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

Department of Agriculture

Division of Water Resources

Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov

Sam Brownback, Governor

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

May 8, 2017

WENDELL R NICHOLAS 9616 S BIG BOW GRADE JOHNSON KS 67855-9034

RE: Change in Point of Diversion Water Right, File No 18138

Dear Mr. Nicholas:

Enclosed you will find a *Summary Order Approving Application for Change in Point 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, 2017. 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 12 th day of May 2017, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 18138 dated May 11, 2017 was mailed postage prepaid, first class, US mail to the following:

WENDELL R NICHOLAS 9616 S BIG BOW GRADE JOHNSON KS 67855-9034

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) 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

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.

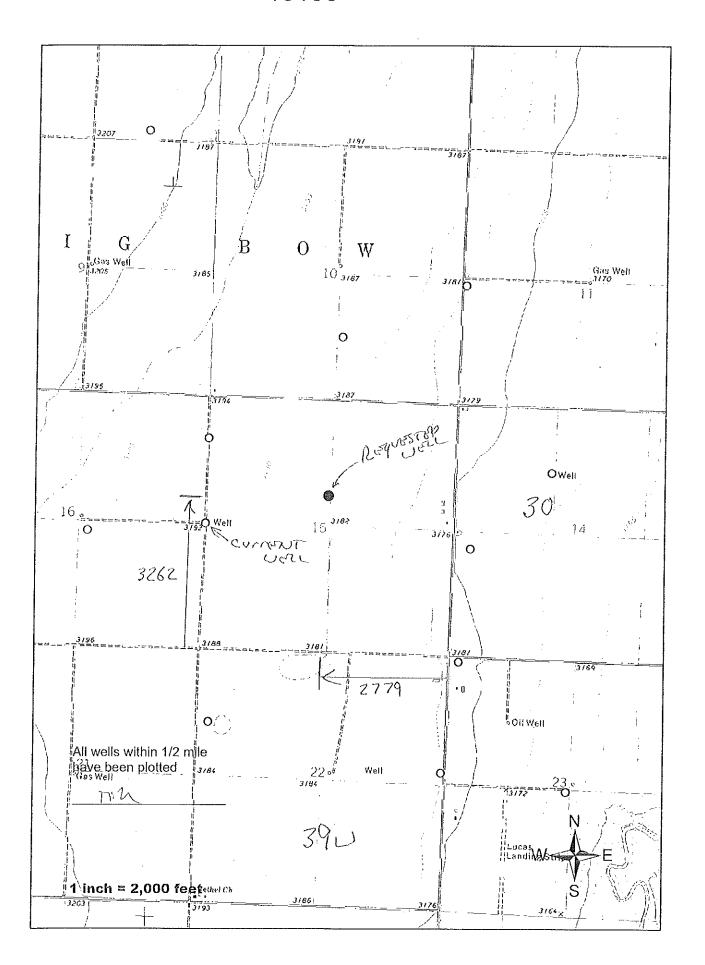
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							File N	o. <u>181</u>	38					-			MA	R 3 ()	2017
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5.	Presently authorized point of diversion:				
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	of Section 15 Township 30		South, Range	39	W,
	in Stanton County, Kansas, 2611 feet N	lorth	<u>5250</u> feet West of S	outheast co	ner of section.
	Authorized Rate Authorized Quantity		Depth of well	(	feet)
	(DWR use only: Computer ID No. 5 GPS		feet North	feet	west)
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	Proposed point of diversion: (Complete only if change is rec				_
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	of Section 15 , Township 30		South, Range	39w	(E/W),
	in Stanton County, Kansas, 3262 feet N	Iorth	2779 feet West of S	outheast cor	ner of section.
	Proposed Rate Proposed Quantity		Proposed well depth (1	feet)	· .
	This point is: Additional Well Geo Center List other wat	ter ri	ghts that will use this point	MARKU .	
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6.	Presently authorized point of diversion:				
	One in the Quarter of the		Quarter of the		Quarter
•	of Section, Township		South, Range		(E/VV),
j	in County, Kansas, feet N	10rth	teet West of S	outneast cor	ner of section.
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	Proposed Rate Proposed Quantity	4	Proposed Well depth (1	eet)	·
L	This point is: Additional Well Geo Center List other wat	ter ri	gnts that will use this point		
7	Why do you need a new point of diversion? 13a	a. If	the proposed point of diversi	on will be rel	ocated within 100
1.	verily do you need a new point of diversions:	fe	et of the existing point of div	ersion, indica	ate its location on
	old well needs to be replaced	(P	e diagram below in relation to PLEASE NOTE: The "X"	in center of	diagram below
		re	presents presently authoriz	zed point of	diversion.)
			Nort		
8.	If a well, is the test hole log attached? ⊠ Yes □ No			50	
9.	When do you propose to complete the new point of		F =		
	diversion?		50 F + =	+	<b>극</b> 50
	April 30, 2017				_
10	If the point of diversion is a well:			ا	<b>1</b>
ıv.	•	ļ	West 0 <u> </u>		U East
	(a) What are you going to do with the old well?		<u> </u>		
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	(b) When will this be done? 2017			i	
11.	Groundwater Management District recommendation		100 50 0	50	100
	attached? Yes No		Soul Scale: 1	"= 100'	
40	13b	b. If	the proposed point of diversi	on will be rel	ocated more than
12.	Assisted by tpm	10	00 feet but within 1320 fee	et from the	existing point of
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		wi	ithin one-half mile of the prop ames and mailing addresses	osed point of	diversion and the
		Wa	ater sources, show the na	ames and a	ddresses of the
		la	ndowner(s) one-half mile do	ownstream a	nd one-half mile
		uţ	ostream from your property lin	ies.	

