

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

Mike Beam, Secretary

Laura Kelly, Governor

DECEMBER 9, 2024

JERRY & CHRISTY NICHOLS ETAL  
1069 ROAD RR  
SUBLETTE, KS 67877-8097

RE: Field Office Application for Change  
Water Right, File No. 11434

Dear Sir:

Reference is made to the application for approval of the Chief Engineer to change the point of diversion under the above referenced file number which was received in this office on October 18, 2024.

On November 18, 2024, the application for approval of the Chief Engineer to change the point of diversion was returned to you and, at that time, you were advised that the application was to be returned to this office, with the requested additional information, no later than December 3, 2024.

Since the application with the requested additional information was not returned to this office by December 3, 2024, the application for approval of the Chief Engineer to change the point of diversion under the above referenced file number is herewith **dismissed** in accordance with the law.

This document serves as final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner set forth with the enclosed Certificate of Service.

If you have any questions, please contact this office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM:  
Enclosure(s)  
pc: M & D Nichols LLC

SCANNED

**RIGHT TO PETITION FOR REVIEW  
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

**CERTIFICATE OF SERVICE**


On this 9<sup>th</sup> day of December 2024, I hereby certify that the foregoing Order dated December 9, 2024, was mailed postage prepaid, first class, US mail to the following:

Original to:

JERRY & CHRISTY NICHOLS ETAL  
1069 ROAD RR  
SUBLETTE, KS 67877-8097

Pc:

M & D NICHOLS LLC  
1069 RD RR  
SUBLETTE KS 67877

  
\_\_\_\_\_  
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. 11434

**RECEIVED**  
 9:28 am  
 OCT 18 2024

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: M Manford Nichols  
PO Box 358 Montezuma, KS 67867

Phone Number: \_\_\_\_\_ Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: Jerry & Christy Nichols  
1069 Road RR, Sublette, KS 67877

Phone Number: \_\_\_\_\_ Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: M Manford Nichols

ADDRESS: PO Box 358 Montezuma, KS 67867

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				

**For Office Use Only:** Code \_\_\_\_\_ Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 10-18-24 Check # 1558

5. **Presently authorized point of diversion:**  
 One in the NC Quarter of the S2 Quarter of the \_\_\_\_\_ Quarter of Section 28, Township 27 South, Range 31W (E/W), in Haskell County, Kansas, 1343 feet North 2641 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 SW Quarter of the SW Quarter of the SW Quarter of Section 28, Township 27 South, Range 31W (E/W), in Haskell County, Kansas, 635 feet North 5141 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 \_\_\_\_\_ 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) Loss of production.

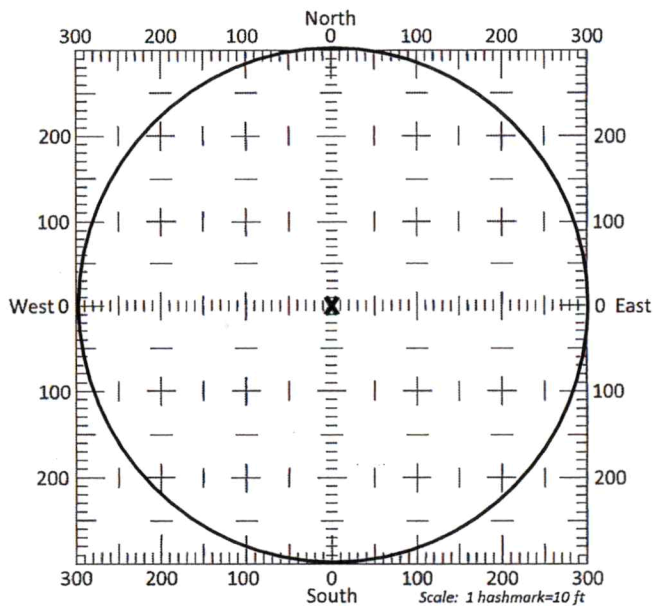
8. If a well, is the test hole log attached?  Yes  No

9. The change(s) (was)(will be) completed by?  
Upon approval

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
Plug/cap  
 (b) When will this be done? Upon completion

