

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D WORKSHEET**

|                                |   |                             |                              |                     |
|--------------------------------|---|-----------------------------|------------------------------|---------------------|
| 1. File Number:<br><b>9704</b> | 2. Status Change Date:<br><u>4-5-2021</u> | 3. Change Num:<br><b>C1</b> | 4. Field Office:<br><b>4</b> | 5. GMD:<br><b>3</b> |
|--------------------------------|---|-----------------------------|------------------------------|---------------------|

|  |  |
|--|--|
| 6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return | 7. Filing Date of Change:<br><b>3/5/2021</b> |
|--|--|

|   |  |
|---|--|
| 8a. Landowner, correspondent<br>New to system <input type="checkbox"/> Person ID <u><b>30527</b></u><br>Add Seq# _____<br><br><b>JAMES C &amp; THERESA A GERROND</b><br><b>1102 S MONROE ST</b><br><b>HUGOTON, KS 67951</b> | 8c. Landowner(s)<br>New to system <input checked="" type="checkbox"/> Person ID _____<br>Add Seq# _____<br><br><b>ADAM D GERROND</b><br><b>4557 E RD 21</b><br><b>ULYSSES KS 67880</b> |
|---|--|

|   |   |
|---|---|
| 8b. Landowner(s)<br>New to system <input checked="" type="checkbox"/> Person ID _____<br>Add Seq# _____<br><br><b>TERRY LEE GERROND</b><br><b>10606 E 129<sup>th</sup> St</b><br><b>OVERLAND PARK 66213</b> | 8d. WUC<br>New to system <input type="checkbox"/> Person ID _____<br>Add Seq# _____ |
|---|---|

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/2021**     N & P Date to Comply: **3/1/2022**

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **3/31/2021**    By: **MAM**

Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **9704**      11. County: GT      Basin: **CIMARRON RIVER**      Stream: \_\_\_\_\_      Formation Code: **211/331**      Special Use: \_\_\_\_\_

12. Points of Diversion  
 Rate and Quantity  
 Authorized      Additional  
 Rate      Quantity      Rate      Quantity  
 gpm      af      gpm      af      Overlap PD Files

**DEL 34956**  
**ENT NENESW 36 30S 37W 2598 2654 1100 343 100 343 GT 006**

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation:      Allocation Type \_\_\_\_\_      Start Year \_\_\_\_\_      5 YR Amount \_\_\_\_\_      Amount Unit \_\_\_\_\_      Base Acres \_\_\_\_\_      Comment \_\_\_\_\_

| 16. Place of Use<br>CHK<br>MOD<br>DEL<br>ENT | PUSE | S | T | R | ID | NE¼  |      |      |      | NW¼  |      |      |      | SW¼  |      |      |      | SE¼  |      |      |      | Total | Owner | Chg? | Overlap Files |            |             |
|--|------|---|---|---|----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|-------|------|---------------|------------|-------------|
|  |      |   |   |   |    | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |       |       |      |               |            |             |
| <b>CHK 5509</b>                              |      |   |   |   |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      | <b>8b</b>     | <b>yes</b> | <b>9704</b> |
| <b>CHK 22705</b>                             |      |   |   |   |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      | <b>8c</b>     | <b>yes</b> | <b>9704</b> |
| <b>CHK 22938</b>                             |      |   |   |   |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      | <b>8a</b>     | <b>yes</b> | <b>9704</b> |
|  |      |   |   |   |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      |               |            |             |
|  |      |   |   |   |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      |               |            |             |

Base Acres: \_\_\_\_\_      Year: \_\_\_\_\_      Minimum Reasonable Quantity: \_\_\_\_\_  
 Comments: \_\_\_\_\_



Garden City Field Office  
4532 W. Jones, Suite B  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 5, 2021

JAMES C & THERESA A GERROND  
1102 S MONROE ST  
HUGOTON, KS 67951

RE: Vested Right, File No. GT 006  
Water Right, File No. 9704

Dear Sir and Madam:

Enclosed are orders executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. Conditions of these approval are that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since the orders modify the original documents referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

The abandoned 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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM  
enclosures  
pc: Adam D Gerrond  
Terry Lee Gerrond  
GMD3

**CERTIFICATE OF SERVICE**

On this 5<sup>th</sup> day of April 2021, I hereby certify that the foregoing Approvals of Application for Change in Point of Diversion, Vested Right, File No. GT 006 and Water Right, File No. 9,704 dated 5<sup>th</sup> day of April 2021 was mailed postage prepaid, first class, US mail to the following:


JAMES C & THERESA A GERROND  
1102 S MONROE ST  
HUGOTON, KS 67951

Pc:

ADAM D GERROND  
4557 E RD 21  
ULYSSES KS 67880

TERRY LEE GERROND  
10606 E 129th St  
OVERLAND PARK 66213

GROUNDWATER MANAGEMENT DISTRICT NO. 3

  
\_\_\_\_\_  
Division of Water Resources Staff



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

**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.

File No. 9704

RECEIVED

MAR 05 2021  
 10:01 AM  
 Garden City 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: CLAYTON GERROND

Phone Number: (     ) \_\_\_\_\_ Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: JEREMY ELLSAESSER  
1545 ROAD X MOSCOW KS 67952

Phone Number: (     ) \_\_\_\_\_ Email address: \_\_\_\_\_

3. The presently authorized place of use is:

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 |             |
|      |      |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |
|      |      |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |
|      |      |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |

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 \$ 200.00 TR # \_\_\_\_\_ Receipt Date 3-5-21 Check # 1342

5. **Presently authorized point of diversion:**  
 One in the CW Quarter of the SW Quarter of the NW Quarter of Section 36, Township 30 South, Range 37 W, in Grant County, Kansas, 3290 feet North 5190 feet West of Southeast corner of section. Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well 370 (feet)  
**(DWR use only: Computer ID No. 02 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 NE Quarter of the NE Quarter of the SW Quarter of Section 36, Township 30 South, Range 37 (E/W), in Grant County, Kansas, 2598 feet North 2654 feet West of Southeast corner of section. Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) 487  
 This point is:  Additional Well  Geo Center List other water rights that will use this point GT-006

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) \_\_\_\_\_  
 \_\_\_\_\_

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

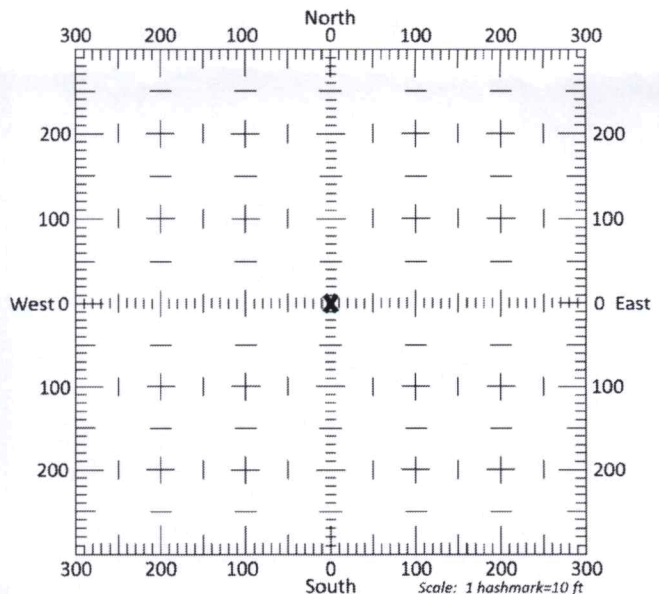
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_

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

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by HH / GCFO

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.)**



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 ~~2-26-2021~~ <sup>03-01-2021</sup> Kansas, this ~~2~~ <sup>01</sup> day of March, 20 21

Clayton Gerrond  
(Owner)  
CLAYTON GERROND  
(Please Print)

Theresa Gerrond  
(Spouse)  
Theresa Gerrond  
(Please Print)

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

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

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

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

State of Kansas }  
County of Stevens } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1st day of March, 20 2021. <sup>3rd ABW</sup>

NOTARY PUBLIC - State of Kansas  
ALYSSA B. WATKINS  
My Appt Expires 06-06-24

Alyssa B. Watkins  
Notary Public

My Commission Expires 06-06-24

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all or 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 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 Overland Park, Kansas, this 29<sup>th</sup> day of March, 2021.

[Signature]  
 \_\_\_\_\_  
 (Owner)  
Terry Gernend  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)

[Signature]  
 \_\_\_\_\_  
 (Spouse)  
Kelly Gernend  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)

State of Kansas }  
 County of Johnson } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 29<sup>th</sup> day of March, 2021.

[Signature]  
 \_\_\_\_\_  
 Notary Public

My Commission Expires 4/9/2023.

**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 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 \_\_\_\_\_, Kansas, this 1<sup>st</sup> day of MARCH, 2021.

