

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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  
OCT 18 2018  
1:04  
KS Dept Of Agriculture

File No. 37,269.01

2. Name of applicant: Nelson Farms Inc

Address: Cattle Feedlots Box 38

City, State and Zip: Long Island, KS 67647

Phone Number: (785)854-7611 E-mail address: terry@valleyfeeds.com

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: Cattle Feedlots Box 38

City, State and Zip: Long Island, KS 67647

Phone Number: (785)854-7611 E-mail address: terry@valleyfeeds.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): To change the point of diversion and the place of use to cover all the land where water can be used for to allow for more efficient use of the water for STK purposes

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

(Date)

For Office Use Only:			
F.O. <u>3</u>	GMD <u>1</u>	Meets K.A.R. 5-5-1 <u>(YES)</u> / NO) Use <u>STK</u>	Source <u>G</u> S County <u>PL</u> By <u>KAB</u> Date <u>10-18-18</u>
Code <u>C-2</u>	Fee \$ <u>400</u>	TR # _____	Receipt Date <u>10-18-18</u> Check # <u>20811</u>

10/23/2018 UM

## 4. The presently authorized place of use is:

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, 37269.02, and 37269.03

Owner of Land — NAME: N. Terry NelsonADDRESS: 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, 37269.02, and 37269.03

Owner of Land — NAME: Husky Hogs LLCADDRESS: 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, 37269.02, and 37269.03

Owner of Land — NAME: Nelson Hog Farms LLCADDRESS: 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, 37269.02, and 37269.03

## 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

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 all of Section 3, excluding the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, 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 and the Southwest Quarter of Section 4, all in Township 2 South, Range 20 West, Phillips County, Kansas.

Stockwatering use in the West Half of the Northwest Quarter and the Southwest Quarter of Section 10, Township 2 South, Range 20 West, Phillips County, Kansas.

Stockwatering use in the Northeast Quarter of Section 9, Township 2 South, Range 20 West, Phillips County, Kansas.

Stockwatering use in the Northwest Quarter of Section 15, Township 2 South, Range 20 West, Phillips County, Kansas.

List any other water rights that cover this place of use. 4005, 4304, 5069, 7947-D2, 8203, 26865, 31148.08, 35648, 35649, 37191, 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-D2, 8203, 26865, 31148.08, 35648, 35649, 37191, 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-D2, 8203, 26865, 31148.08, 35648, 35649, 37191, 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-D2, 8203, 26865, 31148.08, 35648, 35649, 37191, 37269.02, and 37269.03

Owner of Land — NAME: NTN L.P.

ADDRESS: P.O. Box 560 Norton, KS 67647

Stockwatering use in the South Half of the Southeast Quarter of the Northwest Quarter and the Southeast Quarter of the Southwest Quarter of the Northwest 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-D2, 8203, 26865, 31148.08, 35648, 35649, 37191, 37269.02, and 37269.03

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

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6. The presently authorized point(s) of diversion is 1 Primary well and 1 standby well  
(Provide description and number of points)
7. The proposed point(s) of diversion is 1 Primary well and 1 standby well  
(Provide description and number of points)

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

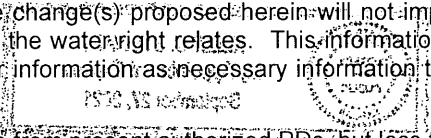
8. **Presently authorized point of diversion:**  
 One in the SW Quarter of the NW Quarter of the SW Quarter of Section 33, Township 1 South, Range 20 W, in Phillips County, Kansas, 1518 feet North 4854 feet West of Southeast corner of section. Authorized Rate 50 gpm Authorized Quantity 4.61 mg\*  
**(DWR use only: Computer ID No. 40 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 NW Quarter of the SW Quarter of the NW Quarter of Section 4, Township 2 South, Range 20 W, in Phillips County, Kansas, 3621 feet North 4642 feet West of Southeast corner of section. Proposed Rate 50 gpm Proposed Quantity 4.61 mg\*  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 5069; 31148.08; 37269.02 Primary

9. **Presently authorized point of diversion:**  
 One in the SW Quarter of the NW Quarter of the SW Quarter of Section 33, Township 1 South, Range 20 W, in Phillips County, Kansas, 1519 feet North 4845 feet West of Southeast corner of section. Authorized Rate \*\* Authorized Quantity \*\*Stored by entire right  
**(DWR use only: Computer ID No. 6 GPS 1508 feet North 4840 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 NW Quarter of the SW Quarter of the NW Quarter of Section 4, Township 2 South, Range 20 W, in Phillips County, Kansas, 3606 feet North 4642 feet West of Southeast corner of section. Proposed Rate \*\* Proposed Quantity \*\*Stored by entire right  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 5069; 37269.01 & 37269.02 Standby

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. still in use under File 4,304.

