

Kansas Department of Agriculture  
Division of Water Resources  
**CHANGE: PD WORKSHEET**

1. File Number: <b>PL 017-D2</b>	2. Status Change Date: <b>9/17/2018</b>	3. Change Num: <b>C2</b>	4. Field Office: <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: <b>17-AUG-2018</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>NELSON FARMS INC BOX 38 LONG ISLAND KS 67647</b>		Person ID <b>12683</b> Add Seq# <u>1</u>	8c. Landowner(s) New to system <input type="checkbox"/>  <b>N TERRY NELSON BOX 38 LONG ISLAND KS 67647 (please add N)</b>	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>NELSON FARMS INC BOX 38 LONG ISLAND KS 67647</b>		Person ID <b>12683</b> Add Seq# <u>1</u>	8d. Landowner(s) New to system <input type="checkbox"/> <b>NTN LP PO BOX 560 NORTON KS 67654-0560</b>	
8e. WUC New to system <input type="checkbox"/>  <b>NELSON FARMS INC BOX 38 LONG ISLAND KS 67647</b>		Person ID <b>12683</b> Add Seq# <u>1</u>		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/18</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/18</u>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>9/06/18</b> By: <b>RAK</b> Date Entered: <b>9/17/2018</b> By: <b>UM</b>				

File No. **PL 017-D2**      11. County: **PL**      Basin: **Prairie Dog Creek (28)**      Stream: **Prairie Dog Creek (28)**      Formation Code: \_\_\_\_\_      Special Use: **005 RRC-PRAIRIE DOG C**

12. Points of Diversion										Rate and Quantity				Overlap PD Files	
CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional			
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy		
DEL	26583	SW¼ SW¼ NE¼	34	1	20W	3	2787	2010							NO
ENT	87061	Lot 2 (N½NW¼)	3	2	20W		5022	5054		333 g.p.m.	30 AF	333 g.p.m.	30 AF	NO	

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

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ 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																		Total	Owner	Chg?	Overlap Files				
CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼								SE¼			
						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				
<b>NO CHANGES</b>																									

Base Acres: \_\_\_\_\_ Year: \_\_\_\_\_ Minimum Reasonable Quantity: \_\_\_\_\_  
 Comments: \_\_\_\_\_

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**MEMORANDUM**

**TO:** Files

**DATE:** September 6, 2018

**FROM:** Richelle A. Krueger

**RE:** Vested Right  
File No. PL 017-D2

Nelson Farms, Inc. et al filed an application for approval to change the authorized point of diversion.

The referenced file number does not appear abandoned.

There are no overlaps in the authorized point of diversion but the place of use overlaps Vested Right, File No. PL 016, Water Right, File Nos. 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 file number, authorized surface water from Prairie Dog Creek (RRC-Prairie Dog Creek SUA), is currently authorized 30 acre-feet at a diversion rate of 333 gallons per minute from one pumpsite located 2,787 feet North and 2,010 feet West of the Southeast corner of Section 34, Township 1 South, Range 20 West, Phillips County, Kansas. The applicant proposes to move the currently authorized pumpsite upstream to a pumpsite to be located 5,022 feet North and 5,054 feet West of the Southeast corner of the Section 3, Township 2 South, Range 20 West, about 5,900 feet upstream.


WRIS and WIMAS indicate that there are no non-domestic surface water rights located between the authorized and proposed pumpsite locations. The closest surface water rights are located approximately 6,500 feet upstream and under common ownership and authorized by Water Right, File Nos. PL 016, 219 and 3,130 and the closest downstream pumpsite is about 7,900 feet from the closest proposed pumpsite and is authorized by Vested Right, File No. PL 017-D1.

Nearby landowners located one-half (1/2) mile upstream and downstream from land owned or controlled by the applicant were not notified of the proposed change in point of diversion because so much of the nearby land along the stream is owned or controlled by the applicant and proposal should have no effective impact on nearby rights.

In an e-mail dated August 30, 2018, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated no objection to approval of the referenced application.

A water flow meter will be required and a check valve will be required if chemigating.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that the referenced application be approved.

