

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/D P/U UMW WORKSHEET

1. File Number: 35016	2. Status Change Date: <i>4/30/2018</i>	3. Change Num: C4	4. Field Office: 03	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 27-NOV-2017
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8a. Applicant(s) New to system <input checked="" type="checkbox"/> Person ID <u>66063</u> Add Seq# <u>1</u> OLD STONE PORK LLC 1304 W FOX RD LONG ISLAND KS 67647	8e. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID <u>31181</u> Add Seq# <u>1</u> CRAIG & GENINE INGRAM LIVING TRUSTS 220 W 1100 RD LONG ISLAND KS 67647-4001	8f. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8c. Landowner(s) New to system <input type="checkbox"/> Person ID <u>65324</u> Add Seq# <u>1</u> WATKINS FAMILY TRUST BILL WATKINS 8100 E CAMELBACK RD SUITE 42 SCOTTSDALE AZ 85251	8g. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8d. Landowner(s) New to system <input checked="" type="checkbox"/> Person ID <u>66063</u> Add Seq# _____ OLD STONE PORK LLC 1304 W FOX RD LONG ISLAND KS 67647	8h. WUC New to system <input checked="" type="checkbox"/> Person ID _____ Add Seq# _____ OLD STONE PORK LLC 1304 W FOX RD LONG ISLAND KS 67647
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: _____ N & P Date to Comply: 12/31/18

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: IRR To: STK

Date Prepared: 4/26/18 By: RAK
 Date Entered: 5/3/2018 By: UM

File No. **35016** 11. County: PL Basin: **PHILLIPS Prairie Dog Crk (28)** Stream: Formation Code: 113 Special Use: 005

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
IRR DEL	28527	SE	NW			8	1	19W	5	4154	2845						36663
STK ENT	86752	NE	SW			8	1	19W		3852	4440	ADDITIONAL WELL	68 g.p.m.	12AF (3.91 m.g.y.)	68 g.p.m.	12AF(3.91 m.g.y.)	NO
STK ENT	86753	NE	SW			8	1	19W		3852	4188	ADDITIONAL WELL	66 g.p.m.	12AF (3.91 m.g.y.)	66 g.p.m.	12AF(3.91 m.g.y.)	NO
STK ENT	86754	NW	SE			8	1	19W		3852	3935		66 g.p.m.	12AF (3.91 m.g.y.)	66 g.p.m.	12AF(3.91 m.g.y.)	NO

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

14. ADD Limitation: ADDITIONAL WELL
 Limitation: _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
IRR DEL	26601	8	1	19W	2					27.00	26.00															53.00	8b		
IRR DEL	31994	8	1	19W	1							32.5	34.50	1.20	0.80											69.00	8c		
ALMENA IRR. DIST																													
STK ENT	68877	8	1	19W						(N½ SW¼ NW¼) AND (NW¼ NW¼)													8d	YES	20824;35016;36740				

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: **ADDITIONAL WELL:**

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 (N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) and in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 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.

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

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.

STATE OF KANSAS

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

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,


Brent A. Turney, P.G.
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
POINT OF DIVERSION USE MADE OF WATER AND ORDER
IN THE MATTER OF THE
THE AUTHORIZED QUANTITY OF WATER
WATER RIGHT
FILE NO. 35,016**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Janet M. Sell, on behalf of Old Stone Pork, L.L.C., 1304 West Fox Road, Long Island, Kansas, 67647, Watkins Family Trust, Attn Bill Watkins, 8100 East Camelback Road, Suite 42, Scottsdale, Arizona, 85251, and Craig and Genine Ingram Living Trusts, 220 West 1100 Road, Long Island, Kansas, 67647-4001, received in this office on November 27, 2017 for approval of a change in the place of use, point of diversion 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 April 26, 1999, approving the application to change the place of use, the Order of the Chief Engineer dated September 6, 2000, approving the application to change the point of diversion, the Orders of the Chief Engineer dated June 12, 2001 and November 25, 2003, approving the applications to change the place of use, the Order of the Chief Engineer dated June 16, 2016, approving the application to change the point of diversion, and by the Order of the Chief Engineer dated November 16, 2016, approving the application to change the place of use, finds that the changes are reasonable and will not impair existing rights and that the application should be and is hereby approved.

This order effectively reduces the total authorized quantity of water to 36 acre-feet (11.73 million gallons) per calendar year in accordance with the Application for Approval to Change the Place of Use, Point of Diversion and Use Made of Water received in this office on November 27, 2017.

The application, therefore, is 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 application was filed (November 27, 2017) to add the additional wells.

The effective date of the changes shall be the date this order is executed by the Chief Engineer, after which the authorized used made of water shall be

Stockwatering Use

The authorized place of use shall be:

The North Half of the Southwest Quarter of the Northwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) and in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, Township 1 South, Range 19 West, Phillips County, Kansas,

and the authorized locations of the points of diversion shall be:

one(1) well located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, more particularly described as being near a point 3,852 feet North and 4,440 feet West of the Southeast corner of said section, in a quantity not to exceed 12 acre-feet (3.91 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 68 gallons per minute (0.15 c.f.s.) (additional well),

one(1) well located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, more particularly described as being near a point 3,852 feet North and 4,188 feet West of the Southeast corner of said section, in a quantity not to exceed 12 acre-feet (3.91 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 66 gallons per minute (0.14 c.f.s.) (additional well), and

one(1) well located in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, more particularly described as being near a point 3,852 feet North and 3,935 feet West of the Southeast corner of said section, in a quantity not to exceed 12 acre-feet (3.91 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 66 gallons per minute (0.14 c.f.s.),

all in 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, point of diversion and use made of water.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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 an acceptable water meter on 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 meter has been completed. The water right owner shall maintain the water meter 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 may be determined. The water right owner shall also report the reading of said water meter 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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 35,016, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 29, 1993, 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.

