

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">49,616</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">9/2/2016</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">3</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input type="checkbox"/> Person ID 60194 Add Seq# _____</p> <p>NELSON LAND & CATTLE LP ATTN JAMES WHITED 37000 C ROAD ELLIS KS 67637</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p>		
<p>7b. Landowner(s) New to system <input type="checkbox"/> Person ID 60194 Add Seq# _____</p> <p>NELSON LAND & CATTLE LP 505 SUNSET DR NORTON KS 67654</p>	<p>7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No Notarized WUC Form <input type="checkbox"/></p> <p>7b.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" 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 type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2017</u> 11. Perfection Date: <u>12/31/2021</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: 8/5/2016 By: AM Date Entered: 9/6/2016 By: WH</p>			

File No. **49,616** 15. Formation Code: Drainage Basin: SALINE RIVER County: **ELRS** Special Use: Stream:

16. Points of Diversion									
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
CHK	78397	SWNWSW	4	12S	15W	15	1400	5200	

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
1000	143.5	1000	143.5	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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
T MOD DEL ENT	PUSE	S	T	R	ID	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								
CHK	66057	4	12S	15W	3							31	22	22.5	27										102.5	7b	NO	49,617	

Comments: *special condition- permission off season diversion*

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: August 29, 2016

FROM: Austin McColloch

RE: New Applications,
File Nos. 49,616 & 49,617

James Whited on behalf of Nelson Land & Cattle, LP filed the referenced applications to appropriate both groundwater (File No. 49,617) and surface water (File No. 49,616) for irrigation use, located in the Saline River Drainage Basin. Both applications have been filed to replace two previous files with similar points of diversion and the same place of use that were dismissed for failure to complete (File Nos. 47,662 & 47,770). The applicant owns the entire place of use, under Nelson Land & Cattle LP, and has signed the applications stating that he has access to the points of diversion.

File No. 49,617 – Groundwater

This application is requesting 143.5 acre-feet of groundwater at a diversion rate of 800 gallons per minute from a battery of four (4) wells with a geographical center located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 4, more particularly described as being near a point 1,650 feet North and 4,900 feet West of the Southeast corner of said section, in Township 12 South, Range 15 West, Russell County, Kansas. The applicant did not identify any domestic wells within one-half mile of the proposed point of diversion. The WRIS database shows that there are no other groundwater wells within a two mile radius of the point of diversion. No notification letters are required. A test hole log, that was submitted with File No. 47,662 and applicable here, shows interbedded clays and sands, with a sand and gravel alluvial aquifer extending from 70 to 81 feet below ground surface, ending on shale bedrock. K.A.R. 5-3-11 provides the criteria for evaluation of safe yield in unconfined aquifers. The extent of the alluvium for the area of consideration provides a total of 4,061 acres. With a potential recharge of 1.37 inches, and 75% recharge available, safe yield was determined to be 347.72 acre-feet. There are no other water rights in the two mile circle, leaving the full amount available for appropriation. The application meets well spacing and safe yield requirements.

File No. 49,616 – Surface Water

This application is requesting 143.5 acre-feet of water at a diversion rate of 1,000 gallons per minute from one pumpsite in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 4, more particularly described as being near a point 1,400 feet North and 5,200 feet West of the Southeast corner of said section, in Township 12 South, Range 15 West, Russell County, Kansas. The source of supply is the Saline River. There are two landowners one-half mile up and down stream of the property line of the applicant, nearby landowner notification letters were sent on August 3, 2016. No response of any kind was received. The application is subject to safe yield, as required by K.A.R. 5-3-10 and K.A.R. 5-3-15, which includes minimum desirable streamflow (MDS) requirements. The applicant submitted and signed and notarized the MDS form with the application. The permit will also contain conditions related to not stopping stream flow at the first riffle below the point of diversion, senior water rights and permits must be satisfied prior to diverting water, and permission must be obtained from the Chief Engineer, or an authorized representative, prior to diverting water. The overlapping file discussed above is a groundwater appropriation and can supply water during the irrigation season to the same place of use; therefore the application complies with the requirements in K.A.R. 5-3-15 to show that the direct diversion of surface water will not be necessary during the period of July 1 through September 30.

