

RECEIVED Ch# 26920  
 PA 3:35 pm  
 MAR 23 2023  
 \$3200.00  
 Stockton Field Office  
 Division of Water Resources



Submit completed application to:  
 Kansas Department of Agriculture  
 Division of Water Resources  
 Field Office for your area.  
 Call for address:  
 Topeka -- (785) 296-5733  
 Stafford -- (620) 234-5311  
 Stockton -- (785) 425-6787  
 Garden City -- (620) 276-2901  
<http://agriculture.ks.gov/dwr>

**DWR FIELD OFFICE  
 APPLICATION FOR APPROVAL  
 TO CHANGE THE PLACE OF  
 USE AND/OR THE  
 POINT OF DIVERSION**

**STATE OF KANSAS**

**WATER METER REQUIRED**

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.  
 Fee Schedule is on the third page of this application form.

APPLICATION COMPLETE  
 3 / 27 / 23  
 Reviewer MB

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 43,876

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):  
 Place of Use       Point of Diversion  
 under the water right which is the subject of this application in accordance with the conditions described below.  
 The source of supply is:       Groundwater       Surface water

2. Name and address of Applicant: Nelson Farms Inc  
 Phone Number: (785)854-8500      Email address: Terry@valleyfeeds.com  
 Name and address of Water Use Correspondent: Same as above  
 Phone Number: (      )      Email address: \_\_\_\_\_

3. The presently authorized place of use is:  
 Owner of Land ---- NAME: Nelson Farms Inc  
 ADDRESS: Box 38 Long Island, KS 67647  
 (If there is more than one landowner, attach supplemental sheets as necessary.)

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					
17	1	21	W2 NW (AKA SITE C)																				

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:  
 Owner of Land ---- NAME: No change in PU  
 ADDRESS: \_\_\_\_\_  
 (If there is more than one landowner, attach supplemental sheets as necessary.)

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					

For Office Use Only: Code \_\_\_\_\_ Fee \$ \_\_\_\_\_ TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # \_\_\_\_\_

5. **Presently authorized point of diversion:**  
 One in the      NW      Quarter of the      NE      Quarter of the      NW      Quarter  
 of Section      17     , Township      1      South, Range      21      W,  
 in NT      County, Kansas,      4963      feet North      3699      feet West of Southeast corner of section.  
 Authorized Rate      73 gpm      Authorized Quantity      4.698 mg  
**(DWR use only: Computer ID No. 6      GPS      feet North      feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested) REMOVE GEO CTR**  
 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     .

6. **Presently authorized point of diversion:**  
 One in the      NW      Quarter of the      NE      Quarter of the      NW      Quarter  
 of Section      17     , Township      1      South, Range      21      W,  
 in NT      County, Kansas,      5178      feet North      3744      feet West of Southeast corner of section.  
 Authorized Rate      \*see geo ctr      Authorized Quantity      \*see geo ctr  
**(DWR use only: Computer ID No. 5      GPS      feet North      feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the      NW      Quarter of the      NE      Quarter of the      NW      Quarter  
 of Section      17     , Township      1      South, Range      27      W,  
 in NT      County, Kansas,      5178      feet North      3744      feet West of Southeast corner of section.  
 Proposed Rate      20 gpm (lmt to 60 gpm w/ File 42993)      Proposed Quantity      4.698 mg (total 3 wells)  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 42993.

7. The changes herein are desired for the following reasons?  
 (please be specific) Overlap in PD w/ 42993 to allow all 3  
wells to function as a group w/ circle w/ 1/4 mile radius.

