Stockton Field Office 820 S. Walnut Stockton, KS 67669-0192



Phone: 785-425-6787 Fax: 785-425-6842 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

August 20, 2021

CITY OF ELLSWORTH PO BOX 163 ELLSWORTH, KS 67439

Re: Water Right, File Nos. 12,885 & EW-002

To Whom It May Concern:

Enclosed are two (2) orders executed by Earl Lewis, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change. Also, the approval of the orders does require the installation of a water flow meter(s) on the point(s) of diversion authorized under the above file numbers by **December 31, 2021**. Please complete and return the enclosed Notice(s) of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters is found in K.A.R. 5-1-4 through K.A.R. 5-1-12, along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address: <a href="http://agriculture.ks.gov/meters">http://agriculture.ks.gov/meters</a>

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

The abandoned water 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 (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <a href="http://kdheks.gov/waterwell">http://kdheks.gov/waterwell</a>

Since these orders modify the original certificates, they should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

These documents are summary orders by this agency regarding this matter. These orders shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

If you have any questions, please feel free to contact this office at (785)425-6787. If you wish to refer to a specific file, please reference it when you contact us.
Sincerely,
While Bily.
Mark Billinger
Assistant Water Commissioner
MB:ndh Enclosures
<b>CERTIFICATE OF SERVICE</b>
On this 20th day of August 2021, I hereby certify that the attached <b>SUMMARY ORDERS</b>
APPROVING APPLICATIONS FOR CHANGE FOR POINTS OF DIVERSION for water rights, File Nos. 12,885 & EW-002, dated on the 20th day of August, 2021, were mailed postage prepaid, first class, U.S. mail, to the following:
postage prepard, mist class, O.S. man, to the following.
CITY OF ELLSWORTH
PO BOX 163
FLLSWORTH KS 67439

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**

WATER METER REQUIRED

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)

8 |20 | 21 Reviewer MB

APPLICATION COMPLETE

of diversion and/or place of use. RECEIVED File No. 12,885 AUG 1 8 2021 1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Stockton Field Office ☐ Place of Use Point of Diversion 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: ☐ Surface water 2. Name and address of Applicant: CITY OF ELLSWORTH PO BOX 163 ELLSWORTH, KS 67439 Phone Number: ( ) Email address: Name and address of Water Use Correspondent: CITY OF ELLSWORTH PO BOX 163 ELLSWORTH, KS 67439 Phone Number: ( ) Email address: The presently authorized place of use is: Owner of Land ---- NAME: CITY OF ELLSWORTH ADDRESS: PO BOX 163 ELLSWORTH, KS 67439 (If there is more than one landowner, attach supplemental sheets as necessary.) NE1/4 SW1/4 SE1/4 TOTAL NE¼ NW¼ SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 NW1/4 SW1/4 Sec. Twp. Range NE1/4 SE1/4 NE1/4 **15S** W8 20 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 CHG ADDRESS: (If there is more than one landowner, attach supplemental sheets as necessary.) NE1/4 NW1/4 SW1/4 SF1/4 **TOTAL ACRES** Twp. Range NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 For Office Use Only: Code \_\_\_\_\_ Fee \$ TR # Receipt Date Check #

7M/R	1_121	(Revised	04/5/2018)

