

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

1. File Number: 4304	2. Status Change Date: 4/30/2018	3. Change Num: C6 and C7	4. Field Office: 03	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: 20-NOV-2017 C6 CHANGE APP PU UMW FILED/ 01-MAR-2018 C7 CHANGE APP PD FILED
8a. Applicant(s) New to system <input type="checkbox"/> NELSON FARMS INC BOX 38 LONG ISLAND KS 67647		Person ID <u>12683</u> Add Seq# <u>1</u>	8d. Landowner(s) New to system <input checked="" type="checkbox"/> NTN LLP 1304 W FOX RD LONG ISLAND KS 67647	
8b. Landowner(s) New to system <input type="checkbox"/> NELSON FARMS INC BOX 38 LONG ISLAND KS 67647		Person ID <u>12683</u> Add Seq# <u>1</u>	8e. Landowner(s) New to system <input type="checkbox"/> HUSKY HOGS LLC TERRY NELSON BOX 8 LONG ISLAND KS 67647	
8c. Landowner(s) New to system <input type="checkbox"/> TERRY NELSON BOX 38 LONG ISLAND KS 67647		Person ID <u>28567</u> Add Seq# <u>1</u>	8f. Landowner(s) New to system <input type="checkbox"/> NELSON HOG FARMS LLC 1271 W FOX RD LONG ISLAND KS 67647	
8g. WUC New to system <input type="checkbox"/> NO CHANGES		Person ID <u>62512</u> Add Seq# <u>1</u>	8h. WUC New to system <input type="checkbox"/> NO CHANGES	
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/STK</u> To: <u>IRR/STK DUAL USE AND STK</u>				
Date Prepared: 4/26/18 By: RAK Date Entered: 5/2/2018 By: UM				

File No. **4304** 11. County: PL Stream: Formation Code: 113 Special Use: 005

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
	IRR/STK MOD	17026	SWNWSW	✓	33	1	20W	6	1519	4845	IRR/STK DUAL USE	290 g.p.m.	93AF(30.30mgy)	290 g.p.m.	0	37269.01	
	IRR/STK MOD	22925	CWNWSE	✓	33	1	20W	5	2040	2605	IRR/STK DUAL USE	600 g.p.m.	30AF (9.78mgy)	600 g.p.m.	0	NO	
	APPROX 10' N ORIG WELL																
	STK	✓	17026	SWNWSW	✓	33	1	20W	6	1519	4845	STANDBY STOCKWATERING WELL	0	0	0	0	37269.01
	STK	✓	83510	SWNWSW	✓	33	1	20W	40	1518	4854	PRIMARY STK WELL (ADDITIONAL WELL)	50 g.p.m.	6.52 m.g.y.	50 g.p.m.	6.52 m.g.y.	37269.01
	STK	✓	75790	SWSWSW	✓	33	1	20W	37	226	5040	GEO CTR	10 g.p.m.	1.63 m.g.y.	10 g.p.m.	1.63 mgy	NO
	STK	✓	67398	SWSWSW		33	1	20W	35	229	5070	BATT 1 OF 2 WELLS	0	0	0	0	NO
	STK	✓	75789	SWSWSW		33	1	20W	36	222	5009	BATT 1 OF 2 WELLS	0	0	0	0	NO

13. Storage: Rate Battery ID # 1087 NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. ADD Limitation: **130.70 AF -SEE IMAGE FOR DETAILS** gpm (_____)
 KEEP Limitation: **ADDITIONAL WELL** (_____ cfs) when combined with file number(s) _____
 MOD Limitation: **FROM: 123AF/YR COM/W #PL 016 & 3130 - IRR USE TO: 105.7AF/YR COM/W #PL 016 & 3130 - IRR USE**

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	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
	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	31.0	40.00						40.00	30.00	13.00	33.00	397.00	8b	NO	SEE ABOVE
	IRR MOD		50451	33	1	20W	10						31.0	13.00	1.50	3.00								48.50	8c	NO	SEE ABOVE	
	IRR	✓	10065	34	1	20W	3						39.0	7.00	19.0	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 91.92 AF (29.95 m.g.y.) FROM WELL ID 13
IRR/STK DUAL USE WELL as long as additional stockwater is desired

