

Kansas Department of Agriculture  
Division of Water Resources  
**CHANGE: P/U & ORDER TO BETTER DESCRIBE PD WORKSHEET**

Document Signature LPL

1. File Number: <b>27517</b>	2. Status Change Date: <i>7/19/2016</i>	3. Change Num: <b>C1</b>	4. Field Office: <b>02</b>	5. GMD: <b>05</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: <b>4/25/16</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>JERRY L MARMIE 136 NE 20 AVE GREAT BEND KS 67530</b>		Person ID <b>11068</b> Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>  <b>E D &amp; J INC PO BOX 1005 GREAT BEND KS 67530-1005</b>	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>NORTHGLENN LTD PO BOX 1005 GREAT BEND KS 67530-1005</b>		Person ID <b>54887</b> Add Seq# _____	8d. WUC New to system <input type="checkbox"/>  <b>NORTHGLENN LTD PO BOX 1005 GREAT BEND KS 67530-1005</b>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/16</b> <input type="checkbox"/> N & P Date to Comply: _____ <i>STANDARD</i>				
<input checked="" type="checkbox"/> Anti-Reverse Meter <input checked="" type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>7/6/16</b> By: <b>LI</b> Date Entered: <i>7/20/2016</i> By: <i>UM</i>				

File No. **27517**      11. County:      Basin:      Stream:      Formation Code:      Special Use:

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
MOD			63938	<del>NCSE</del>	3	20	13W	5	1403	2641	GPS UPDATE	1800	210	1800	210	27517

NC52

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								NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	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				
MOD			12906	3	20	13W	1																				
ENT			40834	3	20	13W	3					LT 3 8.00	LT 4 8.00	38.5	38.5	19.0	18.5		0.5								

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** July 11, 2016

**FROM:** Leslie Ireland

**RE:** Water Right  
File Nos. 21,517 & 36,789

Jerry L. Marmie on behalf of Northglenn Ltd., and ED & J Inc., current owners of the referenced files authorized for irrigation use have submitted applications to change the place of use. The applications were submitted with new deeds showing the applicant is the owner of the places of use as of early April 2016. Both applications were received on April 25, 2016.

The subject water rights are located in an area subject K.S.A. 82a-718, and are therefore not abandoned. The rights are in compliance with K.S.A. 82a-732. The applications comply with K.A.R. 5-5-2a, *Complete change application*.

The change approvals propose a complete overlap in two(2) full pivots that comprise the place of use with the currently authorized acres reassigned. The application under File No. 36,789, requests the termination of the K.A.R. 5-5-11(b)(3) allocation monitoring agreement with Big Bend Groundwater Management District No. 5. The applications for change will be processed by **K.A.R. 5-5-11, Applications for change in place of use for irrigation purposes.**

Water Right, File No. 21,517, is authorized 210 acre-feet (AF) at a maximum rate of 1,800 gallons per minute (gpm) from one(1) well for the irrigation of 160 acres in the Southeast Quarter of Section 3, Township 20 South, Range 13 West, Barton County. It has no overlaps in the point of diversion or the place of use. The right was inspected in January 2003 and found to be in compliance. The location of the point of diversion was determined to be 1,403 feet North and 2,641 feet West of the Southeast Corner of Section 3, approximately 48 feet from the authorized location of 1,360 feet North and 2,620 feet West of the Southeast Corner of Section 3. The qualifier descriptors will remain as near the center of the west side of the Southeast Quarter (CW SE $\frac{1}{4}$ ) of Section 3. The order will correct the location of the authorized point of diversion will be corrected to the actual location per K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

Water Right, File No. 36,789, is authorized 129 AF at a maximum rate of 775 gpm for the irrigation of 130 acres on the West Half of Section 3, Township 20 South, Range 13 West, Barton County. It has no overlaps in the point of diversion or the place of use. The place of use is authorized under a five (5) year allocation per K.A.R. 5-5-11(b)(3). The allocation agreement was with the previous owner, Clarence Burns, and has been requested to be discontinued by the new owner. The term of the agreement would have been completed in 2018. The previous and current owners have not utilized the allocated quantity that would preclude the agreements termination. The change approval will terminate the allocation.

Together the rights authorized the irrigation of 290 acres. The Stafford Field Office and records indicate the Base Acres for File No. 21,517 as 156 acres and 100 acres for File No. 36,789, for a total of 256 "Base Acres", as defined by K.A.R. 5-5-11. The proposed 260 acres complies with part (b) of K.A.R. 5-5-11 and the 4 acre increase above the *Base Acres is allowed by the regulation*. The approvals will also comply with K.A.R. 5-5-3, *Change in consumptive use* as the net consumptive will not increase as the number of acres irrigated will not significantly increase.

The proposed changes will result in a total of 339 acre-feet to irrigate 260 acres resulting in an irrigation ratio of 1.30 acre-foot per acre. It would appear this irrigation ratio is reasonable for Barton County as the quantity is just slightly less than the 1.4 acre-foot per acre per K.A.R. 5-3-24, *Reasonable quantity for irrigation use*, thus complying with K.A.R. 5-3-23, *Maximum reasonable annual quantity allowable for irrigation use for an application for change in place of use and a request to reduce a water right*.

