

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/U WORKSHEET & OWNERSHIP UPDATE**

1. File Number: <b>38464</b>	2. Status Change Date: <b>7/23/2019</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>03</b>	5. GMD: <b>04</b>
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: <b>3/25/2019</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>COLE &amp; ELIZABETH MAZANEC PO BOX 447 COLBY KS 67701  ADD SPOUSE</b>		Person ID <b>62491</b> Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/>  <b>COLE &amp; ELIZABETH MAZANEC PO BOX 447 COLBY KS 67701</b>		Person ID <b>62491</b> Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/>		Person ID <b>62491</b> Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2019</b> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input 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>7/22/2019</b> By: <b>LI</b> Date Entered: <b>7/23/2019</b> By: <b>CLM</b>				

File No. **38464**      11. County: TH      Basin: PRAIRIE DOG CREEK      Stream: NA      Formation Code: 211      Special Use:

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

**NO CHANGE**

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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
<b>MOD</b>	<b>17203</b>	<b>17</b>	<b>8</b>	<b>34W</b>	<b>3</b>																				
<b>ENT</b>	<b>438</b>	<b>16</b>	<b>8</b>	<b>34W</b>	<b>4</b>																				

Base Acres:      Year:      Minimum Reasonable Quantity:  
 Comments: **CHANGE IS FOR A COMPLETE OVERLAP OF EXISTING PLACES OF USE**

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

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

**TO:** Files

**DATE:** July 22, 2019

**FROM:** Leslie Ireland

**RE:** Water Right,  
File Nos. 31,507 & 38,464

Cole and Elizabeth Mazanec as new owners of the place of use authorized by File No. 38,464 and current owners of File No. 31,507, filed applications for approval to change the place of use authorized for stockwatering use. The applications were received on March 25, 2019.

The rights are in compliance per K.S.A. 82-732, while K.S.A. 82a-718, is not applicable in this area. As required by K.S.A. 82a-1906 the identified nearby well owners were notified of the proposed change in place of use. No comments of any kind were received. The supplied deed that transfers for the land in the Northeast Quarter (NE ¼) of Section 17, Township 8 South, Range 34 West, Thomas County, from Willard and Peggy Miller to Cole and Elizabeth Mazanec, assures the applications comply with K.A.R. 5-5-2a, *Complete change application*.

File No. 31,507 is authorized 12.71 million gallons (39 acre-feet) at a maximum rate of 150 gallons per minute from one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of (SW¼ SW¼ NW¼) of Section 16, located 2,700 feet North and 5,100 feet West of the Southeast corner at a feedlot located in the Southwest Quarter of the Northwest Quarter (SW¼ NW¼), all in Section 16, Township 8 South, Range 34 West, Thomas County. The historical reported water use water listed 700 cattle in 2017. A review of the right found it originally authorized the well and place of use now authorized by File No. 38,464, that was removed by a 1987 order. This order failed to remove the certificate added limitation that the rate for the wells not exceed 160 gallons per minute. The change approval will remove this limitation as the well removed by the 1987 order was permitted by File No. 38,464, that developed its own rate. A review of the authorized place of use found the map showed the place of use to be in the West Half of the West Half of the Northwest Quarter, (W½ W½ NW¼) not the Southwest Quarter of the Northwest Quarter (SW¼ NW¼). This error in the place of use description was confirmed with aerial photography and Brent Turney, Change Unit Supervisor. The approval will update the description of the place of use to the West Half of the West Half of the Northwest Quarter, (W½ W½ NW¼) of Section 16.

File No. 38,464, certified 7.970 million gallons (24.46 acre-feet) at a maximum rate of 140 gallons per minute from one (1) well located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of (SE¼ SE¼ NE¼) of Section 17, located 3,126 feet North and 197 feet West of the Southeast corner at a feedlot located in the Northeast Quarter (NE¼), all in Section 17, Township 8 South, Range 34 West, Thomas County. The historical reported water use report listed 445 cattle in 2017, with a listed maximum of 900 livestock listed in WRIS.

The rights are not located within a special use area. They are within the boundaries of the Northwest Kansas Groundwater Management District No. 4. In a letter dated July 16, 2019, Shannon Kenyon, Manager for the District, recommended approval of the applications.

The proposed changes in place of use is overlap the existing currently authorized rights with no increase therefore it appears the changes meet the requirements of K.A.R. 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*.

In an e-mail dated July 22, 2019, Kelly Stewart Water Commissioner, Stockton Field Office, stated that he had no objections to the approval of the applications.

