

Garden City Field Office
2508 Johns Street
Garden City, Kansas 67846-2804

Jackie McCluskey, Secretary
David W. Barfield, Chief Engineer
Michael A. Meyer, Water Commissioner

Kansas

Department of Agriculture
Division of Water Resources

Phone: (620) 276-2901
Fax: (620) 276-9315
www.agriculture.ks.gov
Sam Brownback, Governor

May 2, 2017

RODNEY KIRCHOFF
2002 N APACHE DR
GARDEN CITY KS 67846-3701

RE: Change in Point of Diversion Water Right, File No 9146

Dear Mr. Kirchoff:

Enclosed you will find a *Summary Order Approving Application for Change in Point of Diversion* for the above referenced file. This order modifies the authorized well location under the referenced file. This order modifies the original document; it should be recorded at the County Register of Deeds.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this order. The diversion works should be completed and reported to the Division of Water Resources **by December 31, 2017**. Enclosed is a form for this purpose, along with other information for reference.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report.

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. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,



Thomas P. Makens
Assistant Water Commissioner

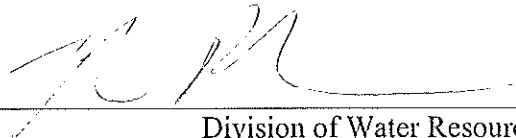
TPM:tpm
Enclosures
GMD#3

CERTIFICATE OF SERVICE

On this 3RD day of May 2017, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 9146 dated May 2, 2017 was mailed postage prepaid, first class, US mail to the following:

RODNEY KIRCHOFF
2002 N APACHE DR
GARDEN CITY KS 67846-3701

Copy provided to GMD#3

A handwritten signature in black ink, appearing to be 'R M', is written over a horizontal line.

Division of Water Resources

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

Topeka -- (785) 862-6300
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
www.ksda.gov/dwr

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



STATE OF KANSAS

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
 10:35 AM
 MAR 27 2017

File No. 9146

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

Place of Use Point of Diversion

Garden City Field Office
 Division of Water Resources

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: Rod Kirchoff

2002 N Apache Garden City, KS 67846

Phone Number: (620)276-2047 Email address: rkirchoff@odsgc.net

Name and address of Water Use Correspondent: Rod Kirchoff

2002 N Apache Garden City, KS 67846

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Multiple owners

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			
36	22	33							31	31			38	38	31	31					200

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: No Change

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 \$ 200 TR # _____ Receipt Date 3/27/17 Check # 3674

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the NW Quarter of Section 36, Township 22 South, Range 33 W, in Finney County, Kansas, feet North feet West of Southeast corner of section.
 Authorized Rate 1215 Authorized Quantity 400 Depth of well (feet)
 (DWR use only: Computer ID No. 2 GPS 2891 feet North 5216 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 SE Quarter of the SW Quarter of the NW Quarter of Section 36, Township 22 South, Range 33 W, in Finney County, Kansas, 2822 feet North 4533 feet West of Southeast corner of section.
 Proposed Rate 1215 Proposed Quantity 400 Proposed well depth (feet) 242
 This point is: Additional Well Geo Center List other water rights that will use this point

6. **Presently authorized point of diversion:**
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range 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:
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 Proposed well depth (feet)
 This point is: Additional Well Geo Center List other water rights that will use this point

7. Why do you need a new point of diversion?
OLD WELL NEEDS TO BE
REPLACED

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

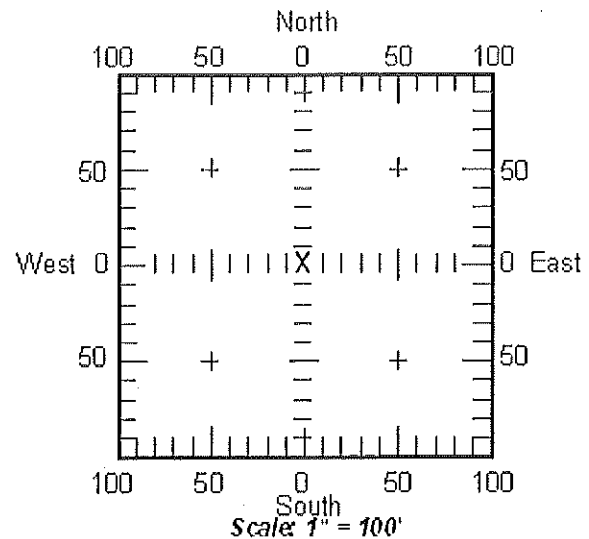
9. When do you propose to complete the new point of diversion?
Upon approval

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
PLUG
 (b) When will this be done? 2017

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by CL - GMD3

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 regard 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 Colorado Springs, Colorado, Kansas, this 22nd day of March, 2017.

