

NOTICE

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

Submit 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
 Point of Diversion
 Use Made of Water

(Check one or more)

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11:49

KS DEPT OF AGRICULTURE

File No. 24662

2. Name of applicant: Troy Nelson

Address: 1566 210th Ave

City, State and Zip: Lewis KS 67552-5264

Phone Number: (620)324-5296

E-mail address: _____

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

Name of water use correspondent: Troy Nelson

Address: 1566 210th Ave

City, State and Zip: Lewis KS 67552-5264

Phone Number: (620) 324-5296

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): As proposed, the point of diversion and place of use authorized by File No. 24662 will be moved south to the NE 1/4 of Section 8. A corresponding point of diversion/place of use change application will be submitted for File No. 24661 which proposes moving both the place of use/point of diversion east to cover the land/well previously authorized by this file.

The proposed place of use changes will authorize more desirable land for irrigation.

The change(s) (will be) completed by Fall 2018

(Date)

For Office Use Only:

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES/NO) Use FLR Source GS County ED By AW Date 1/29/18
Code _____ Fee \$ 400 TR # _____ Receipt Date 1/29/18 Check # 6005

4. The presently authorized place of use is:

Owner of Land — NAME: TDN LP

ADDRESS: PO Box 560, Norton KS 67654

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	26S	18W			40	40										40	40			160

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		

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

(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: Nelson Circles, Inc

ADDRESS: Troy Nelson, 1566 210th Ave, Lewis KS 67552

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		
8	26S	18W	32.5	32.5	32.5	32.5														130

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		

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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- 6. The presently authorized point(s) of diversion is One (1) well with diversion works
(Provide description and number of points)
- 7. The proposed point(s) of diversion is One (1) new well with 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 NC SE Quarter
 of Section 5, Township 26 South, Range 18 W,
 in Edwards County, Kansas, 1308 feet North 1412 feet West of Southeast corner of section.
 Authorized Rate 860 GPM Authorized Quantity 195 AF
 (DWR use only: Computer ID No. 8 GPS 1359 feet North 1345 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 NC NE Quarter
 of Section 8, Township 26 South, Range 18 W,
 in Edwards County, Kansas, 4074 feet North 1320 feet West of Southeast corner of section.
 Proposed Rate No Change Proposed Quantity No Change
 This point is: Additional Well Geo Center List other water rights that will use this point None

9. **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 _____
 (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 _____ (E/W),
 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 _____

10. **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 _____
 (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 _____ (E/W),
 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. The old well
will be authorized by File No. 24661.

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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.

Consumptive use will not be increased because the proposed place of use change will not be exceeding the base acreage.

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to --- 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.

Well log for the existing, authorized well has been included with this application. The proposed test hole is anticipated to be drilled in the Summer of 2018. The land in the NE 1/4 of Section 8 has been purchased and the deed has been included with this application, however, access to the NE 1/4 of Section 8 is limited due to tenant rights for the current wheat crop. The proposed p/d move is less than 1/2 mile and will produce from the same local source of supply.

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 waiver anticipated.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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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 Lewis, Kansas, this 24th day of January, 2018.

Troy Dee Nelson (Owner)

Troy Dee Nelson (Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Aurelia Denise Nelson (Spouse)

AURELIA DENISE NELSON (Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Edwards } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24th day of January, 2018.

My Commission Expires 8-12-20

BOBI CROSS
Notary Public - State of Kansas
My Appt. Expires 8-12-20

[Signature]

Notary Public

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:

