

CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 10655

Field Office No. 4

GMD No. 3

1. **Plugging agreement obtained for GMD?** Yes No Non Applicable
2. **Is Landowner correct as currently shown in WRIS?** Yes No **Address Change?** NO
If applicable, list Place of Use Overlap File Nos. _____

3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes No **Address Change?** NO
Name of Former WUC MARY ANN FOX Name of New WUC TODD & LORETTA NICHOLS

4. a. **Point of diversion computer ID No(s).** 1 for point(s) being changed.
- b. **Show feet distances from the** SE **corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers
ENT			12	28	36W	3453	2867	GRANT	NESENW
DEL	19789								

- c. **If multiple points of diversion exist and rates and quantities are individually assigned, show:**
- | Old PDIV ID | Authorized Rate | Additional Rate | Authorized Quantity | Additional Quantity |
|-------------|-----------------|-----------------|---------------------|---------------------|
| _____ | _____ gpm | _____ gpm | _____ af | _____ af |
| _____ | _____ gpm/cfs | _____ gpm/cfs | _____ af/mgy | _____ af/mgy |
| _____ | _____ gpm/cfs | _____ gpm/cfs | _____ af/mgy | _____ af/mgy |

- d. **Name of Drainage Basin** N F cimarron **Is this correctly shown in WRIS?** Yes No

- e. **Formation Name & No.** 211/331 oglala dakota **Special Use Area** na

5. **Distances from the original p/d:** _____ 1735 ' S _____ 1120 ' E

6. WATER RIGHT ACTION TRAIL COMMENTS

10/20/17 Change Application Received (date accepted for priority)
11/17/17 Change Approved
 Notice and Proof by 12/31/18
 _____ Completion Requirement Removed (Change No. C _____)

7. METER ACTION TRAIL COMMENTS

11/17/17 DWR Meter Required by 12/31/18

8. Base Acres _____ Year _____ Minimum Reasonable Quantity _____

Date Created 11/7/17 by tpm

Date Entered _____ by _____

CHECK SHEET ATTACHMENT

9. Changes to the place of use will be:

File Number 10655

Action	Owner Person ID	Place Use ID #	Sec.	Twp.	Range	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTAL ACRES
						NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	
NO CHG	58847	7996	12	28	36W	Acres Authorized												
						New Acres												
						Acres Authorized												
						New Acres												
						Acres Authorized												
						New Acres												
						Acres Authorized												
						New Acres												

Names and Address:

1. Person ID # <u>58847</u>	2. Person ID # _____	3. Person ID # _____
<u>TODD & LORETTA NICHOLS</u>		
<u>5444 N ROAD V</u>		
<u>ULYSSES KS 67880-8119</u>		

GENERAL INSTRUCTIONS

- Give to Applicant:
 - Original application/approval
 - Original receipt (one for each application)
 - Information packet containing:
 - Notice and Proof form
 - Water Meter Specifications
 - Acceptable Meter list
 - Water level measurement tube specifications
 - Check Valve specifications
 - Pink Sheet - K.S.A. 82a-728 letter
 - Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED)
 - Send to headquarters:
 - Good, **microfilmable** copy of application and/or approval and this check sheet
 - Original check and copy of receipt
 - Test hole log
 - GMD recommendation, if any
 - Map or aerial photograph, if any
 - Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well.

CONDITIONS

 - Insert notice and proof date.
 - Type or print applicant's/owner's name on line.
 - Complete notary statement.
 - Date stamp received and approved.
 - Complete ownership and WUC change information.
- ADDITIONAL PHOTOCOPIES**
- _____
- _____
- _____
- _____
- _____


Kansas
Department of Agriculture
Division of Water Resources

Garden City Field Office
2508 Johns Street
Garden City, Kansas 67846-2804
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Michael A. Meyer, Water Commissioner

Phone: (620) 276-2901
Fax: (620) 276-9315
www.agriculture.ks.gov
Sam Brownback, Governor

November 8, 2017

TODD NICHOLS
5444 N ROAD V
ULYSSES KS 67880-8119

RE: Change in Point of Diversion Water Right, File No 10655

Dear Mr. Nichols:

Enclosed you will find a *Summary Order Approving Application for Change in Points of Diversion* for the above referenced file. This order modifies the authorized well location under the referenced file. This order modifies the original document; it should be recorded at the County Register of Deeds.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this order. The diversion works should be completed and reported to the Division of Water Resources by **December 31, 2018**. Enclosed is a form for this purpose, along with other information for reference.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report.

