

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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. 15036

**RECEIVED**  
 2:00 pm  
 MAR 10 2022

**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: JARVIS GARETSON  
695 RD XX COPELAND, KS. 67837

Phone Number: (620)668-0045                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: JARVIS GARETSON  
695 RD XX COPELAND, KS. 67837

Phone Number: (620)668-0045                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: BATAVIA FARMS LLC

ADDRESS: PO BOX 61020 DENVER, CO.

(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 |             |     |
| 36   | 27   | 32W   | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 39          | 639 |
|      |      |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |     |

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

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 \$ 200.00 TR # \_\_\_\_\_ Receipt Date 3-10-22 Check # 3537

5. **Presently authorized point of diversion:**  
 One in the SE Quarter of the NE Quarter of the SW Quarter of Section 36, Township 27 South, Range 32 W, in HASKELL County, Kansas, 1885 feet North 2690 feet West of Southeast corner of section. Authorized Rate 1470 GPM Authorized Quantity 679 AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 3 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 SE Quarter of the NW Quarter of the NE Quarter of Section 36, Township 27 South, Range 32 W, in HASKELL County, Kansas, 4263 feet North 1564 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 \_\_\_\_\_

6. **Presently authorized point of diversion:**  
 One in the SW Quarter of the NW Quarter of the NW Quarter of Section 36, Township 27 South, Range 32 W, in HASKELL County, Kansas, 4333 feet North 5075 feet West of Southeast corner of section. Authorized Rate 940GPM Authorized Quantity 197AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 5 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) Lack of production on current location

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

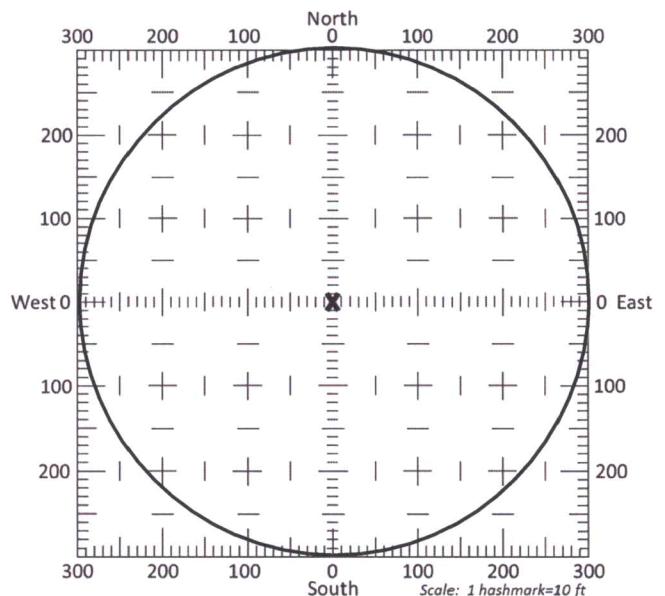
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_

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

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by CAC

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 Denver, Kansas, this 8th day of March, 2022.

|  |   |
|--|---|
| <p><u>[Signature]</u><br/>         _____<br/>         (Owner)</p> <p><u>[Signature]</u><br/>         _____<br/>         (Please Print)</p> <p>_____<br/>         (Owner)</p> <p>_____<br/>         (Please Print)</p> <p>_____<br/>         (Owner)</p> <p>_____<br/>         (Please Print)</p> | <p>_____<br/>         (Spouse)</p> <p>_____<br/>         (Please Print)</p> <p>_____<br/>         (Spouse)</p> <p>_____<br/>         (Please Print)</p> <p>_____<br/>         (Spouse)</p> <p>_____<br/>         (Please Print)</p> |
|--|---|

RECEIVED  
 MAR 10 2022

Colorado  
 State of Kansas }  
 County of Denver } SS

Laura Higgins  
 Notary Public  
 State of Colorado  
 Notary ID 20064049507  
 My Commission Expires December 07, 2022

Garden City Field Office  
 Division of Water Resources

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of March, 2022.

Laura Higgins  
 Notary Public

My Commission Expires 12/07/2022.

