

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

Document Signature DWB _____

1. File Number: 14502	2. Status Change Date: 10/17/2018	3. Change Num: C1	4. Field Office: 04	5. GMD: 03
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 5/22/2018
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8a. Applicant(s) Person ID 54113 New to system <input type="checkbox"/> Add Seq# 1 BEACHNER SW FARMING CO WATER RIGHTS ACCOUNTANT PO BOX 128 SAINT PAUL KS 66771-0128	8c. Landowner(s) Person ID 40039 New to system <input type="checkbox"/> Add Seq# 1 SEABOARD FOODS LLC 9000 W 67TH ST STE 200 SHAWNEE MISSION KS 66202
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8b. Landowner(s) Person ID 54113 New to system <input type="checkbox"/> Add Seq# 1 BEACHNER SW FARMING CO WATER RIGHTS ACCOUNTANT PO BOX 128 SAINT PAUL KS 66771-0128	8d. WUC Person ID 54113 Add Seq# 1 IRR BEACHNER SW FARMING CO WATER RIGHTS ACCOUNTANT PO BOX 128 SAINT PAUL KS 66771-0128 WUC Person ID 40039 Add Seq# 2 STK SEABOARD FOODS LLC ENVIRONMENTAL ENG MNGR 2801 HURLIMAN RD GUYMON OK 73942
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/19 N & P Date to Comply: 12/31/19

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

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: IRR To: IRR & STK

Date Prepared: **10/15/2018** By: **LI**
 Date Entered: **10/18/2018** By: **LLM**

File No. **14502** 11. County: **MT** Basin: **CIMARRON RIVER** Stream: **NA** Formation Code: **211** Special Use: **NA**

12. Points of Diversion										Rate and Quantity						
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy	Overlap PD Files	
MOD			NE NW SW	11	32	40W	2	2565	4305		276	429 AF	276	429 AF	NONE	IRR
ENT			SE SE NW	11	232	40W	1	2900	2700	STK USE ADDL WELL	80	11.17 MGY	80	11.77MGY	10408	STK

SPECIAL CONDITIONS ADDITIOINAL WELL REVIEW AFTER 5 - 10 YEARS

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) **NONE**
 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	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
	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				
ENT 31105 11 32 40W	SWINE FACILITIES IN (NENW),(SWNW) & (SESW)																8C	NO	10408	
ENT 11136 14 32 40W	SWINE FACILITIES IN (NENW),(SESW) & (NESE)																8C	NO	10408	
ENT 21525 15 32 40W	SWINE FACILITIES IN (SWSW) & (NESE)																8C	NO	10408	
CHK 26000 11 32 40W 2									40.0	40.0	40.0	30.0					150	8B		
CHK 36315 14 32 40W 1					30	40	40	40									150	8B		

Comments:

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

File Number: 14502

FO: 4

GMD: 3

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	5/22/18	27	GMD 3	Well Spacing Change Apps	Well to Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	The proposed well is a standby well with the additional quantity will not meet spacing to the primary well. The wells are authorized for stockwatering at the same place of use under the same ownership. The Board of GMD 3 recommends approval.	
K.A.R. 5-23-3(a)(1)	10/17/2018				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared 10/15/01 By LI

Date Entered 10/17/2018 By LLM



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

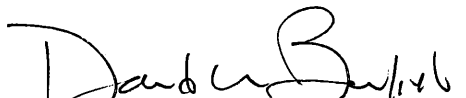
**WAIVER OF REGULATION
K.A.R. 5-23-3(a)(1)**

Date: 10/17/2018

Re: File No. 14.502

1. That K.A.R. 5-23-3(a) states in part, that the minimum well spacing shall be based on the maximum annual quantity of water in acre-feet authorized and requested for the proposed well or authorized and requested by a senior application, permit or water right, and that a change in point of diversion greater than 300 feet and does not improve well spacing.
2. The owners propose to move 36.13 acre-feet 1,639 feet to an existing well authorized as a standby well under File No. 10,408, that could result in a combined quantity of 200.14 acre-feet. The total quantity that could be diverted requires 1,600 feet of well to well spacing should the full quantity be diverted under the standby authority. The nearby primary well under File No. 10,402, is only 1,580 feet away.
3. The both wells are owned by the same entity utilizing them for stockwatering at the same place of use.
4. That the Southwest Groundwater Management District No. 3, recommended a waiver of part (a) of K.A.R. 5-23-3.
5. That a waiver of this regulation will not prejudicially or unreasonably affect the public interest and should not impair the nearby rights.

Comments:



David W. Barfield, P.E.
Chief Engineer
Division of Water Resources

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 15, 2018

FROM: Leslie Ireland

RE: Water Right
File No. 14.502

Eugene C. Beachner, Partner of Beachner SW Farming LLC and Stephen Summerlin, Sr. VP, on behalf of Seaboard Foods LLC, have filed an application for approval to change the use made of water, point of diversion and place of use. The application was received on May 22, 2018, and prepared with my assistance. This application for change proposes to add an additional well and will be processed under K.A.R. 5-5-16, and the use from irrigation to irrigation and stockwatering uses per K.A.R. 5-5-10.

The referenced water right is considered not to be abandoned as per K.S.A. 82a-718 and also appears to comply with K.S.A. 82a-732.

Along with the transfer of land for swine facilities the 1999 deed assigned forty acre-feet to Seaboard that is authorized by the referenced file. The right is authorized 570 gallons per minute to divert 469 acre-feet from one well located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, approximately 2,565 feet North and 4,305 feet West of the Southeast corner for the irrigation of 300 acres in Sections 11 and 14, all in Township 32 South, Range 40 West Morton County.

The change in use made of water will reduced the 40 acre-feet per KAR 5-5-10, *Partial changes in the use made of water from irrigation to another type of beneficial use*, to 36.13 acre-feet or 11.17 million gallons per year for stockwatering. The reduction of 3.87 acre-feet should assure that consumptive use will not be increased as required by K.A.R. 5-5-3, *Consumptive use*. As the deed assigned 40 acre-feet to the new owners, 429 acre-feet will remain for the irrigation use. Resulting the referenced file authorized 36.13 acre-feet for stockwatering and 429 acre-feet for irrigation use.

The requested quantity for stockwatering use is to provide cooling necessary to maximize animal health at seven different swine nursery facilities currently served by File No. 10,408. The applicant stated in the application for the existing right, the current senior right has lost production and needs to be augmented for their operation. The currently authorized stockwatering place of use located in Sections 11, 14 & 15, Township 32 South, Range 40 West, Morton County, referenced by the owner as Farm # 101 to 107, will not be changed. These stockwatering facilities, will be authorized under File Nos. 10,408 & 14,502 providing a combined total of 65.21 million gallons (200.13 acre-feet).

The 300 irrigated acres comprising the place of use will remain as authorized due to the effluent provided by the stockwatering facility. The generally applied calculated reduction to the place of use per part (b) of K.A.R. 5-5-10, would require the place of use to be reduced to 255 acres. The seven lagoons are designed to store and provide up to 27.4 acre-feet of effluent or a combined total of 192 acre-feet.

The stockwatering use is proposed to be diverted from an additional well and the change in point of diversion is subject to K.A.R. 5-5-16, *Additional well*. The standby well authorized by File No. 10,408, located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of 11-31-40W is the proposed well for the stockwatering use under File No. 14,502. The source of supply for the well under File No. 14,502 have been designated as Permian System (Code 500) in the WRIS database. No well logs for the irrigation well or the stockwatering wells under File No. 10,408 (File No. 22,646 dismissed (primary well) were found in our records or KGS. Information in the records from annual water use reports indicated that in the late 60's the static water level ranged from 147 to 154 feet and the wells had depths of 450 to 486 feet. It would appear all the wells have similar characteristics and could be considered to be in the same local source of supply.

The WRIS database indicates the proposed existing standby well (File No. 10,408) is approximately 1,639 feet from the irrigation well (File No. 14,502), and 1,580 feet from the primary stockwatering well (File No. 10,408). The proposed change in point of diversion is less than 2,640 feet thus complying with part (b) of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*. Under part (a) of this regulation the proposed well could pump an authorized 200.13 acre-feet requires 1,600 feet of well to well spacing. The existing primary stockwatering well authorized 164 acre-feet requires a minimum well spacing of 1,300 feet. The proposed well that will operate as a primary stockwatering well (File No. 14,502) and a standby stockwatering well (File No. 10,408) do not meet the required spacing to the primary stockwatering well (File No. 10,408) by approximately 20 feet. A **waiver of well to well spacing** has been requested. A board review by GMD 3 **recommended a waiver of part a of K.A.R. 5-23-3** and approval of the change in point of diversion.

The well was tested by the Division in August 2017. It yielded a rate of 356 gallons per minute. The stockwaterer determined 80 gallons per minute would provide sufficient rate for their needs. The application was returned to the irrigation owner to acknowledge the tested rate, permanent reduction in rate and assignment per use. The 276 gallons per minute for irrigation use would pump the 429 acre-feet in 352 days. The rate test has been divided and assigned between the wells as specified in K.A.R. 5-5-16(d).

In summary the irrigation well will be authorized 429 acre-feet with a maximum instantaneous rate of 276 gallons per minute and the stockwatering well will be authorized 11.77 million gallons (36.13 acre-feet) at 80 gallons per minute.

There is only the applicants irrigation & stockwatering wells located within one-half (½) mile of the proposed additional well. No comment letters were sent.

Southwest Kansas Groundwater Management District No. 3 was sent a request for recommendation. In a letter dated October 10, 2018, Jason Norquest, Assistant Manager, indicated the Board recommended a waiver of the spacing requirements of K.A.R. 5-23-3 and recommended approval of the application.

Mike Meyer, Water Commissioner of the Garden City Field Office was notified of the proposed change and has reviewed the summary memo and waiver. He indicated by E-mail on October 16, 2018, that he has no objection to the approval of the proposed change in use made of water, point of diversion and place of use.

A water flow meter will be required on each well as per K.A.R. 5-5-16(e) and a check valve is required if any chemical or foreign substance is injected through the diversion works. Each use will have a separate water use correspondent. A water level measurement tube will not be required as no wells will be drilled, but the permit will contain the wording. As per K.A.R. 5-5-16(a)(4), a condition will be placed on the approval that the additional well will have the priority date of the date the application for change was received in the office of the Chief Engineer, May 22, 2018. The approval will contain the jurisdictional wording as required by K.A.R. 5-5-16(f).

Based on the above discussion that the change is reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of this proposed change, that there is no change in the source of supply, it is recommended that the application for change be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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

FILE COPY

BEACHNER SOUTHWEST FARMING COMPANY
ECB FARMING COMPANY INCORPORATED October 22, 2018
EUGENE C. BEACHNER, PRESIDENT & PARTNER
PO BOX 128
SAINT PAUL, KS 66771

RE: Water Right, File No. 14,502

Dear Mr. Beachner:

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. A True and Correct Copy has been sent to Seaboard Foods.

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.

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 the Completion of the Diversion Works*, prior to December 31, 2019, for the stockwatering well.

The application is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional point of diversion approved for stockwatering use by this order shall be considered to have the priority of the date the application was filed (May 22, 2018).


Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. The irrigation and stockwatering portions have each been designated to receive separate reports based on the water use correspondent currently designated for each use of water per point of diversion. That being:

Irrigation Use
BEACHNER SW FARMING CO
WATER RIGHTS ACCOUNTANT
PO BOX 128
SAINT PAUL KS 66771-0128

Stockwatering Use
SEABOARD FOODS LLC
ENVIRONMENTAL ENG MNGR
2801 HURLIMAN RD
GUYMON OK 73942

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Applications Unit Supervisor

BAT:LI:li

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3
Seaboard Foods LLC, Stephen Summerlin, Senior Vice President



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN USE MADE OF WATER, POINT OF DIVERSION,
AND PLACE OF USE
WATER RIGHT, FILE NO. 14,502**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Eugene C. Beachner, President of ECB Farming Company Incorporated and Partner, Beachner Southwest Farming Company, PO Box 128, Saint Paul, Kansas 66771, and Stephen Summerlin, Senior Vice President Seaboard Foods LLC, 9000 W 67th Street, Suite 200, Shawnee Mission, Kansas 66202, received in this office on May 22, 2018, for approval of a change in the use made of water, point of diversion and place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Finding and Order of the Chief Engineer dated January 12, 1996, in the matter of the authorized place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

This order effectively reduces the maximum rate of diversion to 356 gallons per minute (0.79 c.f.s) and the total quantity to 465.13 acre-feet, in accordance with the Application for Change received in the Office of the Chief Engineer on May 22, 2018.

The application is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional point of diversion approved by this order shall be considered to have the priority of the date the application was filed (May 22, 2018).

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the portion authorized for **irrigation use** shall be:

one (1) well located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 2,565 feet North and 4,305 feet West of the Southeast corner of said section, in Township 32 South, Range 40 West, Morton County, Kansas, at a diversion rate not in excess of 276 gallons per minute (0.61 c.f.s.) and in a quantity not to exceed 429 acre-feet per calendar year, for irrigation use on the authorized location of the place of use shall be:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11 32 40W									40.0	40.0	40.0	30.0					150.0
14 32 40W					30.0	40.0	40.0	40.0									150.0

a total of 300 acres in Sections 11 & 14, in Township 32 South, Range 40 West, Morton County, Kansas,

and after which the portion authorized for **stockwatering use** shall be:

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 2,900 feet North and 2,700 feet West of the Southeast corner of said section, in Township 32 South, Range 40 West, Morton County, Kansas, at a diversion rate not in excess of 80 gallons per minute (0.18 c.f.s.) and in a quantity not to exceed 11.77 million gallons (36.13 acre-feet) per calendar year,

and the authorized location of the place of use shall be:

at swine production facilities located in the Northeast Quarter the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 14, and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 15, all in Township 32 South, Range 40 West, Morton County, Kansas,

all located substantially as shown on the topographic map accompanying the application to change the use made of water, point of diversion and place of use.

Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. The applicant 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 wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

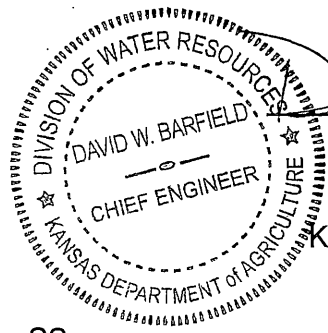
All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed 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.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the authorized rate of diversion, and such changes in other terms, conditions, and limitations set forth in this approval of application to change the point of diversion as may be deemed to be in the public interest.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 14,502, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 2, 1984, as modified and amended by the aforementioned order.

Ordered this 17th day of October, 2018, at Manhattan, Riley County, Kansas.



David W. Barfield
David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
County of Riley)

SS

The foregoing instrument was acknowledged before me this 17th day of October 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

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.

CERTIFICATE OF SERVICE

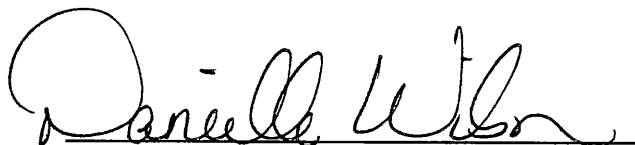
On this 22nd day of October 2018, I hereby certify that the attached Approval of Application for Change in Use Made of Water, Point of Diversion and Place of Use, under Water Right, File No. 14,502 dated October 17th 2018 was mailed postage prepaid, first class, US mail to the following:

Beachner Southwest Farming Company
ECB Farming Company Incorporated
Eugene C. Beachner, President & Partner
PO Box 128
Saint Paul, KS 66771

With a True and Correct copy sent to:

Seaboard Foods LLC
Stephen Summerlin, Senior Vice President
9000 W 67th Street, Suite 200
Shawnee Mission, KS 66202

Garden City Field Office
Groundwater Management District No. 3



Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive,
Manhattan, Kansas 66502
www.ksda.gov/dwr

Water Resources
Received
AUG 27 2018
12:52
State of Kansas
KS Dept Of Agriculture

**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**



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
MAY 22 2018
10:47
KS Dept Of Agriculture

File No. 14502

2. Name of applicant: BEACHNER SW FARMING CO

Address: PO BOX 128

City, State and Zip: SAINT PAUL KS 66771

Phone Number: () _____ E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: (IRR) BEACHNER SW FARMING CO, WATER RIGHTS ACCOUNTANT

(STK) SEABOARD FOODS LLC, ENVIRONMENTAL ENG MNGR

Address: (IRR) PO BOX 128 (STK) 2801 HURLIMAN RD

City, State and Zip: (IRR) SAINT PAUL KS 66771 (STK) GUYMON OK 73942

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Water is being assigned per the March 18, 1998, Kansas Warrantee Deed. The change is needed for peak cooling demands.

The change(s) will be completed by approval as wells are existing.

(Date)

For Office Use Only:	
F.O. <u>4</u> <u>GMD</u> <u>3</u> Meets K.A.R. 5-5-1 (YES/NO) Use <u>IRR</u> Source <u>G/S</u> County <u>MT</u> By <u>AW</u> Date <u>5/22/18</u>	
Code <u>C-3</u> Fee \$ <u>100</u> TR # _____ Receipt Date <u>5/22/18</u> Check # <u>21203611</u>	

APPLICATION COMPLETE
10/10/18
Reviewer LI

- 6. The presently authorized point(s) of diversion is one well one pump
(Provide description and number of points)
- 7. The proposed point(s) of diversion are 2 wells and 2 pumps
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the NW Quarter of the SW Quarter of Section 11, Township 32 South, Range 40 W, in MORTON County, Kansas, 2565 feet North 4305 feet West of Southeast corner of section. Authorized Rate 570 gpm Authorized Quantity 469 AF
 (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) 8/30/17 RATE TEST 356 GPM @ LI/DWL
 One in the NE Quarter of the NW Quarter of the SW Quarter of Section 11, Township 32 South, Range 40 W, in MORTON County, Kansas, 2565 feet North 4305 feet West of Southeast corner of section. Proposed Rate 276-380 gpm Proposed Quantity 429 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 _____ (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 SE Quarter of the SE Quarter of the NW Quarter of Section 11, Township 32 South, Range 40 W, in MORTON County, Kansas, 2900 feet North 2700 feet West of Southeast corner of section. Proposed Rate 190-80 GPM Proposed Quantity 36.13 AF or 11.77 mgd
 This point is: Additional Well Geo Center List other water rights that will use this point 10408 Standby well

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

Water Resources Received
 AUG 27 2018
 IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY
 * RATE MODIFICATION PER 7/16/18 EMAIL OF REENIE JACKSON
 MAY 22 2018
 KS Dept Of Agriculture

12. The presently authorized use of water is for irrigation purposes.
It is proposed that the use be changed to irrigation and stockwatering purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
K.A.R. 5-5-10 will be followed with the required reduction in quantity and irrigated place of use. The quantity and rate assigned to stockwatering use will be assigned to comply with K.A.R. 5-5-16.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 429 AF IRR USE (acre-feet or million gallons).

36.13 AF (11.77 mgy) STK USE (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to 276.380 IRR USE gallons per minute (0.62 c.f.s.).

* 80 100 STK USE gallons per minute (0.18 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.

Change in point of diversion will move rate and quantity less than 2,640 feet between existing points of diversion.

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.

The well under File No. 14,502 that is currently authorized 469 acre-feet is located approximately 1,640 feet from the proposed point of diversion(s). K.A.R. 5-23-3 requires 2,100 feet of well to well spacing for rights diverting 401- 500 acre-feet when a change is in point of diversion will move the diversion of water more than 300 feet from the currently authorized well. A waiver of well to well spacing is requested as there has been no history of impairment and the quantity authorized by the additional well will have the most junior priority (date application filed) should any well to well impairment occur.

Water Resources **Water Resources**
 Received Received
IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY
AUG 27 2018 **MAY 22 2018**

4. The presently authorized place of use is:

Owner of Land — NAME: BEACHNER SW FARMING COMPANY

ADDRESS: PO BOX 128, SAINT PAUL KS 66771-0128

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	
11	32	40W									40.0	40.0	40.0	30.0					150
14	32	40W					30.0	40.0	40.0	40.0									150
																Total	300		

List any other water rights that cover this place of use. NONE

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.)

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

Owner of Land — NAME: BEACHNER SW FARMING COMPANY

ADDRESS: PO BOX 128, SAINT PAUL KS 66771-0128

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	
11	32	40W									40.0	40.0	40.0	30.0					150.0
14	32	40W					30.0	40.0	40.0	40.0									150.0
																Total	300 * 150.0		

List any other water rights that cover this place of use. NONE

** L1/Dwr from us/US*

Owner of Land — NAME: SEABOARD FOODS LLC

ADDRESS: 9000 W 67TH ST STE 200, SHAWNEE MISSION KS 66202

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	
11	32	40W	SWINE FACILITIES IN (NENW),(SWNW) & (SESW)																
14	32	40W	SWINE FACILITIES IN (NENW),(SESW) & (NESE)																
15	32	40W	SWINE FACILITIES IN (SWSW) & (NESE)																

List any other water rights that cover this place of use. 10.408

AUG 27 2018

MAY 22 2018

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY
 KS Dept Of Agriculture
 KS Dept Of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Johnson County, Kansas, this 21st day of May, 2018.

By Stephen Summerlin, Sr. V.P.
(Owner)

(Spouse)

Stephen Summerlin, Sr. V.P.
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Johnson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21st day of May, 2018.

Anna DeCluze
Notary Public

My Commission Expires 2/28/2019

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 27 2018
KS Dept Of Agriculture

Water Resources
Received
MAY 22 2018
KS Dept Of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

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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 SAINT PAUL, Kansas, this 23 day of August, 2018.

By: Eugene C. Beachner
Beachner Southern Farming Company
(Owner) Eugene C. Beachner
President of ESB Farming Co. Inc. Partner
(Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

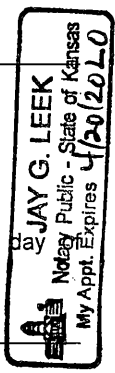
(Please Print) (Please Print)

State of Kansas }
County of NEOSHO } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23 day of August, 2018.

