

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

Document Signature _____

1. File Number: 14,978	2. Status Change Date: 10/10/2016	3. Change Num: C1	4. Field Office: 02	5. GMD: 03
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 08-AUG-2016
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8a. Applicant(s) Person ID 13985 New to system <input type="checkbox"/> Add Seq# 1 DANNY D & SUSAN J POST 10629 VALLEY RD DODGE CITY KS 67801-6786	8d. Landowner(s) Person ID 33310 New to system <input type="checkbox"/> Add Seq# 1 NV RANCH LP 11089 WHIRLWIND RD DODGE CITY KS 67801-6751
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8b. Landowner(s) Person ID 36526 New to system <input type="checkbox"/> Add Seq# 1 THOMAS G & KAY L SCHNITTKER TRUSTS PO BOX 1 PRATT KS 67124	8e. Landowner(s) Person ID 65306 New to system <input checked="" type="checkbox"/> Add Seq# _____ JEREMIAH B NICHOLSON 11089 WHIRLWIND RD DODGE CITY KS 67801
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8c. Landowner(s) Person ID 13985 New to system <input type="checkbox"/> Add Seq# 1 DANNY D & SUSAN J POST 10629 VALLEY RD DODGE CITY KS 67801-6786	8f. WUC Person ID 65306 New to system <input checked="" type="checkbox"/> Add Seq# _____ JEREMIAH B NICHOLSON 11089 WHIRLWIND RD DODGE CITY KS 67801
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/17** N & P Date to Comply: _____

Anti-Reverse Meter
 Meter Seal
 Check Valve
 N & P Form
 Water Tube
 Driller Copy
 H & E Letter

Conservation Plan
 Date Required: _____
 Date Approved: _____
 Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **11/01/16** By: **RAK**
 Date Entered: **11/14/2016** By: **UM**

File No. **14,978** 11. County: FO Basin: ARKANSAS RIVER Stream: Formation Code: 211 Special Use:

12. Points of Diversion
T
MOD
DEL PDIV
ENT Qualifier S T R ID 'N 'W Comment Rate gpm Quantity AF Additional Rate gpm Quantity mgy Overlap PD Files

DEL 30566 Lot 1 NW¼ NW¼ NW¼ 19 28 25W 1 5200 5030 1565 g.p.m. 400 g.p.m. 6892

MOD 61058 SW¼ NE¼ SW¼ 18 28 25W 4 1346 3480 1295 g.p.m. 583 AF 1295 g.p.m. 583 AF NO
KEEP PD COMMENT 75'N & 50'E OF PREVIOUS WELL

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. REMOVE Limitation: **1050AF/YR COM/W BOTH WELLS, #6,892 & #14,978** _____ gpm (_____
REMOVE Limitation: **1565GPM COM/W #6,892** af/yr at _____ gpm (_____)

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use T MOD DEL ENT 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				
MOD 13744 18 28 25W 1 KEEP PU COMMENT L-3 (NWSW) L-4(SW SW)									40.00	32.50	36.50	36.50	36.00	40.00	38.00	39.50	299.00	8D & 8E	YES	NO
DEL 29203 19 28 25W 1 L-1(NW NW) L-2(SW NW) L-3(NWSW) L-4(SWSW)		2.00			6.00	38.00	31.00	8.00	40.00	25.00	30.00	40.00					220.00	8C	NO	6892

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: November 7, 2016

FROM: Richelle A. Krueger

RE: Water Right
File Nos. 6,892 and 14,978

Danny D. and Susan J. Post, and DeKeta S. Schuckman, on behalf of NV Ranch L.P., etal, water right owners, have filed applications for approval to change the authorized place of use for the referenced file numbers, authorized for irrigation use in the Arkansas River basin.

The referenced files do not appear abandoned as per K.S.A. 82a-718.

File Nos. 6,892 and 14,978 are authorized a limited total of 1,050 acre-feet of groundwater for irrigation use in Sections 18 and 19, Township 28 South, Range 25 West, Ford County. The referenced file numbers form an incomplete overlap in the authorized place of use and File No. 6,892 overlaps one of the two authorized wells of File No. 14,978. NV Ranch, L.P. and Jeremiah Nicholson have recently purchased the South Half (S½) of Section 18, and the referenced change applications propose to remove the overlap in place of use and point of diversion between File Nos. 6,892 and 14,978. Danny D. and Susan J. Post will be owners of File No. 6,892 and the 235 proposed acres in Section 19, and NV Ranch L.P. and Jeremiah Nicholson will own File No. 14,978 and the proposed 299 acres in Section 18. The authorized diversion rate and quantity of File No. 14,978 will be reduced to 583 acre-feet and 1,295 gallons per minute, and the additional limitation on the quantity and diversion rate as set forth in the certificate of appropriation for File No. 14,978 when combined with File No. 6,892 will be removed.

The applications appear to comply with K.A.R. 5-5-11 *Applications for change in place of use*. The 467 acre-feet to be authorized for File No. 6,892 will irrigate the proposed 235 acres with 1.99 acre-feet per acre and the 583 acre-feet to be authorized for File No. 14,978 will irrigate the proposed 299 acres with 1.95 acre-feet per acre. The 50% net irrigation requirement for the full irrigation of corn with 85% efficiency in Ford County is 1.34 acre-feet per acre, so the proposals appear reasonable.

There is a stockwatering well (File No. 20,447.01) owned by the Posts and one domestic well not under common ownership within one-half mile of the authorized points of diversion. The domestic water well owner was notified by letter dated October 21, 2016 of the proposed changes in place of use in order to comply with Senate Bill No. 337 enacted by the Legislature of the State of Kansas, effective July 1, 2016.