14. If the proposed groundwater point of diversion is 300 or fewer feet	from existing point of diversion, complete the following:
<ul> <li>(a) Does the undersigned represent all owners of the currently aut</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If no, all owners must sign this app</li> </ul>	
<ul> <li>(b) Will the ownership interest of any owner of the currently auth affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this approved as requested?)</li> </ul>	,
(c) If this application is not approved expeditiously, will there be su ☐ Yes ☐ No (If no, all owners must sign this app	
If the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owner agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirr age and the owner, the spouse of the owner, or a duly autho their behalf, in regard to the water right(s) to which this ap contained in this application are true, correct and complete.	rized agent of the owner(s) to make this application or plication pertains. I further verify that the statements
Dated at GARDEN CITY, Kansas, this	3 29TH day of 14RCH , 20 17.
x Wandell VIII water	
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
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(Owner)	(Spouse)
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State of Kansas  County of FINN() SS	
I hereby certify that the foregoing application was signed in m  ↑↑↑↑  , 20 / ¬ .	y presence and sworn to before me this $\frac{2974}{100}$ day of
My Commission Expires 14-18 HOTARY PUBLIC • State of K	ansas Catherine Rolled Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the a the appropriate fee must be paid.	of the applicable portions of the application form must be completed with ppropriate owners' must be affixed to the application and notarized; and
FEE SCHEDU	
Each application to change the place of use or the point of diversion undeforth in the schedule below: Make checks payable to: Kansas Departm  (1) Application to change a point of diversion 300 feet or less  (2) Application to change a point of diversion more than 300 feet  (3) Application to change the place of use	ent of Agriculture \$100

#### 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. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et.seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 18138 A change application was received on  $\underline{\text{MARCH 30.2011}}$  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. 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 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 300 radius of the authorized point(s) of diversion. ☐ Not Applicable □ Applicable The point(s) of diversion authorized herein shall not actually be located more than 5640 feet from the previously authorized point(s) of diversion. 因 Applicable 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 ☐ Not Applicable with K.A.R. 5-6-13. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017, 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. 5-5e, 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 Installation of the works for diversion of water shall be completed on or before December 31, 20<u>17</u>, or within any authorized extension of time. By March 1, 20<u>18</u> 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 The completed well log shall be submitted with the required notice. 저 Applicable ☐ Not Applicable 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 No No Additional Conditions are attached. Yes 11. 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-14-3 SUMMARY ORDER ISSUED before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502, within 15 days after the date Duly Authorized Designee of the Chief Engineer shown on the Certificate of Service attached hereto. If a hearing MAKENS THOMAS is not requested in accordance with K.A.R. 5-14-3, this Summary (Print Name): Order will become effective on the 15th day after the date shown Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. Date of Issuance: For Use by Register of Deeds State of Kansas SS Acknowledged before me on N by Thomas Signature: \_ 🖄 🕠 Notary Public SUE KEENY 'יייאענא' My Appointment Expires June 8, 2018 My commission expires: (Notary Seal)