**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. 15,036.

1. A change application was received on \_\_\_\_\_ 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 \_\_\_\_\_ 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 \_\_\_\_\_ 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, 20\_\_\_\_**, 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, 20\_\_\_\_**, or within any authorized extension of time. By March 1, 20\_\_\_\_ 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: \_\_\_\_\_  
Duly Authorized Designee of the Chief Engineer

(Print Name): \_\_\_\_\_  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: \_\_\_\_\_

State of Kansas )  
 ) SS

County of \_\_\_\_\_ )

Acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_

Signature: \_\_\_\_\_

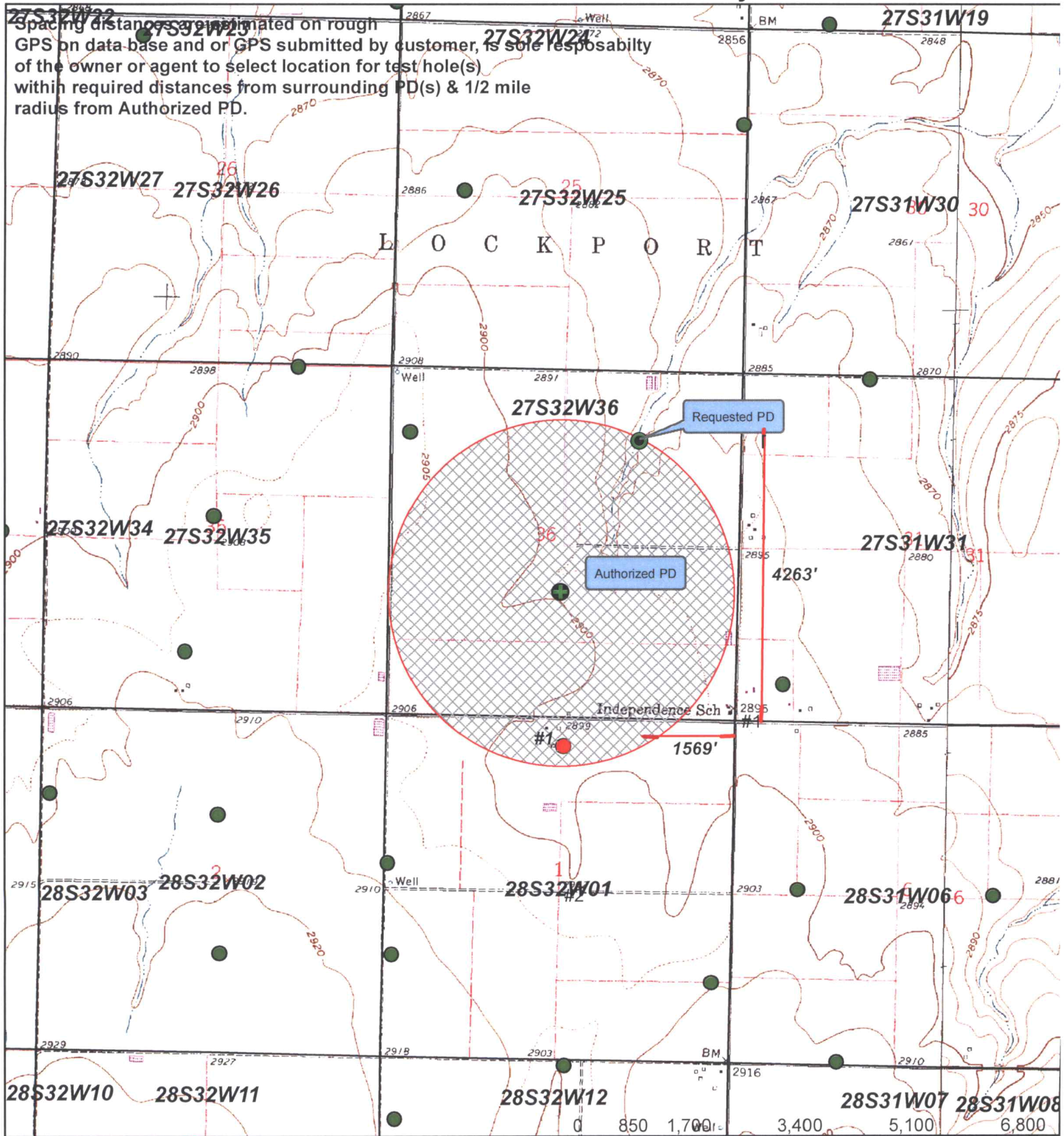
Notary Public

My commission expires: \_\_\_\_\_

(Notary Seal)

# Point of Diversion Change WR(s) 15036 T27 R32W Sec 36 Haskell County

Spacing distances are estimated on rough GPS on data base and or GPS submitted by customer, is sole responsibility of the owner or agent to select location for test hole(s) within required distances from surrounding PD(s) & 1/2 mile radius from Authorized PD.



