

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

1. File Number: 33030	2. Status Change Date: 6/17/2019	3. Change Num: C1	4. Field Office: 03	5. GMD: 04
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 01-FEB-2019
8a. Applicant(s) New to system <input checked="" type="checkbox"/> AARON & ELISA J HORINEK 1447 COUNTY RD T COLBY KS 67701		Person ID <u>66768</u> Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> AARON & ELISA J HORINEK 1447 COUNTY RD T COLBY KS 67701		Person ID <u>66768</u> Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input checked="" type="checkbox"/>		Person ID <u>66768</u> Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input 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: <u>NO CHANGE</u> To: _____				
Date Prepared: 06/05/19 By: RAK Date Entered: 6/18/2019 By: UM				

File No. 33030	11. County: TH	Basin: SAPPA CREEK	Stream:	Formation Code: 211	Special Use:																
12. Points of Diversion				Rate and Quantity																	
CHK				Authorized	Additional																
MOD				Rate	Quantity																
DEL	PDIV			gpm/cfs	af/mgy																
ENT	Qualifier	S	T	R	ID																
		'N	'W	Comment (AKA Line)																	
				Rate	Quantity																
				gpm/cfs	af/mgy																
				Rate	Quantity																
				gpm/cfs	af/mgy																
				Overlap PD Files																	
MOD	13721 LOT 4 (NW¼NW¼)	6	8	35W	1																
				5227	5009																
				5YR ALLOCATION																	
				850 GPM	260 AF																
				850 GPM	260 AF																
				NO																	
13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																					
14. ADD Limitation: 5 YR ALLOCATION 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 B3 Start Year 2019 5 YR Amount 964 Amount Unit AF Base Acres 145 Comment Allocation ID #362																					
16. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
MOD		¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼				
DEL																					
ENT	PUSE	S	T	R	ID																
MOD	11267	6	8	35W	1																
	L-2(NWNE)																				
	L-3(NENW)																				
	L-4(NWNW)																				
	L-5(SWNW)																				
	L-6(NWSW)																				
		Lot 2				Lot 3	Lot 4	Lot 5		Lot 6											
		1.60	2.40			32.00	22.00	26.00	36.00	0.40	0.10									120.50	
ENT	1509	1	8	36W		Lot 1	Lot 2														
	L-1(NENE)					31.00	31.00	31.00	31.00												
	L-2 (NWNE)																				
Base Acres:		Year:		Minimum Reasonable Quantity:																	
Comments: DATA ENTRY MAIN ACTION TRAIL ENTRY B31923 5 YR ALLOC-NO ACRE LIMIT 964AF																					
SPECIAL CONDITIONS YES 5 YR ALLOCATION																					

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: June 3, 2019

FROM: Richelle A. Krueger

RE: Water Right
File No. 33,030

Aaron M. and Elisa J. Horinek filed an application for approval to change the authorized place of use under the referenced file, authorized groundwater for irrigation use.

The referenced water right does not appear abandoned as per K.S.A. 82a-718.

The referenced file number is authorized 260 acre-feet of groundwater per calendar year and has no overlaps in the authorized point of diversion or 285-acre place of use located in the North Half (N½) of Section 6, Township 8 South, Range 35 West, Thomas County, in the Sappa Creek drainage basin. The applicant proposes to add a pivot in the Northeast Quarter (NE¼) of Section 1, Township 8 South, Range 36 West, dropping and adding acres for a total of 244.50 acres to be irrigated in the aforementioned Sections 1 and 6 pursuant to K.A.R 5-5-11(b)(3) **Necessity to install a more efficient irrigation system; limited quantity.**

- Northwest Kansas Groundwater Management District No. 4 will assume monitoring responsibility.
- Base acres were determined to be 145 acres, so the applicants have proposed a net increase of 99.50 acres above the "base acres".
- There has been no recent pattern of water use significantly in excess of the maximum annual quantity authorized.
- Limitations: The authorized quantity of water under the referenced water right will be limited to a **five-year fixed allocation of 964 acre-feet:** 1.13'(50% N.I.R. Thomas County)/.85 x 145 base acres x 5 years= 964 acre-feet.
- Use of water in excess of the five-year allocation shall result in a two-year suspension of all water use under the referenced right and subsequent restriction of the authorized place of use to the reversion acres at the location specifically set forth in the change approval.

The location of the authorized point of diversion will be better described with g.p.s. feet distances.

No nearby water right owners were identified on the map or shown in WRIS within one half-mile of the authorized point of diversion.

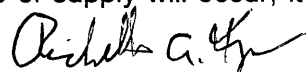
The same local source of supply will not change, previously determined to be Ogallala Formation (211).

In a letter dated May 28, 2019, Ray Luhman, Manager of the Northwest Kansas Groundwater Management District No. 4, recommended the application be approved.

In an e-mail dated June 3, 2019, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated no objection to the approval of the referenced application.

A water flow meter is required. A check valve is required if chemigating.

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


Richelle A. Krueger
Environmental Scientist

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

AARON & ELISA J HORINEK
1447 COUNTY RD T
COLBY KS 67701

June 27, 2019

FILE COPY

RE: Water Right, File No. 33,030

Dear Mr. and Mrs. Horinek:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

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

Approval of the application for File No. 33,030 does not allow the diversion of water in excess of the authorized quantity per calendar year or rate of diversion. Your attention should be drawn to the fact that the authorized quantity of water under File No. 33,030 is limited to a fixed allocation, 964 acre-feet during a period of five (5) years in this case, and further limited to the annual authorized quantity of 264 acre-feet in any given year, provided that the five (5)-year fixed allocation is not exceeded. Non-compliance with the terms of this approval will result in substantial penalties.

Since the order for the referenced file number modifies the original document referred to above it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent A. Turney".