J. G. Leek
Notary Public

My Commission Expires 4/20/2020



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.**

PAID 5/22/18

Water Resources
Received
AUG 27 2018

KS Dept Of Agriculture

SCANNED

620-544-6806
Mr Jackson

DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE
METER FLOW RATE/VOLUME TEST

FILE NO: 14502 Date: 8/30/17 Tester: ODC Tested 1 of 1 installations
Point of Diversion: NE UNSW Sec. 11, T. 32 S. R. 40W

Approximately 2545 ft. North and 4305 ft. West of SE corner of Sec 11
How were distances determined? _____ Latitude 37.27943 Longitude 101.64263
Person(s) present at the test: Ferryman Relationship(s) to owner: MAN/MAINT SERVICE

TEST METER INFORMATION: Test meter location _____ Last verified 5/30/17
Manufacturer Diaphragms I.D. Model # PT828 Serial # 07765
Sensor is _____ in upstream from _____
Sensor is _____ in downstream from _____

NORMAL CONDITIONS: R.P.M. POWER UNIT _____ MAXIMUM CONDITIONS R.P.M. POWER UNIT _____
R.P.M. PUMP UNIT _____ R.P.M. PUMP UNIT _____
Pressure at Pump _____ psi Pressure at Pump _____ psi

TESTED RATE

Meter Test Meter Type _____ Meter Serial No. _____
Ending 2215.0 gal. Ending _____ gal.
Beginning 0 gal. Meas. O.D. 4.52 Beginning _____ gal.
Difference 2215.0 gal. Meas. Wall 0.211 Difference _____ gal.
Time 372.9 (6.21) min. XDCR Setting 110.37 min. Time _____ min.
Rate 356.16 gpm. Material Type 109.615 Rate _____ gpm.

Diagnostics:
Signal Strength SS up: 67.5 SS dn: 67.5 (Should be over 55 highest on PVC, up and dn should be close to the same)
SNDSF: 4890.7 (Should be close to book value for the sound speed at measured temp) Temp _____ F
Delta T (<Delta>): 237.25 Is this number stable? Yes If no please explain: _____
T up: 159.15 T dn: 158.92 (Bad: continuous large fluctuations of 1 microsecond or more)
Signal Quality: Q up 3847 Q dn 3761 (Should be + -300 or greater)
AMP up: 28.8 AMP dn: 27.5 (Should be 20 - 28 fluctuations)
P# up: 380 P# dn: 378 (100 to 900, closest to 500 is best)
Nf up: 0.9346 Nf dn: _____ (Should be 0.85 to 1.0)

Installed Meter Test Manufacturer McCrone Serial # 99-9162-1 Model # _____
Sensor is _____ in upstream from _____
Sensor is _____ in downstream from _____

Outside Diameter (Stamped) _____ inches (Measured) _____ inches
Inside Diameter (Stamped) _____ inches (Measured) _____ inches
Ending 203501 (00) AF Ending _____ gal./AF
Beginning 203476 (00) AF Beginning _____ gal./AF
Difference 2510 gal. Difference _____ gal./AF
Time 7:04.25 (7.07) min. Time _____ min.
Rate 353 gpm. Rate _____ gpm.

% Error Calculation: $\frac{\text{Test} - \text{Meter}}{\text{Test}} \times 100$ % error 100%

Other Flowmeter Use Supplemental Sheet (include meter identification, data and calculations).

COMMENTS: meter 1/2 x 100 / no label on meter / w/s seal / IR = 350 gpm

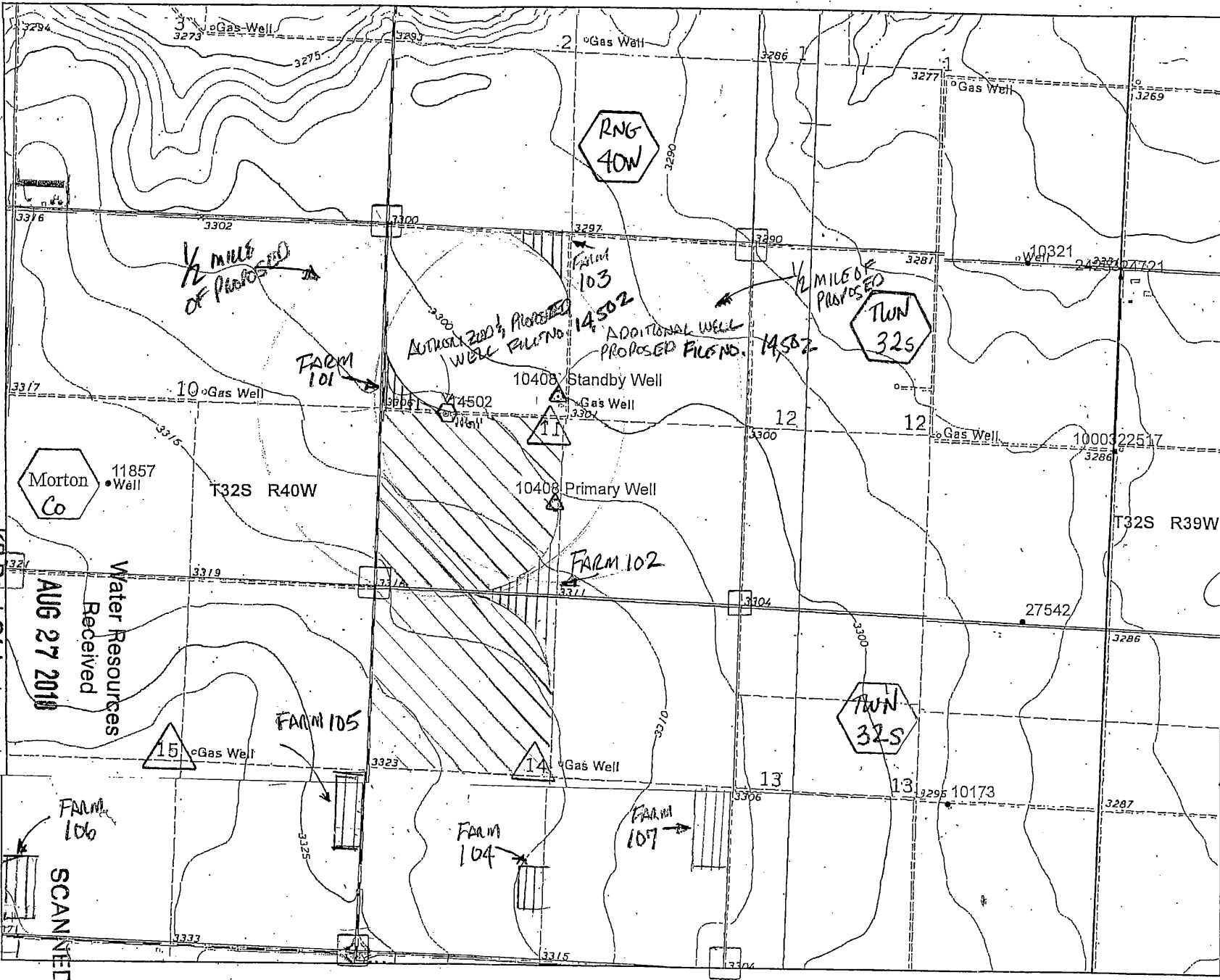
- Good Test
- Adequate Test
- Unacceptable Comparison

Reviewed by [Signature] Date 8/31/17 Entered by _____

* LI/own

SCANNED Date _____

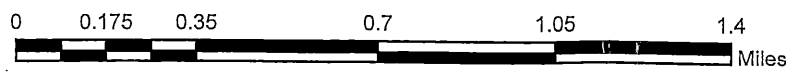
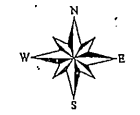
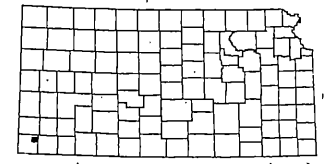
Water Right File No. 14,502 Change Application



- ### Legend
- WIMAS_PD
 - S_UMW
 - G_IRR (Symbol: circle with dot)
 - G_STK (Symbol: triangle)
 - PLACE OF USE
 - AUTHORIZED IRRIGATION (Symbol: hatched box)
 - PROPOSED STOCKWATERING & AUTHORIZED STOCKWATERING FILE NO. 10,408 (Symbol: vertically striped box)

[Signature]
 ALL WATER WELLS WITHIN 1/2 MILE OF THE REQUESTED POINT OF DIVERSION HAVE BEEN PLOTTED.

Index Map



This map was created by L.Ireland in WIMAS on 3/6/2017.

KS Dept Of Agriculture

AUG 27 2010
 Water Resources Received

SCANNED

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Tuesday, October 16, 2018 3:54 PM
To: Ireland, Leslie [KDA]
Subject: RE: Recommendation for Change in PD PU UMW File No. 14502_Dismissal change File No. 10408 Seaboard-Beachner

Approve thanks

Mike

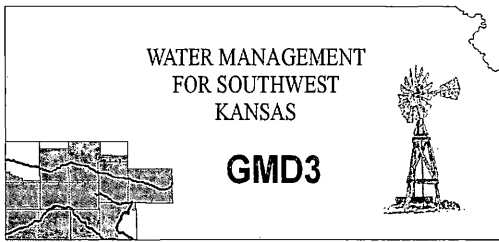
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Sent: Tuesday, October 16, 2018 2:36 PM
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Subject: Recommendation for Change in PD PU UMW File No. 14502_Dismissal change File No. 10408 Seaboard-Beachner

Mike,

Please let me know if you would recommend the requested changes to File No. 14502.
The last page of the attachment for File No. 10408 is the summary memo for the dismissal.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

October 10, 2018

Leslie Ireland
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

**WATER RESOURCES
RECEIVED**

OCT 15 2018

KS DEPT OF AGRICULTURE

RE: Change Application
Water Right, File No. 14502

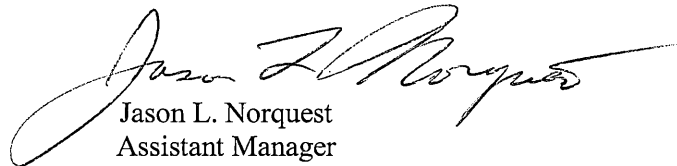
Dear Leslie:

We have completed a review of the application for the above referenced water right. The proposal is in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). More specifically, the request for an additional well under this water right does not meet the spacing criteria set for in K.A.R. 5-23-3.

We discussed this application at our October monthly Board meeting. Case study performed by GMD3 staff showed that there could be possible future effects with this change application, not only to neighboring wells but also the proposed well. It was discussed how slight variations to pumping rate from any of the wells could reduce the effects of well interaction. The Board also discussed the fact that none of these wells would be pumped at their full authorized rates all the time and that both owners of the wells signed the change application. The use made of water would also be going to a higher value use. Since the only wells that could be effected are signing parties to the change and the higher value use for the change, it is therefore recommended that a waiver to spacing be granted and the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest
Assistant Manager

© 2018 A R T A E P O S T

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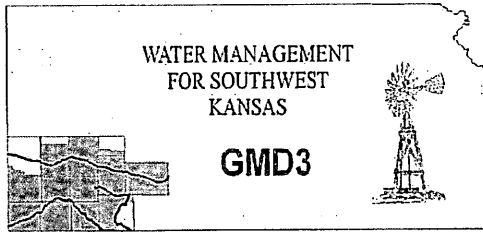
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October 10, 2018

Leslie Ireland
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Change Application
Water Right, File No. 14502

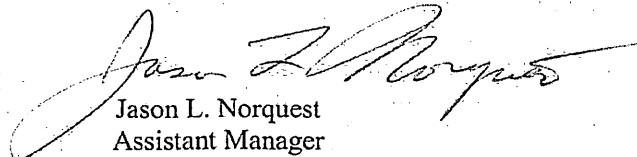
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Sincerely,


Jason L. Norquest
Assistant Manager

GMD3 Change Review

File No(s): 14502.