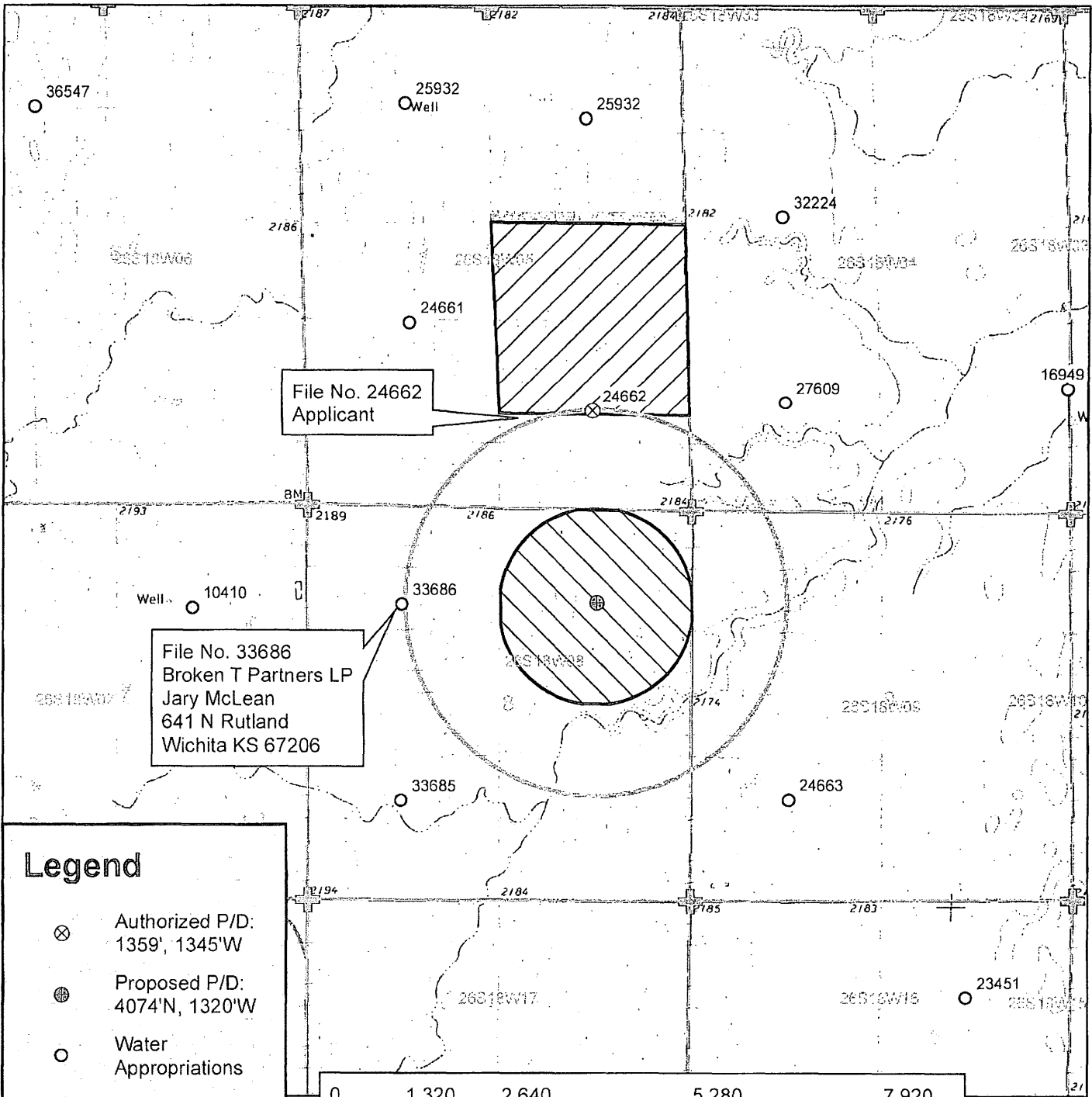
- (1) Application to change a point of diversion 300 feet or less \$100
(2) Application to change a point of diversion more than 300 feet \$200
(3) Application to change the place of use \$200
(4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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File No. 24662
Applicant

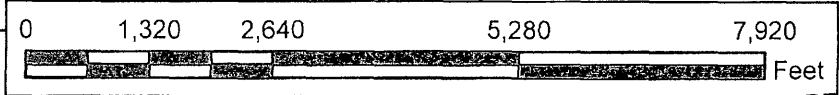
File No. 33686
Broken T Partners LP
Jary McLean
641 N Rutland
Wichita KS 67206

Legend

- ⊗ Authorized P/D:
1359', 1345'W
- ⊕ Proposed P/D:
4074'N, 1320'W
- Water Appropriations
- ⊕ Section Corner
- Section Line
- ☆ Domestic Well
- 1/2 Mile Buffer

Place of Use

- ▨ Authorized
- ▨ Proposed



Water Right, File No. 24,662
Change in Point of Diversion/Place of Use
Application Map
5 & 8-26S-18W // Edwards County

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

Signature

1/23/2018 TJS-SFFO 1:24,000 scale

INPUTS	
Target Section Definition	
Section	8
Township	26
Range	18
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-99.309144
Target Latitude	37.803044

Load Data and Compute

Instructions

1. Enter values for section, township, range and range direction.
2. Enter *NAD27* or *NAD83* longitude and latitude of target point.
3. Click "Load Data and Compute" button.
4. Use feet distances corresponding to datum of target point.

File No. 24662 (Proposed)

-99.309144 37.803044

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.79187174	-99.32287093
NW	37.80668759	-99.32297788
NE	37.80647452	-99.30459034
SE	37.79185648	-99.30457542
Degrees Longitude per Foot		3.46074330E-06
Degrees Latitude per Foot		2.74618655E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	4068	-3966
NW	-1327	-3997
NE	-1249	1316
SE	4074	-1320

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.79185500	-99.32247900
NW	37.80667100	-99.32258600
NE	37.80645800	-99.30419900
SE	37.79184000	-99.30418400
Degrees Longitude per Foot		3.46074253E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	4075	-3853
NW	-1321	-3884
NE	-1243	1429
SE	4080	1433

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Output from NADCON for station

North American Datum Conversion

NAD 27 to NAD 83

NADCON Program Version 2.11

FILE No. 24662, Auth P/D

Transformation #: 1 Region: Conus

	Latitude	Longitude
NAD 27 datum values:	37 48 36.90000	99 18 32.43600
NAD 83 datum values:	[37 48 36.95937	99 18 33.84486] - <i>1/2/10 CI GPS (NAD27)</i>
NAD 83 - NAD 27 shift values:	0.05937	1.40886 (secs.) <i>Converted.</i>
	1.830	34.462 (meters)
Magnitude of total shift:	34.510 (meters)	

Decimal Degrees : 37.810266, 99.309401



[NGS HOME PAGE](#)

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WATER WELL RECORD

Form WWC-5

Division of Water Resources; App. No.

