

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, Kansas 66502
http://agriculture.ks.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**



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

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

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

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

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11:13
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File No. 26,865

2. Name of applicant: Nelson Farms Inc

Address: Box 38

City, State and Zip: Long Island, KS 67647

Phone Number: (785)854-8500 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

Phone Number: (785) 854-8500 E-mail address: terry@valleyfeeds.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): create a battery of two wells from the individual wells authorized by #4005; 8203 & 26865. Wells are operated functionally as a battery at present. Change will allow quantities and rates to be balanced more effectively.

To be processed concurrently with changes in PD under #4005 & 8203 and 2023 MYFA application.

The change(s) will be completed by December 31, 2023

(Date)

4/6/2023
LMoody

For Office Use Only:													
F.O. Code	3	GMD	Meets K.A.R. 5-5-1 (YES/NO)	Use	IRR/STK	Source	G/S	County	PL	By	ALB	Date	4/3/23
				Fee \$	200	TR #		Receipt Date	3/30/23	Check #	26920		

4. The presently authorized place of use is:

Owner of Land — NAME: No change in place of use

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 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

- 6. The presently authorized point(s) of diversion is one (1) well
(Provide description and number of points)
- 7. The proposed point(s) of diversion is battery of two (2) wells
(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 _____ (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: **ADD GEO CTR**
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SE Quarter of the NW Quarter of Section 34, Township 20 South, Range 01 W, in Phillips County, Kansas, 3465 feet North 3871 feet West of Southeast corner of section. Proposed Rate 295 gpm Proposed Quantity 60 AF** *Lmt to 800 gpm w/ 4005 & 8203; *51.54 AF (16.79 mgly) IRR/STK comb dual use
 This point is: Additional Well Geo Center List other water rights that will use this point 4005; 8203

9. **Presently authorized point of diversion:**
 One in the NC Quarter of the NW Quarter of the _____ Quarter of Section 34, Township 20 South, Range 01 W, in Phillips County, Kansas, 3719 feet North 3877 feet West of Southeast corner of section. Authorized Rate 295 Authorized Quantity 60 AF [51.54 AF (16.79 mgly) IRR/STK comb dual use]
 (DWR use only: Computer ID No. 8 GPS 3729 feet North 3879 feet West)
 This point will not be changed This point will be changed as follows: **BATT WELL**
Proposed point of diversion: (Complete only if change is requested)
 One in the NC Quarter of the NW Quarter of the _____ Quarter of Section 34, Township 20 South, Range 01 W, in Phillips County, Kansas, 3729 feet North 3879 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 4005; 8203

10. **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. 7 GPS 3201 feet North 3863 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) BATT WELL
 One in the NC Quarter of the S2 Quarter of the NW Quarter of Section 34, Township 20 South, Range 01 W, in Phillips County, Kansas, 3201 feet North 3863 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 4005; 8203

- 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

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12. The presently authorized use of water is for dual use irrigation/stockwater 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). 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 redrill. Proposed PD change creates a battery of 2 from existing wells which operate essentially as a battery.
With an additional condition limiting total combined rate to 800 gpm per K.A.R. 5-1-1(n), they otherwise meet the definition
of a battery. Proposed geo center complies with K.A.R. 5-5-13, Relocation of alluvial wells, as the authorized point will be
~60' further from the approximate center of Prairie Dog Creek. The change should have no impact on nearby 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

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.

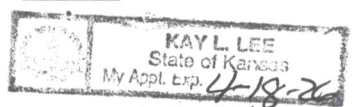
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 Wichita, Kansas, this 20 day of March, 2023.

<u>Nelson James</u> (Owner)	_____	(Spouse)
<u>Nelson Farms Inc</u> (Please Print)	_____	(Please Print)
<u>W. Jerry Nelson</u> (Owner)	_____	(Spouse)
<u>W. Jerry Nelson</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Please Print)
(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 20th day of March, 2023.