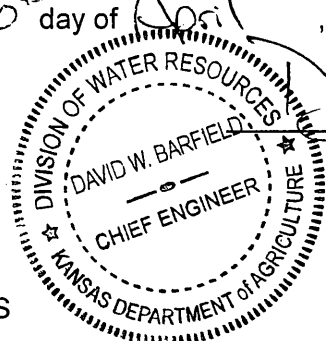
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal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

Ordered this 30th day of April, 2018, in Topeka, Shawnee County, Kansas.



David W. Barfield

 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 30th day of April 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

 Notary Public

CERTIFICATE OF SERVICE

On this ^{4th} day of *May*, 2018, I hereby certify that the attached original Approval of Change in Place of Use, Point of Diversion and Use Made of Water, File No. 35,016, dated *April 30th, 2018*, was mailed postage prepaid, first class, US mail to the following:

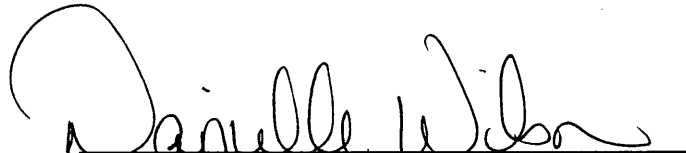
OLD STONE PORK LLC
1304 W FOX RD
LONG ISLAND KS 67647

With photocopies sent to

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

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

Stockton Field Office


Staff

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**



State of Kansas

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

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

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

- Place of Use
(Check one or more) Point of Diversion
 Use Made of Water

WATER RESOURCES
RECEIVED

NOV 27 2017

3:01

4:24*

KS DEPT OF AGRICULTURE

File No. 35,016

2. Name of applicant: Old Stone Pork LLC

Address: 1304 W Fox Rd

City, State and Zip: Long Island, KS 67647

Phone Number: (785)854-7611

E-mail address: * JANET @ VALLEY FEEDS.COM

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Old Stone Pork LLC

Address: 1304 W Fox Rd

City, State and Zip: Long Island, KS 67647

Phone Number: (785)854-7611

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): To change the authorized point of diversion to three individual wells, change the place of use to cover a new hog facility, and change the use made of water from IRR to STK.

The change(s) (was) (will be) completed by 12/31/18

(Date)

For Office Use Only:							
F.O.	<u>3</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1	(YES/NO)	Use	<u>IRR</u>
Code	<u>C3</u>	Fee \$	<u>700.00</u>	TR #		Source	<u>G/S</u>
						County	<u>PL</u>
						By	<u>LI</u>
						Date	<u>11/27/17</u>
						Receipt Date	<u>11/27/17</u>
						Check #	<u>1010</u>

APPLICATION COMPLETE
4/23/18
Reviewer PAK
*LI/DWR 11/27/17

6. The presently authorized point(s) of diversion (is) (are) one well
(Provide description and number of points)
7. The proposed point(s) of diversion is three wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the NW Quarter of Section 8, Township 1 South, Range 19 W, in Phillips County, Kansas, 4,154 feet North 2,845 feet West of Southeast corner of section. Authorized Rate 200 gpm Authorized Quantity 42 AF
 (DWR use only: Computer ID No. 5 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SE Quarter of the NW Quarter of Section 8, Township 1 South, Range 19 W, in Phillips County, Kansas, 3,852 feet North 3,935 feet West of Southeast corner of section. Proposed Rate 66 gpm Proposed Quantity 14 AF 12 AF
 This point is: Additional Well Geo Center List other water rights that will use this point None

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the SW Quarter of the NW Quarter of Section 8, Township 1 South, Range 19 W, in Phillips County, Kansas, 3,852 feet North 4,188 feet West of Southeast corner of section. Proposed Rate 66 gpm Proposed Quantity 14 AF 12 AF
 This point is: Additional Well Geo Center List other water rights that will use this point None

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the SW Quarter of the NW Quarter of Section 8, Township 1 South, Range 19 W, in Phillips County, Kansas, 3,852 feet North 4,440 feet West of Southeast corner of section. Proposed Rate 68 gpm Proposed Quantity 14 AF 12 AF
 This point is: Additional Well Geo Center List other water rights that will use this point None

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

** per 4/19/18 water commissioner meeting of conversation w/ BAF * BAF/BWA 4/26/18*

4. The presently authorized place of use is:

Owner of Land — NAME: Watkins Family Trust

ADDRESS: Bill Watkins 8100 E Camelback Rd Suite 42 Scottsdale, AZ 85251

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	
8	1	19 W								32.5	34.5	1.20	0.80					69	

List any other water rights that cover this place of use. 11424, 36663

Owner of Land — NAME: Craig & Genine Ingram Living Trusts

ADDRESS: 220 W 1100 Rd Long Island, KS 67647

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

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	
8	1	19 W					27	26										53	

List any other water rights that cover this place of use. 11424, 36663

(If there are more than two landowners, attach additional sheets as necessary.)

WATER RESOURCES RECEIVED

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

NOV 27 2017

Owner of Land — NAME: Old Stone Pork LLC

ADDRESS: 1304 W Fox Rd Long Island, KS 67647

~~KS DEPT OF AGRICULTURE~~

Stockwater use in the North Half of the Southwest Quarter of the Northwest Quarter and in 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, 36740

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

** LI/DWR FROM DEED DATED 10/6/17
WATER RIGHT TRANSFERRED TO*

12. The presently authorized use of water is for IRR purposes.
It is proposed that the use be changed to STK purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to * 36 AF (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute (_____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

Same source of supply.