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stockton Field Office
Groundwater Management District No. 4
Guy C. Gaskill

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE AND ORDER BETTER DESCRIBING THE LOCATION OF THE AUTHORIZED POINT OF DIVERSION WATER RIGHT FILE NO. 33,030

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Aaron M. and Elisa J. Horinek, 1447 County Road T, Colby, Kansas 67701, received in this office on February 1, 2019, 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, 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 ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6	8S	35W		Lot 2 1.60	2.40		Lot 3 32.00	Lot 4 22.00	Lot 5 26.00	36.00	0.40	Lot 6 0.10							120.50
1	8S	36W	Lot 1 31.00	Lot 2 31.00	31.00	31.00													124.00

a total of 244.50 acres in Thomas County, Kansas, located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion is more accurately described as:

one(1) well located in Lot 4 (NW¼ NW¼) of Section 6, more particularly described as being near a point 5,227 feet North and 5,009 feet West of the Southeast corner of said section, in Township 8 South, Range 35 West, Thomas County, Kansas.

By this order, this water right is subject to the following conditions:

1. That the quantity of water authorized under Water Right, File No. 33,030 shall not exceed 964 acre-feet per five (5)-year period; the first period being calendar years 2019 through 2023, ad infinitum.
2. That the quantity of water authorized under Water Right, File No. 33,030 shall not exceed 260 acre-feet per calendar year, provided that 964 acre-feet per five (5)-year period is not exceeded.

3. That use of water in excess of 964 acre-feet per five (5)-year period shall result in a two (2)-year suspension of all water use under this water right, effective the next two (2) calendar years, and a subsequent restriction of the authorized place of use to the following described property:

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	
6	8S	35W		Lot 2 1.60	2.40		Lot 3 32.00	Lot 4 22.00	Lot 5 26.00	36.00	0.40	Lot 6 0.10							120.50
1	8S	36W	Lot 1 24.50																24.50

a total of 145.00 acres in Thomas County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

4. That if the Northwest Kansas Groundwater Management District No. 4 and/or the Division of Water Resources terminate(s) their/its Memorandum of Understanding (MOU) pertaining to K.A.R. 5-5-11(b)(3), (4) and (5), by which the District assumes monitoring responsibility, then the place of use authorized by this change approval, which was issued by the Division pursuant to the MOU shall revert to the property described in paragraph no. 3, above, starting the calendar year following the year of termination.

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.

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. 33,030, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 19, 1987.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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 17th day of June, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 17th day of June, 2019, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



CERTIFICATE OF SERVICE

On this 22nd day of June, 2019, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 33,030, dated June 17th, 2019 was mailed postage prepaid, first class, US mail to the following:

AARON AND ELISA J HORINEK
1447 COUNTY ROAD T
COLBY KS 67701

With photocopies sent to:

GUY C GASKILL
PO BOX 235
WINONA KS 67764

Stockton Field Office
Groundwater Management District No. 4

Danielle Wilson
Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 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
 Point of Diversion
 Use Made of Water

(Check one or more)

Water Resources
Received

FEB 01 2019

12:00
KS Dept Of Agriculture

File No. 33030

2. Name of applicant: AARON & ELISA J HORINEK

Address: 1447 COUNTY RD T

City, State and Zip: COLBY, KS 67701

Phone Number: (785)694-3094 E-mail address: _____

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

Name of water use correspondent: SHOULD BE CHANGED TO ABOVE

Address: _____

City, State and Zip: _____

Phone Number: (_____) _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): ADD PIVOT ON NE 1 AND REMOVE LAND NOT IRRIGATED IN 6

The change(s) (was) (will be) completed by ASAP

(Date)

For Office Use Only:

F.O. 3 GMD 4 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source G/S County JH By DAW Date 2/1/19
Code CRU Fee \$ 200 TR # _____ Receipt Date 2/1/19 Check # 210

2/12/2019
LM

APPLICATION COMPLETE

5/31/19
Reviewer RAK

Assisted by: RL GMD #4

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: AARON & ELISA J HORINEK GUY C GASKILL (QUIT CLAIM DEED)

ADDRESS: 1447 COUNTY RD T COLBY, KS 67701 PO BOX 235 WINONA, KS 67764

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	
6	8	35	L 1 35	L 2 40	34	34	L 3 40	L 4 34	L 5 34	34									285

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

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: AARON & ELISA J HORINEK

ADDRESS: 1447 COUNTY RD T COLBY, KS 67701

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	
6	8	35		L 2 1.6	2.4		L 3 32	L 4 22	L 5 26	36	.4	L 6 .1							120.5
1	8	36	L 1 31	L 2 31	31	31													124

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 ONE WELL

(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the LOT 4 Quarter
 of Section 6, Township 8 South, Range 35 W,
 in THOMAS County, Kansas, 5050 feet North 4850 feet West of Southeast corner of section.
 Authorized Rate 850 GPM Authorized Quantity 260 AF
 (DWR use only: Computer ID No. 1 GPS 5227 feet North 5009 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 _____ 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 _____ 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 _____ 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 _____ 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 _____ 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 _____

Water Resources
 Received
 FEB 01 2019
 Reg. Dept. of Agriculture

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

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 Thomas County, Kansas, this 28 day of January, 20 19.

Aaron M Horinek
(Owner)

Aaron M Horinek
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Elisa J Horinek
(Spouse)

Elisa J Horinek
(Please Print)

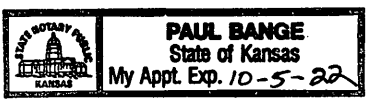
(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Thomas } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 28th day of January, 20 19.