5.	Presently authorized point of diversion: AKA WEL	<u>.L #7</u>			-
	One in the SE Quarter of the	NE	Quarter of the	NE	Quarter
	of Section, Township				
	in ELLSWORTH County, Kansas, 4040				
	Authorized Rate 116 GPM Authorized Quantity				1
	(DWR use only: Computer ID No. 1 (PDIV 2290) GP	S 4053	feet North36	5 feet W	/est)
	☐This point will not be changed ☐This point will be change	ed as follows:	No change, point better of	described with G	PS as follows:
	Proposed point of diversion: (Complete only if change	<u>je is requeste</u>	d or if existing point is	better descri	ped by GPS)
	One in the SE Quarter of the	NE	Quarter of the	NE	Quarter
	of Section, Township	15	South, Range	9	W,
	in EW County, Kansas, 4053				
	Proposed Rate116 GPM Proposed Quantity	116 MGY	Proposed well depth	(feet)	·
	This point is:  Additional Well Geo Center List o	ther water righ	ts that will use this point	12885	
•					
6.	Presently authorized point of diversion: AKA WELI	L #6 UNIION F	ACIFIC WELL BLK IN	MINNICKS 1ST	ADDITION
0.	One in the Quarter of the				
	of Section, Township				
	in EW County, Kansas, 3000				
	Authorized Rate 200 GPM Authorized Quantity				
	(DWR use only: Computer ID No. 1 PDIV 14235 GP				
	☐This point will not be changed ☐This point will be change				
	Proposed point of diversion: (Complete only if change				
	One in theSEQuarter of the				
	of Section 20 , Township				
	in <u>EW</u> County, Kansas, <u>3003</u>				
	Proposed Rate 200 GPM Proposed Quantity	10.037 MGY	Proposed well depth	(feet)	
	This point is: Additional Well Geo Center List o				
1		<u></u>			
7.	The changes herein are desired for the following reason	s?			
	(please be specific) REDRILL WELL AKA #9	200	North	1 400 200	200
		च् <u>र</u> 300	$\frac{200}{1111111111111111111111111111111111$	100 200 11111111111111111111111111111111	) 300 गागापु
		E	' <u> </u>		. ` 🗐
8.	If a well, is the test hole log attached?   Yes   No	300	-1 + 1 + 1 =	1 -1 -1 -1	300
		200	1 + 1 + 1 =	1 7 1 7	3200
9.	The change(s) (was)(will be) completed by?	E	$  \frac{1}{2}$		· =
	UPON APPROVAL	100	-1 + 1 + 1 =	1 + 1 +	-   -=== 100
40	16 the market of the second of	E			
10.	If the point of diversion is a well:	E.			
	(a) What are you going to do with the old well?	West 0	annihminihmikmikmik	minnhuminnh	HILLIAND East
	PLUG OR CAP	<u> </u>	<del>_</del>		· 🗐 .
		100	-1 + 1 + 1 =	1+1+	-   ===================================
	(b) When will this be done? <u>UPON COMPLETION</u>	E			
		. <u> </u>	<u>.</u>		. 🗐
11.	Groundwater Management District recommendation attache	d? 200 E	-1 + 1 + 1 =	1 + 1 +	-   = 200
	∐ Yes      No	E	를		· 🚽
12.	Assisted by M BILLINGER	툐	-	որույլուրում	قسلس
	Noticed by W. BILLINGER	300	200 100 0 South		5 500
13a	a. If the proposed point of diversion will be relocated more than	300	area and a sint of diversion	فعمواهم مطاللتين من	ad within 200 feet
	feet but within 2,640 feet of the existing point of diversion, att a topographic map or aerial photograph. For groundw	ater of the	e existing point of divers	ion, indicate its	location on the
	sources, show all wells (including domestic) within one-half	mile diagra	am shown above in re	lation to the	existing point of
	of the proposed point of diversion and the names and ma	iling divers	sion. (PLEASE NOTE:	ine "X" in ce	nter of diagram
	addresses of the owners. For surface water sources, show	the above	e represents the bro	esenuv auuno	rizea boint or
	addresses of the owners. For surface water sources, show names and addresses of the landowner(s) one-half downstream and one-half mile upstream from your prop	mile <b>dive</b> r	e represents the prosion.) RECEIVE	esentiy autho	rizea point of