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by EAV



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

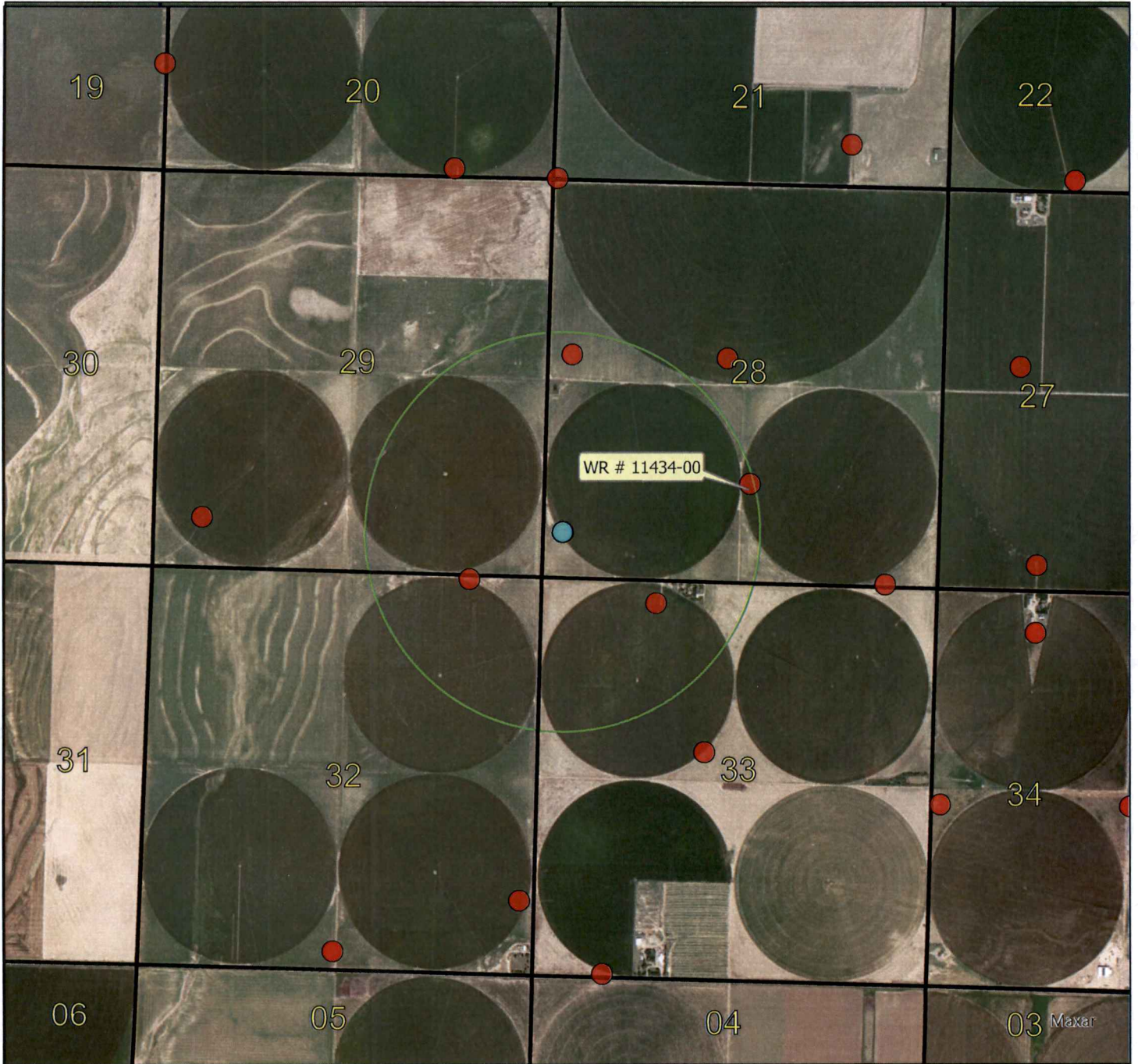
13b. If the proposed point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**



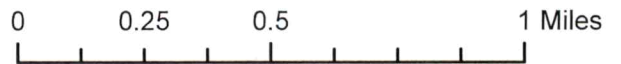






# WR 11434

Preliminary Map as of 07/16/2024. Using data given to the DWR by the customer.  
Based on the best information that was received and in the DWR files as of the above date.



Township 27 South Range 31 West  
Haskell County

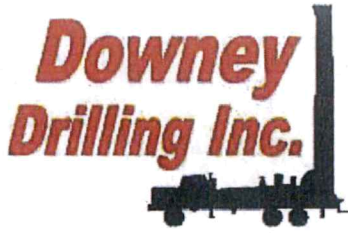


	1/2 mile radius, maximum distance
	Proposed Point of Diversion
	Domestic Wells
	Authorized Points of Diversion



EAV/GCFO

1778' apart



CUSTOMER NAME: JERRY NICHOLS

TH#2-24

LEGAL: SW 28-27S-31W

COUNTY: HASKELL CO, KS

GPS: 37.665479

-100.724631

DRILLER: DIEGO

WO: 23-1868

V	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	4	TOP SOIL	SOFT	DARK BROWN	FAST		SMOOTH
	4	16	BROWN SILTY CLAY	SOFT	BROWN	FAST		SMOOTH
	16	50	FINE SAND	SOFT		FAST		VIBRATION SMOOTH & VIBRATION
	50	84	SANDY CLAY W/ FINE SAND	SOFT	BROWN BROWN & WHITE	FAST		SMOOTH & CHOPPY
	84	101	SANDY CLAY W/ CALICHE	FIRM		FAST		SMOOTH & CHOPPY
	101	113	FINE-MED SAND	SOFT		FAST		CHOPPY
	113	216	FINE-MED-COARSE SAND W/ FINE-MED GRAVEL	FIRM		FAST		CHATTER
	216	219	BROWN CLAY LAYER	SOFT	BROWN	FAST		SMOOTH
	219	255	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	255	262	BROWN CLAY	SOFT	BROWN	FAST		SMOOTH
	262	275	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	275	284	BROWN CLAY	SOFT	BROWN	FAST		SMOOTH
	284	287	FINE-MED SAND	SOFT		FAST		CHOPPY
	287	300	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	300	305	SANDY CLAY	SOFT	BROWN	FAST		SMOOTH
	305	350	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	350	401	FINE-MED-COARSE SAND W/ FINE GRAVEL	STIFF		FAST		CHATTER
	401	440	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	440	446	SANDY CLAY	SOFT	TAN BROWN & TAN	FAST		SMOOTH
	446	471	BROWN CLAY W/ SANDY CLAY	SOFT		FAST		SMOOTH
	471	481	FINE-MED SAND	SOFT		FAST		CHOPPY SMOOTH & VIBRATION
	481	501	SANDY CLAY W/ FINE SAND	SOFT	BROWN	FAST		SMOOTH
	501	525	BROWN SILTY CLAY	SOFT	BROWN WHITE & BROWN	SLOW		SMOOTH
	525	553	FINE-MED-COARSE SAND W/ FINE GRAVEL / LIME ROCK & BROWN ROCK	FIRM		FAST SEMI SLOW		FAST CHATTER
	553	566	SANDY CLAY W/ BROWN SILTY CLAY	SOFT	BROWN	SLOW		SMOOTH
	566	576	YELLOW SANDSTONE W/ FINE SAND	STIFF	YELLOW BLUE & RED	FAST		FAST CHATTER
	576	621	BLUE & RED CLAY	SOFT		FAST		SMOOTH
	621	635	SANDSTONE W/ FINE SAND / SOAPSTONE & IRON PYRITE TRACE	STIFF	GRAY	FAST		FAST CHATTER
	635	637	HARD SPOT	HARD		SLOW	X	CHATTER
	637	703	SHALE W/ BROWN SILTY CLAY	SOFT	BLUE & BROWN	SLOW		SMOOTH SMOOTH & CHOPPY @ TIMES
	703	718	SHALE W/ SANDSTONE LEDGES	SOFT	BLUE BROWN & BLUE	SLOW		SMOOTH
	718	731	BROWN SILTY CLAY W/ SHALE	SOFT		SLOW		SMOOTH
	731	741	SANDSTONE W/ FINE SAND	STIFF		FAST		FAST CHATTER
	741	750	SHALE	SOFT	BLUE	SLOW		SMOOTH
	750	756	SANDSTONE W/ FINE SAND	STIFF		FASTER		FAST CHATTER







