

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

1. File Number: 14230	2. Status Change Date:	3. Change Num: C2	4. Field Office: 02	5. GMD:
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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: 12/16/19
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8a. Applicant(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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8b. Landowner(s) Person ID 58894 New to system <input type="checkbox"/> Add Seq# 1 NUSS FARMS INC ATTN: JARRELL D NUSS 521 EDISON ST JETMORE, KS 67854-9067	8d. WUC Person ID 13047 New to system <input type="checkbox"/> Add Seq# 1 JARRELL D NUSS 521 EDISON ST JETMORE, KS 67854-9067
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9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/20 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/20
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> H & E Letter
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: 12/18/19 Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: 12/18/19 By: TJS
Date Entered: _____ By: _____

File No. **14230** 11. County: **HODGEMAN** Basin: **Buckner Creek** Stream: --- Formation Code: **180 (Undiff Kansan / Nebraskan)** Special Use: ---

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
DEL	6848							2								None
ENT		NE SW NW		11 24S 24W					3859	4554		No change to rate or quantity				None
MOD	3397	NE SW NE		11 24S 24W	1				3487*	1401*						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																		Total	Owner	Chg?	Overlap Files								
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼					SE¼							
									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	15028							1																		8b.	No	None	

Base Acres: --- Year: --- Minimum Reasonable Quantity: ---
 Comments: * No change to pdiv 3397, only better describing footages using GPS values.

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**



WATER METER REQUIRED

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.

RECEIVED
 9:50 AM
 DEC 16 2019

File No. 14230

Stafford Field Office
 Division of Water Resources

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

2. Name and address of Applicant: JARRELL D NUSS - NUSS FARMS INC
521 EDISON ST JETMORE KS 67854-9067
 Phone Number: (620) 357-8772 Email address: jdnuuss@ucom.net
 Name and address of Water Use Correspondent: SAME AS ABOVE

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: SAME AS ABOVE
 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 \$ 200 TR # _____ Receipt Date _____ Check # 5435

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ NC _____ Quarter of the _____ NW _____ Quarter
 of Section _____ 11 _____, Township _____ 24 _____ South, Range _____ 24 _____ (E/W),
 in HG _____ County, Kansas, _____ 3960 _____ feet North _____ 3960 _____ feet West of Southeast corner of section.
 Authorized Rate 680 GPM Authorized Quantity 160 AF (Comb.) Depth of well _____ (feet)
 (DWR use only: Computer ID No. 12077 GPS 3830 feet North 3975 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 _____ NE _____ Quarter of the _____ SW _____ Quarter of the _____ NW _____ Quarter
 of Section _____ 11 _____, Township _____ 24 _____ South, Range _____ 24 _____ (E/W),
 in HG _____ County, Kansas, _____ 3859 _____ feet North _____ 4554 _____ feet West of Southeast corner of section.
 Proposed Rate No Change* Proposed Quantity No Change* Proposed well depth (feet) ~155
 This point is: Additional Well Geo Center List other water rights that will use this point ES

6. **Presently authorized point of diversion:**
 One in the _____ NE _____ Quarter of the _____ SW _____ Quarter of the _____ NE _____ Quarter
 of Section _____ 11 _____, Township _____ 24 _____ South, Range _____ 24 _____ (E/W),
 in HG _____ County, Kansas, _____ 3530 _____ feet North _____ 1340 _____ feet West of Southeast corner of section.
 Authorized Rate 945 gpm Authorized Quantity 474 AF (Lim) Depth of well _____ (feet)
 (DWR use only: Computer ID No. 1 GPS 3487 feet North 1401 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 _____ NE _____ Quarter of the _____ SW _____ Quarter of the _____ NE _____ Quarter
 of Section _____ 11 _____, Township _____ 24 _____ South, Range _____ 24 _____ (E/W),
 in Hodgeman County, Kansas, 3487 feet North 1401 feet West of Southeast corner of section.
 Proposed Rate No change Proposed Quantity No Change 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) WELL CASING COLLAPSED