Paul Bange
Notary Public

My Commission Expires 10-5-22

FEE SCHEDULE

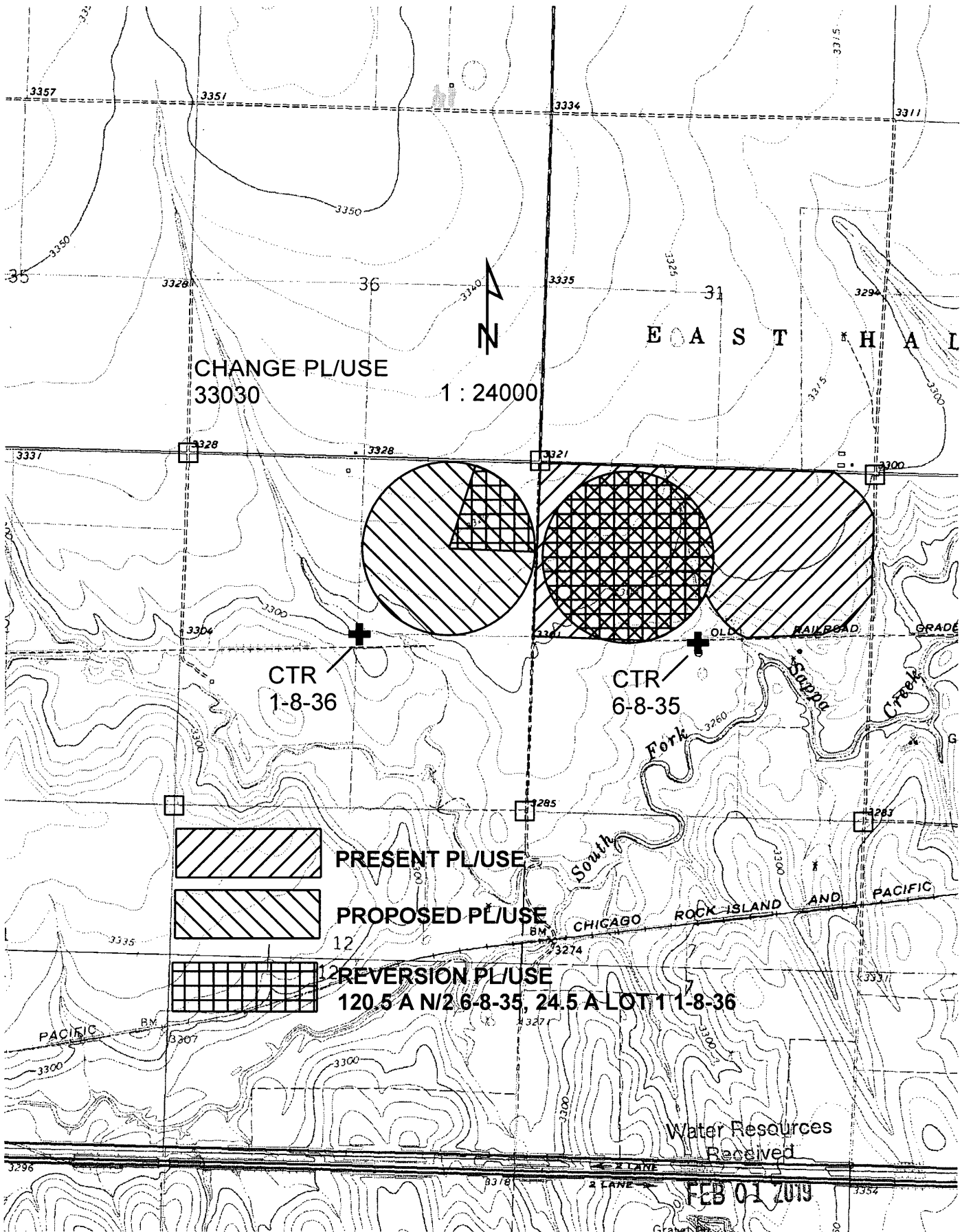
Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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

FEB 01 2019



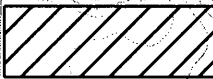
CHANGE PL/USE
33030

1 : 24000

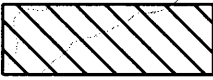
E A S T H A I L

CTR
1-8-36

CTR
6-8-35



PRESENT PL/USE



PROPOSED PL/USE



REVERSION PL/USE

120.5 A N/2 6-8-35, 24.5 A LOT 1 1-8-36

Water Resources
Received

FEB 01 2019

KS Dept Of Agriculture
SCANNED

E-Filed
1-3-19
Attached

TRUSTEE'S DEED

This indenture made this 21st day of Dec., 2018, by and between
**LOUISE GENISE RANELLETTI DECHERT, TRUSTEE OF THE LOUISE GENISE
RANELLETTI DECHERT TRUST DATED JANUARY 19, 2012**, as Grantor,
and
AARON HORINEK AND ELISA J. HORINEK, as Joint Tenants with Rights of Survivorship
and Not as Tenants in Common, as Grantee.

The Grantor, by virtue of the terms and provisions of said Trust Agreement and for various
and other considerations, the receipt of which is hereby acknowledged, does hereby grant, sell and
convey to Aaron Horinek and Elisa J. Horinek, the following described real estate in Thomas
County, Kansas, to-wit:

**A tract of land known as the Northwest Quarter (NW/4) of Section Six (6),
Township Eight (8) South, Range Thirty-five (35) West of the 6th P.M., Thomas
County, Kansas, more particularly described as follows:**

**Beginning at the northwest corner of said Section, thence on an assumed
bearing of N89°36'56"E, along the north line of said Section, a distance of two
thousand four hundred fifty-two and no hundredths (2452.00) feet to the
northeast corner of said Quarter, thence S00°07'23"E, along the east line of said
Quarter, for a distance of two thousand six hundred twenty-four and
twenty-eight hundredths (2624.28) feet to the southeast corner of said Quarter,
thence S89°16'09"W, along the south line of said Quarter, for a distance of two
thousand four hundred fifty-three and forty-nine hundredths (2453.49) feet to
the west line of said Section, thence N00°05'36"W, along the west line of said
Section, for a distance of two thousand six hundred thirty-nine and twelve
hundredths (2639.12) feet to the point of beginning.**

AND

Water Resources
Received

FEB 01 2019

KS Dept Of Agriculture

SCANNED

A tract of land located in the Northeast Quarter (NE/4) of Section Six (6), Township Eight (8) South, Range Thirty-five (35) West of the 6th P.M., Thomas County, Kansas, more particularly described as follows:

Commencing at the northwest corner of said Quarter, thence, on an assumed bearing of S00°07'23"E, along the west line of said Quarter, a distance of six hundred sixty-seven and fifty-two hundredths (667.52) feet to the point of beginning.

From the point of beginning, thence southerly, along a circular curve to the right (Arc Angle = 68°37'58" Rt; Radius = 1292.00 feet; Long Chord Bearing = S00°07'23"E) for a distance of one thousand five hundred forty-seven and sixty-four hundredths (1547.64) feet, thence N00°07'23"W for a distance of one thousand four hundred fifty-six and seventy-six hundredths (1456.76) feet, to the point of beginning.

