

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

1. File Number: <b>26865</b>	2. Status Change Date: <b>4/30/2018</b>	3. Change Num: <b>C3</b>	4. Field Office: <b>03</b>	5. GMD:
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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>20-NOV-2017</b>
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8a. Applicant(s) New to system <input type="checkbox"/>  <b>NELSON FARMS INC</b> <b>BOX 38</b> <b>LONG ISLAND KS 67647</b>	8d. Landowner(s) New to system <input checked="" type="checkbox"/> <b>NTN LLP</b> <b>1304 W FOX RD</b> <b>LONG ISLAND KS 67647</b>
Person ID <u>12683</u> Add Seq# <u>1</u>	Person ID <u><del>62512</del> 62512</u> Add Seq# <u>1</u>
8e. Landowner(s) New to system <input type="checkbox"/> <b>HUSKY HOGS LLC</b> <b>TERRY NELSON</b> <b>BOX 8</b> <b>LONG ISLAND KS 67647</b>	Person ID <u>54614</u> Add Seq# <u>1</u>

8b. Landowner(s) New to system <input type="checkbox"/> <b>NELSON FARMS INC</b> <b>BOX 38</b> <b>LONG ISLAND KS 67647</b>	8f. Landowner(s) New to system <input type="checkbox"/> <b>NELSON HOG FARMS LLC</b> <b>1271 W FOX RD</b> <b>LONG ISLAND KS 67647</b>
Person ID <u>12683</u> Add Seq# <u>1</u>	Person ID <u>62040</u> Add Seq# <u>1</u>

8c. Landowner(s) New to system <input type="checkbox"/> <b>TERRY NELSON</b> <b>BOX 38</b> <b>LONG ISLAND KS 67647</b>	8g. WUC New to system <input type="checkbox"/> <b>NO CHANGES</b>
Person ID <u>28567</u> Add Seq# <u>1</u>	Person ID _____ Add Seq# _____

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: 12/13/18  N & P Date to Comply: \_\_\_\_\_

Anti-Reverse Meter  Meter Seal  Check Valve  N & P Form  Water Tube  Driller Copy  H & E Letter

Conservation Plan Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

10. Use Made of Water From: IRR To: IRR/STK DUAL USE

Date Prepared: **4/3/18** By: **RAK**  
 Date Entered: **5/2/2018** By: **UM**

File No. **26865** 11. County: PL Stream: Formation Code: 113 Special Use: 005

12. Points of Diversion  
 CHK  
 MOD  
 DEL PDIV  
 ENT

Rate and Quantity  
 Authorized Additional  
 Rate Quantity Rate Quantity  
 gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

IRR/STK MOD 28159 NCNW4 34 1 20W 8 3719 3877 IRR/STK DUAL USE 295 g.p.m. 60AF(19.55mgy) 295 g.p.m. 60AF(19.55mgy) NO

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

14. **ADD** Limitation: **51.54AF(16.79mgy) IRR/STK COMBINED DUAL USE -SEE IMAGE FOR DETAILS**  
**KEEP** Limitation **O-LAP ALM #5 - 60AF/YR COM/W #6938-A cfs** when combined with file number(s) \_\_\_\_\_

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

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
IRR ✓	59813	28	1	20W	1																	1.00	13.00	14.00	8b	NO	SEE ABOVE
IRR MOD	23378	33	1	20W	1	28.00	38.00	40.00	40.00	33.00	31.00	31.00	40.00					40.00	30.00	13.00	33.00	397.00	8b	NO	SEE ABOVE		
IRR MOD	50451	33	1	20W	10									31.00	13.00	1.50	3.00					48.50	8c	NO	SEE ABOVE		
IRR ✓	10065	34	1	20W	3							39.00	7.00	19.00	18.00	17.00	28.00		17.50	22.50		168.00	8B	NO	SEE ABOVE		

IRR OLAPS-  
 PL 016; PL017-D2; 219; 1970 ;3130;  
 3688; 4005; 4304; 7947; 8203;  
 26865; 27754;30902;31484; 35648

IRR √ 13444 4 2 20W 1 PU COMMENT L-2 (N2 NW), L-1 (S2 NW)						Lot 2 19	Lot 2 34	Lot 1 10	Lot 1 6									69	8C	NO	SEE ABOVE
IRR √ 59814 4 2 20W 3 PU COMMENT L-1 (S2 NW)								Lot 1 22	Lot 1 5									27	8D	YES	SEE ABOVE
IRR √ 59815 4 2 20W 4																3.00		3	8b	NO	SEE ABOVE
STK ENT 29623 33 1 20W 8	(SW¼) and (W½SE¼)																8B & 8C & 8F	YES	SEE BELOW		
STK ENT 28569 34 1 20W 5	(W½SW¼)																8b	NO	SEE BELOW		
STK ENT 53358 34 1 20W 6	NC 34-1-20W																8E	NO	SEE BELOW		
STK ENT 65793 3 2 20W 3	(S½NW¼)																8B	NO	SEE BELOW		
STK ENT 65794 4 2 20W 6	(E½)																8B & 8C	NO	SEE BELOW		
																			STK OLAPS- 4005;4304;5069;7947;8203;26865; 35648;35649;37191; 37269.01; 37269.02; 37269.03		

