

**Kansas Department of Agriculture  
Division of Water Resources**

FINDINGS AND ORDER WORKSHEET

1a. File No.: <p align="center"><b>545</b></p>	1b. Document Date: <p align="center"><b>4/9/2024</b></p>	1c. Field Office: <p align="center"><b>3</b></p>	1d. GMD: <p align="center"><b>0</b></p>
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2a. Name & Address <b>NELSON FARMS INC</b> <b>BOX 38</b> <b>LONG ISLAND, KS 67647</b>	2b. Name & Address Person ID _____ _____ _____ _____
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2c. Name & Address Person ID _____ _____ _____	2d. PC Person ID _____ _____ _____ _____
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2e. WUR Correspondent <b>2a</b> _____ _____	3. Use of Water <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND    SIC: _____ <input type="checkbox"/> OTHER: _____
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4a. PD <input checked="" type="checkbox"/> Correct <u>FEET</u> <u>DISTANCES GPS CI 2020</u> <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4b. PU <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4c. LIMITATIONS <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4d. RATE <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4e. QUANTITY <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____
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5. Old Information to be Changed (New Information to be written in 8 - 11)  
**PD FT DISTANCES 5122'N 3354'W**  
\_\_\_\_\_  
\_\_\_\_\_

6. Previous Modifications and Amendments

Document Type

**10/8/1968 CERTIFICATE ISSUED** \_\_\_\_\_

**04/30/2018 CHANGE PU PD APPROVED** \_\_\_\_\_

\_\_\_\_\_

Entered: <p align="center"><b>4/10/2024</b> <b>KAnderson</b></p>	Reviewed: Date: <b>4/9/2024</b> By: <b>KAK</b>	Prepared: Date: <b>3/25/2024</b> By: <b>li</b>
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Notes:

Additional files in package: **7860 & 6938-A**



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

## **FINDINGS AND ORDER IN THE MATTER OF THE AUTHORIZED POINT OF DIVERSION UNDER WATER RIGHT FILE NO. 545**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

### **FINDINGS**

1. That on October 8, 1968, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to File No. 545, for beneficial use subsequently modified and amended by Orders of the Chief Engineer on April 30, 2018, to currently authorize the diversion of surface water in the drainage basin of the Prairie Dog Creek, at a diversion rate not in excess of 418 gallons per minute (0.93 c.f.s) and a quantity not to exceed 10.5 acre-feet of water per calendar year by means of one (1) pumpsite located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 17, more particularly described as being near a point 5,122 feet North and 3,354 feet West of the Southeast corner of said Section, in Township 1 South, Range 19 West, Phillips County, Kansas.
2. That K.A.R. 5-5-6c states that the description of the location of a point of diversion shall be administratively corrected, and the owner notified of this action, whenever it has been determined by the Chief Engineer that the point of diversion is located within the area originally authorized by a Certificate of Appropriation, has not been physically moved or expanded since the location was certified, and has been determined to be incorrect based on a more accurate survey, such as with the Global Positioning System (GPS) or other reliable means.
3. That information in the Office of the Chief Engineer indicates the actual location of the authorized point of diversion should be more accurately described as being one (1) pumpsite located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 17, more particularly described as being near a point 5,166 feet North and 3,404 feet West of the Southeast corner of said section, in Township 1 South, Range 19 West, Phillips County, Kansas.

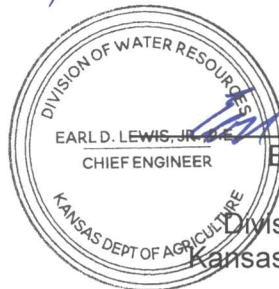
**ORDER**

NOW THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the authorized point of diversion under Water Right, File No. 545, shall be more accurately described as being:

one (1) pumpsite located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW¼ NE¼ NW¼) of Section 17, more particularly described as being near a point 5,166 feet North and 3,404 feet West of the Southeast corner of said section, in Township 1 South, Range 19 West, Phillips County, Kansas.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to Water Right, File No. 545, dated October 8, 1968, remains as authorized, as modified and amended by the aforementioned order.

Ordered this *9<sup>th</sup>* day of *April*, 2024, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas        )  
                                  ) SS  
County of Riley        )

The foregoing instrument was acknowledged before me this *9* day of *April* 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
\_\_\_\_\_  
Notary Public



MELINDA JENNINGS  
My Appointment Expires  
April 7, 2025

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 16, 2024

TERRY NELSON  
NELSON FARMS INC  
BOX 38  
LONG ISLAND, KS 67647

RE: Findings and Order  
Water Right  
File Nos. 545 and 7,860

Dear Mr. Nelson:

Enclosed are Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which set forth a more accurate description of the location of the authorized point of diversion for the above referenced water right file numbers.

The Water Appropriation Act requires that the Certificate of Appropriation be recorded with the Register of Deeds in the county or counties wherein the point of diversion is located as other instruments affecting real estate. Since the enclosed Findings and Orders by the Chief Engineer modifies said Certificate of Appropriation, they should also be recorded with the Register of Deeds.

If you have any questions, please contact our office at 785-564-6640, or our staff at the Stockton Field Office at 785-425-6787. 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 blue ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:kak:li  
Enclosures  
pc: Stockton Field Office

## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77 601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

## CERTIFICATE OF SERVICE

On this 16 day of April, 2024, I hereby certify that the attached original Findings and Orders in the Matter of the Authorized Point of Diversion under Water Right, File Nos. 545 & 7,860, dated April 9, 2024, were mailed postage prepaid, first class, US mail to the following:

NELSON FARMS INC  
BOX 38  
LONG ISLAND KS 67647

With photocopies to:

KDA-DWR Stockton Field Office

  
Division of Water Resources