

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D WORKSHEET**

|                                 |   |                             |                              |                     |
|---------------------------------|---|-----------------------------|------------------------------|---------------------|
| 1. File Number:<br><b>27069</b> | 2. Status Change Date:<br><i>9-8-2020</i> | 3. Change Num:<br><b>C2</b> | 4. Field Office:<br><b>4</b> | 5. GMD:<br><b>3</b> |
|---------------------------------|---|-----------------------------|------------------------------|---------------------|

|  |   |
|--|---|
| 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:<br><b>9/03/2020</b> |
|--|---|

|  |  |
|--|--|
| 8a. Landowner, Applicant(s)<br>New to system <input type="checkbox"/> Person ID <b>58184</b><br>Add Seq# _____<br><br><b>TYSON FRESH MEATS INC</b><br><b>800 STEVENS PORT DR # 709</b><br><b>DAKOTA DUNES, SD 57049-5005</b> | 8c. WUC<br>New to system <input type="checkbox"/> Person ID <b>58184</b><br>Add Seq# _____<br><br><b>TYSON FRESH MEATS INC</b><br><b>Attn: ATTN KEVIN PHAM</b><br><b>PO BOX 149</b><br><b>HOLCOMB, KS 67851-0149</b> |
|--|--|

|   |  |
|---|--|
| 8b. Landowner(s)<br>New to system <input type="checkbox"/> Person ID _____<br>Add Seq# _____<br><br><b>8a</b> | 8d. WUC<br>New to system <input type="checkbox"/> Person ID _____<br>Add Seq# _____<br><br><b>8a</b> |
|---|--|

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/2020**     N & P Date to Comply: **3/1/2021**

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

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **9/8/2020**    By: **MAM**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **20769**      11. County: FI      Basin: ARKANSAS RIVER      Stream:      Formation Code: 211/331      Special Use:

12. Points of Diversion  
 Rate and Quantity  
 Authorized      Additional  
 Rate      Quantity      Rate      Quantity  
 gpm      af      gpm      af      Overlap PD Files

DEL 83454  
 ENT      NWSESW      31      24S      34W      1176      3845      865      272      835      272      NONE

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

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

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

| 16. Place of Use<br>CHK<br>MOD<br>DEL<br>ENT      PUSE      S      T      R      ID | NE¼     |         |         |         | NW¼     |         |         |         | SW¼     |         |         |         | SE¼     |         |         |         | Total | Owner | Chg? | Overlap Files |
|---|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------|-------|------|---------------|
|   | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ |       |       |      |               |
| <b>CHK 35694</b>  |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       |       |      |               |
|   |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       |       |      |               |
|   |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       |       |      |               |
|   |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       |       |      |               |
|   |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       |       |      |               |
|   |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       |       |      |               |
|   |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       |       |      |               |

Base Acres:      Year:      Minimum Reasonable Quantity:  
 Comments:



Garden City Field Office  
4532 W. Jones, Suite B  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

September 8, 2020

TYSON FRESH MEATS INC  
Attn: ATTN KEVIN PHAM  
PO BOX 149  
HOLCOMB, KS 67851-0149

RE: Water Right, File No. 20769

Dear Sir or Madam:

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

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

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM:am  
enclosures

pc: TYSON FRESH MEATS INC  
GROUNDWATER MANAGEMENT DISTRICT NO. 3

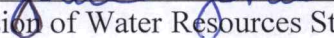
**CERTIFICATE OF SERVICE**

On this 8<sup>th</sup> day of September 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 20,769 dated 8<sup>th</sup> day of September 2020 was mailed postage prepaid, first class, US mail to the following:

TYSON FRESH MEATS INC  
Attn: ATTN KEVIN PHAM  
PO BOX 149  
HOLCOMB, KS 67851-0149  
Pc:

TYSON FRESH MEATS INC  
800 STEVENS PORT DR # 709  
DAKOTA DUNES, SD 57049-5005

GROUNDWATER MANAGEMENT DISTRICT NO. 3

  
\_\_\_\_\_  
Division of Water Resources Staff



Submit completed application to:  
 Kansas Department of Agriculture  
 Division of Water Resources  
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733  
 Stafford -- (620) 234-5311  
 Stockton -- (785) 425-6787  
 Garden City -- (620) 276-2901  
<http://agriculture.ks.gov/dwr>

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



STATE OF KANSAS

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

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

File No. 20769

RECEIVED  
 3:01 PM  
 SEP 03 2020

Garden City Field Office  
 DIVISION OF WATER RESOURCES

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use                       Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:                       Groundwater                       Surface water

2. Name and address of Applicant: TYSON FRESH MEATS INC, ATTN KEVIN PHAM

PO BOX 149, HOLCOMB, KS 67851-0149

Phone Number: (    )                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: Same

Phone Number: (    )                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: Same

ADDRESS: \_\_\_\_\_

(If there is more than one landowner, attach supplemental sheets as necessary.)

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

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

(If there is more than one landowner, attach supplemental sheets as necessary.)

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

For Office Use Only: Code \_\_\_\_\_ Fee \$ 100.00 TR # \_\_\_\_\_ Receipt Date 9-3-20 Check # 100160



5. **Presently authorized point of diversion:**  
 One in the SW Quarter of the NE Quarter of the SW Quarter of Section 31, Township 24 South, Range 34 (W), in FI County, Kansas, 1454 feet North 3734 feet West of Southeast corner of section.  
 Authorized Rate No Change Authorized Quantity No change Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. 5 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the NW Quarter of the SE Quarter of the SW Quarter of Section 31, Township 24 South, Range 34 (W), in FI County, Kansas, 1176 feet North 3845 feet West of Southeast corner of section.  
 Proposed Rate No change Proposed Quantity No change Proposed well depth (feet) 690  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

7. The changes herein are desired for the following reasons?  
 (please be specific) \_\_\_\_\_  
 \_\_\_\_\_

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

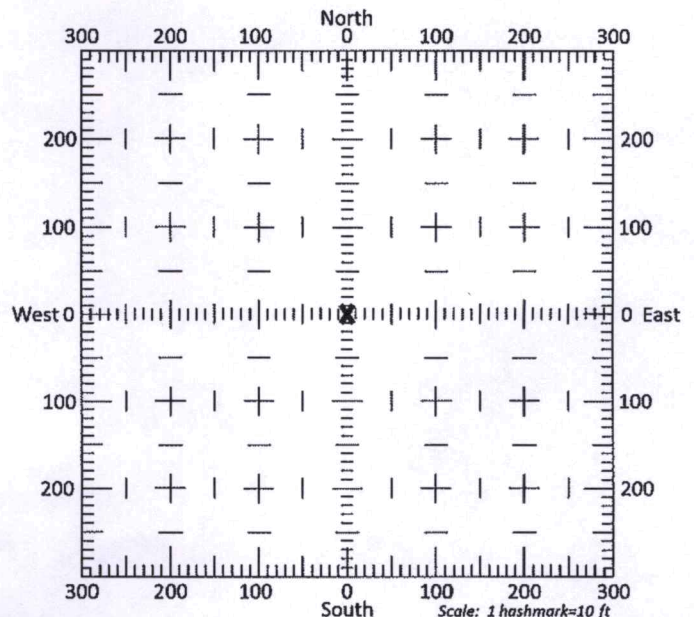
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
 \_\_\_\_\_  
 (b) When will this be done? \_\_\_\_\_

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by mf/GCFO \_\_\_\_\_

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



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



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

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

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

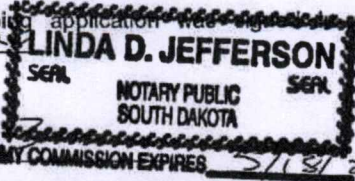
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application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

Dated at Dakota Dunes South Dakota, Kansas, this 3<sup>rd</sup> day of Sept, 2020.