WATER RESOURCES
RECEIVED

NOV 27 2017

KS DEPT OF AGRICULTURE

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

** per 4/19/18 water commission meeting & conversation w/ BAT/own
* no k/p on 4/26/18*

SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at 24th Long Island Kansas, this 24th day of November, 2017.

Old Stone Park, LLC
(Owner)

Janet M Sell
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Janet M Sell
(Spouse)

(Please Print)

(Spouse)

(Please Print)

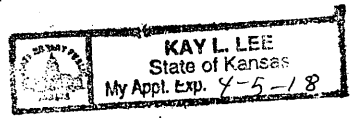
(Spouse)

(Please Print)

State of Kansas }
County of Phillips } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24th day of November, 2017.

My Commission Expires 4-5-18



[Signature]
Notary Public

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200 ✓
- (3) Application to change the place of use \$200 ✓
- (4) Application to change the use made of the water \$300 ✓

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES
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NOV 27 2017

KS DEPT OF AGRICULTURE

AGREEMENT FOR WARRANTY DEED

THIS AGREEMENT is made and entered into this 28th day of September, 2017, by and between Craig E. Ingram and Genine L. Ingram, and their successors in interest as Trustees of the **Craig E. Ingram Living Trust, dated May 27, 2008**, and also as Trustees of the **Genine L. Ingram Living Trust, dated May 27, 2008**, and any amendments thereto, hereinafter referred to as "Sellers", and **Old Stone Pork, LLC**, a Kansas limited liability company, hereinafter referred to as "Buyer";

WITNESSETH that the above named Sellers do hereby agree to sell and the above named Buyer does hereby agree to purchase, on the terms and conditions hereinafter set forth, all of the following described real property in Phillips County, Kansas, to-wit:

A tract of land located in the NW/4 of Section 8-T15-R19 West of the 6th P.M., Phillips County, Kansas, more particularly described as follows and assuming the West line of said NW/4 bears N 00°00'30" E. Beginning at the W 1/16th Corner of the NW/4 of said Section 8, thence N 00°00'30" E 394.00 feet on the Section line to a point, thence N 89°57'52" E 278.73 feet to a point, thence N 46°13'24" E 980.55 feet to a point; thence S 54°55'46" E 651.50 feet to a point; thence S 16°02'35" W 723.28 feet to the NE Corner of a tract of land surveyed by Wayne M. Dietz R.L.S. #894, dated July 20, 2017; thence S 00°08'05" E 150.00 feet on the East line of said surveyed tract to the SE Corner of said tract; thence S 81°15'21" W 1336.04 feet to the SW Corner of said surveyed tract, point also being on the Section line, thence N 00°00'30" E 350.00 feet on the Section line to the True Point of Beginning. Said tract containing 31.20 +/- Acres.

1. Consideration. The total consideration and sales price to be paid by the Buyer to the Sellers for said real property is the sum of Two Hundred Eighteen Thousand Four Hundred Dollars (\$218,400.00). The Sellers will further convey to the Buyer, forty-two (42) acre feet of the water rights evidenced by Water File #35,016, for an additional sum of One Hundred Twenty-six Thousand Dollars (\$126,000.00). Said sums shall be credited towards the Sellers' purchase of a 20% interest in Old Stone Pork, LLC.

2. Marketable Title. The Sellers hereby agree to convey the above described real estate to the Buyer by a Trustees' Deed conveying to the Buyer an indefeasible estate in fee simple

NOV 27 2017

KS DEPT OF AGRICULTURE

subject to easements and restrictions of record.

3. **Proof of Title.** The Sellers shall cause a Title Insurance Commitment to be issued by a title insurance company authorized to do business in the State of Kansas. Upon satisfaction of title requirements (if any) and after the date of closing, a title insurance policy insuring the title in the Buyer will be issued.

4. **Closing.** Closing shall be within 30 days, unless a later closing date is required in order to satisfy any title requirements.

5. **Taxes.** The Sellers shall pay the real estate taxes for the year 2016 and all prior years. The 2017 real property taxes shall be prorated between the parties as of the date of closing.

6. **Possession.** The Buyer shall receive ownership of the above described premises upon closing. Sellers agree to allow Buyer immediate access to the above described real property for construction purposes upon the execution of this agreement.

7. **Minerals.** All other surface or ground water rights are reserved by the Sellers. The Sellers further reserves all mineral rights on and under the premises.

8. **Other Agreements of the Parties.** Parties acknowledge and agree that the Sellers shall be entitled and obligated to take one-half of the effluent from the hog production facility which the Buyer intends to construct on the premises sold pursuant to this agreement.

9. **Expenses and Fees.** The cost of preparing this Contract, a Trustees' Deed, surveying fee, closing costs and the cost of the owner's title insurance policy shall all be paid by the Buyer. The cost of a mortgage policy (if any) is the expense of the Buyer.

10. **Closing Agent.** The parties hereby appoint and designate the law office of Thomas H. Sullivan, P.A. as closing agent for this transaction. The Deed referred to in paragraph 2 above shall be executed at once and deposited with the closing agent together with an executed copy of this Agreement. The consideration recited herein shall be paid through said closing agent. The

WATER RESOURCES RECEIVED

NOV 27 2017

TRUSTEES' DEED

KS DEPT OF AGRICULTURE

This indenture made this 6 day of October, 2017, by and between CRAIG E. INGRAM and GENINE L. INGRAM, and their successors in interest as TRUSTEES of the CRAIG E. INGRAM LIVING TRUST, dated May 27, 2008, and also as TRUSTEES of the GENINE L. INGRAM LIVING TRUST, dated May 27, 2008, as GRANTORS and OLD STONE PORK, LLC, a Kansas limited liability company, as GRANTEE.