  
Richelle A. Krueger  
Environmental Scientist

STATE OF KANSAS

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



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

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

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

September 18, 2018

**FILE COPY**

RE: Vested Right, File No. PL 017-D2

Dear Sir or Madam:

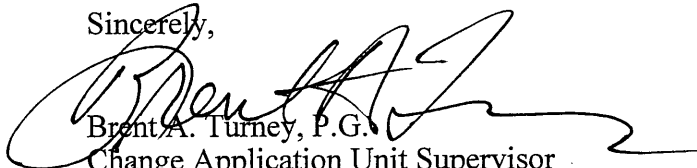
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

Since this order modifies the original document referred to above, it 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.P.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN  
POINT OF DIVERSION  
VESTED RIGHT  
FILE NO. PL 017-D2**

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 and NTN, L.P., P.O. Box 560, Norton, Kansas, 67654-0560, received in this office on August 17, 2018, for approval of a change in the location of the point of diversion under the vested right order, determining and establishing a vested right to continue the beneficial use of water, then identified in the office of the Chief Engineer as Vested Right, Code 6217, Phillips County, now identified as Vested Right, File No. PL 017-D2, as modified and amended by the Findings and Order of the Chief Engineer dated February 12, 1964 approving an application to change the point of diversion, the Findings and Order of the Chief Engineer dated April 21, 2016, dividing File No. PL 017, by the Order of the Chief Engineer dated November 22, 2016, approving the application to change the place of use, and by the Findings and Order of the Chief Engineer dated April 30, 2018, reducing the authorized place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

one(1) pumpsite located in Lot 2 of Section 3, more particularly described as being near a point 5,022 feet North and 5,054 feet West of the Southeast corner of said section, in Township 2 South, Range 20 West, Phillips County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

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 water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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

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

In all other respects, the vested right order, determining and establishing a vested right to continue the beneficial use of water, identified in the office of the Chief Engineer as Vested Right, File No. PL 017-D2, is as stated and set forth in the vested right order executed by the Chief Engineer on February 10, 1955, 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.

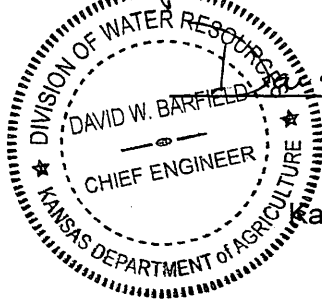
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, 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 hearing 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: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, 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 17<sup>th</sup> day of September, 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 17<sup>th</sup> day of September, 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 18<sup>th</sup> day of September, 2018, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. PL 017-D2, dated September 17<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 a true and correct copy sent to:

NTN LP  
PO BOX 560  
NORTON KS 67654-0560

With photocopies to:

Stockton Field Office

Darrell Wilson  
Division of Water Resources

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

**Water Resources  
 Received  
 AUG 17 2018  
 11:38  
 KS Dept Of Agriculture**

File No. PL17-D2

2. Name of applicant: Nelson Farms Inc

Address: Box 38

City, State and Zip: Long Island, KS 67647

Phone Number: (785)854-7611 E-mail address: terry@valleyfeeds.com

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: terry@valleyfeeds.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Change authorized point of diversion to pumpsite more readily accessible to place of use.

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

(Date)

For Office Use Only:								
F.O. Code	<u>3 GMD</u>	Meets K.A.R. 5-5-1	<input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	Use	<u>ARC</u>	Source	<u>G(S)</u>	County
	<u>CGT</u>	Fee \$	<u>300</u>	TR #		Receipt Date	<u>8/17/18</u>	Check #
								<u>21330</u>
								By <u>MW</u> Date <u>8/17/18</u>

APPLICATION COMPLETE  
9/6/18  
 Reviewer RAK

SCANNED

8/21/18 MSW



4. The presently authorized place of use is:

Owner of Land — NAME: Nelson Farms Inc

ADDRESS: PO Box 38 Long Island, KS 67642

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	20w															1	13	14
33	1	20w	28	38	40	40	33	31	31	40					40	30	13	33	397
34	1	20w						39	7	19	18	17	28		17.5	22.5			168
4	2	20w										3							3

List any other water rights that cover this place of use. PL16; 219; 1970; 3130; 3688; 4005; 4304; 7947; 8203; 26865; 27754; 30902; 31484; & 35648

Owner of Land — NAME: N. Terry Nelson \*Note "N" should be added.