This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,



Thomas P. Makens
Assistant Water Commissioner

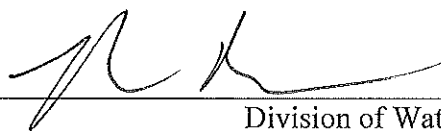
TPM:tpm
Enclosures
GMD#3

CERTIFICATE OF SERVICE

On this ^{13th} day of November 2017, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 10655 dated November 8, 2017 was mailed postage prepaid, first class, US mail to the following:

TODD NICHOLS
5444 N ROAD V
ULYSSES KS 67880-8119

Copy provided to GMD#3



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) 862-6300
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
www.ksda.gov/dwr

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



STATE OF KANSAS

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.

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.

RECEIVED
 11:18 AM
 OCT 20 2017

File No. 10655

Garden City Field Office
 Division of Water Resources

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: Todd & Loretta Nichols

5444 N. RD. V, Ulysses, KS 67880

Phone Number: (620)424-2190

Email address: tlnichols97@gmail.com

Name and address of Water Use Correspondent: SAME

Phone Number: ()

Email address:

3. The presently authorized place of use is:

Owner of Land ---- NAME: NO CHANGE

ADDRESS:

(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			

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: _____

ADDRESS: _____

(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				

For Office Use Only: Code _____	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>10/20/17</u>	Check # <u>17157</u>
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5. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ CN _____ Quarter of the _____ NW _____ Quarter of Section _____ 12 _____, Township _____ 28 _____ South, Range _____ 36 _____ W, in GRANT _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate 1342gpm Authorized Quantity 640AF Depth of well _____ (feet) (DWR use only: Computer ID No. 1 GPS 5188 feet North 3987 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 _____ NE _____ Quarter of the _____ SE _____ Quarter of the _____ NW _____ Quarter of Section _____ 12 _____, Township _____ 28 _____ South, Range _____ 36 _____ W, in GRANT _____ County, Kansas, 3453 feet North 2867 feet West of Southeast corner of section.

Proposed Rate 1342gpm Proposed Quantity 640AF Proposed well depth (feet) 726. 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 _____, 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:

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

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____. This point is: Additional Well Geo Center List other water rights that will use this point _____.

7. Why do you need a new point of diversion? _____

Lose of production in current well

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

9. When do you propose to complete the new point of diversion?

As soon as approved

10. If the point of diversion is a well:

(a) What are you going to do with the old well?

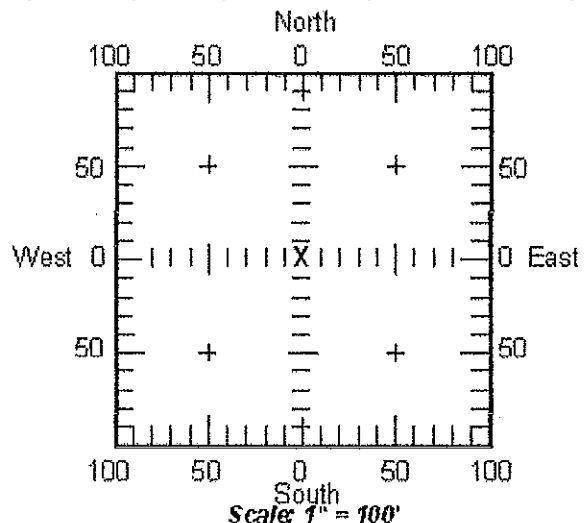
Proper Plug

(b) When will this be done? After completion of new well

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by GMD3/JLN

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 regard 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 Ulysses, Kansas, this 20th day of October, 2017.

Todd Nichols
 (Owner)

Todd Nichols
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

Loretta Nichols
 (Spouse)

Loretta Nichols
 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
 County of Grant } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20th day of October, 2017.