Water flowmeters that were found to be in compliance by 2017 Compliance Investigations will continue to be required. Check valve will be required if any chemical or foreign substance is injected into the water through the diversion works according to K.A.R. 5-3-5(c).

Based on the above discussion the change in place of use is reasonable, that impairment to existing water rights is unlikely, that there should be no increase in the consumptive use, and that no change in the local source of supply will occur, it is recommended that the changes be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

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

July 29, 2019

COLE & ELIZABETH MAZANEC  
PO BOX 447  
COLBY KS 67701

**FILE COPY**

RE: Water Right, File Nos. 31,507 & 38,464

Dear Mr. & Mrs. Mazanec:

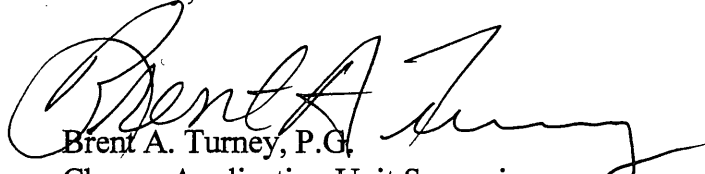
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, and conditions, specified in the approvals for change. A condition of the approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced files.

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

If you have any questions, please contact 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, P.G.  
Change Application Unit Supervisor

BAT:LI:li  
Enclosures

pc: Stockton Field Office  
Groundwater Management District No. 4

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  
WATER RIGHT  
FILE NO. 38,464**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Cole & Elizabeth Mazanec, PO Box 447, Colby, Kansas 67701, received in this office on March 25, 2019, for approval of a change in the location of the place of use under the certificate of application, issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply 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:

a feedlot located in the West Half of the West Half of the Northwest Quarter ( $W\frac{1}{2} W\frac{1}{2} NW \frac{1}{4}$ ) of Section 16 and the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section 17, all in Township 8 South, Range 34 West, Thomas County, Kansas,

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

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 each of 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. 38,464, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 30, 1995, remains as authorized.

Ordered this 23<sup>rd</sup> day of July, 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     )  
                              )  
County of Riley     )     SS

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of July, 2019, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



*Danielle Wilson*

Notary Public

**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: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, 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 hearing 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: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, 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

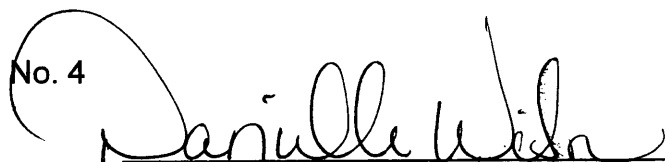
**CERTIFICATE OF SERVICE**

On this 29<sup>th</sup> day of July, 2019, I hereby certify that the attached Approval of Application for the Change in Place of Use for Water Right, File No. 38,464, dated July 23<sup>rd</sup>, 2019, was mailed postage prepaid, first class, US mail to the following:

Cole & Elizabeth Mazanec  
PO Box 447  
Colby KS 67701

With photocopies sent to:

Stockton Field Office  
Groundwater Management District No. 4

  
Division of Water Resources



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

Topeka -- (785) 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 WY2 WY2 NW¼ *																				
17	8	34	Feedlot in the NE/4																				

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

**F03 GMD 4**

**G-STK TH**

*LEADER PERMIT 7/4/19*

4/11/2019 **SCANNED**  
 COM

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

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

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

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

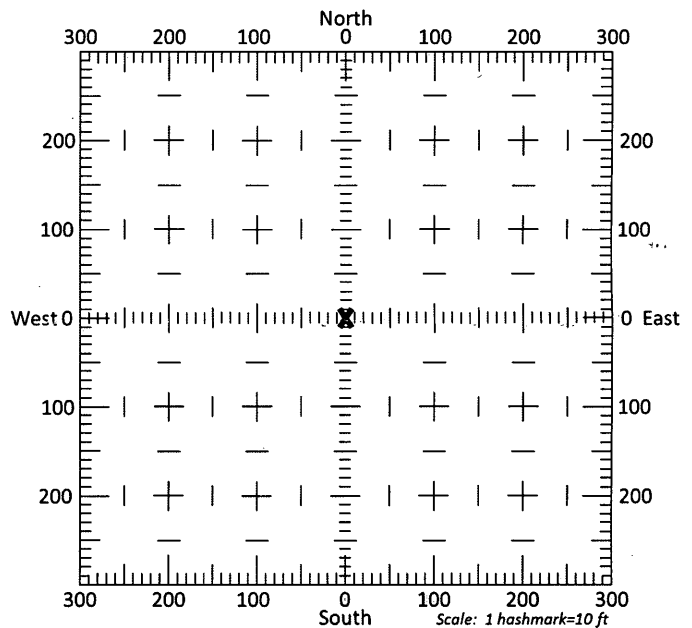
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_  
 \_\_\_\_\_

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

11. Groundwater Management District recommendation  
 attached?  Yes  No

12. Assisted by 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.)**

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
  - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
  - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Cody, Kansas, this 21st day of March, 2019.