AND

A tract of land located in the Southwest Quarter (SW/4) of Section Six (6), Township Eight (8) South, Range Thirty-five (35) West of the 6th P.M., Thomas County, Kansas, more particularly described as follows:

Commencing at the northwest corner of said Quarter, thence on an assumed bearing of N89°16'09"E, along the north line of said Quarter, a distance of one thousand thirty-five and forty-four hundredths (1035.44) feet to the point of beginning.

From the point of beginning N89°16'09"E, along the north line of said Quarter, for a distance of seven hundred twenty-eight and four hundredths (728.04) feet, thence westerly, along a circular curve to the right (Arc Angle = 32°43'45" Rt; Radius = 1292.00 feet; Long Chord Bearing = S80°16'09"W) for a distance of seven hundred thirty-eight and three hundredths (738.03) feet to the point of beginning.

EXCEPT AND SUBJECT TO:

Easements and right of ways of record and unrecorded easements and right of ways apparent from view.

Unreleased, unexpired oil and gas leases of record containing ordinary and customary terms prevalent at the time the lease was executed.

Water Resources
Received

FEB 01 2019

SCANNED
KS Dept Of Agriculture

Outstanding mineral interests of record, if any.

RESERVATIONS: None

The Grantor covenants that the Trust remains in full force and effect at this time, that the Trustee have or has authorization without limitation to sell and convey all of the above described real estate.


Dated this 21st day of December, 2018.

Louise Genise Ranelletti Dechert Trust dated January 29, 2012

By Louise Genise Ranelletti Dechert
Louise Genise Ranelletti Dechert, Trustee

CONSENT OF SPOUSE

I, Dennis Dechert, spouse of Louise Genise Ranelletti Dechert, am in consent of the property above being sold to Aaron Horinek and Elisa J. Horinek, free and clear of all of my rights as a surviving spouse .



Dennis Dechert

STATE OF _____, COUNTY OF _____, ss:

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Louise Genise Ranelletti Dechert, Trustee of the Louise Genise Ranelletti Dechert Trust, on behalf of the Trust and Dennis Dechert, spouse of Louise Genise Ranelletti Dechert.

SEE ATTACHED FORM FOR
NOTARY CERTIFICATE

Notary Public

Commission Expires: _____

KANSAS SALES VALIDATION QUESTIONNAIRE:

Attached

Water Resources
Received

FEB 01 2019

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Luis Obispo)

On 12/21/18 before me, Navil Ayon, Notary Public
Date Here Insert Name and Title of the Officer

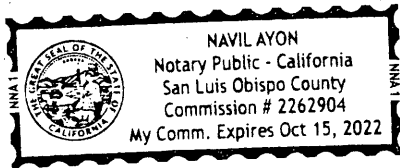
personally appeared Louise Genise Ranelletti Dechert and
Name(s) of Signer(s)

Dennis Dechert

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Navil Ayon
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Trustee's Deed Document Date: 12/21/18
Number of Pages: 4 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____
Water Resources

RECEIVED
FEB 01 2019

KS Dept Of Agriculture
SCANNED

FILE NUMBER 27200009 BK 272 PG 9 - 12

RECORDED 1/3/2019 at 2:32 PM

RECORDING FEE: \$ 72.00

Thomas County, KANSAS

SUZANNE HERSCHBERGER, DEPUTY

LORA L. VOLK, REGISTER OF DEEDS

Lora L. Volk



Entered in Transfer Record in My Office on 1/3/2019

Shelley A. Harms

County Cler

TRUSTEE'S DEED

This indenture made this 21st day of Dec., 2018, by and between **LOUISE GENISE RANELLETTI DECHERT, TRUSTEE OF THE LOUISE GENISE RANELLETTI DECHERT TRUST DATED JANUARY 19, 2012**, as Grantor, and **AARON HORINEK AND ELISA J. HORINEK**, as Joint Tenants with Rights of Survivorship and Not as Tenants in Common, as Grantee.

The Grantor, by virtue of the terms and provisions of said Trust Agreement and for various and other considerations, the receipt of which is hereby acknowledged, does hereby grant, sell and convey to Aaron Horinek and Elisa J. Horinek, the following described real estate in Thomas County, Kansas, to-wit:

A tract of land known as the Northwest Quarter (NW/4) of Section Six (6), Township Eight (8) South, Range Thirty-five (35) West of the 6th P.M., Thomas County, Kansas, more particularly described as follows:

Beginning at the northwest corner of said Section, thence on an assumed bearing of N89°36'56"E, along the north line of said Section, a distance of two thousand four hundred fifty-two and no hundredths (2452.00) feet to the northeast corner of said Quarter, thence S00°07'23"E, along the east line of said Quarter, for a distance of two thousand six hundred twenty-four and twenty-eight hundredths (2624.28) feet to the southeast corner of said Quarter, thence S89°16'09"W, along the south line of said Quarter, for a distance of two thousand four hundred fifty-three and forty-nine hundredths (2453.49) feet to the west line of said Section, thence N00°05'36"W, along the west line of said Section, for a distance of two thousand six hundred thirty-nine and twelve hundredths (2639.12) feet to the point of beginning.

AND

Water Resources
Received

FEB 01 2019

KS Dept Of Agriculture
SCANNED

A tract of land located in the Northeast Quarter (NE/4) of Section Six (6), Township Eight (8) South, Range Thirty-five (35) West of the 6th P.M., Thomas County, Kansas, more particularly described as follows:

Commencing at the northwest corner of said Quarter, thence, on an assumed bearing of $S00^{\circ}07'23''E$, along the west line of said Quarter, a distance of six hundred sixty-seven and fifty-two hundredths (667.52) feet to the point of beginning.

From the point of beginning, thence southerly, along a circular curve to the right (Arc Angle = $68^{\circ}37'58''Rt$; Radius = 1292.00 feet; Long Chord Bearing = $S00^{\circ}07'23''E$) for a distance of one thousand five hundred forty-seven and sixty-four hundredths (1547.64) feet, thence $N00^{\circ}07'23''W$ for a distance of one thousand four hundred fifty-six and seventy-six hundredths (1456.76) feet, to the point of beginning.

