

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: 49423	2. Status Change Date: <i>10/12/2016</i>	3. Field Office: 03	4. GMD: 0
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID <u>12683</u> Add Seq# _____</p> <p>NELSON FARMS INC BOX 38 LONG ISLAND KS 67647</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID <u>62512</u> Add Seq# _____</p> <p>NTN LP PO BOX 560 NORTON KS 67654-0560</p>	<p>7d. Misc New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a</p> <p style="text-align: right;">Notarized WUC Form <input type="checkbox"/></p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input checked="" type="checkbox"/> IND SIC: <u>7542</u> <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: **12/31/2017** 11. Perfection Date: **12/31/2021** 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **8/19/16** By: **KAB**
Date Entered: *10/31/2016* By: *LLM*

File No. **49423** 15. Formation Code: **113** Drainage Basin: **Prairie Dog Creek** County: **NT** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
NC			84492								90	5	90	5	none

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2017** Date Acceptable Meter Installed _____

21. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	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	67057	10	2S	21W	4																	14	7b	yes	none	

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: September 27, 2016

FROM: Kristen Baum

RE: Application, File No. 49,423

Water Right, File Nos. 18,328 & 26,193-D1



Nelson Farms, Inc. has filed the referenced new application to appropriate 5 acre-feet of groundwater at a rate of 90 gallons per minute for industrial use at a truck washing facility operated by Husky Hogs, LLC. The proposed point of diversion is a single well located in the Southeast Quarter of Section 10, Township 2 South, Range 21 West, Norton County, Kansas. The proposed appropriation is located within the Prairie Dog Creek River Basin. NTN, LP is the landowner for both the well and the truck washing facility. A representative for Nelson Farms, Inc. has signed the application form affirming legal access to the point of diversion.

The source of supply for the well is the Prairie Dog Creek alluvium, which has been determined by the chief engineer to be fully appropriated and shall be closed to further new regular groundwater appropriations. However, K.A.R. 5-3-16a provides an exemption for up to 5 acre-feet of groundwater in this situation, provided that certain criteria are met.

1. *The sum quantity of groundwater appropriated because of an exemption pursuant to this regulation cannot exceed a total of 5 acre-feet within a 2-mile radius of the point of diversion.* There have been no other small use exemptions issued pursuant to this regulation within 2 miles of the point of diversion.
2. *The quantity of water requested must be reasonable.* Approximately 1,500 gallons will be needed per truck and an estimated 4 trucks will be washed per day. The facility will operate year round, typically 5 days per week. $((1,500)(4)(5)(52) = 1,560,000$ gallons per year \approx 5 acre-feet) Therefore, the quantity appears reasonable.
3. *Well spacing must be sufficient to prevent impairment.* The closest domestic well is approximately 1,500 feet to the west-southwest. The closest active nondomestic well (covered by Water Right File Nos. 18,328 and 26,193-D1) is approximately 2,500 feet to the northwest and is under common ownership with the proposed well. Thus, the proposed point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-4-4.
4. *The combined quantity of water authorized from the point of diversion can't exceed 5 acre-feet.* There are no other appropriations covering this point of diversion.
5. *The appropriation must benefit the public interest and help maximize economic development.* The purpose of this appropriation is to provide the water needed to operate a truck washing facility that will serve several large hog operations in the area. Thus, it is reasonable to presume the appropriation will maximize economic development and therefore benefit the public interest.

Three possible domestic wells were identified by the applicant within one-half mile of the point of diversion. These well owners were notified of the applicant's intention to appropriate groundwater in letters dated May 18 and 19, 2016. On June 6, 2016 we received a phone call from an individual who initially thought the proposed well was on her property, but after a review of the map and legal descriptions, we confirmed that the well would indeed be on NTN property. She did however express some concerns about her domestic livestock well located approximately 1,800 feet away. She stated that she might submit written comments that would be hand delivered but to date, we haven't received anything further.

A Request to Reduce a Portion of an Existing Water Right was also filed for Water Right File Nos. 18,328 and 26,193-D1. These Water Rights are authorized for irrigation use on the East Half (E½) of Section 10, in the same Section where the truck wash will be located. Approximately 14 acres (2 pivot corners) are proposed to be removed from the place of use authorized by the two Water Rights. The truck wash will be located somewhere on these 14 acres. These Water Rights overlap with the Almena Irrigation District (File No. 6938-A). In order to comply with K.A.R. 5-3-23, the limitations for these Water Rights must be reduced to 598 acre-feet when combined with the Almena Irrigation District in order to maintain a maximum quantity of 2 acre-feet per acre for the place of use.

Kelly Stewart, Water Commissioner for the Stockton Field Office, recommended approval of the referenced application in an e-mail. The application meets the criteria for exemption to a closed area under K.A.R. 5-3-16a, and approval of the application shouldn't impair senior water rights nor prejudicially or unreasonably affect the public interest. Based on the above discussion, it is recommended that the referenced application be approved.

