

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

September 21, 2020

HORNEY FAMILY IRREV TR #1 ET AL
Attn: STEVE HORNEY
514 N FIRST ST
NORTON, KS 67654

Re: Water Right, File No. 34,809

Dear Water User:

Enclosed is the order executed by Chris Beightel, Acting Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the terms, conditions, and limitations specified in this approval for change. Also, the approval of the order requires the installation of a water flow meter(s) on the point(s) of diversion authorized under the above referenced file number by **December 31, 2021**. Please complete and return the enclosed Notice of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters are found in K.A.R. 5-1-4 through K.A.R. 5-1-12 along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address:

<http://agriculture.ks.gov/meters>

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

The abandoned water well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <http://kdheks.gov/waterwell>

Since this order modifies the original certificate, it should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

This document is a summary order by this agency regarding this matter. This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

(over)

If you have any questions, please feel free to contact this office at (785)425-6787. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,



Mark Billinger
Assistant Water Commissioner

MB:rfh
Enclosures

CERTIFICATE OF SERVICE

On this 21st day of September, 2020, I hereby certify that the attached **SUMMARY ORDER APPROVING APPLICATION FOR CHANGE in POINT OF DIVERSION** for water right, File No. 34,809, dated on the 21st day of September, 2020, was mailed postage prepaid, first class, U.S. mail, to the following:

HORNEY FAMILY IRREV TR #1 ET AL
Attn: STEVE HORNEY
514 N FIRST ST
NORTON, KS 67654



Staff

A copy of the Change Approval was sent to the following:

NTN LP
PO BOX 560
NORTON, KS 67654-0560

NELSON FARMS INC
BOX 38
LONG ISLAND, KS 67647

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:
 Topeka -- (785) 862-6300
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
 www.ksda.gov/dwr

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



WATER METER REQUIRED

STATE OF KANSAS

APPLICATION COMPLETE

9/21/2020

Reviewer MB

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.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

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File No 34,809

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

Stockton Field Office
 Division of Water Resources

2. Name and address of Applicant: Nelson Farms, Inc.

PO Box 38 Long Island, Ks. 67647

Phone Number: (785)854-7611

Email address: _____

Name and address of Water Use Correspondent: Same as above

Phone Number: () _____

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: No Change in the Place of Use

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

| 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. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: No Change in the Place of Use

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

| 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 | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
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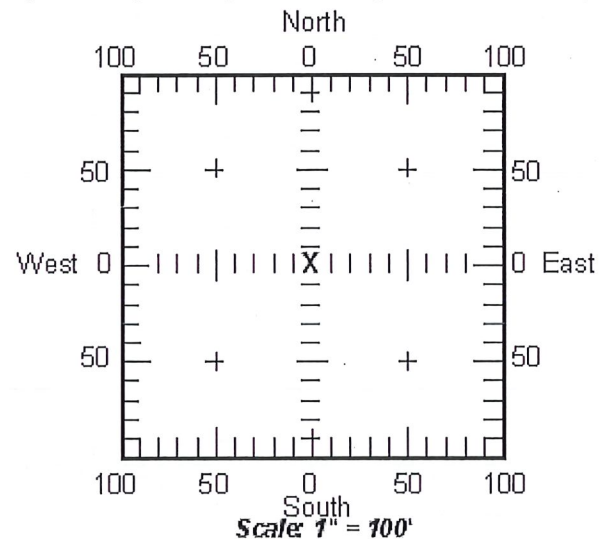
| |
|---|
| For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____ |
|---|

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the Lot 2 Quarter
 of Section 19, Township 2 South, Range 21 WEST,
 in Norton _____ County, Kansas, 1,343 feet North 3,974 feet West of Southeast corner of section.
 Authorized Rate 400 Authorized Quantity 117 Depth of well _____ (feet)
(DWR use only: Computer ID No. 01 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 _____ Lot 2 _____ Quarter
 of Section 19, Township 2 South, Range 21 WEST,
 in Norton _____ County, Kansas, 1,343 feet North 3,974 feet West of Southeast corner of section.
 Proposed Rate 400 Proposed Quantity 87.5 Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point 35,720

6. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the NW Quarter
 of Section 30, Township 2 South, Range 21 WEST,
 in Norton _____ County, Kansas, 4,477 feet North 3,928 feet West of Southeast corner of section.
 Authorized Rate 200 Authorized Quantity 58 Depth of well _____ (feet)
(DWR use only: Computer ID No. 02 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 SW Quarter of the NW Quarter of the NW Quarter
 of Section 30, Township 2 South, Range 21 WEST,
 in Norton _____ County, Kansas, 4,477 feet North 3,928 feet West of Southeast corner of section.
 Proposed Rate 200 Proposed Quantity 87.5 Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point None

7. Why do you need a new point of diversion? NA - this application is simply shifting 29.5 a.f. from the single well to the battery of two wells. No new wells.
8. If a well, is the test hole log attached? Yes No
9. When do you propose to complete the new point of diversion?
NA - all wells are already completed.
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
NA - all existing wells will continue to be used.
 (b) When will this be done? as soon as approved.
11. Groundwater Management District recommendation attached? Yes No
12. Assisted by Kelly C. Stewart

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

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 Division of Water Resources

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely 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 substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Long Island, Kansas, this 31st day of August, 20 20.

NTWLP (Owner) _____ (Spouse) _____
 _____ (Please Print) _____ (Please Print) _____
N. Terry Nelson - Manager Member (Owner) _____ (Spouse) _____
N Terry Nelson (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 31st day of August, 20 20.

Kay L. Lee
Notary Public

My Commission Expires 4-5-22.

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 appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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

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Stockton Field Office
Division of Water Resources

File No. 34,809

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. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 34,809.

