

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

1. File Number: 36740	2. Status Change Date: 4/30/2018	3. Change Num: C1	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) Person ID **12683**
 New to system Add Seq# **1**

NELSON FARMS INC
BOX 38
LONG ISLAND KS 67647

8e. Landowner(s) Person ID **63042**
 New to system Add Seq# **1**
MARGARET JANE QUINN ESTATE
LISA C QUINN EXECUTRIX
225 STATE ST
PHILLIPSBURG KS 67661

8b. Landowner(s) Person ID **31181**
 New to system Add Seq# **1**
CRAIG & GENINE INGRAM LIVING TRUSTS
220 W 1100 RD
LONG ISLAND KS 67647-4001

8f. Landowner(s) Person ID **18506**
 New to system Add Seq# **1**
BERNARD A VAN KOOTEN TRUST #2
GERALDINE VAN KOOTEN
217 W 35TH ST
HAYS KS 67601

8c. Landowner(s) Person ID **65324**
 New to system Add Seq# **1**
WATKINS FAMILY TRUST
BILL WATKINS
8100 E CAMELBACK RD SUITE 42
SCOTTSDALE AZ 85251

8g. Landowner(s) Person ID **66003**
 New to system Add Seq# **1**

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

8d. Landowner(s) Person ID **12683**
 New to system Add Seq# **1**
NELSON FARMS INC
BOX 38
LONG ISLAND KS 67647

8h. WUC Person ID **12683**
 New to system Add Seq# **1**

NELSON FARMS INC
BOX 38
LONG ISLAND KS 67647

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2018** 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: **IRR/STK DUAL USE**

Date Prepared: **4/25/18** By: **RAK**
 Date Entered: **5/3/2018** By: **UM**

File No. **36740** 11. County: PL Basin: **PHILLIPS 28 Prairie Dog Creek** Stream: Formation Code: 113 Special Use: 005

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm/cfs Quantity af/mgy Authorized Additional Rate gpm/cfs Quantity af/mgy Overlap PD Files

810155
 IRR/STK ENT NC N½ SE¼ NE¼ 8 1 19W 3728 649 IRR/STK DUAL USE ADDITIONAL WELL 200 gpm 98.36AF(32.05mgy) 200 g.p.m. 0AF NO

IRR/STK MOD 11165 NC N½ SE¼ NE¼ 8 1 19W 6 3728 609 IRR/STK DUAL USE 390 gpm 98.36AF(32.05mgy) 390 g.p.m. 98.36AF(32.05mgy) NO

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

14. ADD Limitation **98.36AF(32.05mgy)IRR/STK COMBINED DUAL USE -SEE IMAGE FOR DETAILS**

KEEP Limitation: **273AF/YR COM/W #6,938 A ALMENA IRR DIST #5 & 20,824**

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

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files			
						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 ✓	24463	5	1	19W	3																31.00	32.00	63.00	8d	NO	see above		
PU COMMENT O-LAP ALM #5																												
IRR ENT	12926	7	1	19W	1																15.00		35.00	50.00	8b	NO	see above	
IRR ENT	64270	7	1	19W	3																3.00	32.00		35.00	8e	NO	see above	
IRR ✓	320	8	1	19W	3	40.00	40.00	30.00	9.00															119.00	8d	NO	see above	
PU COMMENT O-LAP ALM #5																												
IRR ENT	26601	8	1	19W	2					36.00	10.50													46.50	8b	NO	see above	
IRR ENT	31994	8	1	19W	1							31.0	40.00	8.50	2.50									82.00	8c	NO	see above	
ALMENA IRR. DIST																												
IRR ENT	64271	18	1	19W	6																	10.00			10.00	8f	NO	see above
IRR ENT	23645	18	1	19W	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	
PU COMMENT O-LAP ALMENA IRR DIST #5-36AC L-1 (E2NW) 61AC L-2(W2NW)																												
STK ENT	6887	8	1	19W		(N½ SW¼ NW¼) AND (NW¼ NW¼)																8g	YES	20824;35016;36740				

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

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:

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

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.