AND

A tract of land located in the Southwest Quarter (SW/4) of Section Six (6), Township Eight (8) South, Range Thirty-five (35) West of the 6th P.M., Thomas County, Kansas, more particularly described as follows:

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From the point of beginning $N89^{\circ}16'09''E$, along the north line of said Quarter, for a distance of seven hundred twenty-eight and four hundredths (728.04) feet, thence westerly, along a circular curve to the right (Arc Angle = $32^{\circ}43'45''Rt$; Radius = 1292.00 feet; Long Chord Bearing = $S80^{\circ}16'09''W$) for a distance of seven hundred thirty-eight and three hundredths (738.03) feet to the point of beginning.

EXCEPT AND SUBJECT TO:

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Unreleased, unexpired oil and gas leases of record containing ordinary and customary terms prevalent at the time the lease was executed.

Water Resources
Received

FEB 01 2019

SCANNED
KS Dept Of Agriculture

Outstanding mineral interests of record, if any.

RESERVATIONS: None

The Grantor covenants that the Trust remains in full force and effect at this time, that the Trustee have or has authorization without limitation to sell and convey all of the above described real estate.

Dated this 21st day of December, 2018.

Louise Genise Ranelletti Dechert Trust dated January 29, 2012

By Louise Genise Ranelletti Dechert
Louise Genise Ranelletti Dechert, Trustee

CONSENT OF SPOUSE

I, Dennis Dechert, spouse of Louise Genise Ranelletti Dechert, am in consent of the property above being sold to Aaron Horinek and Elisa J. Horinek, free and clear of all of my rights as a surviving spouse.


Dennis Dechert

STATE OF _____, COUNTY OF _____, ss:

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Louise Genise Ranelletti Dechert, Trustee of the Louise Genise Ranelletti Dechert Trust, on behalf of the Trust and Dennis Dechert, spouse of Louise Genise Ranelletti Dechert.

SEE ATTACHED FORM FOR
NOTARY CERTIFICATE

Notary Public

Commission Expires: _____

KANSAS SALES VALIDATION QUESTIONNAIRE:

Attached

Water Resources
Received

FEB 01 2019

KS Dept Of Agriculture
SCANNED

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Luis Obispo)

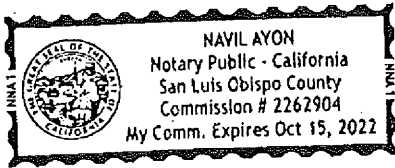
On 12/21/18 before me, Navil Ayon, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Louise Genise Ravelletti Dechert and
Dennis Dechert
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Navil Ayon
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Trustee's Deed Document Date: 12/21/18
Number of Pages: 4 Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:
Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer Is Representing:

Signer's Name:
Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer Is Representing:

Water Resources
Received

FEB 01 2019

SCANNED

FILE NUMBER 27200008 BK 272 PG 8 - 8
RECORDED 1/3/2019 at 2:31 PM
RECORDING FEE: \$ 21.00
Thomas County, KANSAS
SUZANNE HERSCHBERGER, DEPUTY
LORA L. VOLK, REGISTER OF DEEDS

Lora L. Volk



Entered in Transfer Record in My Office on 1/3/2018

Shelley A. Harms
County Clerk

QUITCLAIM DEED

GMK FARMS, LLC, quitclaims to LOUISE GENISE RANELLETTI DECHERT, TRUSTEE OF THE LOUISE GENISE RANELLETTI DECHERT TRUST DATED JANUARY 19, 2012, all of the following described real estate in the County of Thomas and the State of Kansas, to-wit:

All of grantors interest in and to the water rights as described in the Certificate of Appropriation for Beneficial Use of Water File No. 33,030 by means of a well located in the NORTHWEST QUARTER (NW/4) of SECTION SIX (6), TOWNSHIP EIGHT (8) SOUTH, RANGE THIRTY-FIVE (35) WEST OF THE 6TH P.M., THOMAS COUNTY KANSAS,

for the sum of no consideration.

DATED this 22 day of October, 2018.

GMK FARMS, LLC

BY: *Guy C. Gaskill* ~~Trustee~~ *manager*
GUY C. GASKILL, TRUSTEE

STATE OF KANSAS, Logan COUNTY, ss:

BE IT REMEMBERED, That on this 22 day of October, 2018, before me, the undersigned, a notary public in and for the County and State aforesaid, came GUY C. GASKILL, TRUSTEE OF GMK FARMS, LLC, who is personally known to me to be the same person who executed the foregoing deed, and duly acknowledged the execution of the same.

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



Lori Edwards
Notary Public

Water Resources
Received

FEB 01 2019 SCANNED

LEGAL (OPT) NE 1-8-36 33030

PIVOT LENGTH (REQD) 1305

ROTATION DEGREES (REQD) 360

GPM (REQD) 600

NOZZLE SPACING IN FT (OPT) 6.6666

RESIDUE IN LBS/ACR (REQD) 4000

ACRES OF CLASS VI SOIL
IN GRASS, ALFALFA, ETC. 0

CROPS ANY IRRIGABLE CROPS MAY
BE PRODUCED

ADDED PROVISIONS/NOTES NONE

SCANNED

CALCULATIONS FOR AVERAGE FIELD SLOPE

ACRES IN FIELD: 122.8239

MAP UNIT NUMBER	SOIL TYPE		AVERAGE SLOPE		ACRES OF THE SOIL TYPE		WEIGHTE AVERAGE
1859	Ulysses silt loam, 3 to 6 percent slopes	+	4.5	+	7.1	+	0.26013
1857	Ulysses silt loam, 1 to 3 percent slopes	+	2	+	14.7	+	0.23937
1619	Keith silt loam, 0 to 1 percent slopes	+	0.5	+	101	+	0.41116
		0	0	+		+	0
		0	0	+		+	0
		0	0	+		+	0
		0	0	+		+	0
		0	0	+		+	0
		0	0	+		+	0

AVERAGE WEIGHTED FIELD SLOPE: 0.91 %

ENTER CLASS VI ACRES HERE:	0 ACRES
ENTER STEEPEST SLOPE IF CLASS VI:	0 %
WEIGHTED AVERAGE FIELD SLOPE:	0.910653 %
PER CENT CLASS VI SOIL	0 %
DESIGN SLOPE FOR CENTER PIVOT:	0.910653 %

DESIGN GROUP 5

design slope	0.910653 %	1	1	4.2
residue	4000 lbs/acre	4000	3	2.5
			5	1.5
			7	1.1
max all. Appl. Rate	5.04 in/hr			
			900	0.85
			1000	0.9
			1500	0.95
			2000	1
			2500	1.05
			3000	1.1
			3500	1.15
			4000	1.2
			4500	1.25