THE GRANTORS, by virtue of the terms and provisions of said trust agreement, in consideration of One Dollar and Other Valuable Contribution, the receipt of which is hereby acknowledged, do hereby grant, sell, and convey to OLD STONE PORK, LLC, a Kansas limited liability company, the following described real estate in Phillips County, Kansas, to-wit:

A tract of land located in the NW/4 of Section 8-T1S-R19 West of the 6th P.M., Phillips County, Kansas, more particularly described as follows and assuming the West line of said NW/4 bears N 00°00'30" E: Beginning at the W 1/16th Corner of the NW/4 of said Section 8, thence N 00°00'30" E 394.00 feet on the Section line to a point, thence N 89°57'52" E 278.73 feet to a point, thence N 46°13'24" E 980.55 feet to a point; thence S 54°55'46" E 651.50 feet to a point; thence S 16°02'35" W 723.28 feet to the NE Corner of a tract of land surveyed by Wayne M. Dietz R.L.S. #894, dated July 20, 2017; thence S 00°08'05" E 150.00 feet on the East line of said surveyed tract to the SE Corner of said tract; thence S 81°15'21" W 1336.04 feet to the SW Corner of said surveyed tract, point also being on the Section line, thence N 00°00'30" E 350.00 feet on the Section line to the True Point of Beginning. Said tract containing 31.20 +/- Acres.

The Grantors further convey to the Grantee, forty-two (42) acre feet of the water rights evidenced by Water File #35,016.

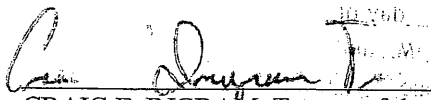
All other surface or ground water rights are reserved by the Grantors. The Grantors further reserve all mineral rights on and under the premises.

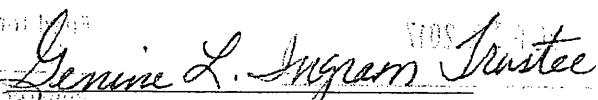
Except and subject to:
Easements and restrictions of record

THE GRANTORS covenant that the trusts remain in full force and effect at this time, that the trustees have authorization without limitation to sell and convey all of the above described real estate.

CRAIG E. INGRAM LIVING TRUST,
dated May 27, 2008

GENINE L. INGRAM LIVING TRUST
dated May 27, 2008


CRAIG E. INGRAM, Trustee of the
Craig E. Ingram Living Trust


GENINE L. INGRAM, Trustee of the
Genine L. Ingram Living Trust

BOOK 425

Genine L. Ingram, Trustee

GENINE L. INGRAM, Trustee of the
Craig E. Ingram Living Trust

Craig E. Ingram, Trustee

CRAIG E. INGRAM, Trustee of the
Genine L. Ingram Living Trust

STATE OF KANSAS)
COUNTY OF PHILLIPS)SS:

The foregoing instrument was acknowledged before me this 6th day of October, 2017, by **CRAIG E. INGRAM** and **GENINE L. INGRAM** Trustees of the **CRAIG E. INGRAM LIVING TRUST**, dated May 27, 2008, and also as Trustees of the **GENINE L. INGRAM LIVING TRUST**, dated May 27, 2008, on behalf of the Trusts.



Jacob Haskell
Notary Public

My appointment expires: 9-1-2021

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NOV 27 2017

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Numerical
Direct
Indirect
Margin

STATE OF KANSAS } S.S.
Phillips County
Entered in Transfer Record

OCT 11 2017
Linnae McDonald
He
COUNTY CLERK

STATE OF KANSAS } SS
PHILLIPS COUNTY }

Filed for record on the 6th day of
Oct A.D., 2017 at 11:55AM., and
duly recorded in Book 425 page 355-356.
Robert Keeser
REGISTER OF DEEDS



Old Stone Pork

closing agent shall compute adjustments required by this Agreement and shall pay out of the proceeds the balance of all mortgages and liens thereon and shall remit the net proceeds to the Sellers. Thomas H. Sullivan, P.A. is the responsible party for filing, if applicable, the 1099-S with the Internal Revenue Service.

11. Absence of Warranties. The above described premises are sold as is and without warranties. The Buyers certify that they have examined the premises and are satisfied with the condition thereof and agree to accept said premises in their present condition.

12. Binding Effect. This Agreement shall be binding upon each of the parties hereto, their heirs, personal representatives, successors, and assigns. Time shall be of the essence of this Agreement.

13. Modifications and Amendments. This Agreement is the complete statement of all agreements and representations made by and between the parties and no modification or amendment of the terms hereof may be made unless the same are in writing in the same manner and with the same formality as this instrument is executed.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

Craig E. Ingram Living Trust,
dated May 27, 2008

Old Stone Pork, LLC

By: Craig E. Ingram Trustee
Craig E. Ingram, Trustee

By: Janet M Sell

By: Genine L. Ingram Trustee
Genine L. Ingram, Trustee

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Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Tuesday, March 27, 2018 7:08 AM
To: Krueger, Richelle [KDA]
Subject: FW: ingram 35016 agreement
Attachments: scan.pdf

FYI – I emailed Craig back and told him to get this to MHK.