Base Acres:                      Year:                      Minimum Reasonable Quantity:

Comments: **NEED POP UP BOX FOR TEMPORARY QUANTITY REDUCTION** Quantity limited to 51.54 AF (16.79 m.g.y.) as long as additional stockwater is desired



Additionally, as discussed in the water commissioners meeting, the existing file limitation on the irrigation portion of File No. 4,304 will be modified from 123 acre-feet when combined with File Nos. PL 016 and 3,130 to 105.7 acre-feet when combined with File Nos. PL 016 and 3,130 as long as dual use occurs under File No. 4,304 so as not to increase the consumptive use of the file. If dual use stockwatering no longer occurs under File No. 4,304 then the limitation reverts back to the 123 acre-feet quantity as stated in the July 21, 2008 change approval.

	33-1S-20W CWNW¼SE¼ 2040'N, 2605'W WRIS ID 5 PDIV ID 22925	33-1S-20W SW¼NW¼SW¼ 1519'N, 4845'W WRIS ID 6 PDIV ID 17026	33-1S-20W SW¼NW¼SW¼ 1518'N, 4854'W WRIS ID 40 PDIV ID 83510 (Additional Well)	33-1S-20W SW¼SW¼SW¼ 226'N, 5040'W GEOCENTER OF TWO WELL BATTERY WRIS ID 37 PDIV ID 75790
Current uses, quantities and diversion rates File No. 4304	IRR USE- 103AF @600g.p.m	IRR USE- 20 AF @290g.p.m. ALSO STDBY STK USE for PRIMARY STK WELL File No. 4304	PRIMARY WELL STK USE- 6.52m.g.y.(20AF) @50gpm	STK USE- 1.63 m.g.y. @ 10 g.p.m.
Current overlaps File No. 4304	NONE	STDBY STK USE- File No. 37269.01	PRIMARY WELL STK USE- File No. 37269.01	NONE
Proposed Uses, quantities and diversion rates File No. 4304	DUAL USE IRR/STK 30 AF@600 g.p.m.	DUAL USE IRR/STK 93 AF@290 g.p.m. ALSO REMAINS STDBY STK USE for PRIMARY STK WELL File No. 4304	NO CHANGES	NO CHANGES
	Wells Limited to 105.7 acre-feet when combined for IRR/STK DUAL USE			
Proposed overlaps File No. 4304	NONE	STDBY STK USE- File No. 37269.01	PRIMARY WELL STK USE- File No. 37269.01	NONE

File No. 7,947- File No. 7,947 is presently authorized assigned rates and quantities to two wells for irrigation use – WRIS Well ID 26 (1359'N,1923'W) in Section 33 is authorized 15 AF and 660 g.p.m., and overlaps File No. 1,970; and WRIS Well ID 13 (2481'N 3950'W) is authorized 107 AF and 750 g.p.m. in Section 34, and overlaps File No. 35,649. Paragraph No. 13 of the application indicates only WRIS Well ID 13 will be converted to dual irrigation and stockwatering use, so that 91.92 acre-feet will be authorized for dual irrigation/stockwatering use from the well. No changes proposed for WRIS Well ID 26.

File No. 8,203- File No. 8,203 is presently authorized 31 acre-feet of groundwater and a limited rate of 720 g.p.m. for irrigation use on 765 acres from one well. The well is overlapped by File No. 4,005. Paragraph No. 13 of the application indicates that 26.63 acre-feet of water can be authorized for dual irrigation/stockwatering use.

File No. 26,865- File No. 26,865 is presently authorized 60 acre-feet of groundwater for irrigation use on 765 acres from one well. The well has no overlaps. Paragraph No. 13 of the application indicates that 51.54 acre-feet of water can be authorized for dual irrigation/stockwatering use.

File No. 35,648- File No. 35,648 is presently authorized 21 acre-feet of groundwater for irrigation use on 765 acres from one well. The well overlaps File Nos. 37,191 and 37,269.03. Paragraph No. 13 of the application indicates that 18.04 acre-feet of water can be authorized for dual irrigation/stockwatering use. No changes to the 857.35 acre-feet limitation.

The applicant proposes a complete overlap in all of the stockwatering places of use, including the dual use permits, to pump stock water to a tower where it can then be distributed to any of the cattle feedlots or hog facilities. In a phone conversation dated February 21, 2018, Kelly indicated that the quantity requested for stockwatering use is justified since the applicant is expanding their operation.