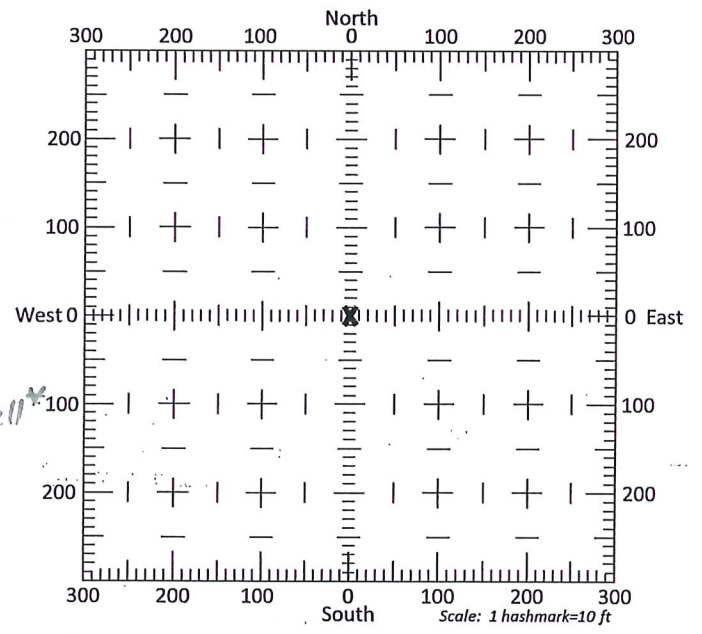
8. If a well, is the test hole log attached? Yes No

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

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

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by AM/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 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 Garden City, Kansas, this 22 day of November, 2019.

Jarrell Nuss
(Owner)

(Spouse)

Jarrell Nuss
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

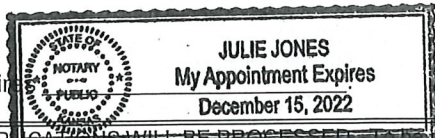
(Please Print)

(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 22nd day of November, 2019.

My Commission Expires



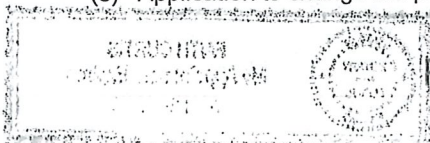
Julie Jones
Notary Public

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



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DEC 16 2019

SUMMARY ORDER APPLICATING APPLICATION FOR CHANGE / 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. 14230.

1. A change application was received on 12/16/2019 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 300 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 880 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, 2020, 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, 2020, or within any authorized extension of time. By March 1, 2021 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: Cameron P. Conant
Duly Authorized Designee of the Chief Engineer

(Print Name): Cameron P. Conant
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 12/18/19

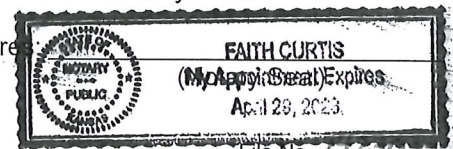
State of Kansas)