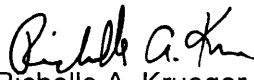
The same local source of supply will not change, which has been previously determined to be Ogallala Formation (211).

Southwest Kansas Groundwater Management District No. 3 recommended approval of the referenced applications in a letter dated October 26, 2016 from Jason Norquest, Assistant Manager.

In an e-mail dated November 1, 2016, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated that he is not opposed to approval of the applications.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the applications be approved.


Richelle A. Krueger
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 14, 2016

DANNY D & SUSAN J POST
10629 VALLEY RD
DODGE CITY KS 67801-6786

FILE COPY

RE: Water Right, File Nos. 6,892 and 14,978

Dear Mr. and Mrs. Post:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

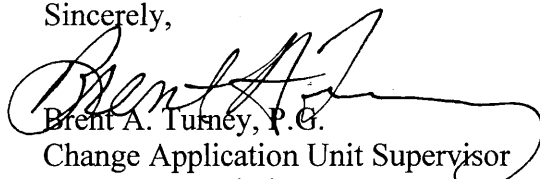
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the installation of the required meters as soon as these actions are completed.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. You are designated as the water use correspondent for the well authorized by File No. 6,892 and Jeremiah B. Nicholson is designated as the water use correspondent for the well authorized by File No. 14,978. If it is desired that someone other than the water right owners submit the water use report, you should complete the enclosed form letter and return it to this office. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

Since the orders for the referenced file numbers modify the original documents referred to above they should be recorded with the Register of Deeds as other instruments affecting real estate.

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

Sincerely,


Brent A. Turney, P.E.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 3
NV Ranch, L.P. and Jeremiah B. Nicholson
Thomas G. and Kay L. Schnittker



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
AND
ORDER REDUCING THE
NUMBER OF AUTHORIZED POINTS OF DIVERSION
THE AUTHORIZED QUANTITY AND DIVERSION RATE
AND REMOVING
THE ADDITIONAL QUANTITY AND DIVERSION RATE LIMITATION
WATER RIGHT
FILE NO. 14,978**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Danny D. and Susan J. Post, 10629 Valley Road, Dodge City, Kansas, 67801, DeKeta S. Schuckman, on behalf of NV Ranch, L.P. and Jeremiah B. Nicholson, 11089 Whirlwind Road, Dodge City, Kansas, 67801, and Thomas G. and Kay L. Schnittker, on behalf of Thomas G. Schnittker and Kay L. Schnittker Trusts dated April 14, 1999, P.O. Box 1, Pratt, Kansas, 67124, received in this office on August 8, 2016, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated March 31, 1997 and June 30, 1997, approving applications to change the point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The application, therefore, is approved subject to the condition that the water right is reduced to a quantity not to exceed 583 acre-feet of water per calendar year and to a diversion rate not to exceed 1,295 gallons per minute (2.89 c.f.s.) in accordance with the Application for Approval to Change the Place of Use, File No. 14,978 received August 8, 2016.

This order reduces the number of authorized points of diversion to:

one(1) well located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 18, more particularly described as being near a point 1,346 feet North and 3,480 feet West of the Southeast corner of said section, in Township 28 South, Range 25 West, Ford County, Kansas,

and removes the additional limitation on the authorized quantity and diversion rate as set forth by the Certificate of Appropriation pursuant to File No. 14,978, issued December 6, 1978, described as follows:

This appropriation is further limited to a quantity and diversion rate which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to Application No. 6892 will provide a maximum diversion rate not in excess of 1,565 gallons per minute from the well located near the Northwest corner of Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 19, and a total quantity of 1,050 acre-feet per calendar year for irrigation use on the land described herein.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

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									
18	28S	25W																	40.00	Lot 3 32.50	Lot 4 36.50	36.50	36.00	40.00	38.00	39.50	299.00

a total of 299.00 acres in Township 28 South, Range 25 West, Ford County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 14,978, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 6, 1978, as modified and amended by the aforementioned orders.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 10th day of November, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 10th day of November, 2016, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



CERTIFICATE OF SERVICE

On this 14th day of November, 2016, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 14,978, dated November 10, 2016 was mailed postage prepaid, first class, US mail to the following:

NV RANCH LP
JEREMIAH B NICHOLSON
11089 WHIRLWIND RD
DODGE CITY KS 67801

with photocopies to:

DANNY D & SUSAN J POST
10629 VALLEY RD
DODGE CITY KS 67801

THOMAS G & KAY L SCHNITTKER TRUSTS
PO BOX 1
PRATT KS 67124

Stafford Field Office
Groundwater Management District No. 3

Danielle Wilson

Division of Water Resources

Submit To: CHIEF ENGINEER
 Division of Water Resources
 Kansas Department of Agriculture
 1320 Research Park Drive
 Manhattan, Kansas 66502
 http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
 CHANGE THE PLACE OF USE, THE
 POINT OF DIVERSION OR THE USE
 MADE OF THE WATER UNDER AN
 EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
 (Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

WATER RESOURCES
RECEIVED

AUG 08 2016

12:01
KS DEPT OF AGRICULTURE

File No. 14978

2. Name of applicant: Danny D & Susan J Post

WATER RESOURCES
RECEIVED

OCT 17 2016

Address: 10629 Valley Rd

City, State and Zip: Dodge City KS 67801

KS DEPT OF AGRICULTURE

Phone Number: (620)338-1065

E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

* Name of water use correspondent: ~~K-T Farms Inc~~

Jeremiah B Nicholson

Address: ~~Thomas G Schmittker, PO Box 1~~

11087 Whirlwind Road, Dodge City KS 67801

City, State and Zip: Pratt KS 67124

Phone Number: (620) 672-7400

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): To separate File No. 14978 to Section 18-28-25W and remove any overlap with File No. 6892. In addition, unauthorized acres will be covered.