On June 28, 2016, the Office of the Chief Engineer received a letter from the Big Bend Groundwater Management District No. 5, recommended approval of the applications for change, as they comply with K.A.R. 5-25-20(b). They further indicated the monitoring agreement between the District and the former land owner would be canceled upon their receipt of the approvals under the referenced file.

Jeff Lanterman, Water Commissioner of the Stafford Field Office, replied by E-mail on July 8, 2016, that he recommended the termination of the allocation agreement under File No. 36,789 and the approval of the changes under the referenced files with the additional requirement that the meters be sealed.

Water flowmeters will be required and check valves should be installed if the owners is chemigating. A water level measurement tube and well logs are not applicable, as no new wells have been authorized to be constructed. The approvals will contain the wording which pertains to the sealing for the sealing of the meter.

Based on the above discussion, that the changes are reasonable, impairment of existing water rights is unlikely, that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.



Leslie Ireland  
Environmental Scientist

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

NORTHGLENN LTD  
ED & J INCORPORATED  
JERRY L. MARMIE, VICE PRESIDENT  
136 NE 20 AVENUE  
PO BOX 1005  
GREAT BEND, KS 67530-1005

**FILE COPY**

RE: Water Right, File Nos. 27,517 & 36,789

Dear Mr. Marmie:


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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required notification of installation of the meter as soon as this action is completed.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties. Per the submitted change applications the Water Use Correspondent for the referenced files has been designated to be Rio Vista Farms LLC.

If you have any questions, please contract Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, L.G.  
Change Applications Unit Supervisor

BAT:LI:li  
Enclosures  
pc: Stafford Field Office



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
AND  
ORDER TO BETTER DESCRIBE THE LOCATION  
OF THE  
AUTHORIZED POINT OF DIVERSION  
WATER RIGHT, FILE NO. 27,517**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jerry L. Marmie, Vice President, ED & J Incorporated, 136 NE 20 Avenue, PO Box 1005, Great Bend, Kansas 67530-1005, received in the office of the Chief Engineer on April 25, 2016, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the order of the Chief Engineer dated September 14, 1999, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3 20S 13W					Lot 3 8.00	Lot 4 8.00	38.50	38.50	19.00	18.50		0.50	32.00	34.00	32.50	30.50	260

a total of 260.0 acres in Section 3, in Township 20 South, Range 13 West, Barton County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

That information in the office of the Chief Engineer finds that the authorized point of diversion would more accurately be defined as:

one (1) well located near the center of the South Half (NC S½) of Section 3, more particularly described as being near a point 1,403 feet North and 2,641 feet West of the Southeast corner of said section, in Township 20 South, Range 13 West, Barton County, Kansas.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

A seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the chief engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 27,517, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 2, 1998, as modified and amended by the aforementioned order.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

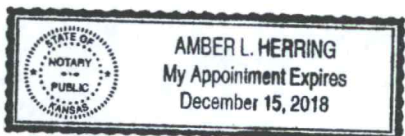
Ordered this 19<sup>th</sup> day of July, 2016, at Topeka, Shawnee County, Kansas.

*Lane P. Letourneau*

Lane P. Letourneau, P.G.  
Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                                  )     SS  
County of Riley     )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of July, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Amber L. Herring*  
Notary Public

**CERTIFICATE OF SERVICE**

On this 21 day July, 2016, I hereby certify that the attached Approval of Application for Change in Place of Use and Order to Better Describe the Location of the Authorized Point of Diversion under Water Right, File No. 27,517 dated, July 19 was mailed postage prepaid, first class, US mail to the following:

Northglenn LTD  
ED & J Incorporated  
Jerry L. Marmie, Vice President  
136 NE 20 Avenue  
PO Box 1005  
Great Bend, KS 67530-1005

With photocopies to:

Stafford Field Office  
Groundwater Management District No. 5

  
Division of Water Resources



Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use  
(Check one or more)  Point of Diversion  
 Use Made of Water

**WATER RESOURCES  
RECEIVED**  
**APR 25 2016**  
**12:41**  
**KS DEPT OF AGRICULTURE**

File No. 27517

2. Name of applicant: Jerry Marmie

Address: PO Box 1005

City, State and Zip: Great Bend KS 67530-1005

Phone Number: (620)793-0139

E-mail address: jerrymarmie@yahoo.coms

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: Northglenn LTD

Address: PO Box 1005

City, State and Zip: Great Bend KS 67530-1005

Phone Number: ( )

E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): The wells under File No. 27517 and 36789 will be tied together and the places of use will be overlapped. There will not be any physical changes to the acres being irrigated. Only the descriptions will change.

The change(s) will be completed by December 2016

(Date)

**For Office Use Only:**

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES/NO) Use FIR Source G S County BT By ASW Date 4/27/16  
Code CPU Fee \$ 200 TR # 16043927 Receipt Date 4/25/16 Check # 1992

**APPLICATION COMPLETE**  
6/29/16  
Reviewer LI

**SCANNED**

5/3/2016 UM

12. The presently authorized use of water is for Irrigation purposes.

It is proposed that the use be changed to no change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

Base acres will not be increased by more than 10 acres for either file. File No. 27517 has a base of 155 acres and File No. 36789 has a base of 100 acres per the Stafford Field Office. The total acres proposed is 260.

