

File No. **4425** 11. County: **SC** Basin: **LADDER CREEK** Stream: Formation Code: **211** Special Use:

12. Points of Diversion
CHK
MOD
DEL
ENT PDIV Qualifier S T R ID 'N 'W **Comment (AKA Line)** Rate gpm Quantity af Additional Rate gpm Quantity af Overlap PD Files

DEL4797

ENT **LOT 5 (SWNW)** **6** **17** **34W** **3333** **4917** **600** **320** **600** **320** **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 34746																				

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

December 19, 2023

ROBERT M & CONNIE NIGHTENGALE TRUSTS
2225 50TH RD
COPELAND, KS 67837-7019

RE: Field Office Application for Change
Water Right, File Nos. 4425

Dear Madam or Sir:

Enclosed is an 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 these approvals 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.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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 "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM:
Enclosures

pc: KASEY NIGHTENGALE (w/encl)

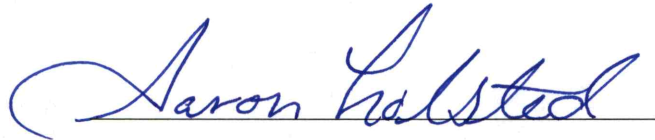
CERTIFICATE OF SERVICE

On this 19th day of December 2023, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 4,425 dated 19th day of December 2023 was mailed postage prepaid, first class, US mail to the following:

ROBERT M & CONNIE NIGHTENGALE TRUSTS
2225 50TH RD
COPELAND, KS 67837-7019

pc:

KASEY NIGHTENGALE
9961 W RD 270
SCOTT CITY, KS 67871

A handwritten signature in blue ink that reads "Aaron Halsted". The signature is written in a cursive style and is positioned above a horizontal line.

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. 4425

RECEIVED
 2:19
 DEC 18 2023

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

Garden City Field Office
 Division of Water Resources

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

2. Name and address of Applicant: KASEY NIGHTENGALE BOB NIGHTENGALE
9961 WRD 270 SCOTT CITY KS 67874 2225 SO ROAD COPELAND, KS 67837

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: NO CHANGE SAME BOB NIGHTENGALE

Phone Number: (620) 271-3536 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: _____

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: _____

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 12-18-23 Check # 8643

5. **Presently authorized point of diversion:**
 One in the CW Quarter of the SW Quarter of the NW Quarter
 of Section 6, Township 17 South, Range 34 W,
 in SC County, Kansas, 3300 feet North 5100 feet West of Southeast corner of section.
 Authorized Rate ---- Authorized Quantity --- 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 NW Quarter of the SW Quarter of the LOT 5 (SWNW) Quarter
 of Section 6, Township 17 South, Range 34 W,
 in SC County, Kansas, 3333 feet North 4917 feet West of Southeast corner of section.
 Proposed Rate ----- Proposed Quantity ----- Proposed well depth (feet) 198
 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 (E/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 (E/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) PHYSICAL ISSUES
NOT USEABLE

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

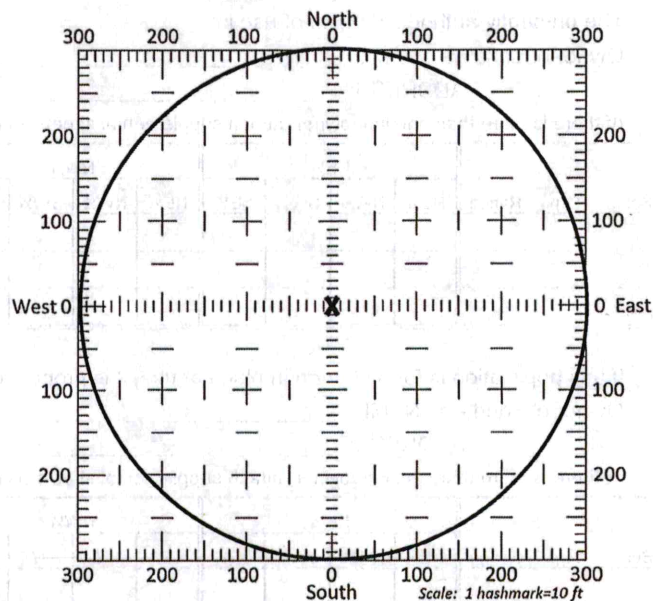
9. The change(s) (was)(will be) completed by?
ASAP

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

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by MM/GCFO

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 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 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 GARDON CITY, Kansas, this 18TH day of DECEMBER, 2023.

<u>Robert Nighfengale</u> (Owner)	
<u>Robert Nighfengale</u> (Please Print)	

State of Kansas }
 County of FINNEY } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18TH day of DEC, 2023.

My Commission Expires 9-14-26

NOTARY PUBLIC
STATE OF KANSAS

CATHERINE REINERT
 NOTARY PUBLIC
 STATE OF KANSAS
 My App. Exp. Sept. 14, 2026

Catherine Reinert
Notary Public

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



Kansas Water Wells inc.

Test# 4

P1

Customer	Bob Nightengale	Date	12/12/23
Address	2225 50 Road	City/State	Copeland, Kansas 67837
County	Scott	Quarter	NW
		Sec.	6
		Township	17
		Range	34
GPS Format	WGS-84	Lat.	N38.607585
		Long.	W-101.126970
Static Water Level	169'	Well Depth	198' + Sump

From	Pay	To	Description of Strata
0		2	Top soil
2		37	Brown sandy clay
37		44	Fine-med sandy grey clay
44		57	Fine-med sand/small white rock/limestone ledges
57		72	Fine sandy white & red clay/lime rock
72		92	Fine sandy red clay
92		100	Fine-med sand
100		103	Cemented fine sand/gyp
103		105	White clay/limestone ledges
105		107	Fine-coarse sand
107		120	Fine sandy white & grey clay
120		125	Fine-coarse sand
125		134	Brown sandy clay/soapstone
134		148	Super fine sand/clay
148		157	Super fine-fine sand
157		162	Fine-med sand
162		170	Super fine-fine sand
170	4	174	50% fine/50% med sand
174	5	179	30% super fine/40% fine/10% med-coarse sand/20% clay (little loose) used about 50 gallons of water
179	5	184	40% fine/50% med-coarse/10% clay (little loose)
184	10	194	20% fine/80% coarse sand & small brown & white 1/8" gravel (very loose) used about 80-90 gallons of water
194	4	198	1/8" small gravel mixed with yellow clay; @ 194' it was mostly Gravel; by 198' it was mostly clay, used about 75 gallons of water
Location From Old Hole		Approx. 150' NNE	
Bags Of High Yield	5	Bags Of Hole Plug	1

Signature 

test #4

P.2

From	Pay	To	Description of Strata
198		222	Soft black shale
	28		Total pay
	9		Fair pay
	9		Good pay
	10		Excellent pay
		Note	184'-194' I have rated excellent because the size and how loose it was. The bit was getting dull and this 10' it nearly fell through; it also produced a significant amount of cuttings.
			Caution: super fines were present on nearly every sample above 180', maybe only 15' of screen from 183'-198' would prevent a sand pumper without having to choke it off using fine gravel and small slot size. This would also make it possible to place a baffle at 180' to pull a vacuum without the risk of a pump getting stuck in the hole due to sand building up above the baffle.

