Kansas Department of Agriculture / Division of Water Resources <u>Stocktoň</u> Field Office

TO: HEADQUARTERS
RE Uvested Right; Water Right; Appropriation of Water; Application
File No(s). 545 , 7866 County
Enclosed are the following checked items:
☐ A FIR ☐ Full ☐ Partial Inspection ☐ Return to Field Office ☐ Proposed Certificate to deliver to Certificate Unit Meter Order: ☐ GMD#4 ☐ Lower Smoky
A Compliance Check Inspection on Other Meter Install New App Chg App Other In Compliance Not in Compliance, why Modify Point of Diversion No Yes, document attached Indicate all overlapping p/d files
An application and judgment sheet with recommendation. A memorandum dated
☐ A request for an extension of time to perfect or complete.☐ A verified report.
A closure request.
A field investigation report.
Notice of Non-Compliance
Violation Date An ownership change (name(s) and address(es) below).
A water use report for
A letter dated
☐ A copy of an <u>Approval</u> to Change the ☐ place of use and/or ☐ point of diversion, ☐ Filing Fee attached.
An Advanced copy of a change application and the filing fee, to be processed at the fiel office. #029083
An original field office change <u>application</u> and the filing fee needing headquarters offic review and further processing.
Other:
4-6-18
Assistant Water Commissioner Date

DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STOCKTON FIELD OFFICE 820 S. WALNUT STOCKTON, KS 67669-0192

STATE OF KANSAS

PHONE: (785) 425-6787 Fax: (785) 425-6842 www.agriculture.ks.gov



April 6, 2018

CONRAD C COX TRUST #1 & MARY R COX TRUST #1 1036 HWY 383 LONG ISLAND, KS 67647

Re:

Water Right, File No. 545, 7,860

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 <u>place of use & point of diversion</u> under the above referenced application.

You are notified on this proposed change in place of use so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely

Mark Billinger

Assistant Water Commissioner

MB:rh

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STOCKTON FIELD OFFICE
820 S. WALNUT
STOCKTON, KS 67669-0192



Phone: (785) 425-6787 Fax: (785) 425-6842 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

April 6, 2018

JOYCE A SCHEMPER 5820 AVE N #21 KEARNEY, NE 68847

Re:

Water Right, File No. 545, 7,860

Dear 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 <u>place of use & point of diversion</u> under the above referenced application.

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Sincerely

Mark Billinger

Assistant Water Commissioner

MB:rh

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STOCKTON FIELD OFFICE 820 S. WALNUT STOCKTON, KS 67669-0192



PHONE: (785) 425-6787 Fax: (785) 425-6842 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

April 6, 2018

GAIL D KATS 10185 E LAKE DR ENGLEWOOD, CO 80111-5456

Re:

Water Right, File No. 545, 7,860

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Sincerely

Mark Billinger

Assistant Water Commissioner

MB:rh

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address: Topeka -- (785) 296-5733

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

than	100 fee	t, or if p	olace o	of use	will be	e char	ted. (nged, i	Compl nclude	ete all a top	othe	r appli hic ma	cable p or d	portio letailed	ns. If	chang showir	ge in p	oint of autho	diversi rized a	on is greater nd proposed
point	(s) of div	ersion a	and/or	place	of use.	•											F	RECE	EIVED
						F	ile No	. <u>7,860</u>)		11								2 2018
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						⊠ P	lace o	f Use		\boxtimes	Point	of Dive	ersion						ater Resources
	under the	e water	right w	hich is	the s	ubject	of this	applic	ation i	n acco	rdance	with t	he cor	ditions	s desc	ribed b	elow.		
	The sour	rce of su	apply is	s:		☐ G	round	water		\boxtimes	Surfac	ce wate	ər						
2.	Name ar	nd addre	ess of a	Applica	ant: <u>N</u>	elson	Farms	Inc.											
93	PO Box					7			_										
	Phone N						<u> </u>				ss: <u>ter</u>	rynels	on@ru	raltel.r	net				
	Name ar					-	onden	t: <u>Nel</u> :	son Fa	ırms Ir	nc.								
	PO Box					7					221								
	Phone Number: (785)854-7611 Email address: terrynelson@ruraltel.net																		
	The presently authorized place of use is: Owner of Land NAME: Nelson Farms Inc.																		
	Owner o				AND STORY TOWN	and the second		lond	VC 67	647									
	(If there is		ADDRI								ean/)								•
	(II there is	s more u				tacii su	ррюне			110003									
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8	18	19W	40	40	30	9					-			-					119
			<u> </u>																