# Century GEOPHYSICAL CORP.

JERRY NICHOLS

COMPANY : DOWNEY DRILLING INC  
WELL : JERRY NICHOL  
LOCATION/FIELD : TH#2-24  
COUNTY : HASKELL  
LOCATION : SWISAS  
SECTION : 28

OTHER SERVICES:

TOWNSHIP : 27S RANGE : 31W

DATE : 06/19/24  
DEPTH DRILLER : 800  
LOG BOTTOM : 801.20  
LOG TOP : 0.90

PERMANENT DATUM : GL

KB :  
DF :  
GL : 2820

LOG MEASURED FROM: GL  
DRL MEASURED FROM: GL

CASING DIAMETER : 10.  
CASING TYPE : SURFACE  
CASING THICKNESS:

LOGGING UNIT : 2310  
FIELD OFFICE : O'DRISCOL  
RECORDED BY : DIEGO

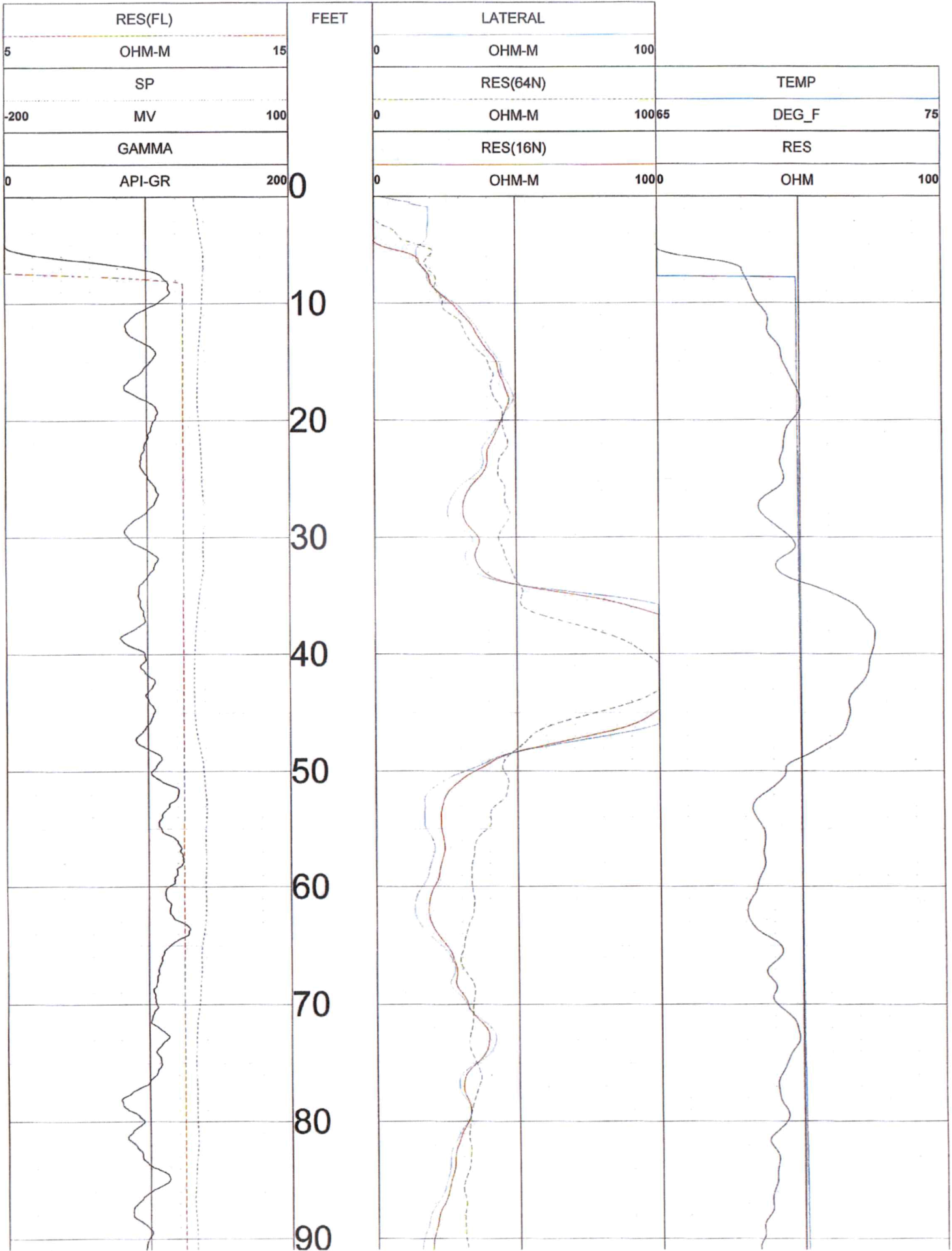
BIT SIZE : 6.25  
MAGNETIC DECL. : 0  
MATRIX DENSITY : 2.71  
NEUTRON MATRIX : LIMESTON

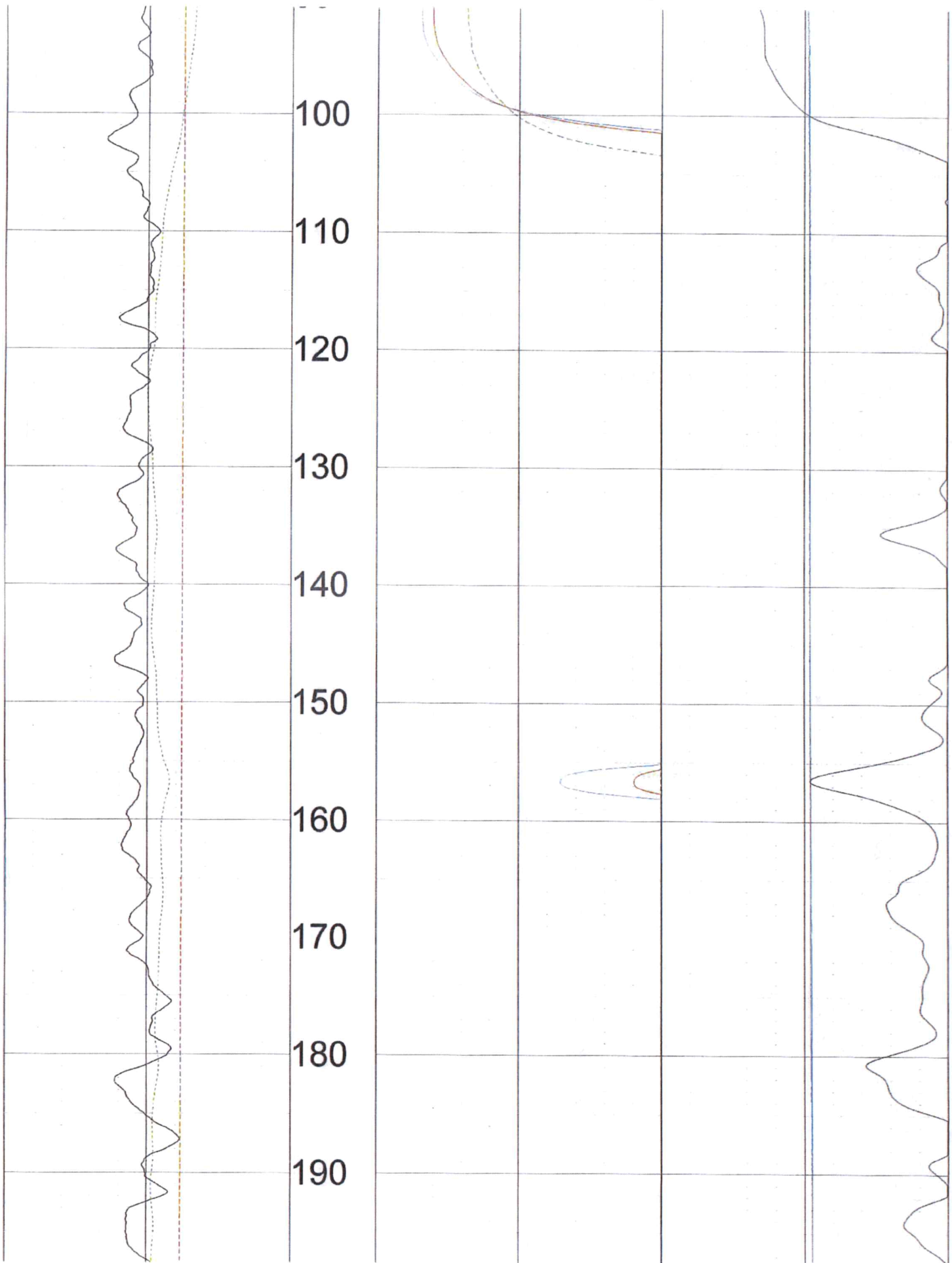
BOREHOLE FLUID : MUD  
RM : .179  
RM TEMPERATURE : 68.5  
MATRIX DELTA T : 49

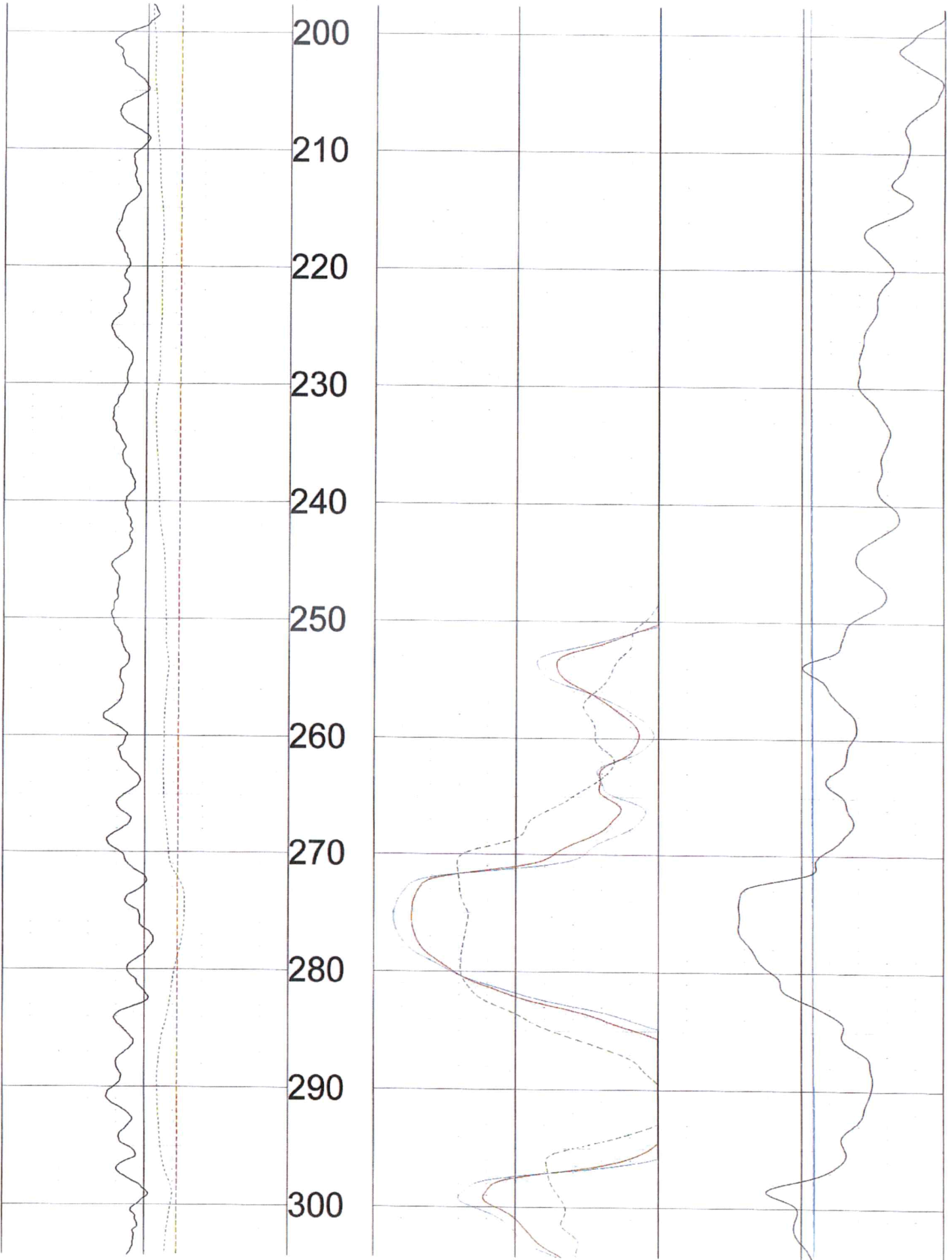
FILE : ORIGINAL  
TYPE : 8144A  
LGDATE: 06/19/24  
LGTIME : 19:09:  
THRESH: 99999

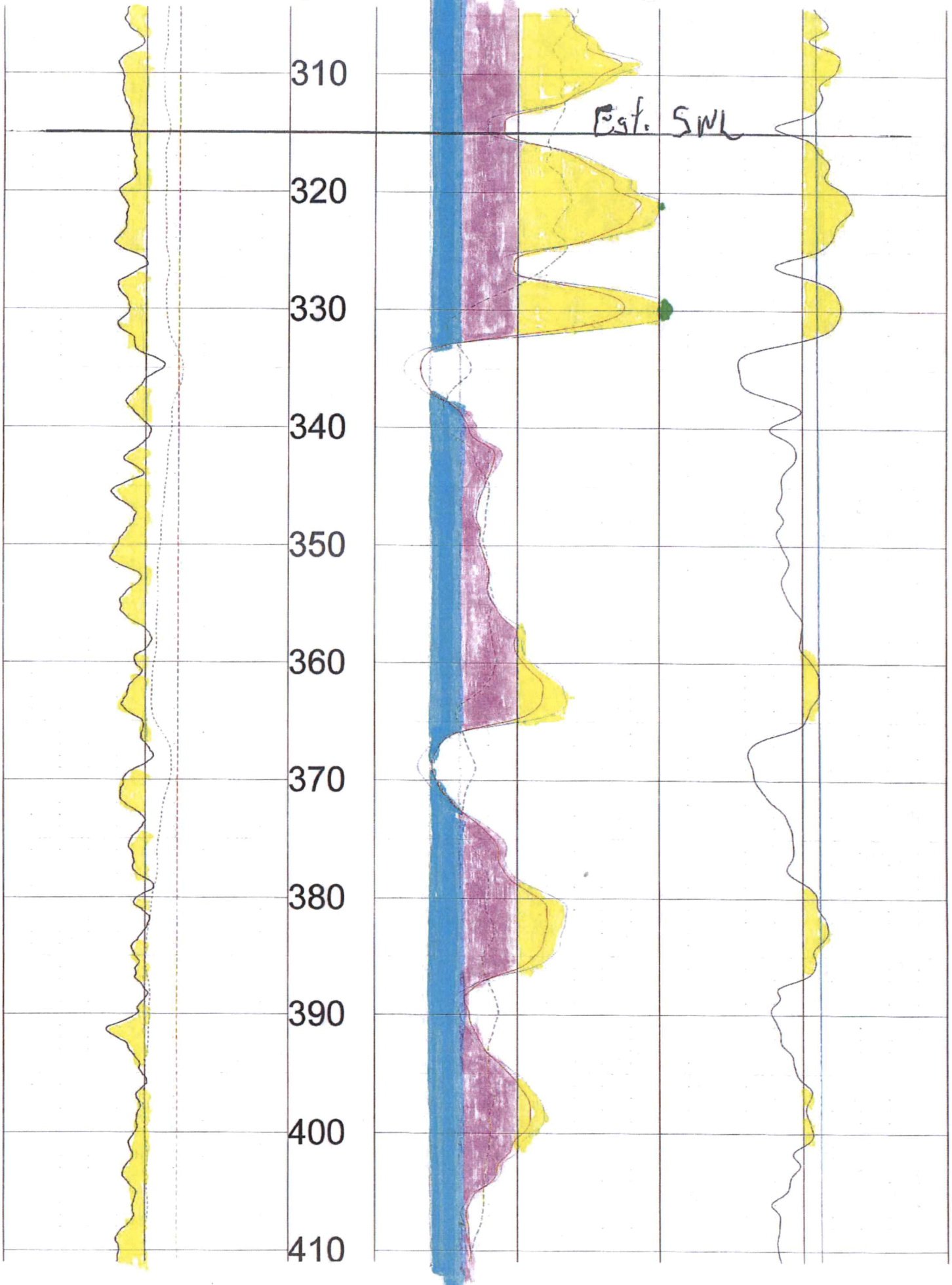
GPS 37.665479, -100.72463

ALL SERVICES PROVIDED SUBJECT TO STANDARD TERMS AND CONDITIONS









310

Est. SWL

320

330

340

350

360

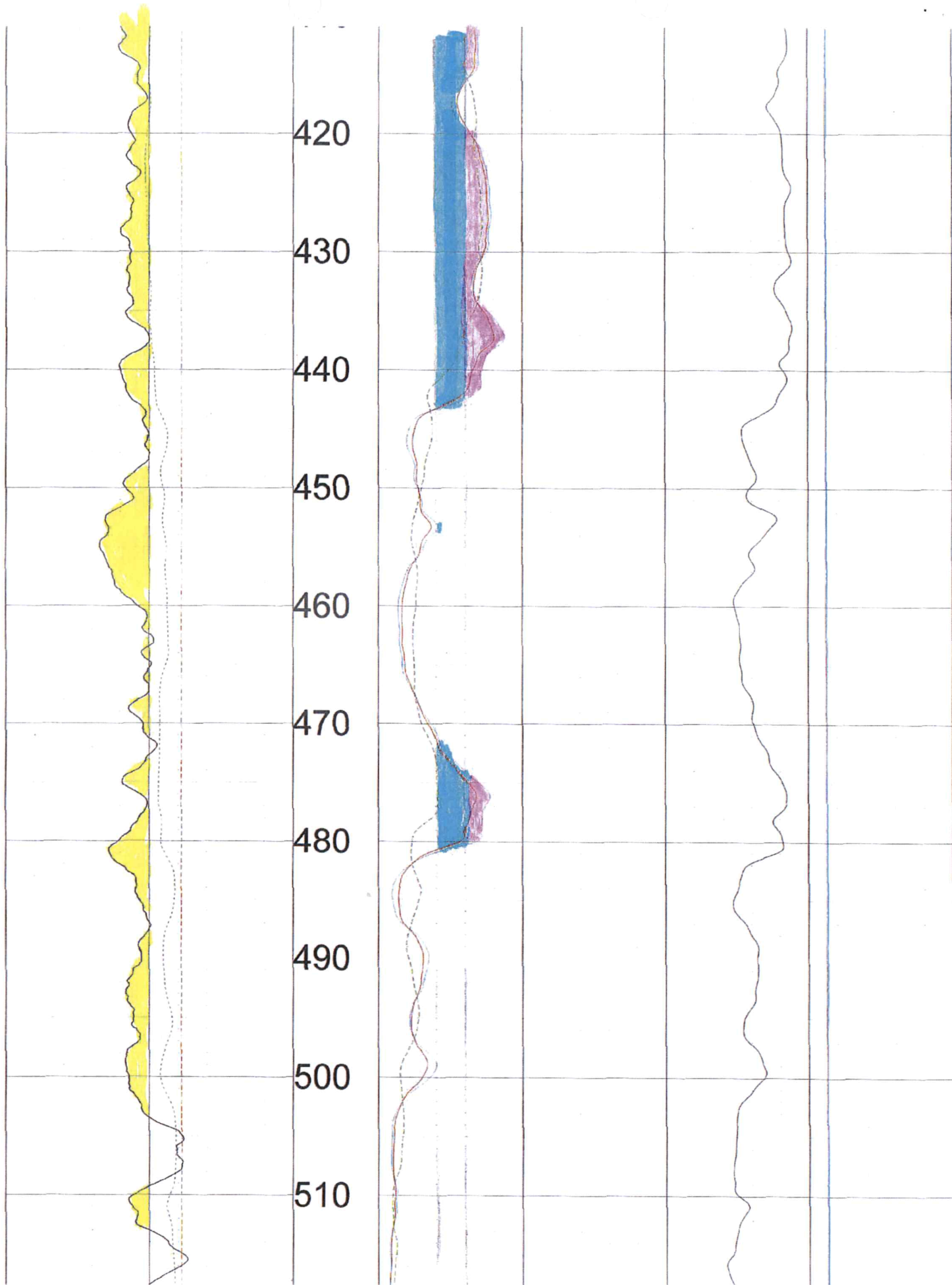
370

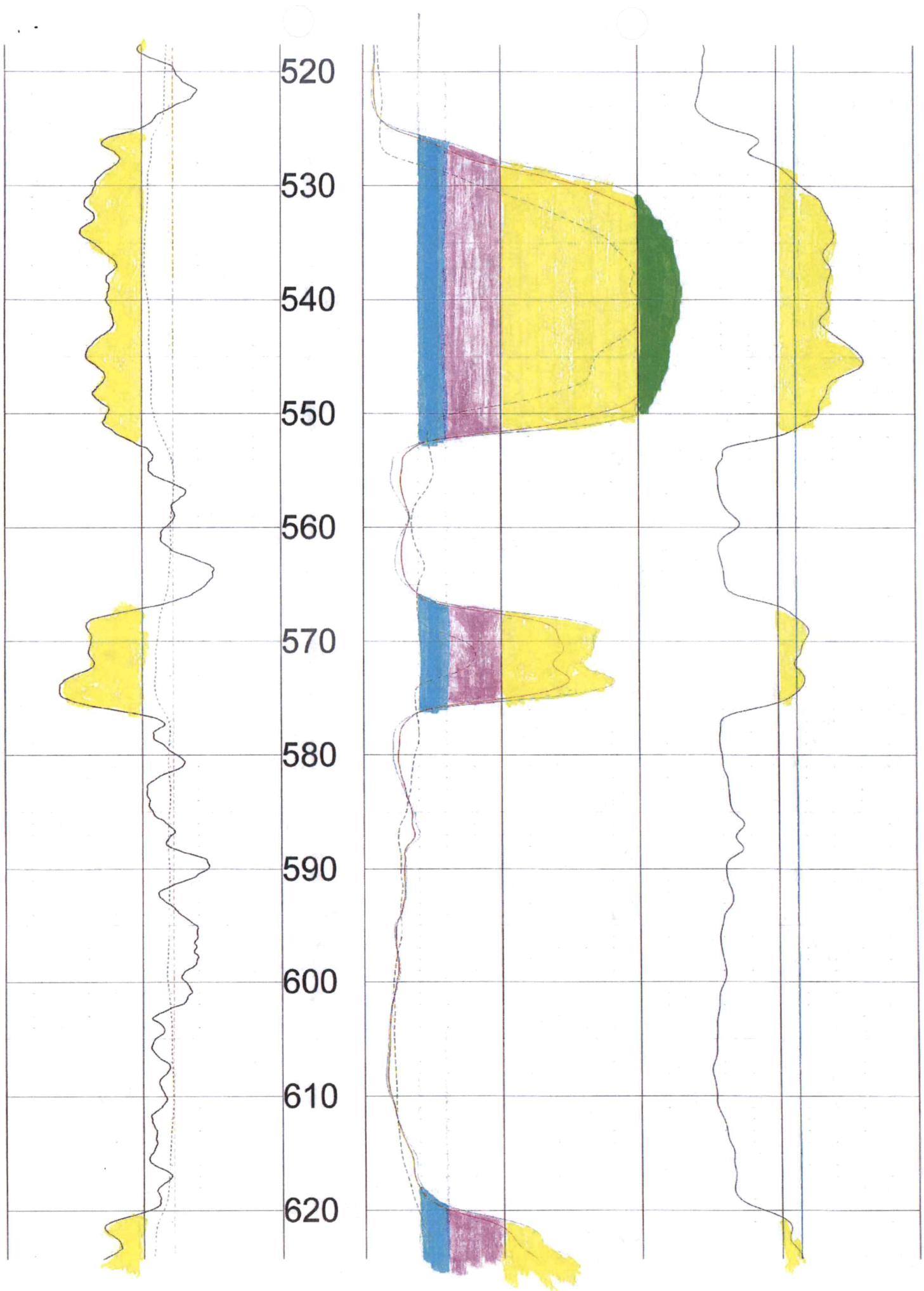
380

390

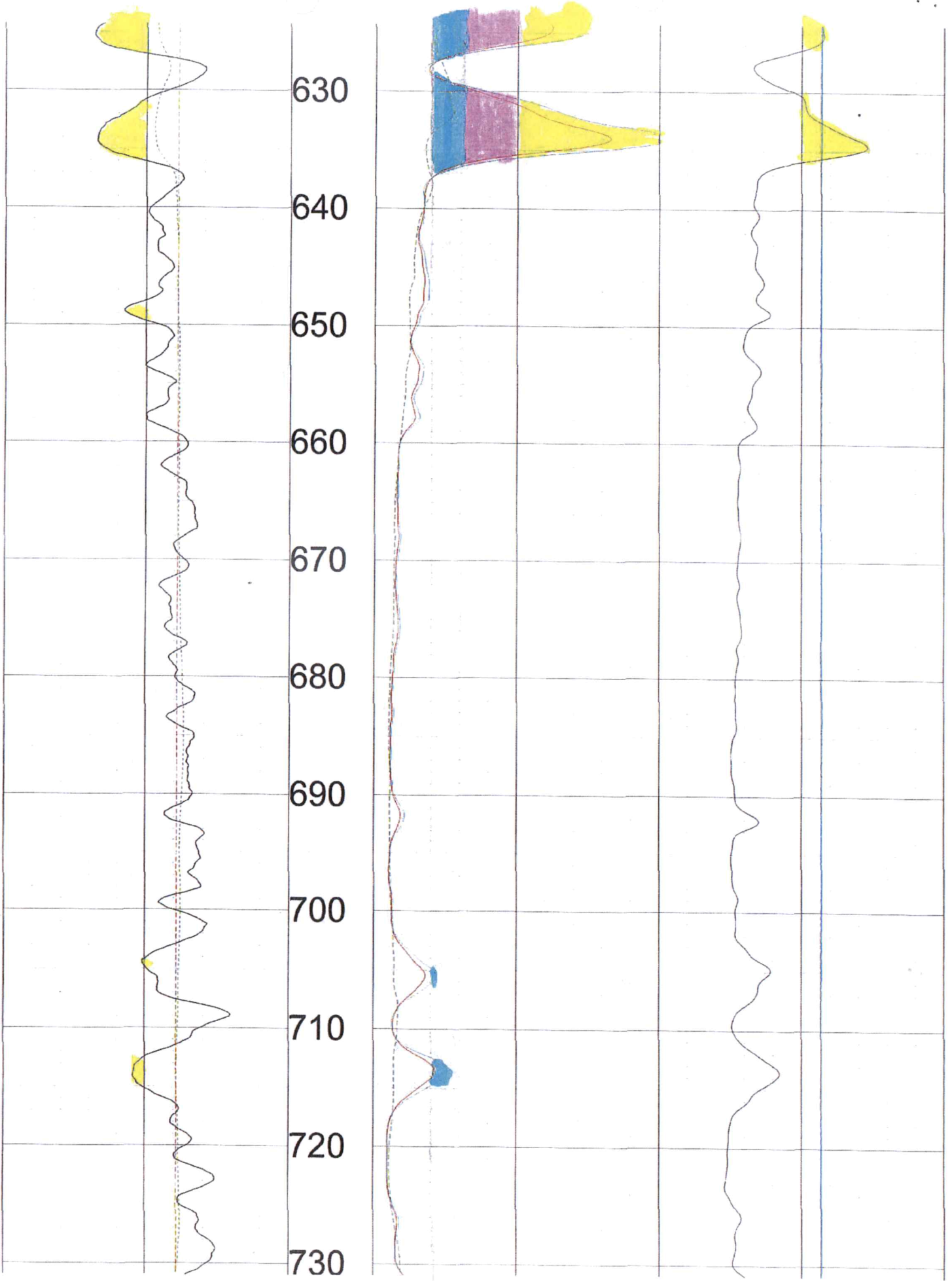
400

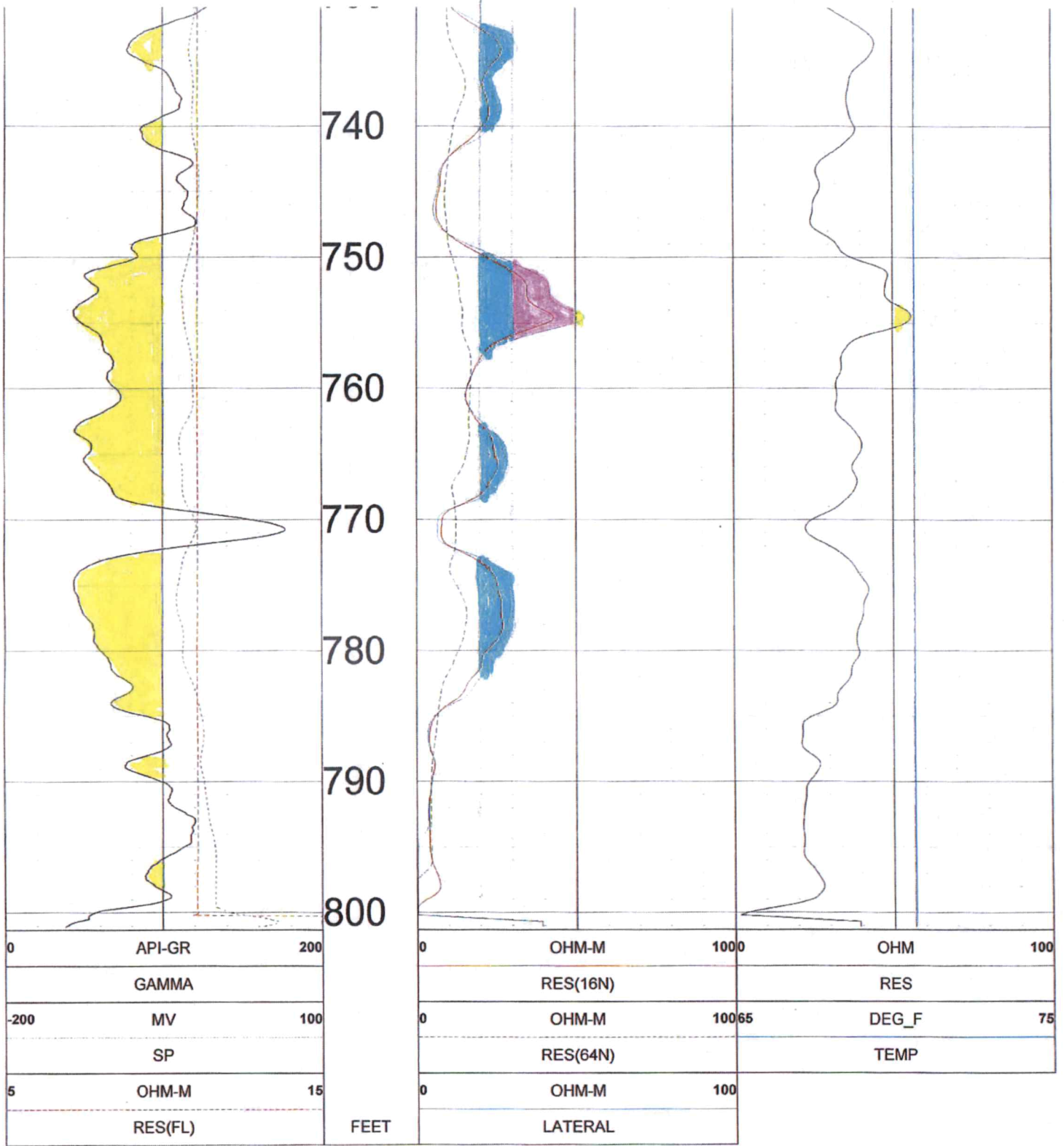