24662

1 LOCATION OF WATER WELL: County: <u>Edwards</u>	Fraction <u>¼ NC ¾ SE ¼</u>	Section Number <u>5</u>	Township Number <u>T 26 S</u>	Range Number <u>R 18 E/W</u>
Distance and direction from nearest town or city street address of well if located within city? <u>2 West of Centerview</u>		Global Positioning Systems (decimal degrees, min. of 4 digits) Latitude: _____ Longitude: _____ Elevation: _____ Datum: _____ Data Collection Method: _____		
2 WATER WELL OWNER: <u>Troy XXXXX Nelson</u> RR#, St. Address, Box # : <u>1566 210 Ave</u> City, State, ZIP Code : <u>Lewis, Ks. 67552</u>				

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX: N W <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr><td> </td><td> </td><td> </td></tr> <tr><td>--NW--</td><td> </td><td>--NE--</td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td>--SW--</td><td> </td><td><u> X </u></td></tr> <tr><td> </td><td> </td><td> </td></tr> </table> E S				--NW--		--NE--				--SW--		<u> X </u>				4 DEPTH OF COMPLETED WELL <u>155</u> ft. Depth(s) Groundwater Encountered (1)..... ft. (2)..... ft. (3)..... ft. WELL'S STATIC WATER LEVEL..... <u>50</u> ft. below land surface measured on <u>mo/day/yr</u> ... <u>4-1-10</u> ... Pump test data: Well water was <u>73½</u> ft. after..... <u>3½</u> hours pumping..... <u>966</u> gpm Est. Yield..... <u>1000</u> gpm: Well water was <u>79½</u> ft. after..... <u>4</u> hours pumping..... <u>1000</u> gpm WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below) 2 Irrigation 4 Industrial 7 Domestic (lawn & garden) 10 Monitoring well Was a chemical/bacteriological sample submitted to Department? Yes No <u>X</u>; If yes, mo/day/yr Sample was submitted..... Water well disinfected? Yes <u>HTH</u> No
--NW--		--NE--														
--SW--		<u> X </u>														

5 TYPE OF CASING USED: 5 Wrought Iron 8 Concrete tile CASING JOINTS: Glued... X... Clamped.....
 1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded.....
 2 PVC 4 ABS 7 Fiberglass Threaded.....
 Blank casing diameter 16 in. to 65 ft., Diameter in. to ft., Diameter in. to ft.
 Casing height above land surface..... 24 in., Weight Sch. 40 lbs./ft. Wall thickness or guage No.
TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless Steel 5 Fiberglass 7 PVC 9 ABS 11 Other (Specify)
 2 Brass 4 Galvanized Steel 6 Concrete tile 8 RM (SR) 10 Asbestos-Cement 12 None used (open hole)
SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 7 Torch cut 9 Drilled holes 11 None (open hole)
 2 Louvered shutter 4 Key punched 6 Wire wrapped 8 Saw cut 10 Other (specify)
SCREEN-PERFORATED INTERVALS: From..... 155 ft. to 65 ft., From ft. to ft.
 From..... ft. to ft., From ft. to ft.
GRAVEL PACK INTERVALS: From..... 155 ft. to 20 ft., From ft. to ft.
 From..... ft. to ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other hole plug
 Grout Intervals: From ft. to ft., From ft. to ft., From 20 ft. to 0 ft.
 What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 13 Insecticide storage 16 Other (specify below)
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 14 Abandoned water well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 15 Oil well/gas well None
 Direction from well? How many feet?

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	17	Clay	154	155	Shale
17	23	Fine sand			
23	29	Sandy clay			
29	74	<u>XX</u> Sand & gravel			
74	106	Clay			
106	126	Sand & gravel			
126	134	Clay			
134	140	Sand & gravel			
140	153	Dk brown clay/ lt red shale			
153	154	Ironated sandstone			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) ... 4-29-10 ... and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. ... 134 This Water Well Record was completed on (mo/day/year) ... 5-23-10 under the business name of Rosencrantz- Bemis by (signature) [Signature]

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one to WATER WELL OWNER and retain one for your records. Fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

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

TROY NELSON
1566 210TH AVE
LEWIS, KS 67552

January 30, 2018

RE: File No 24662

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/PD
- 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,

A handwritten signature in cursive script that reads "Brent A. Tourney".

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

BAT: DLW
pc: STAFFORD Field Office GMD5