County of Stafford) SS

Acknowledged before me on December 18th, 2019
by Faith Curtis

Signature: Faith Curtis
Notary Public

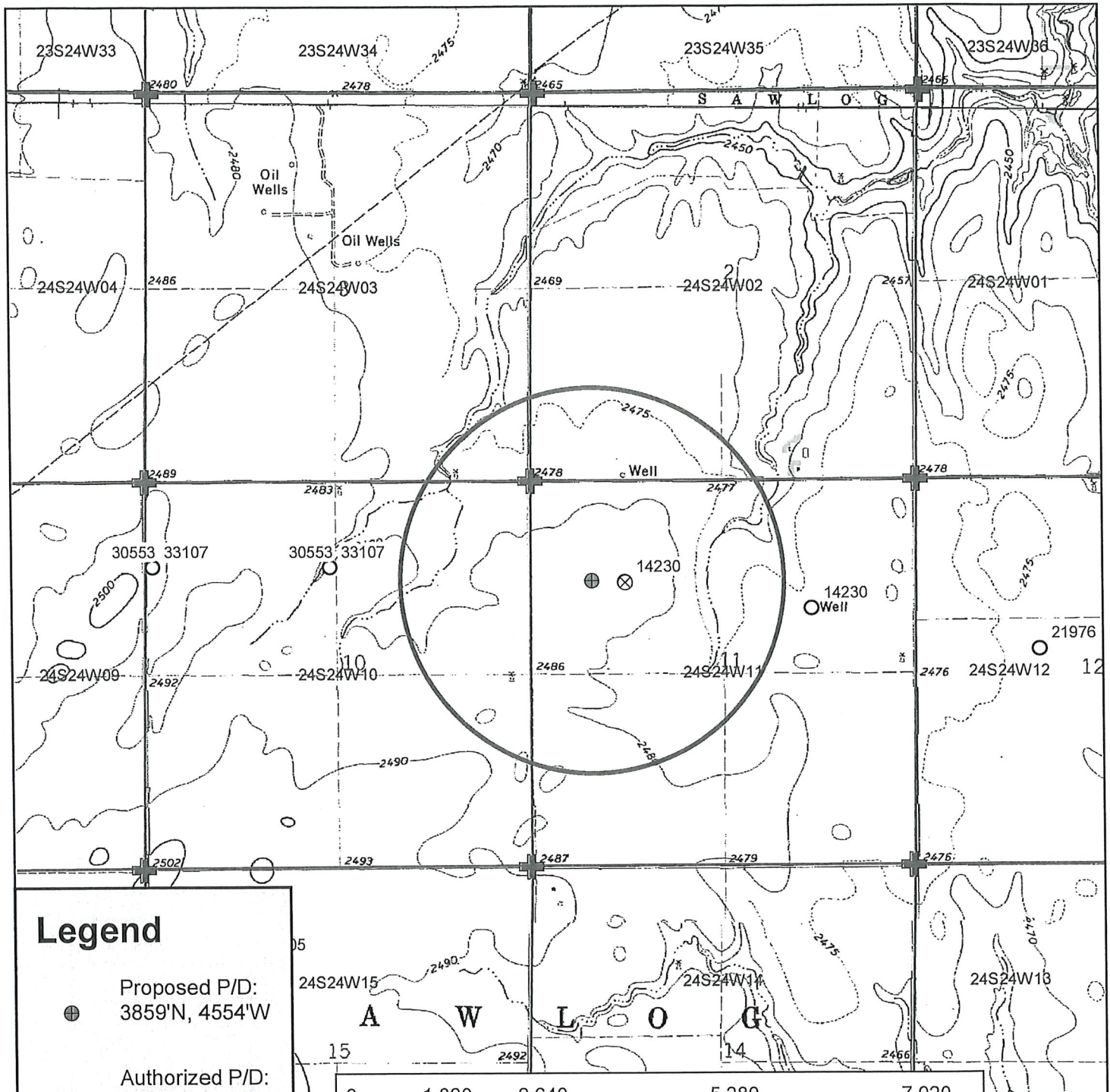
My commission expires



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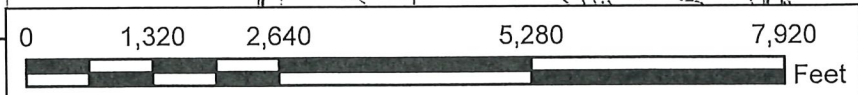
DEC 16 2019

Stafford Field Office
Division of Water Resources



Legend

- ⊕ Proposed P/D:
3859'N, 4554'W
- ⊗ Authorized P/D:
3830'N, 3975'W
- Water Appropriations
- ⊕ Section Corner
- ▭ Section Line
- ☆ Domestic Well
- ◻ 1/2 Mile Buffer



Water Right, File No. 14230

Change in Point of Diversion Application Map

11-24S-24W // Hodgeman County



To the best of my knowledge, all water wells including domestic, within 1/2 mile of the proposed point of diversion have been shown.

