

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

|                                |  |                             |                               |         |
|--------------------------------|--|-----------------------------|-------------------------------|---------|
| 1. File Number:<br><b>7947</b> | 2. Status Change Date:<br><b>4/30/2018</b> | 3. Change Num:<br><b>C4</b> | 4. Field Office:<br><b>03</b> | 5. GMD: |
|--------------------------------|--|-----------------------------|-------------------------------|---------|

|   |   |
|---|---|
| 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:<br><b>20-NOV-2017</b> |
|---|---|

|   |   |
|---|---|
| 8a. Applicant(s)<br>New to system <input type="checkbox"/><br><br><b>NELSON FARMS INC</b><br><b>BOX 38</b><br><b>LONG ISLAND KS 67647</b>                 | Person ID <u><b>12683</b></u><br>Add Seq# <u><b>1</b></u><br><br>8d. Landowner(s)<br>New to system <input checked="" type="checkbox"/><br><b>NTN LLP</b><br><b>1304 W FOX RD</b><br><b>LONG ISLAND KS 67647</b> |
| 8e. Landowner(s)<br>New to system <input type="checkbox"/><br><b>HUSKY HOGS LLC</b><br><b>TERRY NELSON</b><br><b>BOX 8</b><br><b>LONG ISLAND KS 67647</b> | Person ID <u><b>54614</b></u><br>Add Seq# <u><b>1</b></u>   |

|   |   |
|---|---|
| 8b. Landowner(s)<br>New to system <input type="checkbox"/><br><b>NELSON FARMS INC</b><br><b>BOX 38</b><br><b>LONG ISLAND KS 67647</b> | Person ID <u><b>12683</b></u><br>Add Seq# <u><b>1</b></u><br><br>8f. Landowner(s)<br>New to system <input type="checkbox"/><br><b>NELSON HOG FARMS LLC</b><br><b>1271 W FOX RD</b><br><b>LONG ISLAND KS 67647</b> |
|---|---|

|   |   |
|---|---|
| 8c. Landowner(s)<br>New to system <input type="checkbox"/><br><b>TERRY NELSON</b><br><b>BOX 38</b><br><b>LONG ISLAND KS 67647</b> | Person ID <u><b>28567</b></u><br>Add Seq# <u><b>1</b></u><br><br>8g. WUC<br>New to system <input type="checkbox"/><br><b>NO CHANGES</b> |
|---|---|

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/13/18**  N & P Date to Comply: \_\_\_\_\_

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

Conservation Plan Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

10. Use Made of Water From: **IRR** To: **IRR/STK DUAL USE ON WELL ID 13/ IRR ONLY WELL ID 26**

Date Prepared: **4/3/18** By: **RAK**  
 Date Entered: **5/2/2018** By: **UM**

File No. **7947**      11. County: PL      Stream:      Formation Code: **113**      Special Use: **005**

| 12. Points of Diversion  |      |              |    |   |     |    |      |      |   | Rate and Quantity |                    |                 |                    |                  |
|--------------------------|------|--------------|----|---|-----|----|------|------|---|-------------------|--------------------|-----------------|--------------------|------------------|
| CHK<br>MOD<br>DEL<br>ENT | PDIV | Qualifier    | S  | T | R   | ID | 'N   | 'W   | Comment (AKA Line)                            | Authorized        |                    | Additional      |                    | Overlap PD Files |
|                          |      |              |    |   |     |    |      |      |   | Rate<br>gpm/cfs   | Quantity<br>af/mgy | Rate<br>gpm/cfs | Quantity<br>af/mgy |                  |
| IRR/STK MOD              |      | 35744 NWNESW | 34 | 1 | 20W | 13 | 2481 | 3950 | IRR/STK DUAL USE                              | 750 g.p.m.        | 107AF(34.87mg)     | 750 g.p.m.      | 107AF(34.87mg)     | 35649            |
| IRR                      | ✓    | 37449 SENWSE | 33 | 1 | 20W | 26 | 1359 | 1923 | 305' S & 34' W OF PREVIOUS POINT OF DIVERSION | 660 g.p.m.        | 15AF               | 660 g.p.m.      | 15AF               | 1970             |

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. **ADD** Limitation: **106.92AF(34.84mg)** -SEE IMAGE FOR DETAILS \_\_\_\_\_ gpm ( )  
**KEEP** Limitation: **O-LAP ALM #5-195 AF/YR** ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

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<br>MOD<br>DEL<br>ENT | PUSE | S     | T  | R | ID  | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼       |       |        |    |    |           |
| IRR                      | ✓    | 59813 | 28 | 1 | 20W | 1       |         |         |         |         |         |         |         |         |         |         |         |         |         |         | 1.00          | 13.00 | 14.00  | 8b | NO | SEE ABOVE |
| IRR                      | MOD  | 23378 | 33 | 1 | 20W | 1       | 28.00   | 38.00   | 40.00   | 40.00   | 33.00   | 31.00   | 31.0    | 40.00   |         |         |         |         | 40.00   | 30.00   | 13.00         | 33.00 | 397.00 | 8b | NO | SEE ABOVE |
| IRR                      | MOD  | 50451 | 33 | 1 | 20W | 10      |         |         |         |         |         |         |         | 31.0    | 13.00   | 1.50    | 3.00    |         |         |         |               |       | 48.50  | 8c | NO | SEE ABOVE |
| IRR                      | ✓    | 10065 | 34 | 1 | 20W | 3       |         |         |         |         |         |         | 39.0    | 7.00    | 19.0    | 18.00   | 17.00   | 28.00   |         | 17.50   | 22.50         |       | 168.00 | 8B | NO | SEE ABOVE |

