

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PU WORKSHEET

1. File Number: 28265.01	2. Status Change Date: 7/18/2018	3. Change Num: C2	4. Field Office: 02	5. GMD: 05
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-JAN-2018
8a. Applicant(s) New to system <input type="checkbox"/> NELSON CIRCLES INC TROY NELSON 1566 210TH AVE LEWIS KS 67552		Person ID <u>30402</u> Add Seq# <u>1</u>		
8b. Landowner(s) New to system <input type="checkbox"/> NELSON CIRCLES INC TROY NELSON 1566 210TH AVE LEWIS KS 67552		Person ID <u>30402</u> Add Seq# <u>1</u>		
		8c. Landowner(s) New to system <input type="checkbox"/> NELSON CIRCLES INC TROY NELSON 1566 210TH AVE LEWIS KS 67552		
		8d. WUC New to system <input type="checkbox"/> NELSON CIRCLES INC TROY NELSON 1566 210TH AVE LEWIS KS 67552		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/18</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input 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: 7/10/18 By: RAK Date Entered: 7/19/2018 By: UM				

File No. **28265.01** 11. County: **ED** Basin: **RATTLESNAKE CREEK** Stream: Formation Code: **180** Special Use:

12. Points of Diversion Rate and Quantity
 CHK Authorized Additional
 MOD Rate Quantity Rate Quantity
 DEL gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files
 ENT PDIV Qualifier S T R ID 'N 'W Comment (AKA Line)

MOD 20311 NC SW¼ 21 26 17W 1 1327 3957 20 g.p.m. 4.888 m.g.y.(15AF) 20 g.p.m. 4.888 m.g.y. (15AF) 14672(stk) and 36628.01

better describe with g.p.s. feet distances

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 _____

16. Place of Use 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				
MOD 53023 21 26S 17W 4	FEEDLOT (W½SW¼)																	8B	NO	14672(stk) & 36628.01
ENT 68998 28 26S 17W	FEEDLOT (NW¼NW¼)																	8B	NO	14672(stk) & 36628.01

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: July 11, 2018

FROM: Richelle A. Krueger

RE: Water Right
File Nos. 14,672; 28,265.01 and
36,628.01

Troy Nelson and Aurelia Denise Nelson, on behalf of Nelson Circles, Inc., owner of the above referenced water rights, filed an application for approval to change the place of use, point of diversion and use made of water for Water Right, File No. 14,672, authorized irrigation use and applications for change in place of use for Water Right, File Nos. 28,265.01 and 36,628.01, authorized stockwatering use.

The referenced file numbers do not appear abandoned pursuant to K.S.A. 82a-718.

File No. 14,672 has no overlaps and is authorized 224 acre-feet at a diversion rate of 825 gallons per minute (all additional no limitations) for irrigation use on 160 acres located in the Northwest Quarter (NW¼) of Section 28, Township 26 South, Range 17 West, Edwards County, Kansas. The water right owner proposes to convert 24.186 acre-feet (7.881 million gallons) of water from irrigation use to stockwatering use pursuant to K.A.R. 5-5-10 *Partial changes in the use made of water from irrigation to another type of beneficial use*. After application of the K.A.R. 5-5-10 regulation a total of 195 acre-feet of water will remain authorized by File No. 14,672 on the presently authorized well. Irrigation acres will be reduced to 139.3 acres. Edwards Co. 50% NIR with 85% efficiency is 1.27 acre-feet per acre, so the 195 acre-feet to be authorized for irrigation by File No. 14,672 will irrigate the proposed 139.3 acres with 1.40 acre-feet per acre which appears reasonable.

The water right owner also proposes to unstack the 24.186 acre-feet (7.881 million gallons) and 50 gallons per minute to be authorized for stockwatering use under File No. 14,672 pursuant to K.A.R. 5-5-16 *Additional wells*, moving the authorized quantity and rate to an existing stockwatering well authorized by Water Right, File Nos. 28,265.01 and 36,628.01. The proposed existing well, located 1,327 feet North and 3,957 feet West of the Southeast corner of Section 21 in the same township and range, involves a distance move of approximately 1,560 feet. A May 3, 2018 pump test conducted by Big Bend Kansas Groundwater Management District No. 5 staff indicated that the aquifer can pump a maximum of 832.74 gallons per minute (no rate reduction), so the requested 50 gallons per minute for the stockwatering well and the 775 gallons per minute to remain authorized for irrigation use appears reasonable.