[Signature]  
 \_\_\_\_\_  
 (Owner)

[Signature]  
 \_\_\_\_\_  
 (Spouse)

ADAM D. GERMOND  
 \_\_\_\_\_  
 (Please Print)

Erin E Germond  
 \_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Owner)

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

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

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

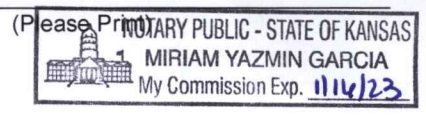
\_\_\_\_\_  
 (Owner)

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

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

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

State of Kansas }  
 County of Grant } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1<sup>st</sup> day of March, 2021.

[Signature]  
 \_\_\_\_\_  
 Notary Public

My Commission Expires 11/14/2023

**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. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 9704

1. A change application was received on March 5, 2021 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 described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.  Applicable  Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 2640 feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
6. 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
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2021**, 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
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2021**, or within any authorized extension of time. By March 1, 2022 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
9. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
10. 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
11. Additional Conditions are attached.  Yes  No
12. 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.

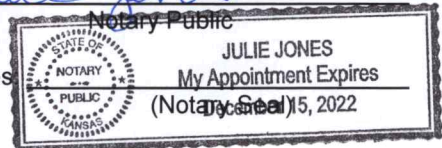
**Administrative Appeal and Effective Date of Order**

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

*For Use by Register of Deeds*

FOR OFFICE USE ONLY  
**APPLICATION APPROVED AND  
 SUMMARY ORDER ISSUED**

By: Michael A. Meyer  
 Duly Authorized Designee of the Chief Engineer  
 (Print Name): MICHAEL A. MEYER  
 Division of Water Resources - Kansas Department of Agriculture  
 Date of Issuance: April 5, 2021  
 State of Kansas )  
 ) SS  
 County of Atterney )  
 Acknowledged before me on April 5, 2021  
 by Michael A. Meyer  
 Signature: Julie Jones  
 Notary Public

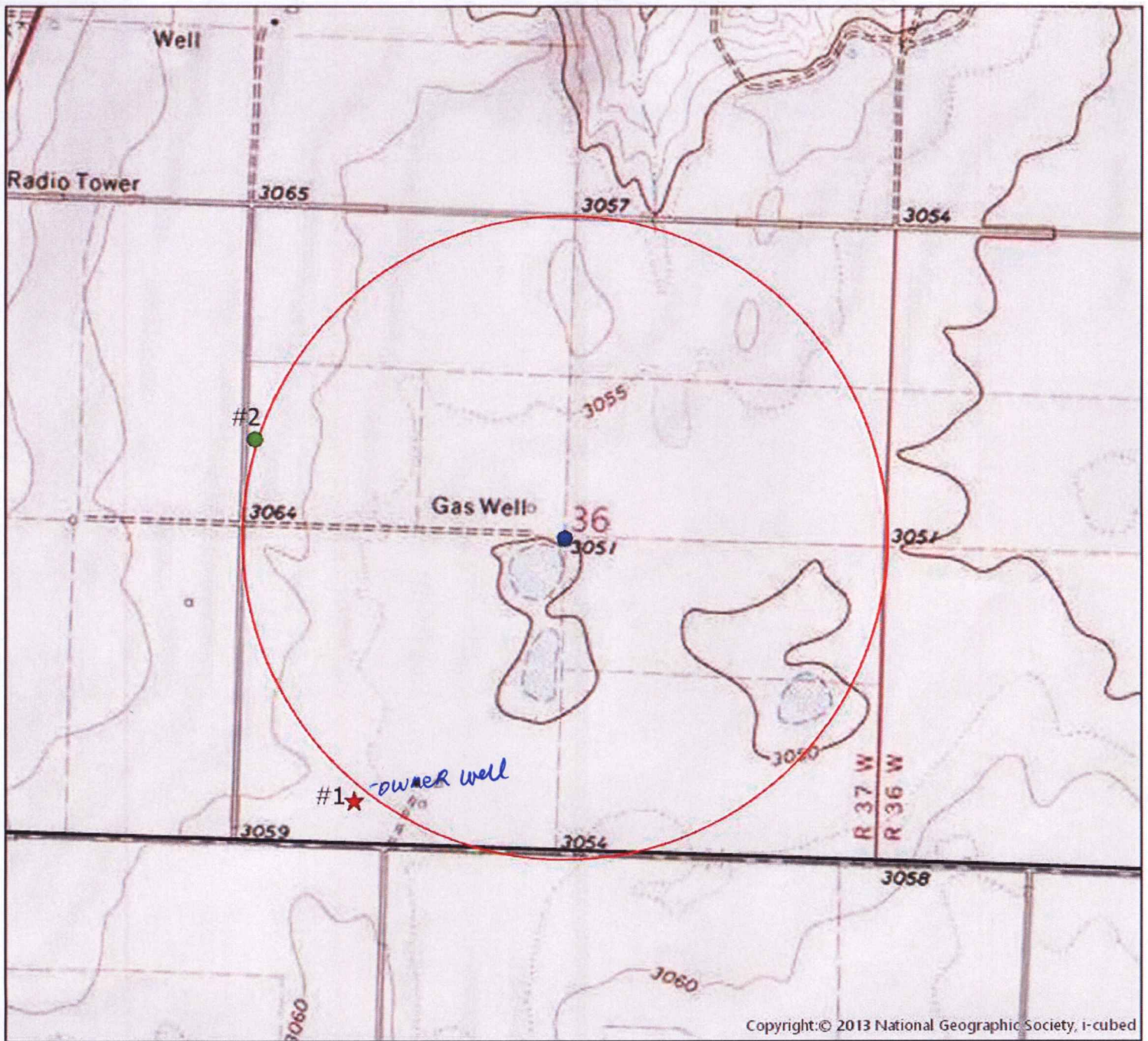


My commission expires



# CHANGE IN POINT OF DIVERSION WATER RIGHT, FILE NOS. GT-6 & 9704

Section 36 Township 30 South Range 37 West Kearny County



Copyright: © 2013 National Geographic Society, i-cubed

- Authorized Point of Diversion
- Proposed Point of Diversion
- Permitted Wells within 1/2 mile
- ★ Domestic Wells within 1/2 mile
- 1/2 Mile Buffer

List of owner name and addresses within 1/2 mile:  
#1 DOMESTIC WELL  
JIM GERRAND  
#2 File No. 9704  
OWNER



All wells of any kind within 1/2 mile of the proposed point of diversion have been plotted.

(Signature)

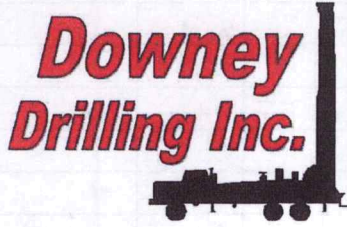
Date

Date: 1/25/2021 HH/GCFO  
Scale: 1:14,000



# WELL LOG

DATE: 1/13/2021



CUSTOMER NAME: CLAYTON GERROND TH #2

LEGAL: NE/SW 36-305-37W SOUTH SIDE OF PIVOT PT.

COUNTY: GRANT CO, KS

GPS: N 37.39525

W 101.31666

LOGGER:

DRILLER: RYAN DOWNEY

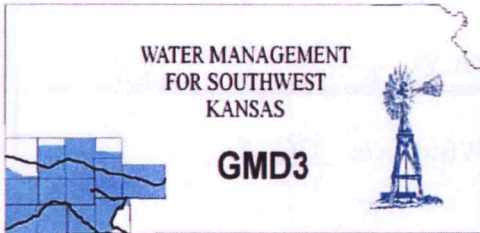
WO: 20-690

| TW | FROM | TO  | TYPE  | HARDNESS  | COLOR          | SPEED  | PULL DOWN | OTHER / DRILLING ACTION |
|----|------|-----|---|-----------|----------------|--------|-----------|-------------------------|
|    | 0    | 3   | TOPSOIL   | SOFT      | BLACK          | FAST   | NO        | SMOOTH                  |
|    | 3    | 42  | SILTY CLAY LAYERS   | SOFT      | TAN            | FAST   | NO        | SMOOTH                  |
|    | 42   | 52  | FINE-MED TRACES COARSE SAND TRACES SANDY CLAY             | SOFT      | TAN            | FAST   | NO        | CHATTER                 |
|    | 52   | 65  | CLAY  | SOFT      | TAN            | FAST   | NO        | SMOOTH                  |
|    | 65   | 70  | FINE-MED -COARSE SAND, VERY FINE GRAVEL, SANDY CLAY MIXED | SOFT      | TAN            | FAST   | NO        | CHATTER                 |
|    | 70   | 82  | SANDY CLAY, CLAY  | SOFT      | TAN            | FAST   | NO        | SMOOTH                  |
|    | 82   | 111 | FINE-MED SAND, SANDY CLAY, MAG LEDGES                     | HARD      | TAN, WHITE     | SLOW   | NO        | IN & OUT                |
|    | 111  | 115 | FINE-MED TRACES OF COARSE SAND                            | SOFT      | TAN            | FAST   | NO        | CHATTER                 |
|    | 115  | 122 | FINE-MED TRACES COARSE SAND, SANDY CLAY LAYERS            | SOFT      | TAN            | FAST   | NO        | SLIGHT CHATTER          |
|    | 122  | 141 | CLAY (STICKY)   | FIRM      | BROWN          | SLOW   | NO        | SMOOTH                  |
|    | 141  | 148 | FINE-MED-COARSE SAND, SANDY CLAY                          | SOFT      | TAN            | FAST   | NO        | SLIGHT CHATTER          |
|    | 148  | 175 | FINE-MED TRACES OF COARSE SAND SOME SANDY CLAY STRINGERS  | SOFT      | TAN            | FAST   | NO        | SLIGHT CHATTER          |
|    | 175  | 182 | CLAY (STICKY)   | SOFT      | TAN            | FAST   | NO        | SMOOTH                  |
|    | 182  | 200 | FINE-MED SAND, SOME COARSE SAND, SANDY CLAY               | SOFT      | TAN            | FAST   | NO        | SLIGHT CHATTER          |
|    | 200  | 210 | FINE-MED SAND, SANDY CLAY                                 | SOFT      | TAN            | FAST   | NO        | SLIGHT CHATTER          |
|    | 210  | 216 | FINE-MED-COARSE SAND, VERY FINE GRAVEL                    | SOFT      | TAN            | FAST   | NO        | CHATTER                 |
|    | 216  | 238 | FINE-MED SAND, SANDY CLAY                                 | SOFT      | TAN            | FAST   | NO        | SMOOTH                  |
|    | 238  | 255 | SANDY CLAY, FINE-MED SOME COARSE SAND LAYERS              | SOFT      | TAN            | FAST   | NO        | CHATTER                 |
|    | 255  | 261 | FINE-MED-COARSE SAND                                      | SOFT      | TAN            | FAST   | NO        | CHATTER                 |
|    | 261  | 274 | SANDY CLA, FINE-MED SAND, COARSER SAND                    | SOFT      | TAN            | FAST   | NO        | SLIGHT CHATTER          |
|    | 274  | 306 | FINE-MED-COARSE SAND, VERY FINE GRAVEL                    | SOFT      | TAN            | FAST   | NO        | CHATTER                 |
|    | 306  | 317 | FINE-MED SAND W/SANDY CLAY STRINGERS                      | SOFT      | TAN            | FAST   | NO        | SLIGHT CHATTER          |
|    | 317  | 319 | CLAY,SANDY CLAY   | FIRM      | TAN            | SLOW   | NO        | SMOOTH                  |
|    | 319  | 328 | MED - COARSE SAND, FINE GRAVEL                            | SOFT      | TAN            | FAST   | NO        | CHATTER                 |
|    | 328  | 331 | FINE-MED TRACES OF COARSE SAND, SANDY CLAY                | SOFT      | TAN            | FAST   | NO        | LT CHATTER @ TIMES      |
|    | 331  | 358 | MED-COARSE SAND, TR. FINE GRAVEL                          | SOFT      | TAN            | FAST   | NO        | CHATTER                 |
|    | 358  | 378 | SANDY CLAY, FINE-MED TR. COARSE SAND LAYERS               | SOFT      | TAN            | FAST   | NO        | LT CHATTER @ TIMES      |
|    | 378  | 382 | CLAY  | SEMI-FIRM | YELLOW / TAN   | SLOWER | NO        | SMOOTH                  |
|    | 382  | 396 | SILTY CLAY, W/FINE SAND, SANDSTONE LENSES                 | SOFT      | YELLOW / TAN   | FASTER | NO        | VERY LT CHATTER @ TIMES |
| x  | 396  | 403 | CLAY (TOOK A BIG DRINK WATER)                             | FIRM      | YELLOW / TAN   | SLOWER | NO        | SMOOTHER                |
| x  | 403  | 454 | FINE SAND & SILTY CLAY LAYERS                             | SOFT      | YELLOW / BROWN | FASTER | NO        | SLIGHT CHATTER @ TIMES  |
|    | 454  | 462 | FINE SAND, TR, MED, TR, SANDSTONE                         | SOFT      | YELLOW / TAN   | FAST   | NO        | LT CHATTER @ TIMES      |
|    | 462  | 464 | CLAY/SHALE  | STIFF     | GRAY           | SLOWER | NO        | SMOOTH                  |
|    | 464  | 481 | FINE, TR. MED SAND, SOAPSTONE, SANDSTONE TRACES           | SOFTER    | YELLOW /TAN    | FASTER | NO        | LT CHATTER @ TIMES      |
|    | 481  | 484 | RED BED   | SEMI-FIRM | RED            | SLOWER | NO        | SMOOTH                  |
|    | 484  | 487 | VERY FINE SAND  | SOFTER    | YELLOW / TAN   | FASTER | NO        | VERY LT CHATTER @ TIMES |









**Southwest Kansas**  
**Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

March 22, 2021

Michael A. Meyer  
Division of Water Resources  
4532 W Jones Ave., Suite B  
Garden City, Kansas 67846

RE: Application for Change in Point of Diversion  
Vested Right, File No. GT 06  
Water Right, File No. 9704

Dear Mike:

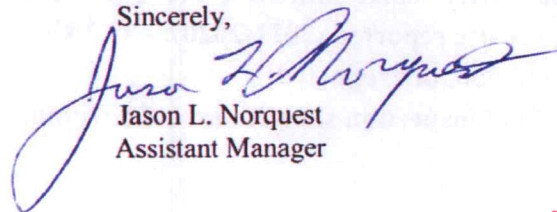
We have completed a review of the applications for the above referenced water rights. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (4.0 ft in cases where saturated thickness is greater than 200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that none of the neighboring wells exceeded the net effect above the maximum allowable threshold and none noted as critical. Our office received no comments of concern from neighboring well owners. Therefore, GMD3 sees this move as reasonable and therefore recommend that the application be approved. If aquifer conditions change or there is a change to the water right in the future, we would be happy to evaluate the effects at that time.

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

Sincerely,



Jason L. Norquest  
Assistant Manager

RECEIVED

MAR 22 2021

Garden City Field Office  
Division of Water Resources



## GMD3 Change Review

---

File No(s): GT6 & 9704.

DWR office: GC.

App filed to change: PD.

Is Landowner(s) correct in WRIS: James Gerrond.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS?    .

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-23-3

Point of diversion ID No(s) 02 being changed.

|                   | ft. North | ft. West |                       |
|-------------------|-----------|----------|-----------------------|
| Authorized PD     | 3290      | 5190     | Sect 36-30-37         |
| Proposed PD       | 2598      | 2654     |                       |
| Difference        | 692 s     | 2536 e   |                       |
| $a^2 + b^2 = c^2$ | 478864    | 6431296  | 2628.718 foot move SE |

GPS for proposed PD: Lat: 37.39515 Long: -101.31653.

Is proposed PD stacking on existing WRs? Moving both water rights.

Is Proposed PU overlapping existing WRs? No Change.

Neighboring certified well(s) notified: Only one not part of applicant operation.

Name Bar G Ranch LLC %Dax Gaskill (39666 STK) .

Address 951 Road 13 .

Zip Hugoton, KS 67951.

Email: daxg@pld.com. Phone: 620-544-5343.

Domestic well(s) notified: Domestic in section is part of applicant.

Name    .

Address    .

Zip    .

Base Acres:    .

Perfected Acres:    .

Irr. Return-Flow    %

**GT 6: 420AF @ 1000gpm**

**9407: 343AF @ 1100gpm**

**Current well depth = 370'**

**Proposed depth = 487'**

**Combined authority 763AF limited to 1100gpm. 2300' minimum spacing.**

**10 year average use reported (2011-2020): 440.2AF**

**2017 WUR had 550gpm reported.**

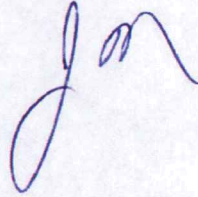
**2019 GMD3 field inspection showed flow of 507gpm.**

## GMD3 Change Review

---

Is a waiver needed: GPS shows the move is just under a half mile and spacing appears met to neighboring wells. Analysis showed the biggest effects were to wells used by the applicant. Even then they were within the guidelines and no critical wells.

Recommendation: After review of all available information, it appears current area rules are met. The possible effects are within the criteria. We did not receive any comments from neighbors. Staff therefore recommends approval of the applications.



