

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/D WORKSHEET

1. File Number: 4948	2. Status Change Date:	3. Change Num: C1	4. Field Office: 4	5. GMD: 3
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change:
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8a. Applicant(s) Person ID 69889 New to system <input type="checkbox"/> Add Seq# _____ JERRY & CHRISTY NICHOLS ETAL 1738 ROAD 70 SUBLETTE, KS 67877-8032	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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8b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ 8a	8d. WUC Person ID 63659 New to system <input type="checkbox"/> Add Seq# _____ BLAKE NICHOLS 354 RD RR SUBLETTE, KS 67837
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2021** N & P Date to Comply: **3/1/2022**

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: **3/19/2021** By: **AM**
 Date Entered: _____ By: _____

File No. **4948** 11. County: **HS** Basin: **ARKANSAS RIVER** Stream: Formation Code: **211** Special Use:

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT

Rate and Quantity

Authorized Additional

Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files

DEL 17824

ENT SE SW SW 33 27S 31W 90 4373 1622 537 1622 537 NONE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						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				
CHK 10503																									

Base Acres: Year: Minimum Reasonable Quantity:

Comments:

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



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

Mike Beam, Secretary

Laura Kelly, Governor

March 19, 2021

JERRY & CHRISTY NICHOLS ETAL
1738 ROAD 70
SUBLETTE, KS 67877-8032

RE: Water Right, File No. 4948

Dear Sir or Madam:

Enclosed is the order executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc: GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

On this 19th day of March, 2021, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 4,948 dated 19th day of March, 2021 was mailed postage prepaid, first class, US mail to the following:

JERRY & CHRISTY NICHOLS ETAL
1738 ROAD 70
SUBLETTE, KS 67877-8032

Pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

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.

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.

File No. 4948

RECEIVED
 10:30 AM
 MAR 11 2021

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

Garden City Field Office
 Division of Water Resources

2. Name and address of Applicant: JERRY & CRISTY NICHOLS ETAL

1738 SUBLETTE, KS. 67877

Phone Number: (620)668-0072 Email address: _____

Name and address of Water Use Correspondent: JERRY & CRISTY NICHOLS ETAL

1738 SUBLETTE, KS. 67877

Phone Number: (620)668-0072 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: 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				

For Office Use Only: Code _____ Fee \$ 100.00 TR # _____ Receipt Date 3-11-21 Check # 1344

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ CW _____ Quarter of the _____ SW _____ Quarter
 of Section _____ 33 _____, Township _____ 27 _____ South, Range _____ 31 _____ (W),
 in HASKELL _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate 1,622 GPM Authorized Quantity 537 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 1 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ SE _____ Quarter of the _____ SW _____ Quarter of the _____ SW _____ Quarter
 of Section _____ 33 _____, Township _____ 27 _____ South, Range _____ 31 _____ (W),
 in HASKELL _____ County, Kansas, _____ 90 _____ feet North 4373 feet West of Southeast corner of section.
 Proposed Rate 1622 GPM Proposed Quantity 537 AF Proposed well depth (feet) _____
 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 _____ (W),
 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: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (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. The changes herein are desired for the following reasons?
 (please be specific) lack of production on current PD

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

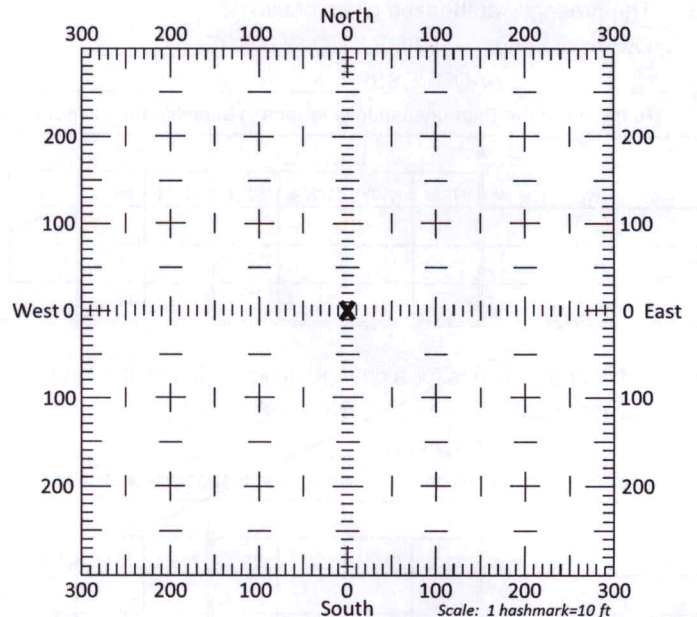
9. The change(s) (was)(will be) completed by?

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
To be plugged
 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by CAC

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of 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



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

14. If the proposed groundwater point of diversion is 300 or fewer feet from the 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 regards 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 Adm - Country corner Kansas, this 9 day of March, 2021

Jerry Hatch

(Owner)

(Spouse)

Serry Nichols

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Neosho } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 10th day of March, 2021.