From: craig ingram [mailto:glingram2000@yahoo.com]
Sent: Monday, March 26, 2018 12:59 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: ingram 35016 agreement

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MAR 27 2018
KS DEPT OF AGRICULTURE

Kansas Department of Agriculture
Division of Water Resources

VOLUNTARY WAIVER OF INTEREST IN WATER RIGHT

RE: Water Right File Number 35016 owned by Craig and Genine Ingram

The undersigned as owners of Water Right File Number 35016 freely and voluntarily request that any interest in the above referenced water right be dismissed. By signing this waiver Watkins Family Trust understand and agree that they are relinquishing any and all right title, and interest in water right 35016 owned by Craig and Genine Ingram as well as those of any heirs, successors or assignees with an interest in the land authorized under 35016 water right.

The signature below also indicate a waiver of any right to a hearing or an appeal that I may have had regarding the dismissal and termination of interest in water right 35016.

(Owner) William K Watkins Trustee

William K Watkins Date 3/20/2018

ACKNOWLEDGMENT

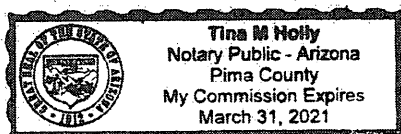
State of Arizona

County of PIMA

This instrument was acknowledged before me on MARCH 20, 2018 by William K Watkins

Notary Public Tina M. Holly

Seal




WATER RESOURCES
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MAR 27 2018
KS DEPT OF AGRICULTURE
SCANNED

Hi Bill

I sent our applications into Division of Water Resources so we can pump the water from your well, into the hog farm's lagoon for fertilizer application on your land. Your water right number is 11424. Ingram's water right number is 35016. Division of water resources informed me Ingram's water right could be claimed by you, therefore I have made an agreement for you to sign and notarize and send back to me for our protection. It is the same agreement we signed for you. I have included a copy of your water right file number 11424 and a copy of the agreement Genine and I signed stating Ingram's waive any right to your water right 11424, which we signed back in 2013 for your protection when we installed the center pivot irrigation system on your property.

Sorry for the inconvenience but we have to get this right for everybody.

Tell Delores we say hi and hope she's doing as well as can be expected.


3-13-2018

WATER RESOURCES
RECEIVED
MAR 27 2018
KS DEPT OF AGRICULTURE

Ireland, Leslie

From: Janet Sell <janet@valleyfeeds.com>
Sent: Monday, November 27, 2017 4:24 PM
To: Ireland, Leslie
Cc: Janet Sell
Subject: Deed for Old Stone Pork, LLC
Attachments: Valley Feeds_20171127_161142.pdf

Leslie if this does not take care of it- or – if you are needing something else; Please let me know.

Thank You,
Janet Sell

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Thursday, April 26, 2018 1:04 PM
To: Turney, Brent [KDA]; Krueger, Richelle [KDA]
Cc: 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
Nelson2018dualusechgs pkgmemrev4.docx;
11424etal3Nelson2018dualusechgs pkgmemrev.docx;
18328tempreducepdpuumwirrstkaddwellbattmemrev.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

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Monday, April 23, 2018 7:15 AM
To: Turney, Brent [KDA]; Krueger, Richelle [KDA]
Cc: Means, David [KDA]
Subject: FW: Water Right Issues

FYI – Please note the request to bump up the stock water portion under 18,328 to 80 acre-feet.

From: Terry Nelson [mailto:terry@valleyfeeds.com]
Sent: Friday, April 20, 2018 8:43 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: Re: Water Right Issues

Actually Kelly you did talk about all of it except the reduction of 4304 pl 16 and 3130. But I do agree with all of it and we should change the 40 af to 80 af on 18328 to provide enough water for Stillwater

Sent from my iPhone

On Apr 20, 2018, at 3:19 PM, Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov> wrote:

Terry,

You will probably want to discuss this further, but wanted to give you a heads up. Manhattan has identified some issues on the recent change applications you filed. In a nutshell, they are:

File No. 3,310 & 4,304: As you will recall, PL016 has 65 acre-feet. File No. 3130 has 85 acre-fee, but is limited to 123 acre-feet when combined with PL016. File No. 4,304 currently has 123 acre-feet for irrigation, but is also limited to 123 acre-feet when combined with PL016 & 3130. By changing the two irrigation wells under File No. 4,304 to dual use, they will be limited to the consumptive use number of 105.7 acre-feet while authorized for dual use. Since all three water rights “share” the same consumptive use number due to being perfected on the same land, it will now be necessary to limit both 3130 and 4304 to a total of 105.7 acre-feet when combined with PL016. If you ever remove the stockwatering option from the two irrigation wells, the irrigation quantity will return to 123 acre-feet and the total limiting clause of 123 acre-feet will be restored.

File No. 18,328: You are proposing to convert 40 acre-feet to stockwatering and place it on a new battery of two wells. The east irrigation well is currently authorized 220 acre-feet. By converting 40 acre-feet to stockwatering, you will be losing 7.6 acre-feet in the consumptive use calculation. Since you are creating an additional battery of wells under this water right, Manhattan considers this a permanent change (due to the creation of the additional battery of wells) and they are not willing to allow for a “path back” to the original 220 acre-feet if you ever converted the 40 acre-feet back to irrigation.

File No. 35,016: This is the 42 acre-foot water right of Craig’s. 36 acre-feet will convert to stockwatering. On your application, you were proposing to keep the full 42 acre-feet. If you want to keep the full 42 acre-feet, you will need to request a waiver and provide justification for the waiver. We had originally talked that you might consult with KLA or someone to look into that option. If you cannot provide justification for keeping the full 42 acre-feet, the water right will need to be reduced to 36 acre-feet while authorized for stockwatering. You will be provided the “path back” to 42 acre-feet if the whole water right is ever converted back to irrigation.

