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

TO: <u>HEADQUARTERS</u>
RE Vested Right; Water Right; Appropriation of Water; Application File No(s). PL-1/2: PL-17-D2: 219:1970; 3,130; County Enclosed are the following checked items: 30,902; 31,404; 3544
Proposed Certificate to deliver to Certificate Unit
Meter Order: GMD#4 Lower Smoky A Compliance Check Inspection on Other Meter Install New App Chg App Other In Compliance Not in Compliance, why Modify Point of Diversion No Yes, document attached Indicate all overlapping p/d files
An application and judgment sheet with recommendation. A memorandum dated A request for an extension of time to perfect or complete. A verified report. A closure request. A field investigation report. Notice of Non-Compliance
Violation Date An ownership change (name(s) and address(es) below). A water use report for A letter dated
☐ A copy of an Approval to Change the ☐ place of use and/or ☐ point of diversion, ☐ Filing Fee attached.
An Advanced copy of a change application and the filing fee, to be processed at the fie office. # 3,400.00 An original field office change application and the filing fee needing headquarters office review and further processing.
Other:
Valle of Strand
Water Commissioner Date



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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Sincerely,

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.

than	100 fee	t, or if	place	of use	will b	e cha													ion is greater and proposed
point	(s) of div	version	and/or	place	or use													REC	EIVED
						F	File No	o. <u>219</u>										OCT :	27 2016
1. /	Applicati	on is he	ereby n	nade f	or app		of the O		inginee		-	the (ch		ne or b	oth):			ockton	35 a.m Field Office Vater Resource
l	under th	e water	right v	vhich is	s the s	ubject	of this	applic	ation i	n acco	ordance	e with	the co	ndition	s desc	ribed l	pelow.		
	The soul	rce of s	upply is	s:			round	water			Surfa	ce wat	er						
	Name ar					elson	Farms	Inc.											
-	Phone N								Fmail	addre	ss. ter	rvnels	on@ru	raltel	net				
	Name ar					orresp	onder	nt Nel			-	TYTICIS	onazio	i aitei.	iict				
	30x 38					oncop	011001	12. 1401	001110	arno n	10.								
	hone N								Email	addre	ss: ter	rynels	on@ru	raltel.	net				
	Phone Number: <u>(785)854-7611</u> Email address: <u>terrynelson@ruraltel.net</u> The presently authorized place of use is:																		
(Owner of Land NAME: Nelson Farms Inc.																		
		,	ADDRI	ESS:	Box 38	3 Long	ı İslan	d, KS	67647										
(If there is	s more th	an one	landov	vner, at	tach su	ıppleme	ental sh	eets as	neces	sary.)								
NE1/4						NW1/4				SW¼			SE1/4			TOTAL			
Sec.	Twp.	Range	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	ACRES
28	1S	20W															1	13	14
33	18	20W	28	38	40	40	33	31	31	40					40	34	28	34	417
34	18	20W							39	7	19	18	17	27					127
	f this ap Owner o	f Land -	NA	AME:	Nelsor	Fam	s Inc.		67647		the pl	ace of	use be	e chan	ged to	:			
(If there is	more th	an one	landov	vner, at	tach su	ippleme	ental sh	eets as	neces	sary.)								
			NE¼				NW1/4				SW1/4			SE¼			TOTAL		
Sec.	Twp.	Range	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	ACRES
28	18	20W															1	13	14
33	1S	20W	28	38	40	40	33	31	31	40					40	34	28	34	417
34	1S	20W							39	7	19	18	17	28		17.5	22.5		168