File No. 20,824 – File No. 20,824 is presently authorized a blanket rate and quantity of 85.5 acre-feet 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.

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

FILE COPY

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. 36,740**

FILE COPY

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 et al, 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, 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, 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 98.36 acre-feet (32.05 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 well shall be considered to have the priority of the date the application was filed (November 27, 2017) to add the additional well.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which that portion to be authorized for both irrigation and stockwatering uses shall be authorized from the following dual use points of diversion:

one(1) well located near the center of the North Half of the Southeast Quarter of the Northeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 8, more particularly described as being near a point located 3,728 feet North and 649 feet West of the Southeast corner of said section, in a quantity not to exceed 98.36 acre-feet (32.05 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 200 gallons per minute (0.44 c.f.s.) (additional well), and

one(1) well located near the center of the North Half of the Southeast Quarter of the Northeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 8, more particularly described as being near a point located 3,728 feet North and 609 feet West of the Southeast corner of said section, in a quantity not to exceed 98.36 acre-feet (32.05 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 390 gallons per minute (0.87 c.f.s.),

both in Township 1 South, Range 20 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.

That the above described dual use points of diversion are further limited to a total of 98.36 acre-feet (32.05 million gallons) of groundwater per calendar year for the dual stockwatering and irrigation uses combined.

The authorized location of the irrigation place of use shall be:

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	
5	1S	19W															31.00	32.00	63.00
7	1S	19W													15.00	3.00	32.00	35.00	85.00
8	1S	19W	40.00	40.00	30.00	9.00	36.00	10.50	31.00	40.00	8.50	2.50							247.50
18	1S	19W	36.00	28.00	34.00	30.00	Lot 1 32.00	Lot 2 35.00	Lot 2 26.00	Lot 1 4.00									225.00

a total of 620.50 acres in Township 1 South, Range 19 West, Phillips County, Kansas, and the authorized 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, 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 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.

The Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well 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 well 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. 36,740, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 23, 1997.

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.

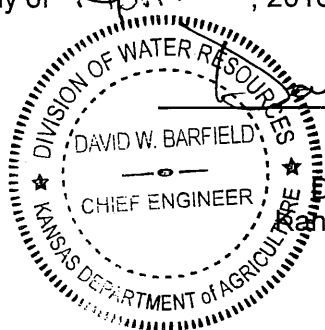
If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may 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 ^{4~~th~~} 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. 36,740, dated *April 30~~th~~, 2018*, 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

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

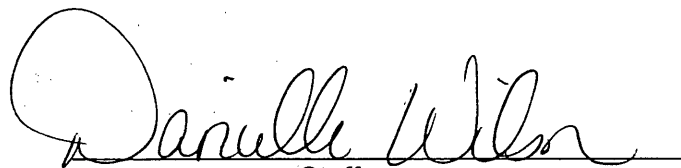
WATKINS FAMILY TRUST
ATTN BILL WATKINS
8100 E CAMELBACK RD SUITE 42
SCOTTSDALE AZ 85251

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

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

Stockton Field Office


Staff

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
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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

FILE COPY

**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. 36,740**

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 et al, 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, 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, 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 98.36 acre-feet (32.05 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 well shall be considered to have the priority of the date the application was filed (November 27, 2017) to add the additional well.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which that portion to be authorized for both irrigation and stockwatering uses shall be authorized from the following dual use points of diversion:

one(1) well located near the center of the North Half of the Southeast Quarter of the Northeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 8, more particularly described as being near a point located 3,728 feet North and 649 feet West of the Southeast corner of said section, in a quantity not to exceed 98.36 acre-feet (32.05 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 200 gallons per minute (0.44 c.f.s.) (additional well), and

one(1) well located near the center of the North Half of the Southeast Quarter of the Northeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 8, more particularly described as being near a point located 3,728 feet North and 609 feet West of the Southeast corner of said section, in a quantity not to exceed 98.36 acre-feet (32.05 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 390 gallons per minute (0.87 c.f.s.),

both in Township 1 South, Range 20 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.

