Kansas Department of Agriculture / Division of Water Resources <u>Stockton</u> Field Office

TO: <u>HEADQUARTERS</u>		
RE Vested Right; Water Right; A		Application
File No(s). PL-1/2; PL-17-D2; 219; 19 Enclosed are the following checked items: 30,90 A FIR Full Proposed Certificate to deliver to Certificate	22, 31,444, 35648 artial Inspection R	eturn to Field Office
☐ A Compliance Check Inspection on ☐ Meter Install ☐ New App ☐ Chg App ☐ In Compliance ☐ Not in Compliance, w Modify Point of Diversion ☐ No ☐ Yes, d	Meter Order: GN	MD#4 wer Smoky . ther
Indicate all overlapping p/d files An application and judgment sheet with recomm	nendation.	
A memorandum dated A request for an extension of time to perfect or A verified report. A closure request. A field investigation report. Notice of Non-Compliance		
Violation An ownership change (name(s) and address(es A water use report for A letter dated		Date
☐ A copy of an Approval to Change the ☐ place ☐ Filing Fee attached.	of use and/or ☐ point of	diversion,
An Advanced copy of a change application a office. \$\frac{1}{2}\frac{3}{3}\frac{1}{3}\$. \$\frac{3}{3}\frac{1}{		
Other:		
	10.	
Water Commissioner		ate



Jackie McClaskey, Secretary David W. Barfield, Chief Engineer Kelly Stewart, Water Commissioner Phone: (785) 425-6787 Fax: (785) 425-6842 www.agriculture.ks.gov

Sam Brownback, Governor

October 28, 2016

Steven Cox 1472 Hwy 383 Long Island, KS 67647

Re: Vested Right, File Nos. PL-16 & PL-17.D2, and Water Right File Nos. 219; 1,970; 3,130; 4,005; 4,304; 7,947; 8,203; 26,865; 27,754; 30,902; 31,484; & 35,648

Dear Mr. Cox:

This is to advise you that Terry Nelson has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use under the above referenced file numbers. For file numbers PL016, 219 and 3,130, the point(s) of diversion are also proposed to be moved.

You are notified of these proposed changes 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 complete applications posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Kelly C. Stewart Water Commissioner

KCS:rfh
pc:
Jerry Cox
Clint & Corinne Cox
Brad & Ann Cox



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Sam Brownback, Governor

October 28, 2016

Clint & Corinne Cox 306 Wheeling Ave. Long Island, KS 67647

Re: Vested Right, File Nos. PL-16 & PL-17.D2, and Water Right File Nos. 219; 1,970; 3,130; 4,005; 4,304; 7,947; 8,203; 26,865; 27,754; 30,902; 31,484; & 35,648

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Sam Brownback, Governor

October 28, 2016

Brad & Ann Cox 1439 W. Granite Rd. Long Island, KS 67647

Re: Vested Right, File Nos. PL-16 & PL-17.D2, and Water Right File Nos. 219; 1,970; 3,130; 4,005; 4,304; 7,947; 8,203; 26,865; 27,754; 30,902; 31,484; & 35,648

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Kelly C. Stewart Water Commissioner

