIGHTS FOR THE EXPANDED PLACE OF USE

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(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- 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.

IMPAIRMENT SHOULD NOT BE AN ISSUE AS THIS IS A CHANGE IN PLACE OF USE ONLY

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>5-7-01</u>	_____	_____	_____
Total depth of well	<u>42'</u>	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	<u>9'</u>	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

OWNER
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

ROSS MULVANE JORY, TRUSTEE, DAVID M & MARTHA M HUGHES TRUST
(name, address and telephone number) ZENIA A HUGHES TRUST
16231 NW 54th ST LOT #1, ROSSVILLE KS 66533
(name, address and telephone number) 785-584-6795

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

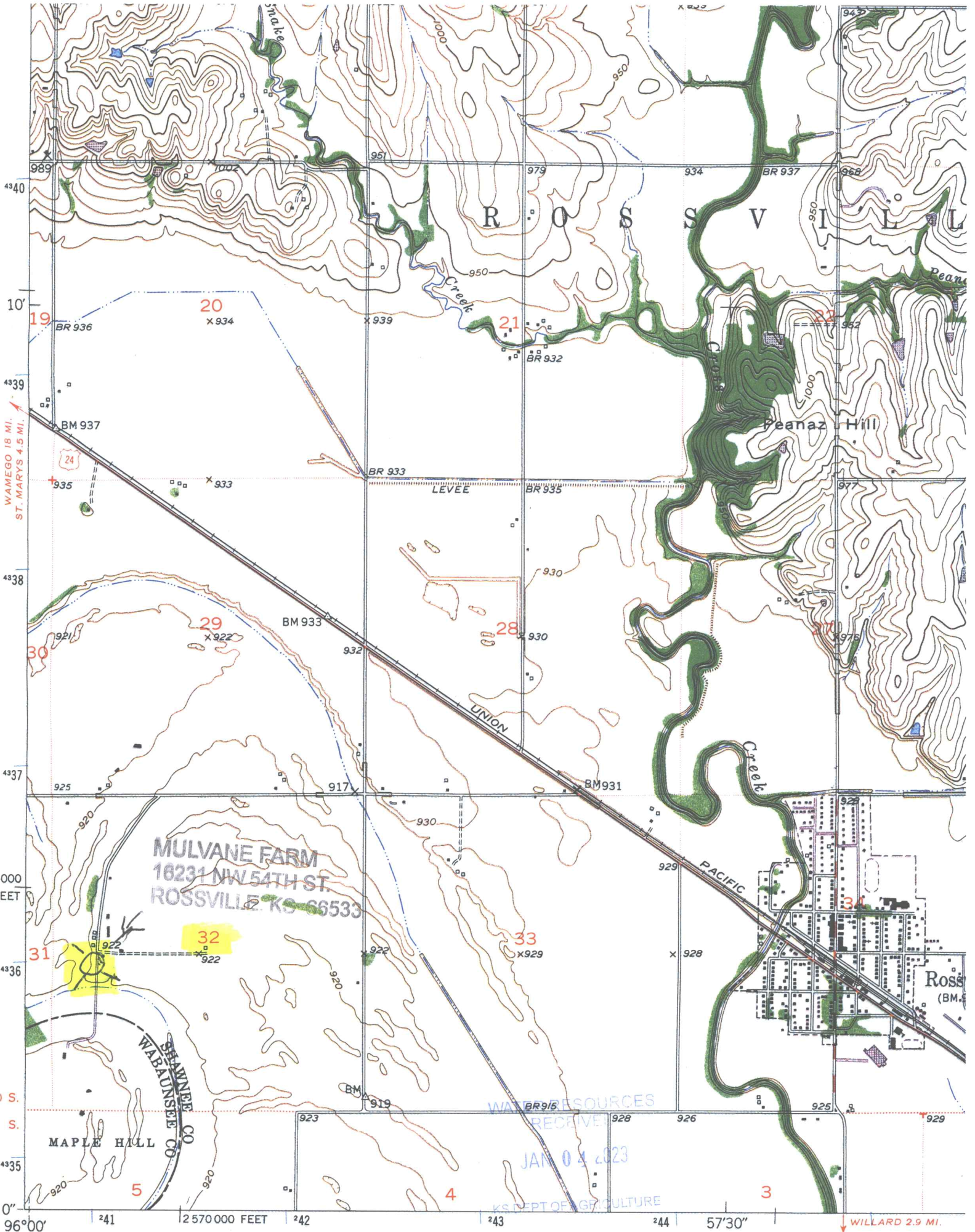
Dated at SHAWNEE COUNTY, KS, Kansas, this 4th day of JANUARY, 2023.
(month) (year)

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

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WAMEGO 18 MI.
ST. MARYS 4.5 MI.