The change(s) will be completed by 2017

(Date)

For Office Use Only:

F.O. 2 GMD 3 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source G/S County FO By ADW Date 8/8/16
 Code CPU Fee \$ 200 TR # _____ Receipt Date 8/8/16 Check # 23790

RECEIVED

AUG 03 2016

SCANNED

Assisted by: EKF/SFFO

Stafford Field Office
 Division of Water Resources

8/10/2016 WM

DWR 1-120 (Revised 06/16/2014)

* per letter received
 10/17/16 From DeKety Schrockman
 NV Ranch

* RAK 10/20/16

Handwritten initials

4. The presently authorized place of use is:

Owner of Land — NAME: ~~Thomas G & Kay L Schnittker Trusts~~ *NV Ranch LP + Jeremiah B Nicholson*

ADDRESS: ~~PO Box 1, Pratt KS 67124~~ *11089 Whirlwind Rd Dodge City KS 67801 (Same 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		
								Lot 1	Lot 2			Lot 3	Lot 4							
18	28S	25W										38	25	37	40	40	40	40	40	300

List any other water rights that cover this place of use. 14978 *6892

Owner of Land — NAME: Danny D & Susan J Post

ADDRESS: 10629 Valley Rd, Dodge City KS 67801

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		
								Lot 1	Lot 2			Lot 3	Lot 4							
19	28S	25W		2			6	38	31	8	40	25	30	40						220

List any other water rights that cover this place of use. 14978 *6892

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: ~~Thomas G & Kay L Schnittker Trusts~~ *NV Ranch LP + Jeremiah B Nicholson*

ADDRESS: ~~PO Box 1, Pratt KS 67124~~ *11089 Whirlwind Rd Dodge City KS 67801 (Same 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		
								Lot 1	Lot 2			Lot 3	Lot 4							
18	28S	25W										40	32.5	36.5	36.5	36	40	38	39.5	299

List any other water rights that cover this place of use. none

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		

WATER RESOURCES RECEIVED
OCT 17 2016
KS DEPT OF AGRICULTURE

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* per WAIS
* per submitted deed & letter received 11/17/16 DeKeta Schuchman NV Ranch LP
* DAK/Dm 9/12/16
* DAK/Dm 10/20/16
TGS

WATER RESOURCES RECEIVED

AUG 08 2016 SCANNED AUG 03 2016

- 6. The presently authorized point(s) of diversion are two wells and diversion works
(Provide description and number of points)
- 7. The proposed point(s) of diversion is one well and diversion works
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Quarter of the Quarter of the Lot 1 (NW NW NW) Quarter of Section 19, Township 28 South, Range 25 W, in FORD County, Kansas, 5,200 feet North 5,030 feet West of Southeast corner of section.
 Authorized Rate 1,565 gpm (limited) Authorized Quantity 1,050 AF (combined/limited)
 (DWR use only: Computer ID No. 1 GPS N/A feet North N/A feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested):
 One in the Reduce this well off of permit Quarter of the Quarter of the Quarter of Section , Township South, Range (EW), in County, Kansas, feet North feet West of Southeast corner of section.
 Proposed Rate Proposed Quantity
 This point is: Additional Well Geo Center List other water rights that will use this point

9. **Presently authorized point of diversion:**
 One in the SW Quarter of the NE Quarter of the SW Quarter of Section 18, Township 28 South, Range 25 W, in FORD County, Kansas, 1,346 feet North 3,480 feet West of Southeast corner of section.
 Authorized Rate 1,295 gpm Authorized Quantity 1,050 AF (combined/limited)
 (DWR use only: Computer ID No. 4 GPS N/A feet North N/A feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SW Quarter of the NE Quarter of the SW Quarter of Section 18, Township 28 South, Range * 28 25 W, in FORD County, Kansas, 1,346 feet North 3,480 feet West of Southeast corner of section.
 Proposed Rate 1,295 gpm Proposed Quantity 583 AF
 This point is: Additional Well Geo Center List other water rights that will use this point none

10. **Presently authorized point of diversion:**
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range (EW), in County, Kansas, feet North feet West of Southeast corner of section.
 Authorized Rate Authorized Quantity
 (DWR use only: Computer ID No. GPS feet North feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range (EW), in County, Kansas, feet North feet West of Southeast corner of section.
 Proposed Rate Proposed Quantity
 This point is: Additional Well Geo Center List other water rights that will use this point

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

*per WRS
*DWR
11/1/16

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

RECEIVED

OCT 17 2016

SCANNED AUG 08 2016

AUG 03 2016

TBR

12. The presently authorized use of water is for IRRIGATION purposes.

It is proposed that the use be changed to no change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

The proposed acres will not increase more than 10 acrs over the base acres determined by the Stafford Field Office.

(Please show any calculations here.)

* 14. It is requested that the maximum annual quantity of water be reduced to N/A 583 (acre-feet or million gallons).

* 15. It is requested that the maximum rate of diversion of water be reduced to N/A 1295 gallons per minute (c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

No change in the physical points of diversion requested. The proposed changes to the point of diversion involved a reduction only.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

No waivers are needed.