**IRR OLAPS-**  
**PL 016; PL017-D2; 219; 1970 ;3130;**  
**3688; 4005; 4304; 7947; 8203;**  
**26865; 27754;30902;31484; 35648**

**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:** Vested Right  
File Nos. PL 016 and PL 017-D2  
Water Right  
File Nos. 219, 1,970, 3,130,  
3,688, 4,005, 4,304, 5,069,  
7,947, 8,203, 26,865, 27,754,  
30,902, 31,484, 35,648, 35,649;  
37,191; 37,269.01, 37,269.02  
and 37,269.03

Nelson Farms, Inc., etal filed applications for approval to change the authorized place of use for all of the above referenced file numbers with the exception of File Nos. PL 016; PL 017-D2; 219; 1,970; 3,130; 27,754; 30,902; and 31,484 which are strictly reduction in place of use requests/and or modifications to file limitations. Dual use made of water applications were also filed for Water Right, File Nos. 4,005; 4,304; 7,947; 8,203; 26,865 and 35,648-a change in point of diversion has also been filed for File No. 4,304. 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 commissioners meeting on April 19, 2018. IT was determined the applications and reductions should be processed as follows:

Change in PU UMW File Nos. 4,005; 4,304; 7,947; 8,203; 26,865 and 35,648/Change in Pd File No. 4,304

The above applications 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. No changes to any Almema limitations.

File No. 4,005 – File No. 4,005 is presently authorized 51.35 acre-feet of groundwater for irrigation use on 765 acres from one well. The well is overlapped by File No. 8,203. Paragraph No. 13 of the application indicates that 44.11 acre-feet of water can be authorized for irrigation/stockwatering use.

File No. 4,304-File No. 4,304 is presently authorized groundwater from two individual irrigation wells(one is also standby stockwatering), one primary stockwatering well, and one battery of two stockwatering wells all located in Section 33 as outlined below. The applicant proposes to convert the total currently authorized irrigation quantity (123 acre-feet) to dual use irrigation/stockwatering. Paragraph No. 13 calculation indicates 105.7 acre-feet will be authorized dual use, the point of diversion change for File No. 4,304 will transfer 73 acre-feet from WRIS Well ID 5 (2,040'N, 2,605'W) to WRIS Well ID 6(1,519'N, 4,845'W). WRIS Well ID 5 will be authorized 30 acre-feet and WRIS Well ID 6 will be authorized 93 acre-feet all limited to 105.7 acre-feet for dual irrigation/stockwatering use. No rate changes are proposed to either of the wells. WRIS Well ID 6(1519'N,4845'W) will not only be authorized dual use irrigation/stockwatering under File No. 4,304 but remain standby stockwatering for File No. 4,304 and 37,269.01 (for primary WRIS well ID 40). No changes are proposed for the existing stockwatering battery of wells.

Additionally, as discussed in the water commissioners meeting, the existing file limitation on the irrigation portion of File No. 4,304 will be modified from 123 acre-feet when combined with File Nos. PL 016 and 3,130 to 105.7 acre-feet when combined with File Nos. PL 016 and 3,130 as long as dual use occurs under File No. 4,304 so as not to increase the consumptive use of the file. If dual use stockwatering no longer occurs under File No. 4,304 then the limitation reverts back to the 123 acre-feet quantity as stated in the July 21, 2008 change approval.

|  |  |  |  |   |
|--|--|--|--|---|
|  | 33-1S-20W<br>CWNW¼SE¼<br>2040'N,<br>2605'W<br>WRIS ID 5<br>PDIV ID 22925 | 33-1S-20W<br>SW¼NW¼SW¼<br>1519'N, 4845'W<br>WRIS ID 6<br>PDIV ID 17026   | 33-1S-20W<br>SW¼NW¼SW¼<br>1518'N, 4854'W<br>WRIS ID 40<br>PDIV ID 83510<br>(Additional Well) | 33-1S-20W<br>SW¼SW¼SW¼<br>226'N, 5040'W<br>GEOCENTER<br>OF TWO WELL<br>BATTERY<br>WRIS ID 37<br>PDIV ID 75790 |
| Current uses,<br>quantities and<br>diversion<br>rates<br>File No. 4304     | IRR USE-<br>103AF<br>@600g.p.m   | IRR USE-<br>20 AF @290g.p.m.<br>ALSO STDBY STK USE<br>for PRIMARY STK WELL<br>File No. 4304                    | PRIMARY WELL<br>STK USE-<br>6.52m.g.y.(20AF)<br>@50gpm                                       | STK USE-<br>1.63 m.g.y.<br>@ 10 g.p.m.  |
| Current<br>overlaps File<br>No. 4304                                       | NONE   | STDBY STK USE-<br>File No. 37269.01  | PRIMARY WELL<br>STK USE-<br>File No. 37269.01  | NONE  |
| Proposed<br>Uses,<br>quantities and<br>diversion<br>rates<br>File No. 4304 | DUAL USE<br>IRR/STK<br>30 AF@600<br>g.p.m.                               | DUAL USE IRR/STK<br>93 AF@290 g.p.m.<br>ALSO REMAINS STDBY<br>STK USE for PRIMARY<br>STK WELL<br>File No. 4304 | NO CHANGES   | NO CHANGES  |
|  | Wells Limited to 105.7 acre-feet when<br>combined for IRR/STK DUAL USE   |  |  |   |
| Proposed<br>overlaps<br>File No. 4304                                      | NONE   | STDBY STK USE-<br>File No. 37269.01  | PRIMARY WELL<br>STK USE-<br>File No. 37269.01  | NONE  |

