Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U UMW WORKSHEET

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
20824	4/30/2018	C1	03	
6. Status: Approved Deni	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change:
				27-NOV-2017
8a. Applicant(s) New to system ☐ NELSON FARMS INC BOX 38 LONG ISLAND KS 67647	Person ID 12683 Add Seq# 1	LISA C 225 STA	stem □ ARET JANE QUINI QUINN EXECUTR	lX.
8b. Landowner(s) New to system CRAIG & GENINE INGRAM LIV 220 W 1100 RD LONG ISLAND KS 67647-4001	Person ID 31181 Add Seq# 1 VING TRUSTS	GERAL 217 W 3		
8c. Landowner(s) New to system ☐ WATKINS FAMILY TRUST BILL WATKINS 8100 E CAMELBACK RD S SCOTTSDALE AZ 85251	Person ID 65324 Add Seq# 1	1304 W		Person ID (JUDG) Add Seq#
8d. Landowner(s) New to system NELSON FARMS INC BOX 38 LONG ISLAND KS 67647	Person ID	BOX 38	ON FARMS INC	Person ID 12683 Add Seq# 1
9. Documents and Enclosure(s): 🛛 DV	VR Meter(s) Date to Comp	ly: 12/31/2018	N & P Date to	Comply:
☐ Anti-Reverse Meter ☐ Meter	Seal 🛛 Check Valve	□ N & P Form	☐ Water Tube ☐ □	Driller Copy ☐ H & E Letter
☐ Conservation Plan Date Requir	ed: Da	te Approved:	Date to	Comply:
10. Use Made of Water From: IRR		To: <u> </u>	IRR/STK DUAL US	SE
			Date Prepared: 4/26/ Date Entered: ろ /3 /ひ	

File No.	20824	4			11. Cou	nty: I	PL	Bas	sin: Ph	HLLIP	s				S	tream:		.,					Fo	rmation C	ode: 113	Special Use: 005	
	VIO			4			_									(ALCA)		,		uthori	zed			dditional	on titu		
ENT		Qı	ualifier	•	S	,	Т	R	ID	-1	N	ʻW		Com	ment	(AKA I	Line)		Rate gpm/c		Quantit af/mgy	-	Rate gpm/c		antity mgy (Overlap PD Files	
											BL	ANKE	ET R	ATE /	ND (ANG	ITITY	4	60 g.p	o.m. 8	5.5AF	(27.86	m.g.y.)	460 g.	p.m. 8	5.5AF(27.86mgy)	
IRR/STK	MOD	3600	9 NC	C NE	1/4 8	}	1	19W	2	3	940	128	0 A			'S OI	RIG W USE	/ELL								NO	
IRR/STK	MOD	3688	4 NO	O NE	:1/4 8	}	1	19W	7	3	880	128	0	IRF	R/ST	(DUA	AL US	E								NO	
13. Storag	e: Rate	e				N	F	Quar	itity					ac/ft	Α	ddition	al Rat	e				NF	Addit	ional Qua	intity	ac/ft	t
14. ADD l	Limitatio	on: <u>7</u>	3.45	AF	(23.9	3 m	.g.y.) IRR	/STK	CO	IBIN	ED D	UAL	_USI	E -SE	E IM	AGE	FO	R DE	TAIL	S		- · · · · · · · · · · · · · · · · · · ·	<u> </u>			
KEEF	P Limita	ation:	<u> 0-L</u>	AP	ALM #	‡5-8	35.5A	F/YF	R CC	M/M	/ 69°	38-A														·	
15. 5YR A	llocatio	n:	Alloca	ation	Туре		Sta	t Year			5 YR	Amour	nt		Amo	unt Ur	nit	_	Base	Acres		Co	mment_				
16. Place CHK	of Use							NE	1/4			NW	<i>1</i> 1/ ₄			sv	V1/4			S	E¼		Total	Owner	Chg?	Overlap Files	
MOD DEL ENT PI	USE	S	т	R	ı. ID		NE 1/4	NW 1/4	SW ¼	SE 1/4	NE ¼	NW ¼	SW 1/4	SE ¼	NE 1⁄4	NW 1/4	SW ¼	SE ¼	NE ¼	NW 1/4	SW ¼	SE ¼				. 11424; 17871; 194 33786; 36663; 3674	
IRR √ PU COMM	2446 MENT (19W 5	3															31.00	32.00	63.00	8d	NO	see above	
IRR ENT	Γ 129	926	7	1	19W	1													15.00			35.00	50.00	8b	NO	see above	
IRR ENT	Г 642	270	7	1	19W	3	3													3.00	32.00		35.00	8e	NO	see above	
IRR √ PU COMM	320 MENT (O-LA	8 PAL		19W 5	3	40.00	40.00	30.00	9.00													119.00	8d	NO	see above	
IRR ENT	Г 266	601	8	1	19W	2					36.00	10.50											46.50	8b	NO	see above	
IRR ENT				1	19W	/ 1							31.0	40.00	8.50	2.50							82.00	8c	NO	see above	
IRR EN1	Г 642	271	18	1	19W	6		10.00															10.00	8f	NO	see above	
IRR ENT PU COMME 36AC L-1 (I	ENT O-	LAP	18 ALME AC L-2	NA I	19W RR DIST	/ 3 - - - -	36.00	18.00	34.00	30.00	Lot 1 32.00	Lot 2 35.00	Lot 2 26.0	Lot 1 4.00									215.00	8b	NO	see above	
STK EN	T 688	777	8	1	19W						(N½	SW1	/4 N	W1⁄4)	ANI) (N	W 1⁄4	NW1	/ 4)					8g	YES	20824 ;35016;3674	0
Base Acre Comments stockw	s:			ĒD I		IP E	inimum BOX					Y QI	JAN	ITITY	' RE	DUC	OIT	N Q	uanti	ity li	mited	i to 7	3.45 A	F (23.9	93 m.g.	y.) as long as	-

