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.

	ersion and/or p				F	-ile No	5075	;					-				CEI 4:15 Y 2 4	VED 2022
1. <i>F</i>	Application is h	ereby r	nade fo	or appr		of the C		nginee		nange i			ne or b	oth):	Ga Divis	arden sion of	City Fig Water	eld Office Resources
ι	inder the water	right v	vhich is	s the si	ubject	of this	applic	ation i	n acco	rdance	e with t	the cor	ndition	s desc				
7	The source of s	upply i	s:		⊠ G	Ground	water			Surfac	ce wat	er						
2. 1	Name and addr	ess of	Applica	ant: <u>M</u>	IKE &	EVAN	IGELY	N NIG	HTEN	GALE								
1	011 XX RD C	DPELA	ND KS	6783	7													
	Phone Number										ngieni	ghteng	ale@h	otmail	.com			
١	Name and addr	ess of	Water	Use C	orresp	onden	t: SAM	ME AS	ABO\	/E								
F	Phone Number	: ()					Email	addres	ss:								
	Owner of Land					CMEN	IT											
			ESS:															
(If there is more t									sary.)								
			NE	Ξ1/4			NV	N¹/4			SV	N1/4			SI	E1/4		TOTAL
Sec.	Twp. Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
		-																
		-												ļ		-		
4. I	f this applicatio	n ie for	e cha	nae in	nlace	of use	it is n	ronose	ed that	the nl:	ace of	use he	- chan	ned to				
	Owner of Land			_									100	-				
`			ESS:															
(If there is more t									sary.)								
			NE	Ξ1/4			NV	N¹/4			SV	N¹/4			SI	E1/4		TOTAL
Sec.	Twp. Range	NE1/4	T		SE1/4	NE1/4			SE1/4	NE1/4	NW1/4	T	SE1/4	NE1/4	NW1/4	Т	SE1/4	ACRES
														11				

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

3. Continued: The presently authorized place of use is:
Owner of Land ---- NAME: MIKE & EVANGELYN NIGHTENGALE

		1	ADDRI	ESS:	10117	(X KD	COPE	LAND	NS 0	/83/									
				NE	Ξ1/4			NV	V1/4			SV	V1/4			SE	=1/4		TOTAL
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
13	28S	31W									40	40	40	40	40	40	40	40	320
23	28S	31W	34	40	40	40	40	40	40	40	40	36	13	36					439
24	28S	31W	30	30	30	30	40	40	40	40					30	30	30	30	400
Owner of Land NAME: MIKE & EVANGELYN NIGHTENGALE																			
	WIICI O				1011 >														
	NE¼							NV	V1/4			SV	V1/4			SI	=1/4		TOTAL
Sec.	Twp.	Range	NE1/4	Г		SE1/4	NE1/4			SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4			SE1/4	ACRES
26	28S	31W	142/4	1400/4	000/4	OL/4				31.25	142/4	1111/4	01174	02/4	11274	7,117,4	011,1	02,4	125
	200	3100					01.20	01.20	01.20	01.20									
				–	L						IL	I							
O	wner o	f Land -	NA Addri																
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4. Co	ontinu	ed: If th	ic ann	lication	ic for	a chai	ago in	nlaco (of use	it is n	ronose	d that	the nla	ace of	usa he	chan	ned to:		
		f Land -										u mat	ti io pie	100 01	u30 b0	, orran	gea 10.		
		/	ADDRI	ESS:	1011 >	(X RD	COPE	LAND	KS 67	7837									
			T								II .				П				

				NE	Ξ1/4		NW1/4			SW1/4				SE1/4				TOTAL	
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE¼	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
13	28S	31W									31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	250
23	28S	31W	12	36	40	36	40	40	40	40	40	36	13	36					409
24	28S	31W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	500

Owner of Land ---- NAME: MIKE & EVANGELYN NIGHTENGALE
ADDRESS: 1011 XX RD COPELAND KS 67837

				NE	Ξ1/4		NW1/4			SW1/4			SE1/4				TOTAL		
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	ACRES												
26	28S	31W					31.25	31.25	31.25	31.25									125

				NE	Ξ1/4		NW1/4			SW1/4				SE1/4				TOTAL	
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	ACRES												

DWR 1-121-2 (Revised 5/1/2019)	Page	File No.

