

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

1. File Number: 30113	2. Status Change Date:	3. Change Num: 1	4. Field Office: 02	5. GMD: 03
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return 3/31/21	7. Filing Date of Change: 11/23/20
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8a. Applicant(s) New to system <input checked="" type="checkbox"/> MARVIN J HERTEL 11381 101 RD ENSIGN, KS 67841	Person ID <u>27712</u> Add Seq# <u>1</u>	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input checked="" type="checkbox"/> MARVIN J HERTEL 11381 101 RD ENSIGN, KS 67841	Person ID <u>27712</u> Add Seq# <u>1</u>	8d. WUC New to system <input type="checkbox"/> MARVIN J & PAMELA L HERTEL 11381 101 RD ENSIGN, KS 67841	Person ID <u>27712</u> Add Seq# <u>1</u>
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9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/21</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/21</u>	
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> H & E Letter	
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____	

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

Date Prepared: 3/31/21	By: CRC
Date Entered: _____	By: _____

File No. **30113** 11. County: **FORD** Basin: **ARKANSAS RIVER** Stream: **N/A** Formation Code: **211** Special Use: **016**
Ogallala **ARK RIVER IGUCA**

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL			18203	SE NW NW	12	27S	26W	2	4190	4250	N/A					
ENT				SE NW NW	12	27S	26W		4178	4439	N/A	985	192	985	192	none

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

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

CHK	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						
CHK				21717	12	27S	26W	3					21	38	40	10					25	3					137	See 8b.	Yes	none

Base Acres: -- Year: -- Minimum Reasonable Quantity: --
 Comments: **Ownership change to 8b. based on ORKA report in file, Marvin planned to send title/deed also.**

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 WATER METER REQUIRED



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. 30113

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 3:50
 NOV 23 2020
 Stafford 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: Marvin J. Hertel
11381 101 RD, Ensign, KS 67841-9300

Phone Number: (620)253-0878 Email address: _____

Name and address of Water Use Correspondent: Marvin J & Pamela L Hertel
11381 101 RD, Ensign, KS 67841-9300

Phone Number: (620)253-0878 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Marvin Hertel

ADDRESS: 11381 101 RD Ensign, KS 67841-9300

(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			
12	27S	26W					21	38	40	10			25	3							137

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

Owner of Land ---- NAME: NO CHANGE

ADDRESS: NO CHANGE

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

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

For Office Use Only: Code CGT Fee \$ 200.00 TR # _____ Receipt Date _____ Check # 4633

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 File No. 30113

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the NW Quarter of the NW Quarter of Section 12, Township 27 South, Range 26 (W), in Ford County, Kansas, 4,190 feet North 4,250 feet West of Southeast corner of section. Authorized Rate 985 Authorized Quantity 192 acre-feet Depth of well 180 (feet)
 (DWR use only: Computer ID No. 2 GPS n/a feet North n/a 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 * NE SE Quarter of the NW Quarter of the NW Quarter of Section 12, Township 27 South, Range 26 (W), in Ford County, Kansas, 4927.4178 feet North 4326.4439 feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) 183 200.
 This point is: Additional Well Geo Center List other water rights that will use this point none

* CRC made all revisions on this page based on talk w/ marin & well log received 3/30/21.

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) Old well has lost production and must be re-drilled.

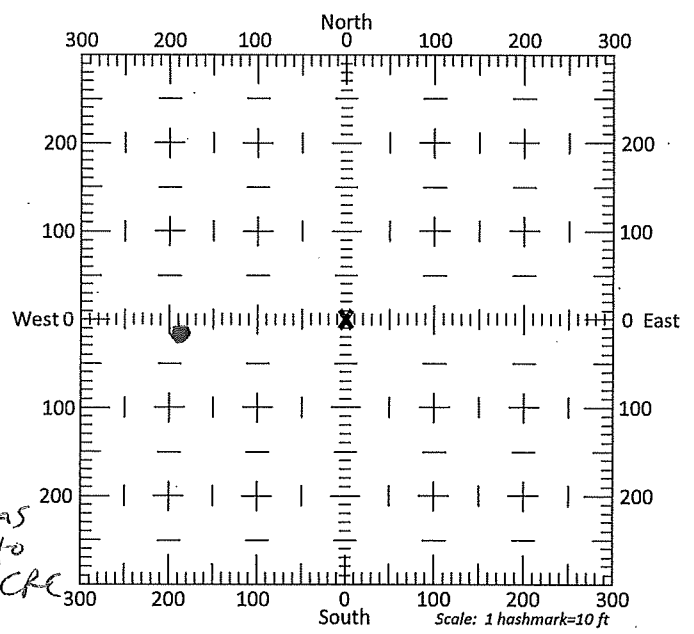
8. If a well, is the test hole log attached? Yes No

9. The change(s) (was)(will be) completed by?
as soon as possible

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
plug it
 (b) When will this be done? when new well is completed

11. Groundwater Management District recommendation attached?
 Yes No No longer applicable as
1/4/21 CRC change was revised to

12. Assisted by CRC-SFFO < 300' move. 3/31/21 CRC



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 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

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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 Dodge City, Kansas, this 20 day of Nov., 2020.