KCS:rfh
pc:
Steven Cox
Clint & Corinne Cox
Jerry Cox

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



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

point	(s) of div	0.0.0.	and/or	piace	or asc												F	RECE	IVED
						F	File No	. <u>1,97</u> 0	0								0	CT 2	7 2016 Sa.m.
1. A	Application is hereby made for approval of the Chief Engineer to change the (check one or both): Place of Use												Stockton Field Office Division of Water Resources						
u	nder the	e water	right w	hich is	the s	ubject	of this	applic	ation i	n acco	rdance	e with t	the cor	ndition	s desc	ribed b	pelow.		
Т	he sour	rce of si	upply i	s:		⊠ G	Fround	water			Surfac	ce wate	er						
F	Name ar PO Box 3 Phone N Name ar PO Box 3	38 Lon lumber: nd addre	g Islan (785) ess of	d, KS 854-76 Water	67647 611 Use C	orresp						rynels	on@ru	raltel.r	net				
Г	Phone N					!	_		Liliali	auuic	55. <u>(C)</u>	rynels	onwiu	i ailci.i	ICL				
C	The presource of the present of the	f Land -	NA	AME:	Nelsor PO Bo	x 38	Long Is				sary.)								
C	Owner o	f Land -	NA	AME: ESS: landov	Nelsor PO Bo	x 38	Long Is	ental sh			sary.)	SV	V1/4			SE	Ε1/4		TOTAL
C	Owner o	f Land -	NA	AME: ESS: landov	Nelsor PO Bo vner, at	x 38	Long Is	ental sh	eets as		sary.)	SV NW1/4	V¼ SW¼	SE1/4	NE1/4	SE NW1/4	E¼ SW¼	SE¼	TOTAL ACRES
(1	Owner o	f Land -	ADDRI	AME: ESS: landov	Nelsor PO Bo vner, at	x 38 I tach su	Long Is	ental sh	eets as	neces				SE1/4	NE¼			SE% 13	
(I	Owner o	f Land -	ADDRI	AME: ESS: landov	Nelsor PO Bo vner, at	x 38 I tach su	Long Is	ental sh	eets as	neces				SE¼	NE1/4		SW1/4		ACRES
(I Sec. 28	Owner of there is Twp.	f Land -	ADDRI nan one	NE: ESS: landov NE NW1/4	Nelsor PO Bo vner, at 5/4 SW1/4	x 38 I tach su	ppleme	NW1/4	eets as	s neces				SE1/4		NW1/4	SW1/4	13	ACRES
Sec. 28 33 34 4. If	Owner of there is Twp. 1S 1S	Range 20W 20W 20W plication	ADDRI nan one NE½ 28	AME: ESS: landov NE NW% 38 a cha	Nelsor PO Bo vner, at SW% 40 40 nge in Nelsor PO Bo	SE% 40 place Farm x 38 I	NE% 33 of use as Inc.	NW// 31 , it is p	sw// 31 39 ropose	SE¼ 40 7 ed that	NE¼	NW1/4	SW1/4	27	40	NW1/4 34	SW1/4	13	14 417
Sec. 28 33 34 4. If	Twp. 1S 1S 1S Owner or	Range 20W 20W 20W plication	ADDRI nan one NE½ 28	AME: ESS: landov NE NW1/4 38 a cha AME: ESS: landov	Nelsor PO Bo vner, at SW% 40 40 nge in Nelsor PO Bo	SE% 40 place Farm x 38 I	NE% 33 of use as Inc.	NW1/4 31 , it is p	sw// 31 39 ropose	SE¼ 40 7 ed that	NE¼	18 ace of	SW1/4	27	40	NW% 34	SW1/4	13	14 417 127 TOTAL
Sec. 28 33 34 4. If	Twp. 1S 1S 1S Owner or	Range 20W 20W 20W plication	ADDRI nan one NE½ 28	AME: ESS: landov NE NW1/4 38 a cha AME: ESS: landov	Nelsor PO Bo vner, at \$\frac{1}{2}\lambda\$ \$1	SE% 40 place Farm x 38 I	NE1/4 33 of use as Inc. Long Is	NW1/4 31 , it is p	sw// 31 39 ropose KS 67 eets as	SE¼ 40 7 ed that	NE¼	18 ace of	17 use be	27	40	NW% 34	SW% 1 28	13	14 417 127
Sec. 28 33 34 4. If	Twp. 1S 1S 1S Owner o	Range 20W 20W 20W plication f Land -	NE½ 28 n is for NA ADDRI nan one	AME: ESS: landov NE NW% 38 a chai AME: ESS: landov	Nelsor PO Bo vner, at SW% 40 Ange in Nelsor PO Bo vner, at	SE% 40 place n Farm x 38 ltach su	NE% 33 of use as Inc.	NW/2 31 , it is p	sw// 31 39 ropose KS 67 eets as	SE¼ 40 7 ed that	19 the plasary.)	18 ace of	17 use be	27 e chan	40 ged to	NW1/4 34 SE	SW% 1 28	13 34	14 417 127 TOTAL
Sec. 28 33 34 4. If (Twp. 1S 1S 1S Owner or	Range 20W 20W 20W plication f Land -	NE½ 28 n is for NA ADDRI nan one	AME: ESS: landov NE NW% 38 a chai AME: ESS: landov	Nelsor PO Bo vner, at SW% 40 Ange in Nelsor PO Bo vner, at	SE% 40 place n Farm x 38 ltach su	NE% 33 of use as Inc.	NW/2 31 , it is p	sw// 31 39 ropose KS 67 eets as	SE¼ 40 7 ed that	19 the plasary.)	18 ace of	17 use be	27 e chan	40 ged to	NW1/4 34 SE	SW% 1 28 = 3% SW%	13 34 SE½	ACRES 14 417 127 TOTAL ACRES