CALCULATED

MAX ALLOW
APPL RATE
5.04

PIVOT
LENGTH
1305

GPM:WTD DIA
34.17

GPM
600.00

WTD DIA
17.56

GPM = 600

APPL RT= 5.04

RADIUS
1305

GPM
600

NZL SPCNG
6.6666

GPM/AC
4.89

598.45 =SUM NZL GPM
6.11 =GPM END NZL

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Monday, June 3, 2019 11:13 AM
To: Krueger, Richelle [KDA]
Cc: Billinger, Mark [KDA]; Hageman, Rebecca [KDA]; Walters, Steven [KDA]; Turney, Brent [KDA]
Subject: RE: Request for Recommendation Change in PU File No. 33030 Aaron and Elisa Horinek

No, you don't.

From: Krueger, Richelle [KDA]
Sent: Monday, June 3, 2019 11:05 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Hageman, Rebecca [KDA] <Rebecca.Hageman@ks.gov>; Walters, Steven [KDA] <Steven.Walters@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: RE: Request for Recommendation Change in PU File No. 33030 Aaron and Elisa Horinek

Kelly,
I don't have to address that in my change approval, correct?
Richelle

From: Stewart, Kelly [KDA]
Sent: Monday, June 3, 2019 9:43 AM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Hageman, Rebecca [KDA] <Rebecca.Hageman@ks.gov>; Walters, Steven [KDA] <Steven.Walters@ks.gov>
Subject: RE: Request for Recommendation Change in PU File No. 33030 Aaron and Elisa Horinek

Richelle,

I recommend approval of this change application. Their LEMA allocation will be 900 acre-feet per year so that will be the limiting factor.

Kelly

From: Krueger, Richelle [KDA]
Sent: Thursday, May 30, 2019 11:59 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Request for Recommendation Change in PU File No. 33030 Aaron and Elisa Horinek

Hi Kelly,
Attached is a draft memo for the referenced pu change located in a GMD 4 LEMA area, do you recommend approval?

Thanks,
Richelle



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

May 28, 2019

Richelle Krueger
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

RE: Application 33,030
Aaron & Elisa J. Horinek

Dear Richelle

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendations be made to the Chief Engineer:

Approve above referenced application under KAR 5-5-11 with a maximum 5-year limited quantity of 964 acre-feet. Appropriate monitoring per GMD4/DWR MOU will be conducted. A copy of the signed statement is enclosed as well as a copy of the Resource Development Irrigation Plan.

If any additional information is required, please advise.

Sincerely

Ray Luhman
Manager

RPL/jem

pc: Stockton Field Office

WATER RESOURCES
RECEIVED

MAY 31 2019

KS DEPT OF AGRICULTURE

SCANNED

Water Right File Number(s): 33030
Base Acreage: 145 Acres
Annual Allocation: 260 Acre-Feet
5 Year Allocation: 964 Acre-Feet

Pursuant to KAR 5-5-11, I understand that the above referenced water right(s) will be subject to the following restrictions and that the landowner assumes the following responsibilities upon approval of the change(s) in place of use that I have filed.

1. I understand that all wells covered by the above referenced water right(s) will be required to have flow meters properly installed.
2. I understand that the above referenced water right(s) will be limited to a maximum 5 year total quantity of 964 acre-feet.
3. I understand that the approval of this change does not allow me to pump more than my annual allocation in any one calendar year.
4. I understand that if more than 964 acre-feet is diverted in each successive 5 year block period the right to divert water under the above referenced water right(s) will be totally suspended for a period of two years.
5. I understand that if more than 964 acre-feet is diverted in each successive 5 year block period the total authorized place of use for the above referenced water right(s) will be reduced to a total not to exceed the base acreage.
6. I understand that GMD 4 personnel will conduct at least one field compliance check each year to verify that the flow meter is operating, to record the amount of water that has been pumped, and to compare the amount pumped to both the authorized annual amount and the 5 year allocation. GMD 4 will report their findings to the landowner and to the Division of Water Resources.
7. I understand that these restrictions and responsibilities will be permanent and will continue to apply to the water right referenced above unless changes that alter the restrictions and responsibilities are approved by DWR. These restrictions and responsibilities will also continue to apply to the right upon sale, lease, inheritance, or any other mode of transfer or disposal.

Asa M. Howie
SIGNATURE

5/22/2019
DATE

WATER RESOURCES
RECEIVED

MAY 31 2019

KS DEPT OF AGRICULTURE

SCANNED

LEGAL (OPT) NE 1-8-36 33030
PIVOT LENGTH (REQD) 1305
ROTATION DEGREES (REQD) 360
GPM (REQD) 600
NOZZLE SPACING IN FT (OPT) 6.6666
RESIDUE IN LBS/ACR (REQD) 4000
ACRES OF CLASS VI SOIL
IN GRASS, ALFALFA, ETC. 0

CROPS ANY IRRIGABLE CROPS MAY
BE PRODUCED

ADDED PROVISIONS/NOTES NONE

WATER RESOURCES
RECEIVED

MAY 31 2019

KS DEPT OF AGRICULTURE

SCANNED

CALCULATIONS FOR AVERAGE FIELD SLOPE

ACRES IN FIELD: 122.8239

MAP UNIT NUMBER	SOIL TYPE		AVERAGE SLOPE		ACRES OF THE SOIL TYPE		WEIGHTE AVERAGE
1859	Ulysses silt loam, 3 to 6 percent slopes	+	4.5	+	7.1	+	0.26013
1857	Ulysses silt loam, 1 to 3 percent slopes	+	2	+	14.7	+	0.23937
1619	Keith silt loam, 0 to 1 percent slopes	+	0.5	+	101	+	0.41116
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		0	0	+		+	0
		0	0	+		+	0
		0	0	+		+	0
		0	0	+		+	0
		0	0	+		+	0

AVERAGE WEIGHTED FIELD SLOPE: 0.91 %

ENTER CLASS VI ACRES HERE:	0 ACRES
ENTER STEEPEST SLOPE IF CLASS VI:	0 %
WEIGHTED AVERAGE FIELD SLOPE:	0.910653 %
PER CENT CLASS VI SOIL	0 %
DESIGN SLOPE FOR CENTER PIVOT:	0.910653 %