|   |                |
|---|----------------|
| <u>Tyson Fresh Meats</u>  |                |
| (Owner)   | (Spouse)       |
| <u>Tyson Fresh Meats</u>  |                |
| (Please Print)  | (Please Print) |
| <u>Terry J Kucera</u>   |                |
| (Owner)   | (Spouse)       |
| <u>Terry J Kucera tyson Farm</u>                                      |                |
| (Please Print) <span style="margin-left: 50px;"><u>Manager</u></span> | (Please Print) |
|   |                |
| (Owner)   | (Spouse)       |
|   |                |
| (Please Print)  | (Please Print) |

State of ~~Kansas~~ South Dakota }  
 County of Union } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3<sup>rd</sup> day of September, 2020.



Linda D Jefferson  
 Notary Public

My Commission Expires 5/18/23

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

**FEE SCHEDULE**

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

- (1) Application to change a point of diversion 300 feet or less . . . . . \$100
- (2) Application to change a point of diversion more than 300 feet . . . . . \$200
- (3) Application to change the place of use . . . . . \$200

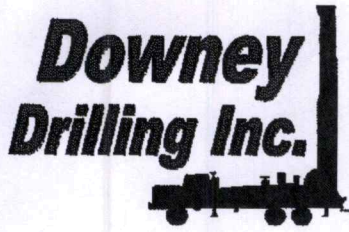






# WELL LOG

DATE: 8/13/2020



RECEIVED

AUG 17 2020

Garden City Field Office  
Division of Water Resources

CUSTOMER NAME: SOUTHWEST AG (A-17) TH#1 (TYSON FRESH MEATS)

LEGAL: SW 31-24S-34W

WR FILE # 20769

COUNTY: FINNEY CO

GPS: 37.919419

101.098369

LOGGER:

DRILLER: ROGELIO

WO:

20-822

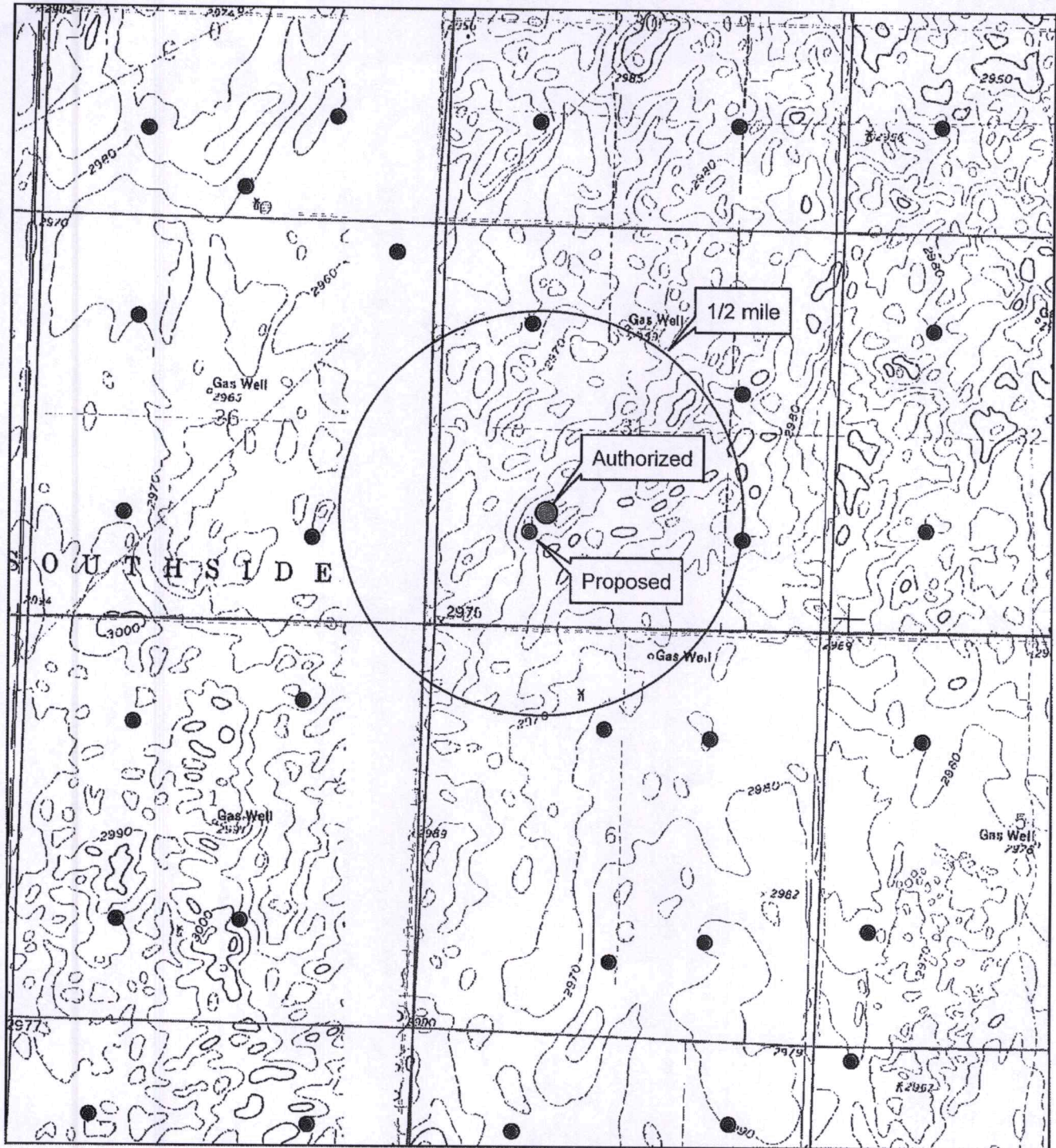
| TW | FROM | TO  | TYPE   | HARDNESS     | COLOR                          | SPEED     | PULL DOWN | OTHER / DRILLING ACTION      |
|----|------|-----|--|--------------|--------------------------------|-----------|-----------|------------------------------|
|    | 0    | 15  | SURFACE SAND                                   | SOFT         |                                | FAST      |           | SMOOTH                       |
|    | 15   | 30  | FINE SAND W/ SANDY CLAY                        | SOFT         |                                | FAST      |           | SMOOTH                       |
|    | 30   | 42  | COARSE SAND, FINE GRAVEL                       | SOFT         | RED                            | FAST      |           | VIBRATION                    |
|    | 42   | 64  | FINE, MED, TR. COARSE GRAVEL                   | SOFT         | RED                            | FAST      |           | FAST CHATTER                 |
|    | 64   | 78  | SANDY CLAY W/ MED-COARSE TR FINE GRAVEL LAYERS | SOFT         | TAN                            | FAST      |           | SMOOTH, CHOPPY AT 72         |
|    | 78   | 104 | COARSE SAND W/ MED & BIG GRAVEL                | FIRM         | RED                            | FAST      |           | CHOPPY                       |
|    | 104  | 117 | BROWN CLAY                                     | SOFT         | BROWN                          | FAST      |           | SMOOTH                       |
|    | 117  | 122 | GRAY TAN YELLOW CLAY W/ LIMEROCK LAYERS        | SOFT & STIFF | GRAY, TAN, YELLOW              | SLOW      |           | SMOOTH & CHOPPY AT TIMES     |
|    | 122  | 135 | MED, COARSE, VERY COARSE SAND                  | SOFT         | TAN                            | FAST      |           | CHATTER                      |
|    | 135  | 157 | MED-COARSE SAND W/ FIEN-MED GRAVEL             | SOFT         | RED                            | FAST      |           | FAST CHATTER                 |
|    | 157  | 164 | SANDY CLAY                                     | SOFT         | BROWN                          | FAST      |           | SMOOTH                       |
|    | 164  | 175 | BLUE CLAY                                      | SOFT         | BLUE                           | FAST      |           | SMOOTH                       |
|    | 175  | 190 | MED-COARSE SAND                                | SOFT         | TAN                            | FAST      |           | CHATTER                      |
|    | 190  | 205 | MED, COARSE, VERY COARSE SAND                  | SOFT         | TAN                            | FAST      |           | FAST CHATTER                 |
|    | 205  | 222 | SANDY CLAY W/ FINE SAND LENSES                 | SOFT         | TAN                            | FAST      |           | SMOOTH                       |
|    | 222  | 258 | MED-COARSE SAND, TR. SANDY CLAY LENSES         | FIRM, SOFT   | TAN                            | FAST      |           | FAST CHATTER                 |
|    | 258  | 268 | MED-COARSE SAND                                | SOFT         | TAN                            | FAST      |           | FAST CHATTER                 |