GNL Traugott
 (Owner)
GNL TRAUOTT
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

David Traugott
 (Spouse)
David Traugott
 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

State of ~~Kansas~~ Colorado }
 County of El Paso } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22nd day of March, 2017.

My Commission Expires 01/08/2018

Ashley R. Driscoll
 Notary Public
 ASHLEY R. DRISCOLL
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID 2017-000008
 EXPIRES 01/08/2018

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

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 regard 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 Garden City, Kansas, this 24 day of March, 2017.

Rodney Kirchoff
 (Owner)
Rodney Kirchoff
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

Elizabeth Kirchoff
 (Spouse)
Elizabeth Kirchoff
 (Please Print)

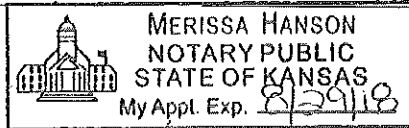
 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
County of Finney } SS



_____ (Please Print)

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24 day of March, 2017.

Merissa Hanson
Notary Public

My Commission Expires 8/29/18

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

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 9146.

1. A change application was received on MARCH 27, 2017 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 300 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
5. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
6. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
7. Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. By March 1, 2018 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
8. The completed well log shall be submitted with the required notice. Applicable Not Applicable
9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
10. Additional Conditions are attached. Yes No
11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 109 SW 9th Street, Topeka, Kansas 66612**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND
SUMMARY ORDER ISSUED

By: [Signature]

 Duty Authorized Designee of the Chief Engineer
 (Print Name): THOMAS P. MAKENS
 Division of Water Resources - Kansas Department of Agriculture
 Date of Issuance: MAY 2, 2017
 State of Kansas)
 County of Finney) SS
 Acknowledged before me on May 2, 2017
 by Thomas P. Makens
 Signature: [Signature]

 Notary Public



My commission expires _____

9146
PD CHANGE

LOWE QUADRANGLE
KANSAS—FINNEY CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

5880 III NE
(TENNIS NE)

SW/4 TENNIS 16' QUADRANGLE

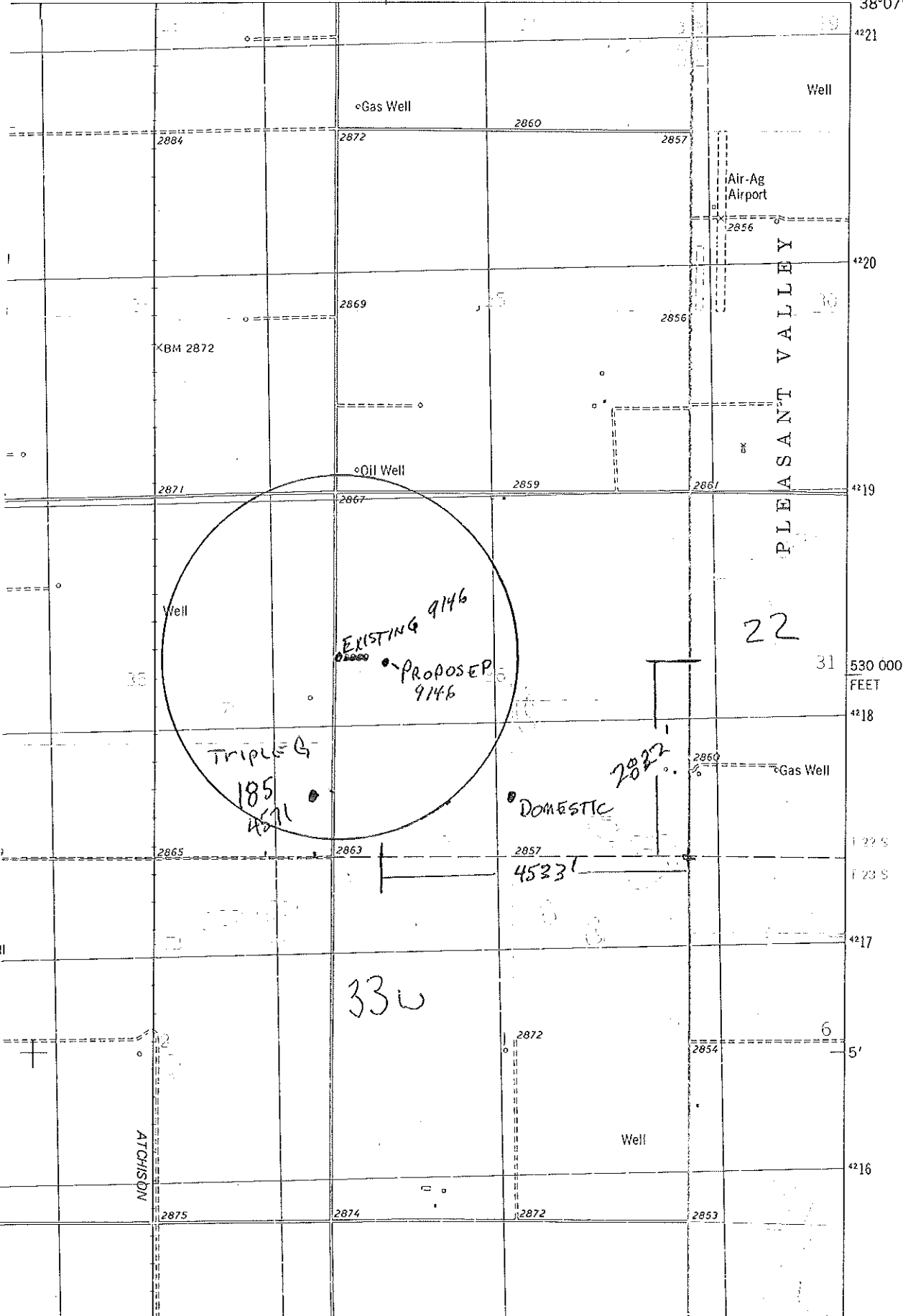
55'