Sylvia Ochoa Ortiz
 Notary Public

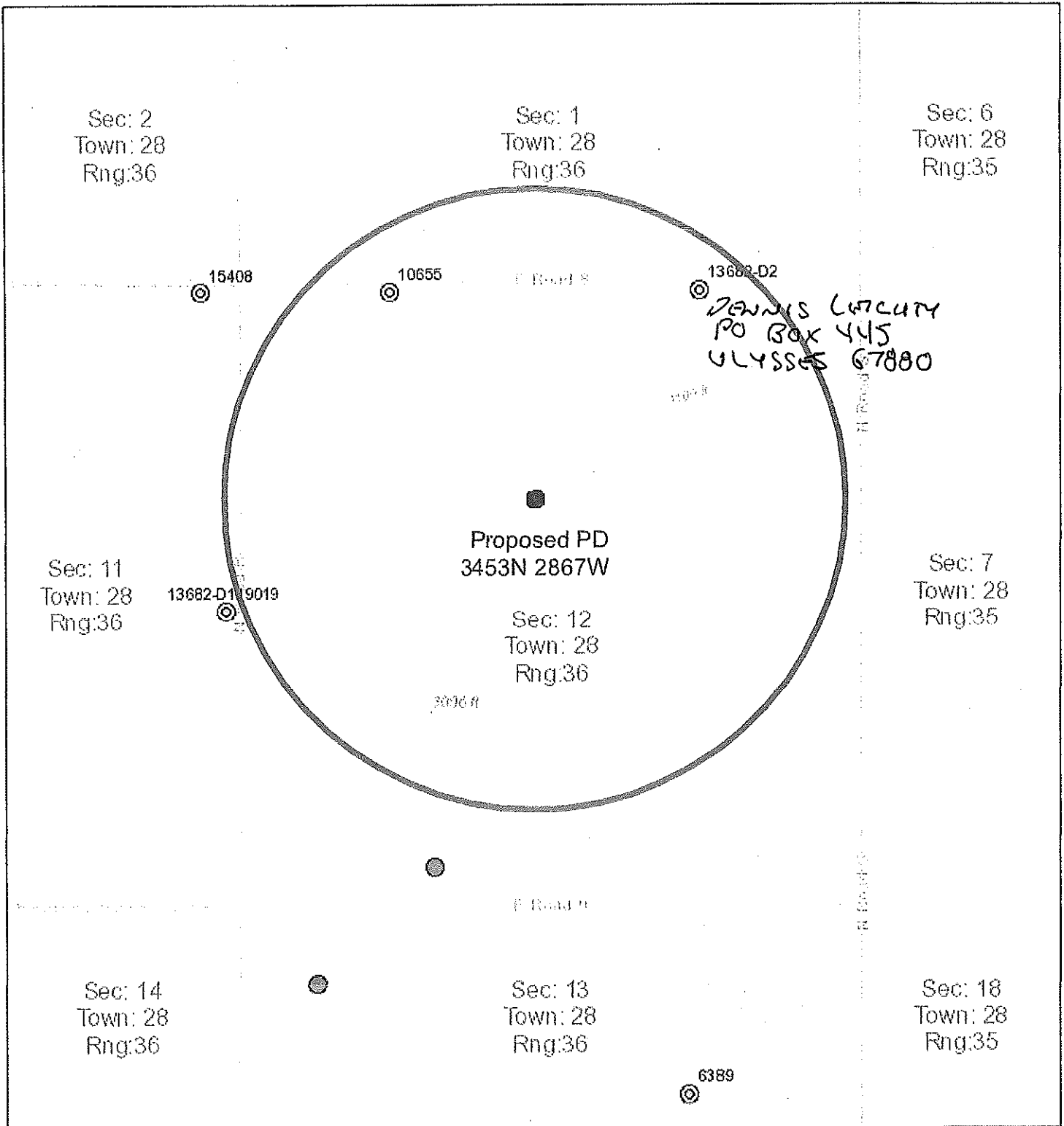
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate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