The proposed irrigation place of use will be reduced to 726.5 acres in Sections 28, 33 and 34, Township 1 South, and Section 4, Township 2 South, all in Range 20 West, Phillips County. The irrigation place of use will be authorized by File Nos. PL 016 and PL 017-D2; 219; 1,970; 3,130; 3,688; 4,005; 4,304, 7,947; 8,203; 26,865; 27,754; 30,902; 31,484 and 35,648.

The proposed stockwatering place of use will be authorized by File Nos. 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649; 37,191; 37,269.01, 37,269.02 and 37,269.03 and described as: the Southwest Quarter (SW $\frac{1}{4}$ ) and the West Half of the Southeast Quarter (W $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 33, the West Half of the Southwest Quarter (W $\frac{1}{2}$  SW $\frac{1}{4}$ ) and near the center of Section 34, both sections in Township 1 South; and the South Half of the Northwest Quarter (S $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 3, and the East Half (E $\frac{1}{2}$ ) of Section 4, both sections in Township 2 South, the entire place of use in Range 20 West, Phillips County.

Change in PU File No. 3,688/Reduction in PU Requests File Nos. PL 016; PL 017-D2; 219; 1,970; 3,130; 27,754; 30,902; 31,484

The referenced change in place of use application and reduction requests were filed with the dual use change applications for File Nos. 4,005; 4,304; 7,947; 8,203; 26,865 and 35,648 with the goal of reducing the irrigation place of use from 775 acres to 726.5 acres in the above described location. No changes to any Almena limitations however, the limitation on File No. 3,130 limiting the file to 123 acre-feet when combined with File No. PL 016 will be modified to 105.7 acre-feet as long as dual use stockwatering occurs under File Nos. 4,304. If dual use stockwatering ceases under File No. 4,304 then the limitation for File No. 3,130 will revert to 123 acre-feet when combined with PL 016. The purpose of this temporary modification to the limitation is to prevent an increase in the consumptive use of File Nos. PL 016, 3,130 and 4,304, which shared an incomplete overlap in acres during perfection (see David L Means April 13, 2016 memorandum to the files with map for further explanation). No changes to the industrial use under File No. 30,902.

Change in PU File Nos. 5,069; 35,649; 37,191; 37,269.01; 37,269.02 and 37,269.03 -all stockwatering files

File No. 35,649 is authorized stockwatering use at a hog operation located near the center of Section 34, Township 1 South, Range 20 West, Phillips County-no current place of use overlaps. File Nos. 5,069; 37,191; 37,269.01; 37,269.02 and 37,269.03 all overlap the stockwatering place of use of File No. 4,304 and the current place of use is in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 33 and the West Half of the Southwest Quarter (W $\frac{1}{2}$  SW $\frac{1}{4}$ ) of Section 34, both in Township 1 South, and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 3 and the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 4, both in Township 2 South, all in Range 20 West, Phillips County. As previously mentioned, the proposed stockwatering place of use will be authorized by File Nos. 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649; 37,191; 37,269.01, 37,269.02 and 37,269.03 at the above referenced proposed location.

Nearby water right owners identified on the map or in WRIS within one half-mile of the authorized points of diversion of all of the above referenced change applications were notified of the proposed changes by letter dated March 6, 2018 in order to comply with K.S.A. 82a 1906. The nearby well owners within one-half mile of the proposed well for File No. 4,304 were given 15 days for comments; no written responses were received.

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

Water flow meters are required and separate meters will be required for the dual use. 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 3, 2018

FILE COPY

RE: Vested Right, File Nos. PL 016 and PL 017-D2; Water Right, File Nos. 219; 1,970; 3,130; 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 27,754; 30,902; 31,484; 35,648; 35,649; 37,191, 37,269.01, 37,269.02 and 37,269.03

Dear Mr. Nelson:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of the approvals is that acceptable water flow meters must be installed so that both irrigation and stockwatering uses can be metered independent of each other. 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.

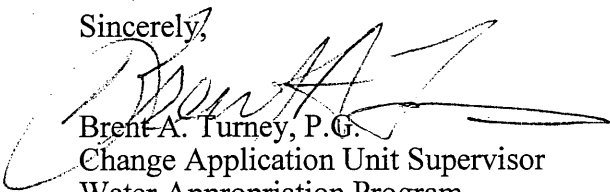
Also enclosed are Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which set forth the authorized place of use under File Nos. PL 016; PL 017-D2; 219; 1,970; 3,130; 27,754; 30,902 and 31,484.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office.

Since these orders modify the original documents referred to above, they 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.L.P.  
Husky Hogs, L.L.C.  
Nelson Hog Farms, L.L.C.





