

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D P/U UMW WORKSHEET**

1. File Number: <b>18328</b>	2. Status Change Date: <b>4/30/2018</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>03</b>	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>27-NOV-2017</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>NELSON FARMS INC BOX 38 LONG ISLAND KS 67647</b>		Person ID <b>12683</b> Add Seq# <b>1</b>	8d. Landowner(s) New to system <input checked="" type="checkbox"/>  Person ID _____ Add Seq# _____	
			8e. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/> <b>NELSON FARMS INC BOX 38 LONG ISLAND KS 67647</b>		Person ID <b>12683</b> Add Seq# <b>1</b>	8f. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____	
8c. Landowner(s) New to system <input type="checkbox"/> <b>NTN LP PO BOX 560 NORTON KS 67654-0560</b>		Person ID <b>62512</b> Add Seq# <b>1</b>	8g. WUC New to system <input type="checkbox"/> <b>NO CHANGES</b>  Person ID <u>12683</u> Add Seq# <u>1</u>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/13/18</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/18</u> <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: <u>IRR</u> To: <u>IRR AND STK</u>				
Date Prepared: <b>4/26/18</b> By: <b>RAK</b> Date Entered: <b>5/1/2018</b> By: <b>UM</b>				

File No. **18328**      11. County: NT      Basin: *28 Prairie Dog Creek*      Stream:      Formation Code: 113      Special Use: 005

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate	Quantity	Rate	Quantity	Overlap PD Files
ENT												gpm/cfs	af/mgy	gpm/cfs	af/mgy	
IRR	MOD	29078	NENWSE		10	2	21W	1	2117	1382	ALMENA IRR DIST #5	865 g.p.m.	124.96AF(40.72mgy)	865 g.p.m.	124.96AF(40.72mgy)	NO
IRR	✓	36471	NWNWSE		10	2	21W	2	2120	2109		775 g.p.m.	120AF (39.10mgy)	775 g.p.m.	120AF (39.10mgy)	26193-D1
STK	ENT	<i>86745</i>	NENWSE		10	2	21W		2117	1332	GEO CTR ADDITIONAL WELLS	200 gpm	26.06 M.G.Y. (80AF)	200 g.p.m.	26.06 M.G.Y.(80AF)	NO
STK	ENT		NENWSE		10	2	21W		2129	1332	BATT 1 OF 2 WELLS					NO
STK	ENT	<i>86746</i>	NENWSE		10	2	21W		2105	1332	BATT 1 OF 2 WELLS					NO

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. ADD Limitation: **ADDITIONAL WELL** ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 KEEP Limitation: **598 AF/YR COM/W #6938-A (ALMENA IRR DIST)** gpm ( \_\_\_\_\_)

15. 5YR Allocation: Allocation Type \_\_\_\_\_ Start Year \_\_\_\_\_ 5 YR Amount \_\_\_\_\_ Amount Unit \_\_\_\_\_ Base Acres \_\_\_\_\_ Comment \_\_\_\_\_

16. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
ENT								¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼					
IRR	✓	36553	10	2	21W	1		40.00	40.00	40.00	33.00									33.00	40.00	33.00	40.00	299.00	8c	NO	26193 D1		
STK	ENT	<i>68876</i>	12	2	21W			NW¼ SW¼																8b	NO	NO			

Base Acres:      Year:      Minimum Reasonable Quantity:      Comments:

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

**TO:** Files

**DATE:** April 30, 2018

**FROM:** Brent A. Turney

**RE:** Water Right  
File No. 18,328

N. Terry Nelson, on behalf of Nelson Farms Inc. and NTN L.P., owner of the above referenced water right, filed an application for approval to change the place of use, point of diversion and use made of water for Water Right, File No. 18,328, all located in RRC Prairie Dog Creek Basin.

The referenced file number does not appear abandoned pursuant to K.S.A. 82a-718.