File No. 7,947- File No. 7,947 is presently authorized assigned rates and quantities to two wells for irrigation use – WRIS Well ID 26 (1359'N,1923'W) in Section 33 is authorized 15 AF and 660 g.p.m., and overlaps File No. 1,970; and WRIS Well ID 13 (2481'N 3950'W) is authorized 107 AF and 750 g.p.m. in Section 34, and overlaps File No. 35,649. Paragraph No. 13 of the application indicates only WRIS Well ID 13 will be converted to dual irrigation and stockwatering use, so that 91.92 acre-feet will be authorized for dual irrigation/stockwatering use from the well. No changes proposed for WRIS Well ID 26.

File No. 8,203- File No. 8,203 is presently authorized 31 acre-feet of groundwater and a limited rate of 720 g.p.m. for irrigation use on 765 acres from one well. The well is overlapped by File No. 4,005. Paragraph No. 13 of the application indicates that 26.63 acre-feet of water can be authorized for dual irrigation/stockwatering use.

Memorandum  
File No. PL 016 etal  
April 30, 2018  
Page 3

File No. 26,865- File No. 26,865 is presently authorized 60 acre-feet of groundwater for irrigation use on 765 acres from one well. The well has no overlaps. Paragraph No. 13 of the application indicates that 51.54 acre-feet of water can be authorized for dual irrigation/stockwatering use.

File No. 35,648- File No. 35,648 is presently authorized 21 acre-feet of groundwater for irrigation use on 765 acres from one well. The well overlaps File Nos. 37,191 and 37,269.03. Paragraph No. 13 of the application indicates that 18.04 acre-feet of water can be authorized for dual irrigation/stockwatering use. No changes to the 857.35 acre-feet limitation.

The applicant proposes a complete overlap in all of the stockwatering places of use, including the dual use permits, to pump stock water to a tower where it can then be distributed to any of the cattle feedlots or hog facilities. In a phone conversation dated February 21, 2018, Kelly indicated that the quantity requested for stockwatering use is justified since the applicant is expanding their operation.

The proposed irrigation place of use will be reduced to 726.5 acres in Sections 28, 33 and 34, Township 1 South, and Section 4, Township 2 South, all in Range 20 West, Phillips County. The irrigation place of use will be authorized by File Nos. PL 016 and PL 017-D2; 219; 1,970; 3,130; 3,688; 4,005; 4,304, 7,947; 8,203; 26,865; 27,754; 30,902; 31,484 and 35,648.

The proposed stockwatering place of use will be authorized by File Nos. 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649; 37,191; 37,269.01, 37,269.02 and 37,269.03 and described as: the Southwest Quarter (SW $\frac{1}{4}$ ) and the West Half of the Southeast Quarter (W $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 33, the West Half of the Southwest Quarter (W $\frac{1}{2}$  SW $\frac{1}{4}$ ) and near the center of Section 34, both sections in Township 1 South; and the South Half of the Northwest Quarter (S $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 3, and the East Half (E $\frac{1}{2}$ ) of Section 4, both sections in Township 2 South, the entire place of use in Range 20 West, Phillips County.

Change in PU File No. 3,688/Reduction in PU Requests File Nos. PL 016; PL 017-D2; 219; 1,970; 3,130; 27,754; 30,902; 31,484

The referenced change in place of use application and reduction requests were filed with the dual use change applications for File Nos. 4,005; 4,304; 7,947; 8,203; 26,865 and 35,648 with the goal of reducing the irrigation place of use from 775 acres to 726.5 acres in the above described location. No changes to any Almena limitations however, the limitation on File No. 3,130 limiting the file to 123 acre-feet when combined with File No. PL 016 will be modified to 105.7 acre-feet as long as dual use stockwatering occurs under File Nos. 4,304. If dual use stockwatering ceases under File No. 4,304 then the limitation for File No. 3,130 will revert to 123 acre-feet when combined with PL 016. The purpose of this temporary modification to the limitation is to prevent an increase in the consumptive use of File Nos. PL 016, 3,130 and 4,304, which shared an incomplete overlap in acres during perfection (see David L Means April 13, 2016 memorandum to the files with map for further explanation). No changes to the industrial use under File No. 30,902.

Memorandum  
File No. PL 016 etal  
April 30, 2018  
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Change in PU File Nos. 5,069; 35,649; 37,191; 37,269.01; 37,269.02 and 37,269.03 -all stockwatering files

File No. 35,649 is authorized stockwatering use at a hog operation located near the center of Section 34, Township 1 South, Range 20 West, Phillips County-no current place of use overlaps. File Nos. 5,069; 37,191; 37,269.01; 37,269.02 and 37,269.03 all overlap the stockwatering place of use of File No. 4,304 and the current place of use is in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 33 and the West Half of the Southwest Quarter (W $\frac{1}{2}$  SW $\frac{1}{4}$ ) of Section 34, both in Township 1 South, and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 3 and the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 4, both in Township 2 South, all in Range 20 West, Phillips County. As previously mentioned, the proposed stockwatering place of use will be authorized by File Nos. 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649; 37,191; 37,269.01, 37,269.02 and 37,269.03 at the above referenced proposed location.