3795 W. Jones Ave. Garden City, KS 67846 PH: 620-277-2389

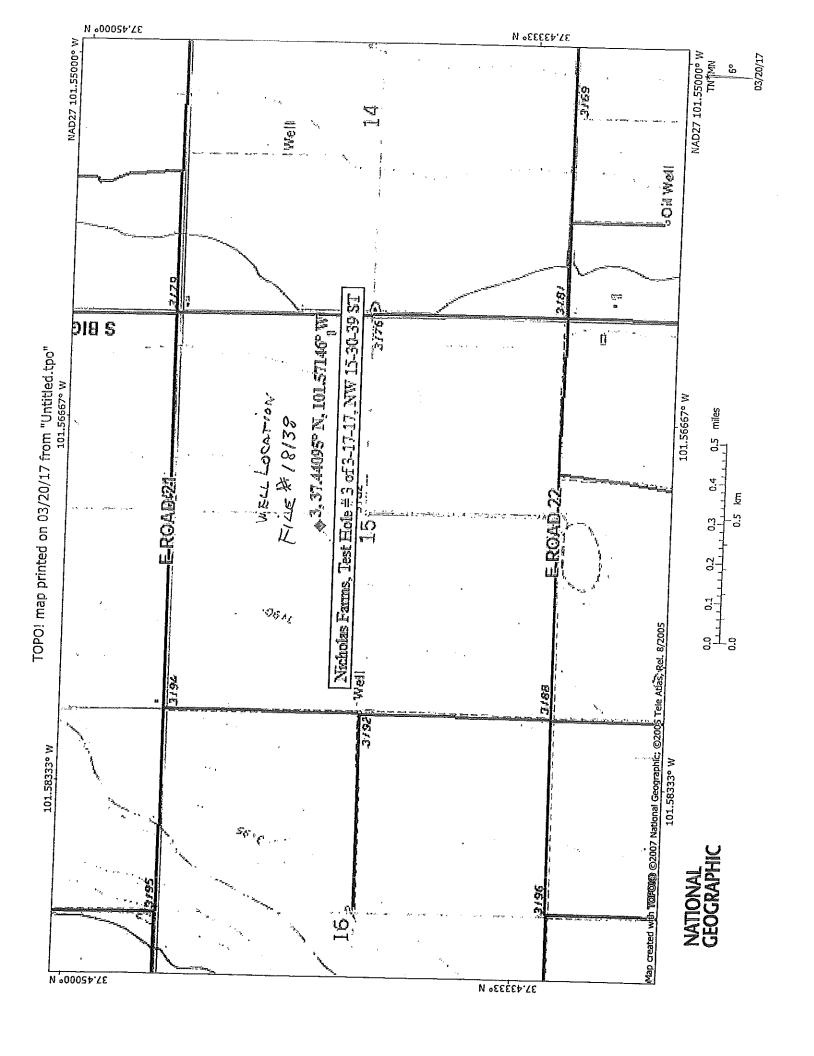


PO Box 639 Garden City, KS 67846 Fax: 620-277-0224

. WENDELL NICHOLDS CELL 620-492-1842

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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

March 30, 2017

Southwest Kansas Groundwater Management District No 3 409 Campus Drive, Suite 106 Garden City KS 67846

Re: Water Right file number 18138

Dear Mr. Norquest;

Wendell Nicholas has applied to relocate the well authorized by the above water right number. There are no neighboring wells within ½ mile of the requested.

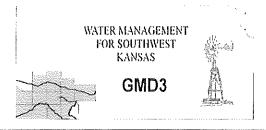
We are delaying action for 15 days on the change application to allow you time to review and provide a recommendation if you feel one is warranted.

Thank you and as always feel free to call or write us at any time.

