

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

|   |  |   |   |   |
|---|--|---|---|---|
| 1. File Number:<br><b>20824</b>   | 2. Status Change Date:<br><b>10/1/2021</b> | 3. Change Num:<br><b>C3</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>16-AUG-2018</b> |
| 8a. Applicant(s)<br>New to system <input type="checkbox"/><br><br><b>NELSON FARMS INC<br/>BOX 38<br/>LONG ISLAND KS 67647</b>   |  | Person ID <b>12683</b><br>Add Seq# <b>1</b> | 8e. Landowner(s)<br>New to system <input type="checkbox"/><br><b>MARGARET JANE QUINN ESTATE<br/>LISA C QUINN EXECUTRIX<br/>225 STATE ST<br/>PHILLIPSBURG KS 67661</b> |   |
| 8b. Landowner(s)<br>New to system <input type="checkbox"/><br><b>CRAIG &amp; GENINE INGRAM LIVING TRUSTS<br/>220 W 1100 RD<br/>LONG ISLAND KS 67647-4001</b>  |  | Person ID <b>31181</b><br>Add Seq# <b>1</b> | 8f. Landowner(s)<br>New to system <input type="checkbox"/><br><b>BERNARD A VAN KOOTEN TRUST #2<br/>GERALDINE VAN KOOTEN<br/>217 W 35TH ST<br/>HAYS KS 67601</b>       |   |
| 8c. Landowner(s)<br>New to system <input type="checkbox"/><br><b>WATKINS FAMILY TRUST<br/>BILL WATKINS<br/>8100 E CAMELBACK RD SUITE 42<br/>SCOTTSDALE AZ 85251</b>   |  | Person ID <b>65324</b><br>Add Seq# <b>1</b> | 8g. Landowner(s)<br>New to system <input checked="" type="checkbox"/><br><b>OLD STONE PORK LLC<br/>1304 W FOX RD<br/>LONG ISLAND KS 67647</b>                         |   |
| 8d. Landowner(s)<br>New to system <input type="checkbox"/><br><b>NELSON FARMS INC<br/>BOX 38<br/>LONG ISLAND KS 67647</b>   |  | Person ID <b>12683</b><br>Add Seq# <b>1</b> | 8h. WUC<br>New to system <input type="checkbox"/><br><b>NELSON FARMS INC<br/>BOX 38<br/>LONG ISLAND KS 67647</b>  |   |
| 9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input checked="" type="checkbox"/> N & P Date to Comply: <b>12/31/21</b><br><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 checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter<br><input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____ |  |   |   |   |
| 10. Use Made of Water    From: _____    To: _____   |  |   |   |   |
| Date Prepared: <b>8/2/21</b> By: <b>LI</b><br>Date Entered: <b>10/4/2021</b><br><span style="border: 1px solid blue; padding: 2px;">LMoody</span> By: _____   |  |   |   |   |

File No. **20824** 11. County: **PL** Basin: **PRAIRIE DOG CREEK** Stream: Formation Code: 113 Special Use: 005