DWR office: GC/HQ.

App filed to change: PU, PD & UMW.

Is Landowner(s) correct in WRIS: Beachner SW Farming.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-23-3 (spacing), KAR 5-5-10(partial UMW) & KAR 5-5-16(Add Well)

Point of diversion ID No(s) 02 being changed.

	ft. North	ft. West	
Authorized PD	2565	4305	Sect 11-32-40
Proposed PD	2900	2700	Stack on 10408 standby
Difference	-335 N	1605 E	
a2 + b2 = c2	112225	2576025	1639.588 foot move NE

GPS for proposed PD: Lat: Long: .

Is proposed PD stacking on existing WRs? 10408 STK Standby well.

Is Proposed PU overlapping existing WRs? .

Land Owner(s) notified: .

Name Name

Address Address

Zip Zip

Neighboring certified well(s) notified:

Name Name

Address Address

Zip Zip

Domestic well(s) notified:

Name Name

Address Address

Zip Zip

Base Acres:

Perfected Acres: 320.

Irr. Return-Flow 88.3 %

Applicant moving/converting partial IRR to STK and stacking on existing well listed as standby at this time. Spacing is not met with this move between the original well and the additional well.

KAR 5-5-16: was applied first showing that the full 469AF would be kept with the additional well rule.

1. (Max acres X NIR80%)/.85
(320 X 1.43) / .85 = 538.35 AF

GMD3 Change Review

The owner wanted to keep the full authority they could for IRR, so the reduction factor was taken off the STK dead that gave 40AF over.

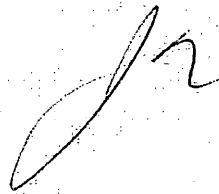
KAR 5-5-10 or 9:

1. Authorized AF X Consumptive use %= Max AF allowed converted
 $40\text{AF} \times 88.3\% = 35.32\text{AF}$ max on new calculation. At time of submittal, the old calculation was still in use so the STK will be reduced to 36.13AF.
2. AF sought / Max AF %= changed to new use & remaining % for irrigation
 $40\text{AF} / 414.127\text{AF} = 9.6\%$ STK 90.4% IRR
3. Remaining % for IRR X current AF = AF remaining IRR
 $90.4\% \text{ IRR} \times 469\text{AF} = 423.976\text{AF}$ for IRR

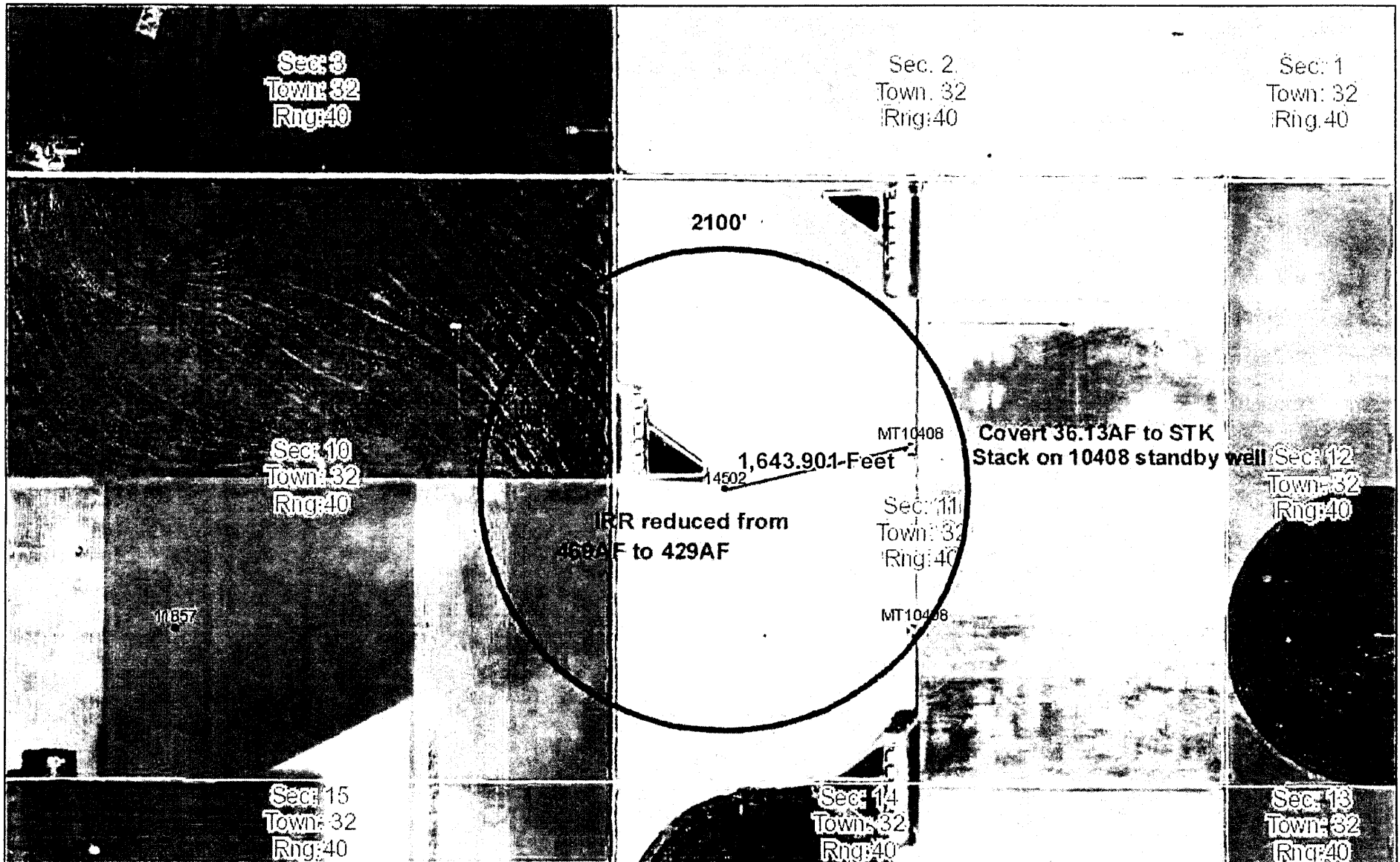
To start implementing a proposed study method, our model did indicate that there could be concern with approving this application, but that adjustments could be made to minimize the effects.

Is a waiver needed: Yes, spacing to neighboring well, in this case also owned by applicant.

Final Recommendation: Seeing as how all parties involved signed the applications and that the quantity we are moving is a smaller amount, we believe that the higher value STK use warrants a waiver. Staff and Board therefore recommend a waiver to the spacing rule and that the application be approved at this time.

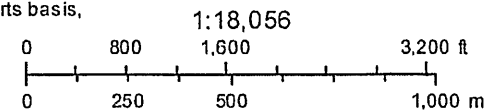


14502 Change Review



September 14, 2018 14:51 PM **DISCLAIMER:** This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

Wells	+	CON	■	FPR	▲	MUN	⌘	THX	
?	Other	⊠	DEW	■	HYD	⌘	REC	?	Empty
•	IRR	.	DOM	★	IND	⊙	STK	Sections	



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

September 19, 2018

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN MARK RUDE
2009 E SPRUCE STREET
GARDEN CITY KS 67846

FILE COPY

RE: Water Right, File Nos. 10,408 & 14,502

Dear Mr. Rude:

In response to the September 19, 2018, E-mail, of Jason Norquest, the Chief Engineer has extended the time in which to submit recommendations concerning the applications to change the points of diversion for the above referenced files.

At your request the Chief Engineer has delayed any further action until October 11, 2018.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

pc: Garden City Field Office
Reenie Jackson, Seaboard Food LLC

SCANNED

Ireland, Leslie [KDA]

From: Jason Norquest <norquest@gmd3.org>
Sent: Wednesday, September 19, 2018 9:11 AM
To: Ireland, Leslie [KDA]
Subject: Re: Recommendation for File No. 14502 & 10,408

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Can we go to the 11th. I get get it written up right after Board meeting.

Jason Norquest

On Wed, Sep 19, 2018 at 8:57 AM -0500, "Ireland, Leslie [KDA]" <Leslie.Ireland@ks.gov> wrote:

To want date do you need that ext to?

From: Jason Norquest <norquest@gmd3.org>
Sent: Wednesday, September 19, 2018 8:53 AM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: Re: Recommendation for File No. 14502 & 10,408

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Sorry about that, been meaning to send you an email. I will need to go to Board with this, so i would appreciate an extension. I will put it on the next agenda.

Jason Norquest

On Wed, Sep 19, 2018 at 8:19 AM -0500, "Ireland, Leslie [KDA]" <Leslie.Ireland@ks.gov> wrote:

Jason,

FILE COPY

Hope you are well, we're as well as can be expected. 😊

Do you need an extension for this package?

SCANNED

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

STATE OF KANSAS



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

August 31, 2018

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN MARK RUDE
2009 E SPRUCE
GARDEN CITY KS 67846

FILE COPY

Re: Applications for Change,
Water Right, File Nos. 10,408 & 14,502

Dear Mr. Rude:

We are enclosing a copy of the application for change to File No. 14,502, which appears to be in proper form. This proposed change is requesting to add an additional well per K.A.R. 5-5-16, *Additional well*. Please note the January 25, 2016, filed application for change in point of diversion for Water Right, File No. 10,408, has been requested to be withdrawn by the owner and will be processed with the enclosed change.

We are delaying any further action for a period of fifteen days from the date of this letter to allow you time to submit your recommendations concerning the application for change to File No. 14,502.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

Enclosures

pc: Garden City Field Office
Reenie Jackson, Seaboard Food LLC

SCANNED

Water Rights and Points of Diversion Within 1.25 miles of point defined as:

2900 ft N and 2700 ft W of the SE Corner of Section 11, T 32S, R 40W

Located at: 101.637209 West Longitude and 37.280319 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 10408	00	STK	NK	G*	0	--	SE	SE	NW	2900	2700	11	32	40W	1		.00	.00	AF
Same					1580	--	NC	S2		1320	2670	11	32	40W	3		164.00	164.00	AF
A__ 11857	00	IRR	NK	G	6541	--	SW	NE	SW	1330	3780	10	32	40W	1		278.00	278.00	AF
A__ 14502	00	IRR	NK	G	1639	--	NE	NW	SW	2565	4305	11	32	40W	2		469.00	469.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	911.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	911.00	.00

An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.25 miles of point defined as:

101.637209 West Longitude and 37.280319 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR	
A__ 10408	00	STK	NK	G
>	SEABOARD FOODS LLC			
>	ENVIRONMENTAL ENG MNGR			
>	2801 HURLIMAN RD			
>	GUYMON OK 73942			

A__ 11857	00	IRR	NK	G
>	KENNETH L PRICE			
>	HC 1 BOX 48			
>	ROLLA KS 67954			

A__ 14502	00	IRR	NK	G
>	BEACHNER SW FARMING CO			
>	WATER RIGHTS ACCOUNTANT			
>	PO BOX 128			
>	SAINT PAUL KS 66771			

SPACING

• MOVE OF 1,639' TO EXISTING WELL

429 AF needs - 2100' OF WELL TO WELL SPACING

WATER OF 5-23-4 needed -

STANDBY WELL - COULD PUMP. 53.44 mgd. 2164 AF

36.14 AF
200.14

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
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PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE
August 17, 2018

BEACHNER SW FARMING CO
LUKE RICHENBURG FARM MANAGER
PO BOX 128
SAINT PAUL KS 66771-0128

RE: Change Application, Water Right, File No. 14,502

Dear Mr. Richenburg:

The Chief Engineer has extended until September 1, 2018, as the time in which to return your application to appropriate water under the referenced file.

