

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.

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

50936

File Number _____

This item to be completed by the Division of Water Resources.

**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE**

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

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2:38
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To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): MULVANE FARM
Address: 16231 NW 54TH ST
City: ROSSVILLE State KS Zip Code 66533
Telephone Number: (785) 584-6795

2. The source of water is: surface water in _____ (stream)
OR groundwater in KANSAS RIVER (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 90 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1000 gallons per minute OR _____ cubic feet per second.

QUANTITY AND RATE LIMITED TO 90 AF & 1000 GPM WHEN COMBINED WITH 44507

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County SN By ALB Date 1/10/23
Code REG Fee \$ 200.00 TR # _____ Receipt Date 1/11/23 Check # 1894

1/11/2023
LMoody

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the **NW** quarter of the **NW** quarter of the **SW** quarter of Section **32**, more particularly described as being near a point **2259** feet North and **4643** feet West of the Southeast corner of said section, in Township **10** South, Range **13 EAST**, **SHAWNEE** County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

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6. The owner of the point of diversion, if other than the applicant is (please print):

APPLICANT

(name, address and telephone number)

JAN 04 2023

(name, address and telephone number)

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You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4 15 2023, 2023 [Signature]
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of **ONE WELL**
(number of wells, pumps or dams, etc.)

and **WAS** completed (by) **2001**
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be **JULY 2023**
(Mo/Day/Year)

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required **NOT APPLICABLE**

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

P/D & P/U - 44507

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph

No.

(A)

(B)

(C)

(D)

Date Drilled

5-7-01

Total depth of well

42'

Depth to water bearing formation

Depth to static water level

9'

Depth to bottom of pump intake pipe

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14. The relationship of the applicant to the proposed place where the water will be used is that of

OWNER

(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

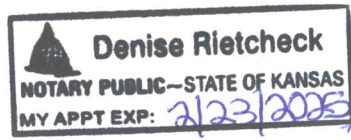
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Shawnee County, Kansas, this 4 day of January 2023.
(month) (year)

Denise Rietcheck
(Applicant Signature)

By Denise Rietcheck 1/4/23
(Agent or Officer Signature)



(Agent or Officer - Please Print)

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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**FORM TO BE USED WHEN APPLICABLE
WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

Assurance Districts have been formed on the following rivers:

Kansas River Marias des Cygnes River Neosho River

The Kansas Water Office has Water Reservation Rights for the following reservoirs:

Big Hill	Marion
Clinton	Melvern
Council Grove	Milford
Elk City	Perry
Hillsdale	Pomona
John Redmond	Tuttle Creek

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Water Right Applications

Bunger, Brett [KDA] <Brett.Bunger@ks.gov>

Thu 8/4/2022 11:25 AM

To: Ross Jory <rmj@peck72.com>

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3 attachments (335 KB)

44507.pdf; mulvane farm mds.pdf; mulvane farm app.pdf;

Ross, based on the recent issue with exceeding the quantity authorized by one of your water rights and the discovery that the pivot was lengthened a few years back, I have prepared the enclosed applications. The applications, when approved, will allow up to 12 inches of water on the 90 acres that are being irrigated by the pivot. This will also redefine the irrigated acres to match what is being irrigated today. To finish up the applications, please do the following:

Print off the documents.

The first document above is for your existing water right File No. 44507 – Please sign and date the application in the **presence of a notary** on Page 5. The filing fee for this application is \$200

The second document above will need to be signed and dated in the **presence of a notary**.

The third document above will need to be signed and dated in Item #'s 6 & 16. A notary is not required for this application. The filing fee for this application is \$200.

Once the signatures are taken care of please scan the documents and email them back to me. I will then forward the applications to our headquarters office in Manhattan. They will then contact you for payment of the filing fees via credit card which will be \$400.

Please let me know if there are questions.

Brett

Brett Bunger
Assistant Water Commissioner
Topeka Field Office
785-296-7064

Check # 1894 \$400.00

* As per applicant Name on check needs to be WUC - Mulvane Farm + Ranch LLC
ownership also needs updated. 2 trusts own ground, Cert of trust in this pocket.

