

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.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.

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11:36

KS DEPT OF AGRICULTURE

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)

File No. 34,809

2. Name of applicant: NTN LP

Address: PO Box 560

City, State and Zip: Norton, KS 67654-0560

Phone Number: (785)854-8500 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: Box 38

City, State and Zip: Long Island, KS 67647

Phone Number: (785)854-8500 E-mail address: Terry@valleyfeeds.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): To change the UMW for ID01 to dual use (STK & IRR) and change the place of use to include a swine facility.

The change(s) (was) (will be) completed by already complete.

(Date)

4/6/2023
LMoody

For Office Use Only:

F.O. 3 GMD Meets K.A.R. 5-5-1 YES (NO) Use IRR Source G/S County NT By ALB Date 4/5/23
Code C-2 Fee \$ 500 TR # _____ Receipt Date 4/5/23 Check # 26946

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4. The presently authorized place of use is:

Owner of Land — NAME: (A) NTN LP KS DEPT OF AGRICULTURE (B) Horney Family Irrevocable Trust #1 Et Al
 ADDRESS: PO Box 560 Norton, KS 67654-0560 Attn: Steve Horney 514 N First St Norton, KS 67654

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
(A) 25	2 S	22 W	28.75	28.75	28.75	28.75													115
(B) 30	2 S	21 W					29.5	Lot 2 29.5	Lot 2 29.5	29.5									118

List any other water rights that cover this place of use. 16009, 19111, 34808, 36310, 6938-A (Almena Irr Dist.)

Owner of Land — NAME: CJMT LLC
 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	
13	2 S	22 W			21.5	31.5						25	11	17	11				117
24	2 S	22 W					29	27											56

List any other water rights that cover this place of use. 16009, 19111, 34808, 36310, 6938-A (Almena Irr Dist.)

(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: (A) NTN LP (B) Horney Family Irrevocable Trust #1 Et Al
 ADDRESS: PO Box 560 Norton, KS 67654-0560 Attn: Steve Horney 514 N First St Norton, KS 67654

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
(A) 25	2 S	22 W	28.75	28.75	28.75	28.75													115
(B) 30	2 S	21 W					29.5	Lot 2 29.5	Lot 2 29.5	29.5									118

List any other water rights that cover this place of use. 16009, 19111, 34808, 36310, 6938-A (Almena Irr Dist.)

Owner of Land — NAME: CJMT LLC
 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	
13	2 S	22 W			21.5	31.5						25	11	17	11				117
24	2 S	21 W					29	27											56

List any other water rights that cover this place of use. 16009, 19111, 34808, 36310, 6938-A (Almena Irr Dist.)

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion are 1 well and a battery of 2 wells.
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) 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 _____ (E/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 _____ (E/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 _____ (E/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 _____ (E/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 _____ (E/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 _____ (E/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. _____

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 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 changed to dual use for ID01 will be the total quantity calculated by K.A.R. 5-5-9(a)(1). The return flow factor for Norton County is 15.9%. This water right auth. 87.5 AF for IRR on ID01. $87.5 \text{ AF} \times 15.9\% = 13.9125 \text{ AF}$ $87.5 \text{ AF} - 13.9125 \text{ AF} = 73.5875 \text{ AF}$ for dual use (IRR & STK) on ID01. The battery of 2 wells currently auth. 87.5 AF for IRR will remain unchanged. The dual use will allow for expansion of swine facility that is currently served by file no. 35720. The P/U will be changed to include this expansion.
(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). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

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

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

Same source of supply, no impairment will occur.

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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

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 3 day of April, 2023.

UTD HP
(Owner)

(Spouse)

(Please Print)

(Please Print)

Mr. Jerry Nelson
(Owner)

(Spouse)

N Terry Nelson
(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 3rd day of April, 2023.



Kay L. Lee
Notary Public

My Commission Expires _____

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.**

1. The presently authorized place of use is:

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

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

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

Owner of Land — NAME: Calvert Swine LLC - Attn: Terry Nelson

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	
19	2 S	21 W	Swine facility located in Lot 2 (NW¼ SW¼) & Lot 2 (SW¼ NW¼)																

List any other water rights that cover this place of use. 35,720

Owner of Land — NAME: Clarke S. Nelson

ADDRESS: 1271 W Fox Rd Long Island, KS 67647-9637

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	
19	2 S	21 W	Swine facility located in Lot 2 (NW¼ SW¼) & Lot 2 (SW¼ NW¼)																