Marvin Hertel
(Owner)

MARVIN HERTEL
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Jamela Hertel
(Spouse)

Jamela Hertel
(Please Print)

(Spouse)

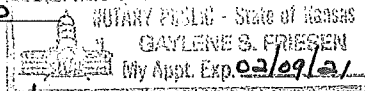
(Please Print)

(Spouse)

(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 20 day of November, 2020.



Gaylene S. Friesen
Notary Public

My Commission Expires 02/09/21

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

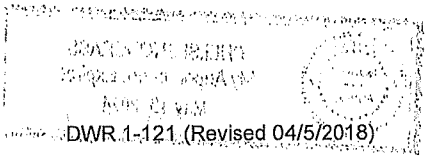
SCANNED

RECEIVED

SCANNED

NOV 23 2020

State and Board Office
Division of Water Resources



SUMMARY ORDER APPLICATING DIVERSION 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. 30113

1. A change application was received on November 23, 2020 & revised on 3/3/21 by CRC based on discussion & well log from month 02/2021 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application. CPE
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 300 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 1041 240 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2021, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. Installation of the works for diversion of water shall be completed on or before December 31, 2021, or within any authorized extension of time. By March 1, 2022 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. The completed well log shall be submitted with the required notice. Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1991, 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: Cameron R. Conant
Duly Authorized Designee of the Chief Engineer

(Print Name): Cameron R. Conant
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: March 31, 2021

State of Kansas

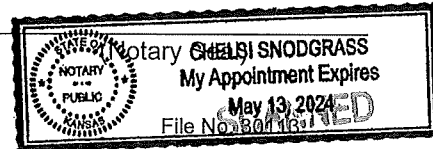
County of Stafford } SS

Acknowledged before me on March 31st 2021

by Cameron Conant

Signature: Chelsi Snodgrass
Notary Public

My commission expires:



SCANNED


Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521

Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

March 31, 2021

Marvin J Hertel
11381 101 RD
Ensign, KS 67814

Re: Water Right, File No(s). 30113

Dear Water Right Owner:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number(s).

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at www.ksda.gov/includes/document_center/dwr/Forms/ApprovalPack.pdf. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Any abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Should you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,



Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No.
3

SCANNED

CERTIFICATE OF SERVICE

On this **31st** day of **March, 2021**, I hereby certify that the attached Change in Point of Diversion for Water Right, File No. **30113**, dated **March, 31st, 2021** was mailed via First Class U.S. mail to the following:

Marvin J Hertel
11381 101 RD
Ensign KS, 67814

A copy of the letter was sent to the following:

GMD 3



Staff

Nasal Water Well Service, LLC
 710 W Ave A
 PO Box 1388
 Cimarron, KS 67835

Owner: Marvin Hertel
 11381 101 Rd
 Ensign, KS 67846

attn Cameron

Depth of Test Hole Drilled: 200'
 Job Name: Test Hole #3
 Date: 03/11/2021

Latitude: 37.719321
 Longitude: 100.121513

Lithologic Log Information:

<u>From</u>	<u>To</u>	<u>Lithologic Log</u>
0'	30'	TOP SOIL FINE MEDIUM SAND
30'	70'	FINE COARSE SAND
70'	87'	FINE MEDIUM SAND W/ THIN STREAKS LAYERS OF TAN BROWN CLAY LOOSE
87'	120'	FINE COARSE SAND WITH SMALL GRAVEL STREAKS/LAYERS LOOSE
120'	140'	FINE COARSE SAND WITH SMALL MEDIUM GRAVEL
140'	160'	FINE COARSE SAND SMALL TO LARGE GRAVEL AND SOME SMALL COBBLE MEDIUM
160'	170'	FINE COARSE SAND SMALL TO LARGE GRAVEL AND SOME SMALL COBBLE MEDIUM/TIGHT
170'	178'	FINE MEDIUM
178'	186'	FINE MEDIUM SAND WITH TAN CLAY STREAKS TIGHT/MEDIUM/LOOSE STREAKS
186'	188'	TAN CLAY ROCK LAYER CALICHE
188'	200'	BLUE SHALE

RECEIVED

MAR 30 2021

Stafford Field Office
 Division of Water Resources

40' water

12' South

189' West

of old well

SCANNED