DESIGN GROUP 5

design slope	0.910653 %	1	1	4.2
residue	4000 lbs/acre	4000	3	2.5
			5	1.5
max all. Appl. Rate	5.04 in/hr		7	1.1

900	0.85
1000	0.9
1500	0.95
2000	1
2500	1.05
3000	1.1
3500	1.15
4000	1.2
4500	1.25

WATER RESOURCES
RECEIVED

MAY 31 2019

KS DEPT OF AGRICULTURE **SCANNED**

CALCULATED

MAX ALLOW
APPL RATE
5.04

PIVOT
LENGTH
1305

GPM:WTD DIA
34.17

GPM
600.00

WTD DIA
17.56

GPM = 600

APPL RT= 5.04

RADIUS
1305

GPM
600

NZL SPCNG
6.6666

GPM/AC
4.89

598.45 =SUM NZL GPM
6.11 =GPM END NZL

Krueger, Richelle [KDA]

From: Jody McCain <jmccain@gmd4.org>
Sent: Wednesday, May 29, 2019 11:59 AM
To: Krueger, Richelle [KDA]
Cc: Hageman, Rebecca [KDA]
Subject: Recommendation for WR #33,030 5-5-11 w/signed form and RDP and Recommendation for WR #10,380
Attachments: REC - WR #33030 -5-5-11 w RDP.pdf; REC - WR #10380.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Richelle,

Attached please find the 2 recommendations from Ray on the above referenced WR file numbers. A hard copy of both were mailed via snail mail yesterday.

Sincerely,

Jody McCain
Administrative Assistant
NW KS Groundwater
Management District No 4
P O Box 905 – 1290 West Fourth
Colby KS 67701
785-462-3915
jmccain@gmd4.org

Water Resources
Received
MAY 29 2019
KS Dept Of Agriculture



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

May 28, 2019

Richelle Krueger
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

RE: Application 33,030
Aaron & Elisa J. Horinek

Dear Richelle

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendations be made to the Chief Engineer:

Approve above referenced application under KAR 5-5-11 with a maximum 5-year limited quantity of 964 acre-feet. Appropriate monitoring per GMD4/DWR MOU will be conducted. A copy of the signed statement is enclosed as well as a copy of the Resource Development Irrigation Plan.

If any additional information is required, please advise.

Sincerely

Ray Luhman
Manager

RPL/jem

pc: Stockton Field Office

Water Resources
Received
MAY 29 2019
KS Dept Of Agriculture

Water Right File Number(s): 33030
Base Acreage: 145 Acres
Annual Allocation: 260 Acre-Feet
5 Year Allocation: 964 Acre-Feet

Pursuant to KAR 5-5-11, I understand that the above referenced water right(s) will be subject to the following restrictions and that the landowner assumes the following responsibilities upon approval of the change(s) in place of use that I have filed.

1. I understand that all wells covered by the above referenced water right(s) will be required to have flow meters properly installed.
2. I understand that the above referenced water right(s) will be limited to a maximum 5 year total quantity of 964 acre-feet.
3. I understand that the approval of this change does not allow me to pump more than my annual allocation in any one calendar year.
4. I understand that if more than 964 acre-feet is diverted in each successive 5 year block period the right to divert water under the above referenced water right(s) will be totally suspended for a period of two years.
5. I understand that if more than 964 acre-feet is diverted in each successive 5 year block period the total authorized place of use for the above referenced water right(s) will be reduced to a total not to exceed the base acreage.
6. I understand that GMD 4 personnel will conduct at least one field compliance check each year to verify that the flow meter is operating, to record the amount of water that has been pumped, and to compare the amount pumped to both the authorized annual amount and the 5 year allocation. GMD 4 will report their findings to the landowner and to the Division of Water Resources.
7. I understand that these restrictions and responsibilities will be permanent and will continue to apply to the water right referenced above unless changes that alter the restrictions and responsibilities are approved by DWR. These restrictions and responsibilities will also continue to apply to the right upon sale, lease, inheritance, or any other mode of transfer or disposal.

Jason M. Hovier
SIGNATURE

5/22/2019
DATE

Water Resources
Received
MAY 29 2019
KS Dept Of Agriculture

LEGAL (OPT) NE 1-8-36 33030
PIVOT LENGTH (REQD) 1305
ROTATION DEGREES (REQD) 360
GPM (REQD) 600
NOZZLE SPACING IN FT (OPT) 6.6666
RESIDUE IN LBS/ACR (REQD) 4000
ACRES OF CLASS VI SOIL
IN GRASS, ALFALFA, ETC. 0

CROPS ANY IRRIGABLE CROPS MAY
BE PRODUCED

ADDED PROVISIONS/NOTES NONE

Water Resources
Received
MAY 29 2019
KS Dept Of Agriculture

CALCULATIONS FOR AVERAGE FIELD SLOPE

ACRES IN FIELD: 122.8239

MAP UNIT NUMBER	SOIL TYPE	AVERAGE SLOPE	ACRES OF THE SOIL TYPE	WEIGHTED AVERAGE
1859	Ulysses silt loam, 3 to 6 percent slopes	4.5	7.1	0.26013
1857	Ulysses silt loam, 1 to 3 percent slopes	2	14.7	0.23937
1619	Keith silt loam, 0 to 1 percent slopes	0.5	101	0.41116
0		0		0
0		0		0
0		0		0
0		0		0
0		0		0
0		0		0

AVERAGE WEIGHTED FIELD SLOPE: 0.91 %

ENTER CLASS VI ACRES HERE: 0 ACRES
 ENTER STEEPEST SLOPE IF CLASS VI: 0 %
 WEIGHTED AVERAGE FIELD SLOPE: 0.910653 %
 PER CENT CLASS VI SOIL: 0 %
 DESIGN SLOPE FOR CENTER PIVOT: 0.910653 %

Water Resources
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 MAY 29 2019
 KS Dept Of Agriculture

DESIGN GROUP 5

design slope	0.910653 %	1	1	4.2
residue	4000 lbs/acre	4000	3	2.5
max all. Appl. Rate	5.04 in/hr		5	1.5
			7	1.1