Nearby water right owners identified on the map or in WRIS within one half-mile of the authorized points of diversion of all of the above referenced change applications were notified of the proposed changes by letter dated March 6, 2018 in order to comply with K.S.A. 82a 1906. The nearby well owners within one-half mile of the proposed well for File No. 4,304 were given 15 days for comments; no written responses 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 will be 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



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TOPEKA, KS 66612  
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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 3, 2018

**FILE COPY**

RE: Vested Right, File Nos. PL 016 and PL 017-D2; Water Right, File Nos. 219; 1,970; 3,130; 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 27,754; 30,902; 31,484; 35,648; 35,649; 37,191, 37,269.01, 37,269.02 and 37,269.03

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.

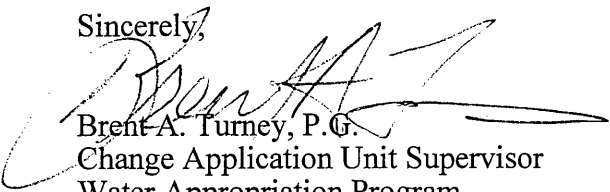
Also enclosed are Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which set forth the authorized place of use under File Nos. PL 016; PL 017-D2; 219; 1,970; 3,130; 27,754; 30,902 and 31,484.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office.

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  
NTN, L.L.P.  
Husky Hogs, L.L.C.  
Nelson Hog Farms, L.L.C.

**KANSAS DEPARTMENT OF AGRICULTURE**

Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**

David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
USE MADE OF WATER AND ORDER  
IN THE MATTER OF THE  
THE AUTHORIZED QUANTITY OF WATER  
WATER RIGHT  
FILE NO. 7,947**

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, NTN, L.L.P. 1304 West Fox Road, Long Island, Kansas, 67647, Husky Hogs, L.L.C., Terry Nelson, Box 8, Long Island, Kansas, 67647 and Nelson Hog Farms, L.L.C., 1271 West Fox Road, Long Island, Kansas, 67647, received in this office on November 20, 2017, for approval of a change in the place of use and use made of water under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated March 16, 1979, to better define the legal description of the tracts of land upon which the points of diversion are located, the Order of the Chief Engineer dated April 1, 1987 approving the application to change the place of use, the Order of the Chief Engineer dated May 16, 1996, approving the application to change the point of diversion and place of use, the Findings and Order of the Chief Engineer dated May 9, 2000, reducing the authorized place of use, the Findings and Order of the Chief Engineer dated July 21, 2008, approving the application to change the place of use, the Order of the Chief Engineer dated December 4, 2009, approving the application to change the point of diversion, by the Findings and Order of the Chief Engineer dated April 7, 2014, reducing the authorized place of use, and by the Order of the Chief Engineer dated November 22, 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.

The authorized quantity under this water right will remain 122 acre-feet (39.75 million gallons). This order effectively limits the authorized quantity of water to 106.92 acre-feet (34.84 million gallons) per calendar year. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use authorized by this approval is no longer required.

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

one(1) well located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 34, more particularly described as being near a point located 2,481 feet North and 3,950 feet West of the Southeast corner of said section, in a quantity not to exceed 91.92 acre-feet (29.95 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 750 gallons per minute (1.67 c.f.s.), limited to 91.92 acre-feet (29.95 million gallons) of groundwater per calendar year for both stockwatering and irrigation uses combined,

in Township 1 South, Range 20 West, Phillips County, Kansas,

and the point of diversion to remain authorized solely for irrigation use shall be:



one(1) well located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 33, more particularly described as being near a point 1,359 feet North and 1,923 feet West of the Southeast corner of said section, in a quantity not to exceed 15 acre-feet (4.89 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 660 gallons per minute (1.47 c.f.s.),

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 and use made of water.

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

| Sec. | Twp. | Range | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTAL ACRES |
|------|------|-------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------------|
|      |      |       | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |             |
| 28   | 1S   | 20W   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 1.00             | 13.00            | 14.00       |
| 33   | 1S   | 20W   | 28.00            | 38.00            | 40.00            | 40.00            | 33.00            | 31.00            | 31.00            | 40.00            | 31.00            | 13.00            | 1.50             | 3.00             | 40.00            | 30.00            | 13.00            | 33.00            | 445.50      |
| 34   | 1S   | 20W   |                  |                  |                  |                  |                  |                  | 39.00            | 7.00             | 19.00            | 18.00            | 17.00            | 28.00            |                  | 17.50            | 22.50            |                  | 168.00      |
| 4    | 2S   | 20W   |                  |                  |                  |                  | Lot 2<br>19.00   | Lot 2<br>34.00   | Lot 1<br>32.00   | Lot 1<br>11.00   |                  | 3.00             |                  |                  |                  |                  |                  |                  | 99.00       |

a total of 726.50 acres in Range 20 West, Phillips County, Kansas, and the authorized location of the stockwatering place of use shall be:

the Southwest Quarter (SW $\frac{1}{4}$ ) and the West Half of the Southeast Quarter (W $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 33, the West Half of the Southwest Quarter (W $\frac{1}{2}$  SW $\frac{1}{4}$ ) and near the center of Section 34,

both in Township 1 South; and

the South Half of the Northwest Quarter (S $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 3, the East Half (E $\frac{1}{2}$ ) of Section 4,

both in Township 2 South;

all in Range 20 West, Phillips County, Kansas,

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

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

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 7,947, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 19, 1965, 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.