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 MOD 29623 33 1 20W 8	(SW¼) and (W½SE¼)																8B & 8C & 8F	YES	SEE BELOW		
STK √ 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 MOD 65793 3 2 20W 3	(S½NW¼)																8B	NO	SEE BELOW		
STK MOD 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** Total quantity limited to 130.70 AF all uses as long as additional stockwater is desired, Quantity limited to 105.7 AF (34.44 m.g.y.) from IRR/STK DUAL USE WELLS

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: 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

Nelson Farms, Inc., etal filed applications for approval to change the authorized place of use for all of the above referenced file numbers with the exception of File Nos. PL 016; PL 017-D2; 219; 1,970; 3,130; 27,754; 30,902; and 31,484 which are strictly reduction in place of use requests/and or modifications to file limitations. Dual use made of water applications were also filed for Water Right, File Nos. 4,005; 4,304; 7,947; 8,203; 26,865 and 35,648-a change in point of diversion has also been filed for File No. 4,304. The referenced file numbers are in the RRC Prairie Dog Creek Special Use Area.

The referenced file numbers do not appear to be abandoned as per K.S.A. 82a-718.

The referenced applications were discussed in a March 8, 2018 meeting with Lane Letourneau, Water Appropriations Program Manager, and Kelly Stewart, Water Commissioner of the Stockton Field Office, and further reviewed in a water commissioners meeting on April 19, 2018. IT was determined the applications and reductions should be processed as follows:

Change in PU UMW File Nos. 4,005; 4,304; 7,947; 8,203; 26,865 and 35,648/Change in Pd File No. 4,304

The above applications request a dual use of water that will allow for both stockwatering use and irrigation use in any calendar year, and request temporary reductions/limitations in quantity based on K.A.R. 5-5-9 calculations. No changes to any Almena limitations.

File No. 4,005 – File No. 4,005 is presently authorized 51.35 acre-feet of groundwater for irrigation use on 765 acres from one well. The well is overlapped by File No. 8,203. Paragraph No. 13 of the application indicates that 44.11 acre-feet of water can be authorized for irrigation/stockwatering use.

File No. 4,304-File No. 4,304 is presently authorized groundwater from two individual irrigation wells(one is also standby stockwatering), one primary stockwatering well, and one battery of two stockwatering wells all located in Section 33 as outlined below. The applicant proposes to convert the total currently authorized irrigation quantity (123 acre-feet) to dual use irrigation/stockwatering. Paragraph No. 13 calculation indicates 105.7 acre-feet will be authorized dual use, the point of diversion change for File No. 4,304 will transfer 73 acre-feet from WRIS Well ID 5 (2,040'N, 2,605'W) to WRIS Well ID 6(1,519'N, 4,845'W). WRIS Well ID 5 will be authorized 30 acre-feet and WRIS Well ID 6 will be authorized 93 acre-feet all limited to 105.7 acre-feet for dual irrigation/stockwatering use. No rate changes are proposed to either of the wells. WRIS Well ID 6(1519'N,4845'W) will not only be authorized dual use irrigation/stockwatering under File No. 4,304 but remain standby stockwatering for File No. 4,304 and 37,269.01 (for primary WRIS well ID 40). No changes are proposed for the existing stockwatering battery of wells.

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
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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.

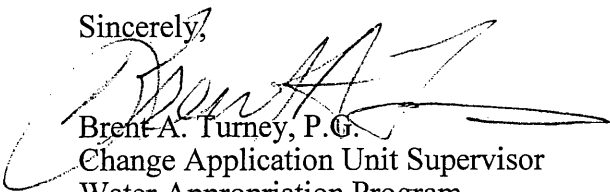
Also enclosed are Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which set forth the authorized place of use under File Nos. PL 016; PL 017-D2; 219; 1,970; 3,130; 27,754; 30,902 and 31,484.

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 APPLICATIONS
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. 4,304**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written applications 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, and on March 1, 2018 for approval of a change in the point of diversion 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 April 1, 1986, approving the application to change the point of diversion and place of use, the Order of the Chief Engineer dated May 16, 1996, approving the application to change the place of use, the Correctional Order of the Chief Engineer dated September 3, 1996, correcting an error in the description of the authorized place of use, the Findings and Order of the Chief Engineer dated May 9, 2000 reducing the place of use, the Orders of the Chief Engineer dated May 7, 2002 and July 21, 2008, approving the applications to change the place of use, point of diversion and use made of water, the Order of the Chief Engineer dated February 27, 2012, approving the application to change the point of diversion, the Order of the Chief Engineer dated April 7, 2014, approving the application to change the place of use, the Order of the Chief Engineer dated August 6, 2014, approving the application to change the point of diversion, 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 applications should be and are hereby approved.

