Kansas

Department of Agriculture

Division of Water Resources

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

Mike Beam, Secretary

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

Laura Kelly, Governor

February 21, 2022

THOMAS & ALEXIS BASGALL 5254 SATTLER RD HERNDON, KS 67739-4006

Re: Water Right, File Nos. 30436

Dear Mr. and Mrs. Basgall:

Enclosed is the order executed by Earl Lewis, 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 terms, conditions, and limitations specified in this approval for change. Also, the approval of the order 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**, **2022**. 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 certificate, it 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.

This document is a summary order by this agency regarding this matter. This order 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,

Mark Billinger

Assistant Water Commissioner

Wach Belg.

MB:ndh Enclosures

#### **CERTIFICATE OF SERVICE**

On this 21st day of February 2022, I hereby certify that the attached <u>SUMMARY ORDER</u> <u>APPROVING APPLICATION FOR CHANGE in Point of Diversion</u> for water right, File No. 30436, dated on the 21st day of February 2022, were mailed postage prepaid, first class, U.S. mail, to the following:

Dancy Agenou

THOMAS & ALEXIS BASGALL 5254 SATTLER RD HERNDON, KS 67739-4006

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

APPLICATION COMPLETE

2/2//22 Roviewer\_ mB

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) RECEIVED of diversion and/or place of use. 3:05 PM. FEB 1 5 2022 File No. 30,436 Stockton Field Office Application is hereby made for approval of the Chief Engineer to change the (check one or both): Division of Water Resources ☐ Place of Use Point of Diversion under the water right which is the subject of this application in accordance with the conditions described below. ☐ · Surface water The source of supply is: Name and address of Applicant: Tom Basgall 5254 Sattler Rd, Herndon, KS 67739-4006 Email address: Basgall Farms @ amail.com

Email address: Basgall farms @ amail.com Phone Number: (785)626-4410 Name and address of Water Use Correspondent: Tom & Alexis Basgall 5254 Sattler Rd, Herndon, KS 67739-4006 Phone Number: (785)626-4410 3. The presently authorized place of use is: Owner of Land ---- NAME: Thomas & Alexis Basgall ADDRESS: 5254 Sattler Rd, Herndon, KS 67739-4006 (If there is more than one landowner, attach supplemental sheets as necessary.) SW1/4 TOTAL NW1/4 **ACRES** NW1/4 SW1/4 SE1/4 NE1/4 NW¼ SW¼ SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NF1/4 Twp. Range Sec. 21 31 26 30 1 30w 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 change in place of use ADDRESS: (If there is more than one landowner, attach supplemental sheets as necessary.) TOTAL SW1/4 **ACRES** NE14 NW14 SW14 SE14 SW1/4 NE¼ NW¼ NW1/4 SW1/4 NE1/4 NW1/4 SE1/4 Sec. Twp. Range For Office Use Only: Code Fee \$ TR # Receipt Date \_\_\_\_\_ Check # \_