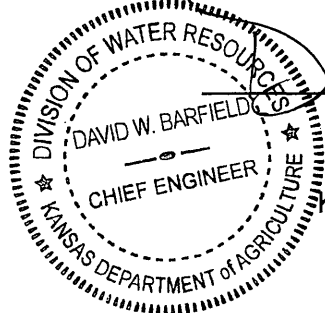
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal 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 30<sup>th</sup> 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 30<sup>th</sup> 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 3rd day of May, 2018, I hereby certify that the attached original Approval of Change in Place of Use and Use Made of Water, File No. 7,947, dated April 30<sup>th</sup>, 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 true and correct copies sent to

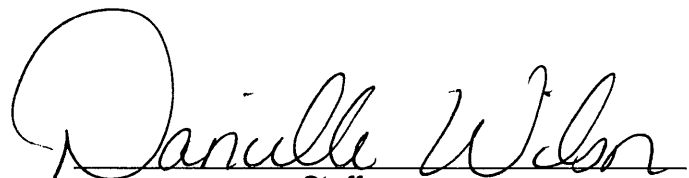
NTN LLP  
1304 W FOX RD  
LONG ISLAND KS 67647

HUSKY HOGS LLC  
TERRY NELSON  
BOX 8  
LONG ISLAND KS 67647

NELSON HOG FARMS LLC  
1271 W FOX RD  
LONG ISLAND KS 67647

With photocopies to:

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](http://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  
 Point of Diversion  
 Use Made of Water

(Check one or more)

**WATER RESOURCES  
RECEIVED**

**NOV 20 2017**

**12:30**

**KS DEPT OF AGRICULTURE**

File No. 7,947

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 place of use and use made of water to allow for the dual use of water (STK & IRR).

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

(Date)

**For Office Use Only:**

F.O. 3 GMD 0 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source GDS County PL By AW Date 11/20/17  
Code C-2 Fee \$ 500 TR # \_\_\_\_\_ Receipt Date 11/20/17 Check # 23454

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 |             |
| 28   | 1 S  | 20 W  |     |     |     |     |     |     |     |     |     |     |     |     |     | 1    | 13   | 14  |             |
| 33   | 1 S  | 20 W  | 28  | 38  | 40  | 40  | 33  | 31  | 31  | 40  |     |     |     |     | 40  | 34   | 28   | 34  | 417         |
| 34   | 1 S  | 20 W  |     |     |     |     |     |     | 39  | 7   | 19  | 18  | 17  | 28  |     | 17.5 | 22.5 |     | 168         |

List any other water rights that cover this place of use. PL 16, PL 17.D2, 219, 1970, 3130, 3688, 4005, 4304, 8203, 26865, 27754, 30902, 31484, 35648

Owner of Land — NAME: NTN, LLP

ADDRESS: 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 |             |
| 4    | 2 S  | 20 W  |     |     |     |     |     |     | Lot 1<br>22 | Lot 1<br>5 |     |     |     |     |     |     |     |     | 27          |

List any other water rights that cover this place of use. PL 16, PL 17.D2, 219, 1970, 3130, 3688, 4005, 4304, 8203, 26865, 27754, 30902, 31484, 35648

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

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 |             |
| 28   | 1 S  | 20 W  |     |     |     |     |     |     |     |     |     |     |     |     |     | 1    | 13   | 14  |             |
| 33   | 1 S  | 20 W  | 28  | 38  | 40  | 40  | 33  | 31  | 31  | 40  |     |     |     |     | 40  | 30   | 13   | 33  | 397         |
| 34   | 1 S  | 20 W  |     |     |     |     |     |     | 39  | 7   | 19  | 18  | 17  | 28  |     | 17.5 | 22.5 |     | 168         |

List any other water rights that cover this place of use. PL 16, PL 17.D2, 219, 1970, 3130, 3688, 4005, 4304, 8203, 26865, 27754, 30902, 31484, 35648

Owner of Land — NAME: NTN, LLP

ADDRESS: 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 |             |
| 4    | 2 S  | 20 W  |     |     |     |     |     |     | Lot 1<br>22 | Lot 1<br>5 |     |     |     |     |     |     |     |     | 27          |

List any other water rights that cover this place of use. PL 16, PL 17.D2, 219, 1970, 3130, 3688, 4005, 4304, 8203, 26865, 27754, 30902, 31484, 35648

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

12. The presently authorized use of water is for IRR \_\_\_\_\_ purposes.  
It is proposed that the use be changed to IRR & STK for well id 13, IRR for well id 26 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 under well id 13 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 107 AF for IRR under well id 13 and 15 AF for IRR under well id 26. Only well id 13 is being proposed to be authorized for dual use.  
107 AF x 14.1% = 15.08 AF    107 AF - 15.08 AF = 91.92 AF for dual use (IRR & STK) under well id 13.
- 
- (Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to \_\_\_\_\_ (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](http://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.
- If a change in the location of the point(s) of diversion is proposed, show:
    - 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.
    - If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ 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 ½ mile, please indicate so on the map.
    - If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
  - 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.
- 
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**

6. The presently authorized point(s) of diversion are two wells  
(Provide description and number of points)

7. The proposed point(s) of diversion is no change requested.  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **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 \_\_\_\_\_

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 \_\_\_\_\_ 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 \_\_\_\_\_

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

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

NOV 20 2017

KS DEPT OF AGRICULTURE SCANNED

1. 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

Stockwatering use in the Southwest Quarter and the West Half of the Southeast Quarter, both in Section 33 and the West Half of the Southwest Quarter of Section 34, both in Township 1 South, Range 20 West, Phillips County, Kansas and

Stockwatering use in the Southwest Quarter of the Northwest Quarter and the West Half of the Southeast Quarter of the Northwest Quarter, both in Section 3, Township 2 South, Range 20 West, Phillips County, Kansas.