8. If a well, is the test hole log attached?  Yes  No

9. The change(s) (was)(will be) completed by?  
on approval

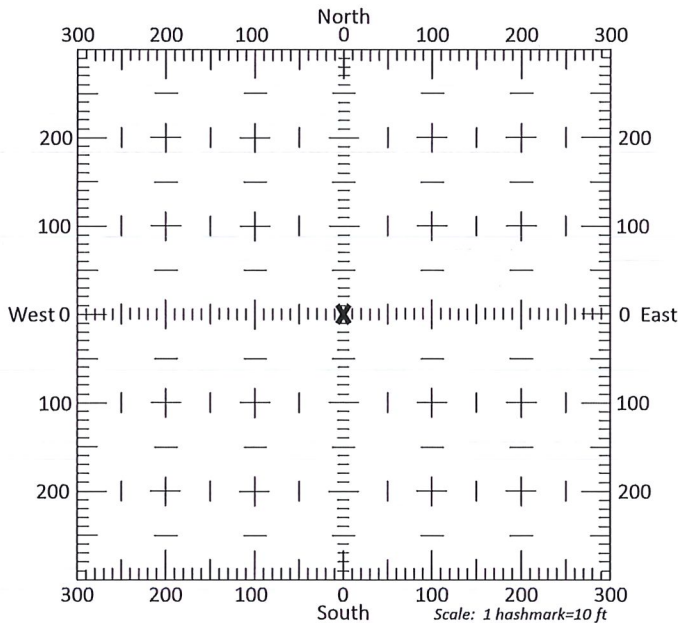
10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
n/a

(b) When will this be done?     

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by jkb - STK FO

13a. If the proposed point of diversion will be relocated more than 300  
feet but within 2,640 feet of the existing point of diversion, attach  
 a topographic map or aerial photograph. For groundwater  
 sources, show all wells (including domestic) within one-half mile  
 of the proposed point of diversion and the names and mailing  
 addresses of the owners. For surface water sources, show the  
 names and addresses of the landowner(s) one-half mile  
 downstream and one-half mile upstream from your property  
 lines



13b. If the proposed point of diversion will be relocated within 300 feet  
 of the existing point of diversion, indicate its location on the  
 diagram shown above in relation to the existing point of  
 diversion. (PLEASE NOTE: The "X" in center of diagram  
 above represents the presently authorized point of  
 diversion.)

MAR 23 2023

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. 43,876

Stockton Field Office Division of Water Resources

Presently authorized point of diversion:

One in the NW Quarter of the NE Quarter of the NW Quarter of Section 17, Township 1 South, Range 21 W, in NT County, Kansas, feet North feet West of Southeast corner of section. Authorized Rate \*see geo ctr Authorized Quantity \*see geo ctr Depth of well (feet) (DWR use only: Computer ID No. 16 GPS feet North feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the NW Quarter of the NE Quarter of the NW Quarter of Section 17, Township 1 South, Range 21 W, in NT County, Kansas, 4748 feet North 3654 feet West of Southeast corner of section. Proposed Rate 20 gpm (lmt to 60 gpm w/ 42,993) Proposed Quantity 4.698 mg (total 3 wells) Proposed well depth (feet) This point is: Additional Well Geo Center List other water rights that will use this point 42,993

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 Depth of well (feet) (DWR use only: Computer ID No. 15 GPS 124 feet North 5098 feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the SW Quarter of the SW Quarter of the SW Quarter of Section 8, Township 1 South, Range 21 W, in NT County, Kansas, 124 feet North 5098 feet West of Southeast corner of section. Proposed Rate 20 gpm (lmt to 60 gpm w/ 42,993) Proposed Quantity 4.698 mg (total 3 wells) Proposed well depth (feet) This point is: Additional Well Geo Center List other water rights that will use this point

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 Depth of well (feet) (DWR use only: Computer ID No. GPS feet North feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

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 Proposed well depth (feet) This point is: Additional Well Geo Center List other water rights that will use this point

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 Depth of well (feet) (DWR use only: Computer ID No. GPS feet North feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

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 Proposed well depth (feet) This point is: Additional Well Geo Center List other water rights that will use this point

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Lawe Island, Kansas, this 20 day of March, 2023.

Nelson Farms Inc  
(Owner)

N. Jerry Nelson  
(Spouse)

Nelson Farms Inc  
(Please Print)

N Jerry Nelson  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

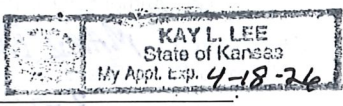
\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(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 20<sup>th</sup> day of March, 2023.