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

October 31, 2016

NELSON FARMS INC
BOX 38
LONG ISLAND KS 67647

FILE COPY

Re: Appropriation of Water, File No. 49,423
Water Right, File Nos. 18,328 & 26,193-D1

Dear Sir or Madam:

In reference to Appropriation of Water, File No. 49,423, there is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

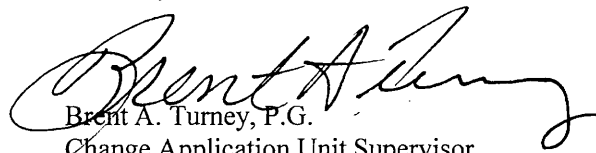
Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

Also enclosed are two Findings and Orders by the Chief Engineer of the Division of Water Resources, which set forth the authorized place of use and points of diversion under Water Right, File Nos. 18,328 and 26,193-D1. Since the enclosed Findings and Orders modify the original certificates, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact our office. If you wish to discuss these specific files, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:kab
Enclosures
pc: Stockton Field Office
NTN, LP



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**
(This Is Not a Certificate of Appropriation)

FILE COPY

This is to certify that I have examined Application, **File No. 49,423** of the applicant

**NELSON FARMS INC
BOX 38
LONG ISLAND KS 67647**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **July 9, 2015**.
2. That the water sought to be appropriated shall be used for industrial use in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, in Township 2 South, Range 21 West, Norton County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, more particularly described as being near a point 77 feet North and 546 feet West of the Southeast corner of said section, in Township 2 South, Range 21 West, Norton County, Kansas located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **90 gallons per minute (0.20 c.f.s.)** and to a quantity not to exceed **5 acre-feet** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2017** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2021** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit 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.
12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.
18. That the applicant shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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 12th day of October, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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 12th day of October, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Amber L. Herring

Notary Public

CERTIFICATE OF SERVICE

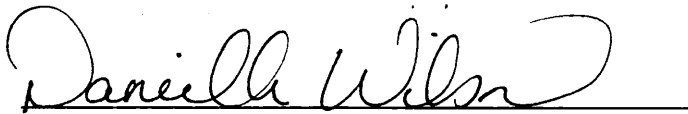
On this *31st* day of *October*, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,423, dated *October 12, 2016* was mailed postage prepaid, first class, US mail to the following:

NELSON FARMS INC
BOX 38
LONG ISLAND KS 67647

With photocopies to:

NTN LP
PO BOX 560
NORTON KS 67654-0560

Stockton Field Office



Division of Water Resources

Baum, Kristen

From: Stewart, Kelly
Sent: Thursday, August 18, 2016 11:50 AM
To: Baum, Kristen
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: 49,423 - Nelson Farms 5AF exempt

Kristen,

I have no objection to the approval of this application.

Kelly

From: Baum, Kristen
Sent: Thursday, August 18, 2016 11:28 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: 49,423 - Nelson Farms 5AF exempt

Kelly,

Attached is a memo for file no. 49432. This application is for a Nelson Farms truck wash in Norton County. It is requesting a 5-3-16a 5AF exemption in the Prairie Dog Creek alluvium. We received a phone call from one of the nearbys. She thought she might follow up with written comments, but we never did receive anything. She has a domestic livestock well at least 1,800 feet away.

Please provide your recommendation.

Thanks,

Kristen A. Baum
Division of Water Resources – Water Appropriations
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan KS 66502
(785) 564-6627

My email address has changed: kristen.baum@ks.gov

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

49,423 KAB/DWR

File Number ~~49422-A~~
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

APPLICATION COMPLETE
5/18/16
Reviewer KAB

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

JUL 09 2015
11:07
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Nelson Farms, Inc.
Address: Box 38
City: Long Island State KS Zip Code 67647
Telephone Number: (785) 854-7611

2. The source of water is: surface water in _____ (stream)
OR groundwater in Prairie Dog Creek (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 5 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 90 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 3 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IND Source G/S County NT By LI Date 7/9/15
Code REG Fee \$ 200.00 TR # _____ Receipt Date 7/9/15 Check # 022981

16001755

SCANNED

7/14/2015 LCM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the SE quarter of the SE quarter of the SE quarter of Section 10, more particularly described as being near a point 77 feet North and 546 feet West of the Southeast corner of said section, in Township 2 South, Range 21 West, Norton County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):
NTRV LLP - Terry Nelson 1304 W. 105th
(name, address and telephone number)
785-854-3500 Long Island KS
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7-6, 2015. [Signature]
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 well
(number of wells, pumps or dams, etc.)
 and was completed (by) ??
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be a.s.a.p.
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

• If yes, show the Water Structures permit number here NA

• If no, explain here why a Water Structures permit is not required No reservoir involved.