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

<u>MEMORANDUM</u>

TO: Files DATE: April 30, 2018

FROM: Brent A. Turney RE: Water Right

File Nos. 11,424; 17,871; 19,478; 20,824; 29,620; 33,786; 35,016; 36,663; 36,740; and 37,170

Nelson Farms, Inc., Craig and Genine Ingram, etal, filed applications for approval to change the authorized place of use for all of the above referenced file numbers. Use made of water applications were also filed for Water Right, File Nos. 20,824; 35,016 and 36,740, and changes in point of diversion for additional wells have also been filed for File Nos. 35,016 and 36,740. The referenced file numbers are in the RRC Prairie Dog Creek Special Use Area.

The referenced file numbers do not appear to be abandoned as per K.S.A. 82a-718.

The referenced applications were discussed in a March 8, 2018 meeting with Lane Letourneau, Water Appropriations Program Manager, and Kelly Stewart, Water Commissioner of the Stockton Field Office, and further reviewed in a water commissioner's meeting on April 19, 2018. It was determined the applications and reductions should be processed as follows:

<u>Change in PU UMW File No. 20,824; 35,016 and 36,740; /Change in Pd File Nos. 35,016 and 36,740</u>

The applications for File Nos. 20,824 and 36,740 request a dual use of water that will allow for both stockwatering use and irrigation use in any calendar year, and request temporary reductions/limitations in quantity based on K.A.R. 5-5-9 calculations. The application for File No. 35,016 proposes to convert from irrigation to stockwatering use (no dual use) based on K.A.R. 5-5-9. Changes in points of diversion pursuant to K.A.R. 5-5-16 have also been filed for File Nos. 35,016 and 36,740 and it was determined in an April 19, 2018 water commissioner's meeting that any reductions in quantity for File Nos. 35,016 and 36,740 would be permanent to comply with K.A.R. 5-5-16 consumptive use requirements. No changes to any Almena limitations.

<u>File No. 20,824</u> – File No. 20,824 is presently authorized a blanket rate and quantity of 85.5 acrefeet and 460 gallons per minute of groundwater for irrigation use on 182 acres from two wells. No overlaps in the points of diversion but the place of use overlaps Water Right, File Nos. 36,740 and 37,170. Paragraph No. 13 of the application indicates that 73.45 acre-feet of water can be authorized for dual irrigation/stockwatering use.

File No. 35,016-File No. 35,016 is presently authorized 42 acre-feet and 200 gallons per minute of groundwater from one irrigation well located 4,154 feet North and 2,845 feet West of the Southeast corner of Section 8, Township 1 South, Range 19 West, Phillips County. The point of diversion overlaps Water Right, File No. 36,663 and the place of use overlaps Water Right, File Nos. 11,424 and 36,663. The K.A.R. 5-5-9 calculation indicates a reduction in quantity from 42 acre-feet to 36 acre-feet for stockwatering use. The proposed point of diversion change will authorize three wells with assigned rates and quantities (3,852'N, 3935'W -12AF @66 g.p.m.; 3,852'N, 4,188'W-12AF@66 g.p.m.; 3,852'N, 4,440'W – 12AF @68 g.p.m.) all in Section 8 and a permanent reduction in quantity to 36 acre-feet to comply with the additional well regulation. The currently authorized well will remain authorized by File No. 36,663.

Memorandum File No. 11,424 etal April 30, 2018 Page 2

File No. 36,740-File No. 36,740 is presently authorized 114.5 acre-feet and 590 gallons per minute of groundwater from one irrigation well located 3,630 feet North and 700 feet West of the Southeast corner of Section 8, Township 1 South, Range 19 West, Phillips County. The point of diversion has no current overlap but the place of use overlaps File Nos. 20,824 and 37,170. The applicant proposes to convert the total currently authorized irrigation quantity to dual use irrigation/stockwatering. Paragraph No. 13 calculation indicates 98.36 acre-feet will be authorized dual use. The point of diversion change proposes to better describe the currently authorized well (3,728'N,609'W) and add a well 49 feet to the west (3,728'N,649'W). The wells will each be able to pump 98.36 AF, limited to 98.36 AF, with the currently authorized well assigned 390 g.p.m., the additional well assigned 200 g.p.m. Also, a permanent reduction in quantity to 98.36 acre-feet due to the additional well.