The authorized quantity under this water right will remain 148 acre-feet (48.23 million gallons). This order effectively limits the total authorized quantity of water to 130.70 acre-feet (42.59 million gallons) per calendar year. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use from the wells identified as dual use points of diversion 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 to be authorized for both irrigation and stockwatering uses shall be authorized from the following dual use points of diversion:

one(1) well located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, more particularly described as being near a point located 1,519 feet North and 4,845 feet West of the Southeast corner of said section, in a quantity not to exceed 93 acre-feet (30.30 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 290 gallons per minute (0.64 c.f.s.), and

one(1) well located near the center of the West side of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, more particularly described as being near a point located 2,040 feet North and 2,605 feet West of the Southeast corner of said section, in a quantity not to exceed 30 acre-feet (9.78 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 600 gallons per minute (1.34 c.f.s.),

both in Township 1 South, Range 20 West, Phillips County, Kansas,

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

That the above described dual use points of diversion are further limited to a total of 105.7 acre-feet (34.44 million gallons) of groundwater per calendar year for the dual stockwatering and irrigation uses combined.

This order modifies the additional limitation on the authorized quantity as set forth in the Approval of Application for Change in Place of Use, Point of Diversion and Use Made of Water, Water Right, File No. 4,304 approved by the Chief Engineer on July 21, 2008 as follows:

The quantity of water authorized under this water right for irrigation use is further limited to a quantity which combined with Vested Right, File No. PL 016 and Water Right, File No. 3,130 will provide a total not to exceed 105.7 acre-feet of water per calendar year for irrigation use on the land described herein. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use from the wells identified as dual use points of diversion authorized by Water Right, File No. 4,304 are no longer required, at which time the limitation shall revert to a quantity of water which when combined with Vested Right, File No. PL 016 and Water Right, File No. 3,130 will provide a total quantity not to exceed 123 acre-feet of water per calendar year for irrigation use on the land described herein.

The points of diversion to remain authorized solely for stockwatering use shall be:

one(1) well located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 1,518 feet North and 4,854 feet West of the Southeast corner of said section, in a quantity not to exceed 6.52 million gallons (20 acre-feet) of groundwater per calendar year at a rate not in excess of 50 gallons per minute (0.11 c.f.s.), to be used as a primary stockwatering well (additional well),

one(1) well located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, more particularly described as being near a point located 1,519 feet North and 4,845 feet West of the Southeast corner of said section, to be used as a standby stockwatering well for the above described primary stockwatering well, and

a battery of two (2) wells with a geographic center in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 226 feet North and 5,040 feet West of the Southeast corner of said section, in a quantity not to exceed 1.63 million gallons (5 acre-feet) of groundwater per calendar year at a rate of diversion not in excess of 10 gallons per minute (0.02 c.f.s.)

all in Township 1 South, Range 20 West, Phillips County, Kansas,

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

The authorized location of the irrigation place of use shall be:

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 the authorized location of the stockwatering 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 applications to change the place of use, point of diversion and use made of water.

The well described herein as the standby well shall be used exclusively at such time the well herein described as the primary stockwatering well is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

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 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. 4,304, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 27, 1961, 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.

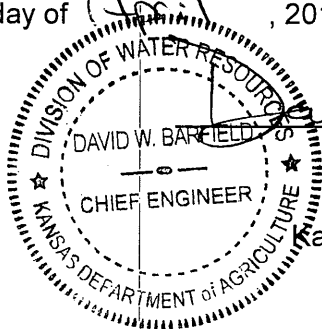
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal 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 30th 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 30th 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 Point of Diversion and Use Made of Water, File No. 4,304, 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

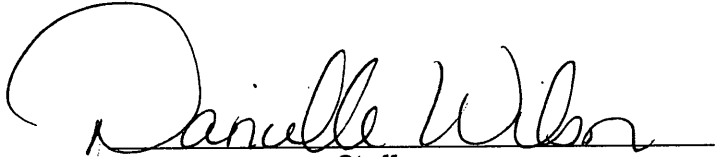
NTN LLP
1304 W FOX RD
LONG ISLAND KS 67647

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

**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
MAR 1 2018
11:55
KS DEPT OF AGRICULTURE

File No. 4,304

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 assign specific quantites to the irrigation wells that are being changed for dual use purposes (STK & IRR).