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

(a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.

(b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.

(e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

None

Applicant requests 5 a.f. in a closed area per K.A.R. 5-3-16a.

**WATER RESOURCES
RECEIVED**

JUL 09 2015

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner
(owner, tenant, agent or otherwise)

NTN LP - landowner

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Husky Hogs LLC Terry Nelson
(name, address and telephone number)

1304 W Fox Rd, Long Island Ks. 67647 765-854-8500
(name, address and telephone number)

Operator

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Long Island, Kansas, this 6 day of July, 2015.
(month) (year)

A. Terry Nelson
(Applicant Signature)

By President
(Agent or Officer Signature)

(Agent or Officer - Please Print)

KAB/DWR
5-18-16

**INDUSTRIAL USE
SUPPLEMENTAL SHEET**

File No. 49,423

** See back*

Name of Applicant (Please Print): Nelson Farms, Inc.

1. Please describe type of industry or product produced: truck wash
 _____ Standard Industrial Classification Code Number: _____

2. Please complete the following table to show your past and present water requirements:

PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago			
Last year			
Present year			

3. Please complete the following table to show your future water requirements:

ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED ** See back*

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			

Number of days of operation of the industry per year is _____ days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
10	2	21w				7											7				14
<i>* NC E 1/2 TRUCK WASH *</i>																					

You may attach any additional information you believe will assist in informing the Division of the need for your request.

** LI/OWR 7/9/15*

WATER RESOURCES
RECEIVED
JUL 09 2015

per Terry Nelson during phone call 5-18-16

Estimated:

1,500 gal / truck

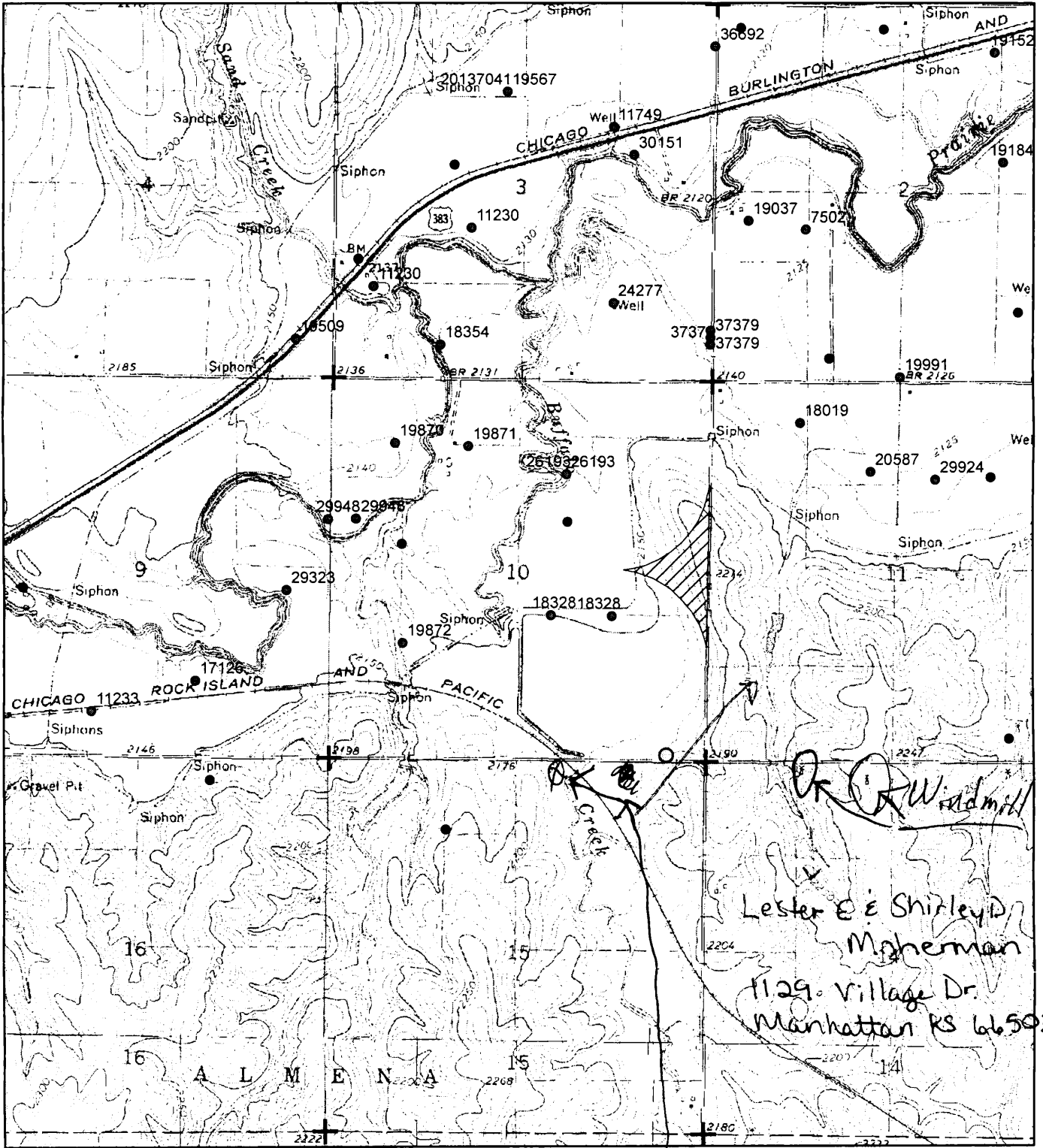
4 trucks / day

5 days / week

52 weeks / yr.

$$1500 (4) (5) (52) = \underline{1,560,000 \text{ gal/yr.}}$$

KAB/DWR
5-18-16

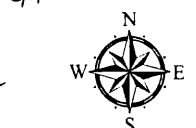


● Proposed Point of Diversion

▨ Proposed Place of Use

Rod Ross - Domestic Well 1.24.000
 27615 H Road
 Almena, Ks 67622

All water wells of any kind within 1/2 mile of the proposed points of diversion are shown:



WATER RESOURCES RECEIVED

[Handwritten Signature]

7-6-2015

JUL 09 2015

Signature

Date

KS DEPT OF AGRICULTURE

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

May 19, 2016

LESTER E & SHIRLEY D MOHERMAN
1129 VILLAGE DR
MANHATTAN KS 66503

Re: Pending Application, File No. 49,423

Dear Sir or Madam:

This is to advise you that Nelson Farms, Inc. has filed the application referenced above for a permit to appropriate 5 acre-feet of groundwater per calendar year for industrial use to be diverted at a maximum rate of 90 gallons per minute at a truck washing facility. The proposed point of diversion will be a well located as follows:

In the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, in Township 2 South, Range 21 West, Norton County, Kansas.

A map is enclosed for your review and reference. Records in this office indicate that you may have a well or wells in this vicinity so you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. If you have any questions, please contact me at (785) 564-6627 or Kristen.Baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