For Office Use Only: Code_

Receipt Date

TR#_

Fee \$_

Check #

5.	Presently authorized point	t of diversion:					
	One in the SE	Quarter of the	NW	Quar	ter of the	SE	Quarter
	of Section 33	, Township	1	South	n, Range	20	WEST,
	in Phillips						
	Authorized Rate 660 gpr	n Authorized Quantit	ty 73 A	F Depth of	of well	n/a (fe	eet)
	(DWR use only: Compute	r ID No. 26	GPS	feet N	orth	feet W	(est)
ı	☑ This point will not be cl	hanged	will be chan	ged as follows:			
	Proposed point of diversion	on: (Complete only if cha	inge is requ	ested)			
	One in the				ter of the		Quarter
	of Section						
	in						
- 1	Proposed Rate						
	This point is: Additional						
L	The point io	TO COO CONTON EN	t other water	rigito triat will	acc tine point		· · · · · · · · · · · · · · · · · · ·
ا ہ	Presently authorized point	t of diversion:					
6.				Quad	or of the		Ouerter
	One in the						
- 1	of Section						
	in						
1	Authorized Rate						
- 1	(DWR use only: Compute					feet W	(est)
- 1	☐ This point will not be cl			-			
	Proposed point of diversion						
	One in the						
	of Section	, Township		South	n, Range		WEST,
- 1	in	County, Kansas,	feet No	rth	feet West of S	Southeast corn	er of section.
- 1	Proposed Rate	Proposed Quantity	/	Propos	ed well depth	(feet)	
	This point is: Additional	Well Geo Center Lis	t other wate	r rights that will u	use this point		
				feet of the exist the diagram belough (PLEASE NOT represents presents prese	ow in relation t E: The "X" sently author	to the existing p in center of ized point of d	oint of diversion diagram below
8.	If a well, is the test hole log at	ttached? Yes No		100	50 0	50	100
				P .	1111111		9
9.	When do you propose to	complete the new poir	nt of	F	=		7
	diversion?			50	+ =	+ -	= 50
	•	AL \$44.5 AL	_	30 E	_		∃~
40	If the point of diversion is a	all.		F	_		-
10.	If the point of diversion is a w			West 0 -1	X	11111111-	0 East
	(a) What are you going to do	with the old well?		E			_
	n/a			E	=		_
	100		-	50 —	+ -	- + -	- 50
	(h) Mhan will this he deno?	-1-		_	_		7
	(b) When will this be done?	n/a		E.			
				100			□
11.	Groundwater Managemen		lation	100	50 0	50 th	100
	attached? ☐ Yes ☒ N	0			Scale: 1	ith " = 100"	
12.	Assisted by <u>DLM-STKFO</u>		13b.	If the proposed 100 feet but v diversion, attact For groundwate within one-half r names and ma water sources, landowner(s) o upstream from y	point of diversivithin 1320 feh a topographer sources, should be shown the role of the problem.	sion will be relo eet from the e hic map or ae ow all wells (inc posed point of c es of the owne names and ac downstream an	existing point of erial photograph cluding domestic diversion and the ers. For surface ddresses of the

