

Kansas Department of Agriculture
Division of Water Resources
APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: 26064	2. Status Change Date:	4. Field Office: 04 - Garden City GMD: 03 - Southwest Structures File No.: Filing/Priority Date: 1/31/2025 Application Complete Date:			
3. Package File No(s): ST-9; 5404; 12151; 15351; 26064 & 26825					
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 69454 Add Seq# S A W FARMING PO BOX 501 JOHNSON, KS 67855	5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 68896 Add Seq# RICHFIELD ACRES LLC PO BOX 501 JOHNSON, KS 67855-0501				
5c. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 60517 Add Seq# SETH & JODI NELSON PO BOX 590 JOHNSON, KS 67855	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#				
6. Change No.: C2 <input type="checkbox"/> PD <input checked="" type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: Not changing MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: 12/31/2025 Perfection/Expiration Date:		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: IRR-Irrigation UMW: UMW:			
8. Action Trail					
9. Special Conditions					
10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres: Comment:					
11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr					
12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Justification: Rule Type: Rule SubType:					
Comments COMBINE PUSE IDs 5907 (KEEP); 12907 (DELETE) & 19255 (DELETE) - SAME OWNERSHIP UPDATE BASIN - CORRECTION - BEAR CREEK NO CHANGE ON WUC		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Processed 2/12/2025 AM</td> <td rowspan="2" style="width: 50%; vertical-align: top;">Entered</td> </tr> <tr> <td>Reviewed</td> </tr> </table>	Processed 2/12/2025 AM	Entered	Reviewed
Processed 2/12/2025 AM	Entered				
Reviewed					

File No. **26064** 13. County: **ST** Basin: **BEAR CREEK** Stream:
 Structures File No: Aquifer Code: **211 / 331** Special Use Area:

14. Points of Diversion, Rates & Quantities

PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty		Rate		Storage Qty		Storage Rate		Overlaps		
									Auth	Add	Auth	Add	Auth	Add	Auth/Add				
CHK	82134																		

15. Limitations Type: Quantity: Rate: combined with file no(s):
 Type: Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: 12/31/2025

17. Place of Use

PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
					L-1	L-2			L-3	L-4														
ENT	5907	2	29S	39W	1	39.65	39.83	40	40	40.01	31.80	40	40	40	40	40	40	35.7	40	626.99	5a	<input type="checkbox"/>	**	
ENT	10175	12	29S	39W	2	40	40	40	40											160	5c	<input type="checkbox"/>	**	
ENT	17280	11	29S	39W	1	40	40	40	40											160	5a	<input type="checkbox"/>	**	
ENT	33462	1	29S	39W	2								40	40	40	40	40	40	40	320	5b	<input type="checkbox"/>	**	
DEL	12907																					<input type="checkbox"/>		
																						<input type="checkbox"/>		

18. Point of Diversion and Place of Use Overlaps

<p>* + # ^</p>	<p>** ST-9; 5404; 12151; 15351; 26064 & 26825 ++ ## ^^</p>
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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

February 13, 2025

S A W FARMING
PO BOX 501
JOHNSON, KS 67855

RE: Filed Office Application for Change
Vested Right, File No. ST-9
Water Right, File Nos. 5404; 12151; 15351; 26064 and 26825

Dear Sir or Madam:

Enclosed is the 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 numbers. **Note: this approval does not allow any single point of diversion to exceed its annual authorized quantity.**

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is 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/or installation of the required meter as soon as these actions are completed.

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.

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 handwritten signature in blue ink, appearing to read "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc: Richfield Acres LLC
Seth Nelson
GMD 3

CERTIFICATE OF SERVICE

On this 13th day of February, 2025, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Vested Right, File No. ST-9 and Water Right, File Nos. 5,404, 12,151, 15,351, 26,064 and 26,825 dated 13th day of February, 2025 was mailed postage prepaid, first class, US mail to the following:

S A W FARMING
PO BOX 501
JOHNSON, KS 67855

Pc:

RICHFIELD ACRES LLC
PO BOX 501
JOHNSON, KS 67855-0501

SETH & JODI NELSON
PO BOX 590
JOHNSON, KS 67855

GMD 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. 26064

RECEIVED
 9:42 am
 JAN 31 2025

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 JOHNSON, KS 67855

Phone Number: () _____ Email address: _____

Name and address of Water Use Correspondent: SAME AS ABOVE

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: SAW FARMING

ADDRESS: PO BOX 501 JOHNSON, KS 67855

(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	
2	29	39	39.65	39.83	40	40													159.48
			L-1	L-2															

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: RICHFIELD ACRES LLC

ADDRESS: PO BOX 501 JOHNSON, KS 67855

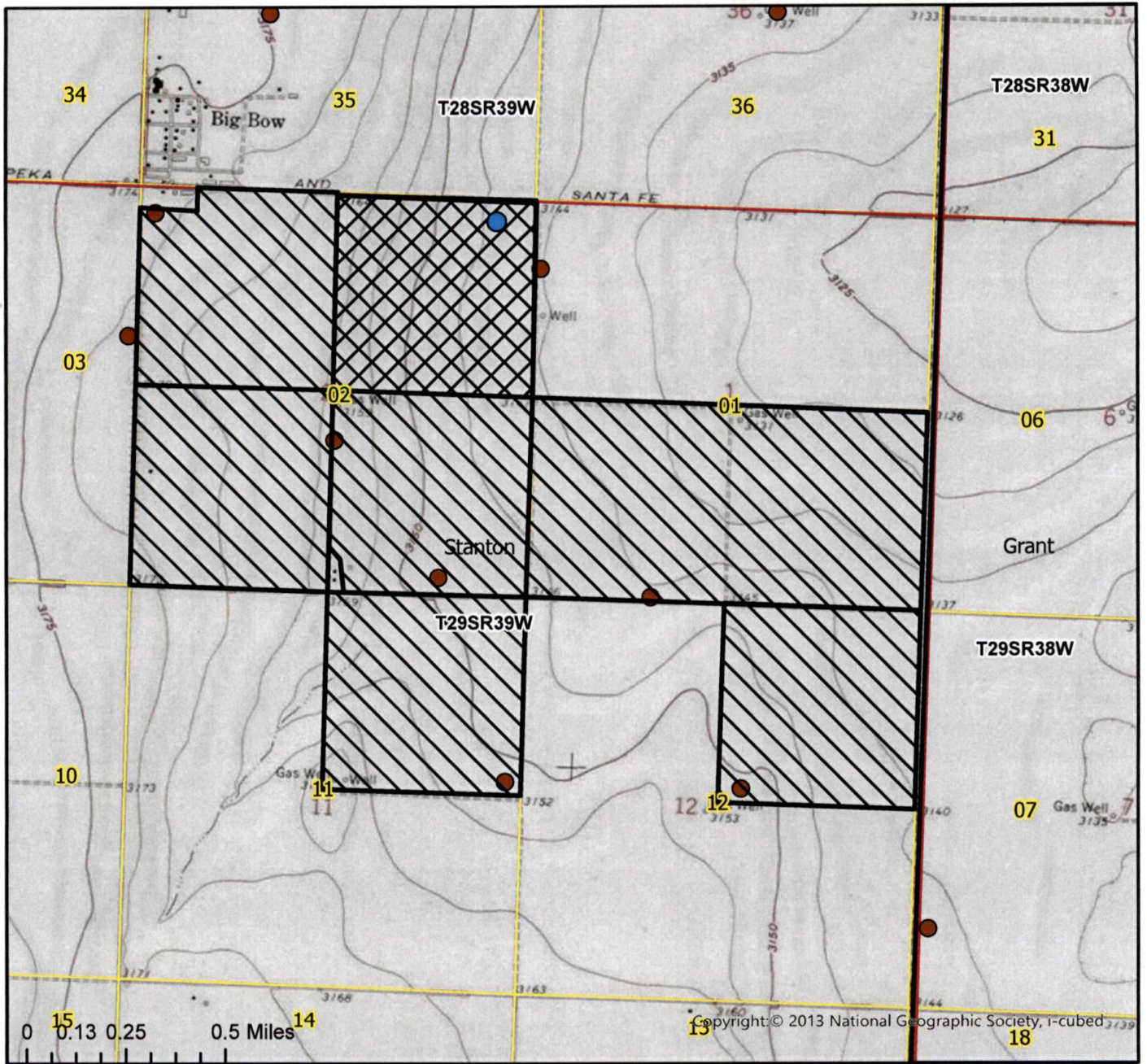
(If there is more than one landowner, attach supplemental sheets as necessary.)