The requested quantity of 143.5 acre-feet for the irrigation of 102.5 acres of land is equivalent to 1.4 acre-feet per acre, which is the maximum allowable in Russell County per K.A.R. 5-3-19. The junior groundwater file will be limited to this total quantity when combined with the senior surface water file on the place of use.

The applications have a related structures permit allowing for pivot crossing/ stream channel changes. The structures permit was assigned file number SRS-0059, and it expires January 2017.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 and K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A rate greater than 100 gallons per minute has been proposed, so a water level measurement tube will be required.

In an e-mail message, dated August 29, 2016, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated he had no objection to the approval of the referenced application.

Based on the above discussion, the area is open to new appropriations, well spacing and safe yield requirements are met where applicable, the groundwater application can supply water during the irrigation season if necessary, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that both of the referenced applications be approved.



Austin McColloch
Environmental Scientist

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

September 7, 2016

NELSON LAND & CATTLE LP
ATTN JAMES WHITED
37000 C ROAD
ELLIS KS 67637

FILE COPY

Re: Appropriation of Water,
File Nos. 49,616 & 49,617

Dear Mr. Whited:

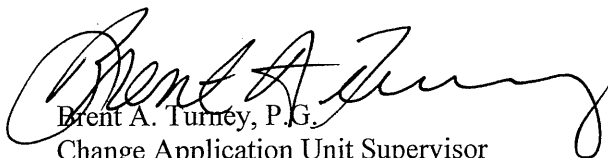
There are enclosed permits to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the locations specified in the permits, and to use it for the purpose and at the locations described in the permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. For Appropriation of Water, File No. 49,616 please note Paragraph Nos. 17, 18, and 19, which describe the need for you to obtain permission prior to diverting water. For Appropriation of Water, File Nos. 49,617 please note Paragraph No. 18, which describe a quantity of water limitation when combined with your senior file. Water meters are 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 meters must be used to provide the information required on the annual water use reports.

The enclosed forms must be used to notify the Chief Engineer that the proposed diversion works have been completed. Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works and pay the field inspection fees within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of these permits. 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 enclosed permits. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water rights.

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

Sincerely,



Brent A. Turney, P.G.
Change Application Unit Supervisor
Division of Water Resources

BAT:am

Enclosures

pc: Stockton Field Office
Nelson Land & Cattle, LP (Norton)

THE STATE OF KANSAS



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. **49,616** of the applicant

**NELSON LAND & CATTLE LP
ATTN JAMES WHITED
37000 C ROAD
ELLIS KS 67637**

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 **April 11, 2016**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4	12S	15W							31	22	22.5	27							102.5

3. That the authorized source from which the appropriation shall be made is surface water from the Saline River, to be diverted at one (1) pumpsite located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW¼ NW¼ SW¼) of Section 4, more particularly described as being near a point 1,400 feet North and 5,200 feet West of the Southeast corner of said section, in Township 12 South, Range 15 West, Russell 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 **1,000 gallons per minute (2.23 c.f.s.)** and to a total quantity not to exceed **143.5 acre-feet** of water per calendar year for irrigation.

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, checkvalve 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 an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with 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).
13. 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.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. 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.
16. 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.

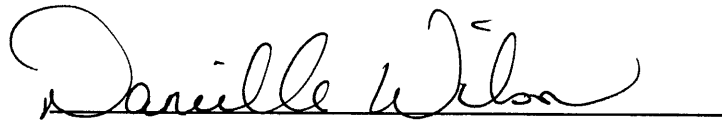
CERTIFICATE OF SERVICE

On this 7th day of September, 2016, I hereby certify that the foregoing Approval of Application, File No. 49,616, dated September 2, 2016, was mailed postage prepaid, first class, US mail to the following:

NELSON LAND & CATTLE LP
ATTN JAMES WHITED
37000 C ROAD
ELLIS KS 67637

With photocopies to:

Stockton Field Office

A handwritten signature in cursive script, reading "Danielle Wilson", written over a horizontal line.

Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,616
This item to be completed by the Division of Water Resources.