**RECEIVED**

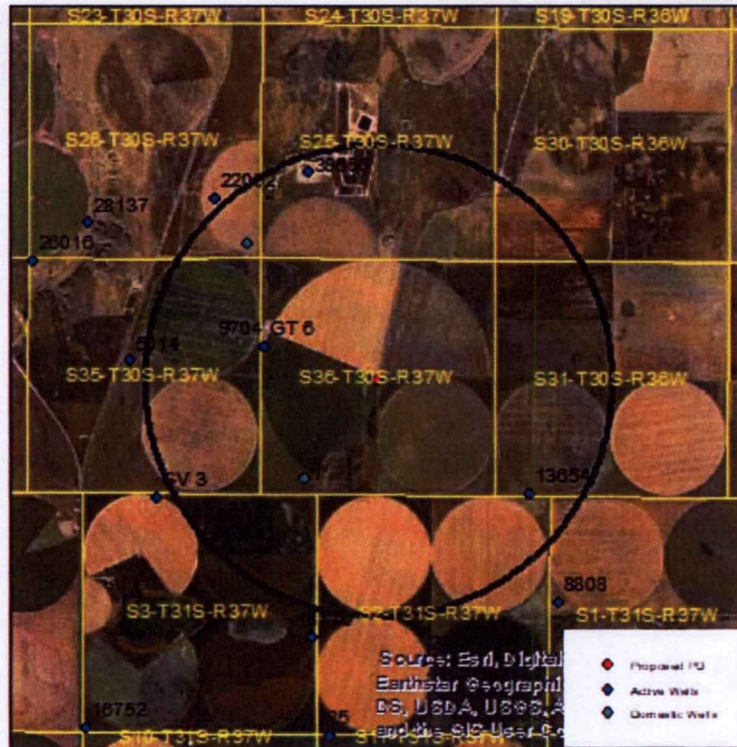
**MAR 22 2021**

Garden City Field Office  
Division of Water Resources



## Evaluation of proposed move for Water Right Nos. GT 6 & 9704

Proposed: Move water right nos. GT 6 & 9704 a distance of 2,629 ft to the southeast.



Wells within 1 mile: 39666, 13654, a domestic well in section 26-30-37, and a domestic well in section 36-30-37.

The saturated thickness at the proposed well location is estimated to be 212 ft, based upon an observation well in section 32-30-36 and the driller's log. For saturated thickness greater than 200 ft, the drawdown allowance is 4.0 ft.

**50 year Theis Analysis:** The following values were used to run the analysis:

$$S = 0.1863, T = 5930.5 \text{ ft}^2/\text{day},$$

$tp_{\text{current}} = 196$  days (based upon average use and observed rate),  $Q_{\text{current}} = 507$  gpm (based upon 2019 field inspection),  $tp_{\text{proposed}} = 157$  days,  $Q_{\text{proposed}} = 1100$  gpm

Theis drawdowns were calculated as follows:

39666: Drawdown from current location = 3.24 ft  
Drawdown from proposed location = 5.07 ft  
Net drawdown = **1.8 ft**

RECEIVED  
MAR 2 2021  
Garden City Field Office  
Division of Water Resources

13654: Drawdown from current location = 2.38 ft  
Drawdown from proposed location = 5.51 ft  
Net drawdown = **3.1 ft**

Domestic 26-30-37: Drawdown from current location = 4.33 ft  
Drawdown from proposed location = 5.48 ft  
Net drawdown = **1.1 ft**

Domestic 36-30-37: Drawdown from current location = 3.74 ft  
Drawdown from proposed location = 7.06 ft  
Net drawdown = **3.3 ft**

Net drawdown does not exceed the drawdown allowance of 4.0 ft for any well within 1 mile of the proposed location. Therefore, critical well analysis is not necessary.

**Conclusion:**

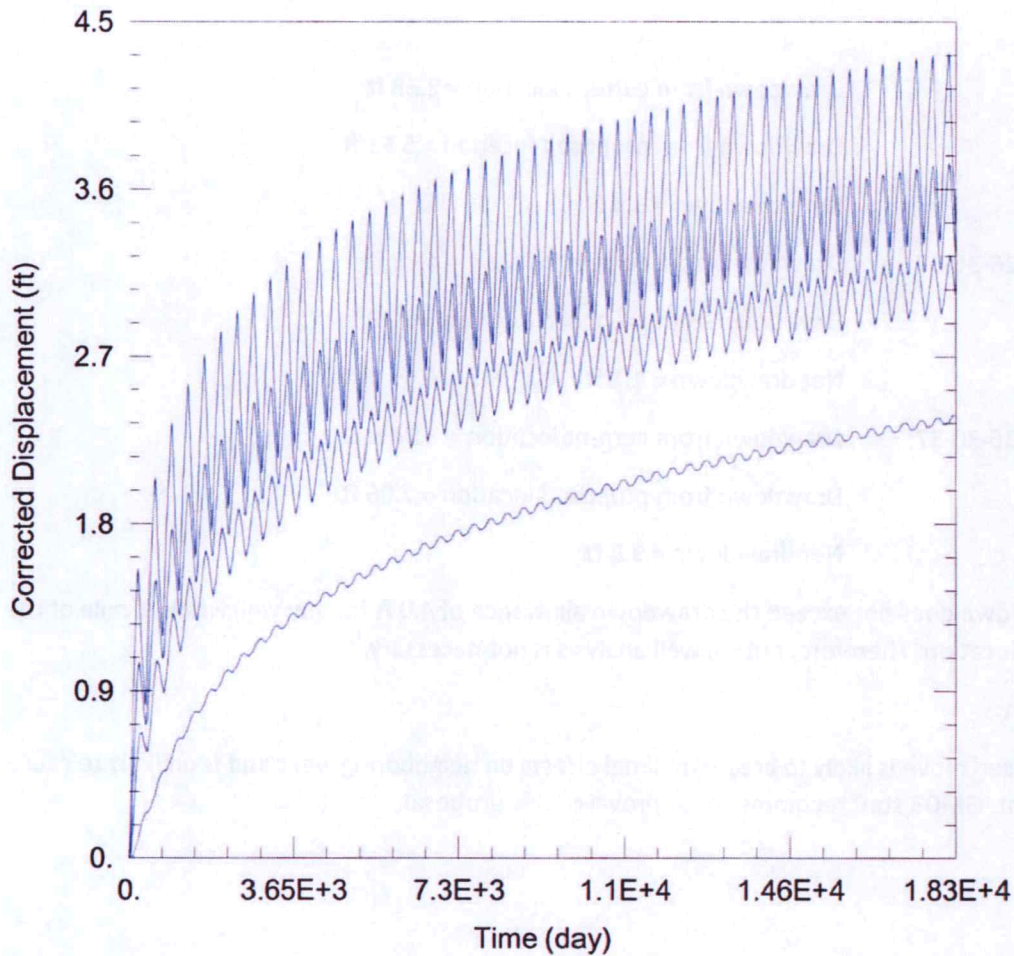
The proposed move is likely to create minimal effects on neighboring wells and is unlikely to cause impairment. GMD3 staff recommends approval of this proposal.

**RECEIVED**

**MAR 22 2021**

**Garden City Field Office  
Division of Water Resources**





### WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2021\_Moves\GT6\_9704\GT6 & 9704 Current.aqt  
 Date: 03/12/21 Time: 15:05:49

### PROJECT INFORMATION

Company: GMD 3  
 Project: GT 6 & 9704  
 Location: Grant County  
 Test Well: GT 6 & 9704

### WELL DATA

#### Pumping Wells

| Well Name   | X (ft)  | Y (ft) |
|-------------|---------|--------|
| GT 6 & 9704 | -152792 | 190546 |

#### Observation Wells

| Well Name           | X (ft)  | Y (ft) |
|---------------------|---------|--------|
| □                   | -152792 | 190546 |
| □ 39666             | -151782 | 194440 |
| □ 13654             | -146825 | 187261 |
| □ Domestic 26-30-37 | -153208 | 192856 |
| □ Domestic 36-30-37 | -151895 | 187589 |