That the above described dual use points of diversion are further limited to a total of 98.36 acre-feet (32.05 million gallons) of groundwater per calendar year for the dual stockwatering and irrigation uses combined.

The authorized location of the irrigation place of use shall be:

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	
5	1S	19W															31.00	32.00	63.00
7	1S	19W													15.00	3.00	32.00	35.00	85.00
8	1S	19W	40.00	40.00	30.00	9.00	36.00	10.50	31.00	40.00	8.50	2.50							247.50
18	1S	19W	36.00	28.00	34.00	30.00	Lot 1 32.00	Lot 2 35.00	Lot 2 26.00	Lot 1 4.00									225.00

a total of 620.50 acres in Township 1 South, Range 19 West, Phillips County, Kansas, and the authorized 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, 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 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.

The Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well 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 well 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. 36,740, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 23, 1997.

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.

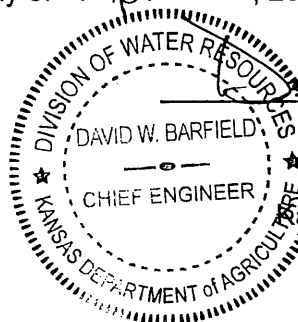
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal 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. 36,740, dated *April 30th, 2018*, 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

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

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

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

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
3.04

KS DEPT OF AGRICULTURE

File No. 36,740

2. Name of applicant: Nelson Farms Inc.

Address: PO Box 38

City, State and Zip: Long Island, KS 67647

Phone Number: (785)854-7611

E-mail address: terrynelson@ruraltel.net

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

Name of water use correspondent: Nelson Farms Inc

Address: PO Box 38

City, State and Zip: Long Island, KS 67647

Phone Number: (785)854-7611

E-mail address: terrynelson@ruraltel.net

3. The change(s) proposed herein are desired for the following reasons (please be specific): To change the authorized point of diversion to add an additional well. The use made of water will also be changed to allow for the dual use of water (IRR & STK). The place of use will be changed to cover a hog facility and several other IRR places of use to allow for the pumping of freshwater into the effluent lagoons so the effluent can be spread over several different tracks of land.

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>	Source <u>G/S</u>	County <u>PL</u>	By <u>LE</u>	Date <u>11/27/17</u>
Code <u>C3</u>	Fee \$ <u>600</u>	TR # _____	Receipt Date <u>11/27/17</u>	Check # <u>023868</u>			

APPLICATION COMPLETE

4/23/18
Reviewer KAJL

8. The presently authorized point(s) of diversion is one well
(Provide description and number of points)

9. The proposed point(s) of diversion is two wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NC N2 Quarter of the SE Quarter of the NE Quarter of Section 8, Township 1 South, Range 19 W, in Phillips County, Kansas, 3,630 feet North 700 feet West of Southeast corner of section.
 Authorized Rate 590 gpm Authorized Quantity 114.5 AF
 (DWR use only: Computer ID No. 6 GPS 3,728 feet North 609 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 NC N2 Quarter of the SE Quarter of the NE Quarter of Section 8, Township 1 South, Range 19 W, in Phillips County, Kansas, 3,728 feet North 609 feet West of Southeast corner of section.
 Proposed Rate 390 gpm Proposed Quantity 98.36 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 NC N2 Quarter of the SE Quarter of the NE Quarter of Section 8, Township 1 South, Range 19 W, in Phillips County, Kansas, 3,728 feet North 649 feet West of Southeast corner of section.
 Proposed Rate 200 gpm Proposed Quantity 98.36 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 _____ 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.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

4. The presently authorized place of use is:

Owner of Land — NAME: Nelson Farms Inc.

ADDRESS: PO Box 38 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	
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. 20824 & 37170

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

Owner of Land — NAME: Nelson Farms Inc.

