

# NOTICE

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

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

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



State of Kansas

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

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

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

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

WATER RESOURCES  
RECEIVED

OCT 22 2020

11:48

KS DEPT OF AGRICULTURE

File No. 20,824

2. Name of applicant: Nelson Farms Inc

Address: Box 38

City, State and Zip: Long Island, KS 67647

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

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

Name of water use correspondent: Nelson Farms Inc

Address: Box 38

City, State and Zip: Long Island, KS 67647

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

3. The change(s) proposed herein are desired for the following reasons (please be specific): change three individual wells currently authorized for dual stock/irrigation to a battery of three (3) wells authorized for dual stock/irrigation use to allow more efficient and economical operation.

The change(s) (will be) completed by on approval

(Date)

**For Office Use Only:**

F.O. 3 GMD - Meets K.A.R. 5-5-1 (YES/NO) Use IRR/STK Source G/S County PL By KJN Date 10/26/2020  
Code CLT Fee \$ 100.00 TR # \_\_\_\_\_ Receipt Date 10-22-2020 Check # 025477

10/28/2020  
LMoody

4. The presently authorized place of use is:

OCT 22 2020

Owner of Land — NAME: NO CHANGE IN PLACE OF USE

ADDRESS: KS DEPT OF AGRICULTURE

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. \_\_\_\_\_

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. \_\_\_\_\_

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. \_\_\_\_\_

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

6. The presently authorized point(s) of diversion is three (3) wells OCT 22 2020  
(Provide description and number of points)

7. The proposed point(s) of diversion is battery of three (3) wells  
(Provide description and number of points)

KS DEPT OF AGRICULTURE

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: **Add Geo Ctr**  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NW Quarter of the SE Quarter of the NE Quarter  
 of Section 8, Township 1 South, Range 19 W,  
 in Phillips County, Kansas, 3822 feet North 1162 feet West of Southeast corner of section.  
 Proposed Rate 460 gpm IRR (0 add. for STK) Proposed Quantity 73.45 AF IRR (23.94 mg, 0 add. for STK)  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 20187036-MF; 20187037-MF & 20187038-MF

9. **Presently authorized point of diversion:**  
 One in the NW Quarter of the SE Quarter of the NE Quarter  
 of Section 8, Township 1 South, Range 19 W,  
 in Phillips County, Kansas, 3830 feet North 1164 feet West of Southeast corner of section.  
 Authorized Rate 155 gpm IRR (0 add STK) Authorized Quantity 25 AF (8.15 mg; 0 add STK)  
 (DWR use only: Computer ID No. 2 GPS 3830 feet North 1164 feet West)  
 This point will not be changed  This point will be changed as follows: **Battery 1 of 3 wells**  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NW Quarter of the SE Quarter of the NE Quarter  
 of Section 8, Township 1 South, Range 19 W,  
 in Phillips County, Kansas, 3830 feet North 1164 feet West of Southeast corner of section.  
 Proposed Rate see geo ctr Proposed Quantity see geo ctr  
 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 NW Quarter of the SE Quarter of the NE Quarter  
 of Section 8, Township 1 South, Range 19 W,  
 in Phillips County, Kansas, 3819 feet North 1147 feet West of Southeast corner of section.  
 Authorized Rate 155 gpm IRR (0 add STK) Authorized Quantity 25 AF (8.15 mg (0 add STK)  
 (DWR use only: Computer ID No. 7 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows: **Battery 2 of 3 wells**  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NW Quarter of the SE Quarter of the NE Quarter  
 of Section 8, Township 1 South, Range 19 W,  
 in Phillips County, Kansas, 3819 feet North 1147 feet West of Southeast corner of section.  
 Proposed Rate see geo ctr Proposed Quantity see geo ctr  
 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

OCT 22 2020

12. The presently authorized use of water is for dual IRR/STK purposes.

It is proposed that the use be changed to NO CHANGE 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 n/a (acre-feet or million gallons).

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

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

- a. If a change in the location of the point(s) of diversion is proposed, show:
  - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
  - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 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 actual re-drill. Proposed change in P/D is less than 100 feet to create a battery from the three authorized wells.  
The wells currently effectively operate as a battery, and otherwise meet the definition of a battery. The change will allow the operator the flexibility to more effectively and economically balance use of the wells, but should have no impact on near-by wells.