If the application is not returned and information is not supplied by the deadline, or any authorized extension of time thereof, the application will be dismissed. According to the law, default in returning the application and supplying the requested information, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application.

If you wish to request additional time, you must do so in writing, before the period expires. Such a request should state what steps are being taken to supply the requested information.

If you have any questions, please contact me at (785)564-6633, or via email at Leslie.Ireland@KS.GOV. Additionally, our staff at the Garden City Field Office can provide assistance, if needed please contact Michael Meyer, Water Commissioner, (620) 276-2901. We ask that you reference the file number listed above so that we may help you more efficiently.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
pc: Garden City Field Office
Groundwater Management District No. 3
Reenie Jackson, Seaboard Foods LLC

SCANNED

Ireland, Leslie [KDA]

From: Ireland, Leslie [KDA]
Sent: Friday, August 17, 2018 2:17 PM
To: 'Luke Richenburg'
Cc: Meyer, Mike [KDA]
Subject: RE: Letter for Change Water Right, File No. 14,502
Attachments: 14502 ext to return application with signatures.pdf

Luke,

The regulation K.A.R. 5-5-16, requires the rate be assigned per each point of diversion and reduced or remaining as authorized from data resulting from the well either being pump tested or from a hydrologic study.

The total rate of the well was from the pump test conducted in 2017, yielded the 356 gpm used as the maximum rate for well under File No. 14,502, (Part (a)(3)(A)) of the regulation. I believe this well may be the one you said has or had some construction issues, but it is the authorized point of diversion. So, the tested rate, 356 gpm, for the proposed stockwatering use was reviewed and evaluated by the folks at Seaboard and with some input from me. Their original proposal of 190 gpm was rejected as it would have not left you with insufficient rate to divert the irrigation quantity of 429 acre-feet in a year.

This is what I wrote to Seaboard when we were working on the rate:

If 190 gpm is assigned to the stockwatering use it leaves only 166 gpm for the irrigation use which is too low of a rate to pump the 429 acre-feet remaining authorized for irrigation use as it would take 585 days, or more than a year.

Looking at the 36.13 AF for stockwatering use, the 190 gpm would pump this quantity in 42 days. The tested rate of 356 gpm would pump the 469 AF authorized for irrigation use in 272 days. The maximum irrigation days for MT Co. can be longer.

If 293 days would work for an annual number of days for irrigation use a maximum rate of 331 gpm would work for the irrigation use allowing 25 gpm for stockwatering use. If the maximum days to pump File No. 14,502 for irrigation use went to 313 days it would afford 310 gpm for irrigation use, allowing 46 gpm for stockwatering use. Pumping the stockwatering well at 46 gpm the 36.13 AF could be diverted in 178 days. The formula for determining days from rate at a known quantity is:

$(\text{Quantity} / (\text{rate} / 1000)) / 4.419 = \text{Days}$. The rate and days can be switched if say you know how many days you need to use the well and want to determine the rate.

As proposed with the rate test, the application will need to be modified with the rate assignment based on 356 gpm result.

I just know the proposed 190 gpm won't work without a quantity reduction to the irrigation use, so I'm contacting you to inform you of the needed modification and hopefully the tools to make an informed decision about the application.

There is also the option allowed by the additional well regulation (Part (a)(3)(B)) to have a hydrologic study completed to determine the rate. I have not seen this done by an applicant and would have to do more research if this is the chosen instead of the current rate test data.

This is what I know as to how the rate was determined. It does appear you need additional time to review the information, attached is a 15 day extension from today as it is my understanding the facilities are currently not being utilized to their full capacity. Should you need more time please let me know.

Should you have additional questions or want to talk with me or Mike Meyer (620) 276-2901, please do not hesitate.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

From: Luke Richenburg <LRichenburg@beachner.com>
Sent: Friday, August 17, 2018 8:57 AM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: RE: Letter for Change Water Right, File No. 14,502

Leslie,

We do have the letter and application. I understand the changes to the proposed quantity(AF), but I am not sure I understand the proposed rate of diversion. Could you explain how that was calculated? I am concerned that the 276 GPM that Beachner Southwest Farming Company will have to irrigate with will not be sufficient.

Thanks,

Luke Richenburg
Beachner Companies
St. Paul, KS
(620)449-8500 Office
(620)423-0642 Cell
(620)449-8512 Fax

From: Ireland, Leslie [KDA] [<mailto:Leslie.Ireland@ks.gov>]
Sent: Thursday, August 16, 2018 8:41 AM
To: Luke Richenburg
Cc: Meyer, Mike [KDA]
Subject: Letter for Change Water Right, File No. 14,502

Luke,

I was wondering if you have received this letter and the application? Please see the attached.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

STATE OF KANSAS

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

July 20, 2018

BEACHNER SW FARMING CO
LUKE RICHENBURG FARM MANAGER
PO BOX 128
SAINT PAUL KS 66771-0128

RE: Water Right, File No. 14,502, Application for Change

Dear Mr. Richenburg:

Reference is made to the application for approval of the Chief Engineer to change the point of diversion, place of use and use made of water under the referenced file number which was received in this office on May 22, 2018. Further review of the application found that the following information will be required.

According to the application, the submitted change in the point of diversion proposes to add an additional point of diversion beyond what is presently authorized, therefore, the change will be subject to K.A.R. 5-5-16, *Additional wells*. This regulation requires that the combined rate of diversion for the authorized and proposed well not exceed a currently determined rate of diversion of a single well at the authorized well location. A pumping test completed on August 30, 2017, produced a tested rate of 356 gallons per minute (0.80 c.f.s) from the authorized well defined as being located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$), approximately 2,565 feet North and 4,305 feet West of the Southeast corner of Section 11, Township 32, Range 40W, Morton County. The application proposes 36.13 acre-feet at a rate of 80 gallons per minute (0.18 c.f.s) to be authorized by the approval for stockwatering use. This will result in a permanent reduction to 429 acre-feet at a maximum rate of 276 gallons per minute (0.62 c.f.s) for irrigation use from the currently authorized and tested well.

Please review the enclosed map for the accuracy of the proposed change in point of diversion and place of use. As required by K.S.A. 82a-1906, *Notification and publication of certain applications and orders*, the Division of Water Resources is required to notify landowners with a point of diversion located within one-half mile of a water right requesting a change. If there are any water wells in the area that are not already been plotted within each of the half mile circles shown on the map, please plot the approximate location of the well and list the name and address of the owner. Please acknowledge by your signature on the map that all water wells in the area have been plotted.

FILE COPY

SCANNED

It is required by K.A.R. 5-5-5 *Signatures required on change application*, that the Division of Water Resources, obtain a notarized signature from each landowner and their spouse, or a duly authorized agent. If the property ownership is different than that as indicated on the enclosed application in Part 4, please provide documentation, such as a recorded warrantee deed. If the land is held in a trust please or other business entity, have the trustee or designated representative sign as such. All signing must be done with a notary public present. A new signature page is enclosed so that the owner of record, as listed in Part 4 of the application, may provide an **original notarized signature**.

The original application for change is being sent so that you may review the proposed application and comply with the above instructions. In order that the application will retain its priority of filing, the enclosed original application and attachments must be returned, with the requested information to this office by August 4, 2018, or any requested and authorized extension thereof.

You have a period of **15 days, until August 4, 2018**, to modify and return the application to our office. Should you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office. Your request for additional time may be sent to my email of Leslie.Ireland@ks.gov.

According to law, default in the returning of the application as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file.

If you have any questions, please contact me at (785) 564-6633, or Michael Meyer, Water Commissioner, Garden City Field Office, at (620) 276 2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

FILE COPY

LI:li

Enclosure(s)

pc: Garden City Field Office
Groundwater Management District No. 3
Reenie Jackson, Seaboard Foods LLC

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 25, 2018

SEABOARD FOODS LLC
JENNIFER CHARNO NELSON DIR ENV AFFAIRS
9000 W 67TH ST STE 200
SHAWNEE MISSION KS 66202

FILE COPY

RE: Water Right, File Nos. 10,408 & 14,502

Dear Mrs. Nelson:

Reference is made to the application for approval of the Chief Engineer to change the point of diversion under the File Number 10,408 which was received in this office on January 25, 2016. After further review the application can not be approved as proposed.

In a letter dated February 8, 2017, you were advised that the application did not comply with K.A.R. 5-5-16, *Additional wells*, as the application failed to assign the rate and quantity. At this time, no further information has been submitted to support the requested waiver of K.A.R. 5-5-16. The 2017 letter stated that because the application for change in point of diversion under File No. 10,408, could not be approved as proposed, you were sent a partially completed application to change the authorized place of use, point of diversion and use made of water under Water Right, File No. 14,502, that would require a rate test of its authorized point of diversion.

The needed rate test has been completed on the irrigation well authorized under File No. 14,502. The test yielded a rate of 356 gallons per minute. It appears a maximum rate of 356 gallons per minute is the total rate of diversion that can be divided and assigned between the existing irrigation well and the proposed stockwatering well. A revised partially completed application for change to File No. 14,502 has been enclosed. Please review the application and complete parts 8, 9 and 15 for the assignment of the rate. The proposed use made of water would allow 36.13 acre-feet (11.77 million gallons) to be authorized for the stockwatering use.

Should you choose to complete the application for change under File No. 14,502, please submit a water budget or justification for the proposed stockwatering use with the application. The map for the application will also need to be reviewed and signed for the verification of that you have identified of all wells located within one-half mile of the proposed additional well. As required for a complete application all owners original notarized signature is required along with the filing fee of which in this case for changing the point of diversion, place of use and use made of water is \$700.00.

Once completed, please submit your application and filing fee to:

Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502

SCANNED

RE: Water Right, File Nos. 10,408 & 14,502
Page 2

The application to change authorized point of diversion under Water Right, File No. 10,408, will be recommended to the Chief Engineer to be denied and dismissed due to the failure to comply with K.A.R. 5-5-16.

We are advising you of the recommendation regarding the application for change in point of diversion under File No. 10,408 in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. **You have a period of 15 days (until May 10, 2018) to either (1) submit additional information to our office or (2) to request additional time beyond the 15 days to submit additional information.** If you wish to request additional time, you must do so **in writing**, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced application will be submitted to the Chief Engineer for final decision based on the recommendation stated above. If you do submit additional information within the 15 day period (or any authorized extension), that information will be given due consideration prior to final action on the application.