- Authorized PD
- Requested PD
- Point of Diversion
- Active Water Right w/in 1/2 mile
- + domestic well w/in 1/2 mile
- Half Mile Radius
- Water Right w /in 1/2 mile & Owner(if apply)**
- #1 Water Right No 22419 John Koehn
- #2 Water Right No
- #3 Water Right No

- Authorized PU
- Requested PD

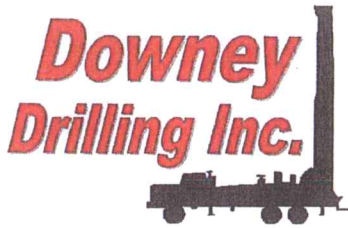


**Applicant Signature & Date**

*By signing this map the applicant is aware that no other wells (Irrigation, Domestic, Industrial etc) are within the 1/2 mile radius circle.*

# WELL LOG

DATE: 3/2/2022



CUSTOMER NAME: WILDHAWK FARMS TH#3

LEGAL: NE 36-27S-32W

COUNTY: HASKELL CO., KS

GPS: 37.660977

-100.766982

LOGGER:

DRILLER: DIEGO VALLE

WO: 21-1738

| TW | FROM | TO  | TYPE  | HARDNESS | COLOR            | SPEED     | PULL DOWN | OTHER / DRILLING ACTION |
|----|------|-----|---|----------|------------------|-----------|-----------|-------------------------|
|    | 0    | 3   | TOPSOIL   | SOFT     | DARK BROWN       | SLOW      |           | SMOOTH                  |
|    | 3    | 18  | BROWN SILTY CLAY  | SOFT     | BROWN            | SLOW      |           | SMOOTH                  |
|    | 18   | 74  | FINE-MED SAND W/ SANDY CLAY LEDGES                      | SOFT     |                  | SLOW      |           | CHOPPY & SMOOTH         |
|    | 74   | 84  | SANDY CLAY  | SOFT     | TAN              | FAST      |           | SMOOTH                  |
|    | 84   | 109 | FINE-MED-COARSE SAND W/ FINE-MED GRAVEL                 | STIFF    |                  | FAST      |           | CHATTER                 |
|    | 109  | 110 | HARD SPOT   | HARD     |                  | SLOW      | X         | CHATTER                 |
|    | 110  | 156 | FINE-MED-COARSE SAND W/ FINE-MED GRAVEL & CEMENTED SAND | STIFF    |                  | FAST      |           | CHATTER                 |
|    | 156  | 169 | FINE-MED-LARGE GRAVEL W/ FINE-MED-COARSE SAND           | STIFF    |                  | FAST      |           | CHATTER                 |
|    | 169  | 215 | FINE-MED-COARSE SAND W/ FINE-MED GRAVEL                 | STIFF    |                  | FAST      |           | CHATTER                 |
|    | 215  | 230 | BROWN CLAY W/ FINE-MED SAND LEDGES                      | FIRM     | BROWN            | FAST      |           | SMOOTH & CHOPPY         |
|    | 230  | 245 | BROWN STICKY CLAY                                       | STICKY   | BROWN            | FAST      |           | SMOOTH                  |
|    | 245  | 309 | GRAY CLAY   | STICKY   | GRAY LIGHT BROWN | FAST      |           | SMOOTH                  |
|    | 309  | 315 | LIGHT BROWN CLAY W/ SOME WHITE CLAY                     | SOFT     |                  | FAST      |           | SMOOTH                  |
|    | 315  | 330 | FINE-MED-COARSE SAND W/ FINE GRAVEL & LIMEROCK          | STIFF    |                  | FAST      |           | FAST CHATTER            |
|    | 330  | 335 | FINE-MED-COARSE SAND W/ SANDY CLAY                      | FIRM     | TAN              | FAST      |           | CHOPPY & SMOOTH         |
|    | 335  | 340 | SANDY CLAY  | SOFT     |                  | FAST      |           | SMOOTH                  |
|    | 340  | 353 | FINE-MED SAND W/ SANDY CLAY                             | FIRM     | TAN              | FAST      |           | CHOPPY & SMOOTH         |
|    | 353  | 364 | FINE-MED-COARSE SAND                                    | FIRM     |                  | FAST      |           | FAST CHATTER            |
|    | 364  | 370 | SANDY CLAY  | SOFT     | TAN              | FAST      |           | SMOOTH                  |
|    | 370  | 385 | FINE-MED-COARSE SAND                                    | FIRM     |                  | FAST      |           | FAST CHATTER            |
|    | 385  | 403 | SANDY CLAY  | SOFT     | TAN              | FAST      |           | SMOOTH                  |