File No. 18,328 is authorized two wells with assigned rates and quantities for irrigation of 299 acres all located in Section 10, Township 2 South, Range 21 West, Norton County. One of the two wells and the place of use are overlapped by Water Right, File No. 26,193-D1. The application requests to convert 80 acre-feet to stockwatering use from the easternmost well (Well ID No. 1, 2117'N, 1,382'W) and unstack it, moving the 80 acre-feet and 200 gallons per minute to a new battery of two wells with a geographic center located 2,117'N, 1,332'W of the SE corner of Section 10, approximately 50 feet east of the presently authorized well pursuant to K.A.R. 5-5-16 *Additional wells*. The water right owner initially requested the overall quantity of Water Right File No. 18,328 be temporarily limited to 324.96 acre-feet rather than permanently reduced, the temporarily reduced quantity based on K.A.R. 5-5-9/5-5-10 calculations. Although the water right owner requested a temporary reduction in quantity, it was decided in an April 19, 2018 water commissioner meeting that the quantity should be permanently reduced since the water right owner is adding wells and K.A.R. 5-5-16 requires a consumptive use calculation. The water right owner was advised of the decision and indicated no objection in an April 20, 2018 e-mail to Kelly Stewart, Water Commissioner of the Stockton Field Office.

Irrigation acres will remain at 299 acres and the applicant has submitted justification for retaining the acreage. The stockwatering place of use will be the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 12, Township 2 South, Range 21 West, Norton County. Temporary Permit, File No. 20170277 overlapped the stockwatering place of use but expired April 1, 2018 and was authorized industrial use for construction of a hog facility. No changes are proposed for the 598 acre-feet limitation with the Almena Irrigation District File No. 6,938-A.

The only wells identified within one-half mile of the proposed geocenter are under common ownership. Water right owners with a point of diversion within a half a mile of the authorized/proposed wells were notified of the referenced change application by letter dated March 1, 2018 to comply with K.S.A. 82a-1906; no domestic wells were identified on the map.

The local source of supply will not change, previously determined to be Main Stem Alluvium (113)

Approval of the application for File No. 18,328 will be subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (November 27, 2017) to add the additional well.

In an e-mail dated April 26, 2018, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the application.

Water flow meters and water level measurement tubes are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

NELSON FARMS INC  
N TERRY NELSON  
BOX 38  
LONG ISLAND KS 67647

May 2, 2018

**FILE COPY**

RE: Water Right, File No. 18,328

Dear Mr. Nelson:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

Please note that the application to change the point of diversion for File No. 18,328 is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional wells shall be considered to have the priority of the date the application was filed (November 27, 2017) to add the additional wells. In addition, the Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional wells at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional wells had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. 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:rak

pc: Stockton Field Office  
NTN, L.P.



KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
POINT OF DIVERSION USE MADE OF WATER AND ORDER  
IN THE MATTER OF THE  
THE AUTHORIZED QUANTITY OF WATER  
WATER RIGHT  
FILE NO. 18,328**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of N. Terry Nelson, on behalf of Nelson Farms, Incorporated, P.O. Box 38, Long Island, Kansas, 67647, and NTN, L.P., P.O. Box 560, Norton, Kansas, 67654, received in this office on November 27, 2017 for approval of a change in the place of use, point of diversion and use made of water under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated March 4, 1985, approving the application to change the place of use, and by the Findings and Order of the Chief Engineer dated October 12, 2016, better describing the locations of the authorized points of diversion, reducing the authorized place of use and modifying the limitation on the authorized quantity, finds that the changes are reasonable and will not impair existing rights and that the application should be and is hereby approved.

This order effectively reduces the total authorized quantity of water to 324.96 acre-feet (105.89 million gallons) per calendar year in accordance with the Application for Approval to Change the Place of Use, Point of Diversion and Use Made of Water received in this office on November 27, 2017.

The application, therefore, is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional wells shall be considered to have the priority of the date the application was filed (November 27, 2017) to add the additional wells.

The effective date of the changes shall be the date this order is executed by the Chief Engineer, after which that portion retained for irrigation use shall be authorized from two (2) wells located as follows:

one(1) well located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 10, more particularly described as being near a point 2,117 feet North and 1,382 feet West of the Southeast corner of said section, in a quantity not to exceed 124.96 acre-feet (40.72 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 865 gallons per minute (1.92 c.f.s.), and

one(1) well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 10, more particularly described as being near a point 2,120 feet North and 2,109 feet West of the Southeast corner of said section, in a quantity not to exceed 120 acre-feet (39.10 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 775 gallons per minute (1.73 c.f.s.),

both in Township 2 South, Range 21 West, Norton County, Kansas, for irrigation use on the following described property:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
10	2S	21W	40.00	40.00	40.00	33.00												33.00	40.00	33.00	40.00	299.00

a total of 299.00 acres in Section 10, Township 2 South, Range 21 West, Norton County, Kansas,

located substantially as shown on the maps accompanying the application to change the place of use, point of diversion and use made of water.