If you have any questions, please contact me at (785)564-6633, or via email at leslie.ireland@ks.gov. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

Enclosure(s)

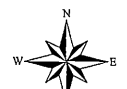
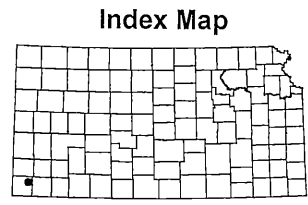
pc: Garden City Field Office
Groundwater Management District No. 3
Reenie Jackson, Seaboard Foods LLC

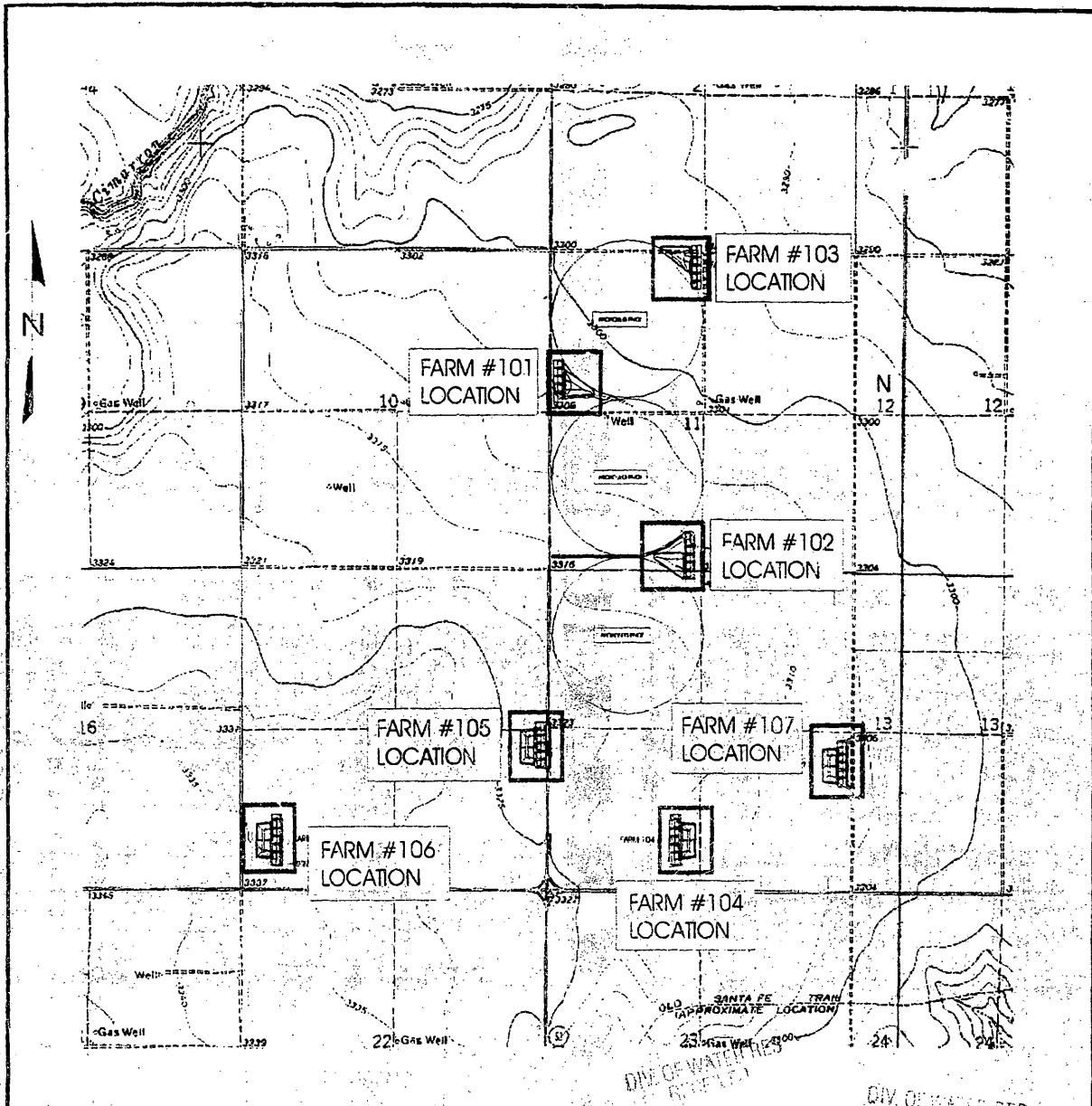
SCANNED

Water Right File No. 14,502



- ### Legend
- WIMAS_PD
- S_UMW
- G_IRR
 - ⊗ G_STK





NW4, SW4, SEC. 11, T32S, R40W,
 NW4, SW4, SE4, SEC.14, T32S, R40W
 SW4, SE4, SEC. 15, T32S, R40W,
 MORTON COUNTY, KANSAS

LOCATION MAP
 SCALE: 1" = 2500'

DIV. OF WATER RES.
 DEC 13 1995
 FED. EX-
 DEC 08 1995
 1913354134
 KS DEPT OF AGRICULTURE

Seaboard Farms, Inc. -
 Farm #101 through Farm #107
 Proposed Commercial Nurseries
 Facility Location Map

File Name: c:\cities\swine\seaboards\locate.cir

Agricultural
 Engineering
 Associates

Date:	Drawn By:	Scale:	Sheet:
OCT 15, 1995	MZ	1" = 2500'	1 of 26

Ireland, Leslie

From: Jackson, Reenie <Reenie_Jackson@seaboardfoods.com>
Sent: Monday, November 14, 2016 2:41 PM
To: Ireland, Leslie
Cc: Meyer, Mike
Subject: RE: Change Application File No. 10,408 and nearby File No. 14,502

Hi Leslie,

We would like to go ahead and exercise the 40 ac/ft on WR 14502. We would like to combine the 40 ac/ft with the current ac/ft allowed on the primary well.

Please let us know if this is still a possibility and what type of paperwork will be required.

Thanks and sorry this took so long!

Reenie Jackson
Seaboard Foods
ERM Compliance Coordinator
580-338-4926

From: Ireland, Leslie [<mailto:Leslie.Ireland@ks.gov>]
Sent: Monday, September 12, 2016 4:21 PM
To: Jackson, Reenie
Cc: Meyer, Mike
Subject: FW: Change Application File No. 10,408 and nearby File No. 14,502

Reenie,

Have you had a chance to look into the use of the nearby right, File No. 14,502 for the needed ability to pump the well near the center of Section 11, authorized as a standby well? Do you have any questions?

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

From: Ireland, Leslie
Sent: Wednesday, August 17, 2016 4:25 PM
To: Jackson, Reenie
Cc: Meyer, Mike
Subject: Change Application File No. 10,408 and nearby File No. 14,502

Reenie,

Mike is a little jammed up in western KS, busy time of year for all those irrigators.

Attached is a deed from 1998. I was wondering it was still on your company's radar and the 40 AF could be exercised by Seaboard?

The last page is the letter that sent it our way... way back then... almost 20 years....

WATER RESOURCES
RECEIVED
NOV 15 2016
KS DEPT OF AGRICULTURE

SCANNED

It may be an option to use this right and its 40AF and rate for the facilities served by Water Right, File No. 10,408.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 14502 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 14502 00 IRR

Water Right and Points of Diversion Within 1.00 miles of point defined as:

2565 Feet North and 4305 Feet West of the Southeast Corner of Section 11 T 32S R 40W

GROUNDWATER ONLY

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=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 10408 00 STK NK G* 1640 -- SE SE NW 2900 2700 11 32 40W 1 164.00 164.00 AF
Same          2056 -- -- NC S2 1320 2670 11 32 40W 3
A__ 11857 00 IRR NK G 4903 -- SW NE SW 1330 3780 10 32 40W 1 278.00 278.00 AF
A__ 14502 00 IRR NK G 0 -- NE NW SW 2565 4305 11 32 40W 2 469.00 469.00 AF
=====
    
```

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      .00          .00
Total Permitted Amount (AF) =      .00          .00
Total Inspected Amount (AF) =      .00          .00
Total Pro_Cert Amount (AF) =      .00          .00
Total Certified Amount (AF) =     911.00        .00
Total Vested Amount (AF) =      .00          .00
TOTAL AMOUNT (AF) =     911.00        .00
=====
    
```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

2565 Feet North and 4305 Feet West of the Southeast Corner of Section 11 T 32S R 40W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 10408 00 STK NK G
> SEABOARD FOODS LLC
> ENVIRONMENTAL ENG MNGR
> 2801 HURLIMAN RD
> GUYMON OK 73942
>-----
A__ 11857 00 IRR NK G
> KENNETH L PRICE
>
> HC 1 BOX 48
> ROLLA KS 67954
>-----
A__ 14502 00 IRR NK G
> BEACHNER SW FARMING CO
> WATER RIGHTS ACCOUNTANT
> PO BOX 128
> SAINT PAUL KS 66771
>-----
=====
    