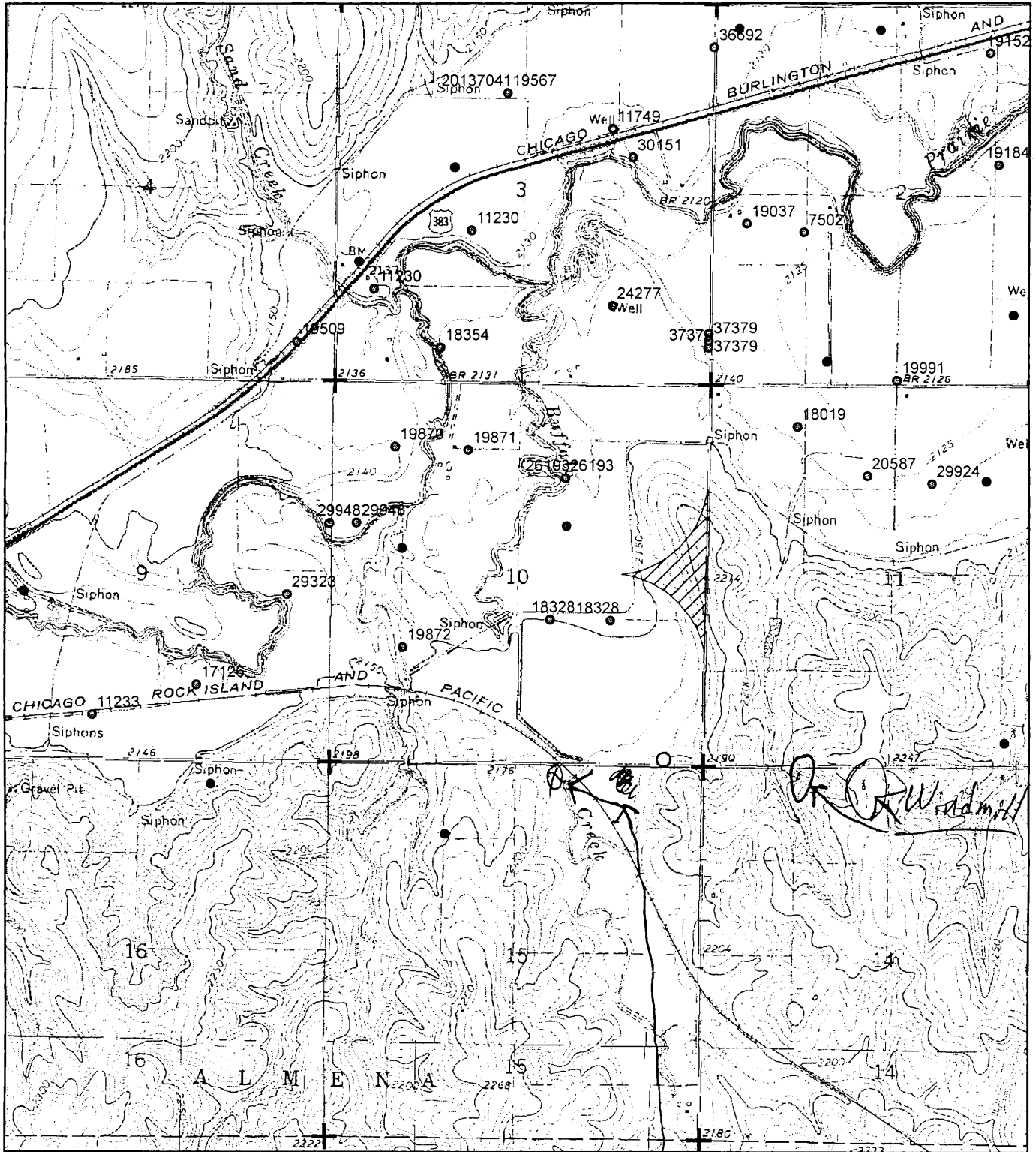
Sincerely,

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

enclosure

SCANNED

pc: Stockton Field Office
Nelson Farms, Inc.



○ Proposed Point of Diversion

▨ Proposed Place of Use

Rod Ross - Domestic Well
 7615 H Road
 Alma, Ks 67622



All water wells of any kind within 1/2 mile of the proposed points of diversion are shown:

WATER RESOURCES RECEIVED

[Handwritten Signature]
 Signature

7-6-2015
 Date

JUL 09 2015

KS DEPT OF AGRICULTURE

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

May 18, 2016

ROD ROSS
27615 H RD
ALMENA KS 67622

Re: Pending Application, File No. 49,423

Dear Sir or Madam:

This is to advise you that Nelson Farms, Inc. has filed the application referenced above for a permit to appropriate 5 acre-feet of groundwater per calendar year for industrial use to be diverted at a maximum rate of 90 gallons per minute at a truck washing facility. The proposed point of diversion will be a well located as follows:

In the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, in Township 2 South, Range 21 West, Norton County, Kansas.

A map is enclosed for your review and reference. Records in this office indicate that you may have a well or wells in this vicinity so you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. If you have any questions, please contact me at (785) 564-6627 or Kristen.Baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