Manhattan will need some type of verification that you are in agreement with (or at least will accept) these conditions. A response back to me by e-mail would suffice.

These are the three main issues they have discovered while processing your applications. I'm sure I didn't fully explain this and would be happy to discuss it.

Kelly

Kelly C. Stewart, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
Stockton Field Office
(785)425-6787
kelly.stewart@ks.gov

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

STATE OF KANSAS

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

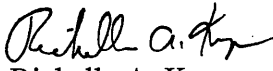
RE: Water Right, File Nos. 11,424; 17,871; 19,478; 20,824; 29,620; 33,786; 35,016; 36,663;
36,740 and 37,170

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 Office
Nelson Farms Inc.
Craig and Genine Ingram Living Trusts
Old Stone Pork L.L.C.

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
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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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Sincerely,

A handwritten signature in black ink that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Nelson Farms Inc.
Craig and Genine Ingram Living Trusts
Old Stone Pork L.L.C.

STATE OF KANSAS

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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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Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
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Old Stone Pork L.L.C.

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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

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,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Nelson Farms Inc.
Craig and Genine Ingram Living Trusts
Old Stone Pork L.L.C.

STATE OF KANSAS

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

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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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

GRANITE VIEW LLC
CHRISTY PELTON
74747 A RD
BERTRAND NE 68927

April 3, 2018

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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

GRANITE VIEW LLC
CHRISTY PELTON
74747 A RD
BERTRAND NE 68927

April 3, 2018

RE: Water Right, File No. 35,016

Dear Sir or Madam:

This is to advise you that Old Stone Pork, L.L.C, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized point of diversion under Water Right, File No. 35,016. Based upon K.S.A. 82a-1906, you are being notified of the above referenced application for change.

You are notified of this proposed change in point of diversion so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

You can find the application 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.

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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 No. 35,016

Dear Sir or Madam:

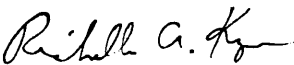
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Water Appropriation Program

RAK

pc: Stockton Field Office
Old Stone Pork L.L.C.

Krueger, Richelle [KDA]

From: Krueger, Richelle [KDA]
Sent: Tuesday, March 27, 2018 2:08 PM
To: Means, David [KDA]
Cc: Stewart, Kelly [KDA]
Subject: RE: Craig Ingram/Nelson/Old Stone Pork Applications 35016, 36740 etal

Okay, thanks Dave, I will wait and see how Brent wants to proceed on those points, thanks for the info!

From: Means, David [KDA]
Sent: Tuesday, March 27, 2018 2:03 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: RE: Craig Ingram/Nelson/Old Stone Pork Applications 35016, 36740 etal

Hey Richelle...on File No. 35016, Terry felt they should not take a consumptive use hit on the umw conversion. I will forward you an email on that which will provide a bit of background as to why. He was to submit information to justify this but apparently didn't.

File No. 36740...this is what Terry wanted, but it appears to violate KAR 5-5-16 (d). Could a waiver be granted? As far as the spacing goes, it looks like there is roughly 660 ft from 20824 & the proposed wells for 36740. The proposed additional wells will be within 300ft of the original well per 5-5-16(c) (2) and Terry is the owner of the only water right (20824) that doesn't meet spacing, so I think we can allow this but maybe we need a written statement from Terry requesting a waiver?

I'm not sure about the notifications...I'll leave that one to Kelly!

From: Stewart, Kelly [KDA]
Sent: Tuesday, March 27, 2018 1:28 PM
To: Means, David [KDA] <David.Means@ks.gov>
Subject: FW: Craig Ingram/Nelson/Old Stone Pork Applications 35016, 36740 etal

Can you answer as much of this as you can so that will help me respond to Richelle? Just respond to her questions below and forward only to me. Please.

From: Krueger, Richelle [KDA]
Sent: Tuesday, March 27, 2018 1:24 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Means, David [KDA] <David.Means@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: Craig Ingram/Nelson/Old Stone Pork Applications 35016, 36740 etal

Hi Kelly,

Bet you thought you were done with me bothering you for today, wrong! Lol

I am trying to get up to speed again on the Ingram/Old Stone Pork/Nelson applications since Mr. Ingram is submitting the info we need on the signatures. I just had a couple of questions on these I need to get clear in my mind-

- On File No. 35016 which is a pupdumw change, they do not show a reduction in quantity at all, just the presently authorized 42 acre-feet and 200 g.p.m. split up equally among the three wells. Are they supposed to reduce to

42 AF x .859= 36.08 AF stockwatering only, permanent reduction? OR are they aware they are taking a temporary reduction to 36.08 acre-feet for stockwatering use only with path back to 42 acre-feet OR something else?

- On File No. 36740 a pupdpumw change, they are proposing dual use and additional well, with each well having the ability to pump a blanket 98.36 acre-feet, with assigned diversion rates, are you okay with that?
- On File No. 36740 proposed wells, are you okay with well spacing to each other and to the wells under File No. 20824?
- I am trying to figure out how I am going to do the nearby water right owner notices, I was planning to send letters on 20824, 35016 and 36740 since they are combinations of pu umw and or pd changes, but do you think we need to notify nearbys on the strictly pu change applications only?

Thanks as always for your help!
Richelle

Krueger, Richelle [KDA]

From: Means, David [KDA]
Sent: Tuesday, March 27, 2018 2:05 PM
To: Krueger, Richelle [KDA]
Cc: Stewart, Kelly [KDA]
Subject: FW: Consumptive Use Issue for 35016

From: Stewart, Kelly
Sent: Friday, September 29, 2017 8:54 AM
To: Means, David <David.Means@ks.gov>
Subject: FW: Consumptive Use Issue

Dave,

Let's pull 35,016 and see exactly what it was doing during the perfection period. Was it operating on acres by itself?

