

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

March 13, 2024

APC-SUBLETTE
1197 HWY 83
SUBLETTE, KS 67877

RE: Filed Office Application for Change
Water Right, File Nos. 10946 & 11104-D2

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 that reads "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc:

CERTIFICATE OF SERVICE

On this 13th day of March, 2024, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File Nos. 10,946 and 11,104-D2 dated 13th day of March, 2024 was mailed postage prepaid, first class, US mail to the following:

APC-SUBLETTE
1197 HWY 83
SUBLETTE, KS 67877

Pc:



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. 10946-IND

RECEIVED

MAR 11 2024

4:28 pm

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 APC,

2. Name and address of Applicant: APC LLC 1197 Highway 83 Sublette, Kansas 67877

Phone Number: (515) 963-4847 Email address: Victor.Ibarra@apcproteins.com

Name and address of Water Use Correspondent: _____
Victor Ibarra 1197 Highway 83 Sublette, Kansas 67877

Phone Number: (515) 963-4847 Email address: Victor.Ibarra@apcproteins.com

3. The presently authorized place of use is:

Owner of Land --- NAME: APC, LLC

ADDRESS: 1197 Highway 83 Sublette, Kansas 67877

(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		
25,	28S,	33W																	X	NA - Facility processing water

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 3-11-24 Check # CC

5. **Presently authorized point of diversion:** IND

One in the NE Quarter of the NE Quarter of the NE Quarter of Section 25, Township 28S South, Range 33W (E/W), in Haskell County, Kansas, 4,025 4934 feet North 240 132 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well 560 (feet)

(DWR use only: Computer ID No. 06 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 NE Quarter of the NE Quarter of the NE Quarter of Section 25, Township 28S South, Range 33W (E/W), in Haskell County, Kansas, 4,693 4701 feet North 240 175 feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) 572

This point is: Additional Well Geo Center List other water rights that will use this point 11104-02

6. **Presently authorized point of diversion:** IRR

One in the Lot 2 Quarter of the SW Quarter of the NW Quarter of Section 30, Township 28S South, Range 32W (E/W), in Haskell County, Kansas, 2658 feet North 4770 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)

(DWR use only: Computer ID No. 03 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) Replace capacity from existing well for facility processing water.

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

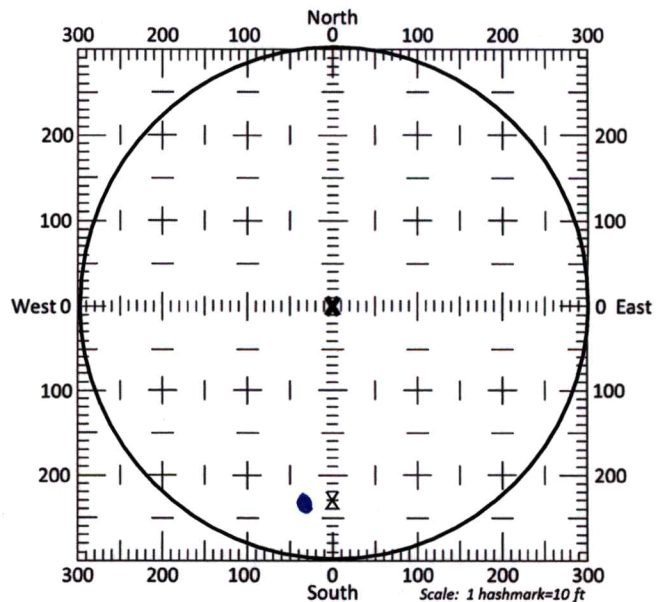
9. The change(s) (was)(will be) completed by?
Hydro Resources and APC, LLC.

10. If the point of diversion is a well:
(a) What are you going to do with the old well?
The existing well will be abandoned
(b) When will this be done? Once new well is online - Expected late summer 2024.

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by Hydro Resources and LRE Water

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 a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. **(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 Sublette, Kansas, this 11th day of March, 20 24.

<u>[Signature]</u> (Owner)	_____ (Spouse)
<u>VICTOR IBARRA</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }
County of Haskell } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11th day of march, 20 24.