ADDRESS: PO Box 38 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	
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. 11424, 17871, 19478, 20824, 29620, 33786, 36663, 37170

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

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	
A. 8	1 S	19 W					36	10.5											46.5
B. 8	1 S	19 W							31	40	8.5	2.5							82

List any other water rights that cover this place of use. 11424, 17871, 19478, 20824, 29620, 33786, 36663, 37170

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

WATER RESOURCES RECEIVED

NOV 27 2017

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

1. The presently authorized place of use is:

Owner of Land — NAME: _____

ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

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

WATER RESOURCES RECEIVED

2. It is proposed that the place of use be changed to: * No claim to the water right.

NOV 27 2017

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

ADDRESS: 220 W 1100 Rd Long Island, KS 67647 KS DEPT OF AGRICULTURE

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						
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 35	Lot 2 26	Lot 1 4														97

List any other water rights that cover this place of use. 17871, 19478, 20824, 29620, 33786, 37170 * 11,424 ; * 3663

Owner of Land — NAME: A. Lisa Quinn Etal * B. Bernard A. Van Kooten Trust #2 c/o Geraldine Van Kooten *

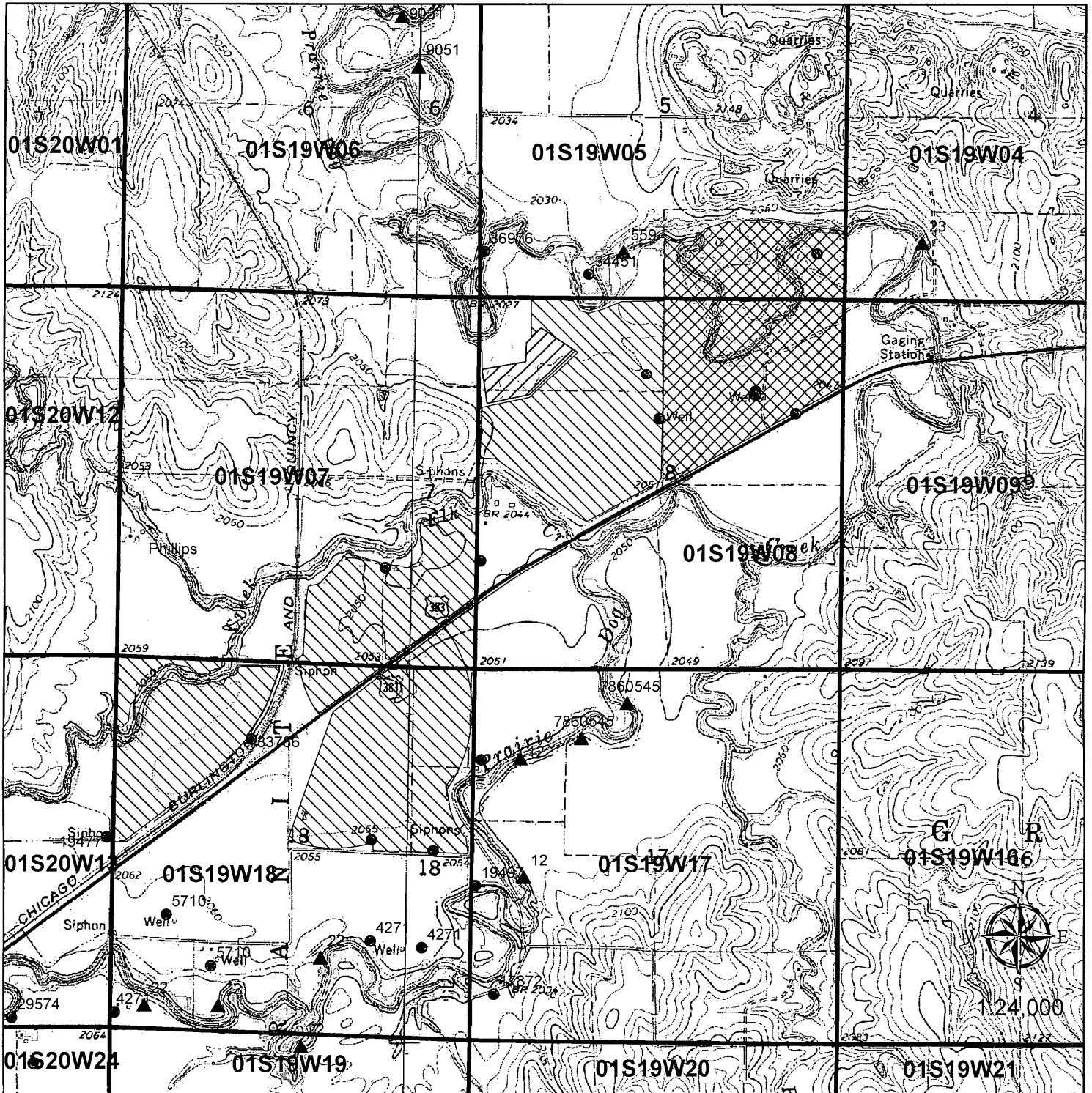
ADDRESS: 225 State Street Phillipsburg, KS 67661 217 W. 35th St. Hays, KS 67601