33

1 310 000 FEET

100°52'30"

38°07'30"



Water Rights and Points of Diversion Within .50 miles of point defined as:

2822 ft N and 4533 ft W of the SE Corner of Section 36, T 22S, R 33W

Located at: 100.898808 West Longitude and 38.098859 North Latitude

GROUNDWATER ONLY

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=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 185 00 IRR NK G      2100 -- NE SE SE  970  250 35 22 33W  5      540.00  540.00 AF
A__ 4571 00 IRR NK G      2100 -- NE SE SE  970  250 35 22 33W  5      260.00  260.00 AF
A__ 9146 00 IRR NK G       443 -- SW SW NW  -----  ----- 36 22 33W  2      400.00  400.00 AF
=====
    
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Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =           .00             .00
Total Permitted Amount (AF) =           .00             .00
Total Inspected Amount (AF) =           .00             .00
Total Pro_Cert Amount (AF) =           .00             .00
Total Certified Amount (AF) =        1200.00             .00
Total Vested Amount (AF) =             .00             .00
TOTAL AMOUNT (AF) =        1200.00             .00
    
```

An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within .50 miles of point defined as:

100.898808 West Longitude and 38.098859 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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=====
File Number   Use ST SR
    
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A__ 185 00 IRR NK G
> TRIPLE G FARMS ET AL
> ROY GRAHAM
> 2156 RD 220
> DEERFIELD KS 67838
> -----
    
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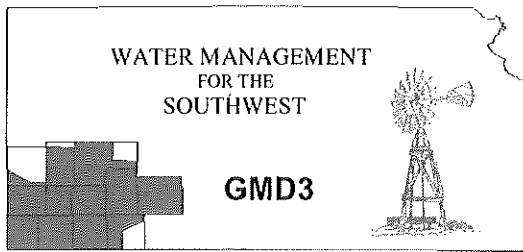
A__ 4571 00 IRR NK G
> TRIPLE G FARMS ET AL
> ROY GRAHAM
> 2156 RD 220
> DEERFIELD KS 67838
> -----
    
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A__ 9146 00 IRR NK G
> RODNEY KIRCHOFF
>
> 2002 N APACHE DR
> GARDEN CITY KS 67846
> -----
=====
    
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DOMESTIC WELL

BRAUNON ROBINSON
 706 Amy ST
 GARDEN CITY KS 67846



Southwest Kansas
Groundwater Management District
2009 E. Spruce Street
Garden City, Kansas 67846-6158
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

March 23, 2017

Mike Meyer
Division of Water Resources
2508 Johns Street
Garden City, KS 67846

RE: Application for Change In Point of Diversion
Water Right File No. 9146

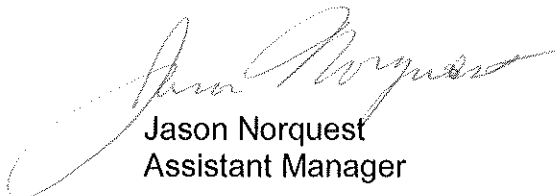
Dear Mike,

We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District.

WRIS indicates the spacing between 185/4571 and the current 9164 to be 2082'. WRIS shows that the spacing between 185/4571 and the proposed location for 9146 to be 2100'. The change in point of diversion is in accordance with K.A.R. 5-23-3(c)(2). It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the application and to provide a recommendation. If you have any questions please don't hesitate to contact us.

Sincerely,



Jason Norquest
Assistant Manager

JN/CL/cl



321 989

State of Kansas, Finney County SS.
This instrument was filed for Record
09/09/2015 at 03:33 PM
& recorded in Book 0321 on Page 989
Fees: \$20.00
2015-04254

Ulrike Lappin
