

NOTICE

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

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

APPLICATION FOR TERM PERMIT

- GROUNDWATER WATER RESOURCES RECEIVED
SURFACE WATER
(check one)



State of Kansas

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION
(Make check payable to the Kansas Department of Agriculture)

OCT 19 2020 3:28

AGRICULTURE

1. Applicant: (Please print or type)
Name VAUGHN NIGHTENGALE
Street 1452 ROAD W
City and State LAKIN KS
Zip Code 67860 Telephone No. ()
E-Mail Address
Social Security I.D. No.
and/or Taxpayer I.D. No.

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):
EMERGENCY USE TO SAVE ALFALFA CROP
20 AF OFFSET FROM 27343-D4

5. Location of place of use:
136 ACRES IN NW1/4 30-25S-35W

6. Period of use:
Commencing date: 10/13/2020
Ending Date: 12/31/2020 Also enter on Item 12

2. Location of Point of Diversion:
Sec. 30, Twp. 25S, Rng. 35W, (W), KEARNY County, Kansas.
Distance from Southeast Corner of Section:
3680 feet North from Southeast Corner
3950 feet West from Southeast Corner
NOTE: If point of diversion is not site specific (i.e. groundwater pit) show the approximate geographic center.

If off-stream pit, check here []
Will pit floor intersect water table? Yes [] No []

3. Water Use Data:
Proposed Max. Pumping Rate (gpm) 800 GPM
Amount Requested (acre-feet) 20 AF per calendar year
Depth of Well (feet)
Date (completed) (will be completed)
Drainage Basin ARKANSAS RIVER
Name of Stream

7. Location of the proposed point of diversion and those of other water users within 1/2 mile shall be indicated on the diagram to the lower-left, scale 1 inch = 2,000 feet. If surface water, indicate on the diagram the course of the stream, and its name. List other D.W.R. permit numbers that cover the requested point(s) of diversion or place of use here:
PD & PU: 27344-D2

FEE SCHEDULE

1. The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:
Acre-feet Fee
0-100 \$200.00
101-320 \$300.00
More than 320 \$300.00
plus \$20 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, is:
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.

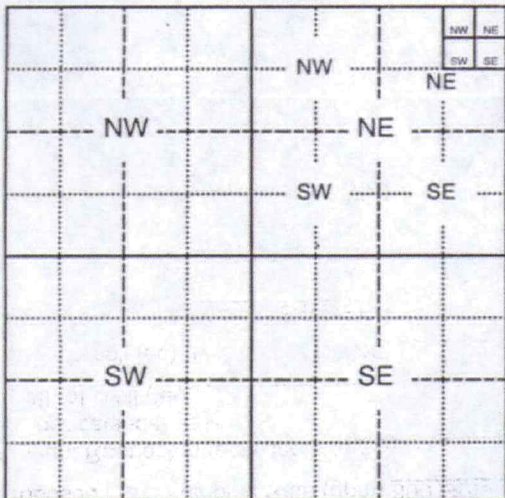
NOTE: If an application requests both direct use and storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.

4. There is a separate application form for domestic use. Do not use this form for domestic use.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons
1 million gallons equal 3.07 acre-feet



RECEIVED

OCT 14 2020

10/21/2020 LMoody

Garden City Field Office Division of Water Resources

Assisted by AM/GCFO

For Office Use Only:
F.O. 4 GMD Meets K.A.R. 5-3-1 (YES) Use IRR Source G S County KE By KJN Date 10/20/2020
Code TRP Fee \$ 200 TR # Receipt Date 10/19/2020 Check # 14441

8. For groundwater use, list below all wells within 1/2 mile of the proposed well, and plot locations upon the diagram on reverse side. If additional space is needed, attach a map.

Other wells -

Well A Owner(s): WR# 27344-D1 GLENN D & LORNA M JOHNSON // WELL C: WR# 27341-D3 YOST FARMS
Address: 1194 ROAD V5 LAKIN KS 67860-6230 // 1106 RD AA LAKIN KS 67860

Well B Owner(s): WR# 27344-D3 VADALENE UNRUH FAMILY TRUST
Address: 6168 C RD COPELAND KS 67837

9. For surface water use, list below the names and addresses of all landowners from a point 1/2 mile upstream to a point 1/2 mile downstream of the tract of land upon which the point of diversion is located. If additional space is needed, attach sheet.

Tract A Owner(s): _____
Address: _____

Tract B Owner(s): _____
Address: _____

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

DAVID CHRIS & CATHERINE UNRUH 25289 HIPWELL LN GRAND VIEW ID 83624
(name, address and telephone number)

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 10-14, 2020.