ADDRESS: 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	1	20w									31	13	1.5	3					48.5
4	2	20w					Lot 2 19	Lot 2 34	Lot 1 10	Lot 1 6									69

List any other water rights that cover this place of use. PL16; 219; 1970; 3130; 3688; 4005; 4304; 7947; 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: No change in Place of Use

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY  
Water Resources Received

AUG 17 2018

SCANNED Dept Of Agriculture

1. The presently authorized place of use is:

Owner of Land — NAME: NTN LP

ADDRESS: PO Box 560 Norton, KS 67654-0560

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	20w							Lot 1 22	Lot 1 5									27

List any other water rights that cover this place of use. PL16; 219; 1970; 3130; 3688; 4005; 4304; 7947; 8203; 26865; 27754; 30902; 31484; & 35648

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.)

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

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	

Water Resources  
Received

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

**AUG 17 2018**

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

7. The proposed point(s) of diversion is one pumpsite  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SW Quarter of the NE Quarter of Section 34, Township 1 South, Range 20 W, in Phillips County, Kansas, 2787 feet North 2010 feet West of Southeast corner of section. Authorized Rate 333 gpm Authorized Quantity 30 AF  
 (DWR use only: Computer ID No. 3 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)** \* Lot 2 per original survey plat  
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 3, Township 2 South, Range 20 W, in Phillips County, Kansas, 5022 feet North 5054 feet West of Southeast corner of section. Proposed Rate 333 gpm Proposed Quantity 30 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 \_\_\_\_\_ 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. equipment will be removed

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

\* Mark down 9/7/18

Water Resources Received

AUG 17 2018

12. The presently authorized use of water is for irrigation purposes.  
It is proposed that the use be changed to no change purposes.

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

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to n/a (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to n/a 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.

- 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.

Change proposes to move the authorized pumpsite ~4150' upstream; there are no intervening tributaries, or other  
authorized pumpsites between the present and proposed points. There should be no effective impact on other rights.

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

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

**Water Resources  
Received**

**AUG 17 2018**

**KS Dept Of Agriculture  
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 Long Island, Kansas, this 14 day of August, 2018.

Nelson Farms Inc  
(Owner)

N. Terry Nelson  
(Spouse)

Nelson Farms Inc  
(Please Print)

N. Terry Nelson  
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

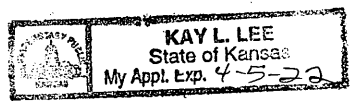
(Owner)

(Spouse)

(Please Print)

(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 August, 2018.

Kay L. Lee  
Notary Public

My Commission Expires 4-5-22

**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

**AUG 17 2018**

KS Dept Of Agriculture  
**SCANNED**

## Krueger, Richelle [KDA]

---

**From:** Stewart, Kelly [KDA]  
**Sent:** Thursday, August 30, 2018 4:46 PM  
**To:** Krueger, Richelle [KDA]  
**Cc:** Billinger, Mark [KDA]; Means, David [KDA]; Hageman, Rebecca [KDA]  
**Subject:** RE: Request for Recommendation Change in PD File No. PI 017-D2 Nelson Farms

Richelle,

I have no objection to the approval of the referenced application.

Kelly

---

**From:** Krueger, Richelle [KDA]  
**Sent:** Thursday, August 30, 2018 4:35 PM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Means, David [KDA] <David.Means@ks.gov>  
**Subject:** Request for Recommendation Change in PD File No. PI 017-D2 Nelson Farms

Hi Kelly,  
Attached is a draft memo for the referenced pd change, do you recommend approval?

Thanks,  
Richelle

# STATE OF KANSAS

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



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

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

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

August 21, 2018

RE: File No PL-17 D2

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 PD
- point of diversion
- use made of water

