

NOTICE

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

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: October 18, 2021

FROM: Austin McColloch

RE: Change Application,
File No. 10,335

Seaboard Foods LLC filed the referenced application for Change in Point of Diversion that was received on August 16, 2021 to move the location of a battery of wells in Morton County, Kansas.

On October 15, 2021 in discussion with the applicant, it was determined that the application was not necessary as a previous approval for change dated May 18, 2020 provided authority for the move. The owner requests to withdraw the application and use the filing fee of \$200 to be applied to a temporary permit for another project. Due to confusion in the change application process and possible miscommunication with DWR staff, the request should be processed.

There will be no Findings and Order issued for this withdrawal, if we were to catch this error when the application was filed, we would not have accepted it in the first place.

**10/18/2021: Removed Change App Request
from WRIS. Placed "VOID" comment in DW.**

10/18/2021
LMoody

Austin McColloch
Assistant Water Commissioner
Garden City Filed Office

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AUG 16 2021

11:45



State of Kansas

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

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**

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

File No. 10335

2. Name of applicant: SEABOARD Foods LLC

Address: 9000 W 67th Suite 200

City, State and Zip: SHAWNEE MISSION KS 66202

Phone Number: (913) 261-2651 E-mail address: jennifer.nelson@seaboardfoods.com

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

Name of water use correspondent: SEABOARD'S Foods - Tim Yingst

Address: 2801 HURLMAN Rd

City, State and Zip: GUYMON OK 73942

Phone Number: (580) 338-4923 E-mail address: tim.yingst@seaboardfoods.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

2nd WELL REPLACEMENT IN BATTERY DUE TO WATER VOLUME IS NOT ENOUGH TO WATER SWINE

The change(s) (was) (will be) completed by AS SOON AS PERMIT ISSUED - COMPLETE BY YEAR END 2021
(Date)

For Office Use Only:										
F.O. <u>4</u>	GMD <u>3</u>	Meets K.A.R. 5-5-1	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Use <u>IRR/STK</u>	Source <input type="checkbox"/> G <input type="checkbox"/> S	County <u>MT</u>	By <u>BMM</u>	Date <u>8/16/21</u>		
Code _____	<u>CGT</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>8/11/21</u>	Check # <u>27245394</u>					

8/18/2021
LMoody

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File No. 10335

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4. The presently authorized place of use is:

Owner of Land — NAME: SEABOARD Foods LLC
ADDRESS: _____
KS DEPT OF AGRICULTURE

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	
<u>21-31-40</u>			<u>SW NE FACILITIES IN</u>								<u>W2</u>								
<u>27-31-40</u>							<u>NE</u>												
<u>28-31-40</u>										<u>NW</u>									

List any other water rights that cover this place of use. 10335, 12645

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	
<u>33-31-40</u>			<u>NE</u>																
<u>29-31-40</u>										<u>NW</u>									

List any other water rights that cover this place of use. 10335, 12645

(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: No change to PLACE OF USE
ADDRESS: _____

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

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

Owner of Land — NAME: _____
ADDRESS: _____

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

AUG 16 2021 File No. 10335

6. The presently authorized point(s) of diversion (is) (are) ONE BATTERY

(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) 2ND WELL IN BATTERY 2612' SOUTH OF CURRENT POD

(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. Presently authorized point of diversion:

One in the SW Quarter of the SW Quarter of the SW Quarter of Section 21, Township 31 South, Range 40 (E/W), in Morton County, Kansas, 95 feet North 5075 feet West of Southeast corner of section.

Authorized Rate 500 gpm BATTERY Authorized Quantity 283 AF BATTERY GEO CENTER

(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 SW Quarter of the SW Quarter of the NW Quarter of Section 28, Township 31 South, Range 40 (E/W), in Morton County, Kansas, 2842 feet North 5040 feet West of Southeast corner of section.

Proposed Rate 500 gpm BATTERY Proposed Quantity 283 AF BATTERY GEO CENTER

This point is: Additional Well Geo Center List other water rights that will use this point 12645

9. Presently authorized point of diversion:

One in the SW Quarter of the SW Quarter of the SW Quarter of Section 21, Township 31 South, Range 40 (E/W), in Morton County, Kansas, 95 feet North 5075 feet West of Southeast corner of section.

Authorized Rate 500 gpm BATTERY Authorized Quantity 283 AF BATTERY GEO CENTER

(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 SW Quarter of the SW Quarter of the NW Quarter of Section 28, Township 31 South, Range 40 (E/W), in Morton County, Kansas, 2842 feet North 5040 feet West of Southeast corner of section.

Proposed Rate 500 gpm BATTERY Proposed Quantity 283 AF BATTERY

This point is: Additional Well Geo Center List other water rights that will use this point 12645

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.

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12. The presently authorized use of water is for Stock purposes.
It is proposed that the use be changed to Stock KS DEPT OF AGRICULTURE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

(Please show any calculations here.)

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

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

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

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

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

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

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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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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 Shawnee Mission, Kansas, this 6th day of August, 2021.

[Signature] (Owner) _____ (Spouse)
_____ (Please Print) _____ (Please Print)

Stephen Summerlin, Sr. VP of Ops
(Please Print)

(Owner) _____ (Spouse)

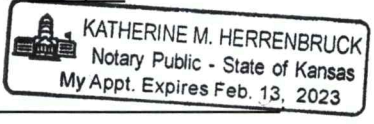
(Please Print) _____ (Please Print)

(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 6th day of August, 2021.



[Signature]
Notary Public

My Commission Expires _____

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

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

Make check payable to **Kansas Department of Agriculture.**

Farm 5 Replacement Wells

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S20-T31S-R40W

S21-T31S-R40W

10335 - Stockwater - Seaboard Foods 10335 - Stockwater - Seaboard Foods

10335 - Stockwater - Seaboard Foods

Currently Authorized Battery of 2 Wells
 File No. 10335
 Geocenter 95'N and 5075'W of SE Corner
 Lat: 37.33076106 Long: -101.68222155
 21-31S-40W Morton County

9423 - Irrigation - Edyth Breeding

East Well Replacement
 Lat: 37.3235847024994
 Long: -101.682430820483
 2823' N, 5154' W of SE Corner S28

West Well Replacement
 Lat: 37.3236892090278
 Long: -101.681646729176
 2860' N, 4926' W of SE Corner S28

9423 - Irrigation - Edyth Breeding

S28-T31S-R40W

S29-T31S-R40W

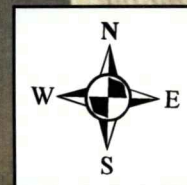
Proposed Battery of 2 Wells
 File No. 10335
 Geocenter 2842'N and 5040'W of SE Corner
 Lat: 37.32363679602 Long: -101.68203998789
 28-31S-40W Morton County

Legend

 Farm 5 Replacement Wells Geocenter 1/2 Mile Buffer

0 330 660 1,320
 Feet

S33-T31S-R40W



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



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

Mike Beam, Secretary

Laura Kelly, Governor

August 31, 2021

SEABOARD FOODS
9000 W 67TH SUITE 200
SHAWNEE MISSION KS 66202

RE: File No(s). **10335**

Dear Sir or Madam:

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

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

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program