## 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 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

of c	liversion a	nd/or p	lace of	use.													4	CEI 19 19 19 2 4	
						F	File No	). <u>2985</u>	59					-			MA	124	2022
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	under the	e water	right v	vhich is	s the si	ubject	of this	applic	ation i	n acco	rdance	e with t	the co	ndition	s desc	ribed l	pelow.		
	The sour	ce of su	upply is	s:		⊠ G	Ground	water			Surfac	ce wat	er						
2.		Name and address of Applicant: MIKE & EVANGELYN NIGHTENGALE  1011 XX RD COPELAND KS 67837																	
	Phone N	umber:	(620)	272-2	068				Email	addre	ss: <u>va</u>	ngieni	ghteng	ale@h	otmail	l.com			
	Name ar	d addre	ess of	Water	Use C	orresp	onden												
Phone Number: () Email address:																			
		ADDRESS:																	
	(If there is								eets as	neces	sary.)								
	NE1/4					NW1/4				SW1/4				SI	TOTAL				
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#### APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

### FILE NO. <u>5075</u>; <u>14135</u>; <u>23383</u>; <u>28481 & 29859</u> MAKE ADDITIONAL COPIES AS NECESSARY

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		/	ADDRI	ESS:	1011 X	(X RD	COPE	LAND	KS 67	7837										
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5.	Presently authorized poi	nt of diversion:			
	One in the	Quarter of the		Quarter of the _	Quarter
					(W),
	in	County, Kansas,	feet North	feet West o	of Southeast corner of section.
	Authorized Rate	_ County, Kansas, Authorized Quantity _		Depth of well	(feet)
	(DWR use only: Comput	er ID No GPS	3	feet North	feet West)
	☐This point will not be chan	ged This point will be changed	as follows: [	No change, point bette	r described with GPS as follows:
- 1	Proposed point of divers	ion: (Complete only if change	is requeste	ed or if existing point	is better described by GPS)
	One in the	Quarter of the		Quarter of the _	Quarter
					(W),
	in	_ County, Kansas,	feet North _	feet West of	of Southeast corner of section.
	Proposed Rate	Proposed Quantity		Proposed well dep	th (feet)
	This point is:   Additiona	I Well ☐ Geo Center List ot	er water righ	nts that will use this poi	nt
_					
6. F	Presently authorized poi	nt of diversion:			
	One in the	Quarter of the		Quarter of the	Quarter (W),
	of Section	, Township		South, Range	(W),
		County, Kansas,			
	Authorized Rate	Authorized Quantity		Depth of well	(feet)
	(DWR use only: Comput	er ID No GPS		feet North	feet West)
	☐This point will not be chan	ged This point will be changed	as follows:	☐ No change, point better	described with GPS as follows:
	Proposed point of divers	ion: (Complete only if change	e is requeste	ed or if existing point	is better described by GPS)
	One in the	Quarter of the		Quarter of the	Quarter
		, Township			(W),
		_ County, Kansas,			
		Proposed Quantity			
	This point is:  Additiona	I Well Geo Center List oth	ner water righ	nts that will use this poi	nt
7.		esired for the following reasons	?		
	(please be specific) MOVE / BETTER FIT OPERATION.	ACRES AROUND TO	300	200 100 No	
		4135; 23383; 28481; 29859			Endundanianian a
			-	/_	
8.	If a well, is the test hole log	attached? 🗌 Yes 🔛 No	200	-1/4 1 + 1 =	200
0	The change (a) (was) (will be	) sampleted by 2			
9.	The change(s) (was)(will be		E		
	UPON APPROVAL		100	<i>F</i>   +   +   =	100
10	If the point of diversion is a	well:	#		
10.	(a) What are you going to d		West 0	Հայաստիավագիս	0 East
	(a) What are you going to t	do with the old well?	<b>‡</b>		
	N / A		Ė	-	
	(b) When will this be done?	>	100	<del>    +   +   =</del>	1 + 1 + 1 100
	(1)			-\	/=
11.	Groundwater Management [	District recommendation attached	? 200	-1 + 1 =	200
	☐ Yes ☐				
12.	Assisted by AM / GCFO		300		100 200 300
132	If the proposed point of diver	rsion will be relocated more than 3		Sou	
. Ju	feet but within 2.640 feet of t	he existing point of diversion, atta	ch 13b.If the	proposed point of diver	rsion will be relocated within a 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

3b.If the proposed point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

<ol> <li>If the proposed groundwater point of diversion is 300 or fewer feet from</li> </ol>	om the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently auth ☐ Yes ☐ No (If no, all owners must sign this applied	
<ul> <li>(b) Will the ownership interest of any owner of the currently author affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this application)</li> </ul>	•
(c) If this application is not approved expeditiously, will there be sub ☐ Yes ☐ No (If no, all owners must sign this applied	
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet, of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this appropriate in this application are true, correct and complete.	ized agent of the owner(s) to make this application on
Dated at, Kansas, this	24 day of May, 20 22.
Man (Owner)	Evangelyn Dyttingale (Spouse)
Mike Wightensale	Evangelyn Nightengale (Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas  County of SS	. U
I hereby certify that the foregoing application was signed in r	my presence and sworn to before me this 24 day
JULIE JONES  No Appointment Expires  PUBLIC My Appointment Expires  December 15, 2022	Notally Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	
FEE SCHEDL	JLE
Each application to change the place of use or the point of diversion undeforth in the schedule below: Make checks payable to: <b>Kansas Departm</b> (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 t \$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. 29859 A change application was received on 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 \_\_\_\_\_\_foot radius of the authorized point(s) of diversion. 