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		
1	29	39																		320

For Office Use Only: Code CPW Fee \$ 200.00 TR # _____ Receipt Date 1-31-25 Check # 4156

CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 26064

NE 1/4 of Section 02 Township 29 South Range 39 West Stanton County



	Authorized Point of Diversion
	Permitted Water Right
	Domestic Well within 1/2 mile
	Authorized Place of Use
	Proposed Place of Use

List of owner name and addresses within 1/2 mile:



By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

Brandon
 (Signature)

1-30-2025
 Date

10/02/2024 AH/GCFO
 1:24,000 Scale

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 26064
MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* The presently authorized place of use is:

Owner of Land — NAME: _____
ADDRESS: _____

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			

Owner of Land — NAME: _____
ADDRESS: _____

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				

Owner of Land — NAME: _____
ADDRESS: _____

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. *Continued:* 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: SAW FARMING
ADDRESS: PO BOX 501 JOHNSON, KS 67855

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						
2	29	39	39.65	39.83	40	40	L-3 40.01	L-4 31.8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	626.99	
11	29	39	40	40	40	40																	160	

Owner of Land — NAME: WESTLY & SETH NELSON
ADDRESS: PO BOX 590 JOHNSON, KS 67855

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						
12	29	39	40	40	40	40																	160	

Owner of Land — NAME: _____
ADDRESS: _____

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							

5. **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 _____

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) OWNERSHIP CHANGE

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

8. The change(s) (was)(will) be completed by?
ASAP

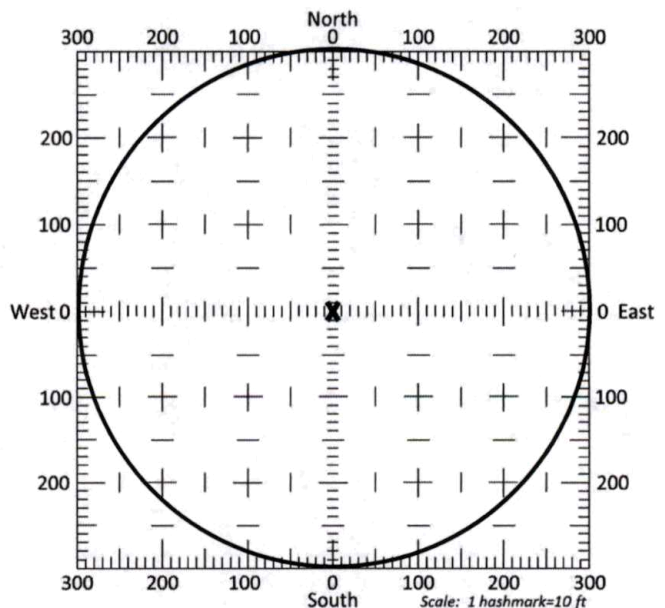
9. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

10. Groundwater Management District recommendation attached?
 Yes No

11. Assisted by AH

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 Scott City, Kansas, this 20 day of December, 2024.

<u>AN</u>	
(Owner)	(Spouse)
<u>Richfield Acres, LLC by Abram Nelson Member</u>	
(Please Print)	(Please Print)
<u>AN</u>	
(Owner)	(Spouse)
<u>SAW Farming by Abram Nelson Partner</u>	
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }
 County of Scott } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20th day of December, 2024.



ROBIN BUEHLER
 Notary Public - State of Kansas
 My Commission Expires 3/5/2024

[Signature]
 Notary Public

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

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.)
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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 Silver Spring, ^{Maryland} ~~Kansas~~, this 26 day of December, 2024.

Wesley C Nelson
(Owner)

Sharon Nelson
(Spouse)

Wesley C Nelson
(Please Print)

Sharon Nelson
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

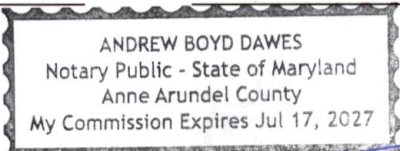
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of ~~Kansas~~ Maryland }
County of Anne Arundel } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26th day of December, 2024.

[Signature]
Notary Public

My Commission Expires 07/17/2027.