The portion changed to stockwatering use shall be authorized from one (1) battery of two (2) wells (additional wells) located as follows:

a battery of two (2) wells with a geographic center located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE¼ NW¼ SE¼) of Section 10, more particularly described as being near a point 2,117 feet North and 1,332 feet West of the Southeast corner of said section, in a quantity not to exceed 26.06 million gallons (80 acre-feet) of groundwater per calendar year at a rate of diversion not in excess of 200 gallons per minute (0.45 c.f.s.), in Township 1 South, Range 20 West, Norton County, Kansas, for stockwatering use on the following described property:

the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of Section 12, Township 2 South, Range 21 West, Norton County, Kansas,

located substantially as shown on the maps accompanying the application to change the place of use, point of diversion and use made of water.

The point of diversion described herein as a battery of two (2) wells is further limited such that the wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order 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.

All diversion works 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.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

The Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional wells at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 18,328, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 4, 1985, as modified and amended by the aforementioned orders.

#### **RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

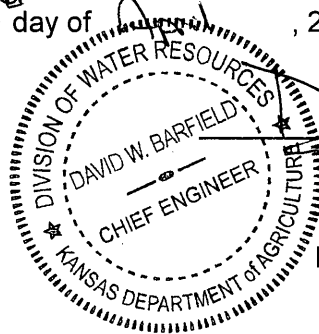
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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 30<sup>th</sup> day of April, 2018, in Topeka, Shawnee County, Kansas.



*David W. Barfield*  
\_\_\_\_\_  
David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas        )  
                                  ) SS  
County of Riley        )

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of April 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*  
\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE**

On this 2<sup>nd</sup> day of May, 2018, I hereby certify that the attached original Approval of Change in Place of Use, Point of Diversion and Use Made of Water, File No. 18,328, dated April 30<sup>th</sup>, 2018, was mailed postage prepaid, first class, US mail to the following:

NELSON FARMS INC  
N TERRY NELSON  
BOX 38  
LONG ISLAND KS 67647

With a true and correct copy sent to

NTN LP  
PO BOX 560  
NORTON KS 67654

With photocopy to:

Stockton Field Office

*Danielle Wilson*  
\_\_\_\_\_  
Staff



Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502  
[www.ksda.gov/dwr](http://www.ksda.gov/dwr)

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use  
(Check one or more)  Point of Diversion  
 Use Made of Water

WATER RESOURCES  
RECEIVED

NOV 27 2017  
3:03

KS DEPT OF AGRICULTURE

File No. 18,328

2. Name of applicant: Nelson Farms Inc.

Address: PO Box 38

City, State and Zip: Long Island, KS 67647

Phone Number: (785)854-7611

E-mail address: terrynelson@ruraltel.net

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: Nelson Farms Inc

Address: PO Box 38

City, State and Zip: Long Island, KS 67647

Phone Number: (785)854-7611

E-mail address: terrynelson@ruraltel.net

3. The change(s) proposed herein are desired for the following reasons (please be specific): To change the authorized point of diversion to add a battery of 2 wells and change the place of use to cover a new hog facility, and partially change the use made of water to allow for stockwater use from the battery of 2 wells.

The change(s) (was) (will be) completed by 12/31/18.

(Date)

**For Office Use Only:**

F.O. 3 GMD 0 Meets K.A.R. 5-5-1 (YES / NO) Use 12R Source G/S County G By LI Date 11/27/17  
Code CB Fee \$ 600 TR # \_\_\_\_\_ Receipt Date 11/27/17 Check # 023868

<100ft pol chg

APPLICATION COMPLETE

4/23/18  
Reviewer RAL

6. The presently authorized point(s) of diversion is 2 wells  
(Provide description and number of points)
7. The proposed point(s) of diversion is 2 wells and a battery of 2 wells  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the NW Quarter of the NW Quarter of the SE Quarter of Section 10, Township 2 South, Range 21 W, in Norton County, Kansas, 2,120 feet North 2,109 feet West of Southeast corner of section.  
 Authorized Rate 775 gpm Authorized Quantity 120 AF  
 (DWR use only: Computer ID No. 2 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 26193.D1