From: Metzger, Susan
Sent: Friday, September 29, 2017 8:49 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>; Letourneau, Lane <Lane.Letourneau@ks.gov>
Subject: RE: Consumptive Use Issue

Kelly,

The applicant can always provide additional information to support consideration for an alternative calculation for the consumptive use. If the prior calculation was defensible for the property and will not adversely impact the regional supply I would recommend they still apply for the full conversion.

Susan

Susan Metzger
Deputy Secretary
Kansas Department of Agriculture
Please note my new email address as of July 2016: Susan.Metzger@ks.gov
(785) 564-6700

From: Stewart, Kelly
Sent: Friday, September 29, 2017 8:47 AM
To: Letourneau, Lane <Lane.Letourneau@ks.gov>; Metzger, Susan <Susan.Metzger@ks.gov>
Subject: Consumptive Use Issue
Importance: High

Just a heads up.....

Terry Nelson is working with a nearby landowner, Craig Ingram, to put a new hog facility on Craig's land. Craig had a 42 acre-feet irrigation water right that Terry wanted to use for stockwatering. When we originally began these discussions, I had told Craig that the entire 42 acre-feet would convert to stockwatering and it would have under the old regulations. Due to a lack of continued communication throughout the process, Terry ended up purchasing this water right with the understanding that he was buying 42 acre-feet (\$3,000 per a.f.). However, now that we have the new regs

in place, only 36 acre-feet will convert. Terry found out about that yesterday and called the office today. He was not pleased.

Nearly a month ago, David Means and I met with Terry and his son Clarke to work on several other projects involving new facilities and converting irrigation water to stockwater use. They were really excited that we would be applying the new reg to these changes. So, they were aware that we had started to use the new cu calculation. It is, however, an unfortunate situation and poor timing.

Please be advised my e-mail has changed to: kelly.stewart@ks.gov

Kelly C. Stewart, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
Stockton Field Office
(785)425-6787

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

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Kelly C. Stewart, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
Stockton Field Office
(785)425-6787

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

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

OLD STONE PORK, LLC 12/4/17
1304 W FOX RD
LONG ISLAND, KS 67647

FILE COPY

RE: File No 35016

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/PD/UMW
- 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.

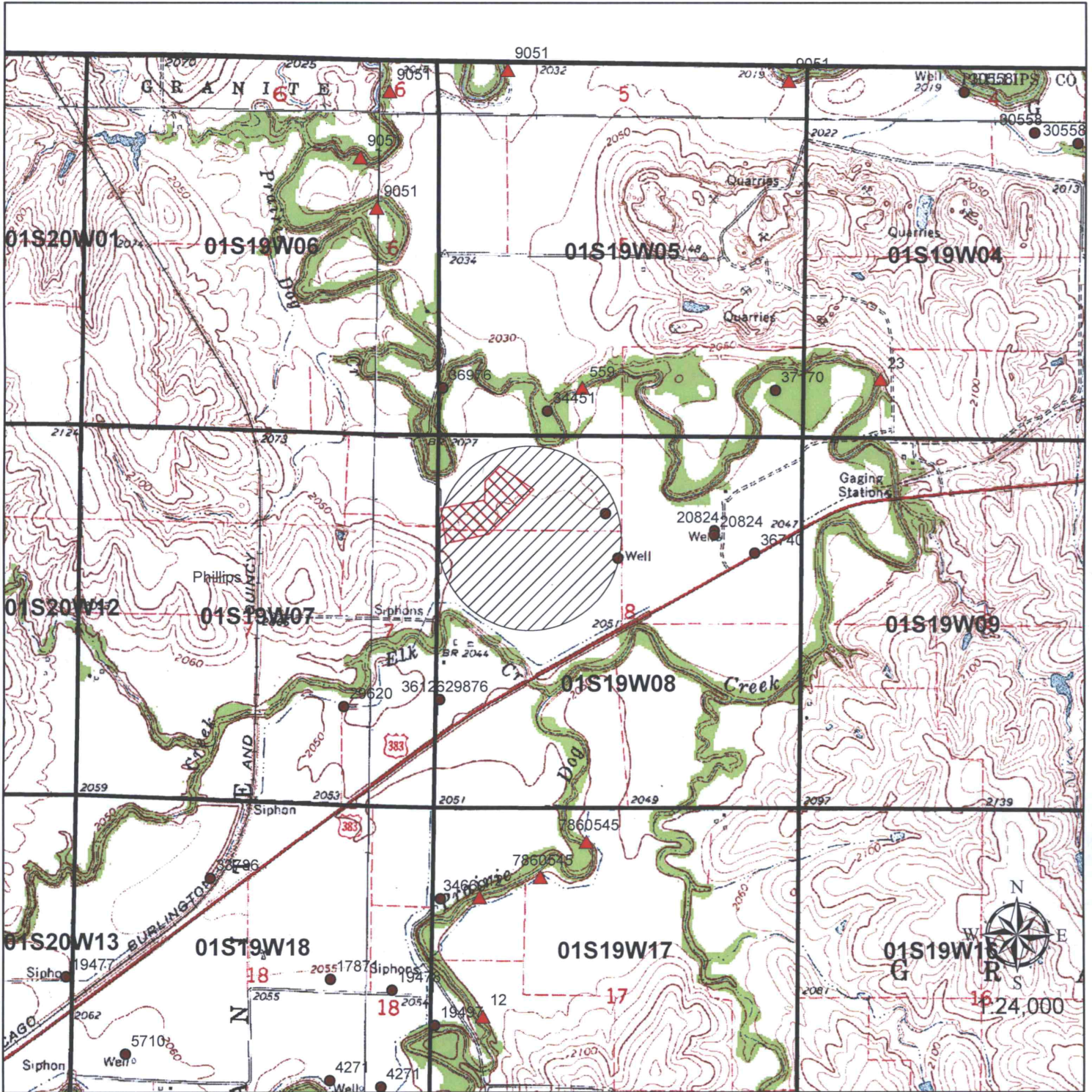
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tournay, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STOCKTON Field Office GMD