WATER RESOURCES RECEIVED

OCT 17 2016

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

KS DEPT OF AGRICULTURE

RECEIVED

* per Paragraphs 8 + 9
* RAK/own 7/12/16

TGS

SCANNED AUG 08 2016

AUG 03 2016

KS DEPT OF AGRICULTURE

Stafford Field Office
Division of Water Resources

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Hodge City, Kansas, this 14th day of August, 2016.

X [Signature]
(Owner)

X [Signature]
(Spouse)

Danny D. Post
(Please Print)

Susan J. Post
(Please Print)

N/A
(Owner)

N/A
(Spouse)

N/a
(Please Print)

N/A
(Please Print)

N/A
(Owner)

N/A
(Spouse)

N/A
(Please Print)

N/A
(Please Print)

State of Kansas }
County of Ford } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14th day of August, 2016.

[Signature]
Notary Public

My Commission Expires 1-2-2020

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES RECEIVED

SCANNED

WATER RESOURCES RECEIVED

RECEIVED

OCT 17 2016

AUG 08 2016

AUG 03 2016

KS DEPT OF AGRICULTURE

T68

KS DEPT OF AGRICULTURE

Stafford Field Office
Division of Water Resources

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Pratt, Kansas, this 1st day of August, 2016

[Signature]
(Owner)

x [Signature]
(Spouse)

Thomas G. Schnittker
(Please Print)

Kay L. Schnittker
(Please Print)

x [Signature]
(Owner)

x [Signature]
(Spouse)

Thomas G. Schnittker Trust dated April 14, 1999
Thomas G. & Kay L. Schnittker, Co-Trustees
(Please Print)

Kay L. Schnittker Trust dated April 14, 1999
Kay L. & Thomas G. Schnittker, Co-Trustees
(Please Print)

x [Signature]
(Owner)

x [Signature]
(Spouse)

Kay L. Schnittker Trust dated April 14, 1999
Kay L. & Thomas G. Schnittker, Co-Trustees
(Please Print)

Thomas G. Schnittker Trust dated April 14, 1999
Thomas G. & Kay L. Schnittker, Co-Trustees
(Please Print)

State of Kansas }
County of Pratt } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1st day of August, 2016.

[Signature]
Notary Public

My Commission Expires 7-5-17

FEE SCHEDULE



Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture**

WATER RESOURCES RECEIVED
OCT 17 2016
KS DEPT OF AGRICULTURE

SCANNED
TLV

WATER RESOURCES RECEIVED
AUG 08 2016
KS DEPT OF AGRICULTURE

RECEIVED
AUG 03 2016
Stafford Field Office
Division of Water Resources

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Ford County, Kansas, this 10th day of October, 20 16.

NV Ranch, L.P.
by [Signature] General Partner
(Owner)

NA
(Spouse)

NV Ranch, L.P. by DeKeta S. Schuckman
(Please Print) General Partner

(Please Print)

[Signature]
(Owner)

NA
(Spouse)

Jeremiah B. Nicholson
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Ford } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 10th day of October, 20 16.

[Signature]
Notary Public

My Commission Expires 10-04-2018

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

**WATER RESOURCES
RECEIVED**

OCT 17 2016

KS DEPT OF AGRICULTURE

Krueger, Richelle

From: Fitch, Elizabeth
Sent: Tuesday, September 06, 2016 11:01 AM
To: Krueger, Richelle
Subject: FW: Letter RE: Water Rights S/2 Section 18-28S-25W, Ford County, KS
Attachments: Scan.pdf

Here you go.

Elizabeth

From: Schnittker Ag. Services [mailto:k-tfarmsinc@sctelcom.net]
Sent: Thursday, September 01, 2016 10:27 AM
To: Fitch, Elizabeth
Cc: deketa@nvfarms.net; Chuck Nicholson; Jeremiah Nicholson
Subject: Letter RE: Water Rights S/2 Section 18-28S-25W, Ford County, KS

Thank you!

Kay

Tom & Kay Schnittker
Schnittker Ag. Servcies
318 S. Main St./P. O. Box 1
Pratt, KS 67124-0001
Office #: (620) 388-7645
Tom's Cell #: (620) 672-7400
Kay's Cell #: (620) 229-0000
Fax #: (866) 519-4399
E-mail: k-tfarmsinc@sctelcom.net

K-T FARMS, INC.

Thomas G. Schnittker, President

P. O. Box 1

Pratt, KS 67124-0001

Office #: (620) 388-7645 Cell #: (620) 672-7400

Fax #: (866) 519-4399

E-mail: tom.sas@sctelcom.net

August 29, 2016

ATTN.: Elizabeth Fitch
Division of Water Resources
105 N. Main St.
Stafford, KS 67578

Dear Elizabeth:

Please find enclosed a copy of the recorded deed from Thomas G. Schnittker, Trustee of the Thomas G. Schnittker Trust dated April 14, 1999 and Kay L. Schnittker, Trustee of the Kay L. Schnittker Trust dated April 14 1999 to NV Ranch, L.P. and Jeremiah B. Nicholson. Effective immediately, the property rights on this property have changed to the above parties. This changes the Water Rights file from the Thomas G. Schnittker Trust dated April 14, 1999 and the Kay L. Schnittker Trust dated April 14, 1999 to NV Ranch, L.P. and Jeremiah B. Nicholson. The annual **Water Reports** should be sent to:

NV Ranch, L.P.
Jeremiah B. Nicholson
11089 Whirlwind Rd.
Dodge City, KS 67801

This change is effective immediately. Please be advised there is a change in Water Right Nos. 6892 and 14978. For the purposes of water reporting in the future, the Water Rights concerning the **S/2 of Section 18-28S-25W** should go to:

NV Ranch, L.P.
Jeremiah B. Nicholson
11089 Whirlwind Rd.
Dodge City, KS 67801

On the **W/2 of Section 19-28S-25W**, the Water Reports should go to:

Danny D. and Susan J. Post
10629 Valley Rd.
Dodge City, KS 67801-9755

For your records, a copy of the deed is enclosed.