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  
USE MADE OF WATER AND ORDER  
IN THE MATTER OF THE  
THE AUTHORIZED QUANTITY OF WATER  
WATER RIGHT  
FILE NO. 26,865**

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, NTN, L.L.P. 1304 West Fox Road, Long Island, Kansas, 67647, Husky Hogs, L.L.C., Terry Nelson, Box 8, Long Island, Kansas, 67647 and Nelson Hog Farms, L.L.C., 1271 West Fox Road, Long Island, Kansas, 67647, received in this office on November 20, 2017, for approval of a change in the place of use 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 December 10, 1984, approving the application to change the place of use, the Order of the Chief Engineer dated April 1, 1987, approving the application to change the place of use, the Order of the Chief Engineer dated May 16, 1996, approving the application to change the place of use, the Findings and Order of the Chief Engineer dated May 9, 2000, reducing the authorized place of use, the Order of the Chief Engineer dated July 21, 2008, approving the application to change the place of use and better describing the location of the authorized point of diversion, the Findings and Order of the Chief Engineer dated April 7, 2014, reducing the authorized place of use, and by the Order of the Chief Engineer dated November 22, 2016, approving the application to change the place of use, finds that the changes are reasonable and will not impair existing rights and that the application should be and is hereby approved.

The authorized quantity under this water right will remain 60 acre-feet (19.55 million gallons). This order effectively limits the authorized quantity of water to 51.54 acre-feet (16.79 million gallons) per calendar year for both stockwatering and irrigation uses combined. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use authorized by this approval is no longer required.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which that portion retained for irrigation use shall be authorized a quantity not to exceed:

51.54 acre-feet (16.79 million gallons) of groundwater per calendar year,

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	
28	1S	20W															1.00	13.00	14.00
33	1S	20W	28.00	38.00	40.00	40.00	33.00	31.00	31.00	40.00	31.00	13.00	1.50	3.00	40.00	30.00	13.00	33.00	445.50
34	1S	20W							39.00	7.00	19.00	18.00	17.00	28.00		17.50	22.50		168.00
4	2S	20W					Lot 2 19.00	Lot 2 34.00	Lot 1 32.00	Lot 1 11.00				3.00					99.00

a total of 726.50 acres in Range 20 West, Phillips County, Kansas, and

That portion changed to stockwatering use shall be authorized a quantity not to exceed:

16.79 million gallons (51.54 acre-feet) of groundwater per calendar year,

the location of the place of use shall be:

the Southwest Quarter (SW¼) and the West Half of the Southeast Quarter (W½ SE¼) of Section 33, the West Half of the Southwest Quarter (W½ SW¼) and near the center of Section 34,

both in Township 1 South; and

the South Half of the Northwest Quarter (S½ NW¼) of Section 3, the East Half (E½) of Section 4,

both in Township 2 South;

all in Range 20 West, Phillips County, Kansas,

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

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 a separate acceptable water meter for each use made of water for 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 meters has been completed. The water right owner shall maintain the water meters 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 for irrigation and stockwatering use may be determined. The water right owner shall also report the reading of said water meters 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 26,865, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 3, 1983, 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.

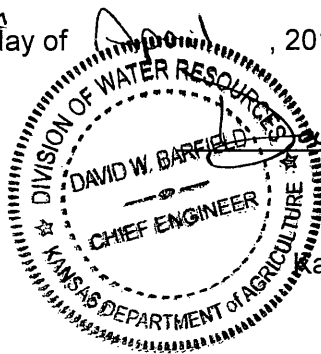
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal 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 3rd day of May, 2018, I hereby certify that the attached original Approval of Change in Place of Use and Use Made of Water, File No. 26,865, dated April 30th, 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 true and correct copies sent to

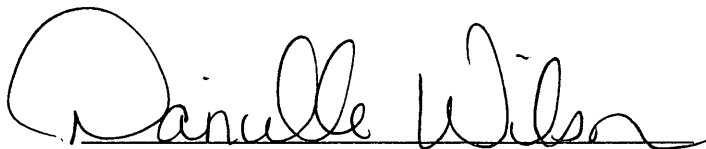
NTN LLP  
1304 W FOX RD  
LONG ISLAND KS 67647

HUSKY HOGS LLC  
TERRY NELSON  
BOX 8  
LONG ISLAND KS 67647

NELSON HOG FARMS LLC  
1271 W FOX RD  
LONG ISLAND KS 67647

With photocopies to:

Stockton Field Office

  
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  
 Point of Diversion  
 Use Made of Water

(Check one or more)

WATER RESOURCES  
RECEIVED  
NOV 20 2017  
10:34  
KS DEPT OF AGRICULTURE

File No. 26,865

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 place of use and use made of water to allow for the dual use of water (STK & IRR).

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

For Office Use Only:					
F.O. <u>3</u>	GMD <u>0</u>	Meets K.A.R. 5-5-1 <u>(YES/NO)</u>	Use <u>IRR</u>	Source <u>G/S</u>	County <u>P2</u>
Code <u>0-7</u>	Fee \$ <u>500</u>	TR # _____	Receipt Date <u>11/20/17</u>	By <u>AdW</u>	Date <u>11/20/17</u>
			Check # <u>23854</u>		

APPLICATION COMPLETE  
4/23/18  
Reviewer RAU

Assisted by: \_\_\_\_\_  
**SCANNED**  
11/20/17 DAW

4. The presently authorized place of use is:

Owner of Land — NAME: Nelson Farms Inc.