|    | 403  | 410 | FINE-MED SAND   | SOFT     |                  | FAST      |           | CHOPPY                  |
|    | 410  | 445 | FINE-MED SAND W/ LIMEROCK & SANDY CLAY                  | STIFF    | WHITE & TAN      | FAST      |           | CHOPPY & SMOOTH         |
|    | 445  | 449 | SANDY CLAY  | SOFT     | TAN              | FAST      |           | SMOOTH                  |
|    | 449  | 484 | BROWN CLAY  | STICKY   | BROWN            | FAST      |           | SMOOTH                  |
|    | 484  | 504 | FINE-MED SAND W/ SANDY CLAY                             | SOFT     |                  | FAST      |           | CHOPPY & SMOOTH         |
|    | 504  | 510 | FINE-MED-COARSE SAND W/ FINE GRAVEL & BROWN ROCK        | STIFF    | BROWN            | FAST      |           | SLIGHT CHATTER          |
|    | 510  | 521 | BROWN STICKY CLAY                                       | STICKY   | BROWN            | FAST      |           | SMOOTH                  |
|    | 521  | 565 | FINE SAND W/ LIMEROCK                                   | FIRM     | WHITE            | FAST      |           | CHOPPY                  |
|    | 565  | 593 | BROWN STICKY CLAY                                       | STICKY   | BROWN            | FAST      |           | SMOOTH                  |
|    | 593  | 625 | SOAPSTONE W/ FINE SABD & GRAY CLAY LEDGES               | FIRM     | GRAY             | SEMI-SLOW |           | VIBRATION & SMOOTH      |
|    | 625  | 679 | SHALE W/ A LITTLE FINE SAND                             | FIRM     | BLUE             | SEMI-SLOW |           | SMOOTH & VIBRATION      |
|    | 679  | 680 | IRON PYRITE   | HARD     |                  | SLOW      | X         | CHATTER                 |
|    | 680  | 689 | SHALE   | SOFT     | BLUE             | SLOW      |           | SMOOTH                  |
|    | 689  | 690 | IRON PYRITE   | HARD     |                  | SLOW      |           | CHATTER                 |
|    | 690  | 706 | SHALE   | SOFT     | BLUE             | SLOW      |           | SMOOTH                  |

350' Est. SWL





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

March 16, 2022

KELLY R & DANESSA L NIGHTENGALE JT  
642 ROAD SS  
SUBLETTE, KS 67877

RE: Application for Change  
Water Right, File No. 15036

Dear Sir or Madam:

This is to advise you that Jarvis Garetson has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced applications. An irrigation well is proposed to be relocated to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 36, Township 27 South, Range 32 West, Haskell County.

You can find the complete applications posted by water right file number as referenced above at:  
[www.Agriculture.ks.gov/DWRNotices](http://www.Agriculture.ks.gov/DWRNotices)

You are notified on this proposed point of diversion (well) so that you may furnish this office with any comments or other information you want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

A handwritten signature in blue ink that reads "Austin J. McColloch".

Austin J. McColloch  
Assistant Water Commissioner

AM:  
enclosures

pc:  
GROUNDWATER MANAGEMENT DISTRICT NO. 3

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

March 16, 2022

MELINDA HODGSON  
1180 28TH ROAD  
LITTLE RIVER, KS 67457

RE: Application for Change  
Water Right, File No. 15036

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This is to advise you that Jarvis Garetson has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced applications. An irrigation well is proposed to be relocated to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 36, Township 27 South, Range 32 West, Haskell County.

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Assistant Water Commissioner

AM:  
enclosures

pc:  
GROUNDWATER MANAGEMENT DISTRICT NO. 3