Sincerely,



Thomas G. Schnittker

TGS:kls

Enclosure

cc: NV Ranch, L.P.
Jeremiah B. Nicholson
Danny D. & Susan J. Post

 COPY


4 1 0

Entered in transfer record in my office
this 15 day of August A.D.
20 16
County Clerk

STATE OF KANSAS, FORD COUNTY
This instrument was filed for
Record on 08/26/2016 10:22 AM
BOOK D: B: 247 P: 410
201602337

HERITAGE TRUST FEE: 2.00
RECORDING FEE: 18.00
TECHNOLOGY FEE: 6.00
PAGES: 2

BRENDA POGUE, REGISTER OF DEEDS


8 0 2 9 3 8 9
TX:4025647
8/26/2016 10:22:00 AM



INDEXED
GRANTOR
GRANTEE
NUMERICAL
PHOTOGRAPHED

TRUSTEE'S DEED

THIS indenture made this 15th day of August, 2016, by and between THOMAS G. SCHNITTKER, TRUSTEE OF THE THOMAS G. SCHNITTKER TRUST DATED APRIL 14, 1999 and KAY L. SCHNITTKER, TRUSTEE OF THE KAY L. SCHNITTKER TRUST DATED APRIL 14, 1999, as GRANTORS, and NV RANCH, LP and JEREMIAH B. NICHOLSON, as GRANTEES.

THE GRANTOR, by virtue of the terms and provisions of said Trust Agreement, in consideration of the sum of ONE DOLLAR (\$1.00), the receipt of which is hereby acknowledged, does hereby grant, sell, and convey to NV RANCH, LP and JEREMIAH B. NICHOLSON, all of Grantor's right, title and interest in and to the following-described real estate located in Ford County, Kansas:

The South Half (S/2) of Section 18, Township 28 South, Range 25 West of the 6th P.M., Ford County, Kansas, a/d/a the Southeast Quarter (SE/4) and Lots 3 and 4 and the East Half of the Southwest Quarter (E/2 SW/4) of Section 18, Township 28 South, Range 25 West of the 6th P.M., Ford County, Kansas

including all appurtenant water rights, including but not limited to the following: Water Appropriation Right File No. 6,892, Water Appropriation Right File No. 14,978, wind rights and mineral rights

This deed by the Trustees named above is made pursuant to the authority granted to the Trustees under the above named Trust Agreements dated April 14, 1999, in which said Grantors was designated and appointed Trustees and are still serving in that capacity; said Trusts not having been revoked; and the Grantors, in their capacities as Trustees, having the full power thereunder to execute this deed.

_____For the Sum of \$1.00_____

Handwritten signature

Faint text at bottom right

THOMAS G. SCHNITTKER TRUST
DATED APRIL 14, 1999

KAY L. SCHNITTKER TRUST
DATED APRIL 14, 1999

Thomas G. Schnittker
Thomas G. Schnittker, Trustee

Kay L. Schnittker
Kay L. Schnittker, Trustee

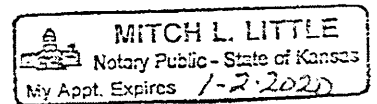
STATE OF KANSAS,

SS:

COUNTY OF Ford,

This instrument was acknowledged before me on August ~~25th~~ 2016 by Thomas G. Schnittker, Trustee of the Thomas G. Schnittker Trust dated April 14, 1999.

Mitch Little
Notary Public



STATE OF KANSAS,

SS:

COUNTY OF Ford,

This instrument was acknowledged before me on August ~~25th~~ 2016 by Kay L. Schnittker, Trustee of the Kay L. Schnittker Trust dated April 14, 1999.

Mitch Little
Notary Public



1168



NV RANCH, LP

11089 Whirlwind Road Dodge City, Kansas 67801

Telephone: 620-225-4637 ♦ Fax: 620-227-8199

October 14, 2016

Richelle A. Krueger
Kansas Dept. of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502

RE: Water Right File Nos. 6,892 and 14,978

Please find enclosed the original change applications for File Nos. 6,892 and 14,978.

Per your request and our discussion we have done the following:

- We have attached maps Elizabeth Fitch prepared showing the well owner names & addresses and Danny Post signed the certification statement on the original maps.
- Jeremiah Nicholson and I, in my capacity of a General Partner of NV Ranch, have added our notarized signatures to this change application since we have now purchased the S2 18-28-25 from Tom & Kay Schnittker.

Additionally, the address and phone for both Jeremiah Nicholson and NV Ranch is:

11089 Whirlwind Road

Dodge City, KS 67801

Phone: 620-225-4637

Jeremiah's email address is: jeremiah@nvfarms.net

DeKeta (Nicholson) Schuckman email address is: deketa@nvfarms.net

Also, use Jeremiah Nicholson and the above mailing address for the Primary Water Use Correspondent for both of these water rights for this year rather than KT Farms, Inc.

Please let us know if you need anything further. Thanks so much for your assistance.