Cole Mazanec  
 (Owner)

Elizabeth Mazanec  
 (Spouse)

Cole Mazanec  
 (Please Print)

Elizabeth Mazanec  
 (Please Print)

(Owner)

(Spouse)

WATER RESOURCES RECEIVED

(Please Print)

(Please Print)

MAR 25 2019

(Owner)

(Spouse)

KS DEPT OF AGRICULTURE

(Please Print)

(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 21st day of March, 2019.



Jody E. McCain  
 Notary Public

My Commission Expires 11/06/21

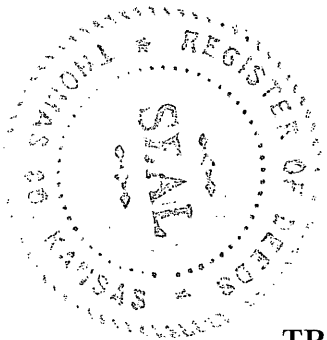
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... \$200
- (3) Application to change the place of use ..... \$200





INDEXED  
MICROFILMED

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

**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

SCANNED

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

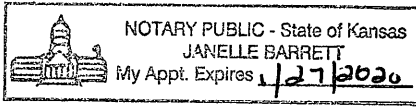
By Willard W. Miller, Jr.  
Willard W. Miller, Jr., Trustee

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. Harris  
County Clerk

## Ireland, Leslie [KDA]

---

**From:** Stewart, Kelly [KDA]  
**Sent:** Monday, July 22, 2019 11:41 AM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Recommendation for Change in Place of use, File Nos. 31507\_ 38464, Mazanec

Leslie,

I recommend approval of these applications.

Kelly

---

**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Monday, July 22, 2019 10:07 AM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Subject:** Recommendation for Change in Place of use, File Nos. 31507\_ 38464, Mazanec

Kelly,

Please let me know if you could recommend these changes. There will be some fix'in to File No. 31,507, but other than that straight forward overlap of these stockwatering rights.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist  
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)



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

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

---

July 16, 2019

Leslie Ireland  
Division of Water Resources  
1320 Research Park Drive  
Manhattan KS 66502

RE: Applications 31,507 & 38,464  
Cole Mazanec

Dear Leslie,

The Northwest Kansas Groundwater Management District has reviewed the above referenced applications 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.  
If you have any questions, please contact this office.

Approve applications

Sincerely,

Shannon Kenyon  
Manager

SK: jem

WATER RESOURCES  
RECEIVED

JUL 17 2019

KS DEPT OF AGRICULTURE

FILE COPY

SCANNED



**Ireland, Leslie [KDA]**

---

**From:** Jody McCain <jmccain@gmd4.org>  
**Sent:** Tuesday, July 16, 2019 3:34 PM  
**To:** Ireland, Leslie [KDA]  
**Subject:** Recommendations on WR #31,507 & WR #38,464  
**Attachments:** REC - WR #31507 & #38464-1.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.

Leslie,

Attached please find Shannon's recommendations for the above referenced Water Rights.

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

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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

July 11, 2019

NORTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 4  
ATTN SHANNON KENYON  
PO BOX 905  
COLBY KS 67701-0905

Re: Water Right, File Nos. 31,507 & 38,464

Dear Ms. Kenyon:

We are enclosing copies of applications for change under the referenced files which appear 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.

