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

TO: HEADQUARTERS
RE 🛛 Vested Right; 💢 Water Right; 🔲 Appropriation of Water; 🔲 Application
File No(s). PL-1/0; PL-17-D2; 219; 1970; 5,130; County PL  Enclosed are the following checked items: 30,902; 31,484; 35,648
Enclosed are the following checked items: 26,865,27,754,
A FIR   Full   Partial Inspection   Return to Field Office
Proposed Certificate to deliver to Certificate Unit
Meter Order: GMD#4
☐ 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 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 filling fee, to be processed at the filling.
# 3, 400.00  An original field office change <u>application</u> and the filing fee needing headquarters offi review and further processing.
Other:
Lelly a Storms 10.27-16
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 <a href="www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices">www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices</a> 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



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

Jerry Cox 1206 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 <a href="www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices">www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices</a> 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:
Steven Cox
Clint & Corinne Cox
Brad & Ann Cox



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

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

Dear Mr. & Mrs. 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 <a href="www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices">www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices</a> 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:
Steven Cox
Jerry Cox
Brad & Ann Cox



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

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

Dear Mr. & Mrs. 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 <a href="www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices">www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices</a> 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:
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 than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

RECEIVED

ooint(	s) of div	ersion a	and/or	place	of use												F	RECE	IVED
						F	ile No	. 30,90	)2 (IRF	۲)							0	CT 2	7 2016 Sa.m.
I. A	pplication	on is he	reby n	nade fo	or appi		f the C		nginee			the (ch		e or b	oth):	Ι	Stoc	ckton F	ield Office ter Resource
u	nder the	water	right w	hich is	s the s	ubject	of this	applic	ation i	n acco	rdance	e with t	the cor	dition	s desc	ribed I	pelow.		
	he sour						round					ce wate							
2. N	ame ar	d addre	ess of	Applica	ant: N	elson	Farms	Inc.											
P	O Box	88 Lon	g Islan	d, KS	67647	7													
	hone N											rynels	on@ru	raltel.ı	net				
N	ame an	d addre	ess of	Water	Use C	orresp	onden	t: Nel	son Fa	ıms In	IC.								
	O Box :					7													
P	hone N	umber:	(785)	854-76	311				Email	addre	ss: <u>ter</u>	rynels:	on@ru	raltel.ı	net				
	he pres	•																	
C	wner o																		
				ESS:															
(1	f there is	more th	an one	landov	vner, at	tach su	ppleme	ental sn	eets as	neces	sary.)				1			- 11	
					1/4				V1/4				V1/4				E1/4		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	
28	15	20W	_														1	13	14
33	15	20W	28	38	40	40	33	31	31	40					40	34	28	34	417
34	15	20W							39	7	19	18	17	27		<u> </u>			127
C	this ap wner o	f Land -	ADDRI	AME: ESS:	Nelsor PO Bo	x 38	s Inc.	sland,	KS 67	647		ace of	use be	e chan	ged to	:			
				NE	=1/4			NV	N1/4			SV	V1/4			S	E1/4		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	15	20W															1	13	14
33	15	20W	28	38	40	40	33	31	31	40					40	34	28	34	417
34	15	20W							39	7	19	18	17	28		17.5	22.5		168
		·																	
F	or Offi	e Use	Only:	Code		Fe	e\$		TR	#		Re	eceipt	Date			Chec	k#	

Γ	Presently authorized point	of diversion:			
1	One in the	Quarter of the		Quarter of the	Quarter Quarter
	of Section	, Township		South, Range	WEST
	in C	County, Kansas,	_ feet No	rth feet West of S	outheast corner of section.
				Depth of well	
				feet North	
	☐ This point will not be cha	anged  This point wil	l be chan	ged as follows:	
	Proposed point of diversion	: (Complete only if change	e is requ	ested)	
				Quarter of the	Quarte
				South, Range	
				rth feet West of S	
				Proposed well depth (f	
				r rights that will use this point	
_	CIEWISCH				
Γ	Presently authorized point	of diversion:			
				Quarter of the	Quarte
	of Section	Township		South, Range	WEST
	in (	County Kansas	feet No	rth feet West of S	outheast corner of section
				Depth of well	
				feet North	
	☐ This point will not be cha				1001 17001,
	Proposed point of diversion				
					Ouada
				Quarter of the	
	of Section	, I ownship		South, Range	WEST
				rth feet West of S	
				Proposed well depth (f	
	This point is:  Additional W	/ell ☐ Geo Center List of	ther wate	r rights that will use this point _	
	If a well, is the test hole log atta	ached? Yes No		feet of the existing point of divided diagram below in relation to (PLEASE NOTE: The "X" represents presently authorized Nort	o the existing point of diversion in center of diagram below zed point of diversion.)  h
	When do you propose to	complete the new point	of		-
	diversion?	on provide the state provide		= _	. =-
				50 - + -	+ = 50
				E =	
).	If the point of diversion is a wel	l:		West 0 -1111111X	
	(a) What are you going to do	with the old well?		West of E	3° -2° -1
	2/2			-	3
	n/a			50 - + -	+ - 750
	4 > 144			= =	3
	(b) When will this be done? n/	a		<b>E</b> ∓.	
				466 50 5	50 400
	Groundwater Management attached? Yes No		ion	100 50 0 Sour <b>Scale: 1</b> '	th "= <b>100</b> "
2.	Assisted by <u>DLM-STKFO</u>		13b.	If the proposed point of diversi 100 feet but within 1320 fee diversion, attach a topograph For groundwater sources, show within one-half mile of the prop names and mailing addresses water sources, show the na landowner(s) one-half mile dupstream from your property lir	et from the existing point nic map or aerial photograp wall wells (including domest losed point of diversion and the s of the owners. For surfact ames and addresses of the ownstream and one-half materials.

14. If th	ne 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 currentl  Yes No (If no, all owners must sign this	
(b)	Will the ownership interest of any owner of the currently affected if this application is approved as requested?  ☐ Yes ☐ No (If yes, all owners must sign the	authorized place(s) of use identified in this application be adversely is application.)
(c)	If this application is not approved expeditiously, will there ☐ Yes ☐ No (If no, all owners must sign this	
or a cha		sion, a groundwater change in point of diversion greater than 300 feet owners of the currently authorized place of use, or their duly authorized
I herek	by verify, being first duly sworn upon my oath or	affirmation and under penalty of perjury, that I am of lawfu
their b	ehalf, in regard to the water right(s) to which thi	uthorized agent of the owner(s) to make this application or s application pertains. I further verify that the statements
Dated a	ned in this application are true, correct and comp	0)/ (1)/400/
M	Owner)	The Brown My
N.	JSON JOING THE (Please Print)	(Please Print)
	(Owner)	(Spouse)
	(Please Print)	(Please Print)
	(Owner)	(Spouse)
	(Please Print)	(Please Print)
State of County	of Phillips ss	a. Ah
I her	reby certify that the foregoing application was signed	in my presence and sworn to before me this $\frac{29}{3}$ day of
		KAY L LEE State of Kansas
My Cor	nmission Expires 4-5-18	ppt. Exp. 7 Notary Public
accurate	COMPLETE APPLICATIONS WILL BE PROCESSED. To be comperinformation; maps, if necessary, must be included; signatures of a copriate fee must be paid.	lete, all of the applicable portions of the application form must be completed wit all the appropriate owners' must be affixed to the application and notarized; and
		CHEDULE
	the schedule below: Make checks payable to: Kansas De (1) Application to change a point of diversion 300 feet or I	ess
	(3) Application to change the place of use	00 feet
		RECEIVED

File No. 30,902

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 *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et.seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 30,902-IRR 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. A change application was received on 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 The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a \_\_\_\_\_\_ foot radius of the authorized point(s) of diversion. 

Applicable 

Not Applicable 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 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 The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20\_\_\_\_\_, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.

Applicable Not Applicable 7. Installation of the works for diversion of water shall be completed on or before December 31, 20\_ authorized extension of time. By March 1, 20\_\_\_\_ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable ☐ Not Applicable The completed well log shall be submitted with the required notice. ☐ Applicable ■ Not Applicable 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 Additional Conditions are attached. ☐ Yes 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 Kansas Water Appropriation Law and the Rules and Regulations 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, SUMMARY ORDER ISSUED Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing Duly Authorized Designee of the Chief Engineer is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15<sup>th</sup> day after the date shown (Print Name): Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. Date of Issuance: \_\_\_ For Use by Register of Deeds State of Kansas ) SS County of Acknowledged before me on Signature: \_\_\_\_ Notary Public My commission expires: \_\_\_ (Notary Seal)

Page 4

File No. 30,902

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. 30902 (IRR)

MAKE ADDITIONAL COPIES AS NECESSARY

RECEIVED

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

				NE	Ξ1/4			NV	N1/4			SV	V1/4			SE	1/4		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
4	28	20W							Lot 1 22	Lot 1 5									27

Owner of Land ---- NAME: N. Terry Nelson

ADDRESS: PO Box 38 Long Island, KS 67647

				NE	1/4			NV	V1/4			SV	V1/4			SE	1/4		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
33	15	20W									31	26	7	3					67
4	28	20W					Lot 2 19	Lot 2 34	Lot 1 10	Lot 1									69

Owner of Land ---- NAME: Nelson Farms Inc.

ADDRESS: PO Box 38 Long Island, KS 67647

				NE	Ε1/4			NV	V1/4			SV	V1/4			SE	1/4		TOTAL
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	ACRES												
4	28	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

				NE	=1/4			NV	N1/4			SV	V1/4			SE	=1/4		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
4	28	20W							Lot 1 22	Lot 1 5									27

Owner of Land ---- NAME: N. Terry Nelson

ADDRESS: PO Box 38 Long Island, KS 67647

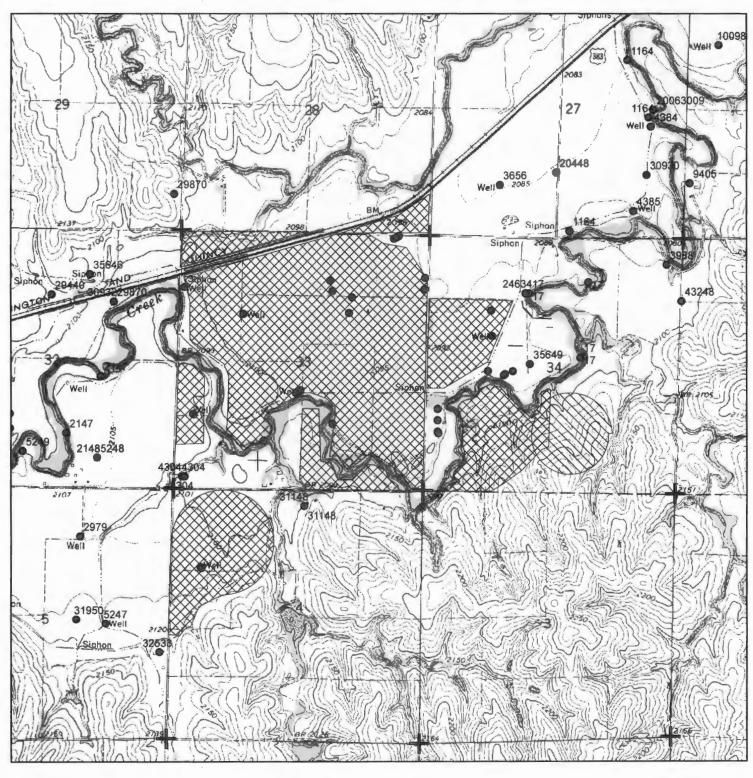
				NE	1/4			NV	V1/4			SV	V1/4			SE	1/4	SE1/4	TOTAL
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
33	18	20W									31	26	7	3					67
4	28	20W					Lot 2 19	Lot 2 34	Lot 1 10	Lot 1 6									69

Owner of Land ---- NAME: Nelson Farms Inc.

ADDRESS: 1361 W Granite Rd Long Island, KS 67647

				NE	=1/4			NV	V1/4			SV	V1/4			SE	1/4		TOTAL
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	ACRES												
4	2S	20W										3							3

# Application to Change the Place of Use For Water Right File No. 30,902 (IRR)





Authorized Place of Use



Proposed Place of Use

1:24,000

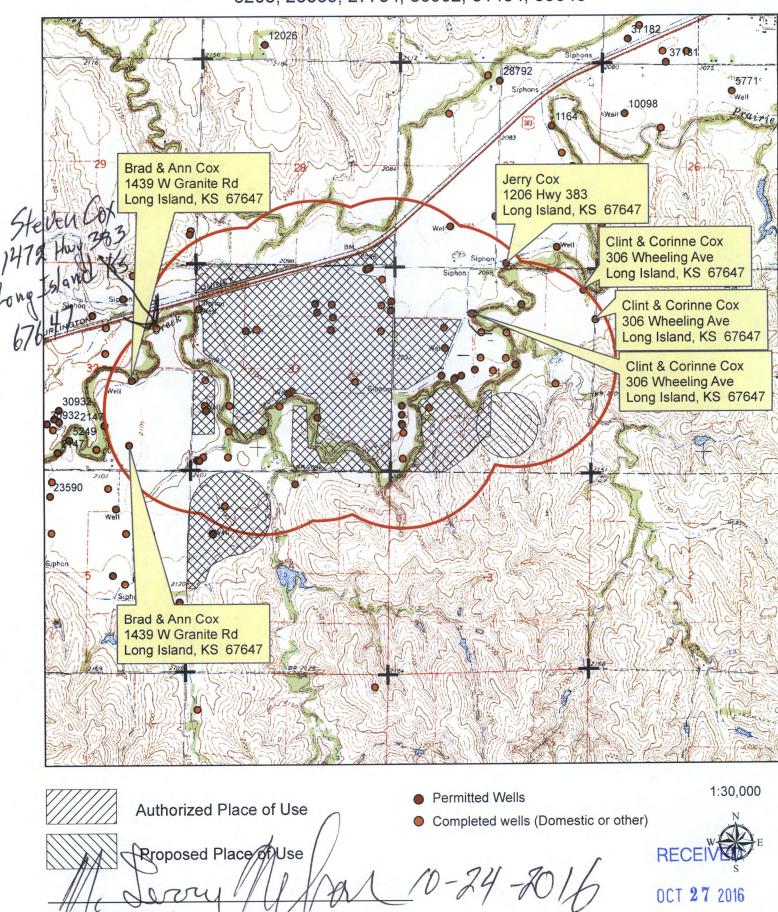


OCT 27 2016

Stockton Field Office Division of Water Resources

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.

Stockton Field Office Division of Water Resources