My Commission Expires _____

Anjilys Mera
Notary Public State of Kansas
My Appt Expires 9/29/24

[Signature]
Notary Public

~~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**

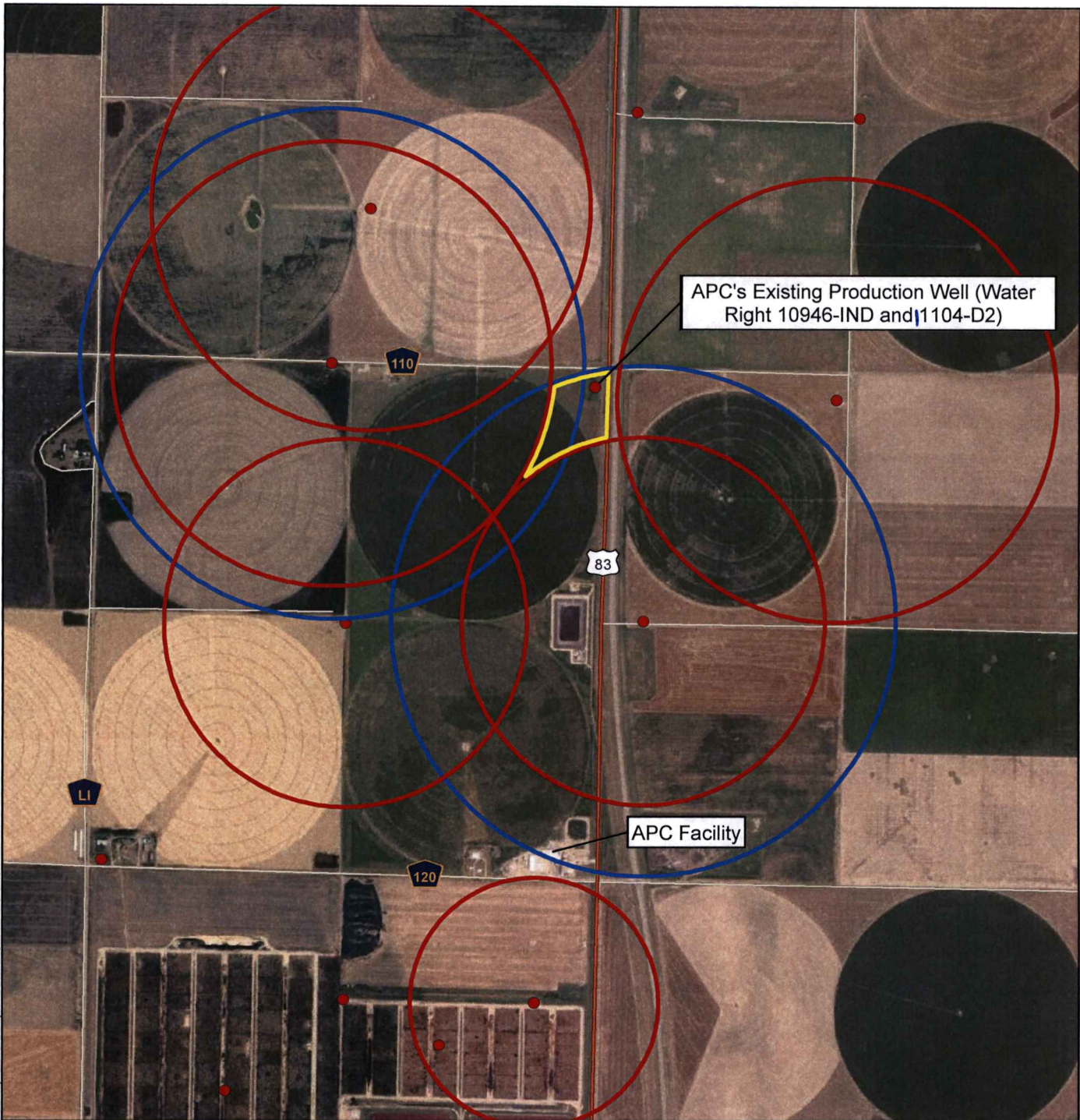
(1) Application to change a point of diversion 300 feet or less	\$100
(2) Application to change a point of diversion more than 300 feet	\$200
(3) Application to change the place of use	\$200

OWNER: APC	BORING/WELL NO. 1-2023	PAGE 1 OF 2 PAGES
LOCATION: Sublette, KS	SAMPLING METHOD: Cuttings Discharge	
DATE COMPLETED: 5/10/2023	OBSERVER: Martha Silks, PG	
DRILLING COMPANY: Elite Drilling Co. LLC	REFERENCE POINT:	
DRILLING METHOD: Forward rotary, Versa-Drill V100NG	GPS Coordinates: -100.871254, 37.589671	
REMARKS: Boring took water from top of sand to top of shale at 572		