The change(s) (was) (will be) completed by already complete.

(Date)

For Office Use Only:

F.O. 3 GMD 0 Meets K.A.R. 5-5-1 (YES) / NO Use IRR/STK Source G/S County PL By ADW Date 3/1/18
Code C.G.T Fee \$ 200 TR # _____ Receipt Date 3/1/18 Check # 24028

APPLICATION COMPLETE

4/23/18
Reviewer RALL

DWR 1-120 (Revised 06/29/2009)

Assisted by: DLM

SCANNED 3/12/2018 ULM

4. The presently authorized place of use is:

Owner of Land — NAME: No change requested.

ADDRESS: _____

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	

WATER RESOURCES RECEIVED
MAR 1 2018

List any other water rights that cover this place of use. _____ KS DEPT OF AGRICULTURE

Owner of Land — NAME: _____

ADDRESS: _____

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	

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

(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: _____

ADDRESS: _____

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	

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

Owner of Land — NAME: _____

ADDRESS: _____

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	

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

6. The presently authorized point(s) of diversion (is) (are) 2 wells (IRR) and Batt. of 2 wells, 1 primary and 1 standy well (STK).
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) 2 wells (STK & IRR) and Batt. of 2 wells 1 primary and 1 standby well (STK).
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: IRR**

One in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 33, Township 1 South, Range 20 W, in Phillips County, Kansas, 1,519 feet North 4,845 feet West of Southeast corner of section. Authorized Rate 290 gpm Authorized Quantity 20 AF
 (DWR use only: Computer ID No. 6 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 Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 33, Township 1 South, Range 20 W, in Phillips County, Kansas, 1,519 feet North 4,845 feet West of Southeast corner of section. Proposed Rate 290 gpm Proposed Quantity 93 AF
 This point is: Additional Well Geo Center List other water rights that will use this point 37,269.01

9. **Presently authorized point of diversion: IRR**

One in the CW Quarter of the Northwest Quarter of the Southeast Quarter of Section 33, Township 1 South, Range 20 W, in Phillips County, Kansas, 2,040 feet North 2,605 feet West of Southeast corner of section. Authorized Rate 600 gpm Authorized Quantity 103 AF
 (DWR use only: Computer ID No. 5 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 CW Quarter of the Northwest Quarter of the Southeast Quarter of Section 33, Township 1 South, Range 20 W, in Phillips County, Kansas, 2,040 feet North 2,605 feet West of Southeast corner of section. Proposed Rate 600 gpm Proposed Quantity 30 AF
 This point is: Additional Well Geo Center List other water rights that will use this point None.

10. **Presently authorized point of diversion: Geo-Center Battery of 2 wells for STK only**

One in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 33, Township 1 South, Range 20 W, in Phillips County, Kansas, 226 feet North 5,040 feet West of Southeast corner of section. Authorized Rate 10 gpm Authorized Quantity 1.63 mgy
 (DWR use only: Computer ID No. 37 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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES
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SCANNED MAR 1 2018

- 1. The presently authorized point(s) of diversion are 2 wells (IRR) and Batt. of 2 wells, 1 primary and 1 standy well (STK).
(Provide description and number of points)
- 2. The proposed point(s) of diversion are 2 wells (STK & IRR) and Batt. of 2 wells 1 primary and 1 standby well (STK).
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: Primary STK**

One in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 33, Township 1 South, Range 20 W, in Phillips County, Kansas, 1,518 feet North 4,854 feet West of Southeast corner of section.
 Authorized Rate 50 gpm Authorized Quantity 6.52 mgd
 (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 _____ 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: Standby STK**

One in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 33, Township 1 South, Range 20 W, in Phillips County, Kansas, 1,519 feet North 4,845 feet West of Southeast corner of section.
 Authorized Rate 0 Authorized Quantity 0
 (DWR use only: Computer ID No. 6 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 _____ 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 _____