Stockwatering use in the East Half of the Northeast Quarter and the South Half of the Southeast Quarter of Section 4, both in Township 2 South, Range 20 West, Phillips County, Kansas.

List any other water rights that cover this place of use. 4005, 4304, 5069, 7947, 8203, 26865, 35648, 35649, 37191, 37269.01, 37269.02, and 37269.03

Owner of Land — NAME: N. Terry Nelson

ADDRESS: PO Box 38 Long Island, KS 67647

Stockwatering use in the West Half of the Northeast Quarter and the North Half of the Southeast Quarter of Section 4, Township 2 South, Range 20 West, Phillips County, Kansas.

List any other water rights that cover this place of use. 4005, 4304, 5069, 7947, 8203, 26865, 35648, 35649, 37191, 37269.01, 37269.02, and 37269.03

Owner of Land — NAME: Husky Hogs LLC

ADDRESS: Terry Nelson Box 8 Long Island, KS 67647

Stockwatering use (hog facility) near the center of Section 34, in Township 1 South, Range 20 West, Phillips County, Kansas.

List any other water rights that cover this place of use. 4005, 4304, 5069, 7947, 8203, 26865, 35648, 35649, 37191, 37269.01, 37269.02, and 37269.03

Owner of Land — NAME: Nelson Hog Farms LLC

ADDRESS: 1271 W Fox Rd Long Island, KS 67647

Stockwatering use (hog facility) in the Southwest Quarter of the Southwest Quarter of Section 33, in Township 1 South, Range 20 West, Phillips County, Kansas.

List any other water rights that cover this place of use. 4005, 4304, 5069, 7947, 8203, 26865, 35648, 35649, 37191, 37269.01, 37269.02, and 37269.03

WATER RESOURCES  
RECEIVED

NOV 20 2017

KS DEPT OF AGRICULTURE

SCANNED



1. The presently authorized place of use is:

Owner of Land — NAME: N. Terry Nelson

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 |             |
| 33   | 1S   | 20W   |     |     |     |     |             |             |             |            | 31  | 26  | 7   | 3   |     |     |     |     | 67          |
| 4    | 2S   | 20W   |     |     |     |     | Lot 2<br>19 | Lot 2<br>34 | Lot 1<br>10 | Lot 1<br>6 |     |     |     |     |     |     |     |     | 69          |

List any other water rights that cover this place of use. PL16, PL17.D2, 219, 1970, 3130, 3688, 4005, 4304, 8203, 26865, 27754, 30902, 31484, 35648

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 |             |
| 4    | 2S   | 20W   |     |     |     |     |     |     |     |     |     | 3   |     |     |     |     |     |     | 3           |

List any other water rights that cover this place of use. PL16, PL17.D2, 219, 1970, 3130, 3688, 4005, 4304, 8203, 26865, 27754, 30902, 31484, 35648

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

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

Owner of Land — NAME: N. Terry Nelson

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 |             |
| 33   | 1S   | 20W   |     |     |     |     |             |             |             |            | 31  | 13  | 1.5 | 3   |     |     |     |     | 48.5        |
| 4    | 2S   | 20W   |     |     |     |     | Lot 2<br>19 | Lot 2<br>34 | Lot 1<br>10 | Lot 1<br>6 |     |     |     |     |     |     |     |     | 69          |

List any other water rights that cover this place of use. PL16, PL17.D2, 219, 1970, 3130, 3688, 4005, 4304, 8203, 26865, 27754, 30902, 31484, 35648

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 |             |
| 4    | 2S   | 20W   |     |     |     |     |     |     |     |     |     | 3   |     |     |     |     |     |     | 3           |

List any other water rights that cover this place of use. PL16, PL17.D2, 219, 1970, 3130, 3688, 4005, 4304, 8203, 26865, 27754, 30902, 31484, 35648

WATER RESOURCES  
RECEIVED  
NOV 20 2017  
SCANNED  
KS DEPT OF AGRICULTURE

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 Long Island, Kansas, this 14<sup>th</sup> day of November, 2017.

Nelson Farms  
(Owner)  
Nelson Farms, Inc  
(Please Print)

A. Jerry Nelson  
(Spouse)  
N. Terry Nelson  
(Please Print)

(Owner)  
(Please Print)  
(Owner)  
(Please Print)  
(Owner)  
(Please Print)

(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 14<sup>th</sup> day of November, 2017.

