

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: PD WORKSHEET**

|                                |   |                             |                               |                      |
|--------------------------------|---|-----------------------------|-------------------------------|----------------------|
| 1. File Number:<br><b>6621</b> | 2. Status Change Date:<br><b>6/4/2020</b> | 3. Change Num:<br><b>C4</b> | 4. Field Office:<br><b>04</b> | 5. GMD:<br><b>01</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:<br><b>21-AUG-2013</b> |
|---|---|

|   |   |
|---|---|
| 8a. Applicant(s) <input type="checkbox"/> New to system <input type="checkbox"/><br>Person ID <b>12895</b><br>Add Seq# _____<br><br><b>ERVIN NIGHTENGALE REVOCABLE TRUST<br/>                 ATTN ERVIN NIGHTENGALE<br/>                 3941 WEST ROAD 270<br/>                 SCOTT CITY KS 67871</b><br><br><b>NAME CHG    ADDRESS CHG</b> | 8c. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/><br>Person ID <b>54516</b><br>Add Seq# _____<br><br><b>NIGHTENGALE GRAIN &amp; LIVESTOCK<br/>                 JAMES NIGHTENGALE<br/>                 9961 W RD 270<br/>                 SCOTT CITY KS 67871</b> |
|---|---|

|  |   |
|--|---|
| 8b. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/><br>Person ID _____<br>Add Seq# _____<br><br><b>ERVIN NIGHTENGALE REVOCABLE TRUST<br/>                 ATTN ERVIN NIGHTENGALE<br/>                 3941 WEST ROAD 270<br/>                 SCOTT CITY KS 67871</b> | 8d. WUC <input type="checkbox"/> New to system <input type="checkbox"/><br>Person ID <b>12900</b><br>Add Seq# _____<br><br><b>JAMES NIGHTENGALE<br/>                 9961 W ROAD 270<br/>                 SCOTT CITY KS 67871-6055<br/>                 NO CHANGE</b> |
|--|---|

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/20**     N & P Date to Comply: **12/31/20**

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **05/14/20**    By: **RAK**  
 Date Entered: **6/9/2020**    By: **LMoody**



File No. **6621**      11. County: **SC**      Basin: **LADDER CREEK**      Stream:      Formation Code: **211**      Special Use:

| 12. Points of Diversion     |       |             |      |           |     |     |   |    |      | Rate and Quantity |                    |              |                 |              |                 |                  |
|-----------------------------|-------|-------------|------|-----------|-----|-----|---|----|------|-------------------|--------------------|--------------|-----------------|--------------|-----------------|------------------|
| CHK                         | MOD   | DEL         | PDIV | Qualifier | S   | T   | R | ID | 'N   | 'W                | Comment (AKA Line) | Rate gpm/cfs | Quantity af/mgy | Rate gpm/cfs | Quantity af/mgy | Overlap PD Files |
| ENT                         | 6671  | NW¼ NW¼ SW¼ |      | 21        | 16S | 34W |   | 7  | 2600 | 5200              |                    | 332          | 94.2            | 332          | 94.2            | NO               |
| PD COMMENT 5 YR ALLOCATION  |       |             |      |           |     |     |   |    |      |                   |                    |              |                 |              |                 |                  |
| DEL                         | 21838 | SW NW¼NW    |      | 21        | 16S | 34W |   | 1  | 4025 | 5245              |                    |              |                 |              |                 | NO               |
| PD COMMENT 5% YR ALLOCATION |       |             |      |           |     |     |   |    |      |                   |                    |              |                 |              |                 |                  |

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. **KEEP** Limitation: **2684AF/5YR PERIOD WHEN COM/W #11367, 22310 & 25401**  
 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                   |       |     |     |      |    |    |     |    |    | NE¼  |      |      |      | NW¼  |      |      |      | SW¼  |      |      |      | SE¼  |      |      |      | Total | Owner | Chg? | Overlap Files       |                     |  |
|------------------------------------|-------|-----|-----|------|----|----|-----|----|----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|-------|------|---------------------|---------------------|--|
| CHK                                | MOD   | DEL | ENT | PUSE | S  | T  | R   | ID |    | 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 |       |       |      |                     |                     |  |
| MOD                                | 11049 |     |     |      | 21 | 16 | 34W | 1  |    |      |      |      |      | 20   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   |      |      |      |       | 280   | 8a   | YES                 | 11367; 22310; 25401 |  |
| MOD                                | 30636 |     |     |      | 28 | 16 | 34W | 1  | 40 | 40   |      |      |      | 40   | 40   | 40   | 40   |      |      |      |      |      |      |      |      | 240   | 8A    | YES  | 11367; 22310; 25401 |                     |  |
| ENT                                | 69999 |     |     |      | 28 | 16 | 34W |    |    |      |      | 40   | 40   |      |      |      |      |      |      |      |      |      |      |      |      | 80    | 8C    | YES  | 11367; 22310; 25401 |                     |  |
| Modifications to pu ownership only |       |     |     |      |    |    |     |    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      |                     |                     |  |