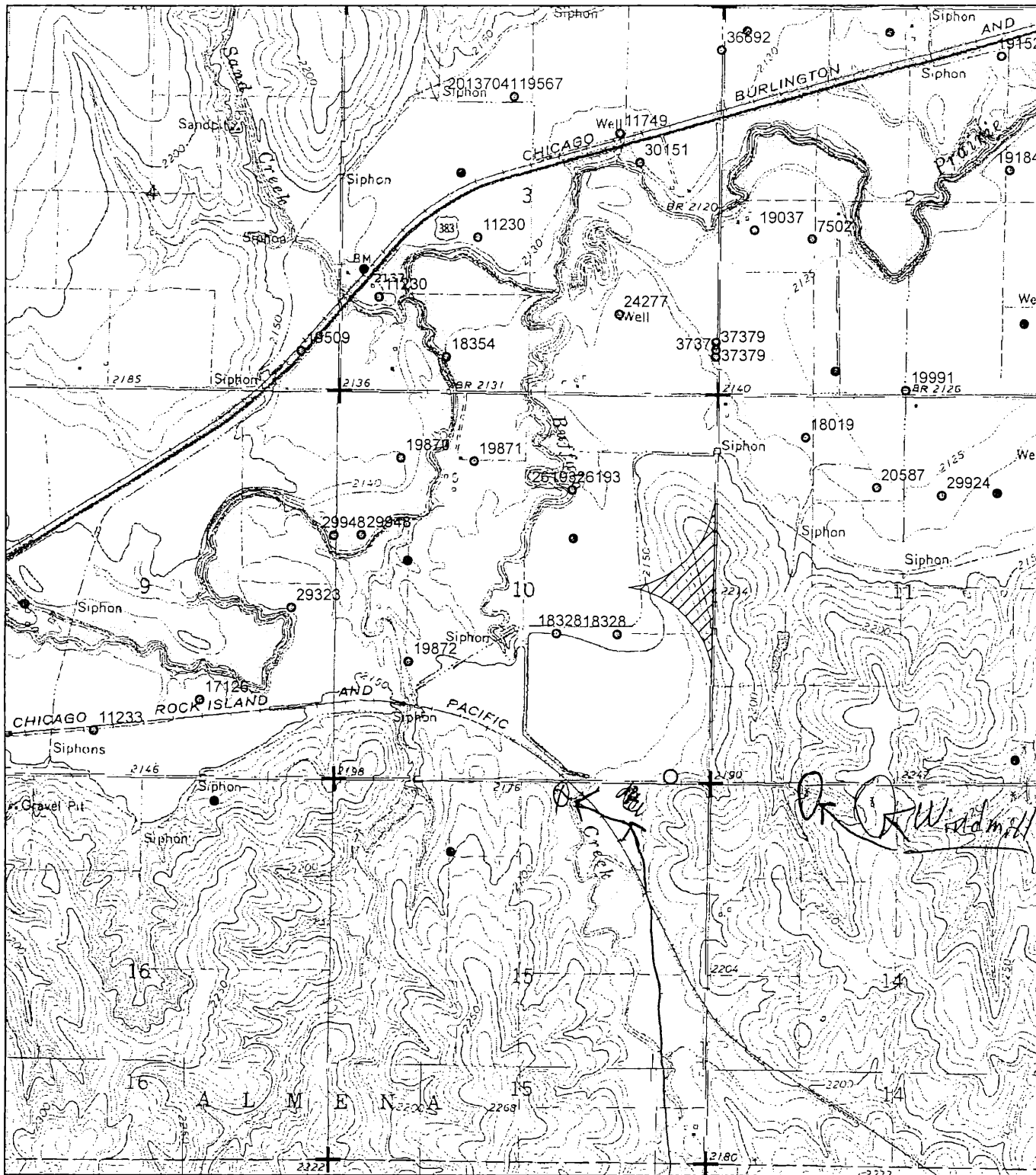
Sincerely,

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

enclosure

pc: Stockton Field Office
Nelson Farms, Inc.

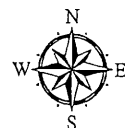
SCANNED



⊙ Proposed Point of Diversion

▨ Proposed Place of Use

Rod Ross - Domestic Well
 2615 H Road
 Almena, KS 67622



All water wells of any kind within 1/2 mile of the proposed points of diversion are shown:

WATER RESOURCES RECEIVED

[Signature]
 Signature

7-6-2015
 Date

JUL 09 2015

KS DEPT OF AGRICULTURE

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49423 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49423 00 IND

Water Right and Points of Diversion Within 2.00 miles of point defined as:

77 Feet North and 546 Feet West of the Southeast Corner of Section 10 T 2S R 21W

GROUNDWATER ONLY

=====

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 56 00	IRR	NK	G	6833	--	SE	NE	NE	4482	564	11	2	21W	5		178.00	178.00	AF
A__ 2703 00	IRR	NK	G	8213	--	NW	SE	SE	1208	706	2	2	21W	11		100.00	100.00	AF
A__ 7502 00	IRR	NK	G	7568	--	NC	N2	SW	2080	3940	2	2	21W	3		120.00	120.00	AF
A__ 11230 00	IRR	NK	G	7817	--	NC	NE	SW	2088	3367	3	2	21W	7		250.00	250.00	AF
Same				7688	--	CN	SW	SW	1260	4716	3	2	21W	8				
A__ 11233 00	IRR	NK	G	8004	CN	S2	SE	SW	600	3305	9	2	21W	1		100.00	100.00	AF
A__ 11749 00	IRR	NK	G	8776	--	NE	SW	NE	3525	1416	3	2	21W	2		202.00	202.00	AF
A__ 17126 00	IRR	NK	G	6622	--	NE	SW	SE	1040	1870	9	2	21W	2		39.00	39.00	AF
A__ 18019 00	IRR	NK	G	4985	--	CE	NW	NW	4667	3943	11	2	21W	2		97.00	97.00	AF
A__ 18328 00	IRR	NK	G	2072	--	NC	N2	SE	2000	1320	10	2	21W	1		220.00	220.00	AF
Same				2516	NC	W2	NW	SE	2000	2170	10	2	21W	2		120.00	120.00	AF
A__ 18354 00	IRR	NK	G	6516	--	SW	SE	SW	460	3770	3	2	21W	3		54.00	54.00	AF
A__ 19037 00	IRR	NK	G	7521	--	NW	NW	SW	2191	4735	2	2	21W	4		105.00	105.00	AF
A__ 19184 00	IRR	NK	G	9482	--	--	--	NE	3060	1210	2	2	21W	6		80.00	80.00	AF
A__ 19509 00	IRR	NK	G	7749	--	SE	SE	SE	530	530	4	2	21W	1		146.00	146.00	AF
A__ 19567 00	IRR	NK	G	9501	--	--	--	--	4000	2900	3	2	21W	4		38.00	38.00	AF
A__ 19856 00	IRR	NK	G	8134	--	SW	SW	SW	440	5260	1	2	21W	7		31.00	31.00	AF
A__ 19870 00	IRR	NK	G	5741	--	SE	NW	NW	4361	4368	10	2	21W	9		150.00	150.00	AF
A__ 19871 00	IRR	NK	G	5094	--	S2	NE	NW	4330	3350	10	2	21W	10		136.00	136.00	AF
A__ 19872 00	IRR	NK	G	3972	--	SE	NW	SW	1585	4225	10	2	21W	5		138.00	138.00	AF
A__ 19991 00	IRR	NK	G	6189	--	SW	SW	SE	50	2610	2	2	21W	7		138.00	.00	AF
A__ 20587 00	IRR	NK	G	4857	NC	E2	E2	NW	3993	2948	11	2	21W	3		123.00	123.00	AF
A__ 22444 00	IRR	NK	G	8940	--	SW	NW	SW	1450	5150	1	2	21W	8		104.00	104.00	AF
A__ 24277 00	IRR	NK	G	6337	--	NE	SW	SE	1075	1378	3	2	21W	5		130.00	130.00	AF
A__ 26193 D1	IRR	NK	G	2516	NC	W2	NW	SE	2000	2170	10	2	21W	2		56.00	56.00	AF
A__ 26193 D2	IRR	NK	G	4139	--	NC	W2	NE	3960	1980	10	2	21W	6		84.00	84.00	AF
A__ 28597 00	IRR	NK	G	7344	--	SW	SE	SE	50	700	2	2	21W	8		60.00	60.00	AF
A__ 29073 00	IRR	NK	G	7725	--	NW	NW	NW	5073	5207	12	2	21W	1		81.00	81.00	AF
A__ 29323 00	IRR	NK	G	5748	--	N2	NE	SE	2310	620	9	2	21W	3		45.00	45.00	AF
A__ 29924 00	IRR	NK	G	5360	--	NC	W2	NE	3900	2040	11	2	21W	4		68.00	68.00	AF
A__ 29948 00	IRR	NK	G	5719	--	CE	SE	NE	3300	50	9	2	21W	4		80.00	80.00	AF
Same				5408	NC	W2	SW	NW	3300	4885	10	2	21W	8				
A__ 30151 00	IRR	NK	G	8362	--	SW	SE	NE	3135	1125	3	2	21W	6		30.00	30.00	AF
A__ 34325 00	MUN	NK	G	10385	--	SE	SE	NE	2934	33	8	2	21W	4		75.10	75.10	AF
A__ 36692 00	IRR	NK	G	9905	--	--	--	--	4620	5260	2	2	21W	9		90.00	90.00	AF
A__ 37379 00	IRR	NK	G	5846	--	CE	SE	SE	613	30	3	2	21W	9	G 2	28.00	.00	AF
Same				5748	--	CE	SE	SE	515	30	3	2	21W	10	B 2			
Same				5943	--	CE	SE	SE	710	30	3	2	21W	11	B 2			
A__ 49423 00	IND	AY	G	0	--	SE	SE	SE	77	546	10	2	21W	11		5.00	5.00	AF
T__20137041	MF	IRR	GY	G	9501	--	--	--	4000	2900	3	2	21W	4		150.44	.00	AF
VNT 1 00	MUN	AA	G	10385	--	SE	SE	NE	2934	33	8	2	21W	4		30.69	30.69	AF

=====

Total Net Quantities Authorized: Direct Storage
 Total Requested Amount (AF) = 5.00 .00

Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	3330.10	.00
Total Vested Amount (AF) =	30.69	.00
TOTAL AMOUNT (AF) =	3365.79	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

77 Feet North and 546 Feet West of the Southeast Corner of Section 10 T 2S R 21W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A__ 56 00 IRR NK G
 > LAURA E FIELD TRUST #1
 > LAURA E FIELD
 > 1030 E SASSAFRAS CIRCLE
 > BLOOMINGTON IN 47408