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

12. The presently authorized use of water is for N/A purposes.  
It is proposed that the use be changed to \_\_\_\_\_ purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
Proposes a complete overlap in PU on all STK and dual use (IRR/STK) permits so consumptive use will not increase.  
\_\_\_\_\_  
\_\_\_\_\_  
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to n/a (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to n/a 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.
- 
- Proposed PD is more than 1/2 mile from present authorized PDs, but less than 1/2 mile from originally authorized PD  
(the geo center of a battery of two wells located in the NE SW NW of 33-1S-20W, 922' N, 4105' W.)  
\_\_\_\_\_  
\_\_\_\_\_
- No change in source of supply, no impairment will occur.  
\_\_\_\_\_
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**

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**OCT 18 2018**

**KS Dept Of Agriculture**

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 Stockton, Kansas, this 15 day of Oct, 2018.

<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>Terry Nelson</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }  
County of ROCKY } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15 day of OCT., 2018.

[Signature]  
Notary Public

My Commission Expires 9-27-21

**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.

*[Faint, illegible text]*

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  
PO BOX 38  
LONG ISLAND, KS 67647

October 24, 2018

RE: File No 37269 1

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
- 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.

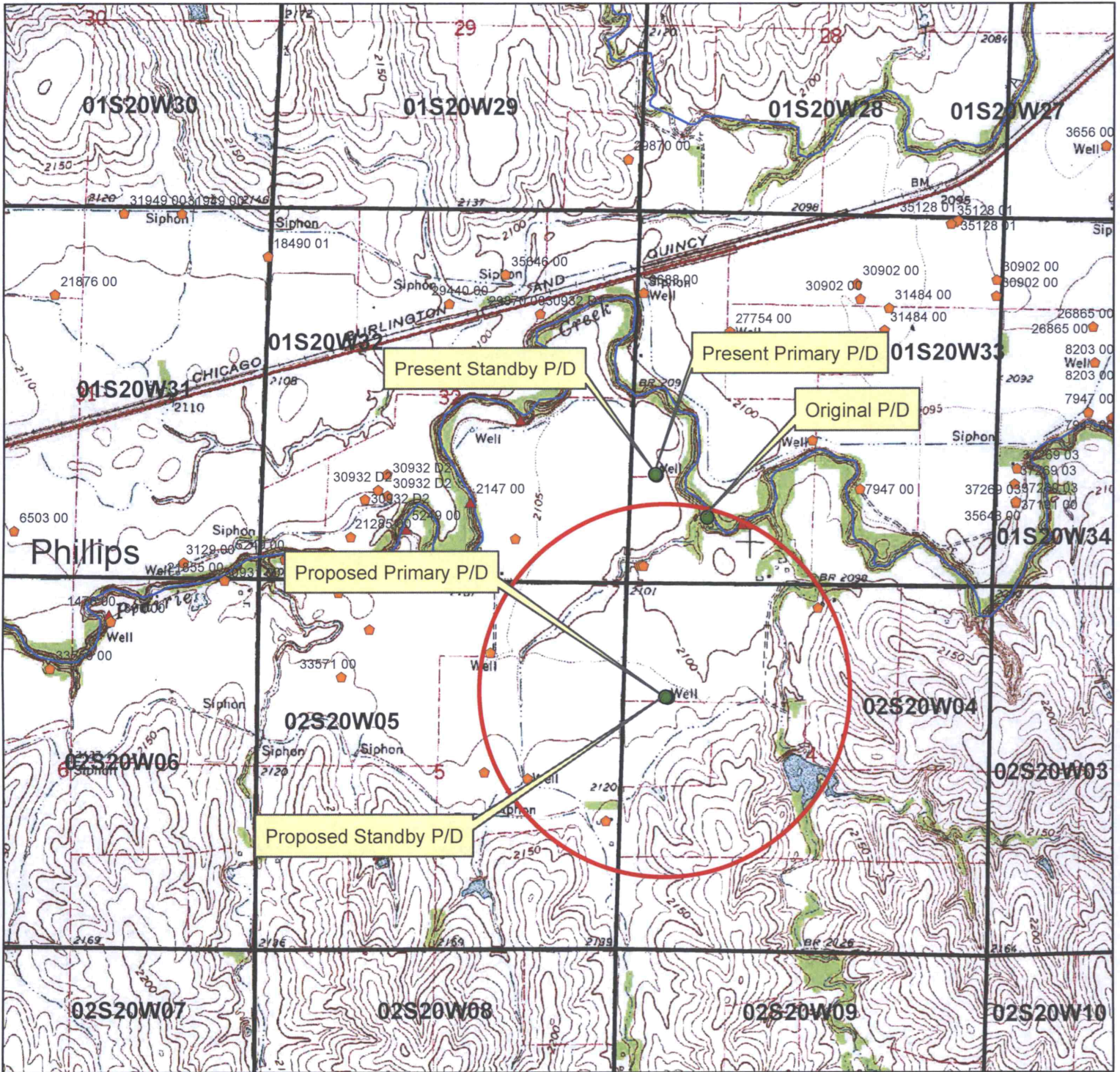
Sincerely,

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

BAT: DLW  
pc: STOCKTON Field Office GMD



Application for Change in Place of Use and Point of Diversion  
 Water Right, File No. 37269.01  
 Point of Diversion