Base Acres:      Year:      Minimum Reasonable Quantity:      :

**SPECIAL CONDITIONS Yes See file for details**  
**NEW METER ACTION TRAIL ENTRY**  
**NEW METER ACTION TRAIL**  
 Req No.      Action Code      Compliance date  
                  AS      Anti-Reverse meter required by DWR Approval  
                  AT      Meter Seal Required by DWR Approval



Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 6,621 and 25,401

FO: 4

GMD: 1

**WAIVER REQUEST:**

| UMW              | Date Requested | Rule ID     | Applies        | Rule Type   | Rule Subtype       |
|------------------|----------------|-------------|----------------|---|--------------------|
| IRR              | 08/21/13       | 10          | GMD 1          | Well Spacing  | Ogallala Formation |
| Rule Number      | Date Granted   | Date Denied | Justification: | GMD No. 1 recommends a waiver of K.A.R. 5-21-3(a) and approval of the applications. |                    |
| K.A.R. 5-21-3(a) |                |             |                |   |                    |

**WAIVER RULE:**

| Rule ID | Applicability | Type | Subtype | Rule Number | Date Active | Date Inactive |
|---------|---------------|------|---------|-------------|-------------|---------------|
|         |               |      |         |             |             |               |

Date Prepared 05/7/20 By RAK

Date Entered \_\_\_\_\_ By \_\_\_\_\_

Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 6,621 and 25,401

FO: 4

GMD: 1

**WAIVER REQUEST:**

| UMW              | Date Requested | Rule ID     | Applies        | Rule Type   | Rule Subtype                              |
|------------------|----------------|-------------|----------------|---|---|
| IRR              | 08/21/13       | 14          | GMD 1          | Well Spacing  | Change Exceeds Distance from Current Well |
| Rule Number      | Date Granted   | Date Denied | Justification: | GMD No. 1 recommends a waiver of K.A.R. 5-21-3(d) and approval of the applications. |   |
| K.A.R. 5-21-3(d) |                |             |                |   |   |

**WAIVER RULE:**

| Rule ID | Applicability | Type | Subtype | Rule Number | Date Active | Date Inactive |
|---------|---------------|------|---------|-------------|-------------|---------------|
|         |               |      |         |             |             |               |

Date Prepared 05/7/20 By RAK

Date Entered \_\_\_\_\_ By \_\_\_\_\_



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

**TO:** Files  
**FROM:** Richelle A. Krueger

**DATE:** June 2, 2020  
**RE:** Water Right  
File Nos. 6,621 and 25,401

James Nightengale, POA for Ervin Nightengale, water right owner, filed applications for approval to change the points of diversion, both authorized for irrigation use in the Ladder Creek drainage basin. The reference change applications were filed August 21, 2013 and have been on hold since that time due to concerns about the limited aquifer. Mike Meyer, Water Commissioner of the Garden City Field Office, contacted the owner on April 16, 2020 to ask if he wanted the applications to be further processed. Mr. Nightengale indicated he thought the applications had already been approved and requested we proceed with processing of the applications.

It appears that the water rights are not abandoned as per K.S.A. 82a-718.

The referenced file numbers have no overlaps in their authorized points of diversion. File Nos. 6,621 and 25,401 are subject to a five-year allocation for the same place of use along with Water Right, File Nos. 11,367 and 22,310. File No. 6,621 is authorized 94.2 acre-feet at a diversion rate of 332 gallons per minute from one well located 4,025 feet North and 5,245 feet West of the Southeast corner of Section 21, Township 16 South, Range 34 West, Scott County, Kansas, and File No. 25,401 is authorized a limited quantity of 212 acre-feet at a diversion rate of 400 gallons per minute from a well located 2,600 feet North and 5,200 West of the southeast corner of the aforementioned section. The water right owner proposes to "flip-flop" the authorized diversion rate and quantity between the well now authorized by File No. 6,621 and the well now authorized by File No. 25,401, a distance of approximately 1,426 feet, to put more quantity on the better well. No new wells will be drilled.