The only wells within one-half mile of the proposed existing stockwatering well is the irrigation well to remain authorized by File No. 14,672, an irrigation well authorized by Water Right, File No. 22,806 and three domestic wells (under common ownership). The nearby irrigation well owner within one-half mile of the proposed existing stockwatering well was notified of the above referenced point of diversion and use made of water change and the proposed place of use changes by a letter dated May 15, 2018; no responses have been received as of today's date.

The stockwatering place of use proposed for File No. 14,672 and for Water Right, File Nos. 28,265.01 and 36,628.01 will be the West Half of the Southwest Quarter (W½ SW¼) of Section 21 and the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section 28. The total quantity to be authorized for stockwatering use, 16.027 m.g.y. (49.186 acre-feet), compiles with K.A.R. 5-3-22 based on the 2,500 to 5,000 head of cattle described in Paragraph No. 13 of the application.

The local source of supply will not change, previously determined to be Meade/Grand Island Formation (144)/undifferentiated Kansan/Nebraskan(180).

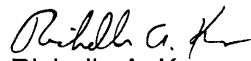
Approval of the application for File No. 14,672 will be subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (January 8, 2018) to add the additional well.

In letters dated June 22, 2018 Orrin Feril, Manager of Big Bend Kansas Groundwater Management District No. 5, indicated that the Board of Directors of GMD No. 5 recommended approval of the applications.

In an e-mail dated July 10, 2018, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated no objection to approval of the applications if the meter for the irrigation well has anti-reversing gears and is sealed to the pipe.

Water flow meters are required. Check valves are required if chemigating.

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


Richelle A. Krueger
Environmental Scientist

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

NELSON CIRCLES INC
TROY NELSON
1566 210TH AVE
LEWIS KS 67552

July 19, 2018

FILE COPY

RE: Water Right, File Nos. 14,672; 28,265.01 and 36,628.01

Dear Sir or Madam:

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 diversion works and/or installation of the required meters as soon as these actions are completed.

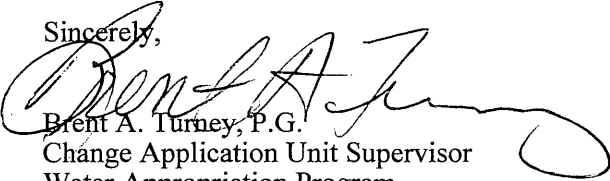
Please note the change approval for File No. 14,672 requires the installation of an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer. Seals will be placed on the water flowmeters by the Division of Water Resources in such a manner as to render the meters non-removable from the measuring chambers without breaking the seals. If the seals are broken without the written permission of the Chief Engineer, it shall constitute a violation of the orders of the Chief Engineer. Please contact Jeff Lanterman, Water Commissioner of the Stafford Field Office, at (620) 234-5311 prior to construction of the diversion works to discuss how the wells should be metered.

Please note that the application to change the point of diversion for File No. 14,672 is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (January 8, 2018) to add the additional well. In addition, the Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

Since these orders 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.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:rak

pc: Stafford Field Office
Groundwater Management District No. 5



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 BETTER DESCRIBING THE LOCATION OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT
FILE NO. 28,265.01**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Troy Nelson and Aurelia Denise Nelson, on behalf of Nelson Circles, Incorporated, 1566 210th Avenue, Lewis, Kansas, 67552, received in this office on January 8, 2018, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated August 2, 2000, approving the application to change the use made of water, and by the Order of the Chief Engineer dated October 20, 2004, approving the application to change the point of diversion and place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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:

the West Half of the Southwest Quarter ($W\frac{1}{2}$ $SW\frac{1}{4}$) of Section 21 and the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}$ $NW\frac{1}{4}$) of Section 28, all in Township 26 South, Range 17 West, Edwards County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use, and the location of the authorized point of diversion is more accurately described as:

one(1) well located near the center of the Southwest Quarter of ($SW\frac{1}{4}$) of Section 21, more particularly described as being near a point 1,327 feet North and 3,957 feet West of the Southeast corner of said section, in Township 26 South, Range 17 West, Edwards County, Kansas.

