

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.



Water Resources Received
MAR 05 2020
12:47
KS Dept Of Agriculture

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50357
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): NELSON POULTRY FARMS INC GREG NELSON
Address: 8530 E US HWY 24
City: MANHATTAN State KS Zip Code 66502-8663
Telephone Number: (785) 776-9410

2. The source of water is: surface water in _____ (stream)
OR groundwater in KANSAS RIVER (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 21.4 acre-feet OR 7.0 million gallons per calendar year, to be diverted at a maximum rate of 90 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

****RATE LIMITED TO 90 GPM WHEN COMBINED WITH 43416**
****QUANTITY LIMITED TO 7.0 MGY WHEN COMBINED WITH 43416**

3/17/2020
LMoody

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 1 GMD - Meets K.A.R. 5-3-1 (YES / NO) Use IND Source G/S County PT By KJN Date 3/5/20
Code REG Fee \$ 200 TR # _____ Receipt Date 3/5/20 Check # 099612

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) **GEO CTR** - One in the **SE** quarter of the **SW** quarter of the **SW** quarter of Section **29**, more particularly described as being near a point **374** feet North and **4006** feet West of the Southeast corner of said section, in Township **9** South, Range **9 EAST** East/West (circle one), **POTTAWATOMIE** County, Kansas.
- (B) **ONE WELL** - One in the **SE** quarter of the **SW** quarter of the **SW** quarter of Section **29**, more particularly described as being near a point **327** feet North and **4002** feet West of the Southeast corner of said section, in Township **9** South, Range **9 EAST** East/West (circle one), **POTTAWATOMIE** County, Kansas.
- (C) **ONE WELL** - One in the **SE** quarter of the **SW** quarter of the **SW** quarter of Section **29**, more particularly described as being near a point **421** feet North and **4013** feet West of the Southeast corner of said section, in Township **9** South, Range **9 EAST** East/West (circle one), **POTTAWATOMIE** County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

N/A

 (name, address and telephone number)

 (name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on Feb 29, 2020. Nelson Family Farms Inc
by Guy E Nelson Pres
 Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of **A BATTERY OF 2 WELLS**

 (number of wells, pumps or dams, etc.)

and WERE completed (by) **1998 & 2001**

 (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be _____
 (Mo/Day/Year)

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required **NOT APPLICABLE**

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

PLACE OF USE AND POINT OF DIVERSION - 43416

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>11-24-98</u>	<u>12-21-01</u>	_____	_____
Total depth of well	<u>147</u>	<u>150'</u>	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	<u>80'</u>	<u>70'</u>	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

OWNER
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

N/A
(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Manhattan, Kansas, this 29 day of Feb, 2020.
(month) (year)

Nelson Ponting Ferris Jones
by Guy B. Allen Pres
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

February 29, 2020
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. _____

Minimum Desirable Streamflow
KANSAS _____ River Assurance District
Water Reservation Rights

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established, an Assurance District has been formed and established or a Water Reservation Right is held by the Kansas Water Office (**circle the appropriate item**) for the source of supply to which the above referenced application applies, namely the KANSAS RIVER.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met, Assurance District or Water Marketing releases are being made from storage in Federal Reservoirs or when a Reservation Right upstream of a Federal Reservoir is being administered.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

William R. ...
Greg B. Nelson
Signature of Applicant

Greg B. Nelson
Print Applicant Name

State of Kansas)
) SS
County of Pottawatomie)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 29th day of February, 2020.

Janet R. Seematter
Notary Public

My Commission Expires: 07/25/2020



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**FORM TO BE USED WHEN APPLICABLE
WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

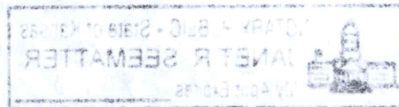
Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

Assurance Districts have been formed on the following rivers:

Kansas River Marias des Cygnes River Neosho River

The Kansas Water Office has Water Reservation Rights for the following reservoirs:

Big Hill	Marion
Clinton	Melvern
Council Grove	Milford
Elk City	Perry
Hillsdale	Pomona
John Redmond	Tuttle Creek



