

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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

Topeka -- (785) 296-5733  
 Stafford -- (620) 234-5311  
 Stockton -- (785) 425-6787  
 Garden City -- (620) 276-2901  
<http://agriculture.ks.gov/dwr>

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



**STATE OF KANSAS**  
 WATER RESOURCES  
 RECEIVED

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.  
 Fee Schedule is on the third page of this application form.

MAR 25 2019

1136

**Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions.** If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 38464

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

Place of Use                       Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:                       Groundwater                       Surface water

2. Name and address of Applicant: Cole Mazanec

PO Box 447, Colby, KS 67701

Phone Number: (785)443-2579

Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: Same as applicant

Phone Number: (     ) \_\_\_\_\_

Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: Cole Mazanec

ADDRESS: PO Box 447, Colby, KS 67701

(If there is more than one landowner, attach supplemental sheets as necessary.)

| Sec. | Twp. | Range | NE¼                 |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL ACRES |  |  |  |  |
|------|------|-------|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|--|--|--|--|
|      |      |       | NE¼                 | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |             |  |  |  |  |
| 17   | 8    | 34    | Feedlot in the NE/4 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |  |  |  |  |
|      |      |       |                     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |  |  |  |  |

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: Cole Mazanec

ADDRESS: PO Box 447, Colby KS

(If there is more than one landowner, attach supplemental sheets as necessary.)

| Sec. | Twp. | Range | NE¼                  |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL ACRES |  |  |  |  |
|------|------|-------|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|--|--|--|--|
|      |      |       | NE¼                  | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |             |  |  |  |  |
| 16   | 8    | 34    | Feedlot in the SW NW |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |  |  |  |  |
| 17   | 8    | 34    | Feedlot in the NE/4  |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |  |  |  |  |
|      |      |       |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |  |  |  |  |

For Office Use Only: Code CPU Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 3/25/19 Check # 2793

FO3 GMD 4 G-STK TH

4/11/2019 CUM

5. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

7. The changes herein are desired for the following reasons?  
 (please be specific) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

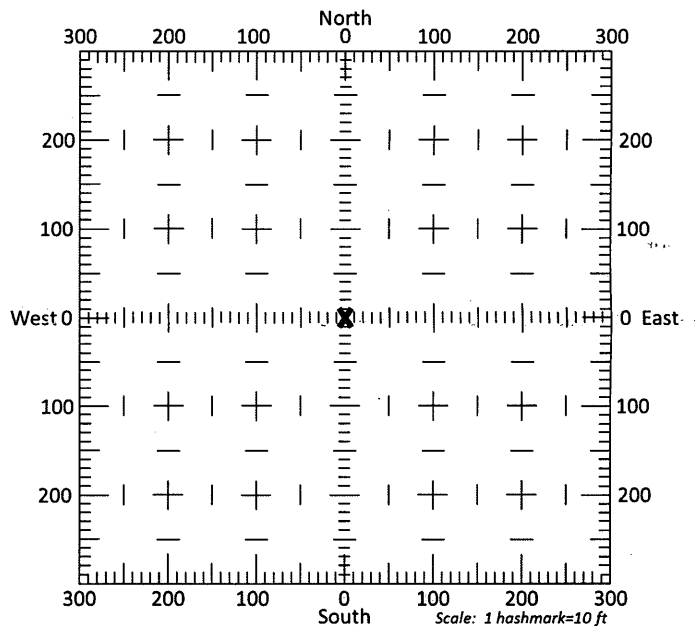
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_  
 \_\_\_\_\_

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

11. Groundwater Management District recommendation attached?  Yes  No

12. Assisted by Shannon Kenyon, GMD 4

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**



**SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

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

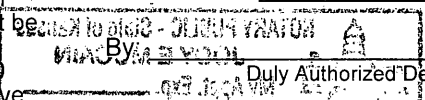
1. A change application was received on \_\_\_\_\_ requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.  Applicable  Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a \_\_\_\_\_ foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.  Applicable  Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than \_\_\_\_\_ feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.  Applicable  Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20\_\_\_\_, or before the first use of water, whichever occurs first.** The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  
 Applicable  Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 20\_\_\_\_, or within any authorized extension of time.** By March 1, 20\_\_\_\_ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  
 Applicable  Not Applicable
9. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable  Not Applicable
11. Additional Conditions are attached.  Yes  No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