Regards,

DeKeta Schuckman
NV Ranch

cc: Danny & Sue Post
Elizabeth Fitch
Jeremiah Nicholson

WATER RESOURCES
RECEIVED

OCT 17 2016

KS DEPT OF AGRICULTURE

Krueger, Richelle

From: Krueger, Richelle
Sent: Tuesday, November 01, 2016 3:18 PM
To: Lanterman, Jeff
Cc: Conant, Cameron; Fitch, Elizabeth
Subject: RE: Request for Recommendation Change in PU File Nos. 6892 & 14978 Danny Post/NV Ranch/Nicholson

Thanks Jeff, I will get these moving!

From: Lanterman, Jeff
Sent: Tuesday, November 01, 2016 3:17 PM
To: Krueger, Richelle
Cc: Conant, Cameron; Fitch, Elizabeth
Subject: RE: Request for Recommendation Change in PU File Nos. 6892 & 14978 Danny Post/NV Ranch/Nicholson

Richelle;

You don't know how long and how many different ways these changes were drawn on the white board in my office! I think this is the third generation of those changes ☺

Anyway please do approve these. As far as the WUR correspondent I think you are correct that unless Mr. Post requests that the Nicholsons be correspondents we should let Post be correspondent on his file. We should probably let them know that in the cover letter when we approve them.

Glad to get this one behind us ☺

Jeff

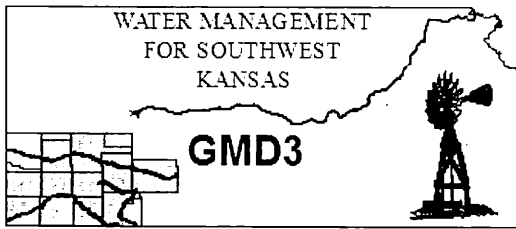
From: Krueger, Richelle
Sent: Tuesday, November 1, 2016 8:20 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron <Cameron.Conant@ks.gov>; Fitch, Elizabeth <Elizabeth.Fitch@ks.gov>
Subject: Request for Recommendation Change in PU File Nos. 6892 & 14978 Danny Post/NV Ranch/Nicholson

Hi Jeff,

Attached is a draft memo for the referenced change in pu, do you recommend approval?

Although I received a letter from NV Ranch requesting that both water use reports for File Nos. 6892 and 14978 go to Jeremiah Nicholson, I am thinking Danny Post should get the water use report for File No. 6892 since he appears to be the owner of that well in Section 19, and NV Ranch/Nicholson are owners of the well in Section 18, would you agree?

Thanks,
Richelle



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

October 26, 2016

Richelle A. Krueger
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

**WATER RESOURCES
RECEIVED**

OCT 28 2016

KS DEPT OF AGRICULTURE

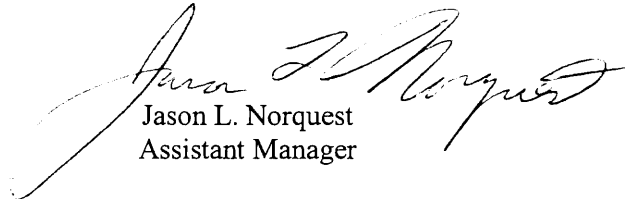
RE: Change Applications,
Water Right, File Nos. 6,892 & 14,978

Dear Richelle:

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). The requested change in place of use will correctly describe the acres irrigated and separate the water rights to accommodate the new land ownership while removing the impartial overlap that was on these water rights, which is within the criteria set forth in K.A.R. 5-5-11. The reduction of one of the points of diversion under Water Right 14.978 will also make for a clean separation of the water rights. It is therefore recommended that the applications 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,


Jason L. Norquest
Assistant Manager

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 21, 2016

VERNON DIRKS
1242 CR 380
ALBERT KS 67511-5005

RE: Water Right, File Nos. 6,892 and 14,978

Dear Mr. Dirks:

This is to advise you that the Danny D. and Susan J. Post, NV Ranch, L.P. and Jeremiah Nicholson have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file numbers.

Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced applications for change.

If you have any questions, please contact me at (620) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stafford Field Office
Groundwater Management District No. 3
Danny D. and Susan J. Post
NV Ranch, L.P. and Jeremiah Nicholson

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 21, 2016

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN JASON NORQUEST
2009 E SPRUCE ST
GARDEN CITY KS 67846

Re: Water Right, File Nos. 6,892 and 14,978

Dear Jason:

We are enclosing copies of the applications to change the place of use for File Nos. 6,892 and 14,978.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning these applications.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford Field Office

Krueger, Richelle

From: Krueger, Richelle
Sent: Wednesday, October 12, 2016 11:51 AM
To: Fitch, Elizabeth
Subject: File Nos. 6892 and 14978 Danny Post etal

Hi Elizabeth,

Just an FYI DeKeta Schuckman on behalf of NV Ranch LP and Jeremiah Nicholson called me this morning and let me know that she has the signatures for the applications and the maps signed and will be returning the applications to me tomorrow. She will give Danny copies of the applications with their signatures for his records. I think she tried to call you but I think Stafford's line is busy. Thanks for your help with this!

Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Water Appropriation Program
(785) 564-6635
Richelle.Krueger@ks.gov (please note e-mail address change)
www.ksda.gov/dwr



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 13, 2016

DANNY D & SUSAN J POST
10629 VALLEY RD
DODGE CITY KS 67801-6786

RE: Water Right, File Nos. 6,892 and 14,978

Dear Mr. and Mrs. Post,

Reference is made to the applications for approval of the Chief Engineer to change the place of use under the referenced file numbers which were received in the office of the Chief Engineer on August 8, 2016. Upon review of the applications, we find that additional information is needed.