ADDRESS: PO Box 38 Long Island, KS 67647

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	
28	1 S	20 W														1	13	14	
33	1 S	20 W	28	38	40	40	33	31	31	40					40	34	28	34	417
34	1 S	20 W							39	7	19	18	17	28		17.5	22.5		168

List any other water rights that cover this place of use. PL 16, PL 17, D2, 219, 1970, 3130, 3688, 4005, 4304, 7947, 8203, 27754, 30902, 31484, 35648

Owner of Land — NAME: NTN, LLP

ADDRESS: 1304 W Fox Rd Long Island, KS 67647

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	
4	2 S	20 W							Lot 1 22	Lot 1 5									27

List any other water rights that cover this place of use. PL 16, PL 17, D2, 219, 1970, 3130, 3688, 4005, 4304, 7947, 8203, 27754, 30902, 31484, 35648

(If there are more than two landowners, attach additional sheets as necessary.)

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

Owner of Land — NAME: Nelson Farms Inc.

ADDRESS: PO Box 38 Long Island, KS 67647

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	
28	1 S	20 W														1	13	14	
33	1 S	20 W	28	38	40	40	33	31	31	40					40	30	13	33	397
34	1 S	20 W							39	7	19	18	17	28		17.5	22.5		168

List any other water rights that cover this place of use. PL 16, PL 17, D2, 219, 1970, 3130, 3688, 4005, 4304, 7947, 8203, 27754, 30902, 31484, 35648

Owner of Land — NAME: NTN, LLP

ADDRESS: 1304 W Fox Rd Long Island, KS 67647

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	
4	2 S	20 W							Lot 1 22	Lot 1 5									27

List any other water rights that cover this place of use. PL 16, PL 17, D2, 219, 1970, 3130, 3688, 4005, 4304, 7947, 8203, 27754, 30902, 31484, 35648

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

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 will be proposed to be used for IRR and STK will be the total quantity calculated by K.A.R. 5-5-9(a)(1). The return flow factor for Phillips County is 14.1%. This water right authorizes 60 AF for IRR.  
 $60 \text{ AF} \times 14.1\% = 8.46 \text{ AF}$      $60 \text{ AF} - 8.46 \text{ AF} = 51.54 \text{ AF}$  for dual use (IRR & STK).
- 
- (Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to \_\_\_\_\_ (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 ½ 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 ½ 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) ½ mile downstream and ½ 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.  
No change in source of supply. Place of use will be modified on all corresponding files to cover all the places water will be used for stockwater and irrigation.
- 
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.

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

6. The presently authorized point(s) of diversion is one well  
(Provide description and number of points)
7. The proposed point(s) of diversion is no change requested.  
(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)**  
 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 \_\_\_\_\_

9. **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 \_\_\_\_\_ 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 \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_  
 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 \_\_\_\_\_ 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 RESOURCES  
RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

NOV 20 2017

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 14<sup>th</sup> day of November, 202017.

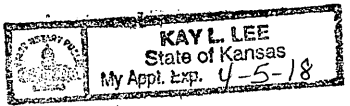
Nelson Farms, Inc  
(Owner)  
Nelson Farms, Inc  
(Please Print)

Terry Nelson  
(Spouse)  
Terry Nelson  
(Please Print)

(Owner)  
(Please Print)  
(Owner)  
(Please Print)

(Spouse)  
(Please Print)  
(Spouse)  
(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 14<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.**

**WATER RESOURCES  
RECEIVED**

**NOV 20 2017**

**KS DEPT OF AGRICULTURE**

**SCANNED**

1. The presently authorized place of use is:

Owner of Land — NAME: N. Terry Nelson

ADDRESS: PO Box 38 Long Island, KS 67647

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	
33	1S	20W									31	26	7	3					67
4	2S	20W					Lot 2 19	Lot 2 34	Lot 1 10	Lot 1 6									69

List any other water rights that cover this place of use. PL16, PL17.D2, 219, 1970, 3130, 3688, 4005, 4304, 7947, 8203, 27754, 30902, 31484, 35648

Owner of Land — NAME: Nelson Farms Inc.

ADDRESS: PO Box 38 Long Island, KS 67647

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	
4	2S	20W										3							3

List any other water rights that cover this place of use. PL16, PL17.D2, 219, 1970, 3130, 3688, 4005, 4304, 7947, 8203, 27754, 30902, 31484, 35648

(If there are more than two landowners, attach additional sheets as necessary.)

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

Owner of Land — NAME: N. Terry Nelson

ADDRESS: PO Box 38 Long Island, KS 67647

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	
33	1S	20W									31	13	1.5	3					48.5
4	2S	20W					Lot 2 19	Lot 2 34	Lot 1 10	Lot 1 6									69

List any other water rights that cover this place of use. PL16, PL17.D2, 219, 1970, 3130, 3688, 4005, 4304, 7947, 8203, 27754, 30902, 31484, 35648

Owner of Land — NAME: Nelson Farms Inc.