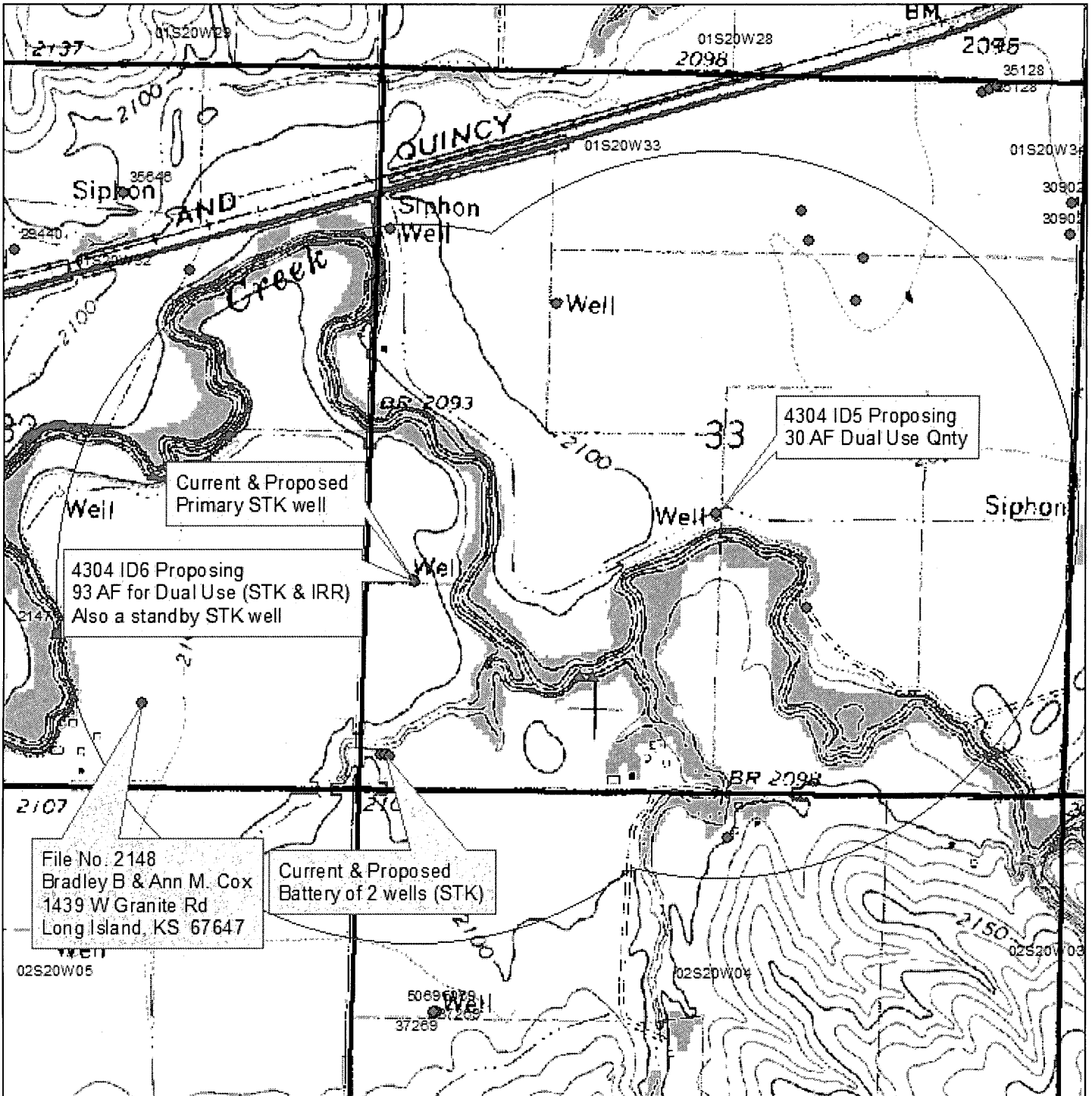
- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

WATER RESOURCES RECEIVED

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SCANNED DEPT OF AGRICULTURE

Application to Change the Point of Diversion
For Water Right File # 4304



○ 1/2 mile radius

▲ Surface Water Point of Diversion
● Groundwater Point of Diversion

1:12,500

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.

WATER RESOURCES RECEIVED

MAR 1 2018

KS DEPT OF AGRICULTURE

SCANNED

12. The presently authorized use of water is for IRR (2 wells) & STK (Batt. 2 wells, 1 primary & 1 standby) purposes. It is proposed that the use be changed to no change requested purposes.