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. 28,265.01, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 18, 2000, as modified and amended by the aforementioned orders.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

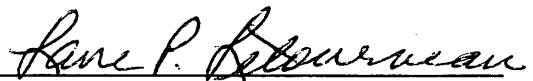
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

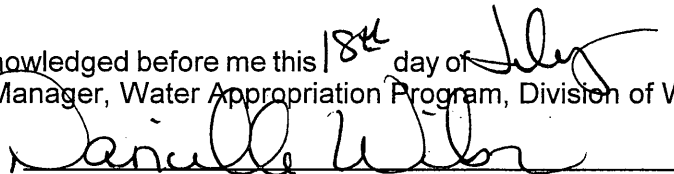
Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 18th day of July, 2018, in Topeka, Shawnee County, Kansas.


 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 18th day of July, 2018, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



 Notary Public

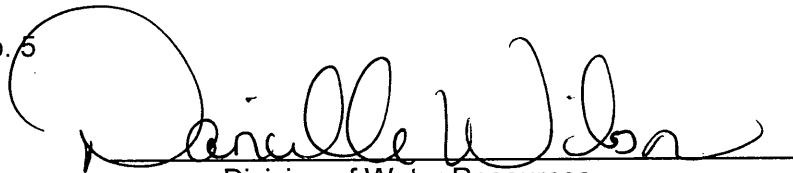
CERTIFICATE OF SERVICE

On this ^{19th} day of July, 2018, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 28,265.01, dated July 18, 2018 was mailed postage prepaid, first class, US mail to the following:

NELSON CIRCLES INC
TROY AND AURELIA DENISE NELSON
1566 210TH AVE
LEWIS KS 67552

With photocopies to:

Stafford Field Office
Groundwater Management District No. 5


Division of Water Resources

Water Resources
Received

MAY 14 2018

12:43

KS Dept Of Agriculture



State of Kansas

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

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.

WATER RESOURCES
RECEIVED

JAN 08 2018

11:10

KS DEPT OF AGRICULTURE

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)

File No. 28265.01

2. Name of applicant: Troy Nelson

Address: Nelson Circles, 1566 210th Ave

City, State and Zip: Lewis KS 67552

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: Nelson Circles Inc

Address: Troy Nelson, 1566 210th Ave

City, State and Zip: Lewis KS 67552

Phone Number: (620) 324-5296 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): The intent of this change is to modify the place of use to authorize an expansion to the current feed lot facility located in the W1/2 of the SW 1/4 of 21-26S-17W. An application has been submitted under File No. 14672 to authorize additional STK quantity in order to cover the need for additional water. The proposed facility is expanding from 2,500 head to 5,000 head of cattle.

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

(Date)

For Office Use Only:			
F.O. <u>2</u>	GMD <u>5</u>	Meets K.A.R. 5-5-1 <u>(YES/NO)</u>	Use <u>STK</u>
Code <u>CPU</u>	Fee \$ <u>200</u>	TR # _____	Source <u>G/S</u> County <u>ED</u>
Receipt Date <u>1/8/18</u>		By <u>AJW</u> Date <u>1/8/18</u>	
Check # <u>5987</u>			

APPLICATION COMPLETE

6125118
Res tower RAIK

SCANNED

1/18/2018 CMH

4. The presently authorized place of use is:

Owner of Land — NAME: Nelson Circles Inc, Troy Nelson

ADDRESS: 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	
21	26S	17W	A feedlot in the West Half of the Southwest Quarter																