File Nos. 20,824; 35,016 and 36,740 will all be authorized stockwatering use a hog facility located in the North Half of the Southwest Quarter of the Northwest Quarter (N½ SW¼ NW¼) and in the Northwest Quarter of the Northwest Quarter (NW¼ NW¾) of Section 8, Township 1 South, Range 19 West, Phillips County, Kansas. In a phone conversation on February 21, 2018, Kelly indicated that the quantity requested for stockwatering use is justified.

<u>Change in PU File Nos. 11,424; 17,871; 19,478; 20,824; 29,620; 33,786; 36,663; 36,740; and 37,170</u>

The referenced change in place of use applications will create a complete overlap in the irrigation place of use, with a total of 620.5 acres to be authorized in Sections 5, 7, 8 and 18, Township 1 South, Range 19 West, Phillips County. As Paragraph No. 3 of the applications indicate, the proposal will remove the area to be authorized for the hog facility and completely overlap the place of use for the referenced files so that freshwater can be pumped into the effluent lagoons for subsequent re-diversion over the place of use. No changes to any Almena limitations.

Nearby water right owners identified on the map or in WRIS within one half-mile of the authorized/proposed points of diversion of all of the above referenced change applications were notified of the proposed changes by letters dated April 3, 2018 in order to comply with K.S.A. 82a 1906. The nearby well owners within one-half mile of the proposed wells for File Nos. 35,016 and 36,740 were given 15 days for comments; no written responses were received however two phone calls were received.

In an e-mail dated April 26, 2018, Kelly Stewart, Water Commissioner of the Stockton Field Office, recommended approval of the applications.

Water flow meters are required and separate meters are required for the dual use. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

DEPARTMENT OF AGRICULTURE 1320 RESEARCH PARK DRIVE MANHATTAN, KS 66502 PROVEY (785) 564 6700

Phone: (785) 564-6700 Fax: (785) 564-6777

STATE OF KANSAS



GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

900 SW Jackson, Room 456 Topeka, KS 66612 Phone: (785) 296-3556 www.agriculture.ks.gov



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

May 4, 2018

RE: Water Right, File Nos. 11,424; 17,871; 19,478; 20,824; 29,620; 33,786; 35,016; 36,663; 36,740 and 37,170

Dear Mr. Nelson:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of the approvals is that acceptable water flow meters must be installed so that both irrigation and stockwatering uses can be metered independent of each other. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed

Please note that the applications to change the point of diversion for File Nos. 35,016 and 36,740 are approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional wells shall be considered to have the priority of the date the applications were filed (November 27, 2017) to add the additional wells. In addition, the Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional wells at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional wells had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Change Application Unit Supervisor

Water Appropriation Program

BAT:rak

pc: Stockton Field Office
Old Stone Pork, L.L.C.
Craig and Genine Ingram Living Trusts
Watkins Family Trust,
Lisa Quinn etal
Bernard A. Van Kooten Trust #2



KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
USE MADE OF WATER AND ORDER
IN THE MATTER OF THE
THE AUTHORIZED QUANTITY OF WATER
WATER RIGHT

FILE NO. 20.824

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of N. Terry Nelson, on behalf of Nelson Farms, Incorporated, P.O. Box 38 Long Island, Kansas, 67647, Craig and Genine Ingram Living Trusts, 220 West 1100 Road, Long Island, Kansas, 67647-4001, Watkins Family Trust, Attn Bill Watkins, 8100 East Camelback Road, Suite 42, Scottsdale, Arizona, 85251, Lisa Quinn etal, 225 State Street, Phillipsburg, Kansas 67661, Bernard A. Van Kooten Trust #2 c/o Geraldine Van Kooten, 217 West 35th Street, Hays, Kansas 67601, and Old Stone Pork, L.L.C., 1304 West Fox Road, Long Island, Kansas 67647, received in this office on November 27, 2017 for approval of a change in the place of use and use made of water under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated January 16, 1984, approving the application to change the place of use and point of diversion, and by the Order of the Chief Engineer dated December 10, 1984, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights and that the application should be and are hereby approved.

The authorized quantity under this water right will remain 85.50 acre-feet (27.86 million gallons). This order effectively limits the authorized quantity of water to 73.45 acre-feet (23.93 million gallons) per calendar year for both stockwatering and irrigation uses combined. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use authorized by this approval is no longer required.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which that portion retained for irrigation use shall be authorized a quantity not to exceed:

73.45 acre-feet (23.93 million gallons) of groundwater per calendar year,

for irrigation use on the following described property:

				NE	Ξ1/4			NV	V1/4			SV	V1⁄4			SE	Ξ1/4		TOTAL
Sec.	Twp.	Range	NE1/4	NW1⁄4	SW1/4	SE¼	NE1/4	NW1⁄4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
5	18	19W															31.00	32.00	63.00
7	18	19W													15.00	3.00	32.00	35.00	85.00
8	18	19W	40.00	40.00	30.00	9.00	36.00	10.50	31.00	40.00	8.50	2.50							247.50
18	18	19W	36.00	28.00	34.00	30.00			Lot 2 26.00										225.00