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State Water Resources
Division of Water Resources
State Field Office

1. A change application was received on 9-03-2020 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application. Applicable Not Applicable
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 300 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than NA feet from the previously authorized point(s) of diversion. Applicable Not Applicable
5. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2013**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
7. **Installation of the works for diversion of water shall be completed on or before December 31, 2020**, or within any authorized extension of time. By March 1, 2014 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
8. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
10. Additional Conditions are attached. Yes No
11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 109 SW 9th Street, Topeka, Kansas 66612**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: Mark Billinger
Duly Authorized Designee of the Chief Engineer
(Print Name): MARK BILLINGER
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: 9/20/2020
State of Kansas)
County of Rooks) SS
Acknowledged before me on 9-20-20
by Mark Billinger
Signature: Rebecca F. Hageman
Notary Public

My commission expires: 6-29-23



APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 34,809

Presently authorized point of diversion:
One in the NW Quarter of the NE Quarter of the NW Quarter
of Section 30 , Township 2 South, Range 21 W,
in Norton County, Kansas, 4,760 feet North 3,946 feet West of Southeast corner of section.
Authorized Rate Authorized Quantity Depth of well (feet)
(DWR use only: Computer ID No. 03 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 Proposed well depth (feet) .
This point is: Additional Well Geo Center List other water rights that will use this point .

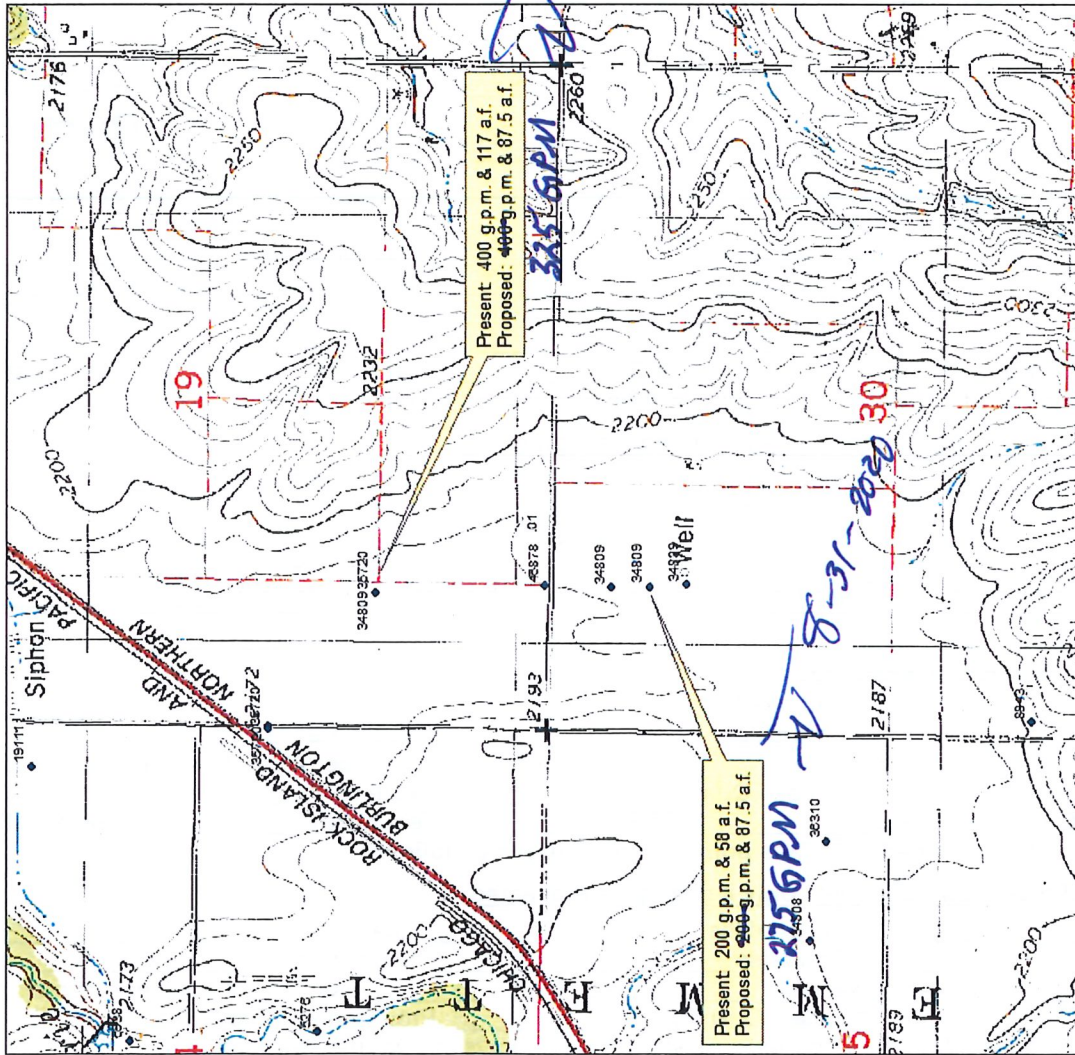
Presently authorized point of diversion:
One in the SW Quarter of the NE Quarter of the NW Quarter
of Section 30 , Township 2 South, Range 21 W,
in Norton County, Kansas, 4,194 feet North 3,910 feet West of Southeast corner of section.
Authorized Rate Authorized Quantity Depth of well (feet)
(DWR use only: Computer ID No. 04 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 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:
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 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:
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 Proposed well depth (feet) .
This point is: Additional Well Geo Center List other water rights that will use this point .

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Stockton Field Office
Division of Water Resources

Application to Change the Points of Diversion,
Water Right, File No. 34,809



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Division of Water Resources



1:12,000

All wells within 1/2 mile of the proposed point of diversion are shown:

[Signature] Aug 31, 2020

Date

Signature