There appears to be one domestic well under common ownership and two non-domestic wells right at one-half (1/2) mile of the proposed well for File No. 6,621. There appears to be two non-domestic irrigation wells (Water Right, File Nos. 24,039 and 10,896/10,921) and five domestic wells (two under common ownership) within or located right at one-half mile of the well proposed for File No. 25,401. The proposed changes for File Nos. 6,621 and 25,401 do not meet the 2,640 feet well spacing requirements of K.A.R. 5-21-3(a) to each other and the proposal for File No. 25,401 does not meet 2,640 feet to the well authorized by Water Right, File No. 24,039 since the wells are approximately 1,919 feet apart. In addition, the proposed well moves involve a distance of over 1,320 feet so waivers of K.A.R. 5-21-3(d) are also required.

Nearby well owners were notified of the proposed changes via letters dated November 12, 2013; no responses were received.

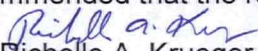
The same local source of supply will not change, which has been previously determined as Ogallala Formation (211).

In a letter dated November 20, 2013, received November 25, 2013, Jan King, former District Manager of the Western Kansas Groundwater Management District No. 1 indicated that Board of Directors recommended approval of the referenced change applications and waivers of K.A.R. 5-21-3 provided the nearby well owners do not submit adverse comments during the 15 day period.

Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he would reserve his recommendations back in 2014, so these applications have been on hold. Mike recently indicated that he further reviewed the hydrology of the area. In addition, he consulted Kyle Spencer, Manager of GMD No. 1 to determine if their recommendation had changed from their earlier recommendation. Based on that information, Mike indicated no objection to approval of the applications in an e-mail dated May 8, 2020.

Anti-reversing water flow meters and sealing the meter to pipe will be required for both file numbers. Check valves are 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, that the changes are reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, and if the Chief Engineer grants waivers of K.A.R. 5-21-3(a) and (d) it has been recommended that the referenced applications be approved.

  
Richelle A. Krueger  
Environmental Scientist



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

ERVIN NIGHTENGALE REVOCABLE TRUST  
ATTN ERVIN NIGHTENGALE  
3941 WEST ROAD 270  
SCOTT CITY KS 67871

RE: Water Right, File Nos. 6,621 and 25,401

Dear Sir or Madam:

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, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Prior to the diversion of water for irrigation purposes, you must install anti-reverse totalizing water flowmeters which meet or exceed specifications adopted by the Chief Engineer. In addition, seals shall be placed on the water flowmeters by the Division of Water Resources in such a manner as to render the meters non-removable from the measuring chamber without breaking the seals. Please contact Mike Meyer, Water Commissioner of the Garden City Field Office at (620) 276-2901 if you have questions regarding the installation of the metering and seals.

Since the 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 this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Richelle A. Krueger". The signature is written in a cursive style.

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

rak

pc: Garden City Field Office  
Groundwater Management District No. 1  
Nightengale Grain and Livestock, Attn James Nightengale



THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Christopher W. Beightel, Acting Chief Engineer