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

(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). 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.

A change for dual use of water (STK & IRR) has been filed and is proposing to authorize the two irrigation wells under this permit to pump for IRR & STK. The total amount of water after the umw change will be limited to 105.7 AF. This change is proposing to assign that quantity between the two IRR wells, as they had been previously assigned rate and quantity through an additional well change.

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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY
WATER RESOURCES RECEIVED

MAR 1 2018

KS DEPT OF AGRICULTURE
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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.

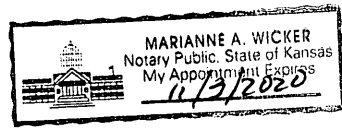
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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 26th day of February, 2018.

<u>N. Terry Nelson</u> (Owner)	
<u>N Terry Nelson</u> (Please Print)	
(Owner)	(Spouse)
(Please Print)	(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 26th day of Feb, 2018.

Marianne Wicker
Notary Public

My Commission Expires 11/3/2020

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
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MAR 1 2018

KS DEPT OF AGRICULTURE

SCANNED

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
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
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NOV 20 2017

10:46

KS DEPT OF AGRICULTURE

File No. 4,304

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 (IRR & STK) from the 2 wells currently authorized for only irrigation. The STK portion of this right will have its authorized place of use changed as well.

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

(Date)

For Office Use Only:

F.O. 3 GMD C-2 Meets K.A.R. 5-5-1 (YES/NO) Use IRR/STK source @ S County PL By ADW Date 11/20/17
Code _____ Fee \$ 500 TR # _____ Receipt Date 11/20/17 Check # 23854

APPLICATION COMPLETE

4/23/18
Revised by JAL

DWR 1-120 (Revised 06/29/2009)

Assisted by: _____

SCANNED

11/20/2017 ADW

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	27			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, 7947, 8203, 26865, 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, 7947, 8203, 26865, 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, 7947, 8203, 26865, 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, 7947, 8203, 26865, 27754, 30902, 31484, 35648

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

1. 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 of 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 of Section 3, Township 2 South, Range 20 West, Phillips County, Kansas.

List any other water rights that cover this place of use. 5069, 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 Northeast Quarter of Section 4, Township 2 South, Range 20 West, Phillips County, Kansas.

List any other water rights that cover this place of use. 5069, 37191, 37269.01, 37269.02, and 37269.03

(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: 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
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NOV 20 2017

SCANNED
KS DEPT OF AGRICULTURE

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, 7947, 8203, 26865, 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, 7947, 8203, 26865, 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, 7947, 8203, 26865, 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, 7947, 8203, 26865, 27754, 30902, 31484, 35648

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12. The presently authorized use of water is for IRR (2 wells) & STK (Batt. 2 wells) purposes.
 It is proposed that the use be changed to IRR & STK (2 wells) & STK (Batt. 2 wells) 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%. The IRR portion of this water right authorizes a total
of 123 AF from two wells (103 + 20). $123 \times 14.1\% = 105.7$ AF for dual use (IRR & STK). The owner would like the flexibility
to pump this 105.7 AF in any way desired from one or both of these wells. The two wells were originally approved with a
blanket rate and quantity.
 (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). 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.
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 reqs met.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

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6. The presently authorized point(s) of diversion (is) (are) 2 wells (IRR) and Batt. of 2 wells and standby well (STK only)
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) 2 wells (STK & IRR) and Batt. of 2 wells and standby well (STK only)
(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 _____ 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 _____

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

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 14th day of November, 2017.

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

N. Terry Nelson
(Spouse)
N. 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 14th day of November, 2017.

Kay L. Lee
Notary Public

My Commission Expires 4-5-18

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

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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;
18328tempducepdpuumwirrstkaddwellbattmemrev.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
www.agriculture.ks.gov

Krueger, Richelle [KDA]

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

<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

FILE COPY

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

RE: Water Right, File No. 4,304

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 point of diversion for Water Right, File No. 4,304. 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

You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

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

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

CLINT T & CORINNE J COX
306 WHEELING AVE
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

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

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
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

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

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,


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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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

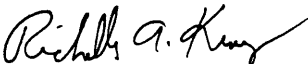
RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;
37,191; 37,269.01; 37,269.02 and 37,269.03

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

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,


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
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
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;
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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 6, 2018