Sincerely;

Thomas P Makens

TPM:tpm enc



## Southwest Kansas Groundwater Management District No. 3

2009 E. Spruce Street Garden City, Kansas 67846 ) 275-7147 phone (620) 275-1431 fa

(620) 275-7147 phone (620) 275-1431 fax www.gmd3.org

March 31, 2017

Thomas P. Makens Division of Water Resources 2508 N Johns Street Garden City, Kansas 67846

RECEIVED

APR 0 3 2017

RE: Application for Change in Point of Diversion Water Right, File No. 18138

Garden City Field Office Division of V/ater Resources

#### Dear Thomas:

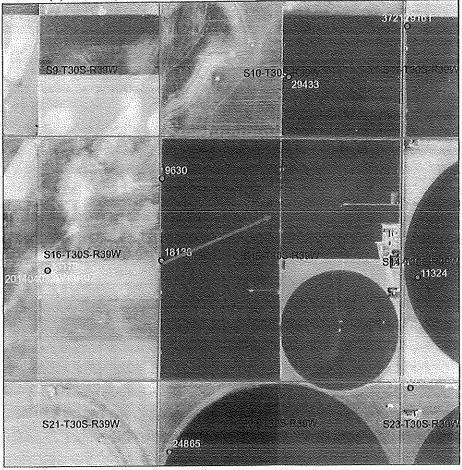
We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed distance moved and spacing to neighboring wells is met in accordance with 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 Change Application(s); PD

File No(s). 18138; Wendell Nicholas



	ft. North	ft. West	
Authorized PD	2611	5250	Sect. 15-30-39
Proposed PD	3262	2779	
Difference	-651 N	2471 E	
a2 + b2 = c2	423801	6105841	2555.316 foot move NE

Neighboring wells: Spacing MET, see WRIS reports

Domestic wells: One Domestic found on the section with more than enough spacing to

meet requirements, and is part of the applicant family.

Regulation(s) Reviewed: KAR 5-23-3

Board Review Date: NA Board Recommendation: NA

Waiver Reason: NA

Final Recommendation: After review of all available information, it appears the current

area rules are met. Staff therefore recommends approval of the application.

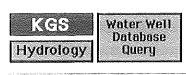
11

2779 ft W of the SE Corner of Section 15, T 30S, R 39W 3262 ft N and 101.571461 West Longitude and 37.440951 North Latitude Located at: GROUNDWATER ONLY ID Batt Auth\_Quan Add\_Quan Unit Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng File Number 2300 320.00 4554 -- NW NW NW 5192 5075 23 30 39W ➂ 320.00 AF 5900 00 IRR NK G AF. 4554 -- NW NW NW 30 39W 320,00 320.00 7594 00 IRR NK G A\_\_\_ 2300 560.00 **1** 560.00 AF 9161 00 IRR NK G 5266 -- NW NW SW 2441 5190 11 30 39W Α 2708 -- CW NW NW 4380 5250 15 30 39W 2100 480.00 480.00 AF 9630 00 IRR NK G 620.00 AF 4882 -- NC E2 NW 3897 3237 14 30 39W 2300 620.00 11324 00 IRR NK G 3314 -- NW NW SW 2298 4922 14 30 39W 2300740.00 740.00 AF Same 230 1280.00 1280.00 AF . 5033 -- NW NW SE 2380 2422 16 30 39W 13118 00 IRR NK G Α 2100 480.00 18138 00 IRR NK G\* --- 2555 -- -- CW 480.00 AF 2611 5250 15 30 39W Α 2/00 320.00 3306 -- -- CW SE 1320 2500 10 30 39W 320.00 AF 29433 00 IRR NK G 5266 -- NW NW SW 2441 5190 30 320.00 320.00 AF / 37212 00 IRR NK G Total Net Quantities Authorized: Direct Storage Spacing MET!! .00 Total Requested Amount (AF) = .00 .00 Total Permitted Amount (AF) = .00 Total Inspected Amount (AF) = .00 .00 .00 .00 Total Pro\_Cert Amount (AF) = Total Certified Amount (AF) -5440.00 .00 .00 .00 Total Vested Amount (AF) = 5440.00 .00 TOTAL AMOUNT (AF) = An \* after the source of supply indicates a pending application for change for the file number. An \* after the ID indicates a 15 AF exemption was granted for 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: 101.571461 West Longitude and 37.440951 North Latitude GROUNDWATER ONLY WATER USE CORRESPONDENTS: File Number 5900 00 IRR NK G RECEIVED STEVE L & SUSAN R ELLIS APR 0 3 2017 10124 S BIG BOW GRADE JOHNSON KS 67855 Cardon City Field Office \_\_\_\_\_\_ Existen of VAtter Resources 7594 00 IRR NK G STEVE L & SUSAN R ELLIS 10124 S BIG BOW GRADE JOHNSON KS 67855 9161 00 IRR NK G NICHOLAS FARMS INC WENDELL R NICHOLAS 9616 S BIG BOW GRADE