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

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

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

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

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

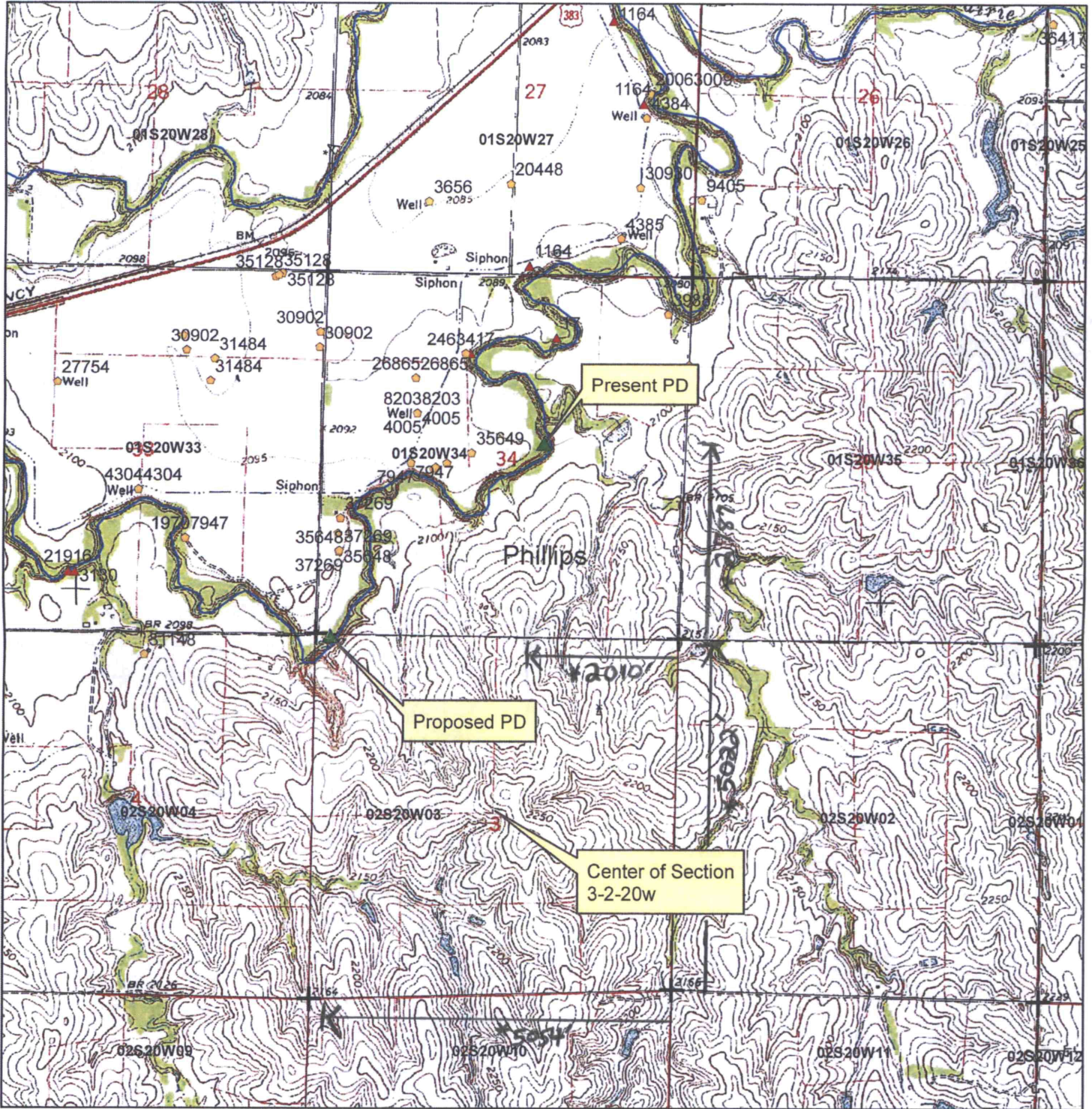
Sincerely,

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

BAT: DLW  
pc: STOCKTON Field Office GMD

SCANNED

# Application for Change in Point of Diversion, Vested Right, File No. PL17-D2



- + Section Corners
- ◆ Groundwater Point of Diversion
- ▲ Surface Water Point of Diversion