Stw 1/5/23

Certification of Trust

MULVANE FARM
16231 NW 54TH ST.
ROSSVILLE KS 66533
785-584-6795

1. The following trust is the subject of this Certification:

Zenia A. Hughes Trust dated August 31, 1943
2. The trust was originally created by Zenia A. Hughes, Trustor, on August 31, 1943.
3. The original trustee of the trust was the National Bank of Topeka with its principal business location in Topeka, Kansas.
4. Zenia A. Hughes died on July 8, 1952, a resident of Los Angeles, California.
5. The National Bank of Topeka resigned as trustee of the trust and Carol A. Jory and Deborah A. Hughes were appointed successor trustees of the trust by order of the District Court of Shawnee County, Kansas dated August 15, 1957, in a case entitled *In the Matter of the Zenia A. Hughes Trust*, District Court of Shawnee County, Kansas case number 81139.
6. Deborah A. Hughes resigned as co-trustee of the trust on June 4, 1996.
7. Carol A. Jory died on March 31, 2016, a resident of Rossville, KS.
8. The names and addresses of the currently acting Trustees of the trust and the current location of the trust agreement are as follows:

Ross M. Jory	Lelean A. Smith
P.O. Box 548	2635 Dryden Ave.
Rossville, KS 66533	Gilroy, CA 95020
9. The trust is currently in full force and effect. The trust became irrevocable on the death of Zenia A. Hughes.
10. The taxpayer identification of the trust is 95-6688785.
11. Available are provisions of the trust evidencing the creation of the trust, the designation of Trustee, the powers of the Trustee, and the appropriate signatures, if required.
12. The signatories of this Certification are currently the acting Trustees of the trust and declare that the foregoing statements are true and correct, under penalty of perjury.

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MULVANE FARM
16231 NW 54TH ST.
ROSSVILLE, KS 66533

13. The signatories of this Certification further state that any and all trust provisions attached to this Certification are true, accurate and correct photostatic copies of the documents they purport to be.
14. The Trustees have full power and authority to conduct any and all business on behalf of the trust.
15. Each photocopy of this Certification of Trust shall have the same force and effect as any original, as shall any facsimile copy, furnished by the law office of Brown & Vogel, Chartered, Salina, Kansas.
16. Attached to this Certification of Trust is a true, accurate and correct photostatic copy of K.S.A. 58a-1012 and 58a-1013.
17. This Certification is dated April 22, 2016.

Ross M. Jory, Trustee
Ross M. Jory, Trustee

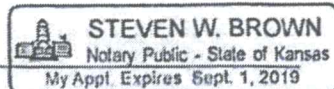
Lelean A. Smith, Trustee
Lelean A. Smith, Trustee

STATE OF KANSAS, COUNTY OF JOHNSON, ss:

This instrument was acknowledged before me on April 22, 2016, by Ross M. Jory and Lelean A. Smith as Trustees under the Zenia A. Hughes Trust dated August 31, 1943.

Steven W. Brown
Notary Public

My appointments expires:



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Certification of Trust

MULVANE FARM
16231 NW 54TH ST.
ROSSVILLE, KS 66533

1. The following trust is the subject of this Certification:

David M. Hughes and Martha M. Hughes Amended Trust Agreement,
dated July 27, 1977.
2. The trust was originally created by David M. Hughes and Martha M. Hughes on March 9, 1973 and was amended in its entirety by David M. Hughes and Martha M. Hughes on July 27, 1977.
3. David M. Hughes died on August 18, 1978 and Martha M. Hughes died on February 12, 1980.
4. Carol A. Simoes was named successor trustee of the trust upon the death of Martha M. Hughes.
5. Carol A. Jory was formerly known as Carol A. Simoes.
6. Carol A. Jory died on March 31, 2016, a resident of Rossville, KS.
7. The names and addresses of the currently acting Trustees of the trust and the current location of the trust agreement are as follows:

Ross M. Jory	Lelean A. Smith
P.O. Box 548	2635 Dryden Ave.
Rossville, KS 66533	Gilroy, CA 95020
8. The trust is currently in full force and effect. The trust became irrevocable on the death of Martha M Hughes.
9. The taxpayer identification number of the trust is 95-6685682.
10. Available are provisions of the trust evidencing the creation of the trust, the designation of Trustee, the powers of the Trustee, and the appropriate signatures, if required.
11. The signatories of this Certification are currently the acting Trustees of the trust and declare that the foregoing statements are true and correct, under penalty of perjury.
12. The signatories of this Certification further state that any and all trust provisions attached to this Certification are true, accurate and correct photostatic copies of the documents they purport to be.