9. **Presently authorized point of diversion:**  
 One in the NE Quarter of the NW Quarter of the SE Quarter of Section 10, Township 2 South, Range 21 W, in Norton County, Kansas, 2,117 feet North 1,382 feet West of Southeast corner of section.  
 Authorized Rate 1,065 gpm Authorized Quantity 220 AF  
 (DWR use only: Computer ID No. 1 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the NW Quarter of the SE Quarter of Section 10, Township 2 South, Range 21 W, in Norton County, Kansas, 2,117 feet North 1,382 feet West of Southeast corner of section.  
 Proposed Rate 865 gpm Proposed Quantity ~~172.4 AF~~ 124.96 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested) Proposed Geo-Center of Batt. 2 wells**  
 One in the NE Quarter of the NW Quarter of the SE Quarter of Section 10, Township 2 South, Range 21 W, in Norton County, Kansas, 2,117 feet North 1,332 feet West of Southeast corner of section.  
 Proposed Rate 200 gpm Proposed Quantity ~~40 AF (STK)~~ 80 AF STK  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. n/a

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

*\* per 4/14/18 water commissioner mtg & conversation w/BAT/DWR  
 & 4/23/18 email KCS Station PD \* Down 4/26/18*

4. The presently authorized place of use is:

Owner of Land — NAME: NTN LP

ADDRESS: PO Box 560 Norton, KS 67654

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10	2 S	21 W	40	40	40	33													299

List any other water rights that cover this place of use. 26193.D1

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: NTN LP

ADDRESS: PO Box 560 Norton, KS 67654

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10	2 S	21 W	40	40	40	33													299

List any other water rights that cover this place of use. 26193.D1

Owner of Land — NAME: Nelson Farms Inc.

ADDRESS: 1271 W Fox Rd Long Island, KS 67647

Stockwater use in the Northwest Quarter of the Southwest Quarter of Section 12, Township 2 South, Range 21 West, Norton County, Kansas.

List any other water rights that cover this place of use. None.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

WATER RESOURCES  
RECEIVED

NOV 27 2017

KS DEPT OF AGRICULTURE

SCANNED

- 1. The presently authorized point(s) of diversion is 2 wells  
(Provide description and number of points)
- 2. The proposed point(s) of diversion is 2 wells and a battery of 2 wells  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested) Proposed BATT 1 of 2 wells**  
 One in the NE Quarter of the NW Quarter of the SE Quarter of Section 10, Township 2 South, Range 21 W, in Norton County, Kansas, 2,129 feet North 1,332 feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested) Proposed BATT 1 of 2 wells**  
 One in the NE Quarter of the NW Quarter of the SE Quarter of Section 10, Township 2 South, Range 21 W, in Norton County, Kansas, 2,105 feet North 1,332 feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. n/a

WATER RIGHTS DIVISION RECEIVED

NOV 27 2017

12. The presently authorized use of water is for IRR \_\_\_\_\_ purposes.

It is proposed that the use be changed to IRR & STK \_\_\_\_\_ purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

The maximum annual quantity that could be changed to STK per K.A.R. 5-5-9(a)(1) is as follows: The irrigation return flow percentage for Norton County is 15.9%. The water right authorizes 220 AF for IRR on well ID 2.  $220 \text{ AF} \times 15.9\% = 34.98 \text{ AF}$   $220 \text{ AF} - 34.98 \text{ AF} = 185.02 \text{ AF}$  that could be changed to STK. Only 80 AF is desired to be changed, therefore:  $80 \text{ AF} / 185.02 \text{ AF} = 0.216$   $1 - 0.216 = 0.783$  or 78.3%, which is the remaining percentage of the current water right that may be retained for irrigation.  $220 \text{ AF} \times 0.783 = 172.4 \text{ AF}$  retained for IRR, 80 AF changed to STK. The 80 AF for STK will be authorized by the proposed additional battery of 2 wells. Well ID 2 will retain 172.4 AF for IRR. The place of use will remain at 299 acres, as the addition of effluent and Almena Irr District water can/will be applied to the current 299 acres. The overall limitation with Almena Irr District should remain at 598 AF to maintain a maximum quantity of 2.0 AF/AC on the authorized irrigation place of use.

(Please show any calculations here.) \* \* Calculation modified per 4/23/18 e-mail KCS/Stockton FO

14. It is requested that the maximum annual quantity of water be reduced to 324.96 AF (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ gallons per minute (\_\_\_\_\_ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

Place of use is being modified to cover all the places water will be used for stockwater and irrigation. No change in source of supply. Additional wells will not meet spacing requirements but will be located within a 300 foot radius of 18328 well ID2. This well, along 18328 ID1 is owned by the applicant and there are no other wells within 1/4 mile of the proposed additional battery of 2 wells.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

All regs met.