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

*For Use by Register of Deeds*

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



\_\_\_\_\_  
Duly Authorized Designee of the Chief Engineer  
(Print Name)  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: \_\_\_\_\_  
State of Kansas \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS

Acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_

Signature: \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

FILE NUMBER 27100011 BK 271 PG 11 - 12  
 RECORDED 11/15/2018 at 10:33 AM  
 RECORDING FEE: \$ 38.00  
 Thomas County, KANSAS *Lora L. Volk*  
 LORA L. VOLK, REGISTER OF DEEDS  
 SUZANNE HERSCHBERGER, DEPUTY



INDEXED  
 MICROFILMED

### TRUSTEE'S DEED

This indenture made this 14<sup>th</sup> day of November, 2018, by and between Willard W. Miller, Jr., Trustee of the Willard W. Miller, Jr. Trust u/t/a May 3, 2013 and Peggy J. Miller, Trustee of the Peggy J. Miller Trust u/t/a May 3, 2013, as Grantors and Cole M. Mazanec and Elizabeth A. Mazanec, as Joint Tenants and not as Tenants in Common, with Full Rights of Survivorship, the Whole Estate to Vest in the Survivor in the Event of Death of Either, as Grantees.

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 as Grantors and Cole M. Mazanec and Elizabeth A. Mazanec, as Joint Tenants and not as Tenants in Common, with Full Rights of Survivorship, the Whole Estate to Vest in the Survivor in the Event of Death of Either, the following described real estate in Thomas County, Kansas, to-wit:

A Portion of the East Half (E/2) of Section Seventeen (17), Township Eight (8) South, Range Thirty-four (34), West of the 6th P.M., Thomas County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said Section; thence on an assumed bearing of S00°20'59"E along the East line of said Section a distance of 987.10 feet to the TRUE POINT OF BEGINNING; thence continuing along the East line of said Section a distance of 1290.07 feet; thence S87°32'46"W a distance of 463.31 feet; thence N85°15'32"W a distance of 187.65 feet; thence S1°32'10"E a distance of 412.11 feet; thence N88°09'25"W a distance of 15.00 feet; thence S1°32'22"E a distance of 30.12 feet; thence N89°05'03"W a distance of 1574.65 feet; thence N0°20'59"W a distance of 2339.63 feet to the Southerly right-of-way line of Interstate Highway 70; thence along said right-of-way line the following 6 courses, S84°45'59"E a distance of 696.99 feet; thence S88°11'59"E a distance of 1079.30 feet; thence S88°19'59"E a distance of 172.10 feet; thence S48°02'59"E a distance of 116.00 feet; thence S0°20'59"E a distance of 450.00 feet; thence N89°39'1"E a distance of 200.00 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. WATER RESOURCES RECEIVED

MAR 25 2019

RESERVATIONS:

Grantor, reserves herein an undivided one-half (1/2) interest in and to the oil, gas and other minerals in, on and under the above described for a period of 10 years or as long thereafter as production may exist. This mineral interest shall be fully participating in oil and gas leases and rentals. KS DEPT OF AGRICULTURE

The Grantors covenant that the Trusts remain in full force and effect at this time, that the Trustee have authorization without limitation to sell and convey all of the above described real estate.

Dated this 14<sup>th</sup> day of November, 2018

Willard W. Miller, Jr. Trust u/t/a May 3, 2013

Peggy J. Miller Trust u/t/a May 3, 2013

By Willard W. Miller, Jr.  
Willard W. Miller, Jr., Trustee

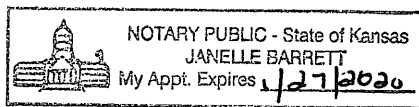
By Peggy J. Miller  
Peggy J. Miller, Trustee

STATE OF KANSAS, COUNTY OF THOMAS, ss:

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of November, 2018, by Willard W. Miller, Jr., Trustee of the Willard W. Miller, Jr. Trust u/t/a May 3, 2013, on behalf of the Trust and Peggy J. Miller, Trustee of the Peggy J. Miller Trust u/t/a May 3, 2013, on behalf of the Trust.

Janelle Barrett  
Notary Public

Commission Expires: \_\_\_\_\_



KANSAS SALES VALIDATION QUESTIONNAIRE:

Attached

Entered in Transfer Record in My Office  
This 15 day of November 2018  
Shelly A. Harms  
County Clerk

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

COLE MAZANEC  
PO BOX 447  
COLBY, KS 67701

April 4, 2019

RE: File No **38464**

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