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

A waiver of K.A.R. 5-2-3 pertaining to a battery in a closed area is requested.

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

WATER RESOURCES RECEIVED

OCT 22 2020

- 1. The presently authorized point(s) of diversion are three (3) wells  
(Provide description and number of points)
- 2. The proposed point(s) of diversion is a battery three (3) wells  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

KS DEPT OF AGRICULTURE

8. **Presently authorized point of diversion:**  
 One in the NW Quarter of the SE Quarter of the NE Quarter of Section 8, Township 1 South, Range 19 W, in Phillips County, Kansas, 3819 feet North 1175 feet West of Southeast corner of section.  
 Authorized Rate 150 gpm (0 add STK) Authorized Quantity 23.45 AF (7.64 mg; 0 add STK)  
 (DWR use only: Computer ID No. 17 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows: **Battery 3 of 3 wells**  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 8, Township 1 South, Range 19 W, in Phillips County, Kansas, 3819 feet North 1175 feet West of Southeast corner of section.  
 Proposed Rate see geo ctr Proposed Quantity see geo ctr  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

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

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 19 day of October, 2020

Nelson Farms Inc  
(Owner)  
Nelson Farms Inc  
(Please Print)  
N. Terry Nelson  
(Owner)  
N. Terry Nelson  
(Please Print)  
(Owner)  
(Please Print)

(Spouse)  
(Please Print)  
(Spouse)  
(Please Print)  
(Spouse)  
(Please Print)

State of Kansas }  
County of Phillips } SS

KAV 1-1111  
State of Kansas  
My Appl. Exp. 4-5-22

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26<sup>th</sup> day of Oct., 2020