Kay L. Lee  
Notary Public

My Commission Expires \_\_\_\_\_

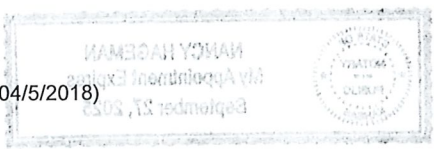
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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

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**SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 43,876

1. A change application was received on 3-23-23 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.  Applicable  Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.  Applicable  Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than \_\_\_\_\_ feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.  Applicable  Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2023**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  Applicable  Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 20\_\_\_\_**, or within any authorized extension of time. By March 1, 20\_\_\_\_ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  Applicable  Not Applicable
9. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable  Not Applicable
11. Additional Conditions are attached.  Yes  No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

*For Use by Register of Deeds*

FOR OFFICE USE ONLY  
**APPLICATION APPROVED AND SUMMARY ORDER ISSUED**

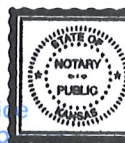
By: Mark Billinger  
Duly Authorized Designee of the Chief Engineer  
(Print Name): MARK BILLINGER  
Division of Water Resources - Kansas Department of Agriculture  
Date of Issuance: 3-27-23  
State of Kansas )  
County of Rooper ) SS  
Acknowledged before me on 3-27-23  
by Mark Billinger  
Signature: Nancy Hageman  
Notary Public  
My commission expires: 9-27-25  
(Notary Seal)

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Stockton Field Office  
Division of Water Resources



**NANCY HAGEMAN**  
My Appointment Expires  
**September 27, 2025**

File No. 43,876

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MAR 23 2023

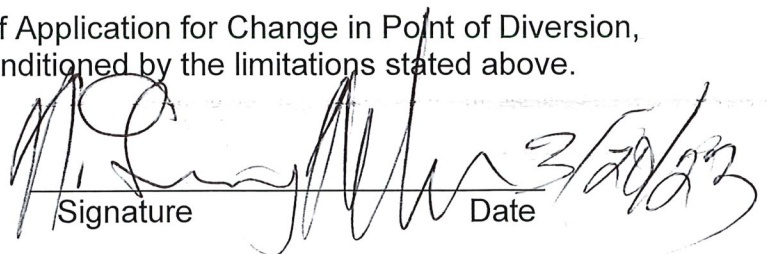
Stockton Field Office  
Division of Water Resources

ADDITIONAL CONDITION TO  
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE  
AND IMPOSING CONDITIONS

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the following conditions will be placed on Water Right, File No. 43,876, to ensure that the proposed change in point of diversion will comply with K.A.R. 5-3-4(d):

1. That the rate of diversion for each well authorized by Water Right, File No. 43,876, shall not exceed a maximum diversion rate of 20 gallons per minute (0.04 c.f.s) per well, and shall be limited to a maximum combined rate of 20 gallons per minute per well when combined with Water Right, File No. 42,993.
2. That Water Right, File No. 43,876 shall be limited to a diversion rate which when the wells operate simultaneously will provide a total diversion rate not to exceed 60 gallons per minute (0.13 c.f.s), and shall be further limited to a maximum combined rate when the wells operate simultaneously not to exceed 60 gallons per minute when combined with Water Right, File No. 43,876.