14. If the proposed groundwater point of diversion is 300 or fewer feet	from existing point of diversion, complete the following:
 (a) Does the undersigned represent all owners of the currently au ☑ Yes ☑ No (If no, all owners must sign this ap) 	
 (b) Will the ownership interest of any owner of the currently authorized affected if this application is approved as requested? ☐ Yes ☑ No (If yes, all owners must sign this approved as requested?) 	
(c) If this application is not approved expeditiously, will there be s ☐ Yes ☐ No (If no, all owners must sign this application)	
If the application proposes a surface water change in point of diversion or a change in place of use, the application must be signed by all owne agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affir age and the owner, the spouse of the owner, or a duly author their behalf, in regard to the water right(s) to which this appointment in this application are true, correct and complete. Dated at 100 Mg (Owner) (Owner)	orized agent of the owner(s) to make this application on pplication pertains. I further verify that the statements
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
County of Phillips SS	2,4h
I hereby certify that the foregoing application was signed in , 20 1/0.	my presence and sworn to before me this day of KAY L LEE State of Kansas My Appl. Exp. 4-5-/8
My Commission Expires 4518	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, accurate information; maps, if necessary, must be included; signatures of all the the appropriate fee must be paid.	appropriate owners' must be affixed to the application and notarized; and
Each application to change the place of use or the point of diversion unforth in the schedule below: Make checks payable to: Kansas Depart (1) Application to change a point of diversion 300 feet or less. (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	der this section shall be accompanied by the application fee set ment of Agriculture \$100
	RECEIVED
	OCT 27 2016

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

		My commission expires:	(Notary Seal)
		Signature:	Notary Public
		by	
		Acknowledged before me on	
		County of	SS
	For Use by Register of Deeds	State of Kansas)
on t	he Certificate of Service.	Division of Water Resources - I Date of Issuance:	Kansas Department of Agriculture
is no	wn on the Certificate of Service attached hereto. If a hearing of requested in accordance with K _L A.R. 5-14-3, this Summary er will become effective on the 15 th day after the date shown	(Print Name):	
Driv	isas Department of Agriculture, 1320 Research Park ye, Manhattan, Kansas 66502, within 15 days after the date	By: Duly Authorized Design	nee of the Chief Engineer
filed	artment of Agriculture. Any request for a hearing must be with the Chief Engineer, Division of Water Resources,		
befo	have the right to a hearing in accordance with K.A.R. 5-14-3 ore this Summary Order becomes final action of the Kansas	SUMMARY O	RDER ISSUED
	Administrative Appeal and Effective Date of Order		E USE ONLY APPROVED AND
	water or appropriation right or any other enforcement action		PE LICE ONLY
	Appropriation Law and the Rules and Regulations promul result in civil penalties pursuant to K.S.A. 82a-737, as amount of the Rules and Regulations promul result in civil penalties pursuant to K.S.A. 82a-737, as amount of the Rules and Regulations promul result in civil penalties pursuant to K.S.A. 82a-737, as amount of the Rules and Regulations promul result in civil penalties pursuant to K.S.A. 82a-737, as a more civil penalties penalties pursuant to K.S.A. 82a-737, as a more civil penalties penalties penalties penalties penal	gated thereunder. Failure to comended, and/or the suspension or r	ply with these provisions may
11.	In accordance with K.S.A. 82a-708a, as amended, and K.A water appropriated under the above-referenced file numbel limitations, as amended and/or supplemented by this Sum	er are responsible for compliance	with its terms, conditions and
	Additional Conditions are attached. Yes No	D 5514 all of the ourses of th	a authorized place(a) of use of
	check valve(s) shall be installed, operated and maintained in	n accordance with K.A.R. 5-3-5c.	Applicable Not Applicable
9.	All diversion works into which any type of chemical or other with an in-line, automatic, quick-closing check valve capab	foreign substance will be injected in	nto the water shall be equipped
	The completed well log shall be submitted with the requ	ired notice.	☐ Not Applicable
	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 the works for diversion has been completed, on the form provide Applicable Not Applicable	applicant shall notify the Chief En	gineer that construction of the
	The owner of the authorized place(s) of use shall proper shall proper shall proper shall proper shall proper shall maintained in accordance with K.A.R. 5-1-4 to K.A.R. 5-3-5e, the owner shall maintain records and report diverted annually to the Chief Engineer by March 1 following Applicable Not Applicable	whichever occurs first. The water hrough 5-1-12. As required by K.S the reading of the water flow meter the end of each calendar year.	r flow meter shall be installed, 6.A. 82a-732, as amended, and r and the total quantity of water
	As required by K.A.R. 5-3-5d, if the works for diversion is a tube or other device suitable for making water level measure with K.A.R. 5-6-13. Applicable Not Applicable	a well with a diversion rate of 100 ements shall be installed, operated	gallons per minute or more, a and maintained in accordance
4.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion. ☐ Applicable ☐ No	be located more than of Applicable	feet from the previously
	The change in point of diversion shall not impair existing rig previously authorized. The point of diversion authorized by radius of the authorized point(s) of diversion.	this summary order shall be located ble Not Applicable	d within afoot
	On and after the effective date of this summary order, the a on the topographic map accompanying the application to ch	ange the place of use. Application	cable
	A change application was received on diversion authorized under the above-referenced file number		
K.A	visions of the Kansas Water Appropriation Law, K.S.A. 82a.R. 5-1-1 et.seq. With the exception of those conditions expose, conditions and limitations of File No. 1970	-701 et. seq., and rules and regula	ations promulgated thereunder,
This	s Summary Order is issued under authority of K.S.A. 82	a-708b, as amended, and K.A.R.	. 5-14-3 and other applicable