List any other water rights that cover this place of use. 36628.01

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, Troy Nelson

ADDRESS: 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	
21	26S	17W	A feedlot in the West Half of the Southwest Quarter																
			* ½ NW¼ NW¼ 28-26S-17W Edwards Co KS																

List any other water rights that cover this place of use. 14672 & 36628.01

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

* per aerial photography
* Review 7/10/18

Received

MAY 14 2018

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JAN 08 2018

SCANNED

- 6. The presently authorized point(s) of diversion is One stock well with diversion works
(Provide description and number of points)
- 7. The proposed point(s) of diversion are No Changes
(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 SW Quarter
 of Section 21, Township 26 South, Range 17 W,
 in Edwards County, Kansas, 1318 feet North 3970 feet West of Southeast corner of section.
 Authorized Rate No Change Authorized Quantity No Change
 (DWR use only: Computer ID No. 1 GPS 1327 feet North 3957 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 _____
 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 14672 & 36628.01

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 _____
 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. _____

Water Resources
Received

WATER RESOURCES
RECEIVED

MAY 14 2018

JAN 08 2018

SCANNED

12. The presently authorized use of water is for Stockwater 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 be accounted for by the change application submitted under File No. 14672 (PD PU UMW).

The feed lot is proposing to expand from the currently permitted 2,500 head to 5,500^{TN} head of cattle. As proposed, the facility will use approx. 7.98^{TN} gal/head/day at maximum capacity. It is expected that the facility will be run at approx. 80% capacity using 9.98^{TN} gal/head/day, both of which are under the maximum reasonable quantity of 15 gal/head/day for cattle as outlined in K.A.R. 5-3-22.
(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.

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 anticipated

Water Resources
Received

WATER RESOURCES
RECEIVED

MAY 14 2018

JAN 08 2018

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 5th day of January, 2018.

Signature of Troy Nelson (Owner)
TROY NELSON (Please Print)
Signature of Aurelia Denise Nelson (Owner)
AURELIA DENISE NELSON (Please Print)

(Spouse)
(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 5th day of January, 2018.

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

Signature of Bobi Cross
Notary Public

My Commission Expires 8-12-20

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
MAY 14 2018

WATER RESOURCES RECEIVED
JAN 08 2018

Krueger, Richelle

From: Krueger, Richelle
Sent: Tuesday, July 10, 2018 9:01 AM
To: Lanterman, Jeff [KDA]
Cc: Williams, Sean; Conant, Cameron [KDA]; Terhune, Andrew; Fitch, Elizabeth [KDA]
Subject: RE: Request for Recommendation Change in PDPUUMW File No. 14672 and PU File Nos. 28265.01 and 36628.01 Troy Nelson

Thanks Jeff I will proceed!

From: Lanterman, Jeff [KDA]
Sent: Tuesday, July 10, 2018 8:56 AM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Williams, Sean <Sean.Williams@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Terhune, Andrew <Andrew.Terhune@ks.gov>; Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Subject: RE: Request for Recommendation Change in PDPUUMW File No. 14672 and PU File Nos. 28265.01 and 36628.01 Troy Nelson

Richelle. Under 14627 your memo says 195 will remain for irrigation use and they will unstack 24 acre feet for the feedlot and then add them to the PU for the other stock rights that are expanding. Anyway I checked all the calculations and that looks right. Im good with the GMD #5 test they do a good job of testing for the rate split.

The remaining irrigation well will have a requirement to install anti reverse gears as well as be sealed to the pipe with current enforcement I am working on this file. I think maybe we should go ahead and require it with this change approval because the current meter is not in compliance and will have to be brought up to specification with the change. Hate to do that and then hit them with the penalty order that requires them to take the meter off again and put in AR gears. So lets go ahead and do it with the change approval as well on this one.

Richelle, the irrigation portion of this water right will be proposed to be suspended for several years starting next year so please let Sean and Andy know when you do your final approval on it. Andy and Sean I think we suspend just the remaining irrigation PD as we discussed yesterday during our conference call. May have to wait on the change approval to get this all to mesh correctly. The additional well under 14672 for stockwater will not be suspended is what I think the plan was.