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY NOV 27 2017

\* \* RAK/DWR 4/26/18

\* WELL ID 1 is being converted per 3/9/18 e-mail David Means Stockton FO \* RAK/DWR 4/5/18

KS DEPT OF AGRICULTURE SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Long Island, Kansas, this 24 day of November, 2017.

Nelson Farms Inc  
(Owner)  
Nelson Farms Inc,  
(Please Print)

N. Terry Nelson  
(Spouse)  
N. Terry Nelson  
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

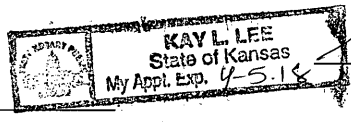
(Please Print)

(Please Print)

State of Kansas }  
County of Phillips } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24<sup>th</sup> day of November, 2017.

My Commission Expires 4-5-18



Kay L. Lee  
Notary Public

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... \$200
- (3) Application to change the place of use ..... \$200
- (4) Application to change the use made of the water ..... \$300

Make check payable to **Kansas Department of Agriculture.**

**Krueger, Richelle [KDA]**

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**From:** Stewart, Kelly [KDA]  
**Sent:** Thursday, April 26, 2018 1:04 PM  
**To:** Turney, Brent [KDA]; Krueger, Richelle [KDA]  
**Cc:** Means, David [KDA]; Hageman, Rebecca [KDA]  
**Subject:** FW: Request for Recommendation, Nelson and Ingram change applications  
**Attachments:** 3688,4005,4304,5069,7947,8203,26865,35648,35649,37191,37269.01,37269.02,37269.03  
Nelson2018dualusechgs pkgmemrev4.docx;  
11424etal3Nelson2018dualusechgs pkgmemrev.docx;  
18328tempreducepdpuumwirrstkaddwellbattmemrev.docx

Brent,

I recommend approval of these applications. Per Richelle's memo regarding File No. 35,016 each well will get 12 a.f. instead of 36.

Kelly

---

**From:** Turney, Brent [KDA]  
**Sent:** Wednesday, April 25, 2018 5:22 PM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>  
**Subject:** FW: Request for Recommendation, Nelson and Ingram change applications

Kelly,  
Attached are the three draft memos for the three different projects proposed by Nelsons and Ingrams, do you recommend approval?

Richelle did all the heavy lifting on this, but she is going to let me take the credit.

Thanks,  
Brent

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

## Krueger, Richelle [KDA]

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**From:** Stewart, Kelly [KDA]  
**Sent:** Monday, April 23, 2018 7:15 AM  
**To:** Turney, Brent [KDA]; Krueger, Richelle [KDA]  
**Cc:** Means, David [KDA]  
**Subject:** FW: Water Right Issues

FYI – Please note the request to bump up the stock water portion under 18,328 to 80 acre-feet.

---

**From:** Terry Nelson [mailto:terry@valleyfeeds.com]  
**Sent:** Friday, April 20, 2018 8:43 PM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Subject:** Re: Water Right Issues

Actually Kelly you did talk about all of it except the reduction of 4304 pl 16 and 3130. But I do agree with all of it and we should change the 40 af to 80 af on 18328 to provide enough water for Stillwater

Sent from my iPhone

On Apr 20, 2018, at 3:19 PM, Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov> wrote:

Terry,

You will probably want to discuss this further, but wanted to give you a heads up. Manhattan has identified some issues on the recent change applications you filed. In a nutshell, they are:

**File No. 3,310 & 4,304:** As you will recall, PL016 has 65 acre-feet. File No. 3130 has 85 acre-fee, but is limited to 123 acre-feet when combined with PL016. File No. 4,304 currently has 123 acre-feet for irrigation, but is also limited to 123 acre-feet when combined with PL016 & 3130. By changing the two irrigation wells under File No. 4,304 to dual use, they will be limited to the consumptive use number of 105.7 acre-feet while authorized for dual use. Since all three water rights “share” the same consumptive use number due to being perfected on the same land, it will now be necessary to limit both 3130 and 4304 to a total of 105.7 acre-feet when combined with PL016. If you ever remove the stockwatering option from the two irrigation wells, the irrigation quantity will return to 123 acre-feet and the total limiting clause of 123 acre-feet will be restored.