|    | 268  | 294 | SANDY CLAY W/ FINE SAND & LIMEROCK             | SEMI FIRM    | TAN                            | SEMI-SLOW |           | SMOOTH W/ VIBRATION AT TIMES |
|    | 294  | 318 | MED-COARSE SAND TR. FINE GRAVEL W/ LIMEROCK    | SEMI SOFT    |                                | FAST      |           | CHATTER                      |
|    | 318  | 334 | SANDY CLAY W/ MED-COARSE SAND & LIMEROCK       | SOFT         | TAN                            | FAST      |           | SMOOTH                       |
|    | 334  | 337 | CLAY   | STIFF        | BROWN                          | FAST      |           | SMOOTH                       |
|    | 337  | 350 | COARSE SAND, FINE GRAVEL                       | SOFT         | TAN                            | FAST      |           | FAST CHATTER                 |
|    | 350  | 358 | SANDY CLAY W/ FINE SAND                        | SOFT         |                                | FAST      |           | SMOOTH                       |
|    | 358  | 375 | BROWN ROCK W/WEATHERED YELLOW CLAY             | FIRM         | YELLOW & BROWN                 | FAST      |           | FAST CHATTER                 |
|    | 375  | 388 | BLACK, LIGHT GRAY, DARK GRAY & YELLOW CLAY     | SOFT         | BLACK, LIGHT/DARK GRAY, YELLOW | FAST      |           | SMOOTH                       |
|    | 388  | 393 | SAND, SANDSTONE                                | SOFT         | GRAY                           | FAST      |           | VIBRATION                    |
|    | 393  | 402 | CLAY   | STIFF        | GRAY                           | SEMI-SLOW |           | SMOOTH                       |
|    | 402  | 409 | LIMESTONE                                      | FIRM         | WHITE                          | SLOW      |           | CHATTER                      |
|    | 409  | 411 | GRAY CLAY                                      | SOFT         | GRAY                           | SEMI-SLOW |           | SMOOTH                       |
|    | 411  | 417 | BROWN ROCK / SANDSTONE                         | FIRM         | BROWN                          | SEMI-SLOW |           | CHATTER                      |
|    | 417  | 419 | CEMENTED SAND                                  | HARD         |                                | SLOW      |           | CHOPPY                       |
|    | 419  | 427 | GRAY CLAY W/ TR. FINE SAND                     | SOFT         | GRAY                           | FASTER    |           | SMOOTH                       |
|    | 427  | 435 | FINE - MED SAND                                | SOFT         | GRAY                           | FAST      |           | VIBRATION                    |
|    | 435  | 446 | GRAY CLAY W/ FINE SAND                         | SOFT         | GRAY                           | SLOW      |           | SMOOTH                       |
| X  | 446  | 452 | FINE - MED SAND                                | SOFTER       | GRAY                           | FAST      |           | CHATTER                      |





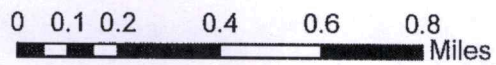


# Change in point of diversion for water right 20769



● Authorized point of diversion

● Proposed point of diversion



All wells within 1/2 mile are on this map.



X \_\_\_\_\_