

CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 41166

Field Office No. 1

GMD No. _____

1. **Plugging agreement obtained for GMD?** Yes No Non Applicable
2. **Is Landowner correct as currently shown in WRIS?** Yes No **Address Change?** _____
If applicable, list Place of Use Overlap File Nos. None
3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes No **Address Change?** _____
Name of Former WUC _____ Name of New WUC _____
4. a. **Point of diversion computer ID No(s).** 17 (GEO CTR) for point(s) being changed.
- b. **Show feet distances from the** _____ **SE** _____ **corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers
MOD	84577	YES	14	10S	8E	4257	5010	Pottawatomie	SW NW NW
ENT		NO	14	10S	8E	4115	5008	Pottawatomie	SW NW NW
MOD	84578	NO	14	10S	8E	4340	5014	Pottawatomie	SW NW NW
MOD	84579	NO	14	10S	8E	4315	5008	Pottawatomie	SW NW NW

****NOTE TO DATA ENTRY: This change does not pertain in any way to the point of diversion authorized for IRR use under the same file number.****

- c. **If multiple points of diversion exist and rates and quantities are individually assigned, show:**
- | | | | | |
|-------------|-----------------|-----------------|---------------------|---------------------|
| Old PDIV ID | Authorized Rate | Additional Rate | Authorized Quantity | Additional Quantity |
| _____ | _____ gpm/cfs | _____ gpm/cfs | _____ af/mgy | _____ af/mgy |
- d. **Name of Drainage Basin** Kansas River **Is this correctly shown in WRIS?** Yes No
- e. **Formation Name & No.** (113) Main Stem Alluvium **Special Use Area** _____
5. **Distances from the previous/original p/d:** _____ ' N _____ ' E

6. WATER RIGHT ACTION TRAIL COMMENTS

<u>12/18/2017</u>	Change Application Received (date accepted for priority)
<u>12/19/2017</u>	Change Approved
	Notice and Proof by <u>12/31/2018</u>
<u>---/---/-----</u>	Completion Requirement Removed (Change No. C_____)

7. METER ACTION TRAIL COMMENTS

<u>12/19/2017</u>	DWR Meter Required by <u>12/31/2018</u>
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8. Base Acres _____ Year _____ Minimum Reasonable Quantity _____

Date Created **12/19/17** by **LHH/TFO**
Date Entered _____ by _____

CHECK SHEET ATTACHMENT

9. Changes to the place of use will be:

File Number 41166

Action	Owner Person ID	Place Use ID #	Sec.	Twp.	Range	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTAL ACRES		
						NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4			
NO CHG	38430	67147																		

Names and Address:

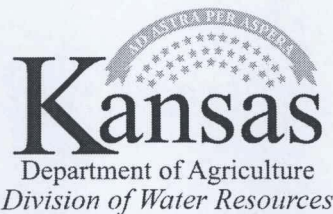
1. _____	Person ID # _____	2. _____	Person ID # _____	3. _____	Person ID # _____
_____		_____		_____	
_____		_____		_____	
_____		_____		_____	

GENERAL INSTRUCTIONS

1. Give to Applicant:
 - a. Original application/approval
 - b. Original receipt (one for each application)
 - c. Information packet containing:
 - Notice and Proof form
 - Water Meter Specifications
 - Acceptable Meter list
 - Water level measurement tube specifications
 - Check Valve specifications
 - Pink Sheet - K.S.A. 82a-728 letter
 - Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED)
 2. Send to headquarters:
 - a. Good, microfilmable copy of application and/or approval and this check sheet
 - b. Original check and copy of receipt
 - c. Test hole log
 - d. GMD recommendation, if any
 - e. Map or aerial photograph, if any
 3. Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well.