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13. The Trustees have full power and authority to conduct any and all business on behalf of the trust.
14. Each photocopy of this Certification of Trust shall have the same force and effect as any original, as shall any facsimile copy, furnished by the law office of Brown & Vogel, Chartered, Salina, Kansas.
15. Attached to this affidavit is a true, accurate and correct photostatic copy of Sections 87 and 88(g) of Senate Bill No. 297 of 2002, commonly referred to as the Kansas uniform trust code.
16. This Certification is dated April 22, 2016.

Ross M. Jory, Trustee
Ross M. Jory, Trustee

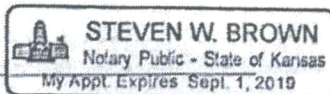
Lelean A. Smith, Trustee
Lelean A. Smith, Trustee

STATE OF KANSAS, COUNTY OF JOHNSON, ss:

This instrument was acknowledged before me on April 22, 2016, by Ross M. Jory and Lelean A. Smith as Trustees under the David M. Hughes and Martha M. Hughes Amended Trust Agreement, dated July 27, 1977.

Steven W. Brown
Notary Public

My appointments expires: _____



CERTIFICATION OF TRUST ATTACHMENT

58a-1012. Protection of person dealing with trustee.

(a) A person other than a beneficiary who in good faith assists a trustee, or who in good faith and for value deals with a trustee, without knowledge that the trustee is exceeding or improperly exercising the trustee's powers is protected from liability as if the trustee properly exercised the power. (b) A person other than a beneficiary who in good faith deals with a trustee is not required to inquire into the extent of the trustee's powers or the propriety of their exercise. (c) A person who in good faith delivers assets to a trustee need not ensure their proper application. (d) A person other than a beneficiary who in good faith assists a former trustee, or who in good faith and for value deals with a former trustee, without knowledge that the trusteeship has terminated is protected from liability as if the former trustee were still a trustee. (e) Comparable protective provisions of other laws relating to commercial transactions or transfer of securities by fiduciaries prevail over the protection provided by this section.

History: L. 2002, ch. 133, § 87; Jan. 1, 2003.

58a-1013. Certification of trust. (a) Instead of furnishing a copy of the trust instrument to a person other than a qualified beneficiary, the trustee may furnish to the person an acknowledged certification of trust containing the following information: (1) That the trust exists and the date the trust instrument was executed; (2) the identity of the settlor; (3) the identity and address of the currently acting trustee; (4) the powers of the trustee; (5) the revocability or irrevocability of the trust and the identity of any person holding a power to revoke the trust; (6) the authority of cotrustees to sign or otherwise authenticate and whether all or less than all are required in order to exercise powers of the trustee; (7) the trust's taxpayer identification number; and (8) the manner of taking title to trust property. (b) A certification of trust may be signed or otherwise authenticated by any trustee. (c) A certification of trust must state that the trust has not been revoked, modified, or amended in any manner that would cause the representations contained in the certification of trust to be incorrect. (d) A certification of trust need not contain the dispositive terms of a trust. (e) A recipient of a certification of trust may require the trustee to furnish copies of those excerpts from the original trust instrument and later amendments which designate the trustee and confer upon the trustee the power to act in the pending transaction. (f) A person who acts in reliance upon a certification of trust without knowledge that the representations contained therein are incorrect is not liable to any person for so acting and may assume without inquiry the existence of the facts contained in the certification. Knowledge of the terms of the trust may not be inferred solely from the fact that a copy of all or part of the trust instrument is held by the person relying upon the certification. (g) A person who in good faith enters into a transaction in reliance upon a certification of trust may enforce the transaction against the trust property as if the representations contained in the certification were correct. (h) A person making a demand for the trust instrument in addition to a certification of trust or excerpts is liable for damages if the court determines that the person did not act in good faith in demanding the trust instrument. (i) This section does not limit the right of a person to obtain a copy of the trust instrument in a judicial proceeding concerning the trust. **History:** L. 2002, ch. 133, § 88; Jan. 1, 2003.