5.	Presently authorized po	oint of diversion:			
	One in the	Quarter of the		Quarter of the	Quarter
	of Section	, Township		South, Range	(W),
		County, Kansas,			
		Authorized Quantity			
		ster ID No G			
		nged This point will be chan	-		
- [sion: (Complete only if char			
					Quarter
					(W),
					Southeast corner of section.
					(feet)
L	This point is: Addition	al Well 🔲 Geo Center List	other water rig	hts that will use this poin	t
_					
6.	Presently authorized po				
	One in the	Quarter of the		Quarter of the	Quarter (W),
		County, Kansas,			
		Authorized Quantity			
	7	ıter ID No G nged ☐This point will be chan			
		•	_		
- 1		sion: (Complete only if char			
		Quarter of the			
		, Township			
					Southeast corner of section.
		al Well Geo Center List			
L	This point is. Addition	ai Well	other water ng	ints that will use this poin	
7.	The changes herein are	desired for the following reason	ons?		
		ACRES AROUND TO		Nort	
		I. ALREADY COMPLETE 14135; 23383; 28481; 29859	_ 30		100 200 300
	OVERENT WITTEL OUTO,	14100, 20000, 20401, 20000	_	= -/- =	
8.	If a well, is the test hole log	g attached? Yes No	200	141+1=	1 + 1 + 1 = 200
9.	The change(s) (was)(will be	e) completed by?			
	UPON APPROVAL		_ 100	/ + + =	+ + 100
10.	If the point of diversion is a	well:			1
	(a) What are you going to	do with the old well?	West 0	 	
	N / A		_		- 100
	(b) When will this be done	?	- 100		
11.	Groundwater Management	District recommendation attach	ned? 200	-141-	+ + = 200
	☐ Yes ⊠	No			_ /_ =
12	Assisted by AM / GCFO				
12.	Addition by AIVI / GOI O		_ 30	0 200 100 0 Sout	100 200 300 h Scale: 1 hashmark=10 ft
		ersion will be relocated more than			ion 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.)

14. If the proposed groundwater point of diversion is 300 or fewer feet fr	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 appli	
 (b) Will the ownership interest of any owner of the currently authoral 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 sul ☐ Yes ☐ No (If no, all owners must sign this appli	
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 owners agent (attach notarized statement authorizing representation).	
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 ap contained in this application are true, correct and complete.	rized agent of the owner(s) to make this application on
Dated at, Kansas, this	24 day of
Man	Grouse)
(Please Print)	Evangelyn Nightengale (Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of SS	244
I hereby certify that the foregoing application was signed in of 20 22.	my presence and sworn to before me this <a>A7 day
My Commission Expires JULIE JONES My Appointment Expires December 15, 2022	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.	
FEE SCHED!	ULE
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	er this section shall be accompanied by the application fee set tent 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 the Kansas Conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 5075 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.

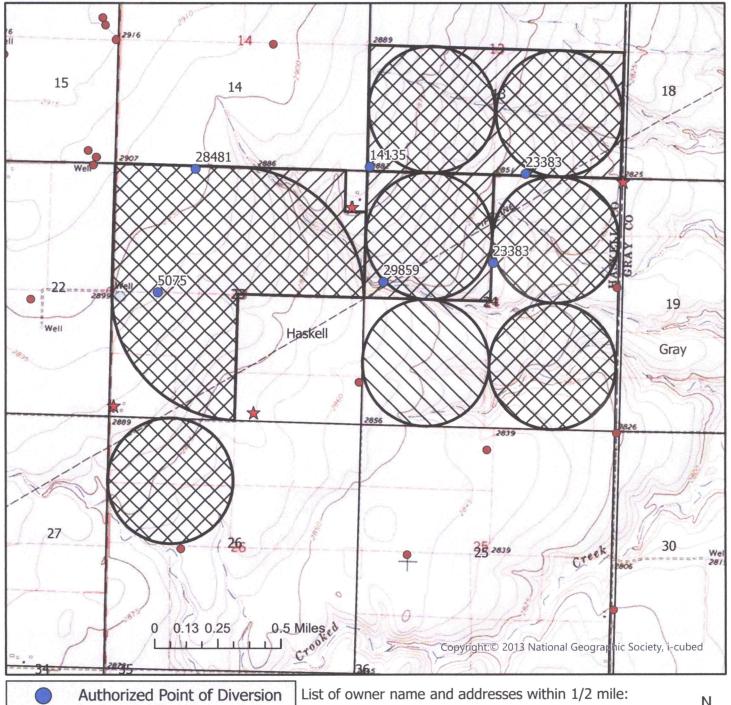
Applicable

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 K.A.R. 5-6-13. ■ Not Applicable Applicable 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 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 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 Applicable 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, you may request an evidentiary hearing before the Chief SUMMARY ORDER ISSUED 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 By: ___ 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 review must state a basis for review pursuant to K.S.A. 77-527. (Print Name): 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.) SS For Use by Register of Deeds County of _____ Acknowledged before me on _____ by ___ 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: www.Agriculture.ks.gov/DWRNotices

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

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

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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

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

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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

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

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

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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

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

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

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Assistant Water Commissioner

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