\* ACRES LISTED AS 156 PER FILE MEMO

(Please show any calculations here.)

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

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

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

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

Impairment is not anticipated.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

No waivers are anticipated.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

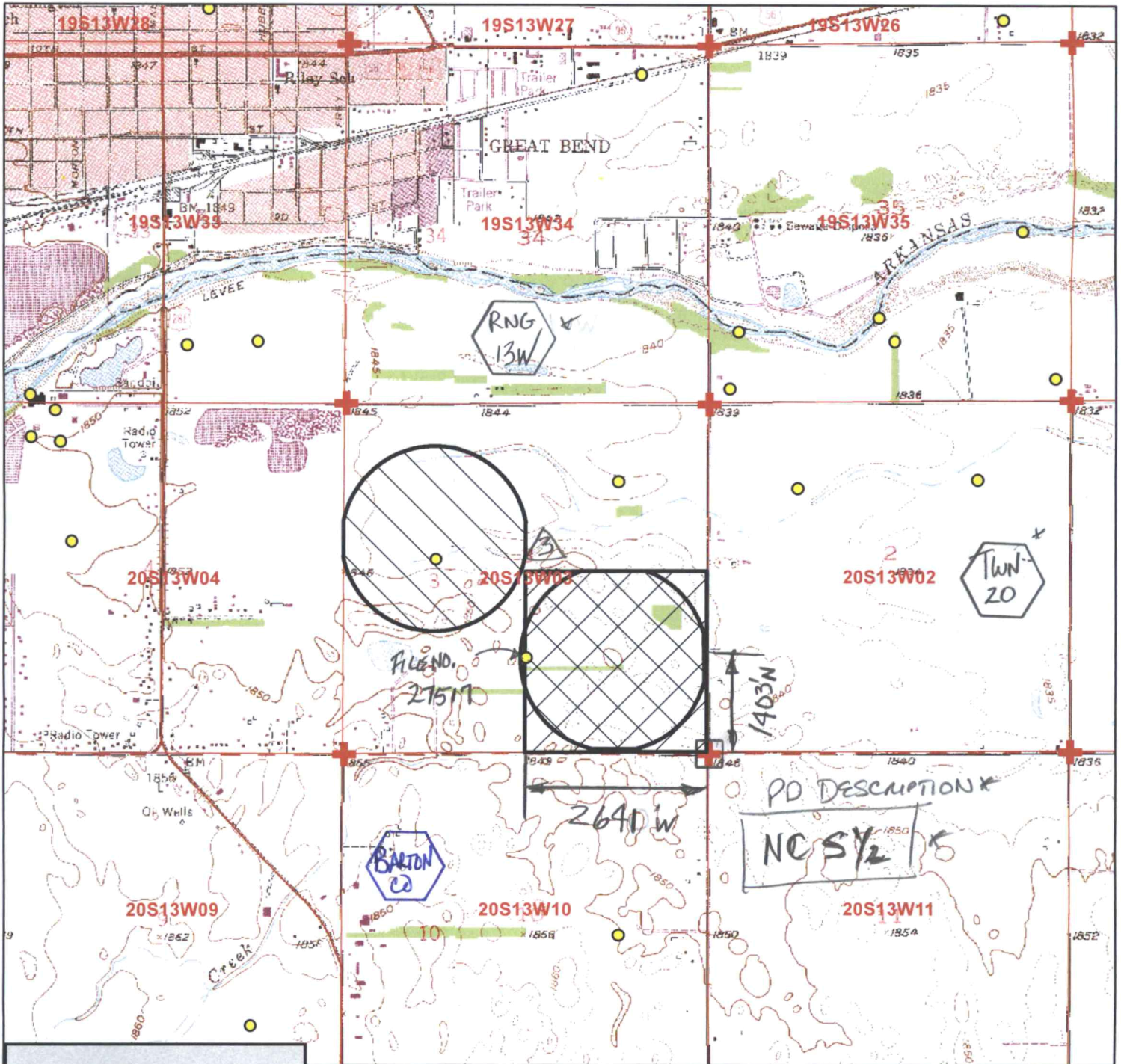
\* LEIOWE 6/20/16

WATER RESOURCES RECEIVED

APR 25 2016

SCANNED KS DEPT OF AGRICULTURE

PROPOSED CHANGE IN PLACE OF USE & POINT OF DIVERSION BETTER DESCRIBED\*



**Legend**

- Water Appropriations
- + Section Corner
- Section Line

**Place of Use**

- Authorized
- Proposed



## Water Right, File No. 27571

\* LI/OWL 6/21/16  
N

Change in Place of Use Application Map  
 Creating an Overlap with File No. 36789  
 3-20S-13W  
 Barton County

WATER RESOURCES RECEIVED

APR 25 2016



4/20/16 EKF-SFFO

KS DEPT OF AGRICULTURE

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: Northglenn Ltd

\* JERRY L. MARMIE VP \*

ADDRESS: PO Box 1005, Great Bend KS 67530-1005

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					
3	20	13W																	40	40	40	40	160