**File No. 18,328:** You are proposing to convert 40 acre-feet to stockwatering and place it on a new battery of two wells. The east irrigation well is currently authorized 220 acre-feet. By converting 40 acre-feet to stockwatering, you will be losing 7.6 acre-feet in the consumptive use calculation. Since you are creating an additional battery of wells under this water right, Manhattan considers this a permanent change (due to the creation of the additional battery of wells) and they are not willing to allow for a “path back” to the original 220 acre-feet if you ever converted the 40 acre-feet back to irrigation.

**File No. 35,016:** This is the 42 acre-foot water right of Craig’s. 36 acre-feet will convert to stockwatering. On your application, you were proposing to keep the full 42 acre-feet. If you want to keep the full 42 acre-feet, you will need to request a waiver and provide justification for the waiver. We had originally talked that you might consult with KLA or someone to look into that option. If you cannot provide justification for keeping the full 42 acre-feet, the water right will need to be reduced to 36 acre-feet while authorized for stockwatering. You will be provided the “path back” to 42 acre-feet if the whole water right is ever converted back to irrigation.



Manhattan will need some type of verification that you are in agreement with (or at least will accept) these conditions. A response back to me by e-mail would suffice.

These are the three main issues they have discovered while processing your applications. I'm sure I didn't fully explain this and would be happy to discuss it.

Kelly

Kelly C. Stewart, Water Commissioner  
Kansas Department of Agriculture  
Division of Water Resources  
Stockton Field Office  
(785)425-6787  
[kelly.stewart@ks.gov](mailto:kelly.stewart@ks.gov)

<http://www.agriculture.ks.gov/>

## Krueger, Richelle [KDA]

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**From:** Means, David [KDA]  
**Sent:** Friday, March 9, 2018 10:59 AM  
**To:** Krueger, Richelle [KDA]  
**Subject:** RE: Question/Request for Recommendation Change in pd pu umw File No. 18328 NELson

Sorry Richelle, Kelly asked me to reply to this and I completely forgot about it!!

They want an additional well (batt. 2 wells) , partial umw change – stk use for 40 AF 200 gpm from the proposed battery. No dual use is being proposed.

Yes, we will want a path back!

Yes, the quantity being converted is coming from ID1 with 220 AF. I made an error in the paragraph, good catch!

LOL, Terry would pipe water to the moon if he could set up a hog barn there...a mile of pipeline is nothing to him!

---

**From:** Krueger, Richelle [KDA]  
**Sent:** Thursday, March 1, 2018 10:36 AM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Means, David [KDA] <David.Means@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>  
**Subject:** Question/Request for Recommendation Change in pd pu umw File No. 18328 NELson

Hi Kelly,

I have looked at the referenced change app and written up a memo, but want to make sure I understand for sure what they are requesting.

- They want additional well, dual use umw change - irr/stk use authorized 40 AF 200 gpm from the proposed battery (or do they want the battery assigned only for stock use with path back to irrigation later)?
- They want path back- only a temporary reduction in quantity?
- They are proposing to convert quantity from the easternmost well, Well ID No 1, rather than Well ID No. 2 as indicated in Paragraph 13?
- They propose to pipe water over a mile to the hog facility?

If all of the above is correct, attached is a draft memo. I did notify the owners of File Nos. 19871,19872 to comply with 82a-1906 but no 15 day comment period since pd change is less than 300 ft.

Do you recommend approval of the referenced application?

Thanks, as always!

Richelle



1320 Research Park Drive  
Manhattan, Kansas 66502  
785-564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
785-296-3556

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

**FILE COPY**

March 1, 2018

RAY DARNELL & MARYLIN POAGE TRUSTS  
27330 ROAD H  
ALMENA KS 67622-9691

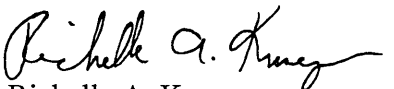
RE: Water Right, File No. 18,328

Dear Sir or Madam:

This is to advise you that Nelson Farms, Inc., has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use, point of diversion and use made of water for the above referenced file number. Based upon K.S.A. 82a-1906, you are being notified of the above referenced application for change. You can find the application posted by water right file number as referenced above at [www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices](http://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices)

If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
Nelson Farms Inc., Attn Terry Nelson

**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

NELSON FARMS, INC 12/4/17  
PO BOX 38  
LONG ISLAND, KS 67647

**FILE COPY**

RE: File No 18328

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/PD/UMW
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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.