[Signature]  
Notary Public

My Commission Expires 4-5-18

**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 RECEIVED**

**NOV 20 2017**

**KS DEPT OF AGRICULTURE  
SCANNED**

## **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](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.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

March 6, 2018

**FILE COPY**

CLINT T & CORINNE J COX  
306 WHEELING AVE  
LONG ISLAND KS 67647

RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;  
37,191; 37,269.01; 37,269.02 and 37,269.03

Dear Sir or Madam:

This is to advise you that N. Terry Nelson, on behalf of Nelson Farms, Inc. and Husky Hogs, L.L.C., has 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. 4,005; 4,304; 7,947; 8,203; 26,865; and 35,648. 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](http://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., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson

**SCANNED**

STATE OF KANSAS

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GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 6, 2018

BARNETT COX  
16742 PDRA RD  
NORTON KS 67654-5648


RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;  
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Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
Nelson Farms Inc., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson

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GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 6, 2018

BRADLEY B & ANN M COX  
1439 W GRANITE RD  
LONG ISLAND KS 67647

RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;  
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Environmental Scientist  
Water Appropriation Program

RAK

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Nelson Farms Inc., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson

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GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 6, 2018

CLINT T & CORINNE J COX  
1090 LEAVENWORTH ST  
LONG ISLAND KS 67647

RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;  
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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., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson

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GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 6, 2018

RICHARD C & SANDRA A DOLE  
27886 STATE HIGHWAY 383  
ALMENA KS 67622-9677

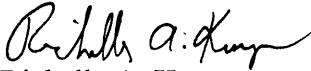
RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;  
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Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

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pc: Stockton Field Office  
Nelson Farms Inc., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson



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GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 6, 2018

COXS VALLEY VIEW FARMS  
STEVEN L COX  
STEVEN COX ASSOCIATES LLC  
1476 HWY 383  
LONG ISLAND KS 67647

RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;  
37,191; 37,269.01; 37,269.02 and 37,269.03

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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., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson

# STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
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GOVERNOR JEFF COLYER, M.D.

JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 6, 2018

B-K COX FARMS INC  
BARNET COX PRESIDENT  
BRADLEY B AND ANN M COX  
1439 W GRANITE RD  
LONG ISLAND KS 67647-9632

RE: Water Right, File Nos. 3,688; 4,005; 4,304; 5,069; 7,947; 8,203; 26,865; 35,648; 35,649;  
37,191; 37,269.01; 37,269.02 and 37,269.03

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Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stockton Field Office  
Nelson Farms Inc., Attn Terry Nelson  
Husky Hogs, L.L.C., Attn Terry Nelson

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 11/21/17  
PO BOX 38  
LONG ISLAND, KS 67647

**FILE COPY**

RE: File No 7947

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/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,

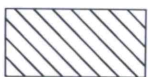
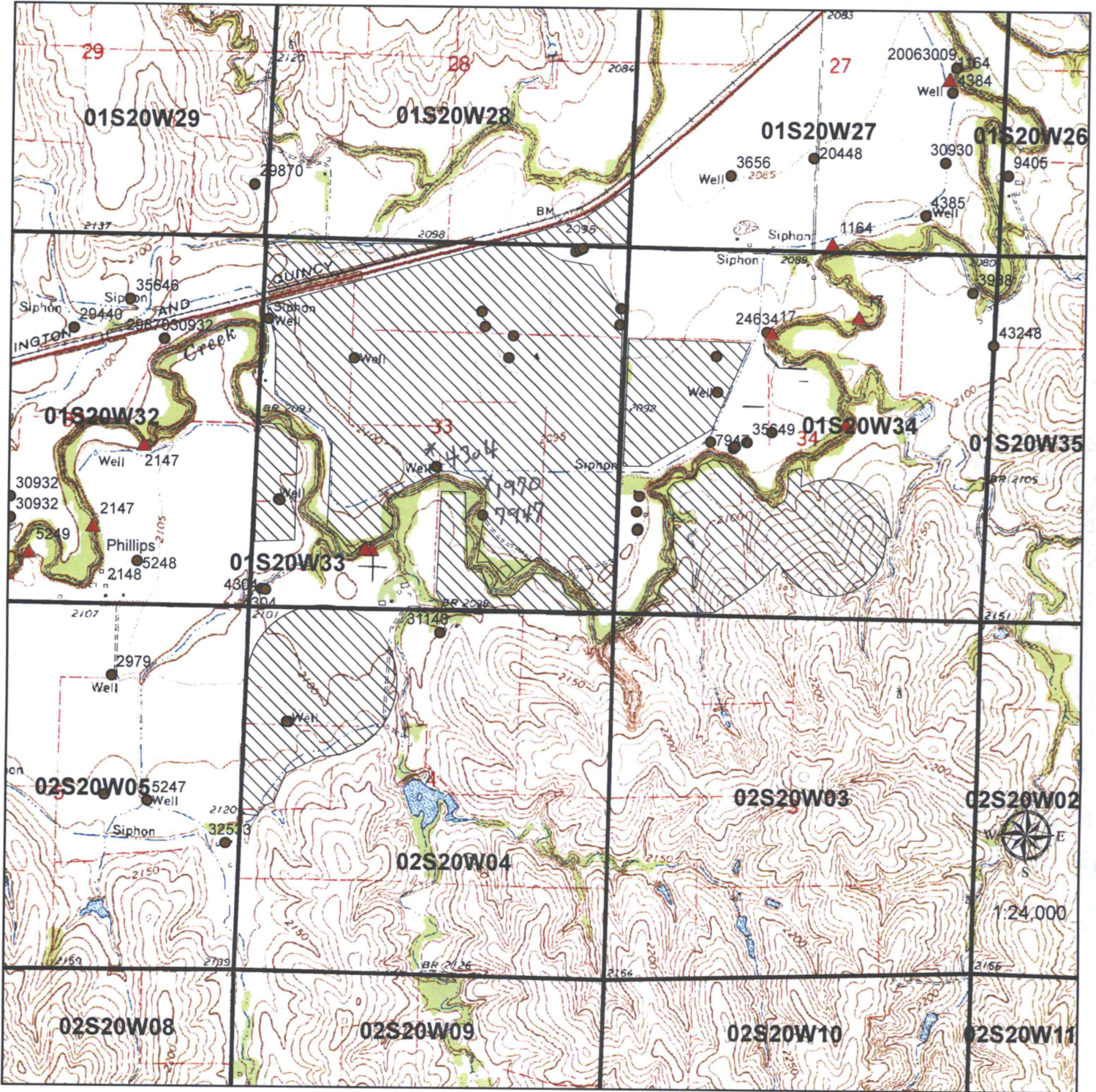
A handwritten signature in cursive script that reads "Brent A. Tourney".