DEPTH IN FEET		SIEVE	GEOLOGIC DESCRIPTION
FROM	TO	ANALYSIS	
0.0	4.0		Top Soil, no sample
4.0	38.0		Fine sand, no sample
38.0	62.0		Tan Clay, no sample
62.0	134.0		Sand, medium to coarse, no sample
134.0	140.0		Clay and sand mix, no sample
140.0	196.0		Sand, medium to coarse, no sample
196.0	236.0		Sand, medium with brown clay stringers, no sample
236.0	300.0		Shale, blue, no sample
300.0	310.0		Clay, gray, fat
310.0	320.0		AA
320.0	330.0		Clay, gray, fat; transitioning to sand, brown, very fine to medium, trace coarse, silty
330.0	340.0		Sand, brown, very fine to coarse, silty
340.0	350.0		Sand and Gravel, brown, very fine to medium with coarse, large gravel, trace rocks up to 2"
350.0	360.0		Sand and Gravel, brown, very fine to very coarse, large angular gravel and small rocks
360.0	370.0		Sand, brown, very fine to coarse, trace gravel and clay balls
370.0	380.0		AA
380.0	390.0		Sand and Clay, brown, very fine to medium
390.0	400.0		Sand and Clay and Rocks, very fine to very coarse well graded, angular gravel and clay mixed throughout
400.0	410.0		Sand, light brown, fine to coarse with some very coarse, clean and loose
410.0	420.0		Sand and Gravel and Clay, light brown, with clay and angular small and medium gravel
420.0	430.0		Sand, light brown, fine to very coarse with trace very fine and trace angular gravel, clean
430.0	440.0		Sand and Gravel and Clay, light brown, fine to coarse and small angular gravel and clay throughout
440.0	450.0		AA
450.0	460.0		Sand, light brown, very fine to medium, some coarse, trace very coarse, trace clay
460.0	470.0	X	Sand and Gravel, light brown, fine to very coarse, small slightly rounded gravel
470.0	480.0	X	Sand and Gravel, grayish-brown, very fine to very coarse, small sli rounded gravel, clean
480.0	490.0		Sand and Gravel and Shale, light gray, very fine to very coarse, small gravel, dark gray clay-shale
490.0	500.0		AA, less Shale

Geolog.xls

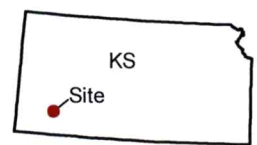
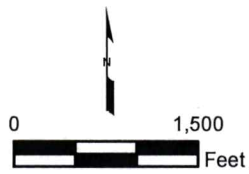




APC's Existing Production Well (Water Right 10946-IND and 1104-D2)