Check #

Receipt Date _____

For Office Use Only: Code _____

TR # ____

Fee \$

RECEIVED

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. ____

Stockton Field Office
Division of Water Resources

APR **02** 2018

Presently authorized point of diversion: One in the _____Quarter of the ____Quarter of the ___Quarter of the ____Quarter of the ___Quarter of the Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS) 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 _____Proposed well depth (feet) _____. This point is: Additional Well Geo Center List other water rights that will use this point Presently authorized point of diversion: One in the _____ Quarter of the ____ Quarter of the ____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, ____ feet North _____ feet West of Southeast corner of section.

Authorized Rate ____ Authorized Quantity ____ Depth of well _____ (feet)

(DWR use only: Computer ID No. ____ GPS ____ feet North _____ feet West) ☐This point will not be changed ☐This point will be changed as follows: ☐ No change, point better described with GPS as follows: Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS) 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 _____Proposed well depth (feet) _____. This point is: Additional Well Geo Center List other water rights that will use this point ______ Presently authorized point of diversion: One in the _____Quarter of the ____Quarter of the ____Quarter of the ____Quarter of Section _____, Township _____South, Range _____(E/W), in _____County, Kansas, ____feet North _____feet West of Southeast corner of section.

Authorized Rate ____Authorized Quantity _____Depth of well ______(feet)

(DWR use only: Computer ID No. ____ GPS _____feet North ______feet West) This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows: Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS) 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.

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Proposed Rate ____Proposed Quantity ____Proposed well depth (feet) ____. This point is: Additional Well Geo Center List other water rights that will use this point

RECEIVED

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 7860
MAKE ADDITIONAL COPIES AS NECESSARY

APR 02 2018

Stockton Field Office Division of Water Resources

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		NE¼				NW¼			SW1/4			SE¼				TOTAL ACRES			
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O C C C C C C C C C C C C C C C C C C C	Twp. 1S 1S Wner of	Range 19W 19W f Land Range 19W 19W 19W 19W 19W	NE¼ NE¼ ADDR NE¼ ADDR NE¼ ADDR	AME: ESS: NIII NW¼ AME: ESS: NIII NW¼ AME: ESS: NIII NW¼	A. Craid 126 W 5W Craid 220 W 5W SWW A. Lisa 225 St	SE¼ SE¼ SE¼ Quinn ate Stre	ine Ing Rd Lo NE¼ Lot 1 32 Etal *	L. Ingrisland, NW1/4 10.5 gram Long Isl NW1/4 Lot 2 35	am Living Sw/4 sw/4 sw/4 sw/4 iving Tand, K sw/4 Lot 2 26 g, KS	SE¼ 40 Frusts S 676 SE¼ Lot 1 4	8.5 8.5 NE¼ B. Be 217 V	8. W 8100 SI NW1/4 2.5 SI NW1/4	wwwVan KSt. Ha	SE¼ SE¼ SE¼	NE1/4 NE1/4 NE1/4 15 Frust #2 67601	SILL Wat site 42 SILL NW1/A	E¼ SW¼ E¼ SW¼ E¼ SW¼	SE¼ SE¼ 35	TOTA ACRE 46.5 82 TOTA ACRE 50 118 97 coten * ater right.
ec. 7 18 C	Twp. 1S	Range 19W 19W f Land 19W 19W 19W 19W Range	NE¼ NE¼ ADDR NE¼ ADDR NE¼ ADDR	AME: ESS: NIII NW¼ AME: ESS: NIII NW¼ AME: ESS: NIII NW¼	A. Craid 126 W 5W Craid 220 W 5W SWW A. Lisa 225 St	SE¼ SE¼ SE¼ Quinn ate Stre	ine Ing Rd Lo NE¼ Lot 1 32 Etal *	L. Ingrisland, NW1/4 10.5 gram Long Isl NW1/4 Lot 2 35	am Living Sw/4 sw/4 sw/4 sw/4 iving Tand, K sw/4 Lot 2 26 g, KS	SE¼ 40 Frusts S 676 SE¼ Lot 1 4	8.5 8.5 NE¼ B. Be 217 V	8. W 8100 SI NW1/4 2.5 SI NW1/4	wwwVan KSt. Ha	SE¼ SE¼ SE¼	NE1/4 NE1/4 NE1/4 15 Frust #2 67601	Sill Wat lite 42 S NW¼ S NW¼	E¼ SW¼ eraldine lo clair	SE¼ SE¼ 35	TOTA ACRE 46.5 82 TOTA ACRE 50 118 97 coten * ater right.