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lines

14. If the proposed groundwater point of diversion is 500 of fewe	reet from the existing point of diversion, complete the following.
<ul> <li>(a) Does the undersigned represent all owners of the curren</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If no, all owners must sign the</li> </ul>	atly authorized place(s) of use identified in this application?
<ul> <li>(b) Will the ownership interest of any owner of the currently affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign the currently of the currently affected in the currently affected i</li></ul>	y authorized place(s) of use identified in this application be adversely this application.)
(c) If this application is not approved expeditiously, will there ☐ Yes ☐ No (If no, all owners must sign the	e be substantial damage to property, public health or safety? nis application.)
If the application proposes a surface water change in point of divergence of use, the application must be signed by all agent (attach notarized statement authorizing representation).	ersion, a groundwater change in point of diversion greater than 300 feet owners of the currently authorized place of use, or their duly authorized
age and the owner, the spouse of the owner, or a duly a their behalf, in regards to the water right(s) to which the contained in this application are true, correct and comp	
Dated at <u>Ellsworth</u> , Kans	as, this 13 day of August, 2021.
Rumado	
(Owner)	(Spouse)
Russell Varnado (Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas  County ofElloworth	
I hereby certify that the foregoing application was signed of August NOTARY PUBLIC - State of Kansas ANGELA S. MUELLER  My Appl. Expires 428/2021	
My Commission Expires <u>とんらしょ</u> .	/Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be compacturate information; maps, if necessary, must be included; signatures of the appropriate fee must be paid.	plete, all of the applicable portions of the application form must be completed wit all the appropriate owners' must be affixed to the application and notarized; and
Each application to change the place of use or the point of diversiforth in the schedule below: Make checks payable to: Kansas Do (1) Application to change a point of diversion 300 feet or (2) Application to change a point of diversion more than 3	on under this section shall be accompanied by the application fee set epartment of Agriculture less
	AUG 1 8 2021
DWR 1-121 (Revised 04/5/2018)	Page 3

#### 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. 12,885 8-18-21 requesting that the place of use and / or point of A change application was received on 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 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 <a href="mailto:50">50</a> foot radius of the authorized point(s) of diversion. 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. 🔲 Applicable 🔲 Not Applicable 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 the total quantity of water diverted approach to the Chief Engineer by March 1 fellowing the end of each calendar year. 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, 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. ☐ Not Applicable Applicable The completed well log shall be submitted with the required notice. ☐ 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 MMARY 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 MARK Brunden (Print Name): 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 Division of Water Resources - Kansas Department of Agriculture Date of Issuance: **66502.** Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. State of Kansas SS For Use by Register of Deeds County of Rooks Acknowledged before me on by Mark Signature: REBECCA F. HAGEMAN My Appointment Expires My commission expires: (Notary \$10029, 2023 AUG 1 8 2021

Stockton Field Office

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File No.

#### APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. <u>12,885</u>

### RECEIVED

AUG 1 8 2021

Presently authori	zed point of c	liversion: A	KA WEL	<u>.L #8</u>		Stockto	n Field Off:	
Presently authori	SE	Quarter o	f the	NE	Quarter of th	evision of	Water Resour	Quarter
or Section	19	, TOWNSH	ıρ	10	South, Kang	Ե	0	vv,
in <u>EW</u>	Cou	nty, Kansas, _	4100	feet North	2680 feet We	est of South	heast corner	of section.
Authorized Rate _	44 GPM	Authorized	Quantity	8.743 MGY	Depth of well _	1 475	(feet)	
(DWR use only:	Computer ID I	No. 1 PDIV 51	936 GF	PS 4113	feet North	2685	feet Wes	t)
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Proposed point o								
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in EW	Cou	ntv Kansas	4113	feet North	2685 feet We	est of Sout	heast corner	of section.
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Proposed Rate	aditional Mall	_ Proposed (	danniy _	ather water righ	rioposed well	noint	)	<del></del>
This point is: A	dditional vveii	☐ Geo Cen	tel List t	other water rigi	its triat will use triis	ропп		<del></del>
Presently authori	zed point of a	diversion:		60 O Sec. 2	- 20, 3 - 20,		F 1 1 F F 1 7 F 1 7	contract to
One in the			f the		Quarter of th	е		Quarter
of Section		. Townsh	ip	4	South, Rang	е	107	W,
in	Cou	ntv. Kansas.		feet North	feet We	est of Sout	heast corner	of section.
Authorized Rate _		Authorized	Quantity		Depth of well		(feet)	
(DWR use only:	Computer ID	No.	GF	PS	feet North	and the same	feet Wes	t)
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Proposed point of								
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of Section	B	Gaartor o	in		South Rang	е		
in	Cou	nty Kansas		feet North	feet We	est of Sout	heast corner	of section.
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Presently authori	zed point of o	diversion:	54 JM 1 6-2	- 100 PM	all sections	ry Washington	forthe of	
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of Section	2 90,000	. Townsh	ip		South, Rang	е	7	W,
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Droposed Data	Cou	inty, Kansas, _	Juantity	teet North _	Proposed well	denth (foot	1	
Proposed Rate This point is: ☐ A		_ Proposed	Quantity _		Proposed well	depth (feet	)	