### SOLUTION

Aquifer Model: Unconfined

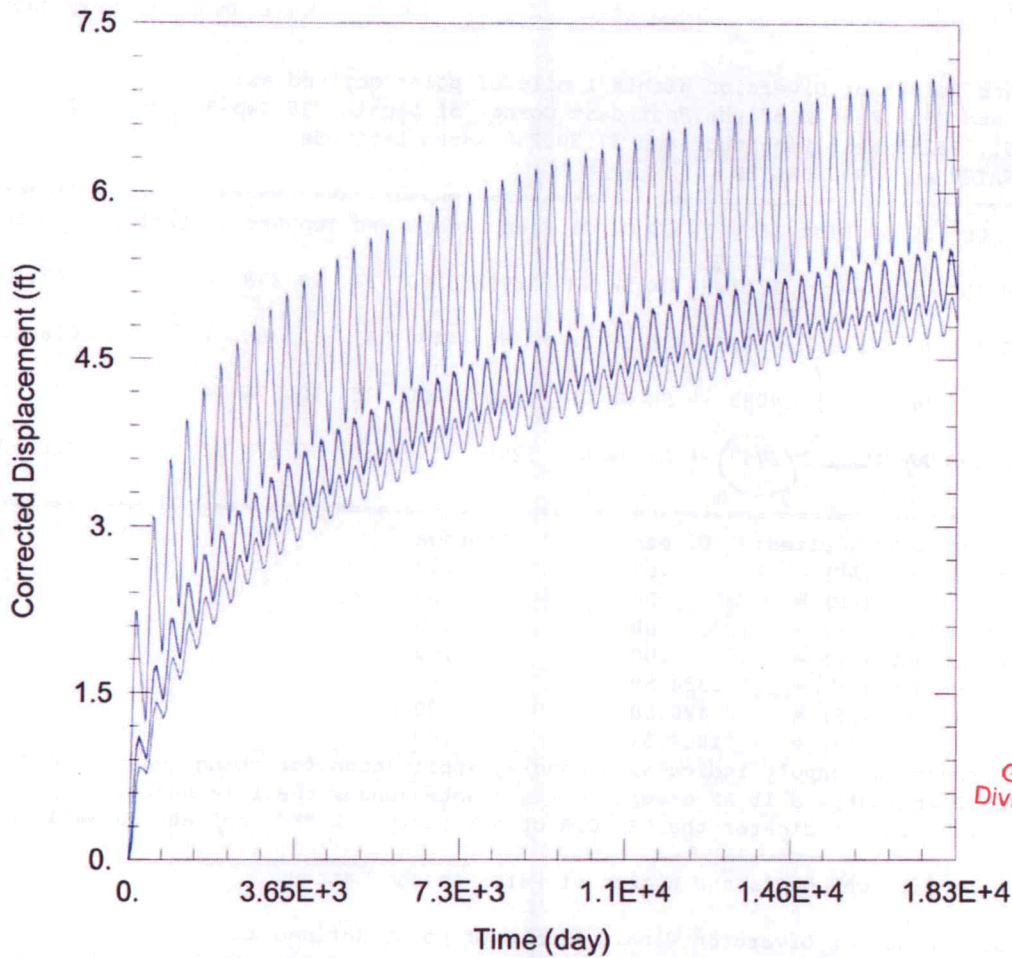
Solution Method: Theis

T = 5930.5 ft<sup>2</sup>/day

S = 0.1863

Kz/Kr = 1.

b = 212. ft



**RECEIVED**  
**MAR 22 2021**  
 Garden City Field Office  
 Division of Water Resources

**WELL TEST ANALYSIS**

Data Set: C:\Users\trevora\Documents\2021\_Moves\GT6\_9704\GT6 & 9704 Proposed.aqt  
 Date: 03/12/21 Time: 15:05:42

**PROJECT INFORMATION**

Company: GMD 3  
 Project: GT 6 & 9704  
 Location: Grant County  
 Test Well: GT 6 & 9704

**WELL DATA**

**Pumping Wells**

| Well Name   | X (ft)  | Y (ft) |
|-------------|---------|--------|
| GT 6 & 9704 | -150219 | 189800 |

**Observation Wells**

| Well Name           | X (ft)  | Y (ft) |
|---------------------|---------|--------|
| □                   | -150219 | 189800 |
| □ 39666             | -151782 | 194440 |
| □ 13654             | -146825 | 187261 |
| □ Domestic 26-30-37 | -153208 | 192856 |
| □ Domestic 36-30-37 | -151895 | 187589 |

**SOLUTION**

Aquifer Model: Unconfined

Solution Method: Theis

T = 5930.5 ft<sup>2</sup>/day

S = 0.1863

Kz/Kr = 1.

b = 212. ft



Water Rights and Points of Diversion Within 1 mile of point defined as:  
 2598 Feet N and 2536 Feet W of the Southeast Corner of Section 36 Twp 30S Rng 37W  
 Located at: 101.316253 West Longitude and 37.395250 North Latitude  
 Both SURFACE WATER and GROUNDWATER

| File Number | Use   | ST | SR  | Dist (ft) | Q4 | Q3   | Q2 | Q1 | FeetN | FeetW | Sec  | Twp  | Rng | ID | Batt | Auth_Quan | Add_Quan |         |
|-------------|-------|----|-----|-----------|----|------|----|----|-------|-------|------|------|-----|----|------|-----------|----------|---------|
| A__<br>AF   | 9704  | 00 | IRR | NK        | G* | 2747 | -- | CW | SW    | NW    | 3290 | 5190 | 36  | 30 | 37W  | 2         | 343.00   | 343.00  |
| A__<br>AF   | 13654 | 00 | IRR | NK        | G  | 4196 | -- | SE | SW    | SW    | 60   | 4490 | 31  | 30 | 36W  | 1         | 1018.00  | 1018.00 |
| A__<br>AF   | 39666 | 00 | STK | NK        | G  | 4889 | -- | SE | NW    | SW    | 1950 | 4200 | 25  | 30 | 37W  | 4         | 23.59    | 23.59   |
| VGT<br>AF   | 6     | 00 | IRR | AA        | G* | 2747 | -- | CW | SW    | NW    | 3290 | 5190 | 36  | 30 | 37W  | 2         | 420.00   | 420.00  |

| 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) =    | 1384.59 | .00     |
| Total Vested Amount (AF) =       | 420.00  | .00     |
| TOTAL AMOUNT (AF) =              | 1804.59 | .00     |

An \* after the source of supply indicates a pending application for change under the file number.  
 An \* after the ID indicates a 15 AF exemption was granted under 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 1 mile of point defined as:  
 2598 Feet North and 2536 Feet West of the Southeast Corner of Section 36 Twp 30S Rng 37W  
 Located at: 101.316253 West Longitude and 37.395250 North Latitude  
 Both SURFACE WATER and GROUNDWATER  
 WATER USE CORRESPONDENTS:

- File Number Use ST SR
- > JEREMY ELLSAESSER
- >
- > 1545 ROAD X
- > MOSCOW KS 67952
- 
- > JEREMY ELLSAESSER
- >
- > 1545 ROAD X
- > MOSCOW KS 67952
- 
- > BAR G RANCH LLC
- > DAX GASKILL
- > 951 ROAD 13
- > HUGOTON KS 67951
- 
- > JEREMY ELLSAESSER
- >
- > 1545 ROAD X
- > MOSCOW KS 67952
- 

*Handwritten notes:*  
 676' A/R  
 176' A/R  
 676' A/R

| INPUTS  |             |           |
|---------|-------------|-----------|
|         | Longitude   | Latitude  |
| Point 1 | -101.325400 | 37.397160 |
| Point 2 | -101.316660 | 37.395250 |

Current GT6+  
Proposed GT6+

Degrees Longitude per Foot 3.44212826E-06  
 Degrees Latitude per Foot 2.74637731E-06  
 Distance Between Points (ft) 2633

*under 1/2 mile  
barely*

Compute Distance Between Points

**Instructions**  
 1. Enter Longitudes and Latitudes of the two points (both must be in the same datum, NAD27 or NAD83).  
 2. Click "Compute Distance Between Points" button.

RECEIVED  
 MAR 22 2021  
 Garden City Field Office  
 Division of Water Resources



## **Meyer, Mike [KDA]**

---

**From:** Meyer, Mike [KDA]  
**Sent:** Friday, March 5, 2021 4:07 PM  
**To:** 'Norquest, Jason (Norquest@gmd3.org)'  
**Subject:** request for recommendation, File Nos. GT 006, 9704  
**Attachments:** 20210305155435000.pdf

good afternoon.

attached is a request for a recommendation for a point of diversion change for the referenced water rights.  
please review and provide a recommendation within 15 days as required

thank you and have a good weekend  
(rumor is many more redrills coming our way)

Mike

Garden City Field Office  
4532 W. Jones, Suite B  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

March 5, 2021

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO. 3  
2009 E SPRUCE ST  
GARDEN CITY KS 67846

Re: Vested Right, File No. GT 006  
Water Right, File No. 9704

Dear Mr. Norquest:

This is to advise you that Clayton Gerrond has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion.