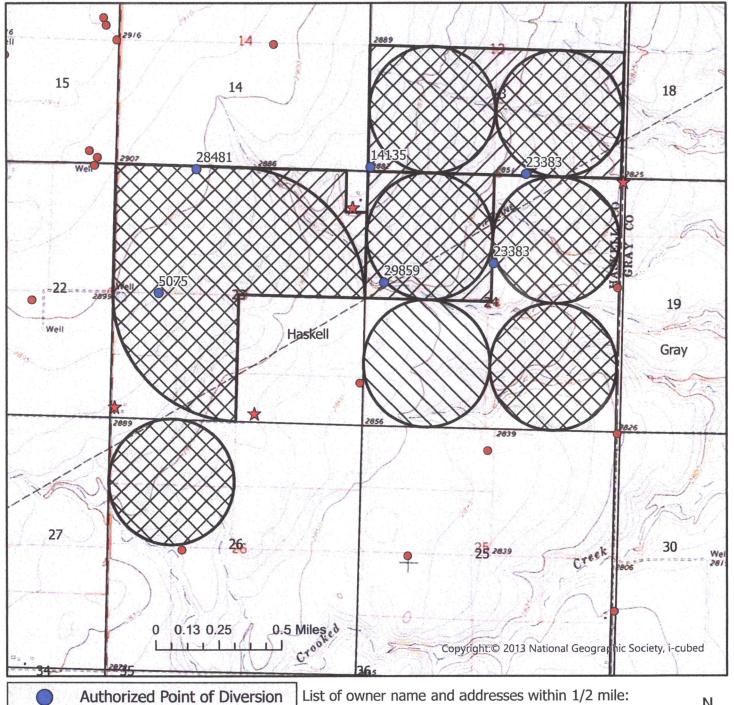
Applicable 

Not Applicable 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 The point(s) of diversion authorized herein\_shall not actually be located more than \_\_\_\_\_\_ feet from the previously authorized point(s) of diversion. ☐ Applicable ☐ Not 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 with ☐ Applicable ☐ Not Applicable 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, 20\_\_\_\_\_, 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 at fellowing the and of the water flow meter and the total quantity of water dispersions are considered and properly to the Chief Engineer by Meant of Floring the and 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. ☐ Not Applicable 8. Installation of the works for diversion of water shall be completed on or before December 31, 20 stallation of the works for diversion of water shall be completed on or before December 31, 20\_\_\_\_\_, or within any authorized extension of time. By March 1, 20\_\_\_\_\_ 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. ☐ 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED 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 Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within **30** days pursuant to K.S.A. 77-531. Any request for administrative (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: \_\_ Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. For Use by Register of Deeds County of \_\_\_\_\_ Acknowledged before me on \_\_\_\_\_ Signature: \_\_\_\_\_ Notary Public My commission expires: \_\_\_\_\_ (Notary Seal)

# CHANGE IN PLACE OF USE WATER RIGHT FILE NOS. 5075; 14135; 23383; 28481 & 29859



Permitted Water Right

Domestic Well within 1/2 mile

Authorized Place of Use

Proposed Place of Use



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 1:24,000 Scale



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

Mike Beam, Secretary

Laura Kelly, Governor

May 25, 2022

HIGH PLAINS RANCH LLC 12225 E HIGHWAY 160 SATANTA, KS 67870

> RE: Application for Change Water Right, File Nos. 5075; 14135; 23383; 28481 & 29859

Dear Sir or Madam:

This is to advise you that Mike Nightengale has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use under the above referenced file numbers.

From: a total of 1,284 acres in Sections 13, 23, 24 and 26, all in Township 28 South, Range 31 West, Haskell County, Kansas,

To: a total of 1,284 acres Sections 13, 23, 24 and 26, all in Township 28 South, Range 31 West, Haskell County, Kansas,

You can find the complete applications posted by water right file number as referenced above at: <a href="https://www.Agriculture.ks.gov/DWRNotices">www.Agriculture.ks.gov/DWRNotices</a>

You are notified on this proposed change in the place of use so that you may furnish this office with any comments or other information you 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 contact this office. If you would prefer, you could arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Austin J. McColloch

Assistant Water Commissioner

AM: enclosures

pc:



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

Mike Beam, Secretary

Laura Kelly, Governor

May 25, 2022

BARBARA RIPHAHN 2318 150TH RD COPELAND, KS 67837

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Austin J. McColloch

Assistant Water Commissioner

AM: enclosures

pc:



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

Mike Beam, Secretary

Laura Kelly, Governor

May 25, 2022

KENNETH & SHIRLEY NICKEL 2352 110TH RD COPELAND, KS 67837

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

Mike Beam, Secretary

Laura Kelly, Governor

May 25, 2022

6-T FARMS Attn: NANCY DOTTS BOX 351 MONTEZUMA, KS 67867

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It. Malla

Assistant Water Commissioner

AM: enclosures

pc:



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

Mike Beam, Secretary

Laura Kelly, Governor

May 25, 2022

ROXIE JTUCKER TRUST 1005 BB RD COPELAND, KS 67837-8017

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Assistant Water Commissioner

AM: enclosures

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