Application to Change the Point of Diversion,
Place of Use and Use Made of Water For
Water Right File # 35,016



Authorized IRR P/U



Proposed Stockwater P/U

Janet M Sell
Signature

11/24/17
Date

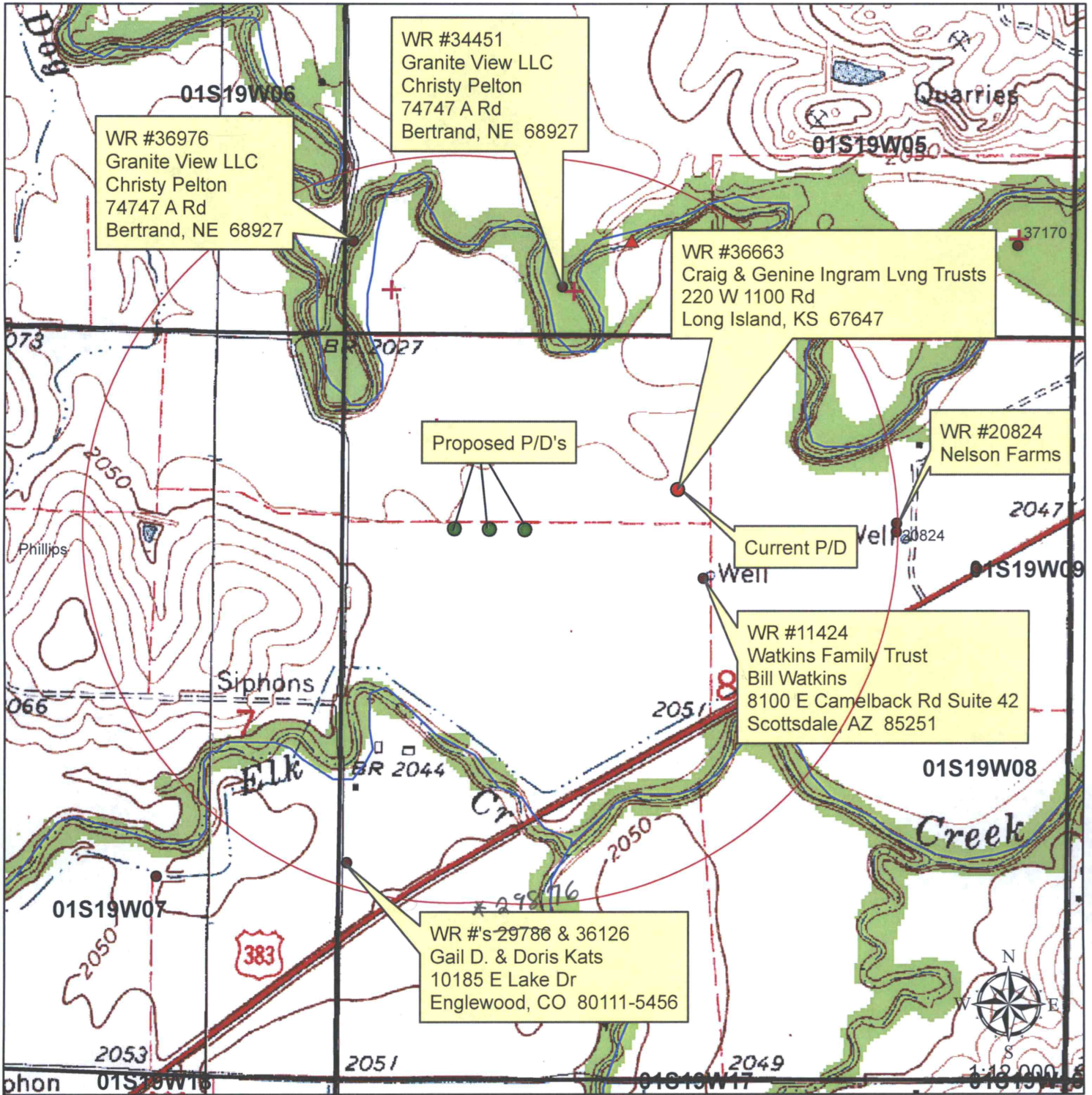
WATER RESOURCES
RECEIVED

NOV 27 2017

KS DEPT OF AGRICULTURE

SCANNED

Application to Change the Point of Diversion
 Place of Use, & Use Made of Water
 For Water Right File # 35016



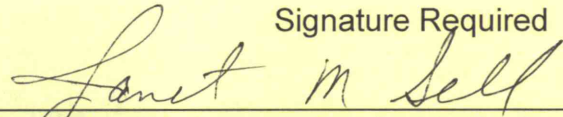
- Authorized P/D
- Proposed P/D's

* 29786
 per WRIS
 * ROL/own
 2/27/18

1/2 mile radius
 WATER RESOURCES
 RECEIVED

NOV 27 2017

KS DEPT OF AGRICULTURE

Signature Required

 By signing this I am stating that to the best of my knowledge
 that all wells within 1/2 mile of proposed well location are
 identified on this map.

SCANNED