ADDRESS: PO Box 38 Long Island, KS 67647

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	
4	2S	20W										3							3

List any other water rights that cover this place of use. PL16, PL17.D2, 219, 1970, 3130, 3688, 4005, 4304, 7947, 8203, 27754, 30902, 31484, 35648

WATER RESOURCES

NOV 20 2017

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

Owner of Land — NAME: Nelson Farms Inc.

ADDRESS: PO Box 38 Long Island, KS 67647

Stockwatering use in the Southwest Quarter and the West Half of the Southeast Quarter, both in Section 33 and the West Half of the Southwest Quarter of Section 34, both in Township 1 South, Range 20 West, Phillips County, Kansas and

Stockwatering use in the Southwest Quarter of the Northwest Quarter and the West Half of the Southeast Quarter of the Northwest Quarter, both in Section 3, Township 2 South, Range 20 West, Phillips County, Kansas.

Stockwatering use in the East Half of the Northeast Quarter and the South Half of the Southeast Quarter of Section 4, both in Township 2 South, Range 20 West, Phillips County, Kansas.

List any other water rights that cover this place of use. 4005, 4304, 5069, 7947, 8203, 26865, 35648, 35649, 37191, 37269.01, 37269.02, and 37269.03

Owner of Land — NAME: N. Terry Nelson

ADDRESS: PO Box 38 Long Island, KS 67647

Stockwatering use in the West Half of the Northeast Quarter and the North Half of the Southeast Quarter of Section 4, Township 2 South, Range 20 West, Phillips County, Kansas.

List any other water rights that cover this place of use. 4005, 4304, 5069, 7947, 8203, 26865, 35648, 35649, 37191, 37269.01, 37269.02, and 37269.03

Owner of Land — NAME: Husky Hogs LLC

ADDRESS: Terry Nelson Box 8 Long Island, KS 67647

Stockwatering use (hog facility) near the center of Section 34, in Township 1 South, Range 20 West, Phillips County, Kansas.

List any other water rights that cover this place of use. 4005, 4304, 5069, 7947, 8203, 26865, 35648, 35649, 37191, 37269.01, 37269.02, and 37269.03

Owner of Land — NAME: Nelson Hog Farms LLC

ADDRESS: 1271 W Fox Rd Long Island, KS 67647

Stockwatering use (hog facility) in the Southwest Quarter of the Southwest Quarter of Section 33, in Township 1 South, Range 20 West, Phillips County, Kansas.

List any other water rights that cover this place of use. 4005, 4304, 5069, 7947, 8203, 26865, 35648, 35649, 37191, 37269.01, 37269.02, and 37269.03

WATER RESOURCES  
RECEIVED

NOV 20 2017

KS DEPT OF AGRICULTURE

SCANNED

## Krueger, Richelle [KDA]

---

**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)**

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

March 6, 2018

CLINT T & CORINNE J COX  
306 WHEELING AVE  
LONG ISLAND KS 67647

FILE COPY

RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;  
37,191; 37,269.01; 37,269.02 and 37,269.03

Dear Sir or Madam:

This is to advise you that N. Terry Nelson, on behalf of Nelson Farms, Inc. and Husky Hogs, L.L.C., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use for all of the above referenced file numbers and also the use made of water under Water Right, File Nos. 4,005; 4,304; 7,947; 8,203; 26,865; and 35,648. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications 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 or Change Application Unit Supervisor Brent Turney at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
Nelson Farms Inc., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson

SCANNED

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

March 6, 2018

BARNETT COX  
16742 PDRA RD  
NORTON KS 67654-5648


RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;  
37,191; 37,269.01; 37,269.02 and 37,269.03

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Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
Nelson Farms Inc., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson

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  
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PHONE: (785) 296-3556  
www.agriculture.ks.gov



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

March 6, 2018

BRADLEY B & ANN M COX  
1439 W GRANITE RD  
LONG ISLAND KS 67647

RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;  
37,191; 37,269.01; 37,269.02 and 37,269.03

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Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
Nelson Farms Inc., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson

STATE OF KANSAS

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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](http://www.agriculture.ks.gov)



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

March 6, 2018

CLINT T & CORINNE J COX  
1090 LEAVENWORTH ST  
LONG ISLAND KS 67647

RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;  
37,191; 37,269.01; 37,269.02 and 37,269.03

Dear Sir or Madam:

This is to advise you that N. Terry Nelson, on behalf of Nelson Farms, Inc. and Husky Hogs, L.L.C., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use for all of the above referenced file numbers and also the use made of water under Water Right, File Nos. 4,005; 4,304; 7,947; 8,203; 26,865; and 35,648. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications 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 or Change Application Unit Supervisor Brent Turney 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 that reads "Richelle A. Krueger".