5.	Presently authorized point of diversion:				
	One in the Quarter of the	NE	Quarter of the	NW	Quarter
	of Section, Township	1	South, Range	19	W,
	in Phillips County, Kansas, 4,304 fe	et Nort	h3,735 feet West of	Southeast corner of	of section.
	Authorized Rate 1,120 gpm Authorized Quantity				
	(DWR use only: Computer ID No. 4 GPS				
	☐This point will not be changed ☐This point will be changed a	s follows	s: 🗌 No change, point better	described with GPS	as follows:
	Proposed point of diversion: (Complete only if change i				
	One in the Quarter of the	NE	Quarter of the	NW	Quarter
	of Section, Township	1	South, Range	19	W,
	in Phillips County, Kansas, 5,122 fe	eet Nort	h <u>3,354</u> feet West of	Southeast corner	of section.
	Proposed Rate 1,120 gpm Proposed Quantity				
L	This point is: Additional Well Geo Center List othe	r water	rights that will use this poin	t <u>545</u>	
_					
6.	Presently authorized point of diversion: *THIS P/D WILL				
	One in the Quarter of the	NE	Quarter of the	NW	Quarter
	of Section, Township	1	South, Range	19	W,
	in Phillips County, Kansas, 4,811 fe	eet Norl	th <u>3,086</u> feet West of	Southeast corner	of section.
	Authorized Rate1,120 gpm Authorized Quantity	23 AF	Depth of well	n/a (feet)	
	(DWR use only: Computer ID No. 3 GPS _		feet North	feet Wes	t)
	☐This point will not be changed ☐This point will be changed a				
	Proposed point of diversion: (Complete only if change i				
1	One in the Quarter of the		Quarter of the		Quarter
	of Section, Township		South, Range		(E/W),
	in County, Kansas, fe				
	Proposed Rate Proposed Quantity				
L	This point is: Additional Well Geo Center List other	er water	rights that will use this poir	nt	· .
7	The changes herein are desired for the following reasons?	13a	If the proposed point of dive	ersion will be relocat	ed within 100
7.	The changes herein are desired for the following reasons:		teet of the existing point of	diversion, indicate i	is location on
	(please be specific) To use one pumpsite to pump to an		the diagram below in relation (PLEASE NOTE: The "X	n to the existing poin " in center of dia	it of diversion.
	Minut Inner Consultant and the advantage to the		represents presently author	orized point of dive	rsion.)
	effluent lagoon for subsequent re-diversion to the		N	orth	
	proposed place of use.			0 50 100	0
				+11111111111111111111111111111111111111	
8.	If a well, is the test hole log attached? Yes No		F :	= 7	
9.	The change(s) (was)(will be) completed by?		50 - + -	_ + _],	50
Э.	The change(s) (was)(will be) completed by:		<u>-</u> -	= =	
	asap		<u> </u>		
10.	If the point of diversion is a well:		West 0	⊼⊓⊓∏⊓⊟	0 East
	(a) What are you going to do with the old well?		E		
	(a) What are you going to do mar are our men.		50 E + 3	- , -	50
	<u>n/a </u>		30 F + 5	= + =	30
			F .		
	(b) When will this be done? n/a			†111111111	
			100 50	0 50 10	0
11.	Groundwater Management District recommendation		Scale	outh 1" = 100'	
	attached?	13b.	If the proposed point of dive	ersion will be reloca	ted more than
10	Assisted by DLM	, 55.	100 feet but within 1320	feet from the exis	sting point of
12.	Assisted by DLM		diversion, attach a topogra For groundwater sources, s	apnic map or aeria how all wells (includ	ii photograph. ding domestic)
	DECENTED		For groundwater sources, s within one-half mile of the p names and mailing addres	roposed point of div	ersion and the
	RECEIVED		water sources, show the	ses of the owners. names and addr	esses of the
	2045a		landowner(s) one-half mile	downstream and	one-half mile
	APR 0 2 2018		upstream from your property	y iines.	