**Names & addresses of all landowners 1/2 mile upstream and downstream from the property lines are shown or appended.**

1:24,000



Water Resources  
Received

Signature

Date

AUG 17 2018

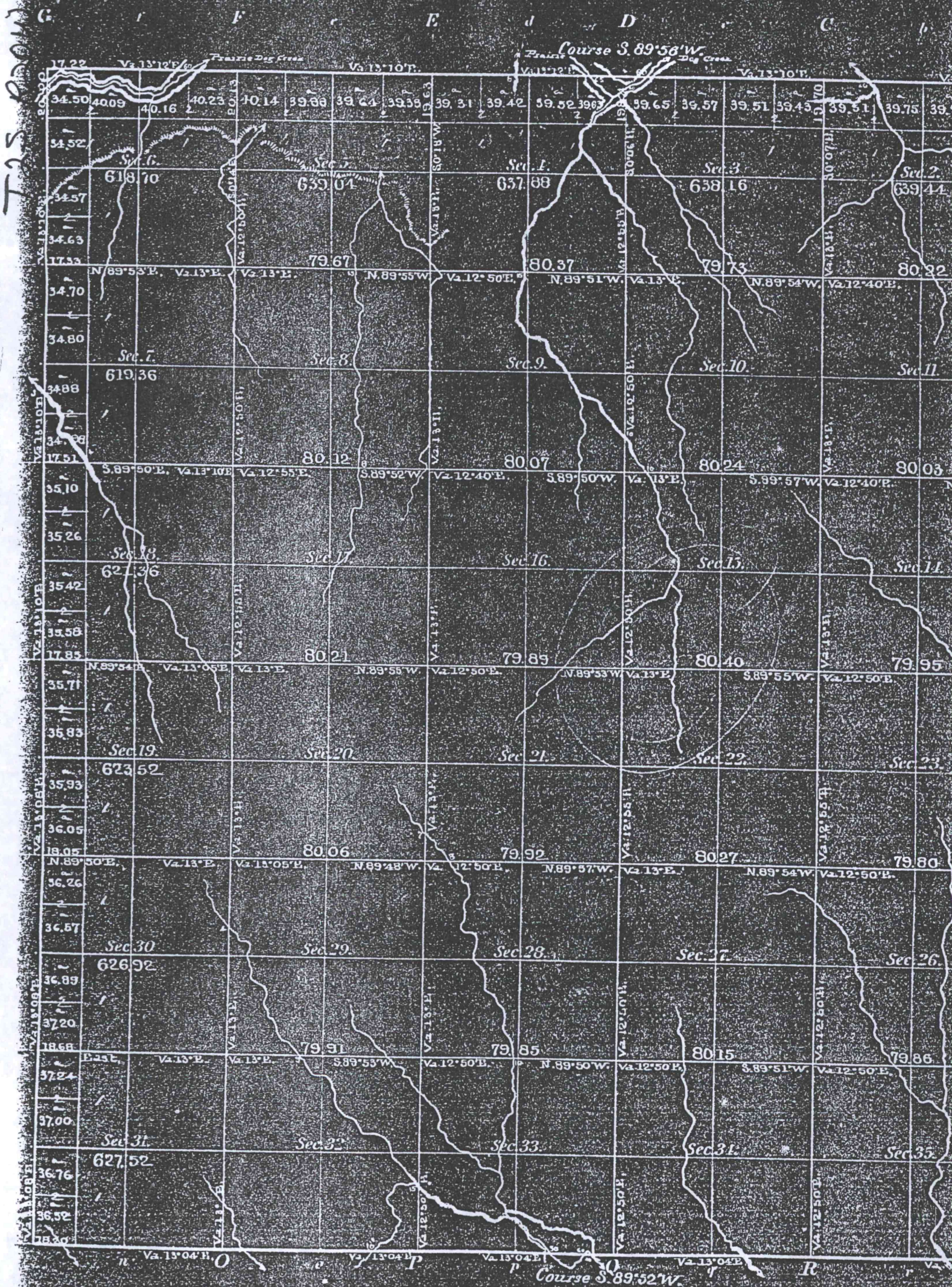
Date: 8/1/2018

*\* per Par 8 + WRTS  
\* ROW/DWR 9/6/18*

**SCANNED** KS Dept Of Agriculture



TOWNSHIP N<sup>o</sup> 2 SOUTH RANGE N<sup>o</sup> 20 WEST OF THE 6<sup>th</sup> PR