We are delaying action on the change application to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

Michael A. Meyer  
Water Commissioner

MAM  
Enclosures





STATE OF KANSAS }  
 STEVENS COUNTY } SS  
 I hereby certify that the foregoing is a true copy of the record on file in this court and cause.  
 Clerk of the District Court  
 Date \_\_\_\_\_  
 Clerk Deputy of District Court

LCB

IN THE DISTRICT COURT OF STEVENS COUNTY, KANSAS

IN THE MATTER OF THE ESTATE OF DANIEL RAY GERROND, DECEASED

Case No. 16PR41

JOURNAL ENTRY OF FINAL SETTLEMENT

Now on this 29<sup>th</sup> day of June, 2017, this matter comes on for hearing upon the Petition for Final Settlement of Adam D. Gerrond, administrator of the estate of Daniel Ray Gerrond, deceased. The administrator, Adam D. Gerrond, appears by and through Wayne R. Tate of the law firm of Tate & Kitzke L.L.C., Hugoton, Kansas, his attorneys. There are no other appearances.

Thereupon, the administrator presents his evidence in support of the Petition for Final Settlement.

Thereupon, the Court, having heard the evidence and being fully advised in the premises, finds as follows:

1. The Court has jurisdiction of the subject matter and of all necessary parties.
2. Due diligence has been exercised in the search for the names, relationships and addresses of heirs, devisees and legatees; notice of the hearing has

TITLE TO REAL ESTATE INVOLVED

TATE & KITZKE PROBATE:PROBATE:GERROND DANIEL JOURNAL ENTRY OF FINAL SETTLEMENT.2017.doc  
 1024 S. Trindle - P. O. Box 909  
 Hugoton, KS 67951-0909  
 Phone: (620) 544-2103

RECEIVED

MAR 26 2021

Garden City Field Office  
Division of Water Resources

Page 2

been given by publication and mailing, as provided by law and by order of this Court; and proof thereof has been duly filed herein and the notice and proof of publication and mailing thereof are approved by the Court.

3. None of the heirs or other persons interested in this estate are in the military service of the United States as defined by the Servicemembers Civil Relief Act (SCRA) of 2003, as amended.

4. The allegations of said petition are true and have been duly proved.

5. The decedent, Daniel Ray Gerrond, died intestate at Wichita, Kansas, on October 17, 2016; and at the time of his death he was a resident of Stevens County, Kansas, and a citizen of the United States.

6. The decedent was survived by the following named persons who are all of his heirs at law who would inherit under the laws of descent and distribution, to wit:

| <u>Name</u>      | <u>Relationship</u> | <u>Address</u>   |
|------------------|---------------------|--|
| Adam D. Gerrond  | Son                 | P.O. Box 679<br>Stratford, Texas 79089;                        |
| Aubrey E. Graeve | Daughter            | 14010 W. 74 <sup>th</sup> Street<br>Shawnee, Kansas 66216; and |

the decedent has no spouse or children or adopted children or issue of deceased children, natural or adopted, who survived him other than the persons above named; and they are all of legal age and under no legal disability.

7. Letters of Administration were granted to Adam D. Gerrond, as



Page 3

administrator of said estate on December 2, 2016; he gave notice to creditors as required by law, the first publication of the notice was on January 19, 2017; more than four months have expired since the first publication of such notice; and the time for filing demands against the estate has expired; more than six months have expired since the decedent's date of death; the estate has been fully administered; and final settlement should be made in the estate.

8. The estate is not subject to the payment of Kansas estate or succession taxes; the estate is not subject to the payment of federal estate taxes; all taxes due to the State of Kansas have been paid in full.

9. Adam D. Gerrond and Aubrey E. Graeve, such persons being all of the heirs and the only persons having the right or interest to require an accounting herein, have executed and filed with the court a written waiver of accounting; and the Court finds an accounting is unnecessary and is not required.

10. On or about February 7, 2017, Adam D. Gerrond and Aubrey E. Graeve, being all of the heirs of the decedent, Daniel Ray Gerrond, entered into a written Family Settlement Agreement regarding the division of all of the assets owned by the decedent, Daniel Ray Gerrond, at the time of his death, including but not limited to, all real estate, all personal property and intangible property; and this Family Settlement Agreement and the terms and conditions set forth therein, are hereby approved and made an order of this Court.

G:\AMY\PROBATE\PROBATE\GERROND DANIEL.JOURNAL ENTRY OF FINAL SETTLEMENT.2017.doc

## Page 4

11. At the time of his death, the decedent owned the following described real estate situate in Stevens County, Kansas, to wit:

The surface and surface rights only, including water rights, in and to a tract of land located in the Southeast Quarter (SE/4) of Section Eighteen (18), Township Thirty-one (31) South, Range Thirty-seven (37) West of the 6<sup>th</sup> P.M., Stevens County, Kansas, being more particularly described as follows:

Beginning at a point on the East line and 1755.07 North of the Southeast corner of Section 18; Thence North 00°00' East (Assumed Bearing) for a distance of 890 feet to the Northeast corner of said tract and quarter; Thence North 89°10' West along the North line of said quarter for a distance of 490 feet; Thence South 00°00' East parallel with the East line of said quarter for a distance of 890 feet; Thence South 89°10' East parallel with the North line of said quarter for a distance of 490 feet to the Point of Beginning: containing 10.01 acres more or less;

and title to such property, is hereby assigned to Aubrey E. Graeve, pursuant to the terms of the above described Family Settlement Agreement, as of the date of his death, absolutely and in fee simple forever, subject to any lawful disposition heretofore made.

12. At the time of his death, the decedent owned the following described real estate situate in Grant County, Kansas, to wit:

The surface and surface rights only, including water rights, in and to the Southwest Quarter (SW/4) of Section Thirty-six (36), Township Thirty (30) South, Range Thirty-seven (37) West of the 6<sup>th</sup> P.M., in Grant County, Kansas, EXCEPT AND LESS A 36.36 acre tract more particularly described as follows:

A tract of land located in the Southwest Quarter (SW/4) of Section Thirty-six (36), Township Thirty (30) South, Range



Page 5

Thirty-seven (37) West, in Grant County, Kansas described as follows: Beginning at the Southeast corner of the Southwest One Quarter (SW/4) of Section 36, thence North along the East line of said quarter section line a distance of two thousand six hundred thirty point ninety eight hundredths feet (2630.98) to the Northeast corner of the Southwest quarter, thence at an angle of 90 degrees 14 minutes, a distance of one hundred seventy five point zero zero feet (175.00) West, along the North line of the Southwest quarter, thence South at an angle of 90 degrees 14 minutes, a distance of one thousand six hundred sixty nine point ten hundreds feet (1669.10), thence West at an angle of 90 degrees 11 minutes a distance of one thousand one hundred sixty seven point fifty five hundreds feet (1167.55), thence south at an angle of 89 degrees 49 minutes, a distance of nine hundred sixty two point zero four hundreds feet (962.04) to a point on the South line of the Southwest quarter, thence East at an angle of 90 degrees 11 minutes, a distance of one thousand three hundred forty two point fifty five hundreds feet (1342.55) on the South line of the one quarter section to point of beginning;

and title to such property is hereby assigned to Adam D. Gerrond, pursuant to the terms of the above described Family Settlement Agreement, as of the date of his death, absolutely and in fee simple forever, subject to any lawful disposition heretofore made.

13. All of the rest and residue of the decedent's Estate, after the payment of all fees and expenses, is hereby assigned to Aubrey E. Graeve, pursuant to the terms of the above described Family Settlement Agreement, as of the date of his death, absolutely and in fee simple forever, subject to any lawful disposition heretofore made.

14. The petitioner has on hand certain funds as shown by the files and records herein; and any cash balance remaining in the hands of the administrator, and all

G:\AMY\PROBATE\PROBATE\GERROND DANIEL.JOURNAL ENTRY OF FINAL SETTLEMENT.2017.doc

Page 6

other real estate, personal property or interest therein, owned by the decedent at the time of his death, is hereby assigned to Aubrey E. Graeve, pursuant to the terms of the above described Family Settlement Agreement, as of the date of his death, absolutely and in fee simple forever, subject to any lawful disposition heretofore made.

15. The petitioner has performed services for the estate as the administrator, but has waived compensation for his services as the administrator.

16. The petitioner has employed the law firm of Tate & Kitzke L.L.C. of Hugoton, Kansas, as his attorneys; and allowance is hereby made out of the estate to the administrator for such attorneys' services and out-of-pocket expenses.

17. The prayer of the Petition for Final Settlement of the Estate of Daniel Ray Gerrond, deceased, by the administrator is hereby granted; all of the acts and proceedings of accounts of Adam D. Gerrond, as administrator of the estate of Daniel Ray Gerrond, deceased, be and the same are hereby approved; and upon the filing of receipts showing the payments and distributions above provided for, the said Adam D. Gerrond, as administrator, be finally discharged as such administrator of the estate of Daniel Ray Gerrond, deceased.

IT IS, THEREFORE, BY THE COURT CONSIDERED, ORDERED, ADJUDGED and DECREED the above findings should be and the same are hereby the Orders of this Court.