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
Nelson Farms Inc., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson



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

# STATE OF KANSAS



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TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

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

March 6, 2018

RICHARD C & SANDRA A DOLE  
27886 STATE HIGHWAY 383  
ALMENA KS 67622-9677

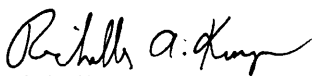
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Environmental Scientist  
Water Appropriation Program

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Nelson Farms Inc., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson

STATE OF KANSAS

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



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TOPEKA, KS 66612  
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GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 6, 2018

COXS VALLEY VIEW FARMS  
STEVEN L COX  
STEVEN COX ASSOCIATES LLC  
1476 HWY 383  
LONG ISLAND KS 67647

RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;  
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Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
Nelson Farms Inc., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson

# STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
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GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 6, 2018

B-K COX FARMS INC  
BARNET COX PRESIDENT  
BRADLEY B AND ANN M COX  
1439 W GRANITE RD  
LONG ISLAND KS 67647-9632

RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;  
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Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
Nelson Farms Inc., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson

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 11/21/17  
PO BOX 38  
LONG ISLAND, KS 67647

RE: File No 26865

**FILE COPY**

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/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.**

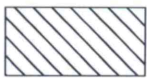
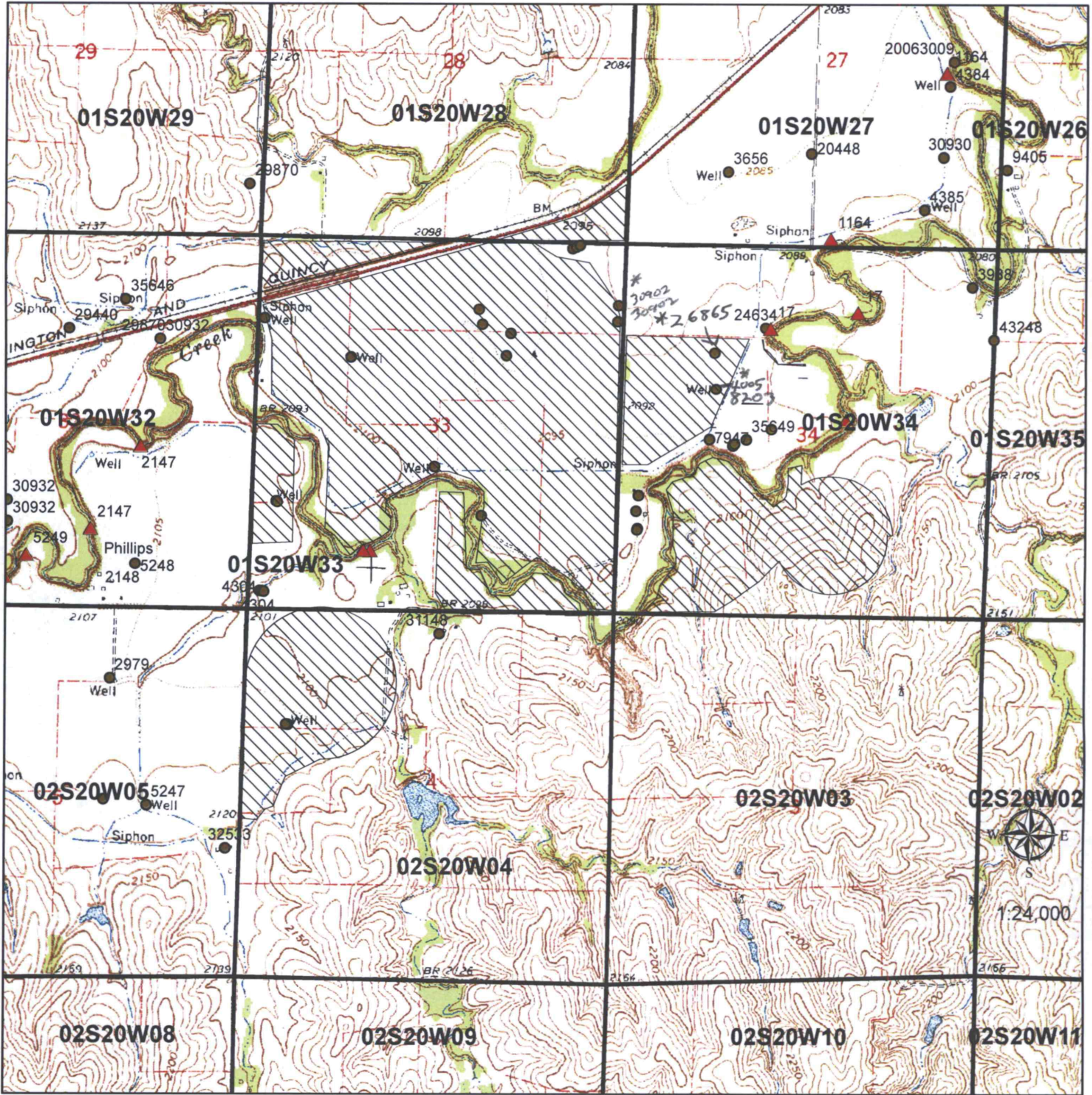
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: DLW  
pc: STOCKTON Field Office GMD