| 12. Points of Diversion |                             |           |   |   |     |    |      |      |                                     | Rate and Quantity |             |          |             |                    |  |
|-------------------------|-----------------------------|-----------|---|---|-----|----|------|------|-------------------------------------|-------------------|-------------|----------|-------------|--------------------|--|
| CHK                     | <b>NEW BATTERY ID #2263</b> |           |   |   |     |    |      |      |                                     |                   | Authorized  |          | Additional  |                    |  |
| MOD                     | PDIV                        | Qualifier | S | T | R   | ID | 'N   | 'W   | Comment (AKA Line)                  | Rate gpm          | Quantity af | Rate gpm | Quantity af | Overlap PD Files   |  |
| ENT                     | <b>89079</b>                | NW SE NE  | 8 | 1 | 19W |    | 3822 | 1162 | GEO CTR 3 WELLS BATT ID             | 460GPM            | 85.5        | 460      | 85.5        | NONE               |  |
|                         |                             |           |   |   |     |    |      |      | IRR/STK DUAL USE<br>ADDITIONAL WELL |                   |             |          |             |                    |  |
| MOD                     | 36009                       | NW SE NE  | 8 | 1 | 19W | 2  | 3830 | 1164 | 1 OF 3 BATT BATT ID                 |                   |             |          |             | NONE               |  |
|                         |                             |           |   |   |     |    |      |      | IRR/STK DUAL USE                    |                   |             |          |             | <b>20187036-MF</b> |  |
| MOD                     | 36884                       | NW SE NE  | 8 | 1 | 19W | 7  | 3819 | 1147 | 2 OF 3 BATT BATT ID                 |                   |             |          |             | NONE               |  |
|                         |                             |           |   |   |     |    |      |      | IRR/STK DUAL USE                    |                   |             |          |             |                    |  |
| MOD                     | 87068                       | NW SE NE  | 8 | 1 | 19W | 17 | 3819 | 1175 | 3 OF 3 BATT BATT ID                 |                   |             |          |             | NONE               |  |
|                         |                             |           |   |   |     |    |      |      | IRR/STK DUAL USE                    |                   |             |          |             | <b>20187038-MF</b> |  |

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

14. **KEEP** Limitation: **73.45 AF (23.93 m.g.y.) IRR/STK COMBINED DUAL USE -SEE IMAGE FOR DETAILS NO CHANGE**  
**KEEP** Limitation: **O-LAP ALM #5-85.5AF/YR COM/W 6938-A NO CHANGE**

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

| 16. Place of Use | NE¼ |     |     |     | NW¼  |   |   |   | SW¼ |     |     |     | SE¼ |      |   |   | Total | Owner | Chg? | Overlap Files |   |    |     |     |     |     |      |   |   |   |    |     |     |     |     |      |   |   |   |    |  |  |  |  |
|------------------|-----|-----|-----|-----|------|---|---|---|-----|-----|-----|-----|-----|------|---|---|-------|-------|------|---------------|---|----|-----|-----|-----|-----|------|---|---|---|----|-----|-----|-----|-----|------|---|---|---|----|--|--|--|--|
|                  | CHK | MOD | DEL | ENT | PUSE | S | T | R | ID  | CHK | MOD | DEL | ENT | PUSE | S | T |       |       |      |               | R | ID | CHK | MOD | DEL | ENT | PUSE | S | T | R | ID | CHK | MOD | DEL | ENT | PUSE | S | T | R | ID |  |  |  |  |
| <b>NO CHANGE</b> |     |     |     |     |      |   |   |   |     |     |     |     |     |      |   |   |       |       |      |               |   |    |     |     |     |     |      |   |   |   |    |     |     |     |     |      |   |   |   |    |  |  |  |  |
|                  |     |     |     |     |      |   |   |   |     |     |     |     |     |      |   |   |       |       |      |               |   |    |     |     |     |     |      |   |   |   |    |     |     |     |     |      |   |   |   |    |  |  |  |  |
|                  |     |     |     |     |      |   |   |   |     |     |     |     |     |      |   |   |       |       |      |               |   |    |     |     |     |     |      |   |   |   |    |     |     |     |     |      |   |   |   |    |  |  |  |  |
|                  |     |     |     |     |      |   |   |   |     |     |     |     |     |      |   |   |       |       |      |               |   |    |     |     |     |     |      |   |   |   |    |     |     |     |     |      |   |   |   |    |  |  |  |  |

Base Acres: \_\_\_\_\_ Year: \_\_\_\_\_ Minimum Reasonable Quantity: \_\_\_\_\_  
 Comments: **KEEP POP UP BOX FOR TEMPORARY QUANTITY REDUCTION** Quantity limited to **73.45 AF (23.93 m.g.y.)** as long as stockwatering use is desired **SPECIAL CONDITIONS Y ADDITIONAL WELL(REVIEW AFTER 5-10YRS)**

**WAIVER INCLUDED**

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

**M E M O R A N D U M**

**TO:** Files

**DATE:** August 3, 2021

**FROM:** Leslie Ireland

**RE:** Water Right, File No. 20,824

N. Terry Nelson, on behalf of Nelson Farms Inc. etal, filed an application for approval to change the point of diversion for Water Right, File No. 20,824, in RRC Prairie Dog Creek Basin.