[Signature]  
Notary Public

My Commission Expires 4-5-22

**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

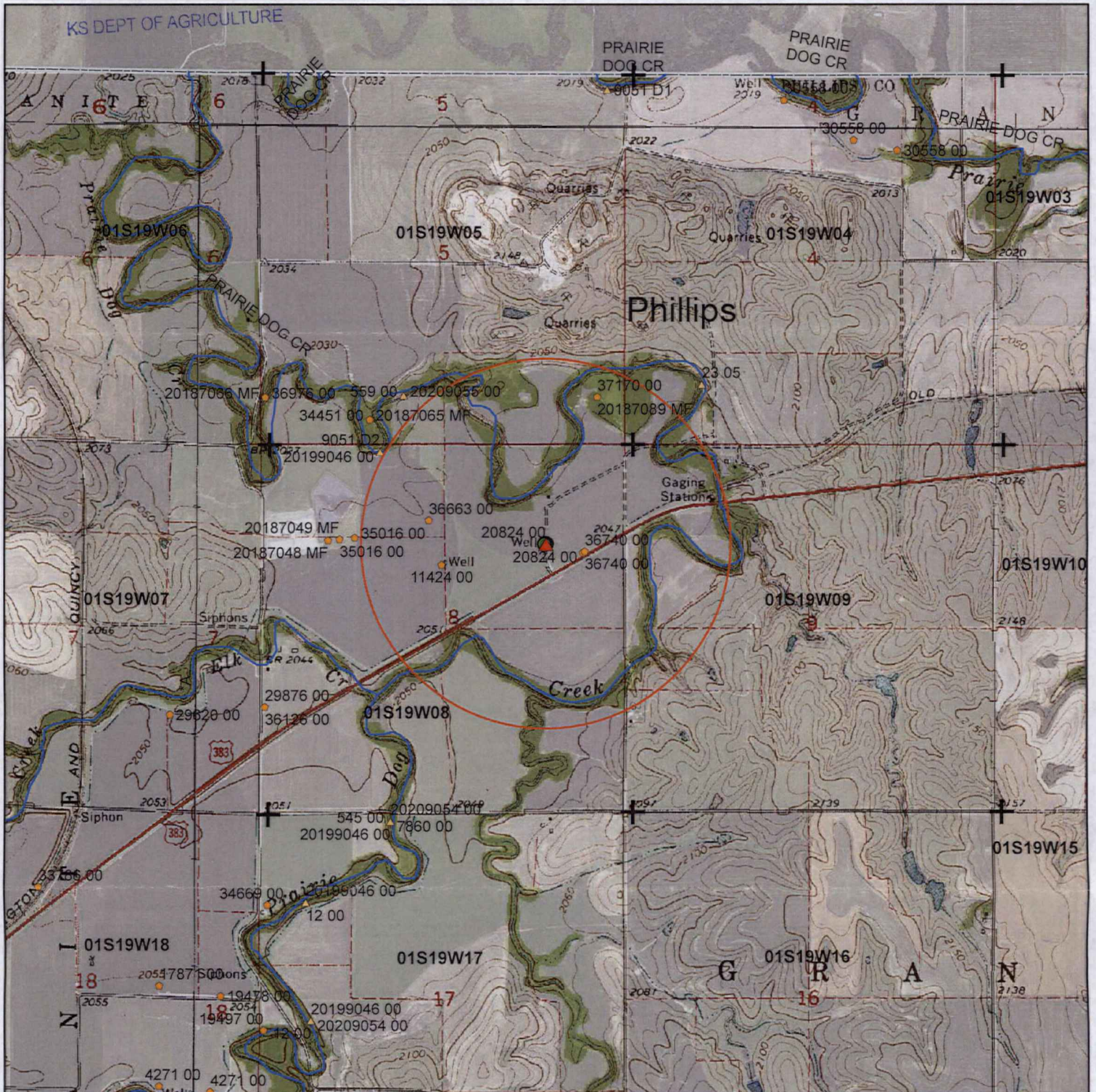
OCT 22 2020

KS DEPT OF AGRICULTURE  
SCANNED

WATER RESOURCES  
RECEIVED

OCT 22 2020

# Application for Change in Point of Diversion Water Right, File No. 20,824 DWR - Stockton Field Office



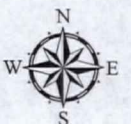
- + Section Corners
- ◆ Groundwater appropriations
- Presently authorized point of diversion
- ▲ Proposed point of diversion
- 1/2 mile circle

To the best of my knowledge, all wells within 1/2 mile of the proposed point of diversion, including domestic wells, are shown.

Signature

Date

1:24,000





Stockton Field Office  
820 S. Walnut  
Stockton, KS 67669-0192



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

Mike Beam, Secretary

Laura Kelly, Governor

October 6, 2020

NELSON FARMS INC  
BOX 38  
LONG ISLAND, KS 67647

\$300.00

WATER RESOURCES  
RECEIVED

OCT 22 2020

KS DEPT OF AGRICULTURE

Re: Water Right, File Nos. 20,824; 35,128.01 & Term Permit Application

Dear Mr. Nelson:

Per your recent conversations with this office regarding the referenced files, enclosed are three (3) partially completed forms. Please review each carefully and make any necessary corrections. All three should be submitted to the Manhattan, Kansas, headquarters address indicated, along with the required fees for processing payable by check to the Kansas Department of Agriculture.

File 20,824: Application for change in point of diversion. As completed, this application proposes to change from the three wells with individual rates and quantities currently authorized to a battery of three (3) wells with a total rate and quantity. A notarized signature is required on page 6, and the map on the final page should be reviewed and signed. A processing fee of \$100 is required.

File 35,128.01: Voluntary dismissal. This form pertains to the battery of two (2) wells authorized for stock use in Section 33, 1 South, Range 20 West, in Phillips County, Kansas. As completed, it indicates you wish to retain the wells for domestic use only. The notarized signature of all owners or an authorized agent is required. There is no fee associated.

Term Permit application: this application proposes an additional 6 acre-feet per year for 2020 and 2021 on the well authorized by File 49,423 (new truck wash). This will cover any over-pump quantity for 2020, (3.25 acre-feet as of September 23, 2020) and allow sufficient time for a change application to be filed to accommodate the additional quantity needed for industrial use at this site. A processing fee of \$200 is required.

If you have any questions or concerns, please contact this office at (785) 425-6787.

Sincerely,

A handwritten signature in blue ink that reads "Jodie K. Barker".

Jodie K. Barker  
Environmental Scientist

JKB  
Enclosures