# Application to Change the Place of Use and Use Made of Water For Water Right File 26,865



Current Authorized Irrigation Place of Use

▲ Surface Water Point of Diversion

WATER RESOURCES  
RECEIVED

● Groundwater Point of Diversion

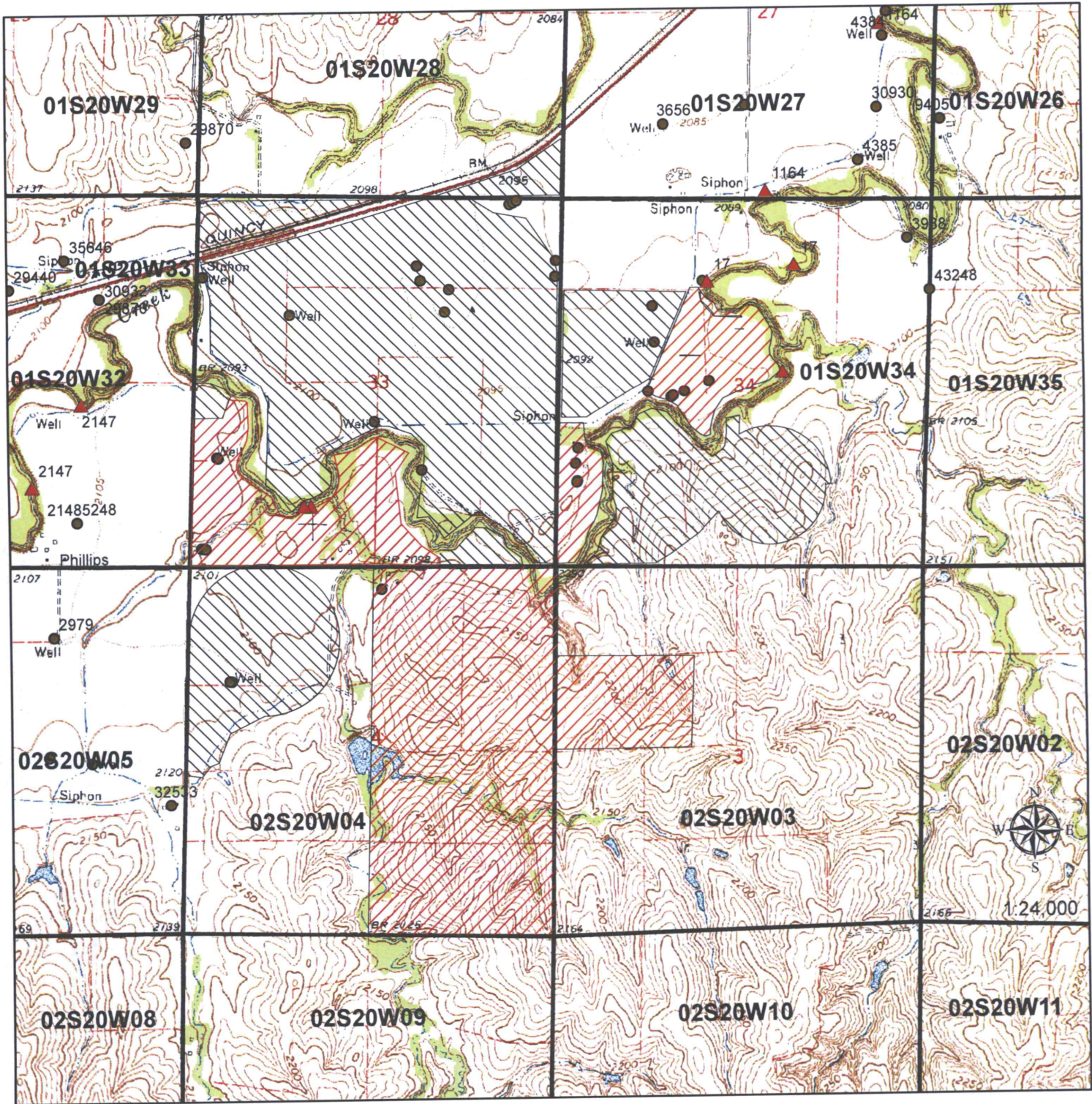
*\* per WRI & Ar. No. Wms  
\* map per 3/28/18*

NOV 20 2017

KS DEPT OF AGRICULTURE

SCANNED

# Application to Change the Place of Use and Use Made of Water For Water Right File 26,865



Proposed Irrigation Place of Use

▲ Surface Water Point of Diversion



Proposed Stockwater Place of Use

● Groundwater Point of Diversion

WATER RESOURCES  
RECEIVED

NOV 20 2017

KS DEPT OF AGRICULTURE

SCANNED