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.

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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 Johnson, Kansas, this 30 day of January, 2025.

Seth Nelson

(Owner)

Jodi Nelson

(Spouse)

Seth Nelson

(Please Print)

Jodi Nelson

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

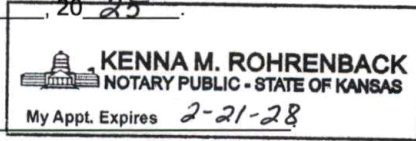
(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Stanton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30 day of January, 2025.



Kenna M. Rohrenback

Notary Public

My Commission Expires

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

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- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

**ADDENDUM TO APPLICATIONS TO CHANGE THE PLACE OF USE
WATER RIGHT, FILE NOS.**

File No. 26064

File No. _____

The owners of the following water rights request this addendum be accepted by the Chief Engineer and be made a matter of record in the files of the Division of Water Resources for the purposes expressed herein.

That SAW Farming are the owners of the land authorized under Water Right, File No(s). 26064.

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2	29	39	39.65	39.95	40	40													159.48
			L-1	L-2															

That Richfield Acres LLC are the owners of the land authorized under Water Right, File No(s). 26064.

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	29	39								40	40	40	40	40	40	40	40	40	320

They have made application to change the place of use to combine all of the land authorized into a single place of use under all of the above files. Their applications request the approval of the Chief Engineer as prescribed under K.S.A. 82a-708b. They request the approval include by reference this addendum in order to make in possible for either party to terminate this combined arrangement as agreed. They further agree that this addendum will be binding on any heirs, successors, or assigns to the aforementioned property unless or until the combined arrangement is terminated and the water rights again stand alone.

The undersigned agree that in the event either party desires the termination of this combined arrangement of water rights, either landowner may act unilaterally to separate the above water rights files. They agree and authorize the Chief Engineer to recognize this addendum as authority and consent by both parties on subsequent applications to change the place of use only if said applications to change the place of use are made for this purpose of returning these water rights to the original places of use authorized on the date of signing this document.

PLEASE NOTE: Signatures of owners are on the back page of this addendum.

File Nos. 26064

This agreement shall be binding upon the heirs, devisees, legatees, executors, administrators, guardians, conservators, trustees and assigns all parties.

Ae New
Signature

Richfield Acres, LLC by Abram Nelson Member
Signature

Ae New
Signature

SAW Farming by Abram Nelson Partner
Signature

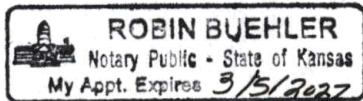
Signature

Signature

State of Kansas

County of Scott

I hereby certify that the foregoing document was signed in my presence and sworn before me this 20th day of December, 2024.



Robin Buehler
Notary Public

My commission expires _____.

File Nos. 26064

This agreement shall be binding upon the heirs, devisees, legatees, executors, administrators, guardians, conservators, trustees and assigns all parties.

[Handwritten Signature]

Signature

Wesley C Nelson

Signature Print

[Handwritten Signature]

Signature

Sharon Nelson

Signature Print

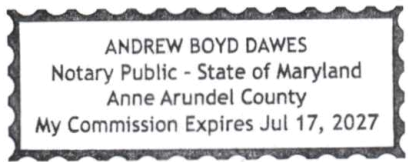
Signature

Signature

State of MARYLAND

County of ANNE ARUNDEL

I hereby certify that the foregoing document was signed in my presence and sworn before me this 26th day of December, 2024.



[Handwritten Signature]

Notary Public

My commission expires 07/17/2027.

File Nos. 26064

This agreement shall be binding upon the heirs, devisees, legatees, executors, administrators, guardians, conservators, trustees and assigns all parties.

Seth
Signature

Jodi
Signature

Seth Nelson
Signature

Jodi Nelson
Signature

Signature

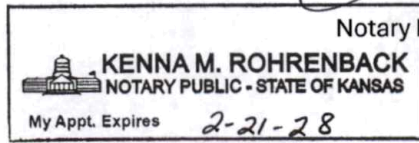
Signature

State of Kansas

County of Stanton

I hereby certify that the foregoing document was signed in my presence and sworn before me this 30 day of January, 20 25.

Kenna M. Rohrenback



Notary Public

My commission expires _____.