410











0	API-GR	200
	GAMMA	
-200	MV	100
	SP	
5	OHM-M	15
	RES(FI)	

FEET

0	OHM-M	1000	OHM	100
	RES(16N)		RES	
0	OHM-M	10065	DEG_F	75
	RES(64N)		TEMP	
0	OHM-M	100		
	LATERAL			

TOOL CALIBRATION JERRY NICHOLS 06/19/24 19:09  
TOOL 8144A TM VERSION 3002  
SERIAL NUMBER 365

	DATE	TIME	SENSOR	STANDARD	RESPONSE
1	Feb08,18	07:51:35	GAMMA	1.000 [API-GR ]	4.000 [CPS]
	Feb08,18	07:51:35	GAMMA	340.000 [API-GR ]	290.000 [CPS]
2	Jul12,17	13:24:17	RES(FL)	1.330 [OHM-M ]	7595.000 [CPS]
	Jul12,17	13:24:17	RES(FL)	42.700 [OHM-M ]	64820.000 [CPS]
3	Jan14,22	08:32:51	SP	0.000 [MV ]	327768.000 [CPS]
	Jan14,22	08:32:51	SP	381.500 [MV ]	164650.000 [CPS]
4	Jan14,22	08:33:01	RES(16N)	0.000 [OHM-M ]	3453.000 [CPS]
	Jan14,22	08:33:01	RES(16N)	1951.500 [OHM-M ]	448089.000 [CPS]
5	Jan14,22	08:33:10	RES(64N)	0.000 [OHM-M ]	3163.000 [CPS]
	Jan14,22	08:33:10	RES(64N)	1994.000 [OHM-M ]	449170.000 [CPS]
6	Jul12,17	13:17:49	TEMP	33.400 [DEG_F ]	66910.000 [CPS]
	Jul12,17	13:17:49	TEMP	102.200 [DEG_F ]	270930.000 [CPS]
7	Jan14,22	08:33:36	RES	0.000 [OHM ]	21285.000 [CPS]
	Jan14,22	08:33:36	RES	944.000 [OHM ]	190148.000 [CPS]