G:\AMY\PROBATE\PROBATE\GERROND DANIEL.JOURNAL ENTRY OF FINAL SETTLEMENT.2017.doc



Page 7

IT IS SO ORDERED.

(SEAL)

*Paula J. Sosa*

Hon. Paula J. Sosa  
District Magistrate Judge

06-29-17

APPROVED:

TATE & KITZKE L.L.C.  
1024 S. Trindle, P. O. Box 909  
Hugoton, KS 67951-0909

*Wayne R. Tate*

Wayne R. Tate  
Supreme Court No. 10548

Reception MS  
 Numerical MS  
 Direct MS  
 Indirect MS  
 Stamped MS  
 Computer MS  
 Orig. Comp. MS

**TRANSFER ON DEATH DEED**

Pursuant to K.S.A. 59-3501

**JAMES RUSSELL GERROND**, a single person,

transfers on his death to:

**TERRY LEE GERROND**, in fee simple absolute,

all the following described real estate in the County of Grant and the State of Kansas, to-wit:

The surface and surface rights only, including water rights, in and to the Northeast Quarter (NE/4) of Section Thirty-six (36), Township Thirty (30) South, Range Thirty-seven (37) West of the 6th p.m.;

THIS TRANSFER ON DEATH DEED IS REVOCABLE. IT DOES NOT TRANSFER ANY OWNERSHIP UNTIL THE DEATH OF THE OWNER. IT REVOKES ALL PRIOR BENEFICIARY DESIGNATIONS BY THIS OWNER FOR THIS INTEREST IN REAL ESTATE.

for the sum of Ten Dollars (\$10.00) and other good and valuable consideration.

Dated: May 22, 2012.

*James Russell Gerrond*  
 \_\_\_\_\_  
 James Russell Gerrond

STATE OF KANSAS, STEVENS COUNTY, ss:

BE IT REMEMBERED, that on this 22 day of May, 2012, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came **JAMES RUSSELL GERROND**, a single person, who is personally known to me to be the same person 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 seal, the day and year last above written.

NOTARY PUBLIC - State of Kansas  
 PAUL F. KITZKE  
 My Appt. Exp. 10/31/2013

*Paul F. Kitzke*  
 \_\_\_\_\_  
 Notary Public

A REAL ESTATE VALIDATION QUESTIONNAIRE IS NOT REQUIRED PURSUANT TO K.S.A. 79-1437e(a)(4).

STATE OF KANSAS, GRANT COUNTY, S.S.  
 THIS INSTRUMENT WAS FILED FOR RECORD ON THE  
 \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D.  
 20 12 AT 1:23 O'CLOCK P. M. AND  
 DULY RECORDED IN BOOK 80 OF DEEDS  
 AT PAGE 159  
 FEE \$ 6.00  
2.00 MARY K. SULLIVAN  
8.00 REGISTER OF DEEDS



TATE & KITZKE L.L.C.  
 1024 S. Trindle - P. O. Box 909  
 Hugoton, KS 67951-0909  
 Phone: (620) 544-2103

BY *Mary K. Sullivan*  
 \_\_\_\_\_  
 Mary K. Sullivan

Entered in transfer record in my office this 23rd day of MAY 2012  
*Paul F. Kitzke*  
 Notary Public  
 Grant County, Kansas



Kansas Department of Health and Environment  
Office of Vital Statistics  
**CERTIFICATE OF DEATH**

115-2014-21713

State File Number

|   |  |  |   |   |  |
|---|--|--|---|---|--|
| 1. Decedent's Legal Name (First, Middle, Last)<br><b>JAMES RUSSELL GERROND</b>  |  | 2. Sex<br><b>MALE</b>  | 3. Date Of Death (Month, Day, Year)<br><b>10/26/2014</b>  | 4. Social Security Number<br><b>512-20-5467</b>                     | 5. Date Filed by State Registrar<br><b>12/02/2014</b>                                      |
| 6. If Female, Name Prior to First Marriage  | 7a. Date Of Birth<br><b>07/18/1924</b>               | 7b. Age<br><b>90 YEAR(S)</b>   | 8. Place Of Birth (City And State Or Foreign Country)<br><b>STEVENS COUNTY, KANSAS</b>                              |   | 9. Decedent Ever In U.S. Armed Forces<br><b>YES</b>  |
| 10a. Place Of Death<br><b>DECEDENT RESIDENCE</b>  |  | 10b. Facility Name (If Not Institution, Street And Number)<br><b>815 S HARRISON</b>                              |   | 10c. County Of Death<br><b>STEVENS</b>                              | 10d. Zip Code<br><b>67951</b>  |
| 10e. City or Town Of Death<br><b>HUGOTON</b>  | 11. Marital Status<br><b>WIDOWED</b>                 |  | 12. Surviving Spouse (If Wife, Name Before First Marriage)  |   | 13a. Residence - Street Address<br><b>815 S HARRISON</b>                                   |
| 13b. State or Foreign Country<br><b>KANSAS</b>  | 13c. County or Province<br><b>STEVENS</b>            | 13d. City or Town<br><b>HUGOTON</b>  |   | 13e. Zip Code<br><b>67951</b>                                       | 13f. Inside City Limits<br><b>YES</b>  |
| 14. Decedent's Ancestry<br><b>AMERICAN</b>  |  | 15. Decedent's Race<br><b>WHITE</b>  |   |   |  |
| 15. Decedent's Hispanic Origin<br><b>NOT SPANISH, HISPANIC, LATINO</b>  |  |  |   |   |  |
| 17. Decedent's Education<br><b>HIGH SCHOOL GRADUATE OR GED COMPLETED</b>  |  | 18. Decedent's Occupation<br><b>FARMER</b>   |   | 19. Decedent's Industry<br><b>AGRICULTURE</b>                       |  |
| 20. Father's Name (First, Middle, Last)<br><b>JAMES RAY GERROND</b>   |  |  | 21. Mother's Name Prior To First Marriage (First, Middle, Last)<br><b>EVA L SLEMP</b>                               |   |  |
| 22a. Informant's Name (First, Middle, Last)<br><b>JAMES CLAYTON GERROND</b>   |  | 22b. Mailing Address (Street, Number, City, State, And Zip Code)<br><b>1102 S MONROE, HUGOTON, KANSAS, 67951</b> |   | 22c. Relationship To Decedent<br><b>SON</b>                         |  |
| 23. Method Of Disposition<br><b>BURIAL</b>  | 24a. Place Of Disposition<br><b>HUGOTON CEMETERY</b> |  | 24b. Location<br><b>HUGOTON, KANSAS</b>   |   |  |
| 25. Funeral Service Licensee And License Number<br><b>/s/ DAVID A ROBSON - 2924</b>   |  |  | 26. Name Of Embalmer And License Number<br><b>HARRY B BEAULEAU - 3647</b>   |   |  |
| 27. Name And Address Of Firm <b>PAUL'S FUNERAL HOME-HUGOTON, 314 VAN BUREN PO BOX 236, HUGOTON, KANSAS, 67951</b>   |  |  |   |   |  |
| 28. Cause Of Death<br><i>Part I. Events (diseases, injuries, or complications) that directly caused the death.</i><br><br>IMMEDIATE CAUSE (Final Disease Or Condition Resulting In Death)<br><b>a. END-STAGE CONGESTIVE HEART FAILURE</b><br>Due To (Or As A Consequence Of):<br><b>b. COPD</b><br>Due To (Or As A Consequence Of):<br><b>c.</b><br>Due To (Or As A Consequence Of):<br><b>d.</b> |  |  |   |   | Approximate Interval: Onset To Death<br><b>MORE THAN 10 YRS</b><br><b>MORE THAN 30 YRS</b> |
| <i>Part II. Other Significant Conditions Contributing To Death But Not Resulting In The Underlying Cause Given In Part I.</i>   |  |  | 29a. Autopsy<br><b>NO</b>   | 29b. Autopsy Findings Available To Complete The Cause Of Death      | 29c. Coroner Contacted<br><b>NO</b>  |
| 30. Did Tobacco Use Contribute To Death?<br><b>YES</b>  | 31. If Female:                                       |  | 32. Manner Of Death<br><b>NATURAL</b>   |   |  |
| 33a. Date Of Injury (Month, Day, Year)  | 33b. Time Of Injury                                  | 33c. Injury At Work  | 33d. How Injury Occurred  |   |  |
| 33e. Place Of Injury  |  | 33f. Location (Street And Number Or Rural Route, City Or Town, State, And Zip Code)                              |   |   |  |
| 34a. Date Pronounced Dead (Month, Day, Year)<br><b>10/26/2014</b>   | 34b. Time Pronounced Dead<br><b>3:45 PM</b>          | 34c. Actual Or Presumed Time Of Death<br><b>3:45 PM</b>  |   | 34d. Name Of Person Pronouncing Death<br><b>SAMER AL-HASHMI, MD</b> | 34e. License No.   |
| 35a. Pronouncing and Certifying Physician<br><b>/s/ SAMER AL-HASHMI - MD</b>  | 35b. License No.<br><b>426014</b>                    | 35c. Date Certified<br><b>11/26/2014</b>   | 35d. Address And Zip Code Of Person Completing Cause Of Death<br><b>1006 S JACKSON, ST., HUGOTON, KANSAS, 67951</b> |   |  |

VS231A - Rev. 07/01/2009

Death 12/3/2014 V220159030 03 GERROND 201404021713 30c \*\* Priority \*\*



This is a true and correct copy of the official record on file in the Office of Vital Statistics, Topeka, Kansas, certified on the date stamped below.