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APR 11 2016

2:42
KS DEPT OF AGRICULTURE

APPLICATION COMPLETE
8/29/2016
Reviewer AM

**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.)

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

1. Name of Applicant (Please Print): Nelson Land & Cattle LP
Address: Attn: James Whited 37000 C Road
City: Ellis State KS Zip Code 67637
Telephone Number: (785) 874-8343

2. The source of water is: surface water in Saline River (stream)
OR groundwater in _____ (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 143.5 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1000 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 6 Meets K.A.R. 5-3-1 (YES/NO) Use FRR Source G(S) County RS By ASW Date 4/12/16
Code RE2 Fee \$ 300 TR # _____ Receipt Date 4/11/16 Check # 1444

SCANNED

4/18/2016 CW

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 NC SW quarter of the NW quarter of the SW quarter of Section 4, more particularly described as being near a point 1400 feet North and 5200 feet West of the Southeast corner of said section, in Township 12 South, Range 15 West, Russell 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):

Nelson Land & Cattle LP 505 Sunset Drive, Norton KS 67654
(name, address and telephone number)

(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 4/6, 2016. [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 one (1) river pumpsite
(number of wells, pumps or dams, etc.)
and will be completed (by) Spring 2017
(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 Spring 2017
(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 SRS-0059
- If no, explain here why a Water Structures permit is not required Channel change permit required to allow center pivot to cross stream channel via bridges. Permit expires Jan. 2017.

- 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.

#47,770 overlaps in P/D and P/U, and #47,662 overlaps in P/U, but both are being voluntarily dismissed for failure to complete in a timely fashion. This application and a new groundwater application are being submitted to replace #47,770 & #47,662.

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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

James Whitel agent.
(owner, tenant, agent or otherwise)

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

Nelson land + cattle 785-874-8434 37000 C Road
(name, address and telephone number) Ellis, KS

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 4/6/2016, Kansas, this 5 day of April, 2016.
(month) (year)

James Whitel
(Applicant Signature)

By James Whitel agent
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by JKS Stockton FO Env. Scientist Date: 4/6/16
(office/title)

DEPARTMENT OF
AGRICULTURE
AND
FORESTRY

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,616

Name of Applicant (Please Print): Nelson Land & Cattle LP

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Nelson Land & Cattle LP

ADDRESS: 505 Sunset Dr. Norton, KS 67654

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	12	15w							31	22	22.5	27							102.5

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): _____ %

Estimate the maximum land slope in the field(s): _____ %

c. Type of irrigation system you propose to use (check one):

- Center pivot Center pivot - LEPA "Big gun" sprinkler
 Gravity system (furrows) Gravity system (borders) Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

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

49,616

Report Date Tuesday, August 2 2016

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

1400 ft N and 5200 ft W of the SE Corner of Section 4, T 12S, R 15W

Located at: 99.000987 West Longitude and 39.034880 North Latitude

SURFACE WATER ONLY

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=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 8329 00 IRR NK S      9853 -- SW NE NE ----- 10 12 15W 2      7.00 7.00 AF
A__ 9953 00 IRR NK S     10406 -- NW SW NW ----- 6 12 15W 3     50.00 50.00 AF
A__ 47663 00 IRR KE S      1906 -- NC E2 SW 1250 3300 4 12 15W 13    182.70 .00 AF
A__ 49616 00 IRR AY S        0 NC SW NW SW 1400 5200 4 12 15W 15    143.50 143.50 AF
=====

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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      143.50      .00
Total Permitted Amount (AF) =         .00      .00
Total Inspected Amount (AF) =         .00      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =         57.00      .00
Total Vested Amount (AF) =           .00      .00
TOTAL AMOUNT (AF) =           200.50      .00
=====

```

An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for 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:

99.000987 West Longitude and 39.034880 North Latitude

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 8329 00 IRR NK S
> ERIC M HABERER
>
> 5115 CANYON RD
> RUSSELL KS 67665
>-----
A__ 9953 00 IRR NK S
> GAIL STAHL
>
> 1759 NEEDMORE RD
> OLD HICKORY TN 37138
>-----
A__ 47663 00 IRR KE S
> NELSON LAND & CATTLE LP
> ATTN JAMES WHITED
> 37000 C ROAD
> ELLIS KS 67637
>-----
A__ 49616 00 IRR AY S
> NELSON LAND & CATTLE LP
>
> 505 SUNSET DR

```


> NORTON KS 67654

>-----

=====

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

APR 11 2016

KS DEPT OF AGRICULTURE

SCANNED

April 6, 2016
(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. 49,610

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.