**No wells w/in 1/2 mile per phone conversation w/applicant*
 12/18/19 TJS-SFFO
 Signature



Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

phone: (620) 234-5311
fax: (620) 234-6900
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Sam Brownback, Governor

December 19, 2019

Jarrell D Nuss- Nuss Farms Inc
521 Edison St
Jetmore, KS 67854

Re: Water Right, File No(s). 14230

Dear Water Right Owner:

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

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at www.ksda.gov/includes/document_center/dwr/Forms/ApprovalPack.pdf. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

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

Any 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 to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Jeff Lanterman
Water Commissioner

Enclosures
pc: Water Rights Section

CERTIFICATE OF SERVICE

On this **19 December 2019**, I hereby certify that the attached Change in Point of Diversion, File No. 14230 dated December 18th, 2019 was mailed to the following:

Jarrell D Nuss- Nuss Farms Inc
521 Edison St
Jetmore, KS 67854-9067

pc: Water Rights Section

Faith Curtis

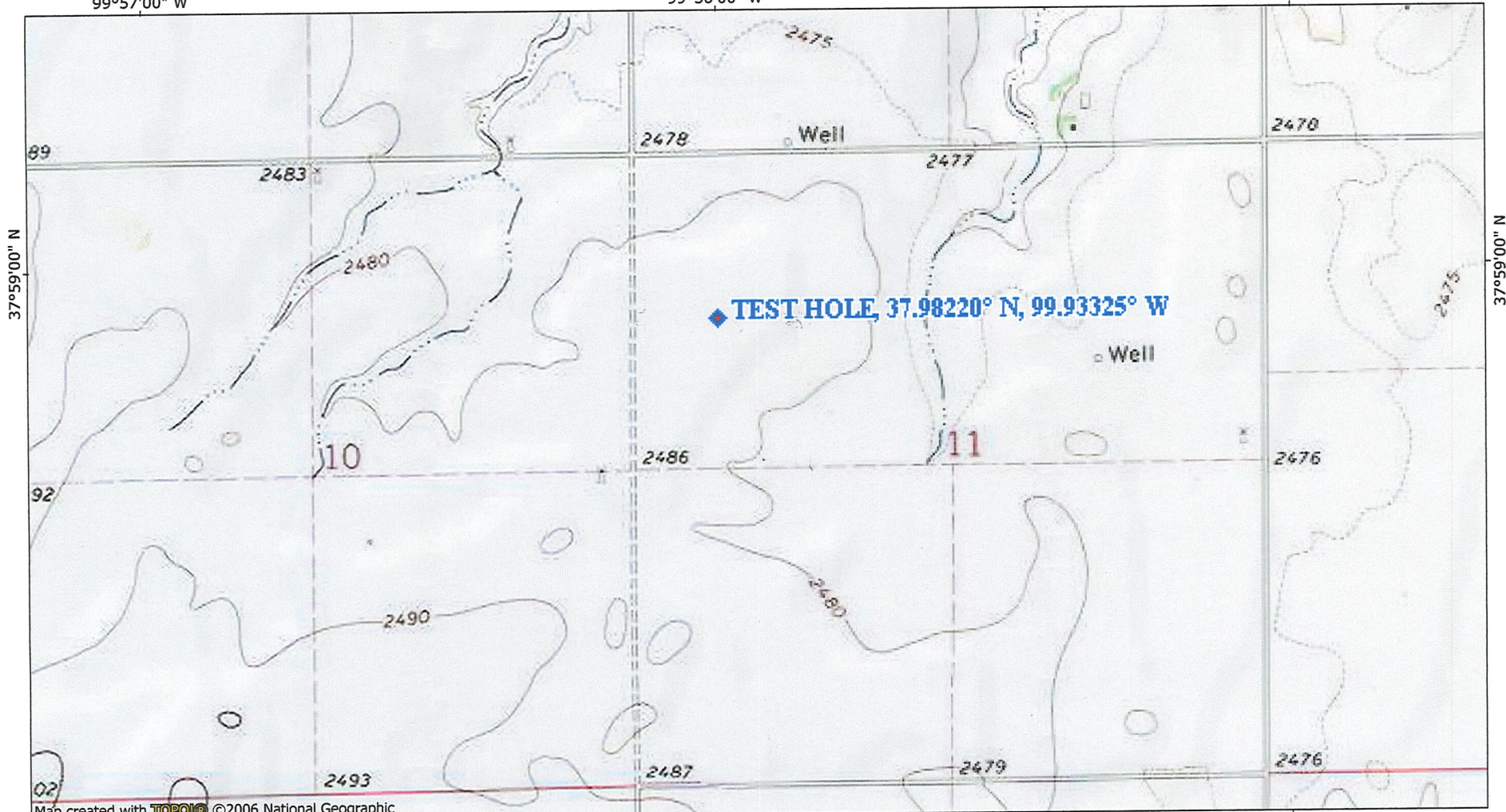
Staff

TOPO! map printed on 09/08/09 from "Untitled5.tpo"

99°57'00" W

99°56'00" W

NAD27 99°55'00" W

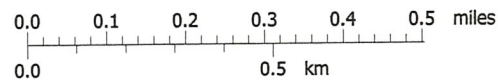


Map created with **TOPO!** ©2006 National Geographic

99°57'00" W

99°56'00" W

NAD27 99°55'00" W



TN MN
6 1/2°
09/08/09



DRILLING & SUPPLY CO., INC.

A Hydro Resources Company

3795 W. Jones Ave.
620-277-2389
FAX 620-277-0224

P.O. Box 639
GARDEN CITY, KS 67846

CUSTOMER'S NAME Nuss Farms Inc
STREET ADDRESS 521 Edison
CITY & STATE Jetmore KS 67854-9067