I recommend approval.

Thanks
Jeff

From: Krueger, Richelle
Sent: Tuesday, July 3, 2018 3:15 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: Request for Recommendation Change in PDPUUMW File No. 14672 and PU File Nos. 28265.01 and 36628.01 Troy Nelson

Hi Jeff,
Hey just an FYI - I just received a phone call from Erika Nelson regarding the status of their applications so wanted to let you know. Would you recommend approval of this package?

Thanks,
Richelle

From: Krueger, Richelle
Sent: Monday, June 25, 2018 9:02 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: Request for Recommendation Change in PDPUUMW File No. 14672 and PU File Nos. 28265.01 and 36628.01
Troy Nelson

Hi Jeff,
Attached is a draft memo for the referenced changes for Troy Nelson, do you recommend approval?

Thanks,
Richelle

Krueger, Richelle [KDA]

From: Orrin Feril <oferil@gmd5.org>
Sent: Friday, June 22, 2018 1:11 PM
To: Krueger, Richelle [KDA]
Subject: Application for Change, Water Right, File Nos. 14672, 28265.01, 36628.01
Attachments: 14672 2018-06-22 Rec.pdf; 28265.01 36628.01 2018-06-22 Rec.pdf

Richelle,
I'm attaching the recommendations requested by your office in a letter dated June 12, 2018. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

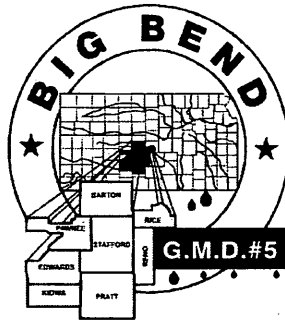
--
Orrin Feril

Manager
Big Bend GMD#5
Email: oferil@gmd5.org
Phone: (620) 234-5352
Mobile: (620) 388-0172
Fax: (620) 234-5718
www.gmd5.org

WATER RESOURCES
RECEIVED
JUN 25 2018
KS DEPT OF AGRICULTURE

SCANNED

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Jerry Cullop - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Kerry Froetschner - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

June 22, 2018

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

RE: Water Right File Nos. 28265.01, 36628.01
Change in the Place of Use

Dear Ms. Krueger,

Big Bend Groundwater Management District #5 has reviewed the above referenced applications. It is the understanding of the District that these changes are intended to accommodate an expansion of the feed lot facility in W2 SW 21-26S-17W. Based on the information received in the office, the applications appear to be consistent with 5-25-20(b) and are recommended for approval.

The applications to change are subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

WATER RESOURCES
RECEIVED
JUN 25 2018
KS DEPT OF AGRICULTURE

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT NO 5
ATTN ORRIN FERIL
125 S MAIN
STAFFORD KANSAS 67578

June 12, 2018

FILE COPY

Re: Water Right, File Nos. 14,672; 28,265.01 and 36,628.01

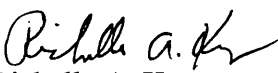
Dear Mr. Feril:

We are enclosing copies of the application to change the place of use, point of diversion and use made of water for Water Right, File No. 14,672 and the applications to change the place of use for Water Right, File Nos. 28,265.01 and 36,628.01.

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,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford Field Office

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

MULL INVESTMENTS LP
553 R RD
PAWNEE ROCK KS 67567

May 15, 2018

FILE COPY

RE: Water Right, File Nos. 14,672; 28,265.01 and 36,628.01

Dear Sir or Madam:

This is to advise you that Troy Nelson, on behalf of Nelson Circles, Inc., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under all of the above referenced file numbers and also the use made of water and point of diversion under Water Right, File No. 14,672. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change.