```

424-

Ireland, Leslie [KDA]

From: Ireland, Leslie [KDA]
Sent: Friday, August 17, 2018 2:17 PM
To: 'Luke Richenburg'
Cc: Meyer, Mike [KDA]
Subject: RE: Letter for Change Water Right, File No. 14,502
Attachments: 14502 ext to return application with signatures.pdf

SCANNED

Luke,

The regulation K.A.R. 5-5-16, requires the rate be assigned per each point of diversion and reduced or remaining as authorized from data resulting from the well either being pump tested or from a hydrologic study.

The total rate of the well was from the pump test conducted in 2017, yielded the 356 gpm used as the maximum rate for well under File No. 14,502, (Part (a)(3)(A)) of the regulation. I believe this well may be the one you said has or had some construction issues, but it is the authorized point of diversion. So, the tested rate, 356 gpm, for the proposed stockwatering use was reviewed and evaluated by the folks at Seaboard and with some input from me. Their original proposal of 190 gpm was rejected as it would have not left you with insufficient rate to divert the irrigation quantity of 429 acre-feet in a year.

This is what I wrote to Seaboard when we were working on the rate:

If 190 gpm is assigned to the stockwatering use it leaves only 166 gpm for the irrigation use which is too low of a rate to pump the 429 acre-feet remaining authorized for irrigation use as it would take 585 days, or more than a year.

Looking at the 36.13 AF for stockwatering use, the 190 gpm would pump this quantity in 42 days. The tested rate of 356 gpm would pump the 469 AF authorized for irrigation use in 272 days. The maximum irrigation days for MT Co. can be longer.

If 293 days would work for an annual number of days for irrigation use a maximum rate of 331 gpm would work for the irrigation use allowing 25 gpm for stockwatering use. If the maximum days to pump File No. 14,502 for irrigation use went to 313 days it would afford 310 gpm for irrigation use, allowing 46 gpm for stockwatering use. Pumping the stockwatering well at 46 gpm the 36.13 AF could be diverted in 178 days. The formula for determining days from rate at a known quantity is:
 $(\text{Quantity} / (\text{rate} / 1000)) / 4.419 = \text{Days}$. The rate and days can be switched if say you know how many days you need to use the well and want to determine the rate.

As proposed with the rate test, the application will need to be modified with the rate assignment based on 356 gpm result.

I just know the proposed 190 gpm won't work without a quantity reduction to the irrigation use, so I'm contacting you to inform you of the needed modification and hopefully the tools to make an informed decision about the application.

There is also the option allowed by the additional well regulation (Part (a)(3)(B)) to have a hydrologic study completed to determine the rate. I have not seen this done by an applicant and would have to do more research if this is the chosen instead of the current rate test data.

This is what I know as to how the rate was determined. It does appear you need additional time to review the information, attached is a 15 day extension from today as it is my understanding the facilities are currently not being utilized to their full capacity. Should you need more time please let me know.

Should you have additional questions or want to talk with me or Mike Meyer (620) 276-2901, please do not hesitate.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

From: Luke Richenburg <LRichenburg@beachner.com>
Sent: Friday, August 17, 2018 8:57 AM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: RE: Letter for Change Water Right, File No. 14,502

Leslie,

We do have the letter and application. I understand the changes to the proposed quantity(AF), but I am not sure I understand the proposed rate of diversion. Could you explain how that was calculated? I am concerned that the 276 GPM that Beachner Southwest Farming Company will have to irrigate with will not be sufficient.

Thanks,

Luke Richenburg
Beachner Companies
St. Paul, KS
(620)449-8500 Office
(620)423-0642 Cell
(620)449-8512 Fax

SCANNED

From: Ireland, Leslie [KDA] [<mailto:Leslie.Ireland@ks.gov>]
Sent: Thursday, August 16, 2018 8:41 AM
To: Luke Richenburg
Cc: Meyer, Mike [KDA]
Subject: Letter for Change Water Right, File No. 14,502

Luke,

I was wondering if you have received this letter and the application? Please see the attached.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

Ireland, Leslie [KDA]

From: Ireland, Leslie [KDA]
Sent: Monday, July 16, 2018 9:25 AM
To: 'Jackson, Reenie'
Subject: RE: Water Right Change Application File No. 14,502

Reenie,

I have your originally submitted application,,, so the rate modification to 80 gpm can be changed on the application per your email by me. There is no fee for the modification.

Thank you for letting me know about your change in rate for the stockwatering use. To continue with the processing of the application, I'll get a letter sent to Beachner for their signature and will PC you.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

From: Jackson, Reenie [mailto:Reenie_Jackson@seboardfoods.com]
Sent: Monday, July 16, 2018 8:49 AM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: RE: Water Right Change Application File No. 14,502

Hi Leslie

We have discussed the below and will submit a 80 gpm rate.

What is the best way to modify the application? Should we send a new one in or can we adjust on the May application? Will there be an additional fee for the modification?

Please advise and we will complete paperwork and forward.

Thanks again for your help!

Reenie Jackson
ERM Compliance Coordinator
Seaboard Foods LLC
580-338-4926

From: Ireland, Leslie [KDA] [mailto:Leslie.Ireland@ks.gov]
Sent: Tuesday, June 19, 2018 4:27 PM
To: Jackson, Reenie <Reenie_Jackson@seboardfoods.com>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Water Right Change Application File No. 14,502

SCANNED

Reenie,

I've been reviewing the application for the Beachner well under File No. 14502. The rate I used is wrong. It needs to be the tested rate, of 356 gallons per minute that would be divided. If 190 gpm is assigned to the stockwatering use it

leaves only 166 gpm for the irrigation use which is too low of a rate to pump the 429 acre-feet remaining authorized for irrigation use as it would take 585 days, or more than a year.

Looking at the 36.13 AF for stockwatering use, the 190 gpm would pump this quantity in 42 days. The tested rate of 356 gpm would pump the 469 AF authorized for irrigation use in 272 days. The maximum irrigation days for MT Co. can be longer.

If 293 days would work for an annual number of days for irrigation use a maximum rate of 331 gpm would work for the irrigation use allowing 25 gpm for stockwatering use. If the maximum days to pump File No. 14,502 for irrigation use went to 313 days it would afford 310 gpm for irrigation use, allowing 46 gpm for stockwatering use. Pumping the stockwatering well at 46 gpm the 36.13 AF could be diverted in 178 days. The formula for determining days from rate at a known quantity is:

$(\text{Quantity} / (\text{rate} / 1000)) / 4.419 = \text{Days}$. The rate and days can be switched if say you know how many days you need to use the well and want to determine the rate.

As proposed with the rate test, the application will need to be modified with the rate assignment based on 356 gpm result.

I just know the proposed 190 gpm won't work without a quantity reduction to the irrigation use, so I'm contacting you to inform you of the needed modification and hopefully the tools to make an informed decision about the application.

There is also the option allowed by the additional well regulation to have a hydrologic study completed to determine the rate. I have not seen this done by an applicant and would have to do more research if this is the chosen instead of the current rate test data.

Please let me know if you have questions. I'll be at a meeting Wednesday, but back the rest of the week.

Leslie Ireland, Environmental Scientist II
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Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

SCANNED

Ireland, Leslie [KDA]

Subject: FW: Rate Test File No. 14502_ Beachner SW & Seaboard
Attachments: 20170831142006980.pdf

From: Meyer, Mike
Sent: Thursday, August 31, 2017 2:25 PM
To: Ireland, Leslie <Leslie.Ireland@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Rate Test File No. 14502_ Beachner SW & Seaboard

Yes use the 356, but how did we decide to address their request in the original application?
We need to go back to them to nail down a rate per well and not a limit....

Mike

From: Ireland, Leslie
Sent: Thursday, August 31, 2017 2:19 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Rate Test File No. 14502_ Beachner SW & Seaboard

Mike,

I'll leave the numbers of the rate test up to you and Brent... it is a local and geological thing. Just let me know what number to use for the rate that will go with the 40 AF that will be transferring over to Seaboard.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

From: Meyer, Mike
Sent: Thursday, August 31, 2017 1:58 PM
To: Ireland, Leslie <Leslie.Ireland@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Rate Test File No. 14502_ Beachner SW & Seaboard

The nearby well flow test produced 356 GPM. The nearby irrigation well is quarter mile from the stockwells or 2000 feet from the proposed well wanting to become primary.
This rate is close to their proposal.
Let me know what the thoughts are to move forward on rate.

Mike

SCANNED

From: Meyer, Mike
Sent: Thursday, May 25, 2017 9:51 AM

To: Ireland, Leslie <Leslie.Ireland@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Rate Test File No. 14502_ Beachner SW & Seaboard

We need to test other wells they have in the immediate vicinity (hopefully up to one half mile) but could reach out further
Yes we can entertain a term permit for one year to cover the standby well to use
Please proceed if you can to contact them.
I am out of the office tomorrow and all next week.

Mike

From: Ireland, Leslie
Sent: Thursday, May 25, 2017 9:43 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: Rate Test File No. 14502_ Beachner SW & Seaboard

Mike,

I got a call late yesterday from Luke with Beachner, that the well under 14502 is bad and they are not planning on redrilling it for 6 months due to the farm economy.

What to do??? I have not notified Seaboard, but will if you want me to. It would seem there are some options, and I'm just brain storming.. which is a minor rain these days....

Options to determined if 570 AF is available:
Hydrologic study. Might take 6 months? Not sure how long.. as I think we've only had one study if ever. Who pays?
But the yield would be determined and we'd be moving forward.

Apply yield from other tested irrigation wells in the area?

Your ideas??? I've let Brent know.

It would appear that Seaboard needs a term permit for 35 AF (11 mgd) at xxx gpm if they are going to operate that standby well as a primary. Good news is 14502 is there for an offset.

Do you want me to contact Reenie? put together the term permit?

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SCANNED

Ireland, Leslie

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FILE NO.
14502
• AUTHORIZED
469 GPM

• TEST YIELDED 75.9% OF AUTHORIZED.

Mike

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Ireland, Leslie

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www.agriculture.ks.gov

670-544-6806
by Jackson

DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE

METER FLOW RATE/VOLUME TEST

FILE NO. 14502 Date: 8/30/17 Tester: ADK Tested 1 of 1 installations

Point of Diversion: NE DWSW Sec. 11, T. 32 S. R. 90W

Approximately 2565 ft. North and 4305 ft. West of SE corner of Sec 11

How were distances determined? _____ Latitude 37.27943 Longitude 101.64263

Person(s) present at the test: Fernando Garcia Relationship(s) to owner: MANAGER

TEST METER INFORMATION: Test meter location _____ Last verified 5/30/17

Manufacturer Paranuclear ID Model # PT828 Serial # 07765

Sensor is _____ in upstream from _____

Sensor is _____ in downstream from _____

NORMAL CONDITIONS:

R.P.M. POWER UNIT _____

R.P.M. PUMP UNIT _____

Pressure at Pump _____ psi

MAXIMUM CONDITIONS

R.P.M. POWER UNIT _____

R.P.M. PUMP UNIT _____

Pressure at Pump _____ psi

<input checked="" type="checkbox"/> Meter Test	Meter Type _____	Meter Serial No. _____
Ending <u>2215.0</u> gal.	Ending _____ gal.	
Beginning <u>0</u> gal.	Beginning _____ gal.	
Difference <u>2215.0</u> gal.	Difference _____ gal.	
Time <u>372.9 (6.21)</u> min.	Time _____ min.	
Rate <u>356.6</u> gpm.	Rate _____ gpm.	
Meas. O.D. <u>4.52</u>	Meas. Wall <u>0.211</u>	
XDCR Setting <u>110.374</u>	Material Type <u>109.615</u>	

Diagnostics:

Signal Strength SS up: 67.5 SS dn: 67.5 (Should be over 55 highest on PVC, up and dn should be close to the same)