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

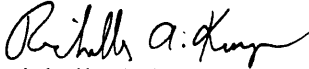
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

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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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

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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;
37,191; 37,269.01; 37,269.02 and 37,269.03

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

NELSON FARMS INC
PO BOX 38
LONG ISLAND, KS 67647

March 9, 2018

RE: File No 4304

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 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

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

RE: File No 4304

FILE COPY

Dear Sir or Madam:

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

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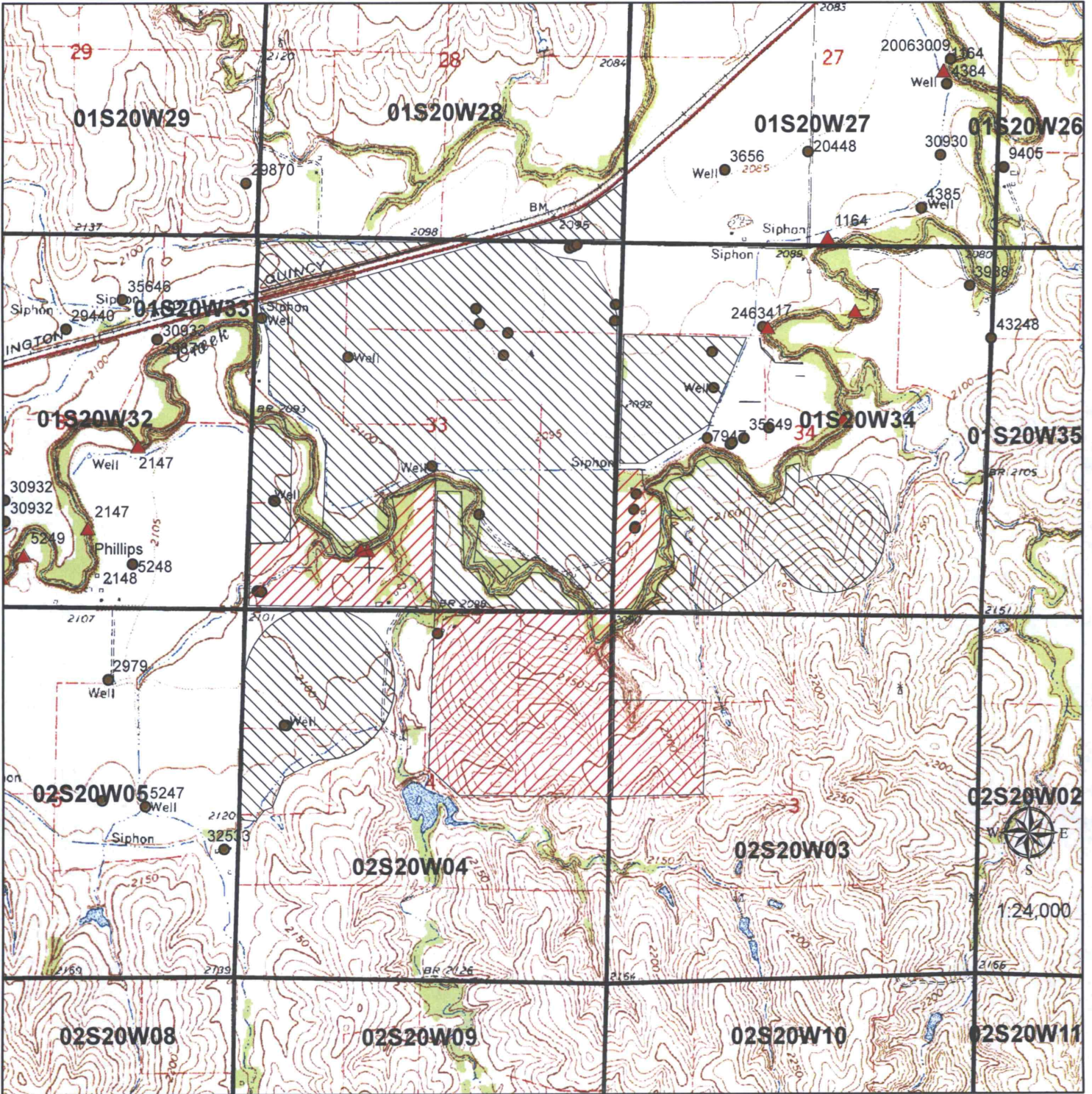
Sincerely,