_ 1	P				
5.	Presently authorized point of diversion:				
	One in the Lot 2 Quarter of the	_1Q	uarter of the	30	Quarter
	of Section, Township				
	in <u>Decatur</u> County, Kansas, <u>3265</u> fee				
	Authorized Rate <u>360 gpm</u> Authorized Quantity <u>1</u>				
	(DWR use only: Computer ID No. 4 GPS				
	☐This point will not be changed ☐This point will be changed as				
	Proposed point of diversion: (Complete only if change is				
	One in the Quarter of the				
	of Section, Township	1 So	outh, Range	30	W,
	in Decatur County, Kansas, 5088 fee	t North <u>3616</u>	feet West of Sοι	utheast corner	of section.
	Proposed Rate 360 gpm Proposed Quantity 1	38 AF Pro	posed well depth (fee	et)	•
	This point is: Additional Well Geo Center List other	water rights that v	vill use this point <u>no</u>	ne	
6.	Presently authorized point of diversion:		<u> </u>		•
٥.	One in the Quarter of the	O	uarter of the		Quarter
	of Section30, Township				
	in <u>Decatur</u> County, Kansas, <u>2970</u> fee	t North 4160	feet West of Sou	itheast corner	(VV),
	Authorized Rate 360 gpm Authorized Quantity 1				
	(DWR use only: Computer ID No. 5 GPS				
	☐ This point will not be changed ☐ This point will be changed as t				
	Proposed point of diversion: (Complete only if change is				•
	One in the Quarter of the				
	of Section, Township				
	in County, Kansas, fee				
	Proposed Rate Proposed Quantity				•
L	This point is: Additional Well Geo Center List other v	vater rights that v	vill use this point		•
_	<del></del>				
7.	The changes herein are desired for the following reasons? (please be specific) <u>Issues with old well</u>				
	(please be specific) <u>Issues with old well</u>	300 200	North 100 0	100 200	300
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		₽ ÷	'		킄
8.	If a well, is the test hole log attached?  Yes  No	200 = 1 +	1+1=1	+ 1 + 1	200
^	The share (a) ( a) ( ill h.a) as well-to-d by 0	E ' '	' ' = '	, , , ,	3
9.	The change(s) (was)(will be) completed by?		Broad		=
	on approval	100 =   +	1 + 1 = 1	+ 1 + 1	100
10	If the point of diversion is a well-	· <u> </u>			3
10.	If the point of diversion is a well:	. W+0 E			
	(a) What are you going to do with the old well?	west o <del>[ 111</del> 1[111]11	= = = = = = = = = = = = = = = = = = =		East
	plug it	<u> </u>	_ =		=
	-	100 =   +	1+1=1	+ 1 + 1	100
	(b) When will this be done? on approval	E '		, , ,	3
		Ē.			3
11.	Groundwater Management District recommendation attached?	200	1+1=1	+   +	200
	∐ Yes      No	<u> </u>	economic Sections of Sections		=
40	Assisted by ith CTV FO	Emhala			Eu
12.	Assisted by jkb STK FO	300 200	100 0	100 200	300
132	If the proposed point of diversion will be relocated more than 300		South	Scale: 1 hashmark=	10 ][

feet but within 2,640 feet of the existing point of diversion, attach 13b. If the proposed point of diversion will be relocated within 300 feet 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

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.)

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

RECEIVED FEB 1 5 2022

FILE NO. 30,436

Presently authori			d on the		Division of Water	d Office
One in the	Lot 1	Quarter of the	Larra Larra San San San San San San San San San Sa	Quarter of the	Division of Water	resoQuarter
of Section	30	, Township	1	South, Range	30	W,
n <u>Decatur</u>	Cou	nty, Kansas, <u>4885</u>	feet North _	4455 feet West o	of Southeast corne	r of section.
				Depth of well		
DWR use only: 0	Computer ID	No. <u>7</u> G	PS	feet North	feet We	est)
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				Quarter of the _		
of Section	y 9 5 ×	. Township	1 2 1	South, Range	that are a section	W
n	Cou	ntv. Kansas.	feet North	feet West o	of Southeast corne	r of section.
Proposed Rate		Proposed Quantity		Proposed well dept	th (feet)	
				nts that will use this poi		
тпо рошею. Пл	aditional vvoii		other water rigi	to that will doo tillo por		
Presently authori			op had the			
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of Section	30	, Township	1 - 13 -	South, Range	30	W
n Decatur	Cou	ntv. Kansas. 4820	feet North	4820 feet West o	of Southeast corne	r of section.
				Depth of well		
				feet North		
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of Section		Quarter of the		South, Range		& danto
	Col	, rownship	foot North	feet West o	of Southeast corne	or of section
Draw and Date		Dranged Overtity	1661 NOITH _	Dranged well den	th (foot)	or acction.
				Proposed well dep		
This point is: $\square$ A	dditional vveii	Geo Center List	other water rigi	nts that will use this poi	iii	
Presently authori	zed point of	diversion:	1 .			
				Quarter of the _	i i	Quarte
of Section	30	. Township	1	South, Range _	30	W
n Decatur	Col	inty Kansas 2900	feet North	4750 feet West of	of Southeast corne	er of section.
				Depth of well		
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Presently authori	zed point of	diversion:		- 1 N - 1 N		11.
			NF	Quarter of the	NW	Quarte
of Section	30	Township	1	Quarter of the _ South, Range _	30	(V//
in Decatur	Col	inty Kaneae 5150	feet North	3870 feet West of	of Southeast corne	er of section
				Depth of well		
Authorized Rate _	Sou gpiii	Authorized Quantity	y 130 AF	Deptil of Well	foot W	oct)
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of Section		, Township		South, Range _		(E/VV)
in	Cou	ınty, Kansas,	feet North _	feet West of	of Southeast corne	er of section.
Proposed Rate		Proposed Quantity		Proposed well dep	oth (feet)	
This point is: $\square A$	dditional Well	☐ Geo Center List	t other water rig	hts that will use this po	int	