File No. 20,824 Page No. 2

That portion changed to stockwatering use shall be authorized a quantity not to exceed:

23.93 million gallons (73.45 acre-feet) of groundwater per calendar year,

the location of the stockwatering place of use shall be

The North Half of the Southwest Quarter of the Northwest Quarter (N½ SW¼ NW¼) and in the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section 8, Township 1 South, Range 19 West, Phillips County, Kansas,

located substantially as shown on the maps accompanying the application to change the place of use and use made of water.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install a separate acceptable water meter for each use made of water for the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meters has been completed. The water right owner shall maintain the water meters in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted for irrigation and stockwatering use may be determined. The water right owner shall also report the reading of said water meters and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 20,824, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 27, 1983, as modified and amended by the aforementioned orders.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

day of MATER RESOLUTION DAVID W. BARFIELD CO. CHIEF ENGINEER B. CH Ordered this 30 day of , 2018, in Topeka, Shawnee County, Kansas. David W. Barfield, P.E. Chief Engineer Chief Engineer

Division of Water Resources Kansas Department of Agriculture SS

State of Kansas

County of Riley

The foregoing instrument was acknowledged before me this Way of David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Notary Public

day of MW/ On this , 2018, I hereby certify that the attached original Approval of Change in Place of Use and Use Made of Water, File No. 20,824, dated April 3018 was mailed postage prepaid, first class, US mail to the following:

NELSON FARMS INC N TERRY NELSON **BOX 38** LONG ISLAND KS 67647

With photocopies sent to

Stockton Field Office

CRAIG & GENINE INGRAM LIVING TRUSTS 220 W 1100 RD LONG ISLAND KS 67647-4001

OLD STONE PORK LLC 1304 W FOX RD LONG ISLAND KS 67647

WATKINS FAMILY TRUST ATTN BILL WATKINS 8100 E CAMELBACK RD SUITE 42 SCOTTSDALE AZ 85251

LISA QUINN ETAL 225 STATE ST PHILLIPSBURG KS 67661

BERNARD A VAN KOOTEN TRUST #2 C/O GERALDINE VAN KOOTEN 217 W 35TH ST HAYS KS 67601

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
www.ksda.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 ma	ade for approval of	f the Chief Engineer	to change the	
		☑ Place of Use	е		WATER RESOURCES
	(Check one or more)	☐ Point of Dive	ersion		RECEIVED
		□ Use Made o	of Water		NOV 27 2017
			File No. <u>20,824</u>		KS DEPT OF AGRICULTURE
2.	Name of applicant: Nelso	on Farms Inc.			
	Address: PO Box 38				
	City, State and Zip: Long	ı Island, KS 6764	.7		
	Phone Number: <u>(785)85</u> -	4-7611	E-mail a	ddress: terrynelson	@ruraltel.net
			t; ⊠ owner □ tena	ınt □ agent □ d	other? If other, please explain.
	·				
	Name of water use corre	spondent: <u>Nelsor</u>	Farms Inc		
	Address: PO Box 38		•		
	City, State and Zip: Long	ı Island, KS 6764	7		
	Phone Number: <u>(785)85</u> -	4-7611	E-mail a	ddress: <u>terrynelson</u>	@ruraltel.net
3.	The change(s) proposed	I herein are desire	ed for the following re	easons (please be s	specific): To change the authorized place of
	• , , , ,		_		35016, 36663, 36740, & 37170 and change
	the use made of water to	allow for the dua	l use of water (IRR 8	STK).	
	The change(s) (was) (will	ll be) completed b	y <u>12/31/18.</u>	(D	ate)
				<u> </u>	
For F.C Co		K.A.R. 5-5-1 (VES) NO) Use	Source G S Co Receipt D	ounty PL By LT Date 11/27/17 Date 11/27/17 Check # 023868