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

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

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

Owner of Land — NAME: Northglenn Ltd

\* JERRY L. MARMIE VP \*

ADDRESS: PO Box 1005, Great Bend KS 67530-1005

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					
3	20	13W																	32	34	32.5	30.5	129

List any other water rights that cover this place of use. 36789

Owner of Land — NAME: ED & J Inc

ADDRESS: PO Box 1005, Great Bend KS 67530-1005

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						
							Lot 3	Lot 4																
3	20	13W					8	8	38.5	38.5	19	18.5		0.5									131	
																							Total	260

List any other water rights that cover this place of use. 36789

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

\* LE 1000  
6/21/16

PER BUSINESS ENTITY SEARCH

RESOURCES RECEIVED

APR 25 2016

SCANNED  
KS DEPT OF AGRICULTURE

6. The presently authorized point(s) of diversion is one well  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) no change  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:** *NC 3/2 \**

One in the --- Quarter of the --- Quarter of the --- ~~GW SE~~ --- Quarter  
of Section 3, Township 20 South, Range 13 W,  
in Barton County, Kansas, 1360 feet North 2620 feet West of Southeast corner of section.  
Authorized Rate 1,800 gpm Authorized Quantity 210 AF  
(DWR use only: Computer ID No. 5 GPS 1403 feet North 2641 feet West)  
 This point will not be changed     This point will be changed as follows: *PER 2003 COMPLIANCE INVESTIGATION*

**Proposed point of diversion: (Complete only if change is requested):**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

*\* LI/DWR  
6/21/10*

WATER RESOURCES RECEIVED  
APR 25 2016 SCANNED  
KS DEPT OF AGRICULTURE

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

**The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse.** If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

**I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.**

Dated at Great Bend, Kansas, this 21st day of April, 2016.

<u>Jerry L. Marmil V.P.</u> (Owner)	_____ (Spouse)
<u>Jerry L. Marmil</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }  
County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21 day of April, 202016



Elaine Schlochtermeier  
Notary Public

My Commission Expires \_\_\_\_\_

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water . . . . . \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES RECEIVED

APR 25 2016

KS DEPT OF AGRICULTURE SCANNED

## Ireland, Leslie

---

**From:** Lanterman, Jeff  
**Sent:** Monday, July 11, 2016 9:23 AM  
**To:** Ireland, Leslie  
**Cc:** Conant, Cameron  
**Subject:** RE: Recommendation for Change in PU, File Nos. 27517x alloc removed Marmie

I think standard meter wording. If we seal it down we accomplish the same thing.

I know we are working on some regulations to accomplish this same thing but wanted to make sure we get this one in there.

Jeff

---

**From:** Ireland, Leslie  
**Sent:** Monday, July 11, 2016 8:19 AM  
**To:** Lanterman, Jeff <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** RE: Recommendation for Change in PU, File Nos. 27517x alloc removed Marmie

Do you also want the requirement of the anti-reverse meter too? or just the standard meter wording?

---

**From:** Lanterman, Jeff  
**Sent:** Friday, July 08, 2016 4:15 PM  
**To:** Ireland, Leslie  
**Cc:** Conant, Cameron  
**Subject:** FW: Recommendation for Change in PU, File Nos. 27517x alloc removed Marmie

Leslie. Cameron and I went over these and I think they are good to approve.

This guy is a known meter tamperer(caught the tenant with a meter in backwards) so I would like the option for DWR to seal his meter down in the approvals.

Thanks

---

**From:** Conant, Cameron  
**Sent:** Friday, July 8, 2016 3:56 PM  
**To:** Lanterman, Jeff <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** FW: Recommendation for Change in PU, File Nos. 27517x alloc removed Marmie

Jeff, one file is proposing to discontinue the GMD monitoring agreement and make a complete overlap with the other file. The file not currently in the monitoring agreement is being changed so it's a complete overlap. GMD has provided recommendation for approval.

I think it would be easier if I just head over there with the files and we talk it through.

Cameron

---

**From:** Ireland, Leslie  
**Sent:** Tuesday, July 05, 2016 3:46 PM  
**To:** Lanterman, Jeff; Conant, Cameron  
**Subject:** Recommendation for Change in PU, File Nos. 27517x alloc removed Marmie

Attached is the summary memo for the proposed changes in place of use under File Nos. 27,517 & 36,789.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



Darrell Wood - Edwards (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Curtis Tobias - Rice (Sec.)  
Justin Gatz - Reno  
Kent Lamb - Stafford  
Phil Martin - Barton  
Bob Standish - Pawnee  
Tom Taylor - At-Large



Orrin Feril, Manager  
125 South Main Street  
Stafford, Kansas 67578  
ph: (620) 234-5352  
fx: (620) 234-5718  
gmd5@gmd5.org  
www.gmd5.org

June 28, 2016

Leslie Ireland  
Division of Water Resources  
Kansas Department of Agriculture  
300 S. Main Street  
Stafford, Kansas 67578-1342

RE: Water Right File Nos. 27517 & 36789  
Change in the Places of Use

Dear Ms. Ireland,

Big Bend Groundwater Management District #5 has reviewed the above referenced applications to change the places of use. The applicant is proposing to create a complete overlap of these two water right files. Additionally, it is the understanding of the District that there will not be an increase in the total irrigated acres between these two water rights. As such, there should not be an increase in net consumptive use through these changes. Therefore, the application appears to be consistent with 5-25-20(b) and is recommended for approval.