SNDSP: 4890.7 (Should be close to book value for the sound speed at measured temp) Temp _____ F

Delta T (<Delta>): 237.25 Is this number stable? Yes If no please explain: _____

T up: 159.15 T dn: 158.92 (Bad: continuous large fluctuations of 1 microsecond or more)

Signal Quality: Q up 3847 Q dn 3761 (Should be +- 300 or greater)

AMP up: 28.8 AMP dn: 27.5 (Should be 20 - 28 fluctuations)

P# up: 380 P# dn: 378 (100 to 900, closest to 500 is best)

Nf up: 0.9346 Nf dn: _____ (Should be 0.85 to 1.0)

Installed Meter Test Manufacturer McParanuclear Serial # 99-9162-1 Model # _____

Sensor is _____ in upstream from _____

Sensor is _____ in downstream from _____

Outside Diameter (Stamped) _____ inches (Measured) _____ inches

Inside Diameter (Stamped) _____ inches (Measured) _____ inches

Ending <u>203501 (00)</u> AF	Ending _____ gal./AF
Beginning <u>203478 (00)</u> AF	Beginning _____ gal./AF
Difference <u>2500</u> gal.	Difference _____ gal./AF
Time <u>7:0425 (7.07)</u> min.	Time _____ min.
Rate <u>353</u> gpm.	Rate _____ gpm.

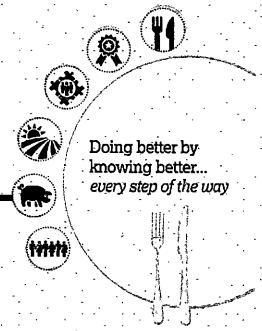
% Error Calculation: $\frac{\text{Test} - \text{Meter}}{\text{Test}} \times 100$ % error 100%

Other Flowmeter Use Supplemental Sheet (include meter identification, data and calculations).

COMMENTS: meter 3x100 / no label on meter / US seal / IR= 350 gpm

- Good Test
- Adequate Test
- Unacceptable Comparison

Reviewed by [Signature] Date 8-31-17 Entered by _____ Date _____



May 21, 2018

By Overnight UPS

Ms. Leslie Ireland, Environmental Scientist
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

**Water Resources
Received
MAY 22 2018
KS Dept Of Agriculture**

Re: Water Right File No. 14,502

Dear Ms. Ireland:

Enclosed is Seaboard Foods LLC's revised application to change the place of use, point of diversion and use made of water authorized under the water right file number referenced above associated with Seaboard's Farms 101 through 105 and 107. Also enclosed is check number 27203611 in the amount of \$700.00 for the filing fee.

Please contact me with any questions or concerns. Thank you for your time and consideration.

Sincerely,

Jennifer Charno Nelson
Director of Environmental Affairs

C: Craig Maloney
Tim Yingst
Reenie Jackson



State of Kansas, Morton County, SS.
 THIS INSTRUMENT WAS FILED FOR RECORD
 IN THIS 6th DAY OF April
 A.D. 1998 AT 9:00 O'CLOCK A.M. AND
 IS RECORDED IN BOOK 95 ON PAGE 436
Shawn Lipers
 REGISTER OF DEEDS



14047	14502	9695
17628	16296	11171
20201		

BEACHNER 4

4441	10408	18584
10335	12645	19663

THIS DEED, Made this 18 day of March, 1998, between SEABOARD FARMS, INC. a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Oklahoma and having its principal place of business at 9000 West 67th Street, Shawnee Mission, Kansas, ("Grantor") and BEACHNER SOUTHWEST FARMING COMPANY, a Kansas partnership, ("Grantee"),

WITNESSETH, That Grantor, in consideration for the sum of Ten and no/100 Dollars, and other good and valuable consideration, the receipt whereof is hereby acknowledged, does by the presents grant, bargain, sell and convey unto Grantee, its heirs and assigns, all the real estate described on EXHIBITS A - O (the "Transferred Property). Together with all water rights covered by Permits #3567, #3892, #9423, #9695, #11171, #13453-IR, #14047, #14502, #16296, #17628, and # 20201 except and reserving unto the Grantor:

DISM
 7/17/71

(a) stock water Permits #4441, #10335, #10408, #12645, #18584, and #19663 and industrial use permit #13453-IN; and

DISM

(b) 75 acre feet of irrigation water under Permits #3567, #11171, #13453-IR, #14047, #17628, and # 20201; 75 acre feet of irrigation water under Permits #3892, #9423, #9695, and #16296; 40 acre feet of irrigation water under Permit #14502; and the right to convert said retained water from irrigation use to stock use and to further divide said water rights to a separate permit owned solely by Grantor.

(c) The Grantor specifically retains the exclusive right to execute all applications or forms required by the Division of Water Resources or other agencies and to take the following actions with respect to the water rights retained hereunder: (i) change the type of use to stock water; (ii) change the place of use; (iii) change the point of diversion; and (iv) drill new or replacement wells. No further consent or approval of the Grantee or its heirs, successors or assigns shall be required.

STATE OF KANSAS SS
 COUNTY OF STEVENS
 This instrument was filed for record on the
18 day of March, A.D. 1998
 at 9:00 o'clock A.M. and duly recorded in
 Book 95 at page 436
Shawn Lipers
 Register of Deeds



The Transferred Property described on Exhibit A - O shall not be used to produce or otherwise maintain hogs nor shall the Grantee, its heirs, successors and assigns, permit the application of hog related waste on the real estate, except as permitted by that certain Effluent Easement and Waiver between Grantee, Seaboard Farms, Inc., Seaboard Corporation, and Shawnee Funding, Limited Partnership, of even date herewith; provided, however, this restriction shall not apply if Shawnee Funding, Limited Partnership, Seaboard Corporation or Seaboard Farms, Inc. or their successors or assigns, fail to engage in hog production on the Facility Property described in Exhibit A - O for a continuous period of more than five years.

INFORMATION RECORDED
 Division of Water Resources
 Kansas Department of Agriculture
 Topeka, Kansas
 Dated 12/3 1997
 Initials Mc Stearns

WATER RESOURCES
 RECEIVED
 OCT 15 1999

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditament and appurtenances thereunto belonging or in anywise appertaining, forever.

Entered in transfer record in my office
 this 10 day of April, 1998
Mary Gilmore
 County Clerk

Entered in Transfer Record in my office this
31 day of March
 A.D. 1998
Chris Ronald Daulton
 County Clerk

506/ 5092 9645
 14047 14502 11171
 17628 16296 13453 IR
 20201

And Grantor, for itself and its successors and assigns, does hereby covenant, promise and agree to and with Grantee that at the delivery of these presents said interest in said premises is free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances of what nature or kind whatsoever except;

4441
 10335
 10408
 12645
 18584
 19663

Easements, right of ways, water rights reserved above, fresh water lines, effluent lines, oil, gas and mineral conveyances, leases of record, if any, and other matters of record and claims of parties in possession:

and that it will warrant and forever defend the same unto Grantee, its heirs, successors and assigns, against Grantor, its successors and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same by, through or under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto caused this Deed to be signed on its behalf by its Vice President, thereunto duly authorized so to do the day and year last above written.

SEABOARD FARMS, INC.

By Calvin J. Stolle
 Calvin J. Stolle, Vice President

Handwritten initials

Legal Review: Caro

STATE OF KANSAS)
) ss:
 COUNTY OF JOHNSON)

BE IT REMEMBERED, That on this 18th day of March, 1998, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came, Calvin J. Stolle, Vice President of SEABOARD FARMS, INC., a corporation duly organized and existing under and by virtue of the laws of its state, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed the foregoing deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

KIMBERLY S. BLEDSOE
 Notary Public - State of Kansas
 Appt. Expires

Kimberly S. Bledsoe
 Notary Public

(Notarial Seal)

My commission expires Sept. 3, 1999

Initials
 Dated

INFORMATION RECORDED
 Division of Water Resources
 Kansas Department of Agriculture
 Topeka, Kansas

WATER RESOURCES
 RECEIVED

OCT 13 1999 V4 - March 10, 1999

EXHIBIT B

TRANSFERRED PROPERTY

SURFACE AND SURFACE RIGHTS ONLY, IN AND TO:

14-32-40W

14502
The Northwest Quarter (NW/4) of Section Fourteen (14), Township Thirty-Two (32) South, Range Forty (40) West of the 6th PM, Morton County, Kansas, less and except all oil, gas and other minerals; and

11-32-40W

(See p. 14502)
The Southwest Quarter (SW/4) of Section Eleven (11), Township Thirty-two (32) South, Range Forty (40) West of the 6th PM, Morton County, Kansas, less and except all oil, gas and other minerals and less and except the Facility Property described below:

FACILITY PROPERTY

Any land and improvements thereon, owned, leased, contracted, operated or hereinafter owned, leased, contracted, or operated by the Companies, or any of them, anywhere, including but not limited to:

All that certain tract or parcel of land being in the Southwest Quarter (SW/4) of Section Eleven (11), Township Thirty-two (32) South, Range Forty (40) West of the 6th PM, Morton County, Kansas, being more particularly described as follows:

BEGINNING at a 5/8" Iron Rod W/Cap set for the Southeast corner of this tract or parcel from whence the Southwest corner of said Section 11 bears S 00°13'12"W a distance of 1213.63 feet and N 89°46'38"W a distance of 2632.46 feet;

THENCE N 89°37'32"W a distance of 208.75 feet to a 5/8" Iron Rod W/Cap set for the Southwest corner of this tract or parcel;

THENCE N 00°13'12"E a distance of 208.75 feet to a 5/8" Iron Rod W/Cap set for the Northwest corner of this tract or parcel;

THENCE S 89°37'32"E a distance of 208.75 feet to a 5/8" Iron Rod W/Cap set for the Northeast corner of this tract or parcel;

THENCE S 00°13'12"W a distance of 208.75 feet to the POINT OF BEGINNING and containing 1.00 Acres, more or less; and

All that certain tract or parcel of land being in the Southwest Quarter (SW/4) of Section Eleven (11) and the Northwest Quarter (NW/4) Section Fourteen (14), Township Thirty-two (32) South, Range Forty (40) West of the 6th PM, Morton County, Kansas, being more particularly described as follows:

BEGINNING at a 5/8" Iron Rod W/Cap set for the Southwest corner of Section 11 and the Northwest corner of Section 14 and also being the POINT TO BEGINNING of this tract or parcel;

THENCE N 00°10'07"E, along the West line of said Section 11, a distance of 25.00 feet to a 5/8" Iron Rod W/Cap set for a corner of this tract or parcel;

OCT 15 1999

THENCE S 89°46'38"E a distance of 1475.03 feet to a 5/8" Iron Rod W/Cap set for a corner of this tract or parcel;

THENCE N 00°14'34"E a distance of 25.00 feet to a 5/8" Iron Rod W/Cap set for a corner of this tract or parcel;

THENCE N 58°19'19"E a distance of 1152.56 feet to a 5/8" Iron Rod W/Cap set for a corner of this tract or parcel;

THENCE S 89°46'49"E a distance of 200.00 feet to a 5/8" Iron Rod W/Cap set for a corner of this tract or parcel;

THENCE S 00°11'58"W a distance of 1385.72 feet to a 5/8" Iron Rod W/Cap set for a corner of this tract or parcel;

THENCE N 89°46'49"W a distance of 200.00 feet to a 5/8" Iron Rod W/Cap set for a corner of this tract or parcel;

THENCE N 55°53'32"W a distance of 1153.07 feet to a 5/8" Iron Rod W/Cap set for a corner of this tract or parcel;

THENCE N 00°14'34"E a distance of 25.00 feet to a 5/8" Iron Rod W/Cap set for a corner of this tract or parcel;

THENCE N 89°46'38"W a distance of 1474.97 feet to a 5/8" Iron Rod W/Cap set for a corner of this tract or parcel;

THENCE N 00°10'07"E, along the West line of said Section 14, a distance of 25.00 feet to the POINT OF BEGINNING and containing 24.38 Acres, more or less.

Beachner Southwest Farming Company

PO Box 128
St. Paul, KS 66771-0128
316-449-2286
FAX: 316-449-8550

October 13, 1999

Rich Eubank
Environmental Specialist
Kansas Department of Agriculture
Division of Water Resources
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283

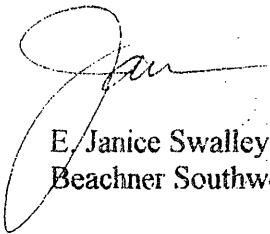
3567	3892	13453
14047	14502	11171
17628	16296	
20201	9895	

Dear Mr. Eubank:

Please find enclosed a copy of the recorded warranty deed for land purchased from Seaboard Farms, Inc. Also enclosed is a copy of your letter to us for your convenience in referencing the water file numbers associated with this land purchase.

Please direct future report forms for these files to my attention.

Sincerely,



E. Janice Swalley, CPA
Beachner Southwest Farming Company

Enclosures

WATER RESOURCE
RECORDS

OCT 15 1999

KS DEPT OF AGRICULTURE

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

BEACHNER SW FARMING CO
PO BOX 128
SAINT PAUL, KS 66771

May 22, 2018

RE: File No 14502-

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/PD/UMW
- point of diversion
- use made of water

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

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

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

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

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

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

Sincerely,

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

BAT: DLW
pc: GARDEN CITY Field Office GMD3