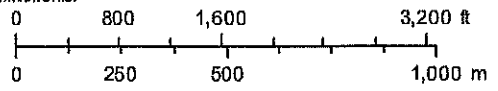
10655 PD Change



October 11, 2017

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:18,056



- Meters
- Wells
- WWC5 WELLS GMD3
- WIMAS WELLS GMD3
- ⋮ Sections

WELL LOG

DATE: 9/1/2017



CUSTOMER NAME: TODD ECHOLS

Test Hole # 2

LEGAL: HW 12-283-23W

COUNTY: GAFFER

GPS: 37° 37' 45.68" N

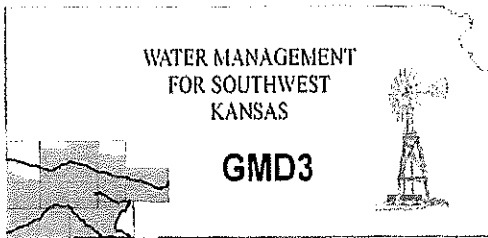
Elevation: 3108'

-101° 12' 39.68" W

DRILLER: JERRY

WORK:

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	20	SILTY CLAY		BROWN			
	20	40	SANDY CLAY AND LIMY CLAY		BROWN/WHITE			
	40	60	CLAY					
	60	65	CLAY					
	65	80	FINE-MEDIUM GRAVEL					CHOPPY
	80	100	FINE-MEDIUM GRAVEL AND CLAY STRINGERS					
	100	120	FINE-MEDIUM GRAVEL AND CLAY STRINGERS			FAST		VIBRATION
	120	140	FINE-SOME MEDIUM GRAVEL AND CLAY LAYERS					CHOPPY
	140	142	CEMENTED SAND LAYER	FIRM				
	142	150	FINE GRAVEL					CHATTER
	150	151	CEMENTED SAND	FIRM				
	151	155	FINE GRAVEL					VIBRATION
	155	160	CLAY					SMOOTH
	160	180	CLAY WITH A LIME LAYER AT 176				X	SMOOTH
	180	191	CLAY					
	191	200	COARSE SAND AND CLAY STRIPS					
	200	215	CLAY					SMOOTH
	215	220	COARSE SAND					VIBRATION
	220	221	CEMENTED SAND					
	221	232	COARSE SAND AND FINE GRAVEL					CHATTER
	232	240	COARSE SAND, FINE GRAVEL, AND A TRACE OF CLAY					
	240	241	CEMENTED SAND LAYER					
	241	256	CLAY					
	256	257	CEMENTED SAND LAYER					
	257	260	COARSE SAND AND CLAY		TAN			
	260	263	CEMENTED SAND	FIRM			X	
	263	269	FINE-SOME MEDIUM GRAVEL					CHOPPY
	269	284	FINE-MEDIUM GRAVEL					CHATTER
	284	287	CLAY		TAN			
	287	291	COARSE SAND AND FINE GRAVEL					
	291	294	CLAY		TAN			SMOOTH
	294	295	CEMENTED SAND LAYER					
	295	300	COARSE SAND AND FINE-SOME MEDIUM GRAVEL	FIRM				CHOPPY
	300	304	CLAY		TAN			SMOOTH
	304	312	COARSE SAND AND FINE GRAVEL					



**Southwest Kansas
Groundwater Management District No. 3**
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

October 17, 2017

Michael A. Meyers
Division of Water Resources
2508 N Johns Street
Garden City, Kansas 67846

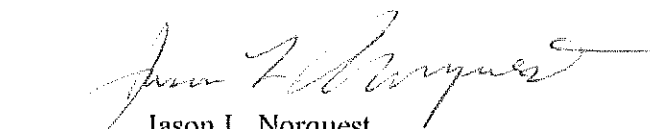
RE: Application for Change in Place of Use
Water Right, File No. 10655

Dear Mike:

We have assisted with the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed distance moved and spacing to neighboring wells is in accordance with K.A.R. 5-23-3. It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest
Assistant Manager



Garden City Field Office
2508 Johns Street
Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Michael A. Meyer, Water Commissioner

Phone: (620) 276-2901
Fax: (620) 276-9315
www.agriculture.ks.gov
Sam Brownback, Governor

October 20, 2017

DENNIS B LEIGHTY REV TRUST
DENNIS B LEIGHTY
PO BOX 445
ULYSSES KS 67880

RE: Water Right 10655

Dear Mr. Leighty;

This is to advise you that Todd Nichols has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced application.

You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

You are notified on this proposed change in point of diversion so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Makens".

Thomas P. Makens
Environmental Scientist III

pc: GMD#3