Page 4

File No. <u>1970</u>

DWR 1-121 (Revised 06/16/2014)

RECEIVED

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 1970

MAKE ADDITIONAL COPIES AS NECESSARY

OCT 27 2016

Stockton Field Office

Division of Water Resources Continued: The presently authorized place of use is: Owner of Land ---- NAME: NTN, LLP. ADDRESS: 1304 W Fox Rd Long Island, KS 67647 SW1/4 NE1/4 NW1/4 SE1/4 TOTAL ACRES SW1/4 SW1/4 NW1/4 SW1/4 NW1/4 SW1/4 Range NE1/4 NW1/4 SE1/4 NE1/4 NW1/4 SE1/4 Twp. Sec. Lot 1 Lot 1 27 2S 20W 22 5 Owner of Land --- NAME: N. Terry Nelson ADDRESS: PO Box 38 Long Island, KS 67647 NW1/4 SW1/4 TOTAL NE1/4 **ACRES** NE14 NW14 SW14 NE1/4 NW1/4 SW1/4 NE1/4 NW1/4 SW1/4 SE1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 SE1/4 Sec. Twp. Range 67 33 15 20W 31 Lot 2 Lot 2 Lot 1 Lot 1 20W 69 25 19 34 10 6 Owner of Land ---- NAME: Nelson Farms Inc. ADDRESS: PO Box 38 Long Island, KS 67647 NW1/4 SW1/4 SE1/4 TOTAL NE1/4 ACRES NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 Twp. Range 25 20W 3 3 Continued: 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: NTN, LLP. ADDRESS: 1304 W Fox Rd Long Island, KS 67647 SW1/4 SE1/4 NE1/4 NW1/4 TOTAL **ACRES** NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 Sec Twp. Range NE1/4 Lot 1 Lot 1 27 25 20W 22 5 Owner of Land ---- NAME: N. Terry Nelson ADDRESS: PO Box 38 Long Island, KS 67647 SW1/4 NE1/4 TOTAL ACRES SW1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SE1/4 NE1/4 Sec Twp. Range 31 26 7 3 67 33 15 20W Lot 2 Lot 2 Lot 1 Lot 1 69 25 20W 19 34 10 6 Owner of Land ---- NAME: Nelson Farms Inc. ADDRESS: 1361 W Granite Rd Long Island, KS 67647

DWR 1-121-2 (Rev. 01/23/2008)

Twp.