**WAIVER OF REGULATION**  
K.A.R. 5-21-3(a) and K.A.R. 5-21-3(d)  
Well spacing requirements

Date: June 4, 2020

Re: Water Right, File Nos. 6,621 and 25,401

1. That K.A.R. 5-21-3(a) states in part that the minimum well spacing requirement for non-domestic wells which propose the withdrawal of water from the Ogallala Formation shall be a minimum of 2,640 feet from all other non-domestic wells in the Ogallala aquifer.
2. That K.A.R. 5-21-3(d) states in part that the location of a well or wells on an application for approval to change the point of diversion under an existing water right shall be no more than 1,320 feet from the originally authorized point of diversion and shall: (1) not decrease the distance to other wells or authorized well locations by more than 300 feet; or (2) meet the minimum well spacing requirements in this regulation.
3. That applications to change the point of diversion for Water Right, File Nos. 6,621 and 25,401 were received in the office of the Chief Engineer on August 21, 2013. The referenced file numbers, authorized for irrigation use, have no overlaps in their authorized points of diversion but overlap each other in the place of use along with Water Right, File Nos. 11,367 and 22,310. The referenced applications propose to flip flop the authorized diversion rates and quantities between the wells authorized by File Nos. 6,621 and 25,401.
4. That the wells involved in the proposed flip flop for File Nos. 6,621 and 25,401 do not meet 2,640 feet well spacing requirements of K.A.R. 5-21-3(a) to each other since the wells are approximately 1,426 feet apart or the requirements of K.A.R. 5-21-3(d) since the proposed moves are over 1,320 feet. In addition, the proposed change for File No. 25,401 does not meet K.A.R. 5-21-3(a) since the proposed existing well is approximately 1,919 feet from an irrigation well not under common ownership authorized by Water Right, File No. 24,039.
5. That the Board of Directors of Western Kansas Groundwater Management District No. 1 has recommended approval of the applications in a letter dated November 20, 2013 and waivers of K.A.R. 5-21-3 provided the owners of the neighboring wells do not submit adverse comments. No comments of any kind have been received in this office as of today's date.
6. That the referenced applications for File Nos. 6,621 and 25,401 should be approved with waivers of the well spacing requirements of K.A.R. 5-21-3(a) and K.A.R. 5-21-3(d).
7. That waivers of K.A.R. 5-21-3(a) and K.A.R. 5-21-3(d) will not prejudicially or unreasonably affect the public interest and should not impair any existing water rights.

Comments:

  
\_\_\_\_\_  
Christopher W. Beightel, P.E.  
Acting Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Christopher W. Beightel, Acting Chief Engineer

## **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION WATER RIGHT FILE NO. 6,621**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of James Nightengale, P.O.A., on behalf of Ervin Nightengale Revocable Trust, 3941 West Road 270, Scott City, Kansas, 67871, and on behalf of Nightengale Grain and Livestock, 9961 West Road 270, Scott City, Kansas, 67871, received in this office on August 21, 2013, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated November 3, 2000, approving the application to change the place of use, and by the Orders of the Chief Engineer dated April 8, 2008 and June 17, 2013, approving applications to change the point of diversion, place of use and use made of water, finds that the change is reasonable and will not impair existing rights, 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 point of diversion shall be:

one(1) well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 21, more particularly described as being near a point 2,600 feet North and 5,200 feet West of the Southeast corner of said section, in Township 16 South, Range 34 West, Scott County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2020, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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 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.



The owner of the Water Right(s) identified in this order shall install an anti-reverse totalizing water flowmeter which meets or exceed specifications adopted by the Chief Engineer.

A seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the chief engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right. If any such violation occurs, a written order shall be issued by the chief engineer stating the nature of the violation and the civil penalty, suspension of water right or modification to the water right, or any combination of these to be imposed.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 6,621, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 15, 1974, as modified and amended by the aforementioned orders.

Ordered this *4* day of *June*, 2020, in Manhattan, Riley County, Kansas.

*Chris Beightel*

Christopher W. Beightel, P.E.  
Acting Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas     )  
                              ) SS  
County of Riley     )

The foregoing instrument was acknowledged before me this *4<sup>th</sup>* day of *June*, 2020, by Christopher W. Beightel, P.E., Acting Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Ashlee Freeman*  
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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

**CERTIFICATE OF SERVICE**

On this 16 day of June, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 6,621, dated 4 June 2020 was mailed postage prepaid, first class, US mail to the following:

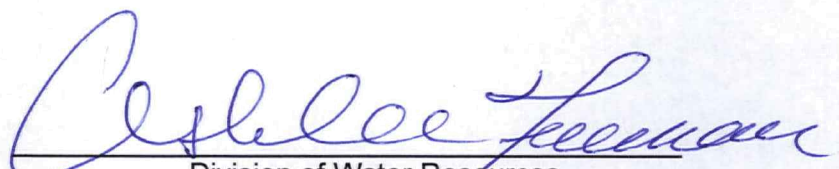
ERVIN NIGHTENGALE REVOCABLE TRUST  
ATTN ERVIN NIGHTENGALE  
3941 WEST ROAD 270  
SCOTT CITY KS 67871

With a true and correct copy to:

NIGHTENGALE GRAIN AND LIVESTOCK  
ATTN JAMES NIGHTENGALE  
9961 WEST ROAD 270  
SCOTT CITY KS 67871

With photocopies to:

Garden City Field Office  
Groundwater Management District No. 1

  
\_\_\_\_\_  
Division of Water Resources