CONDITIONS

 1. Insert notice and proof date.
 2. Type or print applicant's/owner's name on line.
 3. Complete notary statement.
 4. Date stamp received and approved.
 5. Complete ownership and WUC change information.
- ADDITIONAL PHOTOCOPIES
- _____
- _____
- _____
- _____
- _____
- _____



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 296-8298
www.agriculture.ks.gov
Sam Brownback, Governor

December 20, 2017

NELSON POULTRY FARMS INC
GREG NELSON
8530 E US HIGHWAY 24
MANHATTAN KS 66502-8663

Re: Water Right, File No. 41,166 (IND)

Dear Sir:

Enclosed is the order executed by David W. Barfield, 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. A condition of this order requires the installation of water flow meter(s) before the first use of water in accordance with the Chief Engineer's specifications found in K.A.R. 5-1-4 through K.A.R. 5-1-12. A copy of these specifications and a list of acceptable meters can be obtained from our website at the following web address:

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

This order also requires that the diversion works should be completed, including installation of the flow meter(s), by December 31, 2018 and reported to the Division of Water Resources using the enclosed Notice of Completion of Diversion Works form. The form is also available on our website at: <http://agriculture.ks.gov/wa-forms> . If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Since this order modifies the original certificate under File No. 41,166, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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.

If you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in blue ink that reads "Katherine A. Tietsort".

Katherine A. Tietsort
Water Commissioner

KAT:Ihh
Enclosures

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

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.

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.

File No. 41,166 (Industrial Use)

RECEIVED
DEC 18 2017
2:45 pm
 Topeka Field Office
 DIVISION OF WATER RESOURCES

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

2. Name and address of Applicant: NELSON POULTRY FARMS INC - GREG NELSON

8530 E US HIGHWAY 24 MANHATTAN KS 66502-8663

Phone Number: () _____ Email address: _____

Name and address of Water Use Correspondent: Same as applicant

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: NELSON POULTRY FARMS INC - GREG NELSON

ADDRESS: 8530 E US HIGHWAY 24 MANHATTAN KS 66502-8663

(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	
14	10S	8E					Poultry Facility (NW NW)												

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: Not subject of application

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	

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

5. **Presently authorized point of diversion: SEE SUPPLEMENTAL SHEET**

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 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 _____.

6. **Presently authorized point of diversion: SEE SUPPLEMENTAL SHEET**

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 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 _____.

7. The changes herein are desired for the following reasons? (please be specific) A third well will be added to the existing two well battery. The new well will be used to augment poorer water quality from the other two wells.

8. If a well, is the test hole log attached? Yes No

9. The change(s) (was)(will be) completed by? Upon approval

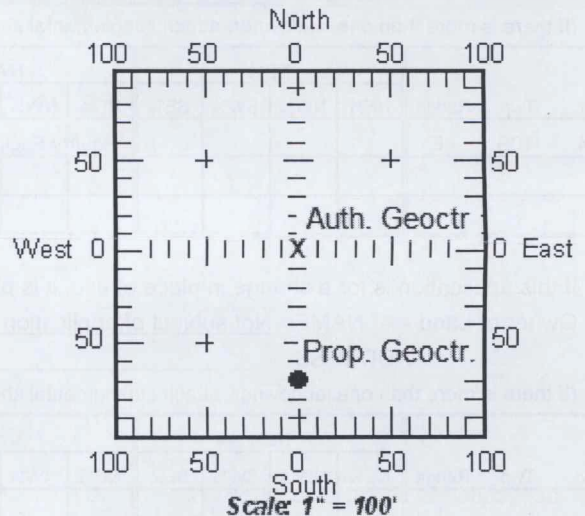
10. If the point of diversion is a well:
 (a) What are you going to do with the old well? N/A

(b) When will this be done? N/A

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by Lloyd Hemphill

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.

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 regards 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 _____, Kansas, this _____ day of _____, 20_____.

<p><u>Greg B Nelson</u> (Owner)</p> <p>_____</p> <p>(Please Print)</p> <p>_____</p> <p>(Owner)</p> <p>_____</p> <p>(Please Print)</p> <p>_____</p> <p>(Owner)</p> <p>_____</p> <p>(Please Print)</p>	<p>_____</p> <p>(Spouse)</p> <p>_____</p> <p>(Please Print)</p> <p>_____</p> <p>(Spouse)</p> <p>_____</p> <p>(Please Print)</p> <p>_____</p> <p>(Spouse)</p> <p>_____</p> <p>(Please Print)</p>
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State of Kansas }
 County of Pottawatomie } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15th day of December 15, 2017.