You are notified of the proposed change in point of diversion for File No. 14,672 so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

You can find the applications posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

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 call, please reference the file numbers so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stafford Field Office
Groundwater Management District No. 5
Nelson Circles, Inc. Attn Troy Nelson

SCANNED

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

NELSON CIRCLES INC
TROY NELSON
1566 210TH AVE
LEWIS KS 67552

April 24, 2018

FILE COPY

RE: Water Right, File Nos. 14,672; 28,265.01 and 36,628.01

Dear Mr. Nelson:

Please find enclosed your original applications for approval of the Chief Engineer to change the place of use under all of the referenced file numbers and the application to change the point of diversion and use made of water under Water Right, File No. 14,672, received in this office on January 8, 2018. Upon review of the applications, we find that additional information is needed.

The application for File No. 14,672 proposes to convert a portion of the water right from irrigation use to stockwatering use, unstack 24.186 acre-feet and 50 gallons per minute from the authorized irrigation well and transfer it northward to the stockwatering well authorized by Water Right, File Nos. 28,265.01 and 36,628.01. K.A.R. 5-5-16 *Additional Well* regulation applies and requires in part a reasonable value for the maximum rate of diversion based on either an acceptable current water flow rate test conducted on the presently authorized point of diversion or a value based on a valid hydraulic analysis submitted by the applicant showing the current capacity of the aquifer to yield water at the currently authorized point of diversion.

Please contact either Stafford Field Office at (620) 234-5311 or Big Bend Groundwater Management District No. 5 at (620) 234-5352 to conduct a rate test on the currently authorized well for File No. 14,672. Once the rate test has been performed by either the field office or GMD No. 5 staff and the appropriate diversion rates have been determined, indicate the proposed diversion rates in Paragraph Nos. 8 and 9 of the application for File No. 14,672. If a reduction in diversion rate is required, please indicate that in Paragraph No. 15 of the application. Please initial and date all modifications.

Also, please sign and date all the maps for File Nos. 14,672; 28,265.01 and 36,628.01 verifying that the locations of all water wells of any kind (including domestic wells) within one-half mile of your authorized wells/proposed wells have been shown on the maps.

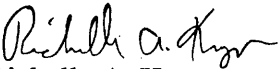
I am returning your applications and attachments so that you may make the needed modifications and provide additional information. In order that the applications retain their priorities of filing, the original applications and attachments must be returned, with the requested information, to this office on or before **May 24, 2018**, or within any authorized extension of time thereof. According to the law, default in the refileing of the completed applications and attachments as outlined above, within the time allowed, shall constitute forfeiture of the priority dates and dismissal of the applications for failure to return the applications and it will also be recommended to the Chief Engineer that the application for File No.14,672 be denied and dismissed due to failure to meet the requirements of K.A.R. 5-5-16.

April 24, 2018
File Nos. 14,672; 28,265.01 and 36,628.01
Page No. 2

Our staff at the Stafford Field office can provide assistance, if needed. Please call (620) 234-5311 to set an appointment time. We appreciate you making an appointment, as it will save your time and allows us to better serve you. If you do go to the field office for assistance, please take this letter, applications and any attachments.

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. 5

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 11, 2018

RE: File No 2826501

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.