900	0.85
1000	0.9
1500	0.95
2000	1
2500	1.05
3000	1.1
3500	1.15
4000	1.2
4500	1.25

Water Resources
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MAY 29 2019
KS Dept Of Agriculture

CALCULATED

MAX ALLOW APPL RATE	PIVOT LENGTH	GPM:WTD DIA	GPM	WTD DIA
5.04	1305	34.17	600.00	17.56

GPM = 600

APPL RT= 5.04

RADIUS	GPM	NZL SPCNG	GPM/AC
1305	600	6.6666	4.89

598.45 =SUM NZL GPM
6.11 =GPM END NZL

Water Resources
Received
MAY 29 2019
KS Dept Of Agriculture

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

NORTHWEST KANSAS GROUNDWATER May 3, 2019
MANAGEMENT DISTRICT NO 4
ATTN RAY LUHMAN
PO BOX 905
COLBY KS 67701-0905

FILE COPY

RE: Water Right, File No. 33,030

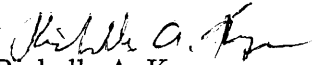
Dear Mr. Luhman:

We are enclosing a copy of the application to change the place of use under Water Right, File No. 33,030. It appears that File No. 33,030 still needs a signed monitoring agreement.

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

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office

SCANNED

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Interim Secretary

Laura Kelly, Governor

AARON & ELISA J HORINEK
1447 COUNTY RD T
COLBY, KS 67701

February 11, 2019

RE: File No 33030

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 Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW4

SCANNED



Water Resources
Received

MAY 29-2013

KS Dept Of Agriculture

SCANNED



KS DEPT. OF AGRICULTURE

MAY 31 2019

WATER RESOURCES
HOOVER



FILE NUMBER 27200184 BK 272 PG 184 - 184
 RECORDED 1/15/2019 at 1:15 PM
 RECORDING FEE: \$ 21.00
 Thomas County, KANSAS
 SUZANNE HERSCHBERGER, DEPUTY
 LORA L. VOLK, REGISTER OF DEEDS

Lora L. Volk

Pursuant to K.S.A. 79-1437g, a Kansas Sales Validation Questionnaire is not required due to exception number _____.



Entered in Transfer Record in My Office on 1/15/2019
Sheela A. Harmon

 County Clerk

TRUSTEES' DEED, Joint Tenancy

This 15th day of January, 2019 Tony M. Horinek and Anita M. Horinek, as Trustees of the Tony M. Horinek Revocable Trust dated June 21, 2002, a/k/a Tony M. Horinek Trust dated June 21, 2002 and the Anita M. Horinek Revocable Trust dated June 21, 2002, a/k/a Anita M. Horinek Trust dated June 21, 2002, the Grantors, by virtue of the terms and provisions of said Trust Agreements and for various and other considerations, the receipt of which is hereby acknowledged, does hereby grant, sell and convey to Aaron M. Horinek and Elisa J. Horinek, husband and wife as Joint Tenants, not tenants in common, with full rights of survivorship all the following described real estate in County of Thomas State of Kansas, to wit:

All that certain lot or parcel of land situated in the County of Thomas, State of Kansas, and being more particularly described as follows:

The Northeast Quarter (NE/4) of Section One (1), Township Eight (8) South, Range Thirty-six (36) West of the Sixth Principal Meridian, Thomas County, Kansas.

For the sum of TEN DOLLARS (\$10.00) and Other Valuable Considerations

EXCEPT AND SUBJECT TO: All easements and restrictions of record, if any.

Pursuant to the powers granted by Trust Agreements dated June 21, 2002, Donor/Trustees, Tony M. Horinek and Anita M. Horinek, have the right to sell any trust property, upon their signatures alone, without the consent of any trustees as designated by the Trust Agreements. The Trust Agreements remains in full force and effect and have not been amended or revoked, said Trust Agreements are revocable trusts.

Tony M. Horinek Revocable Trust
Dated June 21, 2002

Anita M. Horinek Revocable Trust
Dated June 21, 2002

Tony M. Horinek, Trustee

 Tony M. Horinek, Trustee

Tony M. Horinek, Trustee

 Tony M. Horinek, Trustee

Anita M. Horinek, Trustee

 Anita M. Horinek, Trustee

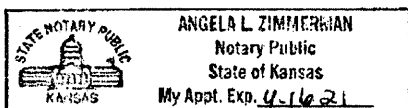
Anita M. Horinek, Trustee

 Anita M. Horinek, Trustee

State of Kansas)
) SS
 County of Thomas}

BE IT REMEMBERED, That on this 15th day of January, 2019 before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Tony M. Horinek and Anita M. Horinek as Trustees of the Tony M. Horinek Revocable Trust dated June 21, 2002 a/k/a Tony M. Horinek Trust dated June 21, 2002 and the Anita M. Horinek Revocable Trust dated June 21, 2002, a/k/a Anita M. Horinek Trust dated June 21, 2002, who are personally known to me to be the same persons who executed the within instrument of writing and such persons 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,



Angela L. Zimmerhian

 Notary Public
 Commission expires: 4-16-21

Water Resources
 Received

FEB 01 2019

KS Dept Of Agriculture

Pursuant to K.S.A. 79-1437g, a Kansas Sales Validation Questionnaire is not required due to exception number _____.

TRUSTEES' DEED, Joint Tenancy

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**Tony M. Horinek Revocable Trust
Dated June 21, 2002**

**Anita M. Horinek Revocable Trust
Dated June 21, 2002**

Tony M. Horinek, Trustee

Tony M. Horinek, Trustee

Tony M. Horinek, Trustee

Tony M. Horinek, Trustee

Anita M. Horinek, Trustee

Anita M. Horinek, Trustee

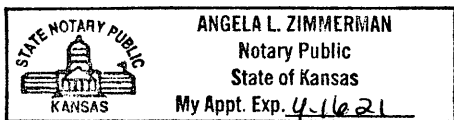
Anita M. Horinek, Trustee

Anita M. Horinek, Trustee

State of Kansas }
 } SS
County of Thomas}

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written,



Angela L. Zimmerman

Notary Public
Commission expires: 4-16-21 Inter Resources
Received

FEB 01 2019