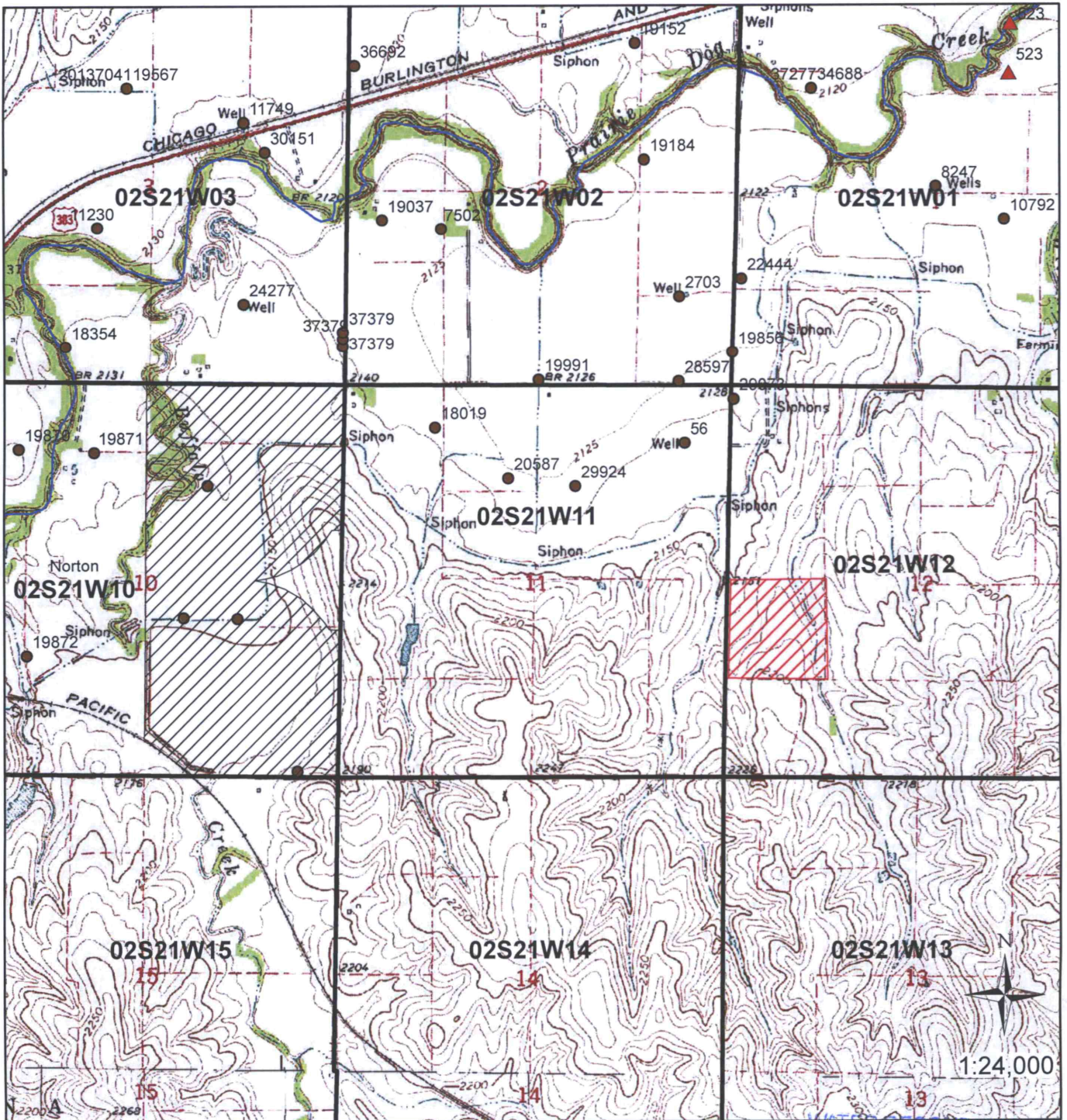
Sincerely,

A handwritten signature in cursive script that reads "Brent A. Tournay".