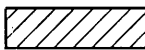

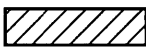
Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES					
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼						
A. 7	1	19 W																	3				32	35
B. 18	1	19 W		10																				10

List any other water rights that cover this place of use. 17871, 19478, 20824, 29620, 33786, 37170 * 11,424 ; * 3663

** per Par 5+6
* ROK/swm 4/26/19*

Application to Change the Point of Diversion
Place of Use, & Use Made of Water
For Water Right File # 36740



 Authorized IRR P/U  Proposed IRR P/U  Proposed Stockwater P/U

M. Larry Nelson
Signature

11/24/17
Date

WATER RESOURCES
RECEIVED

NOV 27 2017

KS DEPT OF AGRICULTURE

SCANNED

12. The presently authorized use of water is for IRR purposes.
It is proposed that the use be changed to IRR & STK purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The maximum 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 water right authorizes 114.5 AF for IRR. 114.5 AF x 14.1% = 16.14 AF 114.5 AF - 16.14 AF = 98.36 AF for dual use (IRR & STK). Irrigated acres will be changed to completely overlap in place of use with file nos. 11424, 17871, 19478, 20824, 29620, 33786, 36663, & 37170 to cover a total of 620.5 acres. Both wells will be limited to a combined total of 98.36 AF of IRR, STK, or a combination of both.
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to *98.36 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.
No change in source of supply. Place of use will be modified on all corresponding files to cover all the places water will be used for stockwater and irrigation.

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.

All regs met.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* per 4/14/18 water commission mtg
+ conversation w/ DAT/OWN
* ROW/DOWN 4/16/18

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 Lawrence, Kansas, this 24 day of November, 2017.

Nelson Farms Inc
(Owner)

Nelson Farms Inc
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

N. Terry Nelson
(Spouse)

N. Terry Nelson
(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 Nov, 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.**

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
Nelson2018dualusechgspkgmemrev4.docx;
11424etal3Nelson2018dualusechgspkgmemrev.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

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FAX: (785) 564-6777



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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

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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:

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.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

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

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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

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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 cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Nelson Farms Inc.
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Old Stone Pork L.L.C.

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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

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

April 3, 2018


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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

JOYCE A SCHEMPER
5820 AVE N UNIT 21
KEARNEY NE 68847-8625

April 3, 2018

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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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Sincerely,

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Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

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pc: Stockton Field Office
Nelson Farms Inc.
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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 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

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JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

GRANITE VIEW LLC
CHRISTY PELTON
74747 A RD
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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.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

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

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 12/4/17
PO BOX 38
LONG ISLAND, KS 67647

FILE COPY

RE: File No 36740

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.