[Signature]
Signature of Applicant

State of Kansas)
County of Rooks) ss

James White
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 6th day of April, 2016.

[Signature]
Notary/Public

My Commission Expires: 6-29-19



WATER RESOURCES
RECEIVED
APR 11 2016

**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

McColloch, Austin

From: Stewart, Kelly
Sent: Monday, August 29, 2016 1:04 PM
To: McColloch, Austin
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Recommendation File No. 49,616 & 49,617

Austin,

I have no objection to the approval of these applications.

Kelly

From: McColloch, Austin
Sent: Monday, August 29, 2016 11:45 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Recommendation File No. 49,616 & 49,617

Good afternoon,

I would like your recommendation on the above files.

Thanks,

Austin McColloch
Environmental Scientist
(785) 546-6643

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

August 3, 2016

FRANCES BRUNDAGE TR EST
5298 CANYON ROAD
PARADISE, KS 67658

FILE COPY

Re: Application
File No. 49,616

Dear Sir or Madam:

This is to advise you that James Whited for Nelson Land & Cattle, LP has filed the application referred to above for permit to appropriate 143.5 acre-feet of surface water per calendar year from the Saline River for irrigation use to be diverted at a maximum rate of 1,000 gallons per minute. Surface water will be diverted from one pump site located as follows:

one (1) pumpsite located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 4, more particularly described as being near a point 1,400 feet North and 5,200 feet West of the Southeast corner of said section, in Township 12 South, Range 15 West, Russell County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. Records in this office indicate that you own land along the river in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) 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) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent A. Turney".

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

BAT:am
Enclosure(s)
pc: Stafford Field Office

SCANNED

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

April 13, 2016

JAMES WHITED
37000 C ROAD
ELLIS KS 67637

RE: Application
File No. 49616

Dear Sir or Madam:

Your application for permit to appropriate water in 4-12S-15W in Russell 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) 564-6645. 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 A. Turney".

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

KAK: DLW
pc: STOCKTONField Office
GMD

SCANNED

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

August 3, 2016

MG OIL INC
17568 FAIRPORT ROAD
RUSSELL, KS 67665

Re: Application
File No. 49,616

Dear Sir or Madam:

This is to advise you that James Whited for Nelson Land & Cattle, LP has filed the application referred to above for permit to appropriate 143.5 acre-feet of surface water per calendar year from the Saline River for irrigation use to be diverted at a maximum rate of 1,000 gallons per minute. Surface water will be diverted from one pump site located as follows:

one (1) pumpsite located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 4, more particularly described as being near a point 1,400 feet North and 5,200 feet West of the Southeast corner of said section, in Township 12 South, Range 15 West, Russell County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. Records in this office indicate that you own land along the river in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) 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) 564-6645. If you call, please reference the file number so we can help you more efficiently.