Please submit your recommendations 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  
Enclosures

pc: Stockton Field Office  
Cole & Elizabeth Mazanec

FILE COPY

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 38464 00

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 38464 00 STK

Water Right and Points of Diversion Within 1.00 miles of point defined as:

3126 Feet North and 197 Feet West of the Southeast Corner of Section 17 T 8S R 34W

PU OVERLAP  
NEARBY NOTIFICATION

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 12577	D1	IRR	NK	G	2412	--	--	NC	SW	1379	3879	16	8	34W	1	293.00	293.00	AF
A__ 12577	D2	IRR	NK	G	4983	--	NC	S2	SE	450	1320	16	8	34W	2	304.60	304.60	AF
A__ 15965	00	IRR	NK	G	1809	--	NW	SE	NW	3797	3765	16	8	34W	3	235.00	235.00	AF
A__ 21120	05	DOM	NK	G	2996	--	NE	SE	SE	800	300	8	8	34W	6	1.00	1.00	AF
A__ 23581	D1	IRR	NK	G	4204	--	NC	SW		1235	3948	17	8	34W	1	294.00	294.00	AF
A__ 23582	00	IRR	NK	G	3563	--	SE	SE	SW	100	2800	9	8	34W	1	297.00	297.00	AF
A__ 27627	00	IRR	NK	G	2113	--	NW	NW	SE	2604	2242	17	8	34W	2	240.00	240.00	AF
A__ 29873	00	IRR	NK	G	4101	--	NC	NE		3753	1402	16	8	34W	4	264.00	264.00	AF
A__ 31507	00	STK	NK	G*	613	--	SW	SW	NW	2700	5100	16	8	34W	5	39.00	39.00	AF
A__ 38464	00	STK	NK	G*	0	--	SE	SE	NE	3126	197	17	8	34W	4	24.46	24.46	AF

PU OVERLAP

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1992.06	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1992.06	.00

An \* after the source of supply indicates a pending application for change under the file number.  
 An \* after the ID indicates a 15 AF exemption was granted under the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

3126 Feet North and 197 Feet West of the Southeast Corner of Section 17 T 8S R 34W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 12577	D1	IRR	NK G
>	TANNER BROWN		
>	880 SUNSET DR		
>	COLBY KS 67701		
A__ 12577	D2	IRR	NK G
>	WILLARD W MILLER JR		
>	2 LEE CIR		
>	COLBY KS 67701		
A__ 15965	00	IRR	NK G
>	TANNER BROWN		

>  
> 880 SUNSET DR  
> COLBY KS 67701

-----  
A\_\_ 21120 05 DOM NK G  
> BERNARD P MEYER

>  
> 1712 RD 15  
> COLBY KS 67701

-----  
A\_\_ 23581 D1 IRR NK G  
> STAN KAUK

>  
> 1705 RD 15  
> COLBY KS 67701

-----  
A\_\_ 23582 00 IRR NK G  
> STAN KAUK

>  
> 1705 RD 15  
> COLBY KS 67701

-----  
A\_\_ 27627 00 IRR NK G  
> STAN KAUK

>  
> 1705 RD 15  
> COLBY KS 67701

-----  
A\_\_ 29873 00 IRR NK G  
> ELON L MILLER

> WILLARD M MILLER JR  
> 2 LEE CIR  
> COLBY KS 67701

-----  
A\_\_ 31507 00 STK NK G  
> COLE MAZANEC

>  
> PO BOX 447  
> COLBY KS 67701

-----  
A\_\_ 38464 00 STK NK G  
> WILLARD W & PEGGY MILLER

>  
> 2 LEE CIR  
> COLBY KS 67701

-----  
=====

#####

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

July 11, 2019

STAN KAUK  
BRUCE & JAN KAUK  
1705 RD 15  
COLBY KS 67701

RE: Water Right, File Nos. 31,507 & 38,464

Dear Sir or Madam:

This letter is to provide notice for the water rights listed above as required by K.S.A. 82a-1906, which became effective on July 1, 2016.

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, has received applications to change the place of use authorized for the above referenced files.

The applications propose the following change to the stockwatering use to make a complete overlap of the existing authorized places of use, with the description of Section 16, only being updated for accuracy:

from: the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 16, Township 8, Range 34 West, Thomas County, authorized by File No. 31,507, and

the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section 17, in Township 8, Range 34 West, Thomas County, Kansas, authorized by File No. 38,464,

to: the West Half of the West Half of the Northwest Quarter (W $\frac{1}{2}$  W $\frac{1}{2}$  NW  $\frac{1}{4}$ ) of Section 16, and the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section 17, all in Township 8, Range 34 West, Thomas County, Kansas, authorized by File Nos. 31,507 & 38,464.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

pc: Stockton Field Office  
Groundwater Management District No. 4  
Lori Kauk O'Brien