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. 26064.

1. A change application was received on January 31, 2025 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, 2025**, 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, 2025**, or within any authorized extension of time. By March 1, 2026 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: Austin McColloch
Duly Authorized Designee of the Chief Engineer

(Print Name): Austin McColloch
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: February 13, 2025

State of Kansas)

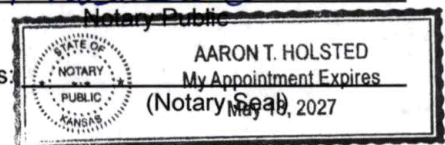
County of Linney) SS

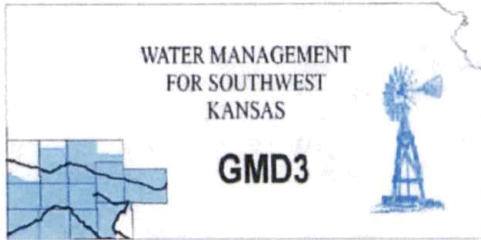
Acknowledged before me on February 13, 2025

by Austin McColloch

Signature: Aaron Holsted
Notary Public

My commission expires: _____
AARON T. HOLSTED
My Appointment Expires _____
(Notary Seal) _____





Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone
www.gmd3.org

February 11, 2025

Austin McColloch
Division of Water Resources
4532 W Jones Ave., Suite B
Garden City, Kansas 67846

RECEIVED

FEB 11 2025

Garden City Field Office
Division of Water Resources

RE: Applications for Change in Place of Use
Water Right, File Nos. ST09, 5404, 12151, 15351, 26064 & 26825

Dear Austin:

We have completed a review of the applications for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). In accordance with K.A.R. 5-5-11(b), the applicant is proposing to make a complete overlap in current acres. No new unauthorized acres are proposed. It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, which appears to read "Jason L. Norquest", is written over the typed name and title.

Jason L. Norquest
Assistant Manager

GMD3 Change Review

File No(s): ST09, 5404, 12151, 15351, 26064, 26825.

DWR office: GC.

App filed to change: PU.

Is Landowner(s) correct in WRIS: Seth Nelson.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? ___.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11(b)

Point of diversion ID No(s) ___ being changed.

	ft. North	ft. West	
Authorized PD			
Proposed PD			
Difference	0	0	
$a^2 + b^2 = c^2$	0	0	0

GPS for proposed PD: Lat: ___ Long: ___.

Is proposed PD stacking on existing WRs? No changes.

Is Proposed PU overlapping existing WRs? Making a complete overlap in current acres.

Neighboring certified well(s) notified: ___.

Name ___.

Address ___.

Zip ___.

Email: ___. Phone: ___.

Domestic well(s) notified: ___.

Name ___.

Address ___.

Zip ___.

Base Acres: ___.

Perfected Acres: ___.

Irr. Return-Flow ___%

Stanton County

ST09: ID05 150AF @ 480gpm, ID06 150AF @ 480gpm

155.7acres SE 2-29-39

311.81acres W2 2-29-39

160acres NE 11-29-39

5404: 320AF @ 425gpm

SAME ACRES AS ST09

12151: 640AF @ 1605gpm

320acres S2 1-29-39

15351: 320AF @ 1260gpm

160acres NE 12-29-39

GMD3 Change Review

26064: 320AF @ 720gpm

159.48acres NE 2-29-39

26825: ID05 236.95AF @ 457.5gpm, ID06 236.95AF @ 457.5gpm (overlap ST09)

Limited 480gpm w/ST09 & 773.9AF/year w/ST09

SAME ACRES AS ST09 & 5404

Proposed acres are same as currently authorized acres listed above, NO new acres.

Is a waiver needed: No, proposal is for a complete overlap in current acres.

Recommendation: After review of available information, it appears current area rules are met. Staff recommends approval of the applications.



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

February 5, 2025

GROUNDWATER MANAGEMENT DISTRICT #3
2009 E SPRUCE ST
GARDEN CITY KS 67846

Re: Request for Recommendation,
File No. ST-9; 5404; 12151; 15351; 26064 & 26825

Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by Seth Nelson and appears to be in proper form, for your review.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

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

Austin McColloch
Assistant Water Commissioner

Enclosure
pc: