

**Kansas Department of Agriculture
Division of Water Resources**

FINDINGS AND ORDER WORKSHEET

1a. File No.: <p align="center">7860</p>	1b. Document Date: <p align="center">4/9/2024</p>	1c. Field Office: <p align="center">3</p>	1d. GMD: <p align="center">0</p>
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2a. Name & Address NELSON FARMS INC BOX 38 LONG ISLAND, KS 67647	2b. Name & Address
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2c. Name & Address	2d. PC
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2e. WUR Correspondent 2a	3. Use of Water <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____
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4a. PD <input checked="" type="checkbox"/> Correct <u>FEET</u> <u>DISTANCES GPS CI 2020</u> <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4b. PU <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4c. LIMITATIONS <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4d. RATE <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4e. QUANTITY <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____
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5. Old Information to be Changed (New Information to be written in 8 - 11)
PD FT DISTANCES 5122'N 3354'W

6. Previous Modifications and Amendments

Document Type

10/8/1968 CERTIFICATE ISSUED

04/30/2018 CHANGE PU PD APPROVED

Entered: <p align="center">4/10/2024 KAnderson</p>	Reviewed: <p align="center">Date: 4/9/2024 By: KAK</p>	Prepared: <p align="center">Date: 3/25/2024 By: li</p>
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Notes:

Additional files in package: **545 & 6938-A**

File No. **7860** Priority Date: **5/31/1949** County: **PL** Basin: **PRAIRIE DOG CREEK** Stream: **28 - PRAIRIE DOG CREEK** Formation Code: **na**

8. Points of Diversion										Rate and Quantity				
T	<input type="checkbox"/> G <input checked="" type="checkbox"/> S									Authorized		Additional		
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
MOD	86791	NW NE NW	17	01	19W	8	5166	3404		NO CHANGE			545 6938-A	

9. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

10. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NONE NO CHANGE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

11. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
T										NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD	PUSE	S	T	R	ID																								
ENT						NO CHANGE																							

12. Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files
FROM: Leslie Ireland

DATE: March 25, 2024
RE: Water Right,
File Nos. 545 & 7,860

It appears the actual location of the authorized point of diversion has been determined by the personnel of our Stockton Field Office using a global positioning instrument. The location of the pumpsite is authorized under Water Right, File No. 545 & 7,860 and is also authorized by File No. 6,938-A .

The actual location appears to have been determined to be located approximately 66 feet from the currently authorized location and that listed in the WRIS database and the last order issued under File No. 6,938-A. As a change in point of diversion application under File No. 6,938-A regarding different pumpsites will be issued. The actual location of the well should be updated on the change approval and a Findings and Order for the referenced files that overlap in point of diversion and place of use.

Information in the referenced files indicates the information for the updated location complies with K.A.R. 5-5-6c, and should be updated.

It is recommended that the Findings and Order for each referenced files to more accurately described the actual location of the authorized point of diversion be signed and the description of the point of diversion.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

FINDINGS AND ORDER IN THE MATTER OF THE AUTHORIZED POINT OF DIVERSION UNDER WATER RIGHT FILE NO. 7,860

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on October 8, 1959, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to File No. 7,860, for beneficial use subsequently modified and amended by Orders of the Chief Engineer on April 30, 2018, to currently authorize the diversion of surface water in the drainage basin of the Prairie Dog Creek, at a diversion rate not in excess of 1,120 gallons per minute (2.49 c.f.s) and a quantity not to exceed 23 acre-feet of water per calendar year by means of one (1) pumpsite located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, more particularly described as being near a point 5,122 feet North and 3,354 feet West of the Southeast corner of said Section, in Township 1 South, Range 19 West, Phillips County, Kansas.
2. That the Certificate of Appropriation further limited the maximum rate of diversion to 1,120 gallons per minute (2.49 c.f.s.), and the total quantity of water to 23 acre-feet per year, when combined with any water right authorized on the authorized place of use.
3. That K.A.R. 5-5-6c states that the description of the location of a point of diversion shall be administratively corrected, and the owner notified of this action, whenever it has been determined by the Chief Engineer that the point of diversion is located within the area originally authorized by a Certificate of Appropriation, has not been physically moved or expanded since the location was certified, and has been determined to be incorrect based on a more accurate survey, such as with the Global Positioning System (GPS) or other reliable means.
4. That information in the Office of the Chief Engineer indicates the actual location of the authorized point of diversion should be more accurately described as being one (1) pumpsite located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, more particularly described as being near a point 5,166 feet North and 3,404 feet West of the Southeast corner of said section, in Township 1 South, Range 19 West, Phillips County, Kansas.

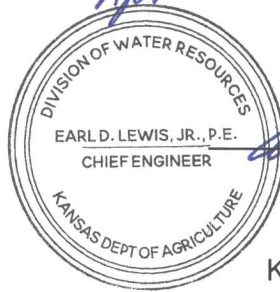
ORDER

NOW THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the authorized point of diversion under Water Right, File No. 7,860, shall be more accurately described as being:

one (1) pumpsite located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW¼ NE¼ NW¼) of Section 17, more particularly described as being near a point 5,166 feet North and 3,404 feet West of the Southeast corner of said section, in Township 1 South, Range 19 West, Phillips County, Kansas.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to Water Right, File No. 7,860, dated October 8, 1959, remains as authorized, as modified and amended by the aforementioned order.

Ordered this 9th day of April, 2024, in Manhattan, Riley County, Kansas.



Earl D. Lewis, Jr.
Earl D. Lewis, Jr., 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 9 day of April 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
Notary Public



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 16, 2024

TERRY NELSON
NELSON FARMS INC
BOX 38
LONG ISLAND, KS 67647

RE: Findings and Order
Water Right
File Nos. 545 and 7,860

Dear Mr. Nelson:

Enclosed are Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which set forth a more accurate description of the location of the authorized point of diversion for the above referenced water right file numbers.

The Water Appropriation Act requires that the Certificate of Appropriation be recorded with the Register of Deeds in the county or counties wherein the point of diversion is located as other instruments affecting real estate. Since the enclosed Findings and Orders by the Chief Engineer modifies said Certificate of Appropriation, they should also be recorded with the Register of Deeds.

If you have any questions, please contact our office at 785-564-6640, or our staff at the Stockton Field Office at 785-425-6787. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:kak:li
Enclosures
pc: Stockton Field Office

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77 601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

CERTIFICATE OF SERVICE

On this 16 day of April, 2024, I hereby certify that the attached original Findings and Orders in the Matter of the Authorized Point of Diversion under Water Right, File Nos. 545 & 7,860, dated April 9, 2024, were mailed postage prepaid, first class, US mail to the following:

NELSON FARMS INC
BOX 38
LONG ISLAND KS 67647

With photocopies to:

KDA-DWR Stockton Field Office


Division of Water Resources