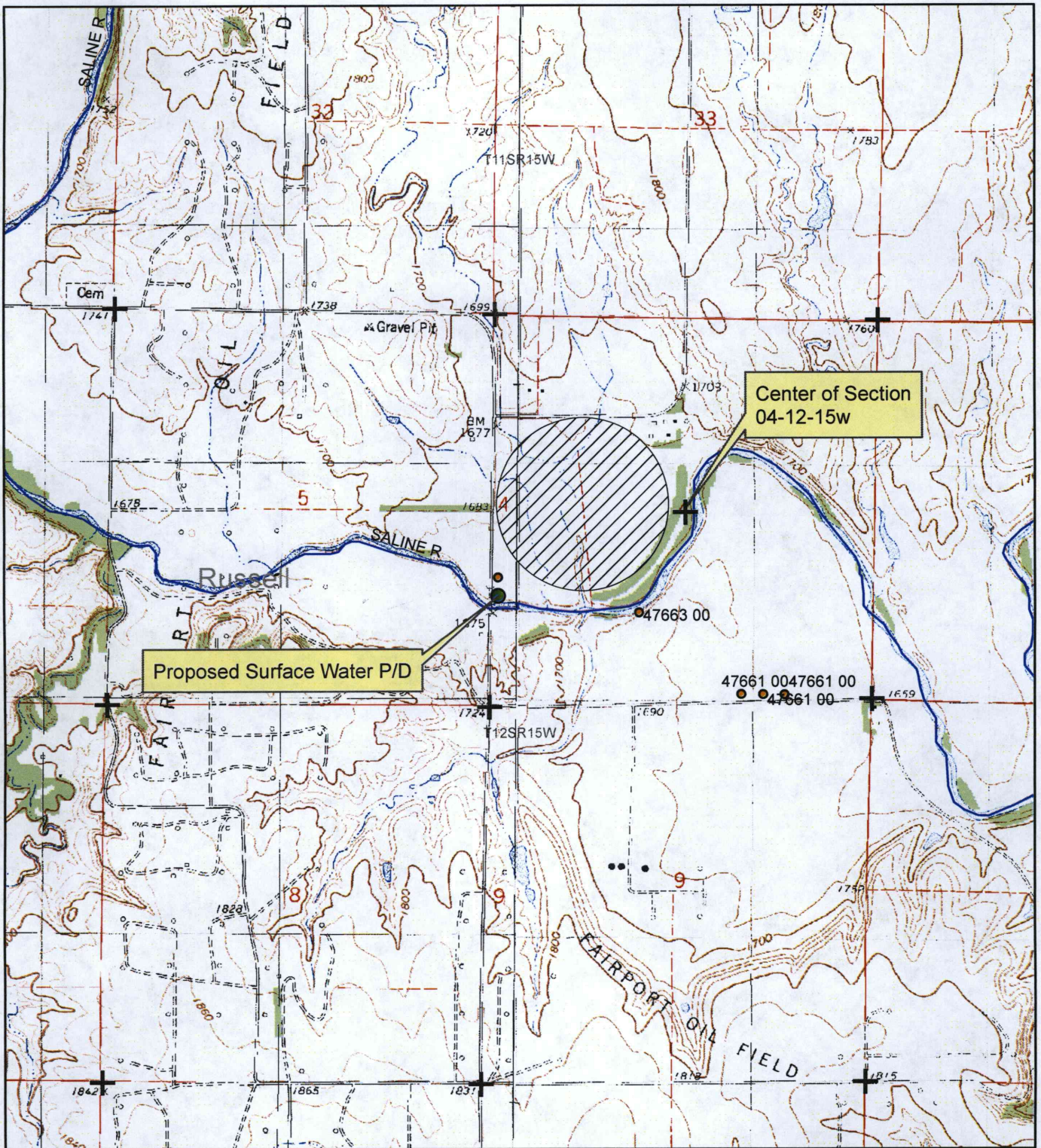
Sincerely,

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

BAT:am
Enclosure(s)
pc: Stafford Field Office

FILE COPY

SCANNED



Proposed Surface Water P/D

Center of Section 04-12-15w

*S2 Sec 5 owned by Applicant
W2 Sec 3 owned by Applicant*

1:24,000



WATER RESOURCES RECEIVED S

APR 11 2016

All landowners both 1/2 mile upstream and downstream are shown:

[Signature]
Signature

4/6/16
Date

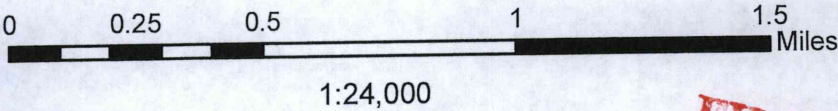
KS DEPT OF AGRICULTURE

SCANNED



Legend

- Point of Diversion



FILE COPY

New Application, File No. 49,616

SCANNED

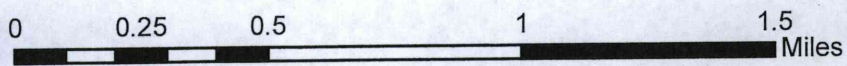
Proposed Point of Diversion, Surface Water
 Section 4, Township 12S, Range 15W
 Russell County, Kansas

AM/DWR
 Date: 8/3/2016



Legend

- Point of Diversion



1:24,000



FILE COPY

New Application, File No. 49,616

Proposed Point of Diversion, Surface Water
 Section 4, Township 12S, Range 15W
 Russell County, Kansas

SCANNED