The referenced file number does not appear abandoned pursuant to K.S.A. 82a-718, and in compliance with K.S.A. 82a-732. It appears the proposed change complies with part (e)(1) K.A.R. 5- 5-1, as the signer is representing all owners for this move of less than 300 feet that will not physically move any of the wells.

File No. 20,824, was significantly changed in 2018 with approvals to the place of use and use made of water for dual use irrigation/stockwatering per K.A.R. 5-5-9 and to add an additional well pursuant to K.A.R. 5-5-16. This resulted in three (3) wells located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 8, Township 1 South, Range 19 West, Phillips County with an assigned quantity and rate per well. Prior to the recent changes the referenced authorized blanket quantity of 85.5 acre-feet (AF) at 460 gallons per minute (gpm) from two (2) wells approximately 20 feet apart for only irrigation use. The quantity and rate assignment to the right authorizes a temporarily reduced blanket quantity of 73.45 acre-feet (23.93 m.g.y.) for combined dual use of irrigation and stockwatering use. The well id #17 is the additional well with a priority date of September 16, 2018 and is approximately 20 feet from one of the originally authorized wells. The source of supply has been determined to be the Main Stem Alluvium (113).

The current limitations are for the reduced quantity for the dual use and an additional limitation with Alameda #5 for 85.5 acre-feet per year when combined with File No. 6938-A. There are point of diversion overlaps with MYFA permits File Nos. 20187036-MF; 20187037-MF & 20187038-MF that appear to be in compliance. The stockwatering place of use overlaps File Nos. 35,016 and 36,740 and the irrigation place of use overlaps File Nos. 545; 7,860; 9,051-D2; 11,424; 17,871; 19,478; 20,824; 29,620; 33,786; 36,663; 36,740; and 37,170.

The proposed change is to make the three (3) existing wells into a single battery comprised of three (3) wells. The application requests a geographical center defined as being located approximately 3,822 feet North and 1,162 feet West of the Southeast corner in the (NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 8, Township 1 South, Range 19 West, Phillips County to be authorized at the currently reduced 73.45 acre feet (23.94 mgy) at 460 gpm for the combined dual irrigation and stockwatering uses. The change will afford flexibility to more effectively and economically balance well use. The removal of the assignment of the quantity and rate will afford flexibility to more effectively and economically balance the use of the wells.

It appears the proposed existing wells meet the definition of a battery as per K.A.R. 5-1-1-(n), *Battery of wells*. The three wells are approximately 20 to 28 feet apart therefore are located within a 300 foot radius of the proposed geocenter and the wells distribute water through common distribution systems serving the same places of use. The local source of supply will not change.

The proposed change does not comply with K.A.R. 5-2-3; *Battery of wells*, specifically part (b)(1), which states that once the time to complete the diversion works has expired, a change in point of diversion to create a battery of wells must meet the criteria for a new application to appropriate water, such as safe yield, allowable appropriation or similar regulation for a new well at that location. Because the wells are located in an area that is closed to new appropriations, a new application to appropriate water cannot be approved. The wells are located outside of a groundwater management district, so there is not a specific regulation that would allow the change to a battery. A **waiver of K.A.R. 5-2-3; Battery of wells** has been requested and prepared as there will not be an increase in the rate of diversion, the wells are existing and there is no history of impairment.

There are three (3) irrigation wells located within one-half ( $\frac{1}{2}$ ) mile of the proposed point of diversion. The database indicates Nelson Farms Inc. etal is a partial owner of each right. No nearby well owners were notified of the proposed change since the proposed move is less than 300 feet.