Janet R. Seematter
 Notary Public

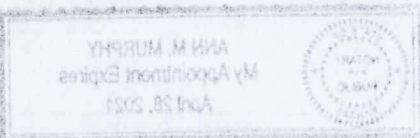
My Commission Expires 07-25-2020

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



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 provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et seq.*, and rules and regulations promulgated thereunder. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 41166.

1. A change application was received on December 18, 2017 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.
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 50 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 _____ 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, 2018**, 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, 2018**, or within any authorized extension of time. By March 1, 2019 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.

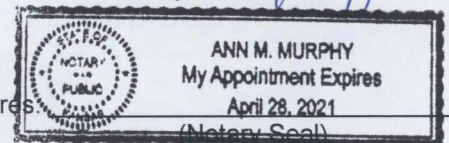
Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Katherine A. Tietsoot
Duly Authorized Designee of the Chief Engineer
(Print Name): Katherine A. Tietsoot
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: December 19, 2017
State of Kansas)
County of Shawnee) SS
Acknowledged before me on December 19, 2017
by Ann M. Murphy
Signature: Ann M. Murphy
Notary Public



My commission expires _____

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 41166 (IND)

Presently authorized point of diversion: GEOCENTER

One in the SW Quarter of the NW Quarter of the NW Quarter
of Section 14, Township 10 South, Range 8 EAST,
in Pottawatomie County, Kansas, 4369 feet North 5055 feet West of Southeast corner of section.

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

(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: UPDATE point of diversion better described with GPS as:

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 14, Township 10 South, Range 8 EAST,
in Pottawatomie County, Kansas, 4257 feet North 5010 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 None

Presently authorized point of diversion: EXISTING WELL

One in the SW Quarter of the NW Quarter of the NW Quarter
of Section 14, Township 10 South, Range 8 EAST,
in Pottawatomie County, Kansas, 4411 feet North 5092 feet West of Southeast corner of section.

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

(DWR use only: Computer ID No. 18 GPS 4340 feet North 5014 feet West)

This point will not be changed This point will be changed as follows: UPDATE point of diversion better described with GPS as:

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 14, Township 10 South, Range 8 EAST,
in Pottawatomie County, Kansas, 4340 feet North 5014 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 None

Presently authorized point of diversion: EXISTING WELL

One in the SW Quarter of the NW Quarter of the NW Quarter
of Section 14, Township 10 South, Range 8 EAST,
in Pottawatomie County, Kansas, 4327 feet North 5018 feet West of Southeast corner of section.

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

(DWR use only: Computer ID No. 19 GPS 4315 feet North 5008 feet West)

This point will not be changed This point will be changed as follows: UPDATE point of diversion better described with GPS as:

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 _____, Township 10 South, Range 8 EAST,
in Pottawatomie County, Kansas, 4315 feet North 5008 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 None

Presently authorized point of diversion: ADD NEW WELL TO MAKE BATTERY OF THREE WELLS

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: UPDATE point of diversion better described with GPS as:

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 14, Township 10 South, Range 8 EAST,
in Pottawatomie County, Kansas, 4115 feet North 5008 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 None

**Approval of Application for Change in Point of Diversion
File No. 41,166**

Additional Conditions

- 1) That this approval is further limited such that all three (3) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

CERTIFICATE OF SERVICE

On this 20th day of December, 2017, I hereby certify that the attached **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION**, Water Right, File No. 41,166, dated December 19, 2017 was mailed postage prepaid, first class, US mail to the following:

NELSON POULTRY FARMS INC
GREG NELSON
8530 E US HIGHWAY 24
MANHATTAN KS 66502-8663

Staff

A handwritten signature in blue ink, appearing to read "Greg Nelson", is written over a horizontal line. The signature is cursive and stylized.