COUNTY Hodgeman QUARTER NW SECTION N TOWNSHIP 24 RANGE 24
LOCATION 37° 58' 55.8" N 99° 55' 59.6" W

DATE 8/5/09
TEST # 1 E. LOG No
DRILLER Skeldon
24 RANGE 24

Table with columns: %, FOOTAGE (From, Pay, To), DESCRIPTION OF STRATA, STATIC WATER LEVEL, Proposed Well Depth. Includes handwritten data for strata types like Top Soil, Brown Clay, White Rock, Sand, Fine to Med, small gravel, Brown Sandy Clay, Sand, Fine to Coarse, small gravel, Yellow Clay, and Shale.

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DEC 16 2019

Stafford Field Office
Division of Water Resources

INPUTS	
Target Section Definition	
Section	11
Township	24
Range	24
Range Direction	w
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-99.933250
Target Latitude	37.982200

Load Data and Compute

Instructions

1. Enter values for section, township, range and range direction.
2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
3. Click "Load Data and Compute" button.
4. Use feet distances corresponding to datum of target point.

File No. 14230
Proposed PD

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.97143876	-99.93615350
NW	37.98593476	-99.93621435
NE	37.98613374	-99.91782697
SE	37.97162182	-99.91785798
Degrees Longitude per Foot		3.46915762E-06
Degrees Latitude per Foot		2.74610162E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	3919	-837
NW	-1360	-854
NE	-1432	4446
SE	3852	4437

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.97142000	-99.93574500
NW	37.98591600	-99.93580600
NE	37.98611500	-99.91741900
SE	37.97160300	-99.91745000
Degrees Longitude per Foot		3.46915674E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	3926	-719
NW	-1353	-737
NE	-1426	4563
* SE	3859	4554

* based on Nat geo map & proposed footages on change app by GCFO. cpe 12/18/15