Please find enclosed the original applications for File No. 6,892 and 14,978. Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. Please indicate on your submitted maps the location of all water wells (including domestic wells) of any kind within one-half mile of your authorized wells and provide well owner names and mailing addresses on the maps. In addition, you must sign where indicated on the application maps certifying that all water wells of any kind located within one-half mile of the requested points of diversion have been plotted on the map.

K.A.R. 5-5-5 *Signatures required on change applications* requires in part that if the extent of each owner's interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application. Information in this office indicates that NV Ranch, L.P. and Jeremiah B. Nicholson, are owners of the South Half (S½) of Section 18, Township 28 South, Range 25 West, Ford County, Kansas. Therefore we will need the original notarized signatures of the authorized representative of NV Ranch L.P. and Jeremiah B. Nicholson and spouse, please indicate if there is no spouse. I am enclosing additional blank signature forms.

I am returning the referenced applications so that you may provide the requested information. **In order that the applications will retain their priorities of filing, the original applications and attachments must be returned, along with the requested additional information, to this office on or before October 14, 2016, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed applications and attachments as outlined above, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the applications.**

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor, Brent Turney, at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

Enclosures

pc: Stafford Field Office

Groundwater Management District No. 3
Thomas G. and Kay L. Schnittker Trusts



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

DANNY D & SUSAN J POST
10629 VALLEY RD
DODGE CITY, KS 67801

August 8, 2016

RE: File No. 14978

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

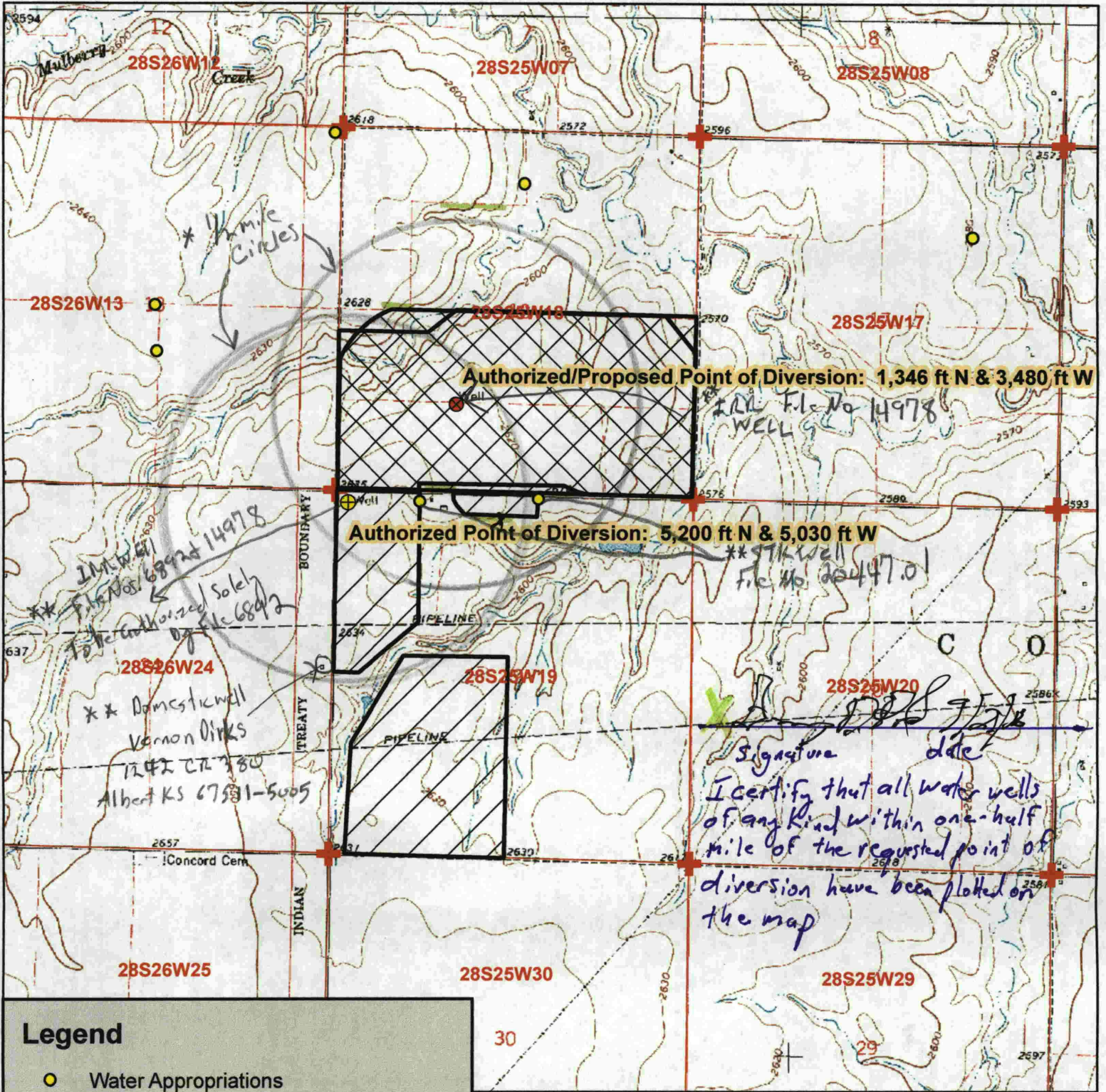
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STAFFORD Field Office GMD 3 3