>-----

A__ 2703 00 IRR NK G
 > WILLIAM L DOLE FAMILY LLC
 > LESLIE DOLE ONEIL
 > 1964 ROCKY BROOK DR
 > VESTAVIA AL 35243

>-----

A__ 7502 00 IRR NK G
 > MAYNARD & CAROL J ROSS
 >
 > 27615 ROAD H
 > ALMENA KS 67622

>-----

A__ 11230 00 IRR NK G
 > ROBERT J & LORRAINE DOLE TRUSTS
 >
 > 504 E LINCOLN ST
 > NORTON KS 67654

>-----

A__ 11233 00 IRR NK G
 > STEPHEN BURD
 >
 > 655 E SUNSET DR
 > RUSSELL KS 67665

>-----

A__ 11749 00 IRR NK G
 > RICHARD C & SANDRA A DOLE
 >
 > 27886 STATE HIGHWAY 383
 > ALMENA KS 67622

idx	File	PRIORITY	Use	Modeled Quantity Q, af	Final Quantity Q, af
131	49325	2-Mar-15	IRR	86	86
132	49351	23-Mar-15	STK	122.76	122.76
133	49202	3-Nov-14	STK	41.4	41.4
134	49365	9-Apr-15	IRR	231	231
135	49422	6-Jul-15	IRR	30	30
136	49423	9-Jul-15	IND	5	5
137	49379	30-Apr-15	MUN	192.36	192.36
138	49411	18-Jun-15	IRR	54	54
139	49412	18-Jun-15	IRR	55	55
140	49418	29-Jun-15	REC	5	5
141	49428A	20-Jul-15	IRR	195	96
142	49449	31-Aug-15	IRR	195	195
143	49455	8-Sep-15	IRR	240	178
144	49439	13-Aug-15	IRR	170.8	170.8
145	49463	21-Sep-15	IRR	170.8	170.8
146	49464	21-Sep-15	IRR	267	267
147	49465	21-Sep-15	IRR	170.8	170.8
148	49492	26-Oct-15	IRR	100	100
149	49519	3-Dec-15	IRR	79	79
150	49522A	9-Dec-15	IRR	240	224

scaling factor	modeled avg50-yr impact 2050-2069	final avg50-yr impact 2050-2069	avg 50-yr response 2050-2069	reduced quantity with est. 10af impact
1	8.195	8.20	0.0953	
1	3.705	3.71	0.0302	
1	2.585	2.59	0.0624	
1	9.035	9.04	0.0391	
1	0.085	0.09	0.0028	
1	0.68	0.68	0.1360	
1	0	0.00	0.0000	
1	9.735	9.74	0.1803	
1	9.995	10.00	0.1817	
1	0	0.00	0.0000	
0.492307692	20.21	9.95	0.1036	96
1	9.335	9.34	0.0479	
0.741666667	13.455	9.98	0.0561	178
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	3.175	3.18	0.0318	
1	1.225	1.23	0.0155	
0.933333333	10.73	10.01	0.0447	224

sum				15551.46
-----	--	--	--	----------

1636.70	568.49		
---------	--------	--	--

		IRR	21498.76	13653.03
		IND	638.00	308.60
		MUN	1152.36	913.36
		STK	1297.82	671.47
sum			24586.94	15546.46

1474.81	485.01	0.0686
15.52	11.49	0.0243
37.65	25.44	0.0327
108.73	46.54	0.0838
1636.70	568.49	0.0666

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

**WATER RESOURCES
RECEIVED**

JUL 09 2015

KS DEPT OF AGRICULTURE

July 6 2015
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 49423

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

[Handwritten Signature]
Signature of Applicant

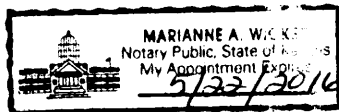
W. Terry Nelson
(Print Applicant's Name)

State of Kansas)
County of Phillips) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 6th day of July, 2015.

[Handwritten Signature]
Notary Public

My Commission Expires:



WATER RESOURCES
RECEIVED

JUL 09 2015

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

Kansas

Department of Agriculture
Division of Water Resources

Stockton Field Office
820 S. Walnut
Stockton, Kansas 67669-0192

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

July 2, 2015

NELSON FARMS INC
TERRY NELSON
BOX 38
LONG ISLAND KS 67647

WATER RESOURCES
RECEIVED

JUL 09 2015

KS DEPT OF AGRICULTURE

Re: Application for Truck Wash

Dear Mr. Nelson:

As a follow-up to our meeting on this date, I am enclosing an application form you may use to apply for an industrial permit. To complete this application, you will need to:

1. Complete Paragraph 6 on Page 2. Sign and date.
2. Complete Paragraphs 13 - 16. Provide a copy of the well log if you can.
3. Include a \$200 check payable to the Kansas Department of Agriculture.
4. Complete the Industrial Supplemental Sheet to justify your amount of water.
5. Provide your notarized signature on the MDS acknowledgement form.
6. On the map, plot any water wells that are within 1/2 mile of your proposed well and provide the names and addresses of the owners of these wells. Sign and date the map.

Please submit all completed forms and check to Manhattan for processing. If you have any questions, please feel free to contact me at this office.

Sincerely,



Kelly C. Stewart
Water Commissioner

KCS
enclosures

1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

July 13, 2015

NELSON FARMS, INC
PO BOX 38
LONG ISLAND KS 67647

RE: Application
File No. 49423

Dear Sir or Madam:

Your application for permit to appropriate water in 10-2S-21W In Norton County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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) 564-6643. 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 L. Turney".

Brent Turney, L.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STOCKTON Field Office
GMD 0