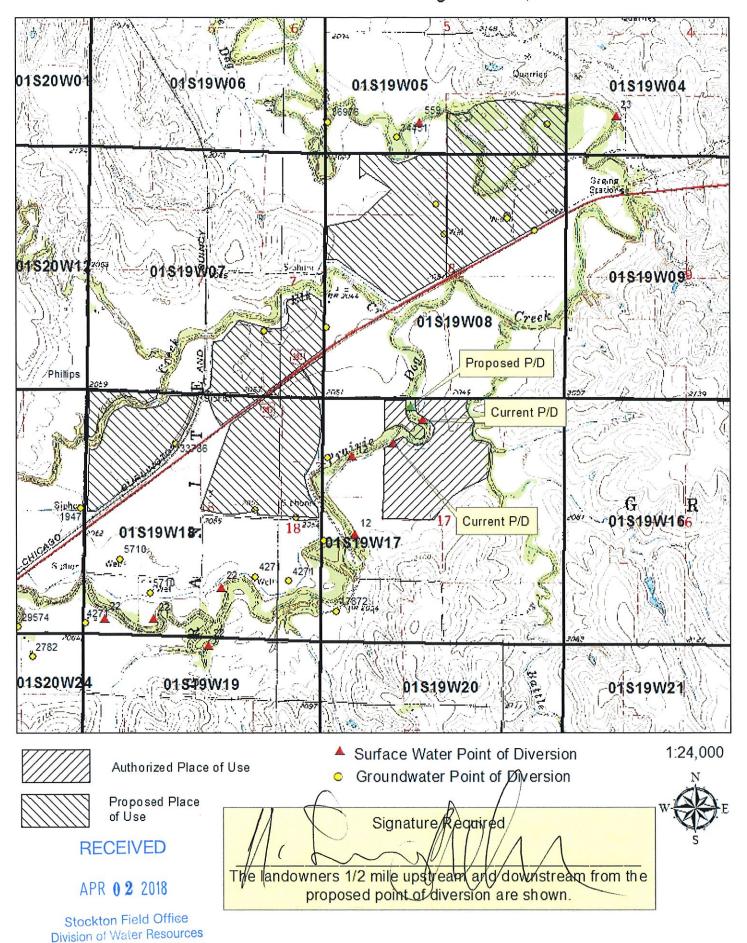
14. If the proposed groundwater point of diversion is 300 of lewer leet in	in existing point of diversion, complete the following.
 (a) Does the undersigned represent all owners of the currently author ☑ Yes ☑ No (If no, all owners must sign this application) 	
 (b) Will the ownership interest of any owner of the currently author affected if this application is approved as requested? ☑ Yes ☑ No (If yes, all owners must sign this application) 	
(c) If this application is not approved expeditiously, will there be sub ☐ Yes ☐ No (If no, all owners must sign this applic	
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	groundwater change in point of diversion greater than 300 feet, of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this appropriate the contained in this application are true, correct and complete. Dated at ANA To AN	ized agent of the owner(s) to make this application on
Mala don som	
(Owner)	(Spouse)
Please Rint)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of Ss	20th
1110rch .2018	y presence and sworn to before me this 29 day of Notary Public
My Commission Expires 11 3 1000. ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all	of the applicable portions of the application form must be completed with
accurate information; maps, if necessary, must be included; signatures of all the a the appropriate fee must be paid.	ppropriate owners' must be affixed to the application and notarized; and
FEE SCHED	
Each application to change the place of use or the point of diversion undeforth in the schedule below: Make checks payable to: Kansas Departm (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	ent of Agriculture
	RECEIVED
	APR 02 2018
DIAID 4 404 (Devide d 07/40/0047)	File No. 7 860