FILE COPY

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

July 11, 2019

3 KO LLC  
4105 PARK VIEW DR  
JANESVILLE WI 53546-1777

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to: the West Half of the West Half of the Northwest Quarter (W $\frac{1}{2}$  W $\frac{1}{2}$  NW  $\frac{1}{4}$ ) of Section 16, and the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section 17, all in Township 8, Range 34 West, Thomas County, Kansas, authorized by File Nos. 31,507 & 38,464.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

pc: Stockton Field Office  
Groundwater Management District No. 4  
Tanner Brown, WUC

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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,

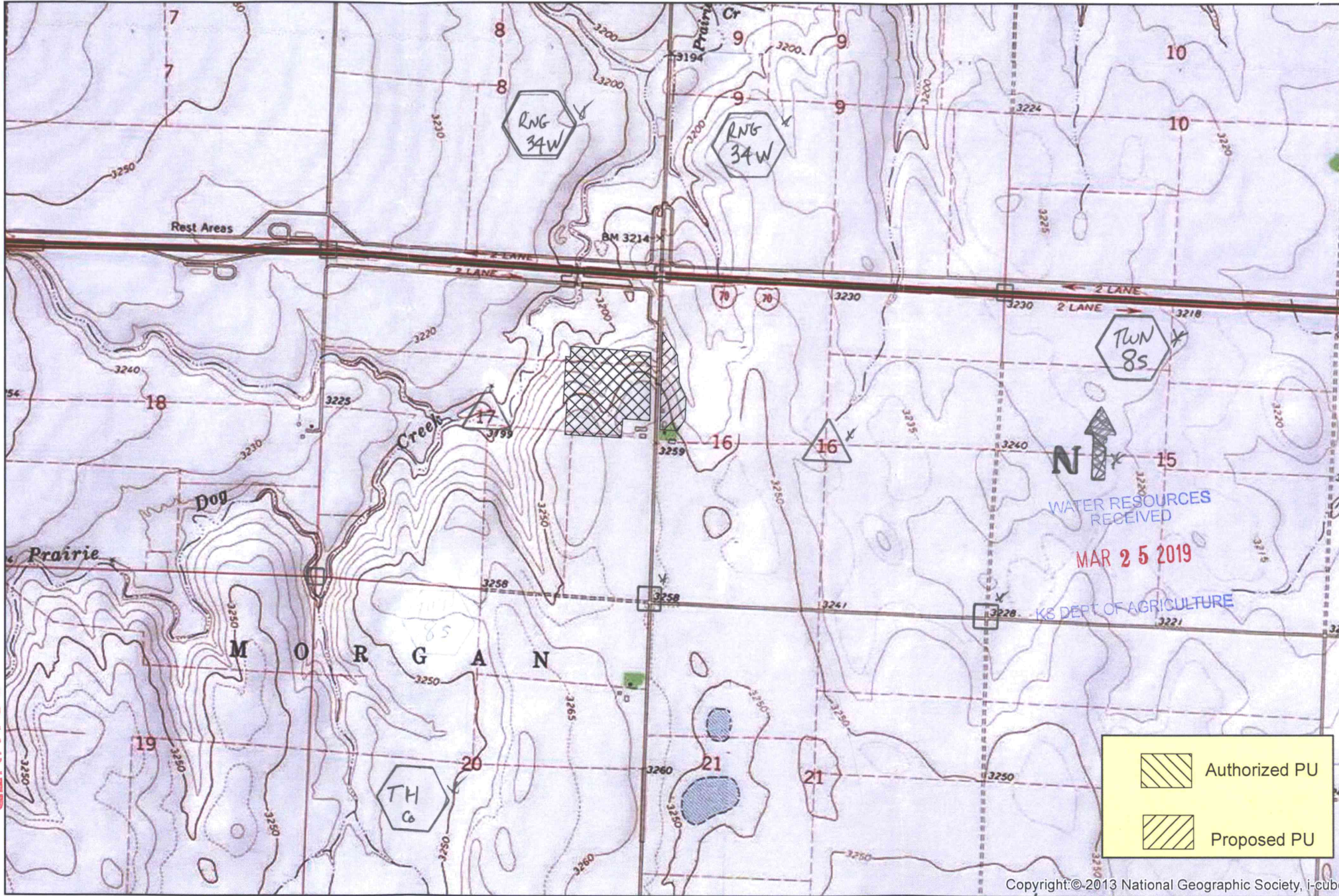
Brent Tourney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW4

SCANNED



# 38464 - Change in PU. Complete Overlap with #31,507



SCANNED

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\* LI/OWR 7/11/19

Prepared by Shannon Kenyon, GMD