MULVANE FARM
16231 NW 54TH ST.
ROSSVILLE, KS 66533

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WILLARD 2.9 MI.

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Water Right Applications

Bunger, Brett [KDA] <Brett.Bunger@ks.gov>

Thu 8/4/2022 11:25 AM

To: Ross Jory <rmj@peck72.com>

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3 attachments (335 KB)

44507.pdf; mulvane farm mds.pdf; mulvane farm app.pdf;

Ross, based on the recent issue with exceeding the quantity authorized by one of your water rights and the discovery that the pivot was lengthened a few years back, I have prepared the enclosed applications. The applications, when approved, will allow up to 12 inches of water on the 90 acres that are being irrigated by the pivot. This will also redefine the irrigated acres to match what is being irrigated today. To finish up the applications, please do the following:

Print off the documents.

The first document above is for your existing water right File No. 44507 – Please sign and date the application in the **presence of a notary** on Page 5. The filing fee for this application is \$200

The second document above will need to be signed and dated in the **presence of a notary**.

The third document above will need to be signed and dated in Item #'s 6 & 16. A notary is not required for this application. The filing fee for this application is \$200.

Once the signatures are taken care of please scan the documents and email them back to me. I will then forward the applications to our headquarters office in Manhattan. They will then contact you for payment of the filing fees via credit card which will be \$400.

Please let me know if there are questions.

Brett

Brett Bunger
Assistant Water Commissioner
Topeka Field Office
785-296-7064

Check # 1894 \$400.00

* As per applicant Name on check needs to be WUC - Mulvane Farm + Ranch LLC
ownership also needs updated. 2 trusts own ground, Cert of trust in this pocket.

Stw 1/5/23

Certification of Trust

MULVANE FARM
16231 NW 54TH ST.
ROSSVILLE, KS 66533
785-584-6795

1. The following trust is the subject of this Certification:

 Zenia A. Hughes Trust dated August 31, 1943
2. The trust was originally created by Zenia A. Hughes, Trustor, on August 31, 1943.
3. The original trustee of the trust was the National Bank of Topeka with its principal business location in Topeka, Kansas.
4. Zenia A. Hughes died on July 8, 1952, a resident of Los Angeles, California.
5. The National Bank of Topeka resigned as trustee of the trust and Carol A. Jory and Deborah A. Hughes were appointed successor trustees of the trust by order of the District Court of Shawnee County, Kansas dated August 15, 1957, in a case entitled *In the Matter of the Zenia A. Hughes Trust*, District Court of Shawnee County, Kansas case number 81139.
6. Deborah A. Hughes resigned as co-trustee of the trust on June 4, 1996.
7. Carol A. Jory died on March 31, 2016, a resident of Rossville, KS.
8. The names and addresses of the currently acting Trustees of the trust and the current location of the trust agreement are as follows:

Ross M. Jory	Lelean A. Smith
P.O. Box 548	2635 Dryden Ave.
Rossville, KS 66533	Gilroy, CA 95020
9. The trust is currently in full force and effect. The trust became irrevocable on the death of Zenia A. Hughes.
10. The taxpayer identification of the trust is 95-6688785.
11. Available are provisions of the trust evidencing the creation of the trust, the designation of Trustee, the powers of the Trustee, and the appropriate signatures, if required.
12. The signatories of this Certification are currently the acting Trustees of the trust and declare that the foregoing statements are true and correct, under penalty of perjury.

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MULVANE FARM
16231 NW 54TH ST.
ROSSVILLE, KS 66533

13. The signatories of this Certification further state that any and all trust provisions attached to this Certification are true, accurate and correct photostatic copies of the documents they purport to be.
14. The Trustees have full power and authority to conduct any and all business on behalf of the trust.
15. Each photocopy of this Certification of Trust shall have the same force and effect as any original, as shall any facsimile copy, furnished by the law office of Brown & Vogel, Chartered, Salina, Kansas.
16. Attached to this Certification of Trust is a true, accurate and correct photostatic copy of K.S.A. 58a-1012 and 58a-1013.
17. This Certification is dated April 22, 2016.

Ross M. Jory, Trustee
Ross M. Jory, Trustee

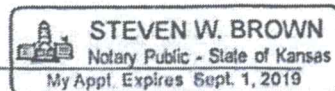
Lelean A. Smith, Trustee
Lelean A. Smith, Trustee

STATE OF KANSAS, COUNTY OF JOHNSON, ss:

This instrument was acknowledged before me on April 22, 2016, by Ross M. Jory and Lelean A. Smith as Trustees under the Zenia A. Hughes Trust dated August 31, 1943.