AFPLICATION COMPLETE

4/13/1/8

Reviewer 34/

Assisted by: SCANNED

1. The	•	ently au		•															
	Own	er of La																	
			AD	DRES	SS:														
				NI	=1/4			N\	N1⁄4			SV	N1/4			SI	=1/4		TOTAL
Sec.	Twp.	Range	NE¼	NW1/4	SW1/4	SE¼	NE¼	NW1/4	SW1/4	SE¼	NE¼	NW¼	SW1/4	SE¼	NE1/4	NW¼	SW¼	SE¼	ACRES
-							<u></u>												
					,														
List any	other	water r	ights	that co	ver th	is pla	ce of u	ıse					· · · · · · ·		JL	· · · · · · · · · · · · · · · · · · ·			
	Own	er of La	nd —	- NAN	IE:														
				NI I	Ξ1⁄4	T		NV	V1⁄4			SV	V¼			SI	=1/4		TOTAL ACRES
Sec.	Twp.	Range	NE¼	NW¼	SW1/4	SE1/4	NE¼	NW¼	SW1/4	SE¼	NE¼	NW¼	SW1/4	SE1/4	NE1/4	NW¼	SW¼	SE¼	ACRES
	_																		
List any	, other	water r	iahts t	that co	ver th	is plac	ce of u	ise	<u> </u>	!	<u> </u>								
2. It is		osed thater of La		-			_					ater r	ight.				27 2		
	O WIII	51				_	100 R	_				47			KSE	EPTO	FAGRI	CULTU	RE
				NE	Ξ1/4			NV	V¹⁄₄			SV	V1⁄4			SE	=1/4		TOTAL
Sec.	Twp.	Range	NE¼			SE1/4	NE1⁄4			SE1/4	NE¼	NW¼		SE1/4	NE¼	NW¼	SW¼	SE¼	ACRES
7	1	19 W													15			35	50
18	1	19 W	36	18	34	30													118
18	1	19 W					Lot 1 32	Lot 2	Lot 2 26	Lot 1									97
List any			ights t	that co	ver th	is pla	<u> </u>				, 1947	8, 296	<u>. </u>		36663	, 3674	0, 371	70	
·		er of La																	an Kooten
			AD	DRES	S: <u>22</u>	5 State	Street	Phillips	sburg, k	(S 676									
				NE	=1/4			NV	V1⁄4			SV	V1⁄4			SE	=1/4		TOTAL
Sec.	Twp.	Range	NE¼	NW¼	SW¼	SE1/4	NE¼	NW1⁄4	SW¼	SE¼	NE¼	NW1⁄4	SW1/4	SE¼	NE¼	NW¼	SW¼	SE¼	ACRES
A. 7	1	19 W														3	32		35
B. 18	1	19 W		10															10
List any	other	water r	ights t	that co	ver th	is plac	ce of u	 ise. <u>1</u> 1	424, 1	7871	1947	8, 296	20, 33	3786, 3	36663	3674	0, 371	70	

4. The presently authorized place of use is:

Owner of Land — NAME: Nelson Farms Inc.

ADDRESS: PO Box 38 Long Island, KS 67647

				NE	Ξ1/4			NV	V1⁄4			SV	V1⁄4			SE	∃¹ ⁄₄		TOTAL
Sec.	Twp.	Range	NE1⁄4	NW¼	SW1/4	SE¼	NE¼	NW1/4	SW¼	SE¼	NE1⁄4	NW¼	SW¼	SE1/4	NE1/4	NW¼	SW1/4	SE¼	ACRES
5	1 S	19 W															31	32	63
8	1 S	19 W	40	40	30	9													119
•																			

List any other water rights that cover this place of use. 36740 & 37170

WATER RESOURCES
RECEIVED

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Nelson Farms Inc.

NOV 27 2017

ADDRESS: PO Box 38 Long Island, KS 67647

	ADDRESS. FO Box 36 Long Island, NO 07047 KS DEPT OF AGRICULTURE														KS DE	AGRIC	E		
				NE	E1/4			NV	V1⁄4			SV	V1⁄4			SE	=1/4		TOTAL
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE¼	NW1/4	SW1/4	SE¼	NE1⁄4	NW1/4	SW1/4	SE1/4	NE1⁄4	NW¼	SW1/4	SE1/4	ACRES
5	1 S	19 W															31	32	63
8	1 S	19 W	40	40	30	9													119
					<u> </u>										L				<u></u>

List any other water rights that cover this place of use. <u>11424</u>, <u>17871</u>, <u>19478</u>, <u>29620</u>, <u>33786</u>, <u>36663</u>, <u>36740</u>, <u>37170</u>

6. It is proposed that the place of use be changed to:

Owner of Land — NAME: A. Craig E. & Genine L. Ingram Living Trusts

B. Watkins Family Trust - Bill Watkins

ADDRESS: 126 W 900 Rd Long Island, KS 67647

8100 E Camelback Rd Suite 42 Scottsdale, AZ 85251

				NE	Ξ1/4			NV	V1⁄4			SV	V1⁄4			SI	Ξ½		TOTAL
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1⁄4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE¼	ACRES
		•						,											
A. 8	1 S	19 W					36	10.5											46.5
B. 8	1 S	19 W							31	40	8.5	2.5							82
			1							L									

List any other water rights that cover this place of use. <u>11424</u>, <u>17871</u>, <u>19478</u>, <u>29620</u>, <u>33786</u>, <u>36663</u>, <u>36740</u>, <u>37170</u>

7. It is proposed that the place of use be changed to:

Owner of Land — NAME: Old Stone Pork LLC

ADDRESS: 1304 W Fox Rd Long Island, KS 67647

Stockwater use in the North Half of the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Northwest Quarter, both in Section 8, Township 1 South, Range 19 West, Phillips County, Kansas.