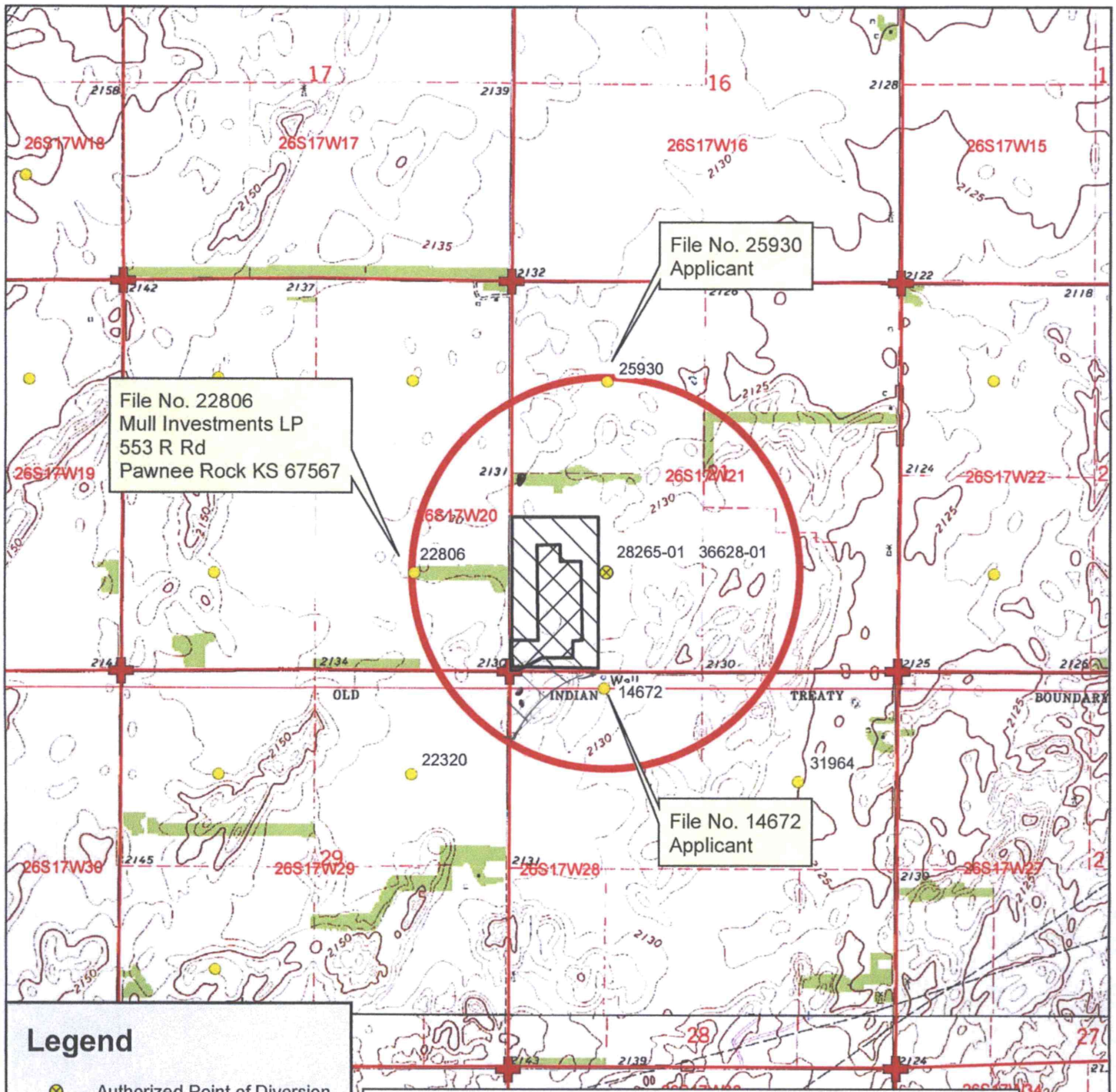
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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



File No. 22806
Mull Investments LP
553 R Rd
Pawnee Rock KS 67567

File No. 25930
Applicant

File No. 14672
Applicant

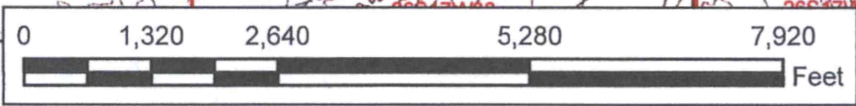
Legend

- ⊗ Authorized Point of Diversion
- Water Appropriations
- 1/2 Mile Buffer
- ★ Domestic Well
- ▭ Section Line
- ⊕ Section Corner

Place of Use

- ▨ Authorized
- ▩ Proposed

* NW 1/4 NW 1/4
28-26-17W
Added per
Aerial Photography



Water Right, File No. 28265.01

Change in Place of Use, Application Map
21-26S-17W // Edwards County



To the best of my knowledge, ~~Water Resources~~ **Water Resources** including domestic, ~~Point of Diversion~~ **Point of Diversion** have been shown.

[Signature] MAY 14 2018

JAN 08 2018

KS Dept Of Agriculture DEPT OF AGRICULTURE

12/28/2017 TJS-SFFO 1:24,000 scale