David M. Vaughn
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.

11. The applicant states that the information set hereon is true and accurate to the best of his/her knowledge.

12. The applicant agrees to waive any right to a hearing on the matter of abandonment of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be on DECEMBER 31, 2020 or within any extension of time authorized by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

13. The applicant agrees to provide water to nearby water users, at no charge to said users, should their rights to use water become impaired by the project proposed by this application.

14. Water use contact person (in event emergency contact is needed):

Name: _____ Telephone No. (____) _____

David M. Vaughn
Signature of Applicant

or

Authorized Representative

10-14-20
Date

Vaughn Nightengale
Applicant's Name Printed

Title

DO NOT WRITE BELOW THIS LINE

CONDITIONS OF APPROVAL:

The applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined. Accurate and complete records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date, shall cause the applicant to be subject to a civil penalty.

The use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized, and such changes in other terms, conditions, and limitation set forth in this approval and permit to proceed as may be deemed to be in the public interest.

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OCT 19 2020

KS DEPT OF AGRICULTURE

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OCT 14 2020

Garden City Field Office
Division of Water Resources

Mike Meyer
Division of Water Resources
4532 Jones Ave.
Garden City, KS 67846

Mike,

Vaughn Nightengale visited with me about his conversation with you regarding authorizing 20.8 acre feet of water from my file # 27343 on SE 19-25-35 to his file # 27344 on NW 30-25-35.

I, Fred, am fine with this move and grant permission to move "water authorization" from my said file # to his said file # this one time and one time only and also dependent on it meeting the conditions and stipulations of DWR.

Thank you,



Fred Ritsema

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.

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To Whom It May Concern,

This is an explanation for the reason of this request on NW 30-25-35

This quarter as well as the one adjoining it to the NE (Fred Ritsema's) were both in potatoes this summer. A company leases the ground and then plants, cares for, and harvests the potatoes. During this time we allow this company to use the irrigation water as they see fit. Freds circle was harvested first and then NW 30-25-35 last, causing this quarter to need much more irrigation water to keep the potatoes in shape until harvest.

As is our custom we planted alfalfa after this potato crop. We knew we were a bit short on water, but presumed it would surely be enough to get a new alfalfa crop started. Alas, due to an unusually dry and warm fall, we are now at a point of a high investment in our new crop, out of water on our authorization, and our new crop soon to be lost if without rain or irrigation.

To try to save our crop we have explored a couple options. First, we considered the "five year plan" but due to a couple short pumping years in our ten year history we are left with a very compromised amount of water to spread out over the next five years. This well is currently authorized for 258 acre feet. The "five year plan" would leave us with an average of only 210 acre feet, likely costing us a cutting of alfalfa each of the next five years and also shortening the life of the stand. Second, we considered running surface pipe from a neighbors circle, but because of physical limitations (lack of available pipe and crossing roadway) we found this option unfeasible.

Relatively, we feel like we need a very small amount of water to carry us to next years' water allotment. Since this adjoining quarter of Freds' has plenty of water authorization left on the meter due to having the advantage of getting to harvest early, I asked him if he would considered allowing us to use 20 acre feet of his allotment if it would meet the approval of DWR. Fred was very understanding and granted permission.

Thank you for considering this request, and feel free to call me with any questions,

Vaughn Nightengale - Partener/Yost Farms

phone - 620-874-1579

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Garden City Field Office
Division of Water Resources

TERM PERMIT, FILE NO.

Section 30 Township 25 South Range 35 West Kearny County



- Proposed Point of Diversion
- Permitted Water Right
- ★ Domestic Well within 1/2 mile
- 1/2 mile buffer

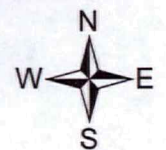
List of owner name and addresses within 1/2 mile:

SEE APPLICATION

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Garden City Field Office
Division of Water Resources

By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

Date AM/GCFO
1:14,000 Scale

[Signature] 10-14-20
(Signature) Date

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 20209073

APPLICANT PERSON ID & SEQ #	75485	PDIV ID	BATTERY ID
<u>57279</u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

LANDOWNER PERSON ID & SEQ #	15519	PUSE ID
<u>58555</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
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**WATER USE CORRESPONDENT
PERSON ID & SEQ #**
57279

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

October 29, 2020

VAUGHN NIGHTENGALE
1452 ROAD W
LAKIN KS 67860

RE: Application, File No(s). **20209073**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. *Garden City Field Office at 620-276-2901*. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program