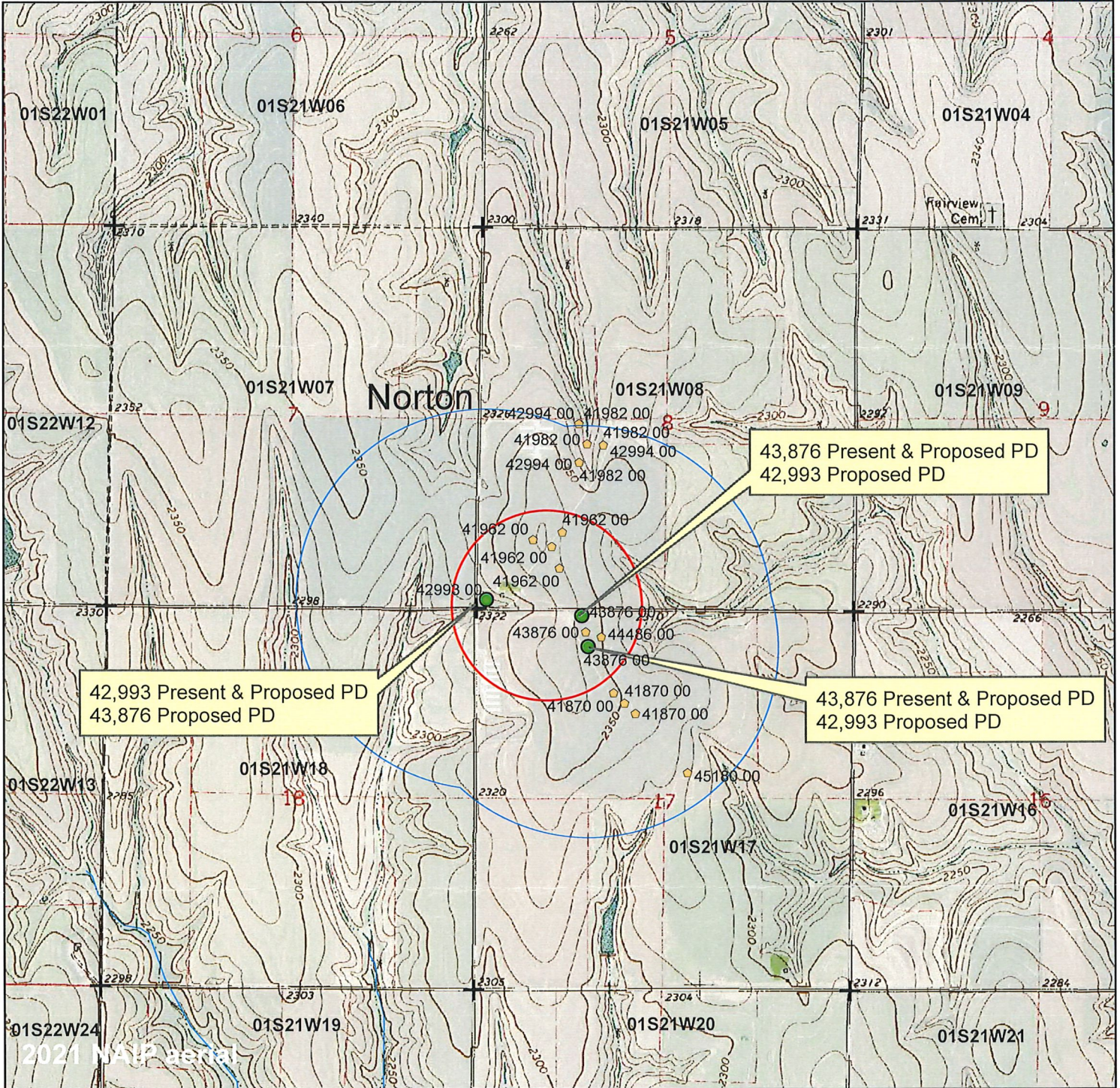
I understand that the Approval of Application for Change in Point of Diversion, Water Right, File No. 43,876, will be conditioned by the limitations stated above.

  
Signature \_\_\_\_\_ Date 3/20/23

MAR 23 2023

Application for Change in Point of Diversion,  
Water Right, File No. 42,993 & 43,876

Stockton Field Office  
Division of Water Resources



+ Section Corners

Groundwater Point of Diversion

Proposed Point of Diversion

1/4 mile radius

1/2 mile radius

1:24,000



All wells, including domestic wells, within 1/2 mile of the proposed well locations are indicated on the map

*[Handwritten Signature]* 3/20/23

Signature

Date

Date: 3/7/2023

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 27, 2023

Terry Nelson  
PO Box 560  
Norton, KS 67654-0560

Re: water right, File Nos. 42,993 and 43,876

Dear Mr. Nelson:

Enclosed are two (2) orders executed by Earl Lewis, 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 terms, conditions, and limitations specified in these approvals for change. Also, the approval of the orders does require the installation of a water flow meter(s) on the point(s) of diversion authorized under the above file numbers by **December 31, 2023**. Please complete and return the enclosed Notice(s) of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters is found in K.A.R. 5-1-4 through K.A.R. 5-1-12, along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address: <http://agriculture.ks.gov/meters>

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

The abandoned water well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <http://kdheks.gov/waterwell>

Since these orders modify the original certificates, they should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

**These documents are summary orders by this agency regarding this matter.** These orders shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

(over)



If you have any questions, please feel free to contact this office at (785)425-6787. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,



Mark Billinger  
Assistant Water Commissioner

MB:ndh  
Enclosures

**CERTIFICATE OF SERVICE**

On this 27th day of March 2023, I hereby certify that the attached **SUMMARY ORDERS APPROVING APPLICATIONS FOR CHANGE in Point of Diversion** for water right, File Nos. 42,993 and 43,876, dated on the 27th day of March 2023, were mailed postage prepaid, first class, U.S. mail, to the following:

Terry Nelson  
PO Box 560  
Norton, KS 67654-0560



Staff