Steven W. Brown
Notary Public

My appointments expires:



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Certification of Trust

MULVANE FARM
16231 NW 54TH ST.
ROSSVILLE, KS 66533

1. The following trust is the subject of this Certification:

David M. Hughes and Martha M. Hughes Amended Trust Agreement,
dated July 27, 1977.
2. The trust was originally created by David M. Hughes and Martha M. Hughes on March 9, 1973 and was amended in its entirety by David M. Hughes and Martha M. Hughes on July 27, 1977.
3. David M. Hughes died on August 18, 1978 and Martha M. Hughes died on February 12, 1980.
4. Carol A. Simoes was named successor trustee of the trust upon the death of Martha M. Hughes.
5. Carol A. Jory was formerly known as Carol A. Simoes.
6. Carol A. Jory died on March 31, 2016, a resident of Rossville, KS.
7. The names and addresses of the currently acting Trustees of the trust and the current location of the trust agreement are as follows:

Ross M. Jory	Lelean A. Smith
P.O. Box 548	2635 Dryden Ave.
Rossville, KS 66533	Gilroy, CA 95020
8. The trust is currently in full force and effect. The trust became irrevocable on the death of Martha M Hughes.
9. The taxpayer identification number of the trust is 95-6685682.
10. Available are provisions of the trust evidencing the creation of the trust, the designation of Trustee, the powers of the Trustee, and the appropriate signatures, if required.
11. The signatories of this Certification are currently the acting Trustees of the trust and declare that the foregoing statements are true and correct, under penalty of perjury.
12. The signatories of this Certification further state that any and all trust provisions attached to this Certification are true, accurate and correct photostatic copies of the documents they purport to be.

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KS DEPT OF AGRICULTURE

13. The Trustees have full power and authority to conduct any and all business on behalf of the trust.
14. Each photocopy of this Certification of Trust shall have the same force and effect as any original, as shall any facsimile copy, furnished by the law office of Brown & Vogel, Chartered, Salina, Kansas.
15. Attached to this affidavit is a true, accurate and correct photostatic copy of Sections 87 and 88(g) of Senate Bill No. 297 of 2002, commonly referred to as the Kansas uniform trust code.
16. This Certification is dated April 22, 2016.

Ross M. Jory, Trustee
Ross M. Jory, Trustee

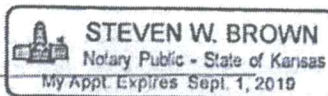
Lelean A. Smith, Trustee
Lelean A. Smith, Trustee

STATE OF KANSAS, COUNTY OF JOHNSON, ss:

This instrument was acknowledged before me on April 22, 2016, by Ross M. Jory and Lelean A. Smith as Trustees under the David M. Hughes and Martha M. Hughes Amended Trust Agreement, dated July 27, 1977.

Steven W. Brown
Notary Public

My appointments expires: _____



CERTIFICATION OF TRUST ATTACHMENT

58a-1012. Protection of person dealing with trustee.