List any other water rights that cover this place of use. 20824, 35016, 36740

			File	e No. <u>20,824</u>
The presently aut	thorized point(s) of diversion is tw	o wells		
. ,			(Provide description and number	of points)
. The proposed po	int(s) of diversion is <u>no change re</u>	quested.	(Provide description and number	of points)
Liet all presently au	the wined maint(a) of diversions		(Frovide description and number	or points)
	thorized point(s) of diversion:			
	d point of diversion:			
	Quarter of the			
	, Township			
	County, Kansas,			utheast corner of section.
	Authorized Quantit			
	mputer ID No G			feet West)
☐ This point will no	t be changed 🔲 This point w	vill be changed a	s follows:	
Proposed point of d	iversion: (Complete only if cha	nge is requested	<u>l)</u>	
	Quarter of the			
of Section	, Township	***	South, Range	W,
in	County, Kansas,	feet North	feet West of So	utheast corner of section.
Proposed Rate	Proposed Quantity			
This point is: Addi	tional Well Geo Center List	other water right	s that will use this point _	
· · · · · · · · · · · · · · · · · · ·				•
Presently authorized	d point of diversion:			Carrier Day
	Quarter of the			
	, Township			
	County, Kansas,			utheast corner of section.
	Authorized Quantit			
'	mputer ID No G	•		feet West)
☐ This point will no	t be changed	vill be changed a	s follows:	
Proposed point of di	iversion: (Complete only if cha	nge is requested	<u>D</u>	
	Quarter of the			
	, Township			
in	County, Kansas,	feet North	feet West of So	utheast corner of section.
Proposed Rate	Proposed Quantity		<u> </u>	
This point is: Addi	tional Well 🔲 Geo Center List	other water right	s that will use this point _	
Presently authorized				
	Quarter of the			
	, Township			
	County, Kansas,			utheast corner of section.
	Authorized Quantity			
	nputer ID No G			feet West)
☐ This point will no	t be changed 🔲 This point w	vill be changed a	s follows:	
Proposed point of di	iversion: (Complete only if cha	nge is requested	<u>)</u>	
One in the	Quarter of the		Quarter of the	Quarter
of Section	, Township		South, Range	W,
in	County, Kansas,	feet North	feet West of So	utheast corner of section.
Proposed Rate	Proposed Quantity	Park the second of the second		
This point is:				
This point is. Addi	tional Well 🔲 Geo Center List	other water right	s that will use this point _	<u> </u>

			File No. <u>20,824</u>
12.	The pre	sently authorized use of water is for <u>IRR</u>	purposes.
	It is pro	posed that the use be changed to <u>IRR & STK</u>	purposes.
13.	If chanç	ging the place of use and/or use made of water, describe how the const	imptive use will not be increased.
	The ma	eximum annual quantity that will be proposed to be used for IRR and	STK will be the total quantity calculated by
	K.A.R.	5-5-9(a)(1). The return flow factor for Phillips County is 14.1%. This wa	ater right authorizes 85.5 AF for IRR.
	85.5 AF	x 14.1% =12.05 AF 85.5 AF - 12.05 AF = 73.45 AF for dual use (IR	R & STK). A complete overlap with file nos.
	<u>11424,</u>	17871, 19478, 29620, 33786, 36663, 36740, & 37170 will allow the pu	<u>imping of freshwater into the effluent lagoons</u>
	for the h	nog facility to then be spread across a total of 620.5 acres.	
		show any calculations here.)	
14.	It is req	uested that the maximum annual quantity of water be reduced to	(acre-feet or million gallons).
15.	It is req	uested that the maximum rate of diversion of water be reduced to	gallons per minute (c.f.s.).
16.	1:24,00 Kansas Distanc should	plication must include either a topographic map or detailed plat. A U.S. 0, is available through the Kansas Geological Survey, 1930 Constate 66047-3726 (www.usgs.gov). The map should show the location of the Southeast corner of the section must be slated be shown. Identify the center of the section, the section lines and township, and range numbers on the map. In addition the following in	nt Avenue, University of Kansas, Lawrence, the presently authorized point(s) of diversion. nown. The presently authorized place of use the section corners and show the appropriate
	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 armust be shown. Please be certain that the information shown on the Paragraph Nos. 9, 10 and 11 of the application.	
	2)	If the source of supply is groundwater, please show the location of domestic wells, within $\frac{1}{2}$ mile of the proposed well or wells. Identify mailing address of the property owner or owners. If there are no wells	each well as to its use and furnish name and
	3)	If the source of supply is surface water, the names and mailing addr and $\frac{1}{2}$ mile upstream from your property lines must be shown.	esses of all landowner(s) ½ mile downstream
		If a change in the place of use is d sshatching on the map. Please be certain that the information shown of Paragraph No. 5 of the application.	esired, show the proposed place of use by on the map agrees with the information shown
17.	local so	documentation to show the change(s) proposed herein will not impair burce of supply as to which the water right relates. This information may, test hole logs, and other information as necessary information to slelow.	ay include statements, plats, geology reports,
	No cha	nge in source of supply. Place of use will be modified on all correspond	ling files to cover all the places water will be
	used fo	r stockwater and irrigation.	WATER RESOURCES RECEIVED
			NOV 27 2017
			NOV B 1 LUII
			KS DEPT OF AGRICULTURE
18.	identify request	roposed change(s) does not meet all applicable rules and regulations of the rules and regulations for which you request a waiver. State the should be granted. Attach documentation showing that granting the reprejudicially and unreasonably affect the public interest.	reason why a waiver is needed and why the
	All regs	s met.	