The requested change in point of diversion appears to comply with K.A.R. 5-4-4, *Well spacing* as the physical spacing will not change. Additionally, the proposed geographic center complies with K.A.R. 5-5-13, *Relocation of alluvial wells*, as the proposed geographical center change is less than 16 feet with the most northern well is approximately 6,500 feet from the approximate center of Prairie Dog Creek.

The additional well conditions per K.A.R. 5-5-16 remain a condition of the file and will be assigned to the geographic center.

Kelly Stewart, Water Commissioner, Stafford Field Office, recommended approval of the referenced application and supported the waiver of K.A.R. 5-23-3, per his e-mail dated August 3, 2021.

Water flowmeters will be required and check valves will also be required if chemigating. Water level measurement tubes and a WWC-5 are not applicable to this change, as no new wells will be drilled, but appear to have been required by previous approvals for this file.

Based on the above discussion, that a waiver of K.A.R. 5-2-3, *Battery of wells* is approved, the change appears to be reasonable, impairment to nearby water rights is unlikely and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

**From:** Stewart, Kelly [KDA]  
**Sent:** Tue 8/3/2021 9:02 AM  
**To:** Ireland, Leslie [KDA]  
**Cc:** Hageman, Nancy [KDA]  
**Subject:** RE: Review & Recommendation for PD Change , File No. 20824- Nelson

Leslie,

I would recommend approval with the waiver.

Kelly

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Monday, August 2, 2021 2:55 PM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Subject:** Review & Recommendation for PD Change , File No. 20824- Nelson

Kelly,

Please let me know if you would recommend this change and waiver as summarized by the attached files.

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 20824

FO: 3

GMD:

**WAIVER REQUEST:**

| UMW            | Date Requested | Rule ID     | Applies        | Rule Type   | Rule Subtype            |
|----------------|----------------|-------------|----------------|---|-------------------------|
| IRR / STK-DUAL | 10/22/20       | 50          | Statewide      | Battery of Wells  | Conversion to a Battery |
| Rule Number    | Date Granted   | Date Denied | Justification: | The existing three (3) wells meet the regulatory description of a battery. No new wells will be drilled. The assignment of the quantity and rate to a geographic center will afford flexibility to more effectively and economically balance the use of the wells. The change meets all other regulations |                         |
| K.A.R. 5-2-3   | 10/1/2021      |             |                |   |                         |

**WAIVER RULE:**

| Rule ID | Applicability | Type | Subtype | Rule Number | Date Active | Date Inactive |
|---------|---------------|------|---------|-------------|-------------|---------------|
|         |               |      |         |             |             |               |

Date Prepared 8/2/21 By LI

Date Entered 10/4/2021 By LMoody

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

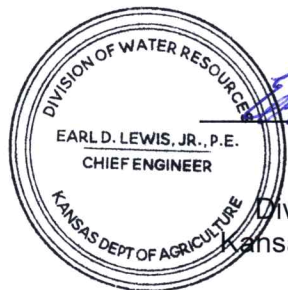
## WAIVER OF REGULATION K.A.R. 5-2-3 Battery of Wells

Date: October 1, 2021

RE: Water Right, File No. 20,824

1. That K.A.R. 5-2-3 states that once the time to complete the diversion works has expired, a change in point of diversion to create a battery of wells must meet the criteria for a new application to appropriate water, such as safe yield, allowable appropriation, or similar regulation, for a new well at that location or a specific regulation applicable to batteries of wells.
2. That the application to change the point of diversion has been requested under the referenced file, to authorize a battery of three (3) existing wells meeting the physical definition of a battery, to divert 73.45 acre-feet (23.93 m.g.y.) at 460 gallons per minute for combined dual irrigation and stockwatering use.
4. That a battery of wells represents the actual wells and will afford flexibility to more effectively and economically balance the use of the wells.
5. The rights are located in the RRC Prairie Dog Creek Basin which is not considered a declining aquifer.
6. The local source of supply will remain unchanged.
7. The change in point of diversion complies with all other regulations.
8. There will be no increase in the quantity of water diverted, and the change to a battery of three (3) wells will not impair existing water rights nor adversely affect the public interest.