For Office Use Only: Code

Receipt Date

TR#

Fee \$

Check #

	Presently authori	4.4 (4.4)											
	One in the	CE	Quarter of the	NE	Quarter of the	SW	Quarte						
			, Township										
			unty, Kansas, <u>1,980</u>										
			Authorized Quantity										
			No. 1 GF			feet W	est)						
	☐ 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	NW	Quarter of the	SE	Quarter of the	SW	Quart						
	of Section	33	, Township	1	South, Range	20	WES						
			unty, Kansas, 834										
			Proposed Quantity										
			I ☐ Geo Center List o										
_	Presently authorized point of diversion:*												
			Quarter of the	SE	Quarter of the	SW	Quarte						
			, Township										
			unty, Kansas, 990										
			Authorized Quantity										
			No. 16 GF										
			ged 🛛 This point wil			icel W	ostj						
	•		•	-		langer he used							
			(Complete only if change			_							
			Quarter of the										
			, Township										
			unty, Kansas,										
			Proposed Quantity _				•						
	This point is: A	dditional Wel	I ☐ Geo Center List o	other water rig	hts that will use this poi	nt							
			diversion? <u>Creating one</u>	fee the (PL	ne proposed point of div t of the existing point of diagram below in relation EASE NOTE: The "It presents presently auth	f diversion, indicat on to the existing p X" in center of	te its location oint of diversi diagram bel						
	independently from	PL16.		164			iversion.,						
					100 50	lorth O 50	100						
	If a well, is the test	nole log attach	ned? 🗌 Yes 🛛 No		100 50	U 5U	100						
	When do you pr	onose to co	omplete the new point	of	E	±	7						
	diversion?	00000 10 00	implete the new point	OI .	_	_							
	already complete.				50 - +	_ + -	∃ 50						
	alleady Complete.				-	-	-						
	If the point of divers	ion is a well:			F	-	-						
	(a) What are you	oina to do wit	h the old well?	VI	/est 0 -	<u>X</u>	U East						
		,			E	_	_						
	n/a				50 - +		50						
					30 F +	_ + -	730						
	(b) When will this I	oe done? n/a			E								
						+111111111	d						
		anagement s No	District recommendati	ion	100 50 Scale	0 50 South z 1" = 100'	100						
	Assisted by <u>DLM-S</u>	TKFO		100 div For wit	he proposed point of div 0 feet but within 1320 ersion, attach a topogr r groundwater sources, s hin one-half mile of the p mes and mailing addres	rersion will be relo feet from the e aphic map or ae show all wells (inc proposed point of c	existing point erial photogra lluding domes diversion and						

14. If t	the proposed groundwater point of diversion is 300 or fewer fee	et from existing point of diversion, complete the following:
(a)	Does the undersigned represent all owners of the currently a ☑ Yes ☐ No (If no, all owners must sign this a	
(b)	 Will the ownership interest of any owner of the currently at affected if this application is approved as requested? ☐ Yes ☑ No (If yes, all owners must sign this 	athorized place(s) of use identified in this application be adversely application.)
(c)	If this application is not approved expeditiously, will there be Yes No (If no, all owners must sign this a	
or a cha		on, a groundwater change in point of diversion greater than 300 feet ners of the currently authorized place of use, or their duly authorized
age ar	nd the owner, the spouse of the owner, or a duly aut behalf, in regard to the water right(s) to which this ined in this application are true, correct and complet	111 Aut 1
	(Owner)	(Spouse)
	(Please Print)	(Please Print)
	(Owner)	(Spouse)
	(Please Print)	(Please Print)
State o	of Phillips ss	~146
	reby certify that the foregoing application was signed in	VLLEE of Kansas Id
accurate		e, all of the applicable portions of the application form must be completed with the appropriate owners' must be affixed to the application and notarized; and
	FEE SCH	EDULE
	pplication to change the place of use or the point of diversion use the schedule below: Make checks payable to: Kansas Depa (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300	under this section shall be accompanied by the application fee set rtment of Agriculture
		RECEIVED

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

Page 3

File No. <u>219</u>

OCT 27 2016

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the <i>Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.</i> , and rules and regulations promulgated thereunder, K.A.R. 5-1-1 <i>et. seq.</i> With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. <u>219</u>										
1.	A change application was received on requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.									
2.	On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable									
3.	The change in point of diversion shall not impair existing right previously authorized. The point of diversion authorized by tradius of the authorized point(s) of diversion.	nts and shall be limited to the same source or sources of water as this summary order shall be located within afoot like _ _ Not Applicable								
4.	The point(s) of diversion authorized herein shall not actually be located more than feet from the previously authorized point(s) of diversion. Applicable Not Applicable									
5.	As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable									
6.	operated and maintained in accordance with K.A.R. 5-1-4 th	operly install an acceptable water flow meter on or before whichever occurs first. The water flow meter shall be installed, brough 5-1-12. As required by K.S.A. 82a-732, as amended, and the reading of the water flow meter and the total quantity of water the end of each calendar year.								
7.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 the a works for diversion has been completed, on the form provided Applicable Not Applicable	completed on or before December 31, 20, or within any applicant shall notify the Chief Engineer that construction of the ed by the Chief Engineer, as required by K.A.R. 5-8-4e.								
8.	The completed well log shall be submitted with the requ	ired notice.								
9.	All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable									
10.	Additional Conditions are attached.									
11.	11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the <i>Kansas Water Appropriation Law</i> and the <i>Rules and Regulations</i> promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.									
	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY								
	have the right to a hearing in accordance with K.A.R. 5-14-3	APPLICATION APPROVED AND								
Dep filed Kan	ore this Summary Order becomes final action of the Kansas partment of Agriculture. Any request for a hearing must be with the Chief Engineer, Division of Water Resources, assas Department of Agriculture, 1320 Research Park	JOHNAKT ONDER 1830ED								
sho	ve, Manhattan, Kansas 66502, within 15 days after the date wn on the Certificate of Service attached hereto. If a hearing of requested in accordance with KAR 5-14-3, this Summary	By:								
Ord	ot requested in accordance with K.A.R. 5-14-3, this Summary er will become effective on the 15 th day after the date shown	(Print Name):								
on t	he Certificate of Service. For Use by Register of Deeds	Date of Issuance:								
	r or odd by Hogister or boods	State of Kansas) SS								
		County of)								
		Acknowledged before me on								
		by								
		Signature:								
		Signature:Notary Public								
		My commission expires:								
		(Notary Seal)								

Page 4

File No. 219

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

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

FILE NO. <u>219</u>

RECEIVED

OCT 27 2016

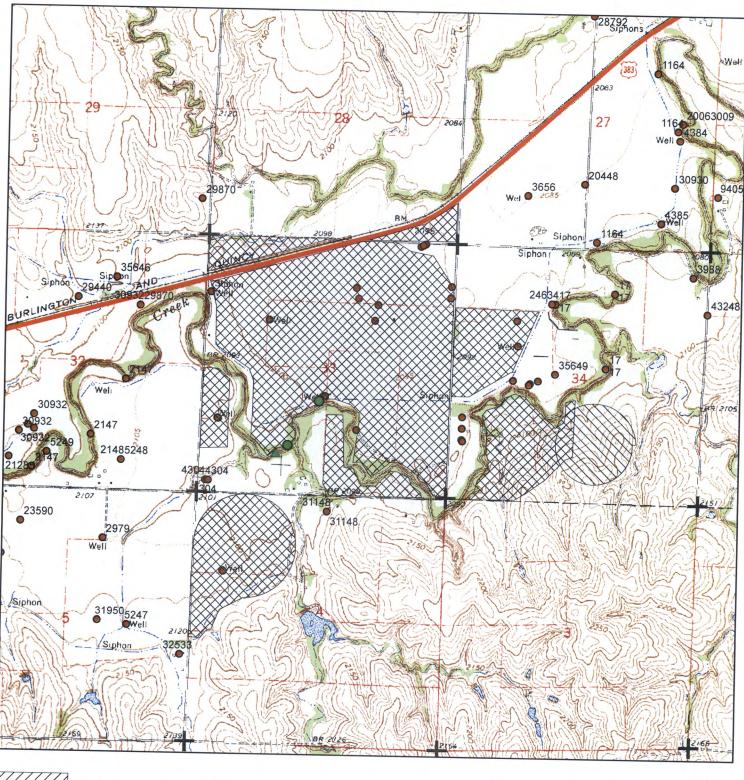
MAKE ADDITIONAL COPIES AS NECESSARY Stockton Field Office Division of Water Resources Continued: The presently authorized place of use is: Owner of Land ---- NAME: NTN, LLP ADDRESS: 1304 W Fox Rd Long Island, KS 67647 NE1/4 NW1/4 SW1/4 SE1/4 TOTAL **ACRES** NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 Range SE1/4 Twp. Lot 1 Lot 1 25 20W 27 22 5 Owner of Land ---- NAME: N. Terry Nelson ADDRESS: PO Box 38 Long Island, KS 67647 NE1/4 SW1/4 NW1/4 TOTAL **ACRES** NW1/4 SW1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 SE1/4 Sec. Range Twp. 33 15 20W 31 26 3 67 Lot 2 Lot 2 Lot 1 Lot 1 28 20W 69 4 19 34 10 6 Owner of Land ---- NAME: Nelson Farms Inc. ADDRESS: PO Box 38 Long Island, KS 67647 NE1/4 TOTAL **ACRES** Twp. Range 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 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 NE14 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 NE1/4 NE1/4 Twp. Range Lot 1 Lot 1 20W 5 27 28 22 Owner of Land ---- NAME: N. Terry Nelson ADDRESS: PO Box 38 Long Island, KS 67647 SW1/4 NE1/4 NW1/4 TOTAL **ACRES** NE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 Range NE1/4 Sec Twp. 33 15 20W 31 26 3 67 Lot 2 Lot 2 Lot 1 Lot 1 20W 69 25 19 34 10 6 Owner of Land ---- NAME: Nelson Farms Inc. ADDRESS: Box 38 Long Island, KS 67647 NE1/4 NW1/4 SW1/4 SE1/4 TOTAL **ACRES** NW1/4 SW1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 SE1/4 Sec Twp. Range

20W

25

3

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



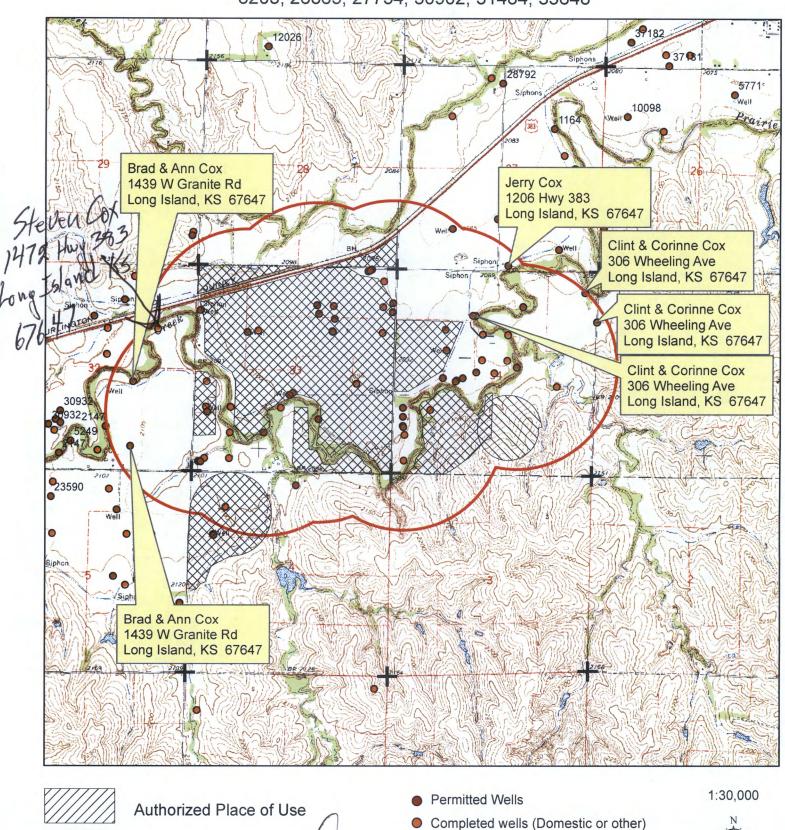
RECEIVED

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