File	No.	20	,824	
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Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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 authorized to make this application on their behalf, and declare furt complete. By filing this application I authorize the chief engineer to p as specified in sections 14 and 15 of this application. Dated at (Owner) (Please Print)	her that the statements contained herein are true, correct, and ermanently reduce the quantity of water and/or rate of diversion
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of Phillips SS	a, H
I hereby certify that the foregoing application was signed in my ANY LES State of Kansas My Appl. Sup. 4-5-18	presence and sworn to before me this day of Notary Public
FEE SCHED	<u>ULE</u>
Each application to change the place of use, the point of diversion or the us application fee set forth in the schedule below:	e made of the water under this section shall be accompanied by the
 Application to change a point of diversion 300 feet or less Application to change a point of diversion more than 300 feet . Application to change the place of use	

Make check payable to Kansas Department of Agriculture.

Krueger, Richelle [KDA]

From:

Stewart, Kelly [KDA]

Sent:

Thursday, April 26, 2018 1:04 PM

To: Cc: Turney, Brent [KDA]; Krueger, Richelle [KDA] Means, David [KDA]; Hageman, Rebecca [KDA]

Subject:

FW: Request for Recommendation, Nelson and Ingram change applications

Attachments:

3688,4005,4304,5069,7947,8203,26865,35648,35649,37191,37269.01,37269.02,37269.03

Nelson2018dualusechgspkgmemrev4.docx;

11424 et al 3 Nelson 2018 du alusech gspkgmemrev. docx; 18328 tempreduce polyumwirrst kaddwell battmemrev. docx

Brent,

I recommend approval of these applications. Per Richelle's memo regarding File No. 35,016 each well will get 12 a.f. instead of 36.

Kelly

From: Turney, Brent [KDA]

Sent: Wednesday, April 25, 2018 5:22 PM

To: Stewart, Kelly [KDA] < Kelly.Stewart@ks.gov>

Cc: Krueger, Richelle [KDA] < Richelle. Krueger@ks.gov>

Subject: FW: Request for Recommendation, Nelson and Ingram change applications

Kelly,

Attached are the three draft memos for the three different projects proposed by Nelsons and Ingrams, do you recommend approval?

Richelle did all the heavy lifting on this, but she is going to let me take the credit.

Thanks, Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

DEPARTMENT OF AGRICULTURE 1320 RESEARCH PARK DRIVE MANHATTAN, KS 66502 PHONE: (785) 564-6700 FAX: (785) 564-6777



900 SW Jackson, Room 456 Topeka, KS 66612 Phone: (785) 296-3556 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.

JACKIE McClaskey, Secretary of Agriculture

KENNETH & LAVERNE MILLER April 3, 2018 1606 N DAY ST WELLINGTON KS 67152

RE: Water Right, File Nos. 11,424; 17,871; 19,478; 20,824; 29,620; 33,786; 35,016; 36,663; 36,740 and 37,170

Dear Sir or Madam:

This is to advise you that Craig and Genine Ingram Living Trusts, Nelson Farms Inc. and Old Stone Pork, L.L.C, have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use for all of the above referenced file numbers and also the use made of water under Water Right, File Nos. 20,824; 35,016 and 36,740. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger Environmental Scientist Water Appropriation Program

RAK

pc: Stockton Field OfficeNelson Farms Inc.Craig and Genine Ingram Living TrustsOld Stone Pork L.LC.

DEPARTMENT OF AGRICULTURE 1320 RESEARCH PARK DRIVE MANHATTAN, KS 66502 PHONE: (785) 564-6700 FAX: (785) 564-6777



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GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

GAIL D & DORIS KATS 10185 E LAKE DR ENGLEWOOD CO 80111-5456 April 3, 2018

RE: Water Right, File Nos. 11,424; 17,871; 19,478; 20,824; 29,620; 33,786; 35,016; 36,663; 36,740 and 37,170

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Richelle A. Krueger Environmental Scientist

Water Appropriation Program

RAK

pc: Stockton Field Office Nelson Farms Inc.

Craig and Genine Ingram Living Trusts

DEPARTMENT OF AGRICULTURE 1320 RESEARCH PARK DRIVE MANHATTAN, KS 66502 PHONE: (785) 564-6700 FAX: (785) 564-6777



900 SW Jackson, Room 456 Topeka, KS 66612 Phone: (785) 296-3556 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

THAD R SCHEMPER PO BOX 67 LONG ISLAND KS 67647-0067

April 3, 2018

RE: Water Right, File Nos. 11,424; 17,871; 19,478; 20,824; 29,620; 33,786; 35,016; 36,663; 36,740 and 37,170

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Sincerely,

Richelle A. Krueger Environmental Scientist

Water Appropriation Program

RAK

pc: Stockton Field Office Nelson Farms Inc.