	<u>ized point of</u>	uiveisioii.			
One in the	Lot 2	Quarter of the		Quarter of the	Quarter
of Section	30	, Township	1	South, Range	30 W,
in <u>Decatur</u>	Co	ounty, Kansas, <u>3200</u>	feet North _	4620 feet West of S	Southeast corner of section.
Authorized Rate _	360 gpm	Authorized Quantity	138 AF	Depth of well	(feet)
				feet North	
					escribed with GPS as follows:
Proposed point of	of diversion:	(Complete only if change	ge is requeste	ed or if existing point is	better described by GPS)
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					Southeast corner of section.
1					feet)
Presently authori					
One in the	Lot 1	Quarter of the		Quarter of the	Quarter
of Section	30	, Township	1	South, Range	W,
in <u>Decatur</u>	Co	ounty, Kansas, <u>4950</u>	_ feet North _	4125 feet West of S	outheast corner of section.
Authorized Rate _	360 gpm	Authorized Quantity _	138 AF	Depth of well	(feet)
(DWR use only:	Computer ID	No. <u>8</u> GP	s	feet North	feet West)
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in	Co	ounty, Kansas,	_ feet North _	feet West of S	outheast corner of section.
Proposed Rate		Proposed Quantity _		Proposed well depth (	feet)
Presently authori	zed point of	diversion:			
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of Section		Quarter of the , Township		South, Range	(E/W),
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<ul> <li>14. If the proposed groundwater point of diversion is 300 or fewer feet find (a) Does the undersigned represent all owners of the currently authors after the currently authors after the currently interest of any owner of the currently authors affected if this application is approved as requested?  ☐ Yes ☐ No (If yes, all owners must sign this application is not approved expeditiously, will there be su☐ Yes ☐ No (If no, all owners must sign this application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owner agent (attach notarized statement authorizing representation).</li> </ul>	prorized place(s) of use identified in this application?  FEB 15 2024 versely prized place(s) of use identified in this application solution.)  Stockton Field Office water Resources betantial damage to property, public health or safety?  a groundwater change in point of diversion greater than 300 feet,
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 appoint and in this application are true, correct and complete.  Dated at, Kansas, this	rized agent of the owner(s) to make this application on oplication pertains. I further verify that the statements
(Owner)  (Nomas (Please Print)	Alvis Dasca (Please Print)
(Owner) (Please Print)	(Spouse) (Please Print)
(Owner)	(Spouse)
State of Kansas County of	(Please Print)  NOTARY PUBLIC - State of Kansas  MARIAH ROSS  MyAppt. Exp. 09 08 2025
I hereby certify that the foregoing application was signed in of, 20	2005 Man
My Commission Expires <u>09\08\2015</u> .	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, a accurate information; maps, if necessary, must be included; signatures of all the the appropriate fee must be paid.	appropriate owners' must be affixed to the application and notarized; and
Each application to change the place of use or the point of diversion unforth in the schedule below: Make checks payable to: Kansas Departi (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	der this section shall be accompanied by the application fee set ment of Agriculture\$100 set\$200
DWR 1-121 (Revised 04/5/2018) 100 100 100 100 100 100 100 100 100 10	File No. <u>30,436</u>