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable

With	risions of the <i>Kansas Water Appropriation Law, K.S.A. 8.</i> I the exception of those conditions expressly contained limitations of File No. <u>7,860</u>	2a-701 et. seq., and rules ar herein, this Summary Order	nd regulations promulgated thereunder, does not change the terms, conditions
1.	A change application was received on diversion authorized under the above-referenced file no	requesting umber be changed as describ	g that the place of use and / or point of ed in the application.
2.	On and after the effective date of this summary order, th on the topographic map accompanying the application	e authorized place(s) of use to change the place of use.	shall be located substantially as shown ☑ Applicable ☐ Not Applicable
3.	The change in point of diversion shall not impair existing previously authorized. The point of diversion authorized radius of the authorized point(s) of diversion. Applied	ed by this summary order sha	the same source or sources of water as Il be located within a foot
4.	The point(s) of diversion authorized herein shall not actual authorized point(s) of diversion. Applicable	ally be located more than Not Applicable	feet from the previously
5.	As required by K.A.R. 5-3-5d, if the works for diversion tube or other device suitable for making water lev accordance with K.A.R. 5-6-13.	el measurements shall be	e of 100 gallons per minute or more, a installed, operated and maintained in
	The owner of the authorized place(s) of use shall December 31, 20, or before the first use of wa operated and maintained in accordance with K.A.R. 5 and K.A.R. 5-3-5e, the owner shall maintain records a water diverted annually to the Chief Engineer by March Applicable ☐ Not Applicable	iter, whichever occurs first. 5-1-4 through 5-1-12. As rec nd report the reading of the w	the water flow meter shall be installed, juired by K.S.A. 82a-732, as amended, rater flow meter and the total quantity of
7.	Installation of the works for diversion of water shall authorized extension of time. By March 1, 20 works for diversion has been completed, on the form p ☐ Applicable ☐ Not Applicable	be completed on or before the applicant shall notify the provided by the Chief Enginee	December 31, 20 , or within any Chief Engineer that construction of the r, as required by K.A.R. 5-8-4e.
8.	The completed well log shall be submitted with the re	equired notice. Applie	cable
9.	All diversion works into which any type of chemical or oth with an in-line, automatic, quick-closing check valve can check valve(s) shall be installed, operated and mai Applicable	apable of preventing pollution	of the source of the water supply. The
10.	Additional Conditions are attached.	0	
11.	In accordance with K.S.A. 82a-708a, as amended, and water appropriated under the above-referenced file milimitations, as amended and/or supplemented by this Appropriation Law and the Rules and Regulations procesult in civil penalties pursuant to K.S.A. 82a-737, as water or appropriation right or any other enforcement as	umber are responsible for co Summary Order, and with ap omulgated thereunder. Failu amended. and/or the suspe	mpliance with its terms, conditions and plicable provisions of the <i>Kansas Water</i> re to comply with these provisions may
1	Administrative Appeal and Effective Date of Order		OR OFFICE USE ONLY
If you you Eng Agri	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901, may request an evidentiary hearing before the Chief inneer or request administrative review by the Secretary of iculture. A request for hearing by the Chief Engineer must be within 15 days of service of this Order and a request for	SUMN	ATION APPROVED AND IARY ORDER ISSUED
adn	ninistrative review by the Secretary must be filed within 30 s pursuant to K.S.A. 77-531. Any request for administrative	Duly Authori	zed Designee of the Chief Engineer
revi	ew must state a basis for review pursuant to K.S.A. 77-527.	(Print Name):	sources - Kansas Department of Agriculture
Leg	any request with Kansas Department of Agriculture, al Division, 1320 Research Park Drive, Manhattan, KS		
665	02. Failure to timely request a hearing or review may clude review under the Kansas Judicial Review Act.	Date of Issuance:	
pred	For Use by Register of Deeds	State of Kansas)) SS
		County of)
		Acknowledged before i	me on
	RECEIVED	by	
	APR 02 2018	Signature:	Notary Public
	Stockton Field Office Division of Water Resources	My commission expire	es:
DW	R 1-121 (Revised 07/10/2017)	Page 4	(Notary Seal) File No. <u>7,860</u>

Application to Change the Point of Diversion and Place of Use For Water Right File # 7,860



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.