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 Place of Use and Use Made of Water For Water Right File 4,304



Current Authorized Irrigation Place of Use



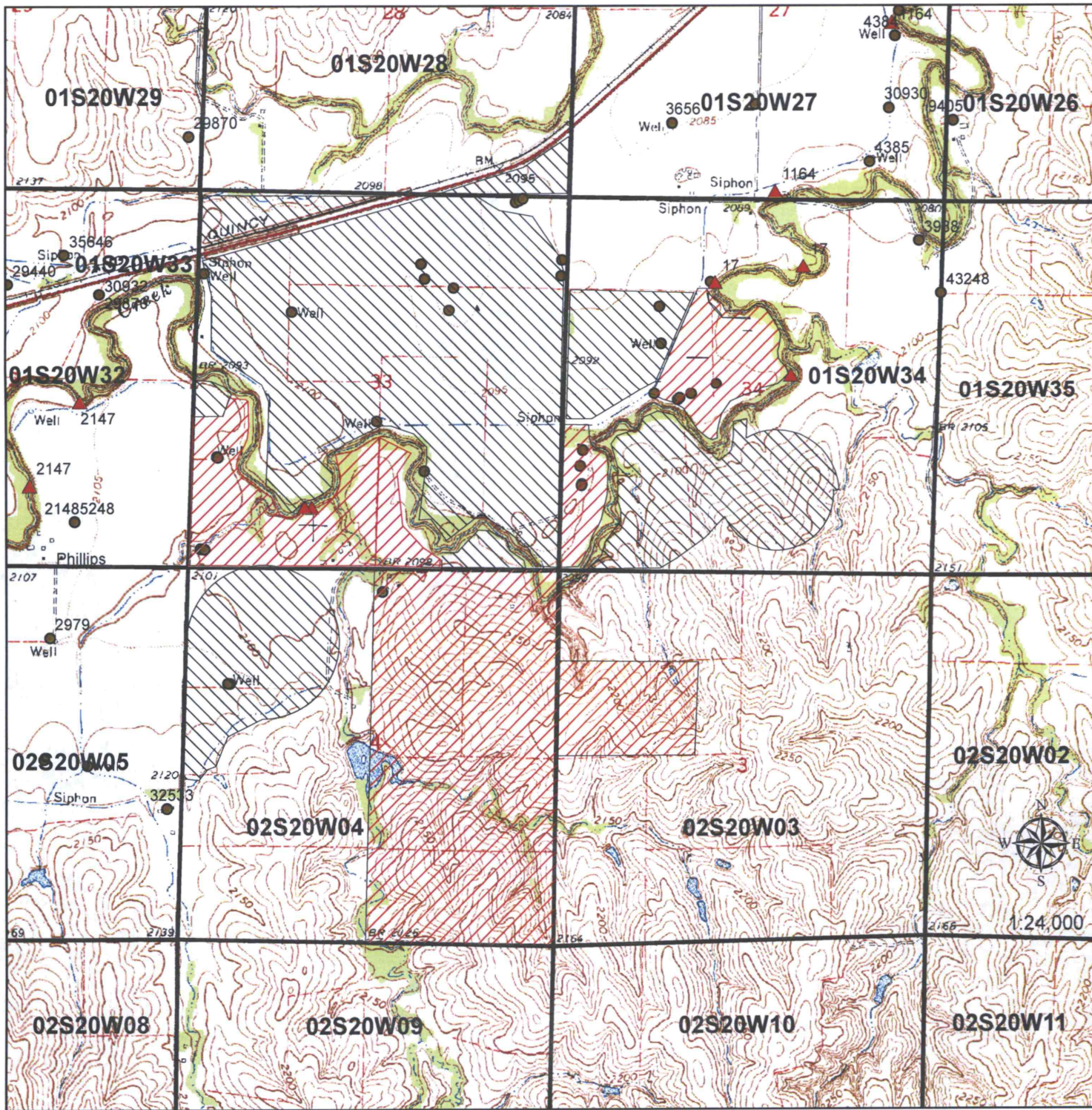
Current Authorized Stockwater Place of Use

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion
WATER RESOURCES
RECEIVED

NOV 20 2017

Application to Change the Place of Use and Use Made of Water For Water Right File 4,304



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