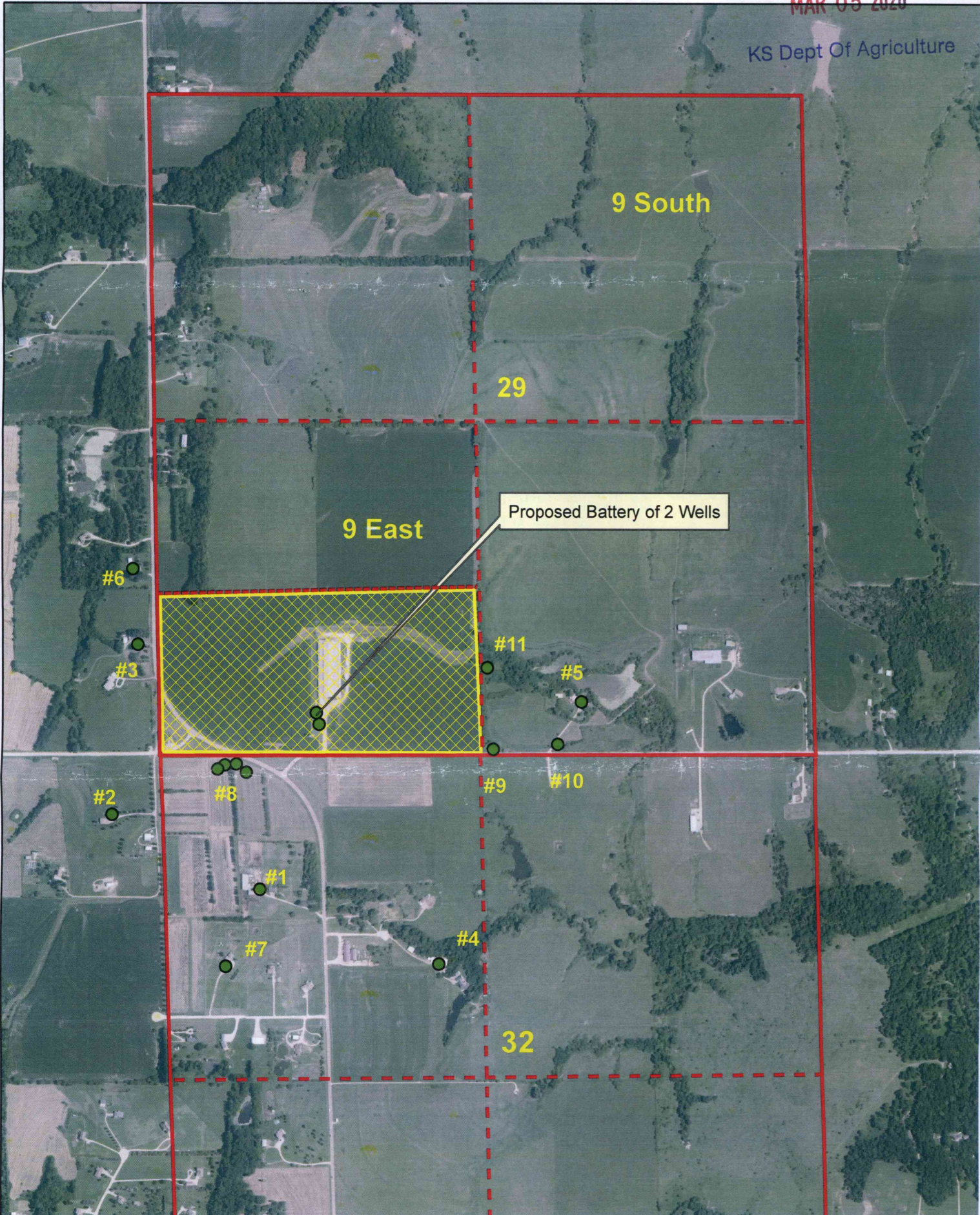
1:12,000

New Application

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The purpose of this application is to allow further development of the water rights for this facility. The original application under File No. 43416 was filed in June of 1998. The approved quantity under this application was 14.0 mgd. The perfection period for File No. 43416 expired on December 31, 2017. The perfection period was extended for many years because a second building was planned for construction but this was delayed because of issues with KDHE permitting. The proper permits through KDHE were finally secured and construction of the second building began in late 2014. The building was not completed until some time in 2015 so the water demand from this building was obviously not what it could be when the building is functional for a full year with a maximum bird count. The perfection period was extended for 2016 and 2017 because the bird count in the two buildings had yet to be maximized. Unfortunately, the 2017 extension was a final extension for this water right. It is now anticipated that the bird count will be maximized in the upcoming years which will increase the water use from this facility. As noted on page one of the application, the quantity requested is half of what the original application was for as the needs are much less than what was originally anticipated back in 1998.

One noteworthy item is the fact that the battery of two wells under this application does not meet the minimum spacing requirement to a battery of 4 irrigation wells under File No. 42559. The distance between the geographic center of each battery is about 850 feet. With the fact that the quantity of water will be much less than what was originally approved, the pumping rate will not change and these wells have operated in unison for over 20 years with no documented cases of impairment, should provide adequate support that less than minimum spacing can be maintained without causing any issues.

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**INDUSTRIAL USE
SUPPLEMENTAL SHEET**

Water Resources
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MAR 05 2020

File No. _____

Name of Applicant (Please Print): NELSON POULTRY FARMS INC

KS Dept Of Agriculture

1. Please describe type of industry or product produced: POULTRY
 _____ Standard Industrial Classification Code Number: _____
2. Please complete the following table to show your past and present water requirements:

PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago			
Last year			
Present year			

3. Please complete the following table to show your future water requirements:

ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1	300,000	7 MGY	6.4 GALLONS / 100
Year 2	300,000	7 MGY	6.4 GALLONS / 100
Year 3	300,000	7 MGY	6.4 GALLONS / 100
Year 4	300,000	7 MGY	6.4 GALLONS / 100
Year 5	300,000	7 MGY	6.4 GALLONS / 100

Number of days of operation of the industry per year is 365 days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof. **INDUSTRIAL USE AT A POULTRY FACILITY LOCATED IN THE (S1/2 SW1/4) OF 29-9-9E, POTTAWATOMIE COUNTY KANSAS**

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

You may attach any additional information you believe will assist in informing the Division of the need for your request.

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WELLS WITHIN ONE-HALF MILE

- | | |
|---|---|
| #1) Vince & Tara Mowry (Dom.)
5450 Flush Rd
St George KS 66535 | #10) Municipal Well - 49417
Pott RWD #1
PO Box 228
Wamego KS 66547 |
| #2) Michael Moore (Dom.)
11550 Walker Rd
St George KS 66535 | #11) Municipal Well – 24224 & 49421
Pott RWD #1
PO Box 228
Wamego KS 66547 |
| #3) Larry Funk (Dom.)
5750 Flush Rd
St George KS 66535 | |
| #4) Jerry Borth (Dom.)
11880 Big Sky LN
St George KS 66535 | |
| #5) Shane Kolde (Dom.)
12155 Elm Slough Rd
St George KS 66535 | |
| #6) Ronald Roche (Dom.)
5810 Flush Rd
St George KS 66535 | |
| #7) Michael Rader (Dom.)
11675 Bobs Ln
St George KS 66535 | |
| #8) Irrigation Well – 42559
Carl Meyer
11524 Landscape Ln
St George KS 66535 | |
| #9) Municipal Well – 21099 & 49420
Pott RWD #1
PO Box 228
Wamego KS 66547 | |

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DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER

50357

APPLICANT

PERSON ID & SEQ #

38430

PDIV ID

63034 - GEO CTR

63035 - BATT 1 OF 2

63036 - BATT 1 OF 2

BATTERY ID

549

LANDOWNER

PERSON ID & SEQ #

38430

PUSE ID

51904

WATER USE CORRESPONDENT

PERSON ID & SEQ #

38430

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

March 5, 2020

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

RE: Application, File No. **50357**

Dear Mr. Nelson:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number 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 and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application 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 Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program