ULRIKE LAPPIN,
FINNEY COUNTY REGISTER OF DEEDS

by Carl A. ... Deputy

Entered in Transfer Record _____
in my office this 10 day of
of Sept, 2015.

Elsa Ulrich

County Clerk

**AFFIDAVIT OF DEATH AND TRANSFER
OF OWNERSHIP**

STATE OF KANSAS, COUNTY OF FINNEY, ss:

Rodney R. Kirchoff and Gail L. Traugott, being duly sworn, on oath, state:
+ 57 124844 + DAVID

1. Rodney R. Kirchoff and Gail L. Traugott were the transferees named in a Kansas Transfer on Death Deed concerning the following described real estate:

That portion of the Southwest Quarter (SW/4) of Section Twenty-three (23) in Township Twenty-three (23) South, Range Thirty-three (33) West of the Sixth Principal Meridian lying East of the Farmers Irrigation Ditch, consisting of Thirteen and 3/10 (13.3) acres, more or less, together with 13 shares of water rights in the Finney County Water Users Association appurtenant thereto;

24912

✓ DATA ENTRY
LAND INDEX

An undivided one-half (1/2) interest in the West One-half of the Southeast Quarter (W/2 SE/4) of Section Twenty-three (23), Township Twenty-three (23) South, Range Thirty-three (33) West of the 6th P.M., Finney County;

24912

The Northwest Quarter of the Northwest Quarter (NW/4 NW/4) and the East Half of the Northwest Quarter (E/2 NW/4) of Section Thirty-six (36), Township Twenty-three (23) South, Range Thirty-three (33) West of the Sixth Principal Meridian, except the East Twenty-five (25) feet of said East Half (E/2) of said Northwest Quarter (NW/4) heretofore deeded as a railroad right-of-way, together with 117 acres of water rights appertaining thereto in the Finney County Water Users Association; and,

24913

An undivided one-half (1/2) interest in and to the Southwest Quarter (SW/4) and the South Half (S/2) of the Northwest Quarter (NW/4) of Section Thirty-six (36), Township Twenty-two (22) South, Range Thirty-three (33) West of the 6th P.M., Finney County, Kansas.

9146

which deed provided for the transfer of ownership of the said real estate upon the death of Freda Kirchoff, a/k/a Freda K. Kirchoff, and which deed conveys ownership of the said real estate to Rodney R. Kirchoff and Gail L. Traugott as tenants in common. The said Kansas transfer on death deed was filed for record on June 15, 2011, and duly recorded in book 299 on page 677 in the office of the Finney County, Kansas Register of Deeds.

COPY

Garden City Field Office
2508 Johns Street
Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary
David W. Batfield, Chief Engineer
Michael A. Meyer, Water Commissioner

Kansas
Department of Agriculture
Division of Water Resources

Phone: (620) 276-2901
Fax: (620) 276-9315
www.agriculture.ks.gov
Sam Brownback, Governor

March 27, 2017

TRIPLE G FARMS ET AL
ROY GRAHAM
2156 RD 220
DEERFIELD KS 67838

RE: Water Right 9146

Dear Mr. Graham;

This is to advise you that the Rodney Kirchoff has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced application.

You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

You are notified on this proposed change in point of diversion so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,



Thomas P. Makens
Environmental Scientist III

pc: GMD#3