Water Rights and Points of Diversion Within 1,00 miles of point defined as:

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> JOHNSON KS 67055	
>	

#### RECEIVED



Specific Water Well Detail

APR 0 3 2017

Garden City Field Office Division of Water Resources

# Well T30S, R39W, Sec. 15, E2 NE SE, Action: Constructed

Location Info							
Owner: Nichols, Winifred	Status: Constructed						
Location: T30S, R39W, Sec. 15, E2 NE SE	County: Stanton						
Directions: From Big Bow, 8.6 miles South, on V	Vest side						
Latitude: 37.43	73861 Datum NAD 27						
Longitude and latitude calculated by Survey from Only good to within the quarter call accuracy.	township-range-section-quarter calls.						
View well on interactive map This link will crea interactive map of this well and its neighbors.	te a new window and display an						
General Info							
Well Depth: 310 ft.	Elevation: ft.						
Static Water Level: 190 ft.	Est. Yield: gpm.						
Comp. Date: 17-Jun-1981	Well Use: Domestic						
DWR Applie. #:	Other ID:						
Driller Info	Driller Info						
Driller: James Ray Smith Pump Service	License #: 160						
Scanned Form							
View scan of this form in PDF format.							
You will need the <u>Acrobat PDF Reader</u> , available	free from Adobe, to read this file.						
Chemical Sample Submitted?: No							
Casing Info							
Casing Type:							
Diam: 0 in. to 0 ft.							
Diam: 0 in. to 0 ft.							
Diam: 0 in. to 0 ft.							
Grout Info							
Grout used: other							
From: 0 to 0 ft.							
From: 0 to 0 ft.							
From: 0 to 0 ft.							
Source of Possible Contamination							
Source: none							

Direction from well:	Distance: 0					
Screen and Perforation Info						
Screen Type: OTHER	Screen Openings: OTHER					
From: 270 ft. to 310 ft.	From: 0 ft. to 0 ft.					
From: 0 ft. to 0 ft.	From: 0 ft. to 0 ft.					
Lithologic Log (Log data entered by KGS.)						
From: 0 ft. to 40 ft.	clay					
From: 40 ft. to 160 ft.	sand, medium to coarse					
From: 160 ft. to 190 ft.	clay					
From: 190 ft. to 310 ft.	sand, medium to coarse					

Kansas Geological Survey
Comments to webadmin@kgs.ku.edu
URL=http://www.kgs.ku.edu/Magellan/WaterWell/index.html
Display Programs Updated July 2, 2014
Data added continuously.

	INPUTS		
	Longitude	Latitude	
Point 1	-101.571460	37.440950	Proposed 1813€ 8
Point 2	-101.563004	37.437861	Domestic in 15-30-39

Degrees Longitude per Foot

3.44410589E-06

RECEIVED

Degrees Latitude per Foot

2.74635696E-06

APR 0 3 2017

Distance Between Points (ft)

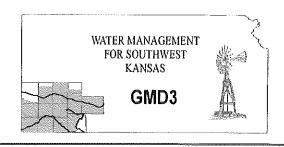
2701

Garden City Field Office Division of Water Resources

Compute Distance Between Points

#### Instructions

- 1. Enter Longitudes and Latitudes of the two points (both must be in the same datum, NAD27 or NAD83).
- 2. Click "Compute Distance Between Points" button.



### 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

March 31, 2017

Thomas P. Makens Division of Water Resources 2508 N Johns Street Garden City, Kansas 67846

RE: Application for Change in Point of Diversion

Water Right, File No. 18138

#### Dear Thomas:

We have completed a review of 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 met 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

RECEIVED

APR 04 2017

Garden Cus Pield Office DIVISION OF WATER RESOURCES

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