The District will terminate the monitoring agreement between the District and the former landowner for Water Right File Number 36789 dated January 2, 2015 upon approval of these two applications as presented. Until such time, the monitoring agreement will remain in effect.

The applications to change are subject to the District's well equipment regulation K.A.R. 5-25-5 for required flow meters.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril  
Manager

WATER RESOURCES  
RECEIVED

JUN 28 2016

KS DEPT OF AGRICULTURE

**Ireland, Leslie**

---

**From:** Orrin Feril <oferil@gmd5.org>  
**Sent:** Tuesday, June 28, 2016 2:59 PM  
**To:** Ireland, Leslie  
**Subject:** Applications for Change, Water Right, File Nos. 27517 & 36789  
**Attachments:** 27517 36789 2016-06-28 Rec.pdf

Leslie,

I'm attaching the recommendation requested by your office in a letter dated June 21, 2016. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--

Orrin Feril  
Manager  
Big Bend GMD#5  
Email: [oferil@gmd5.org](mailto:oferil@gmd5.org)  
Phone: (620) 234-5352  
Mobile: (620) 388-0172  
Fax: (620) 234-5718  
[www.gmd5.org](http://www.gmd5.org)

**WATER RESOURCES  
RECEIVED**

**JUN 28 2016**

**KS DEPT OF AGRICULTURE**

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 21, 2016

BIG BEND GROUNDWATER  
MANAGEMENT DISTRICT #5  
ORRIN FERIL MANAGER  
125 S MAIN ST  
STAFFORD KS 67578

Re: Applications for Change, Water Right, File Nos. 27,517 & 36,789

Dear Mr. Feril:

We are enclosing a copy of the applications referred to above which appears to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning the applications.

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

Sincerely,

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li

Enclosure

pc: Stafford Field Office  
Jerry Marmie

**FILE COPY**



**TRUSTEE'S AFFIDAVIT/CERTIFICATION**

IN RE: SOUTHEAST QUARTER (SE/4) OF SECTION THREE (3), TOWNSHIP  
TWENTY (20) SOUTH, RANGE THIRTEEN (13) WEST, BARTON COUNTY,  
KANSAS

This certification is in regard to the Clarence J. Burns Family Trust dated December 17, 2009

STATE OF KANSAS; COUNTY OF BARTON ss:

- Tom R. Burns, being of lawful age and duly sworn upon oath deposes and says:
1. That I am the Successor Trustee and currently acting Trustee under the Clarence J. Burns Family Trust dated December 17, 2009.
  2. The current address of the Trustee is 126 SE 20 Road, Great Bend, Kansas 67530.
  3. The Trust instrument grants to the Trustee the power to sell, mortgage or otherwise alienate real estate owned by the trust.
  4. This trust was a revocable trust that became irrevocable upon the Grantor/Settlor Clarence J. Burns's death on October 27, 2015.
  5. The Grantor/Settlor of the trust was Clarence J. Burns. Said Grantor/Settlor is deceased, having passed away on October 27, 2015.
  6. Elizabeth M. Burns was the spouse of the Settlor; however, she predeceased the Settlor, passing away on May 11, 2012.
  7. Tom R. Burns, Successor Trustee, has the authority to sign deeds, mortgages other documents concerning the above described real estate pursuant to the terms of the Trust.
  8. Tom R. Burns, as Trustee, is authorized to sign this certification. This trust has not been amended, modified or revoked in any manner that would cause any of the statements above to be incorrect.

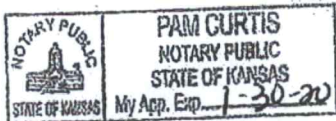
Index W  
 Numerical 30  
 Cross \_\_\_\_\_  
 DC Book \_\_\_\_\_  
 Plat Book \_\_\_\_\_  
 Military Book \_\_\_\_\_  
 Art of Inc Book \_\_\_\_\_  
 Scanned 30

FURTHER AFFIANT SAITH NAUGHT.

*Tom R Burns Trustee*

TOM R. BURNS, Trustee of the Clarence J. Burns  
Family Trust dated December 17, 2009

SUBSCRIBED AND SWORN to before me this 24 day of March, 2016 by  
TOM R. BURNS.