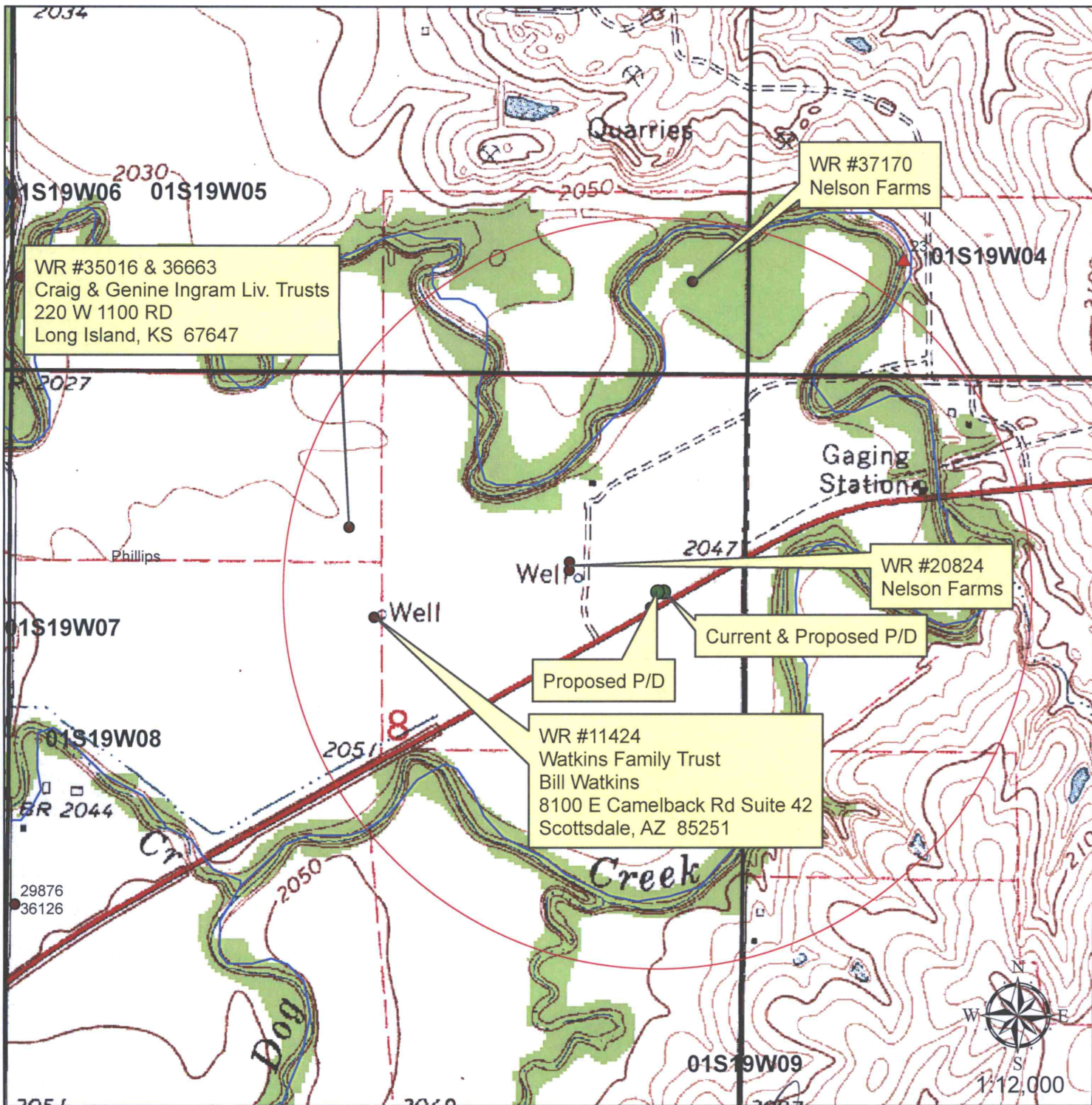
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

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, & Use Made of Water
 For Water Right File # 36740



WR #35016 & 36663
 Craig & Genine Ingram Liv. Trusts
 220 W 1100 RD
 Long Island, KS 67647

WR #37170
 Nelson Farms

WR #20824
 Nelson Farms

WR #11424
 Watkins Family Trust
 Bill Watkins
 8100 E Camelback Rd Suite 42
 Scottsdale, AZ 85251

- Authorized & Proposed P/D
- Other Points of Diversion
- 1/2 mile radius

WATER RESOURCES RECEIVED
 NOV 27 2017

Signature Required
[Handwritten Signature]
 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.