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): MULVANE FARM

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: MULVANE FARM

ADDRESS: 16231 NW 54TH ST ROSSVILLE KS 66533

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
31	10	13E	13.5			35											L-1 3				51.5
32	10	13E					9.5	27						L-3 2							38.5
																					TOTAL = 90 ACRES

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					

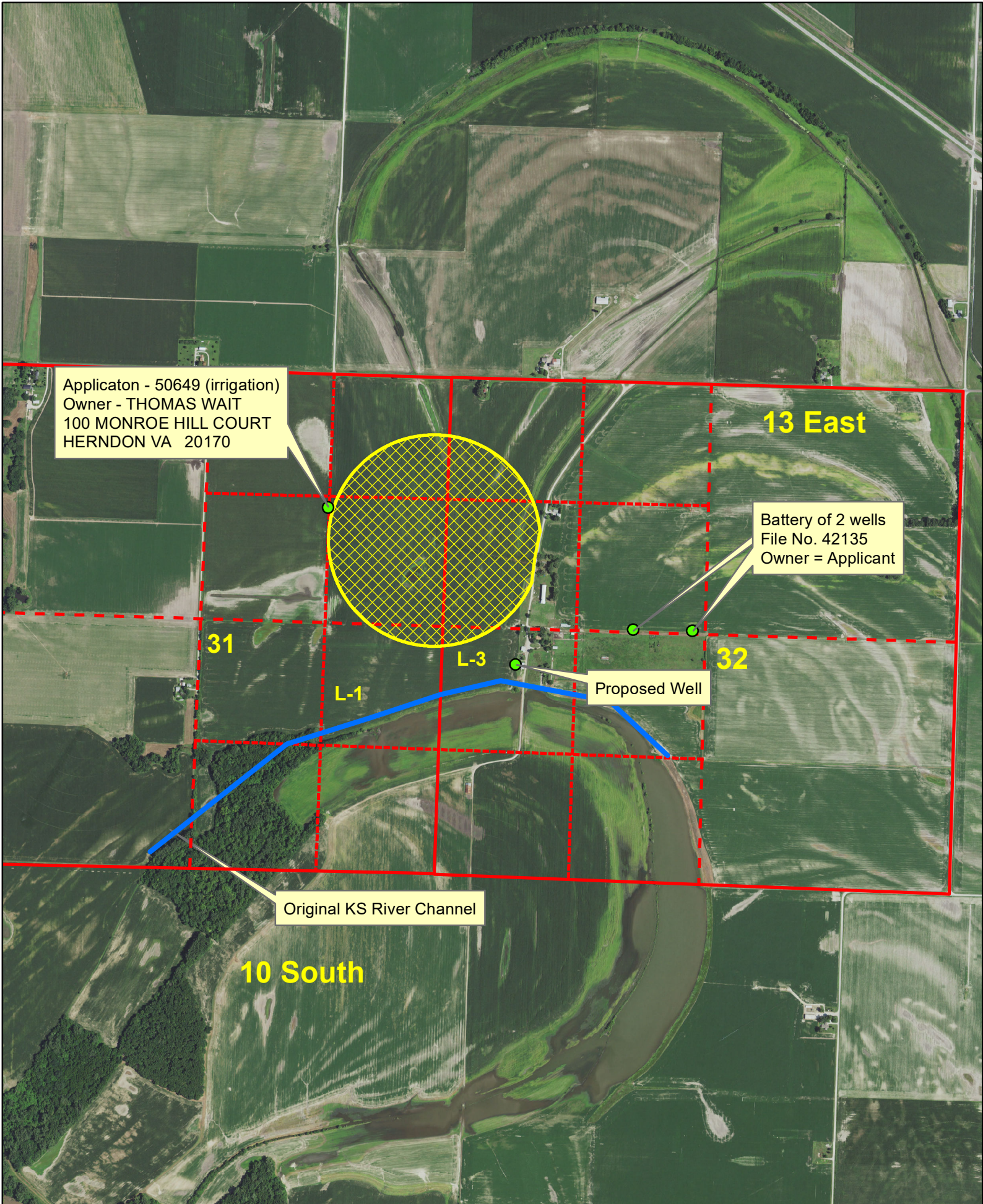
Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						

1:15,000

New Application



DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50936

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>12491</u>	<u>65969</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>12491</u>	<u>53921</u>
	<u>53922</u>

**WATER USE CORRESPONDENT
PERSON ID & SEQ #**

12491
