

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

1. File Number: <b>9205</b>	2. Status Change Date: <i>7-27-2021</i>	3. Change Num: <b>C4</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
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: <b>7/23/2021</b>
8a. LANDOWNER, CORRESPONDENT    Person ID <b>28117</b> New to system <input type="checkbox"/> Add Seq# _____  <b>WESLEY C &amp; SHARON M NELSON</b> <b>PO BOX 590</b> <b>JOHNSON, KS 67855-0590</b>		8c. LANDOWNER,    Person ID _____ New to system <input type="checkbox"/> Add Seq# _____		
8b. Landowner(s),    Person ID <b>60517</b> New to system <input type="checkbox"/> Add Seq# _____  <b>SETH &amp; JODI NELSON</b> <b>PO BOX 590    303 E GRANT</b> <b>JOHNSON, KS 67855</b>		8d. correspondent, applicant    Person ID _____ New to system <input type="checkbox"/> Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2021</b> <input checked="" type="checkbox"/> N & P Date to Comply: <b>3/1/2022</b> <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 type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>7/27/2021</b> By: <b>MAM</b> Date Entered: _____    By: _____				

File No. **9205**      11. County: **MT**      Basin: **CIMARRON RIVER**      Stream:      Formation Code: **211/400/500**      Special Use:

12. Points of Diversion  
**CHK**  
**MOD**  
**DEL**  
**ENT**

Rate and Quantity

Authorized      Additional

PDIV      Qualifier      S      T      R      ID      'N      'W      **Comment (AKA Line)**      Rate gpm      Quantity af      Rate gpm      Quantity af      Overlap PD Files

**DEL 76173**

<b>ENT</b>	<b>NWSENE</b>	<b>2</b>	<b>33</b>	<b>42W</b>	<b>3764</b>	<b>1120</b>	<b>375</b>	<b>274</b>	<b>375</b>	<b>274</b>	<b>NONE</b>
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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 <b>CHK</b> <b>MOD</b> <b>DEL</b> <b>ENT</b>	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				
<b>CHK 4784</b>																									
<b>CHK 18124</b>																									
<b>CHK 27949</b>																									
<b>CHK 29101</b>																									
<b>CHK 60156</b>																									

**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](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

July 27, 2021

SETH & JODI NELSON  
PO BOX 590 303 E GRANT  
JOHNSON, KS 67855

RE: Water Right, File No. 9205

Dear Mr. and Mrs. Nelson:

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 the approval for change. Conditions of this approval are 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. Please note the authorized diversion rate is 375 gallons per minute, to exceed that diversion rate at anytime would be a violation of the conditions of the water right.

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 blue ink signature of Michael A. Meyer, written in a cursive style.

Michael A. Meyer  
Water Commissioner

MAM  
enclosures

pc: Wesley & Sharon Nelson

GMD3

CERTIFICATE OF SERVICE

On this 27<sup>th</sup> day of July 2021, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 9,205 dated 27<sup>th</sup> day of July 2021 was mailed postage prepaid, first class, US mail to the following:

SETH & JODI NELSON  
PO BOX 590 303 E GRANT  
JOHNSON, KS 67855

Pc:

WESLEY C & SHARON M NELSON  
PO BOX 590  
JOHNSON, KS 67855-0590

GROUNDWATER MANAGEMENT DISTRICT NO. 3

  
\_\_\_\_\_

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. 9205

**RECEIVED**  
 3:00 pm  
 JUL 23 2021

Garden City 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: SETH NELSON

PO BOX 590 303 E GRANT JOHNSON KS 67855

Phone Number: (    )                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: WESLEY C & SHARON M NELSON

PO BOX 590 JOHNSON KS 67855 - 0590

Phone Number: (    )                      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	

<b>For Office Use Only: Code</b> _____ <b>Fee \$</b> <u>100.00</u> <b>TR #</b> _____ <b>Receipt Date</b> <u>7-23-21</u> <b>Check #</b> <u>10106</u>
---

5. **Presently authorized point of diversion:**  
 One in the SW Quarter of the NE Quarter of the NE Quarter of Section 2, Township 33 South, Range 42 W, in Morton County, Kansas, 3980 feet North 1027 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well 357' (feet)  
**(DWR use only: Computer ID No. 02 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 SE Quarter of the NE Quarter of Section 2, Township 33 South, Range 42 W, in Morton County, Kansas, 3764 feet North 1120 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 660'

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) \_\_\_\_\_  
 \_\_\_\_\_

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

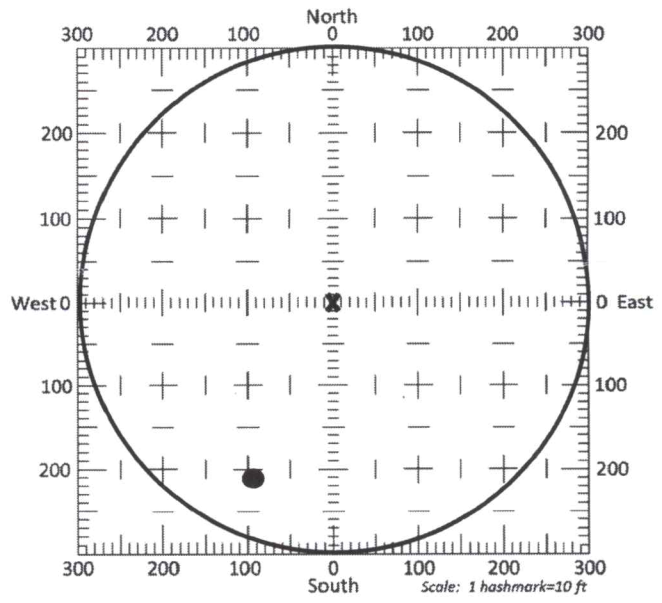
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_

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

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by HH 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 Stanton County, Kansas, this 21 day of July, 2021.