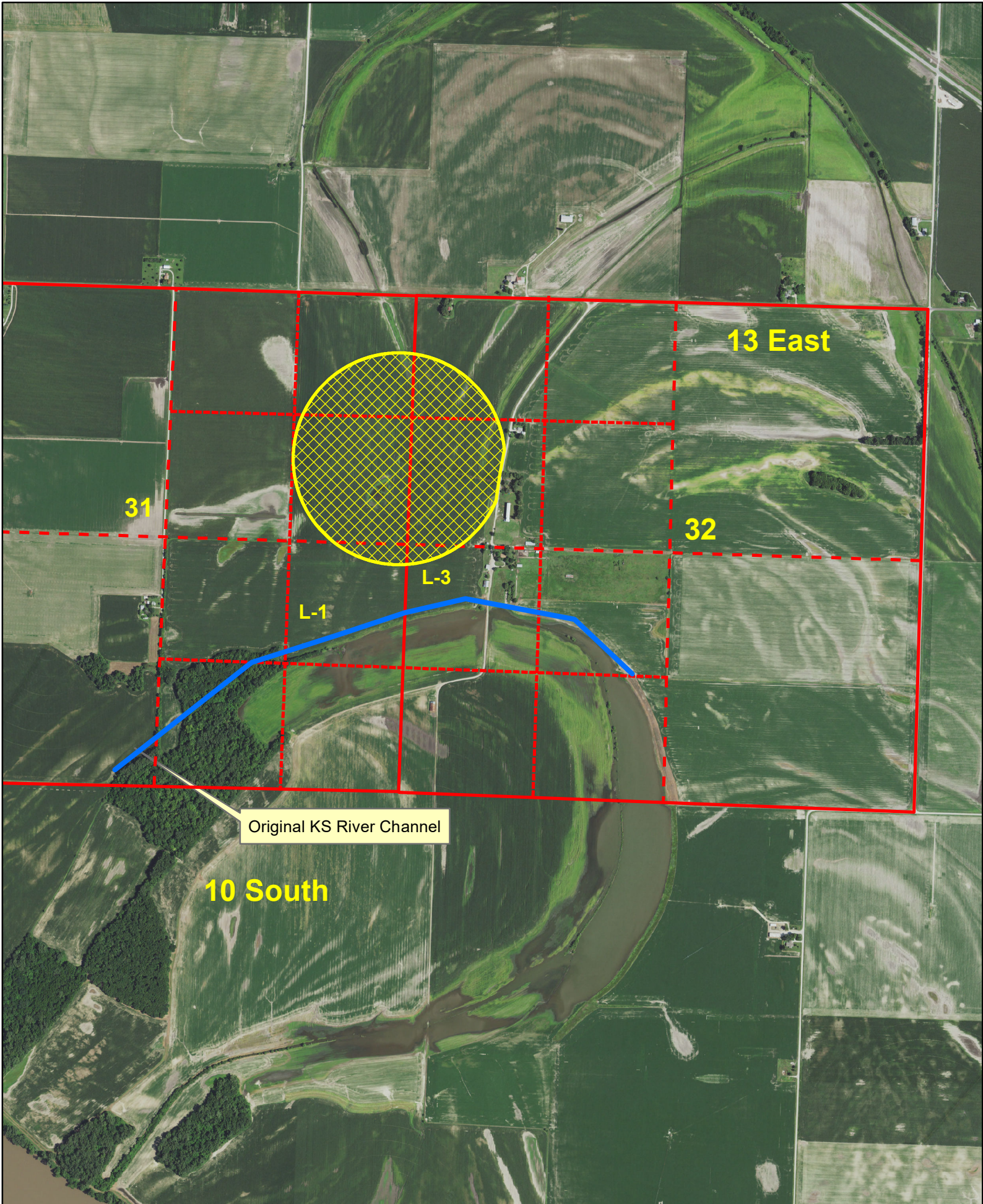
(a) A person other than a beneficiary who in good faith assists a trustee, or who in good faith and for value deals with a trustee, without knowledge that the trustee is exceeding or improperly exercising the trustee's powers is protected from liability as if the trustee properly exercised the power. (b) A person other than a beneficiary who in good faith deals with a trustee is not required to inquire into the extent of the trustee's powers or the propriety of their exercise. (c) A person who in good faith delivers assets to a trustee need not ensure their proper application. (d) A person other than a beneficiary who in good faith assists a former trustee, or who in good faith and for value deals with a former trustee, without knowledge that the trusteeship has terminated is protected from liability as if the former trustee were still a trustee. (e) Comparable protective provisions of other laws relating to commercial transactions or transfer of securities by fiduciaries prevail over the protection provided by this section.

History: L. 2002, ch. 133, § 87; Jan. 1, 2003.

58a-1013. Certification of trust. (a) Instead of furnishing a copy of the trust instrument to a person other than a qualified beneficiary, the trustee may furnish to the person an acknowledged certification of trust containing the following information: (1) That the trust exists and the date the trust instrument was executed; (2) the identity of the settlor; (3) the identity and address of the currently acting trustee; (4) the powers of the trustee; (5) the revocability or irrevocability of the trust and the identity of any person holding a power to revoke the trust; (6) the authority of cotrustees to sign or otherwise authenticate and whether all or less than all are required in order to exercise powers of the trustee; (7) the trust's taxpayer identification number; and (8) the manner of taking title to trust property. (b) A certification of trust may be signed or otherwise authenticated by any trustee. (c) A certification of trust must state that the trust has not been revoked, modified, or amended in any manner that would cause the representations contained in the certification of trust to be incorrect. (d) A certification of trust need not contain the dispositive terms of a trust. (e) A recipient of a certification of trust may require the trustee to furnish copies of those excerpts from the original trust instrument and later amendments which designate the trustee and confer upon the trustee the power to act in the pending transaction. (f) A person who acts in reliance upon a certification of trust without knowledge that the representations contained therein are incorrect is not liable to any person for so acting and may assume without inquiry the existence of the facts contained in the certification. Knowledge of the terms of the trust may not be inferred solely from the fact that a copy of all or part of the trust instrument is held by the person relying upon the certification. (g) A person who in good faith enters into a transaction in reliance upon a certification of trust may enforce the transaction against the trust property as if the representations contained in the certification were correct. (h) A person making a demand for the trust instrument in addition to a certification of trust or excerpts is liable for damages if the court determines that the person did not act in good faith in demanding the trust instrument. (i) This section does not limit the right of a person to obtain a copy of the trust instrument in a judicial proceeding concerning the trust. **History:** L. 2002, ch. 133, § 88; Jan. 1, 2003.

1:15,000

Proposed Place of Use
File No. 44507



1:15,000

Authorized Place of Use
File No. 44507