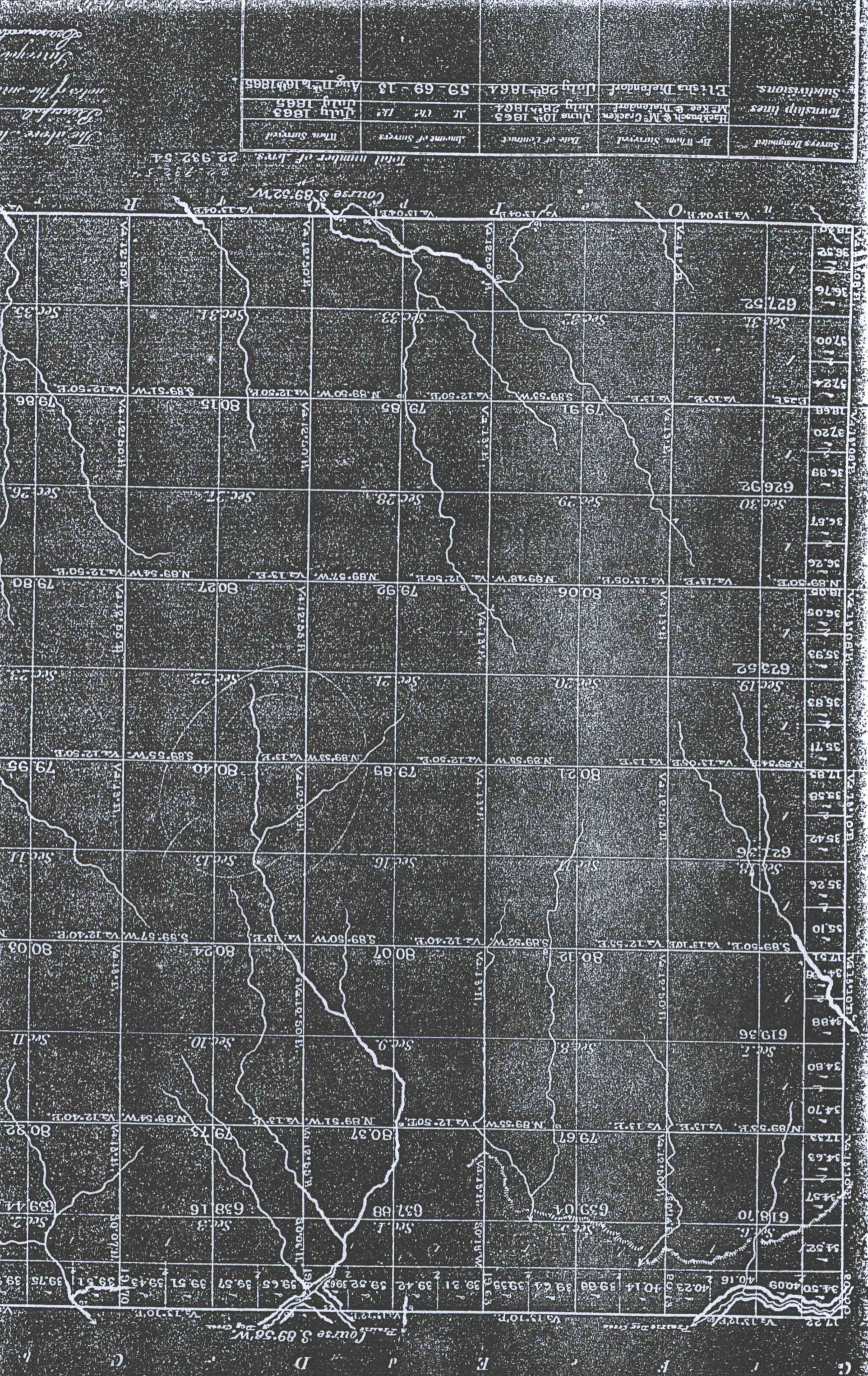


Total number of Acs. 22,932.54

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines	Hackbusch & M <sup>r</sup> Cracker M <sup>r</sup> Kee & Dietendorf	June 10 <sup>th</sup> 1863 July 28 <sup>th</sup> 1864	M. Ch. Lk.	July 1863 July 1865
Subdivisions.	Eliska Dietendorf	July 28 <sup>th</sup> 1864	59 - 69 - 13	Aug 7 <sup>th</sup> 1865

The above is  
Principal  
notes of the survey  
Surveyor  
Season

TOWNSHIP N: 2 SOUTH RANGE N: 20 WEST OF THE 6<sup>TH</sup> PRIME



*The above is a copy of the original survey of the land of the State of New York.*

Survey Designated	By Whom Surveyed	Date of Commencement	Amount of Survey	When Surveyed
Township lines	Hickbush & McCrecker	June 10 <sup>th</sup> 1863	11	July 1863
Subdivisions	McKee & DeLandorf	July 28 <sup>th</sup> 1864	59-69-13	Aug 11 <sup>th</sup> 1864

Total number of Acs. 22,932.54

*Township*