- ◆ Groundwater Point of Diversion
- ▲ Surface Water Point of Diversion

○ 1/2 mile radius  
 Water Resources Received

**OCT 18 2018**  
 KS Dept Of Agriculture

Date: 10/10/2018

1:24,000

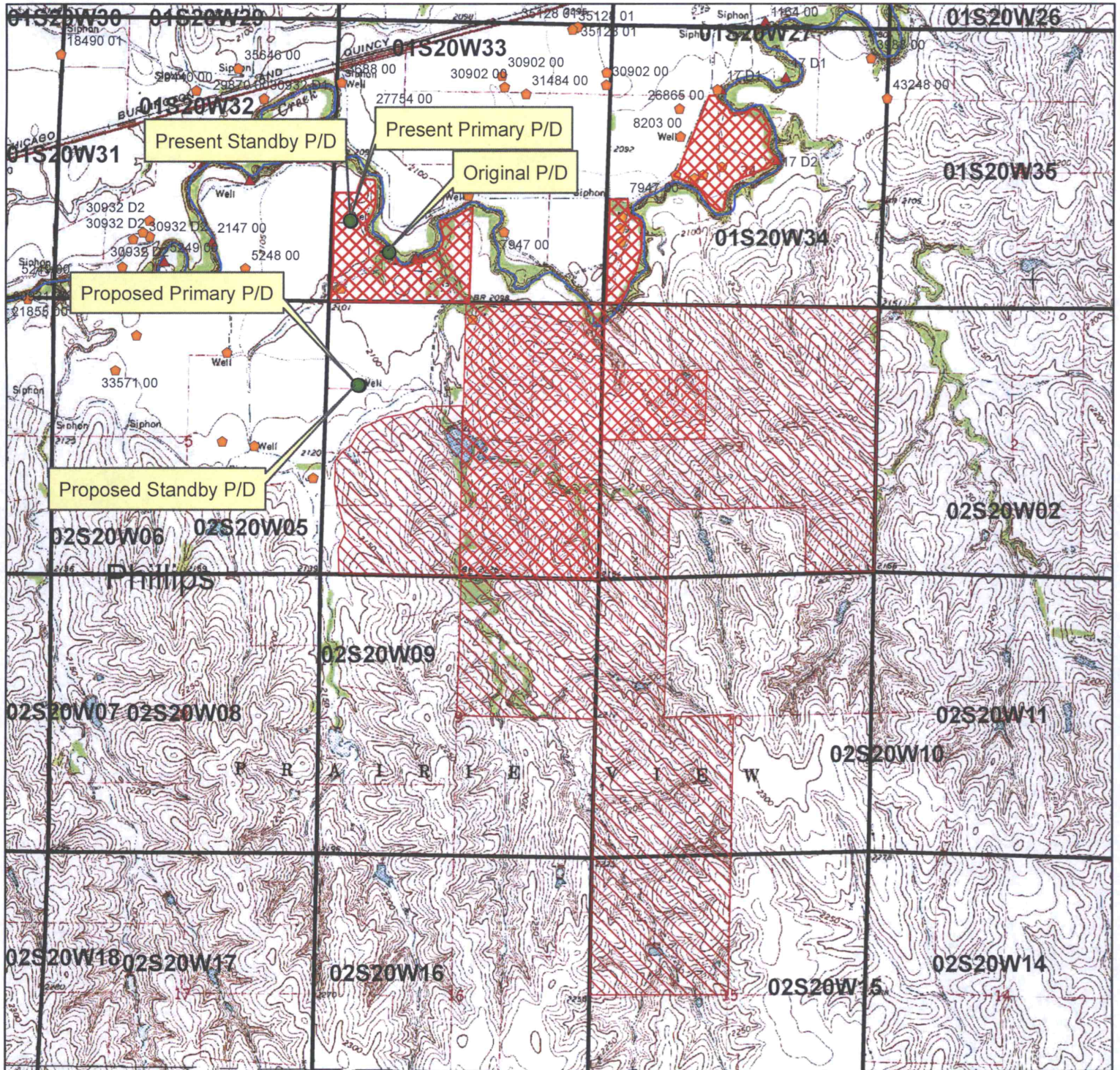


Signature indicates the locations all wells, including domestic wells, and the names and addresses of the landowner(s) within 1/2 mile of proposed location are shown.

*[Handwritten Signature]* 10-15-18  
 Signature Date



# Application for Change in Place of Use and Point of Diversion Water Right, File No. 37269.01 Place of Use



- ◆ Groundwater Point of Diversion
- ▲ Surface Water Point of Diversion
- Current Place of Use
- Proposed Place of Use

Water Resources  
Received

1:32,000

OCT 18 2018



KS Dept Of Agriculture

H. Perry [Signature]

10-15-18

Signature Date