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

BAT: DLW  
pc: STOCKTON Field Office GMD



Application to Change the Place of Use and Use Made of Water  
For Water Right File 7,947



Current Authorized Irrigation Place of Use

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

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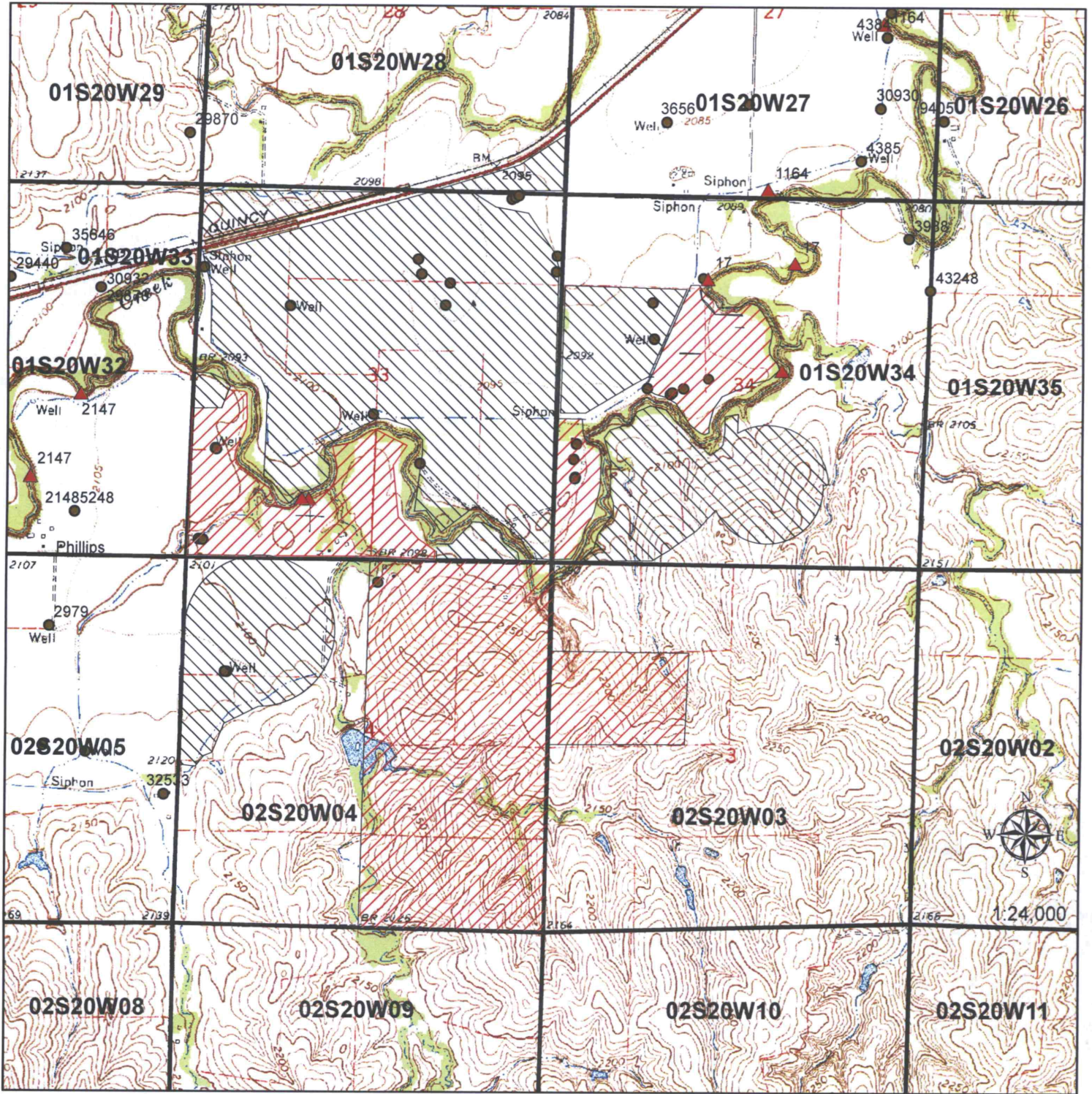
KS DEPT OF AGRICULTURE

*\* per WHIS/Archie  
\* NDK/ann  
3/28/17*

SCANNED



# Application to Change the Place of Use and Use Made of Water For Water Right File 7,947



Proposed Irrigation Place of Use

▲ Surface Water Point of Diversion



Proposed Stockwater Place of Use

● Groundwater Point of Diversion

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