### 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. 30 436

111111	
1.	A change application was received on 2-/5-22 requesting that the place of use and / or point 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 the topographic map accompanying the application to change the place of use.   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 a previously authorized. The point of diversion authorized by this summary order shall be located within a for 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 Glob Positioning System (GPS), as described in the application.   Applicable
5.	The point(s) of diversion authorized herein shall not actually be located more than feet from the previous 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 tule 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, 2022, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operate 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.I. 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, 2022, or within an authorized extension of time. By March 1, 2023 the applicant shall notify the Chief Engineer that construction of the work 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.
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 water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions ar limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the <i>Kansas Wate Appropriation Law</i> and the <i>Rules and Regulations</i> 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.
4	Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY
If you You Eng Agr filed adn day revi File Leg 665	u are aggrieved by this order, pursuant to K.S.A. 82a-1901, may request an evidentiary hearing before the Chief ineer or request administrative review by the Secretary of culture. A request for hearing by the Chief Engineer must be within 15 days of service of this Order and a request for inistrative review by the Secretary must be filled within 30 is pursuant to K.S.A. 77-531. Any request for administrative with Kansas Department of Agriculture, all Division, 1320 Research Park Drive, Manhattan, KS 22. Failure to timely request a hearing or review may clude review under the Kansas Judicial Review Act.  APPLICATION APPROVED AND SUMMARY ORDER ISSUED  SUMMARY ORDER ISSUED  Duly Authorized Designee of the Chief Engineer (Print Name):  Division of Water Resources - Kansas Department of Agriculture Date of Issuance:  2/21/22  State of Kansas  ) SS
	For Use by Register of Deeds County of KOUKS
	Acknowledged before me on 2/31/3022  by War A pilunger  Signature: Many Nature  Notary Public  9/27/2025
D14."	My commission expires:

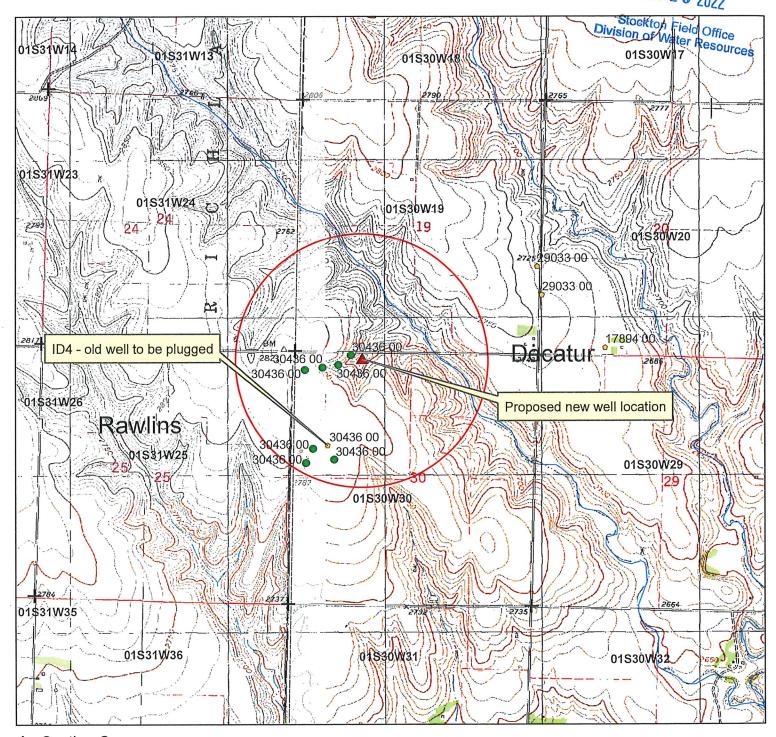
PUBLIC

September 27, 2025

File No. 30,436

## Application for Change in Point of Diversion, Water Right, File No. 30,436

RECEIVED FEB 1 5 2022



+ Section Corners

1:24,000

- Points of Diversion
- Authorized & Proposed Points of Diversion

Signature

▲ Proposed Point of Diversion

1/2 mile circle

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

2-9-20<sup>22</sup> Date

Date: 2/1/2022