Kay L. Lee
Notary Public

My Commission Expires _____

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

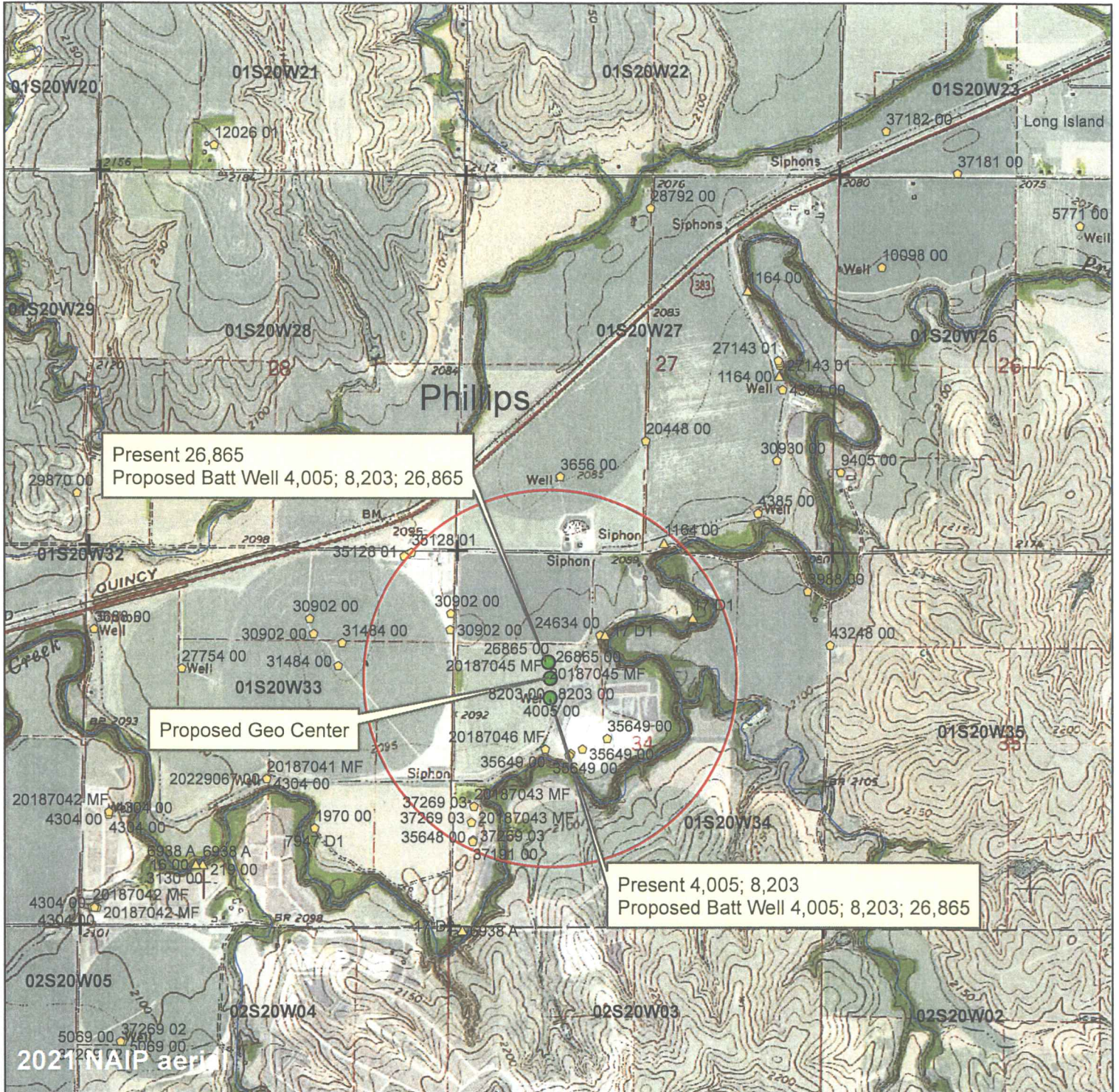
Make check payable to Kansas Department of Agriculture.

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Application for Change in Point of Diversion,
Water Right, File Nos. 4,005; 8,203; 26,865



+ Section Corners

◆ Groundwater Point of Diversion

▲ Surface Water Point of Diversion

○ 1/2 Mile Radius

● Proposed Point of Diversion

All wells, including domestic wells within 1/2 mile of the proposed well location are indicated on the map.

[Handwritten Signature]
Signature

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Date
MAR 30 2023

1:24,000



Date: 3/2/2023

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1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 7, 2023

NELSON FARMS INC
PO BOX 38
LONG ISLAND KS 67647

RE: File No(s). **26865**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program