Shelly M. Downing
Notary Public

My Commission Expires Feb 9, 2022

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

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. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 4948.

1. A change application was received on March 11, 2021 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.
2. 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
3. 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 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 300 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. 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 with K.A.R. 5-6-13. Applicable Not Applicable
7. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2021, 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. 5-3-5e, 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
8. Installation of the works for diversion of water shall be completed on or before December 31, 2021, or within any authorized extension of time. By March 1, 2022 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
9. The completed well log shall be submitted with the required notice. Applicable Not Applicable
10. 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 Not Applicable
11. Additional Conditions are attached. Yes No
12. 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.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Austin McColloch
Duly Authorized Designee of the Chief Engineer
(Print Name): Austin McColloch
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: March 19, 2021
State of Kansas }
County of Tinney } SS

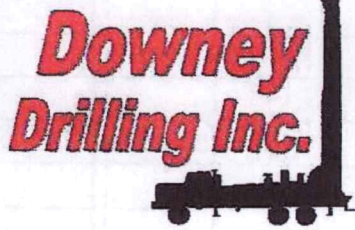
Acknowledged before me on March 19, 2021
by Austin McColloch
Signature: Julie Jones
Notary Public

My commission expires: _____
JULIE JONES
My Appointment Expires
(Notary Seal) December 15, 2022



WELL LOG

DATE: 3/3/2021



90' N / 13.73' W
SE SW SW

CUSTOMER NAME: M & D NICHOLS LLC c/o JERRY NICHOLS TH#1

LEGAL: SW 33-27S-31W

COUNTY: HASKELL CO, KS

WR # 4948 #1

GPS: 37.649488

-100.722358

LOGGER:

DRILLER: DIEGO VALLE

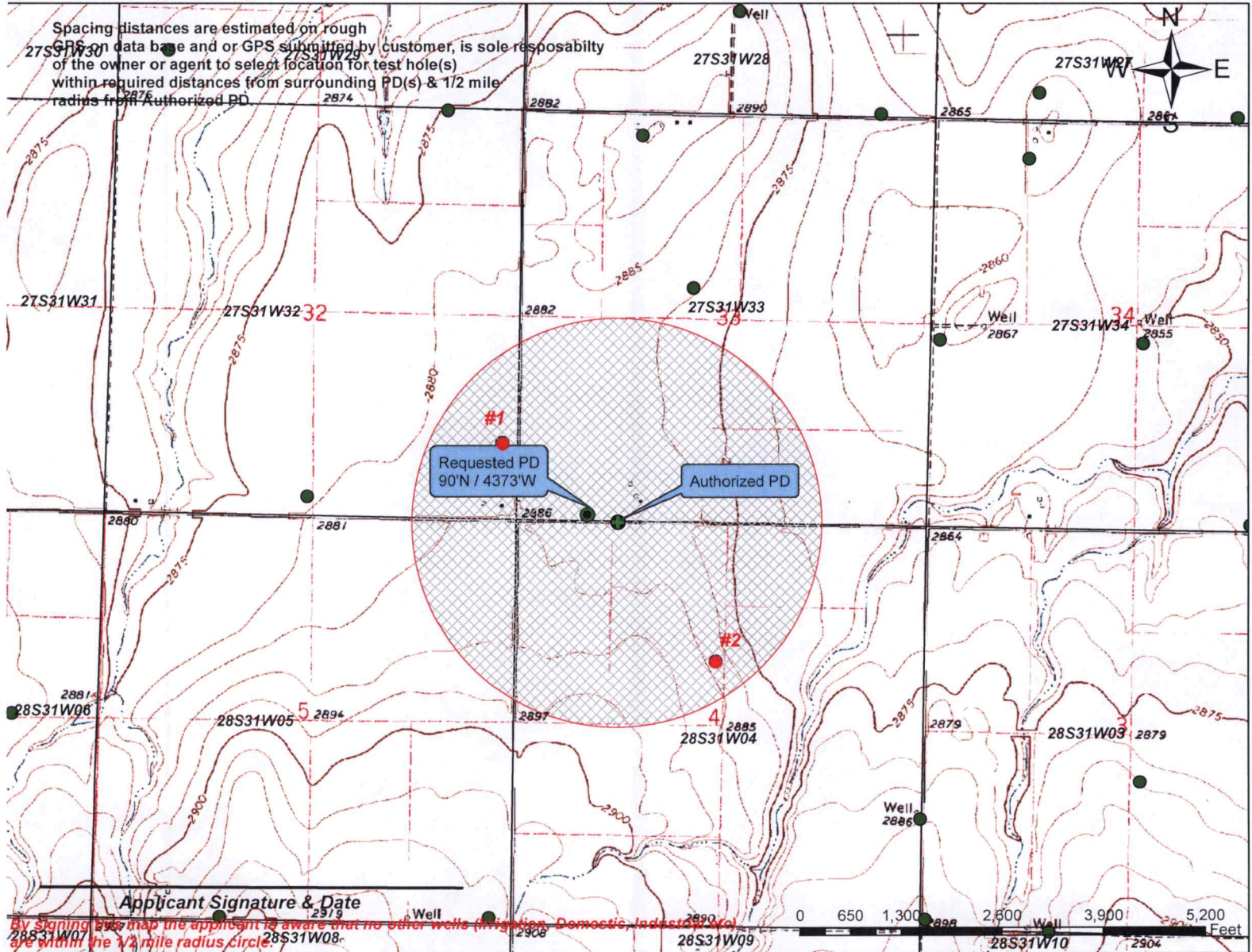
WO: 20-1421

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	6	TOPSOIL	SOFT	DARK BROWN	FAST		SMOOTH
	6	19	BROWN SILTY CLAY	SOFT	BROWN	SEMI-SLOW		SMOOTH
	19	90	SANDY CLAY W/ FINE SAND	SOFT	BROWN	FAST		SMOOTH & VIBRATION
	90	95	CEMENTED SAND	HARD		FAST		CHATTER
	95	107	SANDY CLAY W/ FINE SAND	SOFT	TAN	FAST		SMOOTH & VIBRATION
	107	194	FINE-MED-COARSE SAND W/ MED-LARGE GRAVEL	STIFF		FAST		CHATTER
	194	208	FINE SAND	SOFT		FAST		VIBRATION
	208	236	FINE-MED-COARSE SAND W/ FINE GRAVEL	STIFF		FAST		FAST CHATTER
	236	238	CEMENTED SAND	HARD		SLOW	X	CHATTER
	238	260	FINE-MED SAND W/ SANDY CLAY	FIRM		FAST		CHOPPY & SMOOTH
	260	263	CEMENTED SAND	HARD		SLOW	X	CHATTER
	263	270	FINE-MED SAND W/ SANDY CLAY LAYERS	FIRM		FAST		CHOPPY & SMOOTH
	270	333	CLAY	STICKY	BLUE GRAY	FAST		SMOOTH
	333	341	MED SAND	FIRM	BLUE	FAST		VIBRATION
	341	409	MED-COARSE SAND W/ FINE GRAVEL/ CEMENTED SAND & LIMEROCK LEDGES	STIFF	BLUE GRAY	FAST		FAST CHATTER
	409	441	SANDY CLAY W/ MED SAND	SOFT		FAST		SMOOTH & CHOPPY
	453	463	MED-COARSE SAND, TR. FINE GRAVEL	SOFT	TAN	FAST		FAST CHATTER
	463	523	SANDY CLAY W/ MED SAND & CEMENTED SAND LAYERS	SOFT & SEMI-FIRM	TAN	FAST		SMOOTH & CHOPPY
	523	553	FINE-MED-COARSE SAND W/ FINE GRAVEL	STIFF		FAST		CHATTER
X	553	572	BROWN ROCK W/ FINE GRAVEL	HARD	BROWN	FAST		CHATTER
	572	574	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
X	575	593	MED-COARSE SAND W/ BROWN ROCK	HARD		FAST		CHATTER
	593	599	CLAY, SHALE	STIFF	GRAY	SLOWER		SMOOTH
	599	607	SAND, SANDSTONE	SOFTER	GRAY	FAST		LT. CHATTER
	607	614	SHALE	STIFF	GRAY	SLOWER		SMOOTH
	614	620	SANDSTONE	FIRM	GRAY	FAST	X	CHATTER
	621	626	SHALE	STIFF	BLUE	SLOW		SMOOTH
X	626	633	SANDSTONE	SOFTER	GRAY	FASTER		LT. CHATTER
	640	673	SHALE	SOFT	BLUE	SLOW		SMOOTH
	673	735	SHALE W/ SANDSTONE LAYERS	SOFT & STIFF		FASTER		SMOOTH & CHOPPY
	735	737	REALLY HARD LAYERS, HARD PULL DOWN					
			1000 PSI DRAG BIT WOULD NOT CUT					
			QUIKGEL - 7	CASING SEAL - 1				
			WATER LOADS - 2					
			SODA ASH - 1/4					

STATIC 325'









**Point of Diversion Change WR 4948
T27S R31W Section 33
Haskell Co.**



Spacing distances are estimated on rough GPS or data base and or GPS submitted by customer, is sole responsibility of the owner or agent to select location for test hole(s) within required distances from surrounding PD(s) & 1/2 mile radius from Authorized PD




Applicant Signature & Date

By signing this map the applicant is aware that no other wells (irrigation, Domestic, Industrial) are within the 1/2 mile radius circle.

-  Authorized PD
-  Requested PD
-  Point of Diversion
-  Half Mile Radius
-  Active Water Right w/in 1/2 mile
-  domestic well w/in 1/2 mile
-  Authorized PU
-  Requested PD

- Water Right w/ in 1/2 mile & Owner(if apply)**
-  #1 Water Right No 5451 Edna Eck
 -  #2 Water Right No 16272 Lawrence Withers

- Domestic well w/ in 1/2 mile & Owner (if apply)**
-  A.- Domestic well