Comments:



EARL D. LEWIS, JR., P.E.  
CHIEF ENGINEER

*Earl D. Lewis Jr.*  
Earl D. Lewis Jr., P.E.  
Chief Engineer

Division of Water Resources  
Kansas Department of Agriculture

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

## **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION FILE NO. 20,824**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of N. Terry Nelson, on behalf of Nelson Farms, Incorporated, P.O. Box 38, Long Island, Kansas 67647, received in this office on August 16, 2018, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated January 16, 1984, approving the application to change the place of use and point of diversion, by the Order of the Chief Engineer dated December 10, 1984, approving the application to change the point of diversion, and by the Order of the Chief Engineer dated April 30, 2018, approving the application to change the place of use and use made of water, and by the Order of the Chief Engineer dated September 18, 2018, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and 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:

a battery of three (3) wells with a geographic center located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 3,822 feet North and 1,162 feet West of the Southeast corner of said section, in Township 1 South, Range 19 West, Phillips County, Kansas, at a diversion rate not in excess of 460 gallons per minute (1.02 c.f.s.) and a quantity not to exceed 85.5 acre-feet (27.86 million gallons) of water per calendar year,

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

The authorized quantity of water remains limited to 73.45 acre-feet (23.93 million gallons) per calendar year for both stockwatering and irrigation uses combined. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use authorized is no longer required.

Installation of the works for diversion of water shall be completed on or before December 31, 2021, 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.

That this permit is further limited such that the wells which comprise the battery of wells shall be located within a three hundred (300) foot radius circle and in the same local source of supply.



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

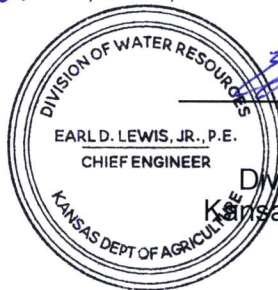
The water right owner shall properly install a separate acceptable water meter for each use made of water for the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer.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

The Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

This approval remains subject to the condition that for the sole purpose of administering wells concerning direct impairment, shall be considered to have the priority of the date of the application filed to add the additional well (August 16, 2018).

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

Ordered this 1<sup>st</sup> day of October, 2021, in Manhattan, Riley County, Kansas.



*Earl D. Lewis Jr.*  
\_\_\_\_\_  
Earl D. Lewis Jr., 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 1 day of October 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Ashlee Freeman*  
\_\_\_\_\_  
Notary Public

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

October 5, 2021

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

RE: Water Right, File No. 20,824

Dear Mr. Nelson:

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 terms, conditions, and limitations specified in the enclosed approval. A condition of the approval is 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 prior to December 31, 2021.

Please note that the this approval for the requested change in point of diversion remains subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall continue to have the priority of the date the application was filed (August 16, 2018) to add the additional well. In addition, the Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

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,

A handwritten signature in black ink that reads "Kristen A. Baum".

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:LI

Enclosure

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

## 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.

## CERTIFICATE OF SERVICE

On this 5 day of October, 2021, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 20,824, dated 1 October 2021 was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:

Stockton Field Office

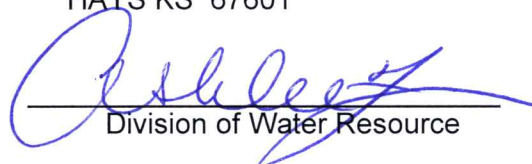
CRAIG & GENINE INGRAM LIVING TRUSTS  
220 W 1100 RD  
LONG ISLAND KS 67647-4001

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

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

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

LISA QUINN ETAL  
225 STATE ST  
PHILLIPSBURG KS 67661

  
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Division of Water Resource