## RECEIVED

#### APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 12,885

AUG 1 8 2021

Stockton Field Office

resently authorized point of diversion: AKA WELL #2
ne in the SE Quarter of the NE Quarter of the NW Quarter
Section 19 , Township 15 South, Range 8 W,
EW County, Kansas, 4140 feet North 3120 feet West of Southeast corner of section.
uthorized Rate 215 GPM Authorized Quantity 41.99 MGY Depth of well (feet)
DWR use only: Computer ID No. <u>2 PDIV 23180</u> GPS <u>4135</u> feet North <u>3067</u> feet West)
This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:
roposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
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Section 19, Township 15 South, Range 8 W,
EW County, Kansas, 4135 feet North 3067 feet West of Southeast corner of section.
roposed Rate 215 GPM Proposed Quantity 41.99 MGY Proposed well depth (feet)
nis point is: Additional Well Geo Center List other water rights that will use this point 12885
ils point is.   Additional Well Geo Center List other water rights that will use this point 12003
resently authorized point of diversion: AKA WELL #4 FRISCO WELL, BLK 13 IN MINNICKS 1ST ADDITION
ne in the Quarter of
EW County, Kansas, 3000 feet North 3720 feet West of Southeast corner of section.
uthorized Rate 160 GPM Authorized Quantity 11.953 MGY Depth of well (feet)
DWR use only: Computer ID No. 2 PDIV 37136 GPS 3072 feet North 3721 feet West)
This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:
roposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
ne in the SW Quarter of the SE Quarter of the NW Quarter
Section 20 , Township 15 South, Range 8 W,
EW County, Kansas, 3072 feet North 3721 feet West of Southeast corner of section.
roposed Rate <u>160 GPM</u> Proposed Quantity <u>11.953 MGY</u> Proposed well depth (feet)
his point is: Additional Well Geo Center List other water rights that will use this point 12885
is point is. Additional Well Coolectical Elst other water rights that will docume point 1.2000
resently authorized point of diversion: AKA WELL #5
resently authorized point of diversion: AKA WELL #5 ne in the CN
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ne in the CN Quarter of the SW Quarter of the NW Quarter of the Section 19 , Township 15 South, Range 8 W,  EW County, Kansas, 3880 feet North 4530 feet West of Southeast corner of section.  uthorized Rate 233 GPM Authorized Quantity 50.236 MGY Depth of well (feet)
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ne in the CN Quarter of the SW Quarter of the NW Quarter of Section 19 , Township 15 South, Range 8 W,  EW County, Kansas, 3880 feet North 4530 feet West of Southeast corner of section.  uthorized Rate 233 GPM Authorized Quantity 50.236 MGY Depth of well (feet)  WR use only: Computer ID No. 3 PDIV 37366 GPS 3909 feet North 4556 feet West)  This point will not be changed □This point will be changed as follows: ☑ No change, point better described with GPS as follows: roposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)  The in the CN Quarter of the SW Quarter of the NW Quarter
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The in the CN Quarter of the SW Quarter of the NW Quarter of the Section 19 , Township 15 South, Range 8 W, EW County, Kansas, 3880 feet North 4530 feet West of Southeast corner of section. Unthorized Rate 233 GPM Authorized Quantity 50.236 MGY Depth of well (feet) WR use only: Computer ID No. 3 PDIV 37366 GPS 3909 feet North 4556 feet West)  This point will not be changed □This point will be changed as follows: No change, point better described with GPS as follows: roposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS) ne in the CN Quarter of the SW Quarter of the NW Quarter Section 19 , Township 15 South, Range 8 W, EW County, Kansas, 3909 feet North 4556 feet West of Southeast corner of section. roposed Rate 233 GPM Proposed Quantity 50.236 MGY Proposed well depth (feet) rosposed Rate 233 GPM Proposed Quantity 50.236 MGY Proposed well depth (feet) resently authorized point of diversion: AKA WELL #9, (CHANGE TO WELL #10) ne in the NW Quarter of the SE Quarter of the NW Quarter
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