SCANNED



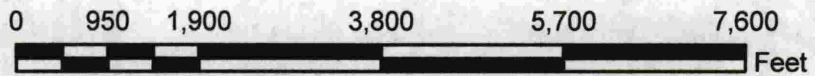
Legend

- Water Appropriations
- ⊗ Authorized/Proposed Point of Diversion
- ⊕ Authorized Point of Diversion
- ⊕ Section Corner
- Section Line

Place of Use

- ▨ Authorized
- ▧ Proposed

KS DEPT OF AGRICULTURE
 ** RAK/OWR 11/7/16



Water Right, File No. 14978

Change in Place of Use Application Map
 18 & 19-28S-25W

Ford County

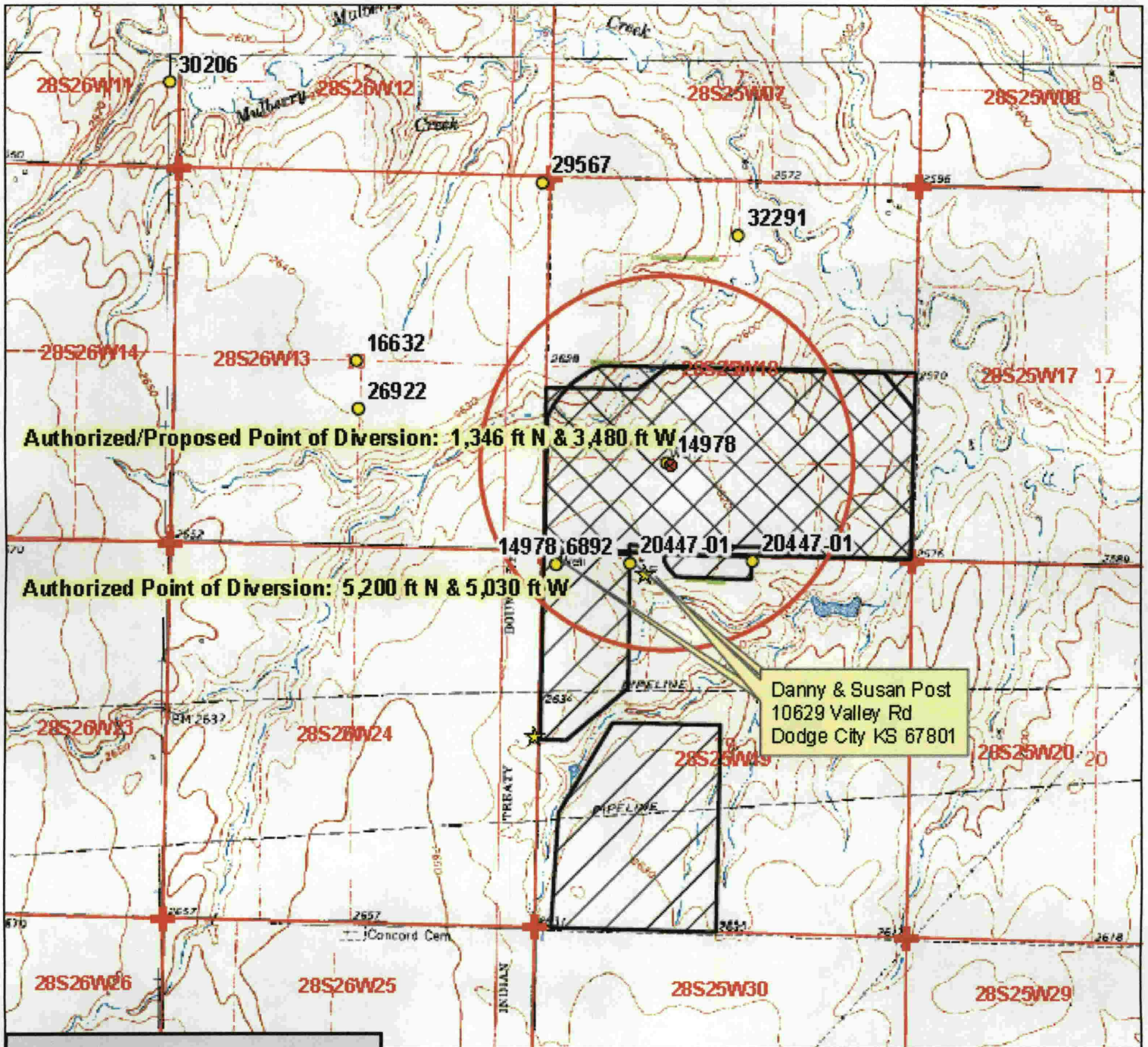
WATER RESOURCES RECEIVED
 OCT 17 2016

WATER RESOURCES RECEIVED
 AUG 08 2016

SCANNED
 * RAK/OWR 9/12/16

Stafford Field Office
 Division of Water

5/31/16 EKF-SFFO

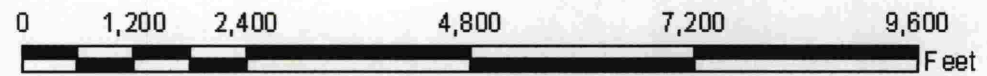


Legend

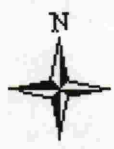
- Water Appropriations
- Proposed Point of Diversion
- ⊕ Section Corner
- Section Line
- Half Mile Circle

Place of Use

- ▨ Authorized
- ▨ Proposed



Water Right, File No. 14978
Change in Place of Use Application Map
Overlap w/ File No. 6892
18 & 19-28S-25W // Ford County



WATER RESOURCES RECEIVED
 OCT 17 2016

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

Signature

8/15/16 EKF-SFFO