MY COMMISSION EXPIRES

*Pam Curtis*

NOTARY PUBLIC



Entered in Transfer Record in my office this 30<sup>th</sup> day of March, A.D., 2016  
Donna Zimmerman  
County Clerk  
by Bar Schneider, Asst Deputy

REGISTER OF DEEDS PAM WORNKEY  
BARTON COUNTY, KS

Book: 619 Page: 2863

Receipt #: 135388

Total Fees: \$15.00

Pages Recorded: 1

Date Recorded: 3/29/2016 9:43:42 AM

**TRUSTEES DEED**

Tom R. Burns, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009 "Grantor", in consideration of Ten dollars and other valuable consideration, conveys, transfers and assigns all of the Trust's interest to Northglenn, Ltd., "Grantees", in and to the following property:

The Southeast Quarter (SE/4) of Section Three (3), Township Twenty (20) South, Range Thirteen (13) West, Barton County, Kansas, together with all mineral and water rights, subject to easements, leases, covenants and restrictions of record and the appurtenances, improvements and fixtures situated thereon;

and

all subsurface irrigation components, including, but not limited to, pipes, pumps, fittings and other fixtures,

DATED this 24 day of March, 2016.

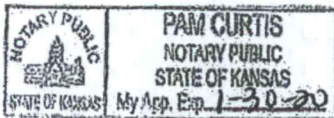
*Tom R Burns Trustee*  
TOM R. BURNS, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009

STATE OF KANSAS )  
 ) ss:  
COUNTY OF BARTON ) ACKNOWLEDGMENT FOR TRUSTEE (KsOkCoNe)

The foregoing instrument was acknowledged before me this 24 day of March, 2016, by Tom R. Burns, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009.

My Commission Expires:

*Pam Curtis*  
Notary Public



WATER RESOURCES  
RECEIVED

MAY 10 2016

KS DEPT OF AGRICULTURE

Index \_\_\_\_\_  
Numerical 38  
Cross \_\_\_\_\_  
DC Book \_\_\_\_\_  
Plat Book \_\_\_\_\_  
Military Book \_\_\_\_\_  
Art of Inc Book \_\_\_\_\_  
Scanned 38

DM4683.wpd

Entered in Transfer Record in my office this

30<sup>th</sup> day of March, A.D., 2016  
Dianna Zimmerman  
by Ben Schneider, asst. Clerk  
County Clerk



STATUTORY WARRANTY DEED

THIS DEED, made this 24 day of March, 2016, between Tom R. Burns and Kay Burns, husband and wife, as "First Party", and Northglenn, Ltd., a Kansas Corporation, P.O. Box 1005, Great Bend, Kansas 67530, as "Second Party."

WITNESSETH, that First Party, in consideration of Ten dollars and other valuable consideration, by these presents, conveys and warrants unto Second Party, its successors and assigns, all of the following described real estate situated in Barton County, Kansas, to-wit:

The Southeast Quarter (SE/4) of Section Three (3), Township Twenty (20) South, Range Thirteen (13) West, Barton County, Kansas, together with all mineral and water rights, subject to easements, leases, covenants and restrictions of record and the appurtenances, improvements and fixtures situated thereon;

and

all subsurface irrigation components, including, but not limited to, pipes, pumps, fittings and other fixtures.

IN WITNESS WHEREOF, First Parties have caused this Deed to be signed the day and year above written.

Tom R Burns  
TOM R. BURNS

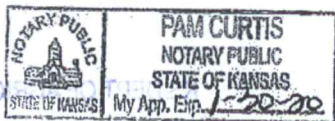
Kay Burns  
KAY BURNS

- Index 6
- Numerical 20
- Cross \_\_\_\_\_
- DC Book \_\_\_\_\_
- Plat Book \_\_\_\_\_
- Military Book \_\_\_\_\_
- Art of Inc Book \_\_\_\_\_
- Scanned 20

STATE OF KANSAS  
COUNTY OF BARTON

The foregoing instrument was acknowledged before me this 24 day of March 2016 by Tom R. Burns and Kay Burns, husband and wife.

My commission expires \_\_\_\_\_  
Pam Curtis  
Notary Public



dm4684.wpd

A Kansas Real Estate Sales  
Validation Questionnaire is  
not required pursuant to  
K.S.A. 79-1437e (a) (3).

MARMIE MOTORS INC.  
PO BOX 1005  
1724 10TH ST  
GREAT BEND, KS 67530  
DEALER #61619

PHONE: 620-792-2571  
TOLL FREE: 800-239-7840

FAX: 620-791-6783  
CELL: 620-793-0139



Jerry Marmie  
Dealer

1724 10th Street · PO Box 1005 · Great Bend, Kansas 67530 · www.marmies.net



**MARMIES**  
GREAT BEND, KS  
...Make It Happen

(620) 792-2571  
(800) 239-7840  
(620) 791-6783 (fax)  
jerrymarmie@yahoo.com

# Fax

**ATTN:** *Elizabeth Fitch*      **From:** JERRY MARMIE  
**TO:**      **Date:** *5-9-16*  
**Fax #:**      **Pages:** *7*  
**Re:** *Deeds*      **CC:** NA

Urgent     For Review     Please Comment     Please Reply     Please Recycle

•Comments:

*We finally received the last deeds today. Sorry it took so long.  
Thanks,  
Jerry.*

WATER RESOURCES  
RECEIVED

MAY 10 2016

KS DEPT OF AGRICULTURE



**TRUSTEE'S AFFIDAVIT/CERTIFICATION**

IN RE: The Northwest Quarter (NW/4) and the North 53.2737 acres of the Southwest Quarter (SW/4) of Section Three (3), Township Twenty (20) South, Range Thirteen (13) West, Barton County, Kansas,

This Certification is in regard to the Clarence J. Burns Family Trust dated December 17, 2009.

STATE OF KANSAS; COUNTY OF BARTON ss:

Tom R. Burns, being of lawful age and duly sworn upon oath deposes and says:

1. That I am the Successor Trustee and currently acting Trustee under the Clarence J. Burns Family Trust dated December 17, 2009.
2. The current address of the Trustee is 126 SE 20 Road, Great Bend, Kansas 67530.
3. The Trust instrument grants to the Trustee the power to sell, mortgage or otherwise alienate real estate owned by the trust.
4. This trust was a revocable trust that became irrevocable upon the Grantor/Settlor Clarence J. Burns's death on October 27, 2015.
5. The Grantor/Settlor of the trust was Clarence J. Burns. Said Grantor/Settlor is deceased, having passed away on October 27, 2015.
6. Elizabeth M. Burns was the spouse of the Settlor; however, she predeceased the Settlor, passing away on May 11, 2012.
7. Tom R. Burns, Successor Trustee, has the authority to sign deeds, mortgages other documents concerning the above described real estate pursuant to the terms of the Trust.
8. Tom R. Burns, as Trustee, is authorized to sign this certification. This trust has not been amended, modified or revoked in any manner that would cause any of the statements above to be incorrect.

Index 50  
 Numerical 50  
 Gross \_\_\_\_\_  
 DC Book \_\_\_\_\_  
 Plat Book \_\_\_\_\_  
 Military Book \_\_\_\_\_  
 Art of Inc Book \_\_\_\_\_  
 Scanned 30

FURTHER AFFIANT SAITH NAUGHT.

Tom R Burns Trustee  
 TOM R. BURNS, Trustee of the Clarence J. Burns  
 Family Trust dated December 17, 2009

SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of April, 2016 by Tom R. Burns.

ROSA L. BOESE  
 Notary Public - State of Kansas  
 My Appt. Expires 8/21/2018  
 MY COMMISSION EXPIRES

Rosa L. Boese  
 NOTARY PUBLIC

sg8438

WATER RESOURCES  
RECEIVED

MAY 10 2016

KS DEPT OF AGRICULTURE





Entered in Transfer Record in my office this

15<sup>th</sup> day of April, A.D., 2016  
Dana Zimmerman by Roxane Edwards  
County Clerk Deputy

**TRUSTEE'S DEED**

Tom R. Burns, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009 "Grantor", in consideration of exchange of real estate and other valuable consideration, conveys, transfers and assigns all of the Trust's interest to E.D. & J., Inc., "Grantee", in and to the following property:

That part of the Southwest Quarter of Section 3, Township 20 South, Range 13 West of the 6<sup>th</sup> Principal Meridian, Barton County, Kansas, described as follows:

Beginning at the northwest corner of the Southwest Quarter of said Section 3; thence on an assumed bearing of North 89 degrees 50 minutes 47 seconds East, along the north line of the Southwest Quarter of said section, a distance of 2647.10 feet to the northeast corner of the Southwest Quarter of said section; thence on a bearing of South 00 degrees 35 minutes 06 seconds West, along the east line of the Southwest Quarter of said section, a distance of 880.00 feet; thence on a bearing of South 89 degrees 59 minutes 45 seconds West, parallel to the south line of the Southwest Quarter of said section, a distance of 2648.14 feet to the west line of the Southwest Quarter of said section; thence on a bearing of North 00 degrees 39 minutes 31 seconds East, along the west line of the Southwest Quarter of said section, a distance of 873.11 feet to the point of beginning.

The above described tract of real estate contains 53.2737 acres.

together with all mineral and water rights, subject to easements, leases, covenants and restrictions of record and the appurtenances, improvements and fixtures situated thereon;

DATED this 14<sup>th</sup> day of April, 2016.

*Tom R. Burns* Trustee

TOM R. BURNS, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009

STATE OF KANSAS )

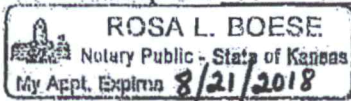
) ss:

COUNTY OF BARTON ) ACKNOWLEDGMENT FOR TRUSTEE (KsOkCoNe)

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of April, 2016, by Tom R. Burns, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009.

My Commission Expires:

*Rosa L. Boese*  
Notary Public



Index 30  
Numerical 30  
Cross  
DC Book  
Plat Book  
Military Book  
Art of Inc Book  
Scanned 30

dm4739.wpd

RECEIVED  
WATER RESOURCES



Entered in Transfer Record in my office this

15<sup>th</sup> day of April, A.D., 2016  
Deanna Zimmerman  
By Roxane Edwards, Deputy County Clerk

REGISTER OF DEEDS PAM WORNKEY  
BARTON COUNTY, KS

Book: 619 Page: 3088

Receipt #: 135612  
Pages Recorded: 1

Total Fees: \$15.00

Date Recorded: 4/14/2016 9:32:32 AM

**TRUSTEE'S DEED**

**Tom R. Burns**, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009 "Grantor", in consideration of Ten dollars and other valuable consideration, conveys, transfers and assigns all of the Trust's interest to **E.D. & J., Inc.**, "Grantee", in and to the following property:

The Northwest Quarter (NW/4) of Section Three (3), Township Twenty (20) South, Range Thirteen (13) West, Barton County, Kansas, together with all mineral and water rights, subject to easements, leases, covenants and restrictions of record and the appurtenances, improvements and fixtures situated thereon;

DATED this 14<sup>th</sup> day of April, 2016.

Tom R. Burns Trustee  
TOM R. BURNS, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009

STATE OF KANSAS            )  
  ) ss:  
COUNTY OF BARTON        ) ACKNOWLEDGMENT FOR TRUSTEE (KsOkCoNe)

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of April, 2016, by Tom R. Burns, Trustee of the Clarence J. Burns Family Trust dated December 17, 2009.

ROSA L. BOESE  
Notary Public - State of Kansas  
My Appt. Expires 8/21/2018

Rosa L. Boese  
Notary Public

My Commission Expires:

- Index 33
- Numerical 30
- Cross \_\_\_\_\_
- DC Book \_\_\_\_\_
- Plat Book \_\_\_\_\_
- Military Book \_\_\_\_\_
- Art of Inc Book \_\_\_\_\_
- Scanned 30

sg8442.wpd

WATER RESOURCES  
RECEIVED

MAY 10 2016

KS DEPT OF AGRICULTURE



1320 Research Park Drive  
Manhattan, Kansas 66502  
Jackie McClaskey, Secretary

Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

JERRY MARMIE  
PO BOX 1005  
GREAT BEND KS 67530

May 2, 2016

RE: File No. 27517

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use            PU  
 point of diversion  
 use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: STAFFORD Field Office    GMD 5

SCANNED

MARMIE MOTORS INC.  
PO BOX 1005  
1724 10TH ST  
GREAT BEND, KS 67530  
DEALER #61619

PHONE: 620-792-2571  
TOLL FREE: 800-239-7840

FAX: 620-791-6783  
CELL: 620-793-0139



Jerry Marmie  
Dealer

1724 10th Street · PO Box 1005 · Great Bend, Kansas 67530 · www.marmies.net



(620) 792-2571  
(800) 239-7840  
(620) 791-6783 (fax)  
jerrymarmie@yahoo.com



# Fax

**ATTN:** *Elizabeth Fitch* **From:** JERRY MARMIE  
**TO:** **Date:** *5-9-16*  
**Fax #:** **Pages:** *7*  
**Re:** *Deeds* **CC:** NA

Urgent     For Review     Please Comment     Please Reply     Please Recycle

**•Comments:**

*We finally received the last deed today. Sorry it took so long.  
Thanks,  
Jerry.*

*file 27517  
36789*

WATER RESOURCES  
RECEIVED

MAY 10 2016

KS DEPT OF AGRICULTURE

Entered in Transfer Record in my office this  
30<sup>th</sup> day of March, A.D., 2016  
Denna Zimmerman  
by Bev Schneider, asst. Clerk  
County Clerk



STATUTORY WARRANTY DEED

THIS DEED, made this 29 day of March, 2016, between Tom R. Burns and Kay Burns, husband and wife, as "First Party", and Northglenn, Ltd., a Kansas Corporation, P.O. Box 1005, Great Bend, Kansas 67530, as "Second Party."

WITNESSETH, that First Party, in consideration of Ten dollars and other valuable consideration, by these presents, conveys and warrants unto Second Party, its successors and assigns, all of the following described real estate situated in Barton County, Kansas, to-wit:

The Southeast Quarter (SE/4) of Section Three (3), Township Twenty (20) South, Range Thirteen (13) West, Barton County, Kansas, together with all mineral and water rights, subject to easements, leases, covenants and restrictions of record and the appurtenances, improvements and fixtures situated thereon;

and

all subsurface irrigation components, including, but not limited to, pipes, pumps, fittings and other fixtures.

IN WITNESS WHEREOF, First Parties have caused this Deed to be signed the day and year above written.

- Index 5
- Numerical 20
- Cross \_\_\_\_\_
- DC Book \_\_\_\_\_
- Plat Book \_\_\_\_\_
- Military Book \_\_\_\_\_
- Art of Inc Book \_\_\_\_\_
- Scanned 20

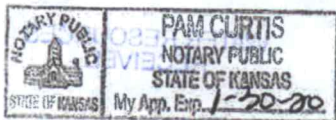
Tom R Burns  
TOM R. BURNS

Kay Burns  
KAY BURNS

STATE OF KANSAS  
COUNTY OF BARTON

The foregoing instrument was acknowledged before me this 29 day of March 2016 by Tom R. Burns and Kay Burns, husband and wife.

My commission expires Pam Curtis  
Notary Public



dm4684.wpd

A Kansas Real Estate Sales Validation Questionnaire is not required pursuant to K.S.A. 79-1437e (a) (3).



1320 Research Park Drive  
Manhattan, Kansas 66502  
Jackie McClaskey, Secretary

Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

JERRY MARMIE  
PO BOX 1005  
GREAT BEND KS 67530

May 2, 2016

RE: File No. 27517

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use            PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: STAFFORD Field Office    GMD 5

SCANNED