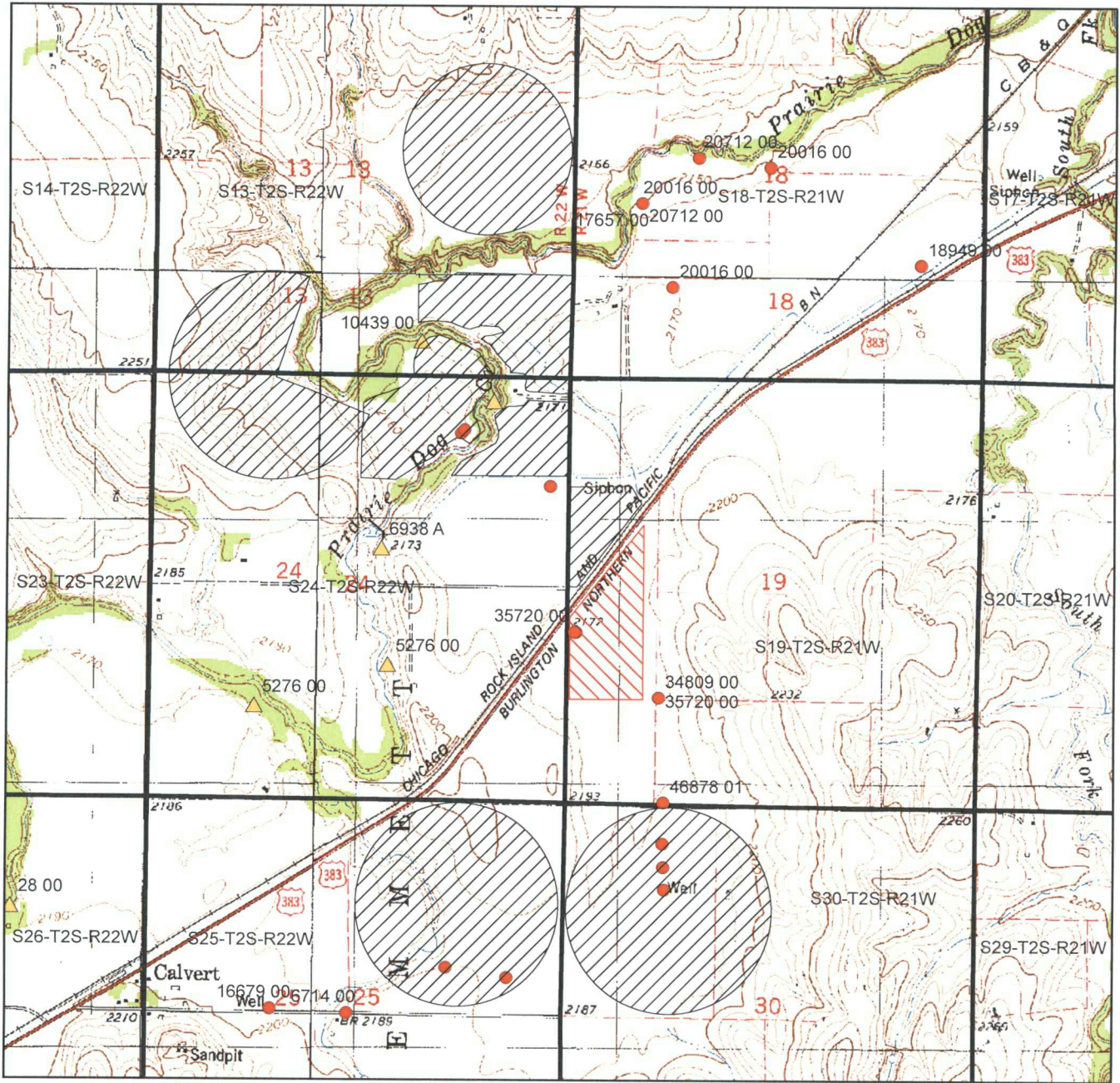
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List any other water rights that cover this place of use. 35,720

Application to Change the Use Made of Water and Place of Use

Water Right File No. 34,809



Current & Proposed Irrigation Place of Use



Proposed Stockwater Place of Use

1:24,000



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KS DEPT OF AGRICULTURE

Stockton Field Office
820 S. Walnut
Stockton, KS 67669-0192



Phone: 785-425-6787
Fax: 785-425-6842
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

March 29, 2023

NELSON FARMS INC
BOX 38
LONG ISLAND KS 67647

Re: Water Right File Nos. 34809 & 35720

Dear Mr. Nelson:

Please review the enclosed applications. One proposes to change the place of use to cover the stock facility expansion and point of diversion to convert two individual wells into a battery for file no. 35720. The other proposes to change the use made of water from IRR to IRR and STK (dual use) and place of use to add the stock facility for file no. 34809. There are also 3 MYFA applications enclosed, one for 35720, one for 34809 ID1 and one for 34809 ID2.

Each of these applications require the notarized signatures of all the landowner(s) and their spouse(s). Once signed, return these applications and maps to the Manhattan address shown on the top left of the applications. You will also need to initial on the bottom of page 4 of the MYFA applications. Be sure to include a check for \$2,000 made payable to the Kansas Department of Agriculture for the application fees (\$800 for change apps, \$1200 for MYFA's).

If you have questions or require further assistance, please contact our office at (785) 425-6787.

Sincerely,

A handwritten signature in black ink that reads "David L. Means".

David L. Means
Environmental Scientist

DLM
enclosures

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KS DEPT OF AGRICULTURE

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

April 7, 2023

NTN LP
PO BOX 560
NORTON KS 67654-0560

RE: File No(s). **34809**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stockton Field Office at 785-425-6787. 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 Baum". The signature is written in a cursive style.

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program