Seth Nelson  
 \_\_\_\_\_  
 (Owner)  
Seth Nelson  
 \_\_\_\_\_  
 (Please Print)  
Wesley Nelson  
 \_\_\_\_\_  
 (Owner)  
Wesley Nelson  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)

Jodi Nelson  
 \_\_\_\_\_  
 (Spouse)  
Jodi Nelson  
 \_\_\_\_\_  
 (Please Print)  
Sharon Nelson  
 \_\_\_\_\_  
 (Spouse)  
Sharon Nelson  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)

State of Kansas }  
 County of Kansas } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21 day of July, 2021.

Katrina Anne Peters  
 \_\_\_\_\_  
 Notary Public

My Commission Expires 6/6/2022.

**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

**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. 9205.

1. A change application was received on July 23, 2021 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 50 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 300 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, 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 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, 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.  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: Michael A. Meyer  
 Duly Authorized Designee of the Chief Engineer

(Print Name): MICHAEL A. MEYER  
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: July 27, 2021

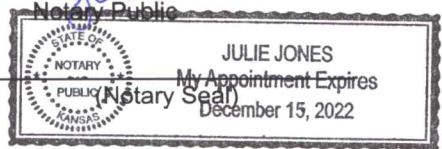
State of Kansas )  
 ) SS

County of Stimney )

Acknowledged before me on July 27, 2021  
 by Michael A. Meyer

Signature: Julie Jones  
 Notary Public

My commission expires: \_\_\_\_\_  
 My Appointment Expires  
 December 15, 2022





Sec. 2 - T 33 Blk - R 42  
 Survey \_\_\_\_\_ Co. MORTON  
 N. 37.21013° W. -101.84981°



No. 28599

PO Box 784  
 Sunray, TX 79086  
 (806)948-4421

SETH NELSON



Test  Waterwell

DATE 7/03/21

NO. 3-21

FROM	TO	DESCRIPTION	SAND
0	140	top soil, Caliche + Gray and Brown clay w/ sand strips	
140	160	med fine fairly loose Brown to pink sand w/ clay strips	
160	180	fine to med fairly loose pink sand w/ coarse sand strips + clay strips	14
180	200	fine, med + coarse fairly tight pink sand w/ gravel + clay strips	14
200	220	fine, med + coarse fairly tight <sup>pink</sup> sand w/ clay strips to fine Brown sand w/ clay strips	13
220	240	fine little tight Brown sand w/ sand stone strips + clay strips	<sup>7 sand</sup> / <sub>2 stone</sub> 15
240	260	fine little tight sand w/ sand stone strips + clay strips	<sup>7 sand</sup> / <sub>6 stone</sub> 12
260	280	fine little tight sand w/ sand stone strips + clay strips	<sup>9 sand</sup> / <sub>5 stone</sub> 14
280	300	fine little tight sand w/ sand stone strips + clay strips	<sup>11 sand</sup> / <sub>5 stone</sub> 16
300	320	fairly tight sand stone	20
320	340	fairly tight sand stone w/ Red shale strips	16
340	360	little tight sand stone to Red clay w/ shale	4
360	380	Red clay/shale	
380	400	Red clay/shale w/ med fine little tight sand strips	6
400	420	little tight Red clay w/ shale	
420	440	hard Red shale w/ clay strips + tight sand stone strips	4
440	460	hard Red shale w/ clay	
460	480	hard Red shale	
480	500	hard Red shale w/ white Rock strips	3
500	520	hard Red shale w/ clay strips	
520	540	Red clay/shale w/ white Rock strips	4

Sec. 2 - T 33 - Blk R 42

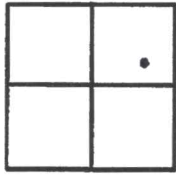
Survey \_\_\_\_\_ Co. MORTON

N. 37.71013' W. -101.84981



No. 28600

PO Box 784  
Sunray, TX 79086  
(806)948-4421



SETH NELSON

Test  Waterwell

DATE 7/03/21

NO. 3-21

FROM	TO	DESCRIPTION	SAND
540	560	Red clay to hard white sand stone.	18
560	580	hard white and pink sand stone.	20
580	600	hard white sand stone to Red clay/shale.	11
600	620	Red and Brown clay w/shale stripe.	Water
620	640	Red clay w/shale stripe.	
640	660	Red clay w/hard shale	
		1/4 of Diamond bit	
		1/8 SK 6611V	