2014 DEC 03 AM 08:09

*Elizabeth W. Saadi*

Elizabeth W. Saadi, Ph.D  
State Registrar  
Office of Vital Statistics  
Department of Health & Environment

A06462567

It is in violation of KSA 65-2422d(g) to "prepare or issue any certificate which purports to be an original, certified copy or copy of a certificate of birth, death or fetal death, except as authorized in this act or rules and regulations adopted under this act."

**CERTIFIED COPIES WILL BE PRODUCED ON MULTI-COLOR SECURITY PAPER.**



XEROX COPIED

BOOK 52 OF DEEDS

PAGE 55

Corporation Deed (General Warranty-Joint Tenancy)

STATE OF KANSAS, GRANT County, ss.

This instrument was filed for record on the 15 day of April A.D. 1986, at 9:00 o'clock A.M., and duly recorded in Book 52 of Deeds, at page 55-56

Virginia Roberts Register of Deeds. By Deputy

FEES

Register of Deeds, for recording, \$ 6.00

Entered in Transfer Record in my office, this 15 day of April A.D. 1986

Sandra M. Heams County Clerk

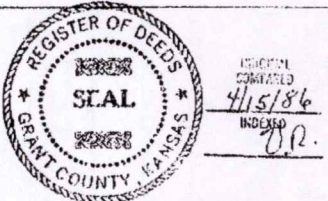
THIS INDENTURE, Made this 6th day of March A.D. 1985, between Joyce Farms, Inc.

by Robert H. Joyce, President a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas and having its principal place of business at Ulysses in the State of Kansas of the first part, and James C. Gerrond and Theresa A. Gerrond, husband and wife of Stevens County, in the

State of Kansas as joint tenants with the right of survivorship, and not as tenants in common, of the second part:

WITNESSETH, That said party of the first part, in consideration of the sum of Ten dollars and NO DOLLARS the receipt of which is hereby acknowledged, does by these presents

Grant, Bargain, Sell, and convey unto said parties of the second part, as joint tenants and not as tenants in common, with the right of survivorship, the whole estate to vest in the survivor in the event of the death of either, all the following-described real estate, situated in Grant County and State of Kansas, to wit:



The surface and surface rights only, including water rights, in and to the Northwest Quarter (NW/4) of Section Thirty-six (36), Township Thirty (30) South, Range Thirty-seven (37) West of the 6th P.M., Except and subject to oil and gas leases and instruments supplemental thereto, mineral rights previously reserved or conveyed, rights of way of record, or established by use, and rights of tenants, if any,

This is a correction deed for the deed recorded in Book 51, at Page 4.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever, as joint tenants and not as tenants in common, with the right of survivorship, the whole estate to vest in the survivor in the event of the death of either.

And said Grantor for itself, its successors and assigns, does hereby covenant, promise and agree, to and with said parties of the second part, that at the delivery of these presents it is lawfully seized in its own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever;

and that it will warrant and forever defend the same unto said parties of the second part, as joint tenants and not as tenants in common, with the right of survivorship, the whole estate to vest in the survivor in the event of the death of either, against said party of the first part, its successors and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said party of the first part has hereunto caused this deed to be signed on its behalf by its President thereunto duly authorized so to do, and has caused its corporate seal to be here unto affixed the day and year first above written.

Joyce Farms, Inc. By Robert H. Joyce President

(Corporate Seal)

(This form is printed by the Kansas Bar Association solely for the use of its Members)

XEROX COPIED

BOOK 52 OF DEEDS

PAGE 56



THE KANSAS BAR ASSOCIATION

CORPORATION DEED  
GENERAL WARRANTY  
JOINT TENANCY

TO

FROM

STATE OF KANSAS COUNTY, ss.

BE IT REMEMBERED, That on this 14th day of April A.D. 19 86

before me, the undersigned, a notary public in and for the County and State aforesaid  
came Robert H. Joyce President of Joyce Farms, Inc.

a corporation duly organized, incorporated and existing under and by virtue of the laws of  
Kansas

who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my official seal the day and year last above mentioned.



*H. W. McCall*

Notary Public.

H. W. McCall  
Term expires February 28, 19 87



XEROX COPIED

CORPORATION DEED—General Warranty—Joint Tenancy

BOOK 51 OF DEEDS

PAGE 4

Incl. 14th. Co. Inc. Top 2A

WARRANTY DEED  
JOINT TENANCY

FROM

TO

Entered in Transfer Record in  
my office, this 6 day of  
March 19 85

*Sandra McHenry*  
County Clerk

STATE OF KANSAS  
Grant County

This instrument was filed for record on the  
6 day of March  
1985 at 4:56 o'clock P. M., and  
duly recorded in Book 51 of Deeds.  
at page 4

*Virginia Roberts*  
Register of Deeds  
*James H. S. [unclear]*  
Deputy

FEE  
Register of Deeds, for recording, \$ 5.00  
Total \$ 5.00

THIS INDENTURE, MADE THIS 6th day of March,  
19 85, between Joyce Farms, Inc.,

a corporation duly incorporated and existing under the laws of the State of  
Kansas, and having its principal place of business at  
Ulysses  
in the State of Kansas, as first party, and  
James C. Gerrond and Theresa A. Gerrond, husband and  
wife;

of Stevens County, in the State of Kansas, as joint tenants  
with the right of survivorship and not as tenants in common, as second parties,

WITNESSETH, That said first party, in consideration of the sum of

Ten Dollars and other consideration -- -- \$10.00

the receipt whereof is hereby acknowledged, does by these presents convey  
and warrant unto said second parties, as joint tenants with the right of sur-  
vivorship and not as tenants in common, all the following described real estate  
situated in the County of Grant, State of Kansas  
to wit;

THE SURFACE AND SURFACE RIGHTS ONLY, in/to  
The Northwest Quarter (NW/4) of Section Thirty-six (36),  
in Township Thirty (30) South, of Range Thirty-seven  
(37), West of the Sixth Principal Meridian



ORIGINAL  
COMPARED  
3-6-85  
INDEXED  
*[Signature]*

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances  
thereunto belonging or in anywise appertaining, forever, as joint tenants, the survivor to take the whole estate.

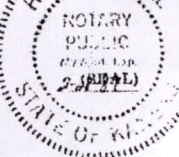
And said first party for itself, its successors and assigns, does hereby covenant, promise and agree to and with said second  
parties that at the delivery of these presents it is lawfully seized in its own right of an absolute and indefeasible estate of  
inheritance, in fee simple, of and in all and singular the above-granted and described premises, with the appurtenances; that the  
same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments,  
taxes, assessments and incumbrances, of what nature or kind soever, except: oil and gas leases and instruments  
supplemental thereto, mineral rights previously reserved or conveyed, rights of way of  
record, or established by use, and rights of tenants, if any,  
and that it will warrant and forever defend the same unto said second parties, as joint tenants with the right of survivorship  
and not as tenants in common, against said first party, its successors and assigns, and all and every person or persons whom-  
soever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, said first party has caused this  
deed to be signed on its behalf by its \_\_\_\_\_ President,  
thereunto duly authorized to do and has caused its corporate  
seal to be hereunto affixed on the day and year first above  
written.

(CORPORATE  
SEAL)

Joyce Farms, Inc.,  
By *Robert H. Joyce*  
Robert H. Joyce President

STATE OF KANSAS, Grant COUNTY, ss  
BEFORE ME, That on this 6th day of March, 19 85, before me the  
undersigned, a Notary Public in and for the County and State aforesaid, came  
Robert H. Joyce, \_\_\_\_\_ President of Joyce Farms, Inc.,



a corporation duly incorporated and existing under the laws of Kansas  
\_\_\_\_\_, who is personally known to me to be the same person who  
executed, as such officer, the foregoing instrument of writing on behalf of said corporation, and  
such person duly acknowledged the execution of the same to be the act and deed of said corporation.  
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day  
and year last above mentioned.

*H. W. McCull*  
H. W. McCull Notary Public  
Term Expires February 28, 1987