Craig and Genine Ingram Living Trusts

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900 SW Jackson, Room 456 Topeka, KS 66612 Phone: (785) 296-3556 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

JOYCE A SCHEMPER 5820 AVE N UNIT 21 KEARNEY NE 68847-8625 April 3, 2018

RE: Water Right, File Nos. 11,424; 17,871; 19,478; 20,824; 29,620; 33,786; 35,016; 36,663; 36,740 and 37,170

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Sincerely,

Richelle A. Krueger Environmental Scientist

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Water Appropriation Program

RAK

pc: Stockton Field Office Nelson Farms Inc.

Craig and Genine Ingram Living Trusts

DEPARTMENT OF AGRICULTURE 1320 RESEARCH PARK DRIVE MANHATTAN, KS 66502 PHONE: (785) 564-6700 FAX: (785) 564-6777

STATE OF KANSAS

900 SW Jackson, Room 456 Торека, KS 66612 Рнопе: (785) 296-3556 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.

JACKIE McClaskey, Secretary of Agriculture

CONRAD COX FARMS INC CONRAD C & MARY R COX TRUSTS 1036 HIGHWAY 383 LONG ISLAND KS 67647-4040 April 3, 2018

RE: Water Right, File Nos. 11,424; 17,871; 19,478; 20,824; 29,620; 33,786; 35,016; 36,663; 36,740 and 37,170

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This is to advise you that Craig and Genine Ingram Living Trusts, Nelson Farms Inc. and Old Stone Pork, L.L.C, have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use for all of the above referenced file numbers and also the use made of water under Water Right, File Nos. 20,824; 35,016 and 36,740. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

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Sincerely,

Richelle A. Krueger Environmental Scientist

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Water Appropriation Program

RAK

pc: Stockton Field Office Nelson Farms Inc.

Craig and Genine Ingram Living Trusts

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900 SW Jackson, Room 456 Topeka, KS 66612 Phone: (785) 296-3556 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

GRANITE VIEW LLC CHRISTY PELTON 74747 A RD BERTRAND NE 68927 April 3, 2018

RE: Water Right, File Nos. 11,424; 17,871; 19,478; 20,824; 29,620; 33,786; 35,016; 36,663; 36,740 and 37,170

Dear Sir or Madam:

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Sincerely,

Richelle A. Krueger Environmental Scientist

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Water Appropriation Program

RAK

pc: Stockton Field Office Nelson Farms Inc.

Craig and Genine Ingram Living Trusts

1320 Research Park Drive Manhattan, Kansas 66502 (785) 564-6700



900 SW Jackson, Room 456 Topeka, Kansas 66612 (785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

NELSON FARMS, INC. PO BOX 38 LONG ISLAND, KS 67647

12/4/17

RE: File No 20824



Dear Sir or Madam:

An application for approval of the	Chief Engineer to	change the following	condition or cor	nditions of the file	number:
referred to above has been received:	<u> </u>				

PU/UMW place of use point of diversion use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor... A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.

Change Applications Unit Supervisor

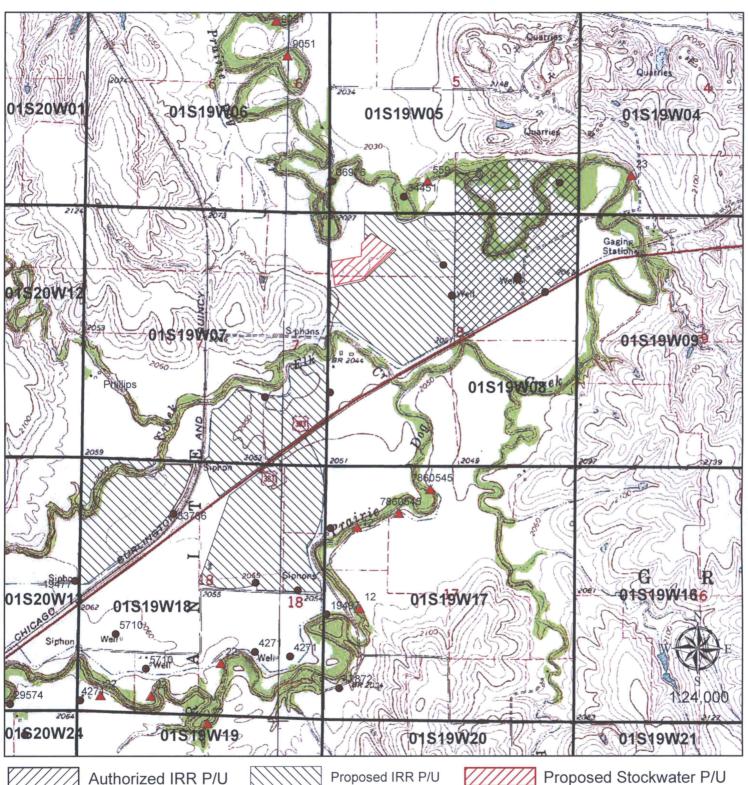
Water Appropriation Program

Good A. Juney

BAT: DLW

pc: STOCKTON Field Office **GMD**

Application to Change the Place of Use and Use Made of Water For Water Right File # 20,824



Authorized IRR P/U

Signature

Proposed IRR P/U

11-27-201

WATERRESOURCES RECEIVED

NOV 27 2017

KS DEPT OF AGRICULTURE

SCANNED