25

Sec

Page

SW1/4

3

NE1/4

NW1/4 SW1/4 SE1/4

NE1/4

NW1/4 SW1/4 SE1/4

NW1/4

NW1/4 SW1/4 SE1/4

File No. 1970

TOTAL ACRES

Range

20W

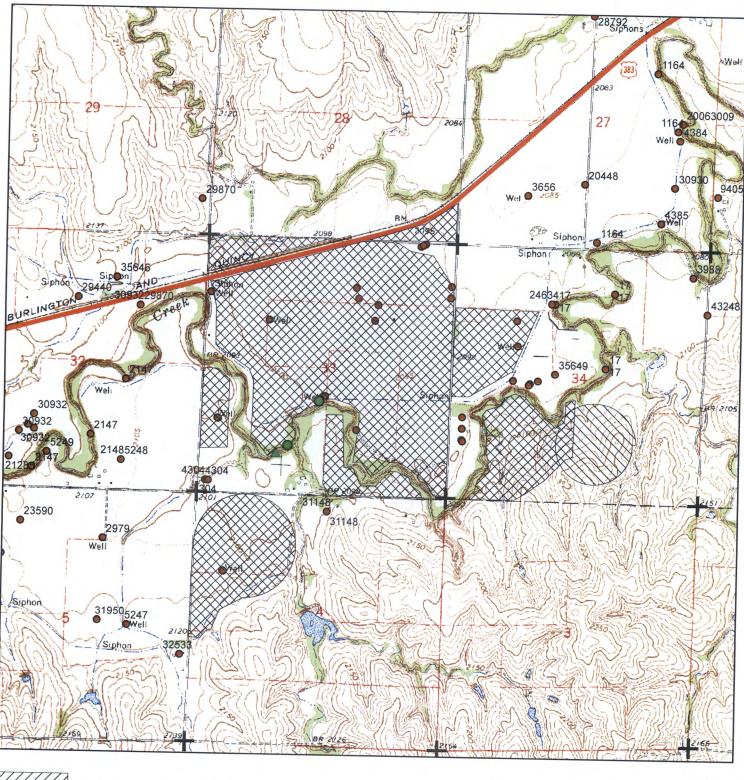
NE1/4

NW1/4 SW1/4

SE1/4

NE1/4

Application to Change the Place of Use and Point of Diversion For Vested Right File No. PL-016





Authorized Place of Use



Proposed Place of Use

Currently Authorized P/D's

▲ Proposed P/D

1:24,000



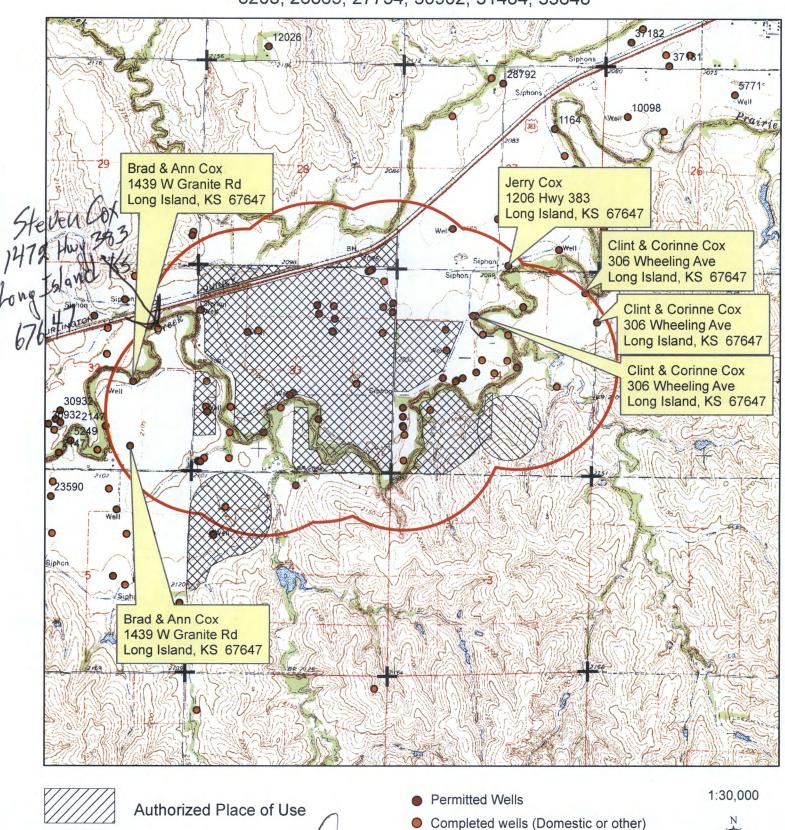
RECEIVED

OCT 27 2016

Stockton Field Office

The names and addresses of the landowners 1/2 mile downstream and upstream from my property lines are shown.

Application to Change the Place of Use For Water Right File Nos. PL16, PL17.D2, 219, 1970, 3130, 4005, 4304, 7947, 8203, 26865, 27754, 30902, 31484, 35648



The names and addresses of the well owners 1/2 mile within the water rights proposed to be changed are shown.

Rroposed Place Of Use

Stockton Field Office Division of Water Resources

OCT 27 2016

RECEI