Brent Tournay, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: STOCKTON Field Office GMD

# Application to Change the Point of Diversion, Place of Use, & Use Made of Water for Water Right File No. 18,328



Current and Proposed IRR P/U



Proposed STK P/U

[Handwritten Signature]

Signature

11/24/2017

Date

WATER RESOURCES RECEIVED

NOV 27 2017

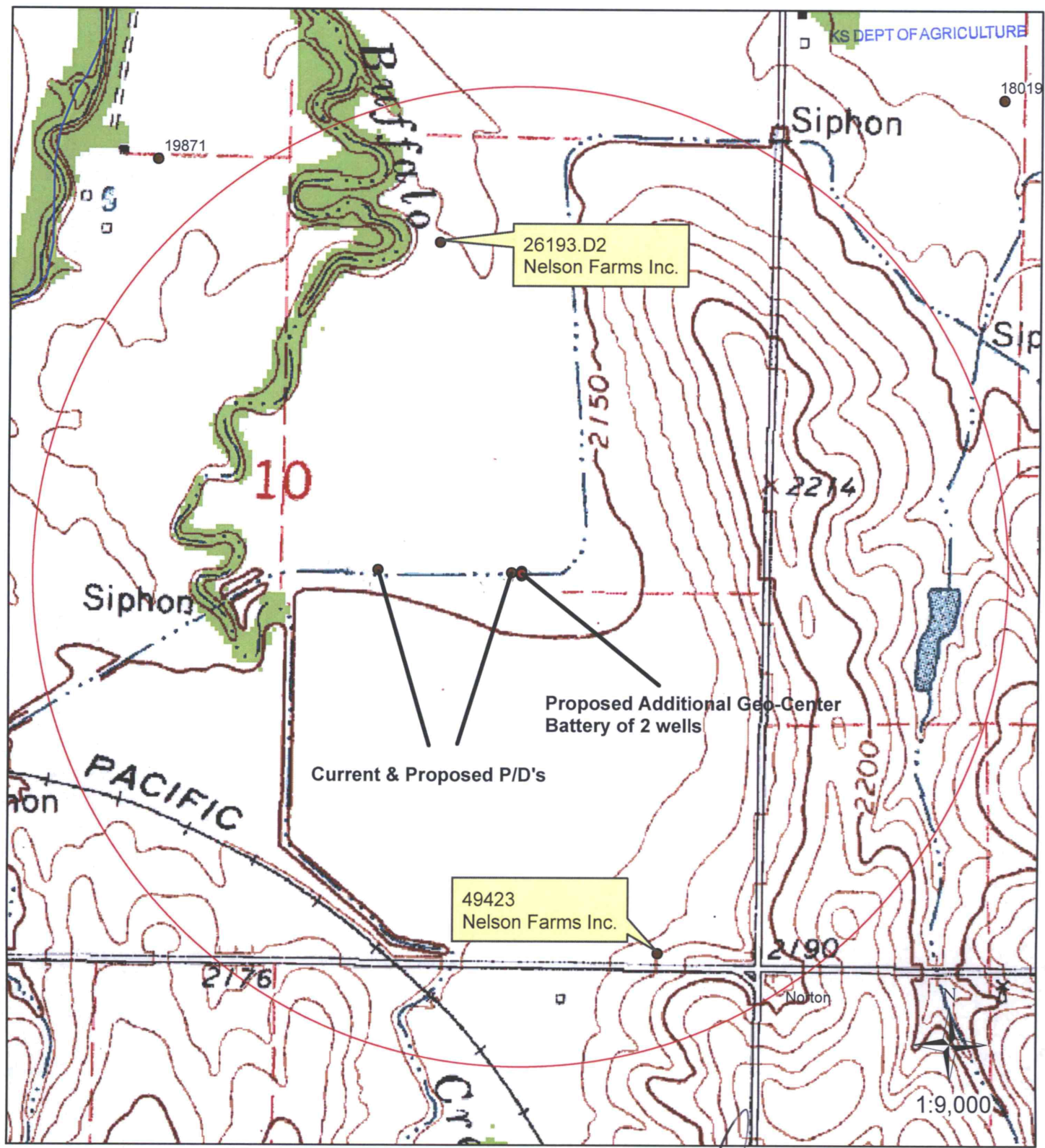
KS DEPT OF AGRICULTURE

SCANNED

Application to Change the Point of Diversion,  
Place of Use, & Use Made of Water for  
Water Right File No. 18,328

WATER RESOURCES  
RECEIVED

NOV 27 2017



- 1/2 mile radius
- Groundwater Points of Diversion
- + WWC5 Domestic wells

Signature Required

*[Handwritten Signature]*

By signing this I am stating that to the best of my knowledge  
that all wells within 1/2 mile of proposed well location are  
identified on this map.

SCANNED