APC Facility

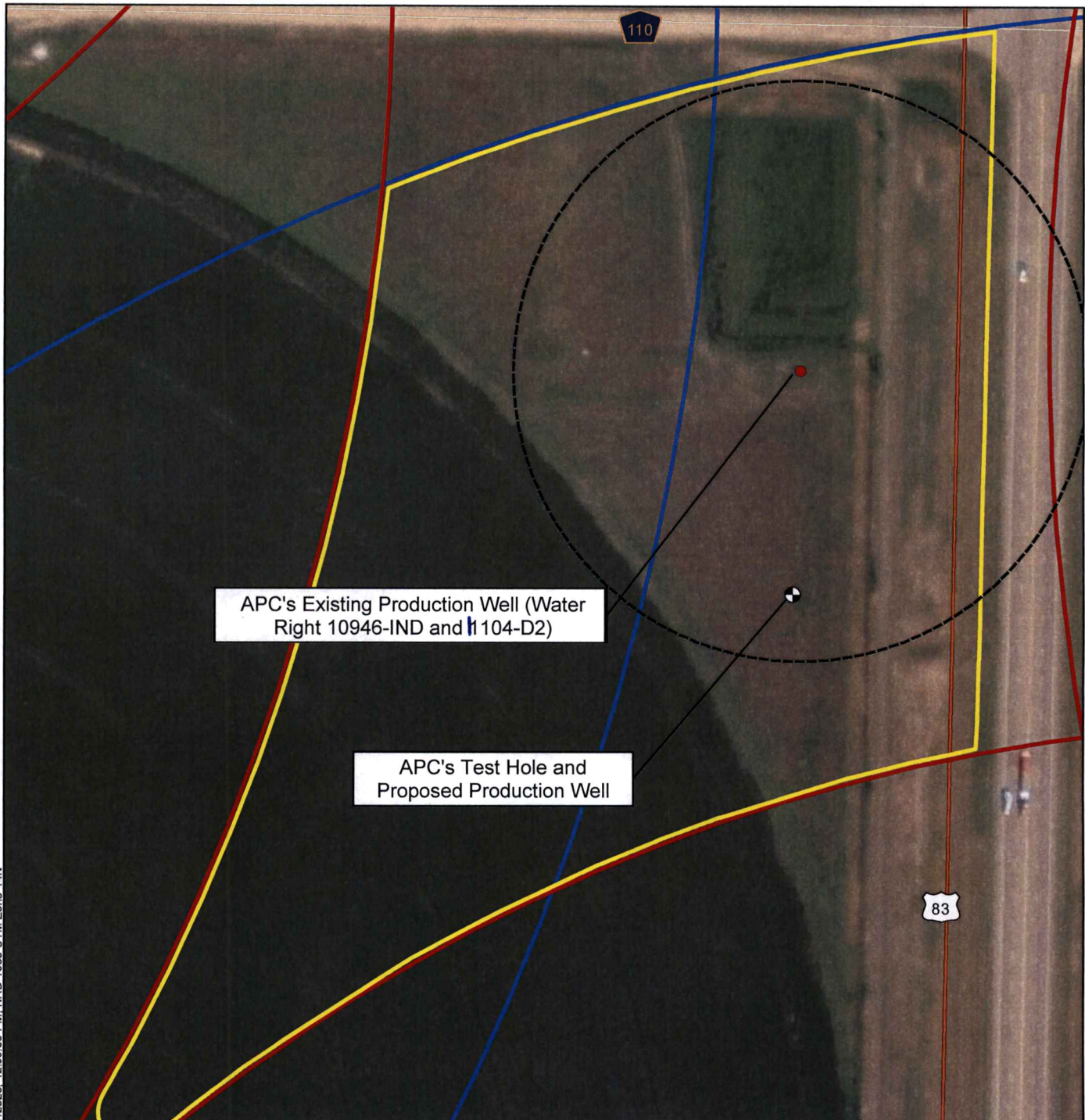
- Existing Well
- Area Allowed for New Well
- Water Right Protected Neighbor Radius - Kansas Dept. of Agriculture, Division of Water Resources
- Water Right 1/2 mile Fixed Radius - Kansas Dept. of Agriculture, Division of Water Resources



Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
 Notes: Locations are approximate and not survey grade.
 Source: Well and setback locations are digitize from a map supplied by KS DWR.

C:\GIS\GISIA\PC_5059\APC01\maps\5059A_PC01_01a.mxd, 4/25/2023, 1:22:41 PM, NAD 1983 UTM Zone 14N

 <p>CONNECTING WATER TO LIFE</p>	Prepared By: LRE Water Minneapolis / St. Paul Office Minnesota (612) 805-0919	APC, LLC GROUNDWATER MONITORING DRILLING SPECS AND OVERSIGHT SUBLETTE, KS	
	APC FACILITY WELL LOCATION AND WATER RIGHTS SETBACKS		
	FILE:5059APC01_01a.MXD		DATE:4/25/2023

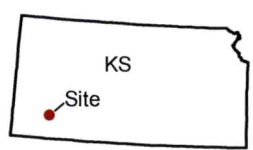
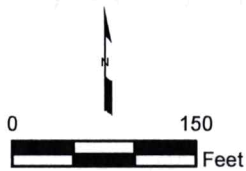


APC's Existing Production Well (Water Right 10946-IND and 1104-D2)

APC's Test Hole and Proposed Production Well

C:\GIS\GISIA\PC_5059APC01\mapgs\5059APC01_01b.mxd, 4/27/2023, 12:09:09 PM, NAD 1983 UTM Zone 14N

- Existing Well
- Area Allowed for New Well
- Water Right Protected Neighbor Radius - Kansas Dept. of Agriculture, Division of Water Resources
- Water Right 1/2 mile Fixed Radius - Kansas Dept. of Agriculture, Division of Water Resources
- ⊕ Proposed TH and Well Location
- ⊖ 300 ft Buffer

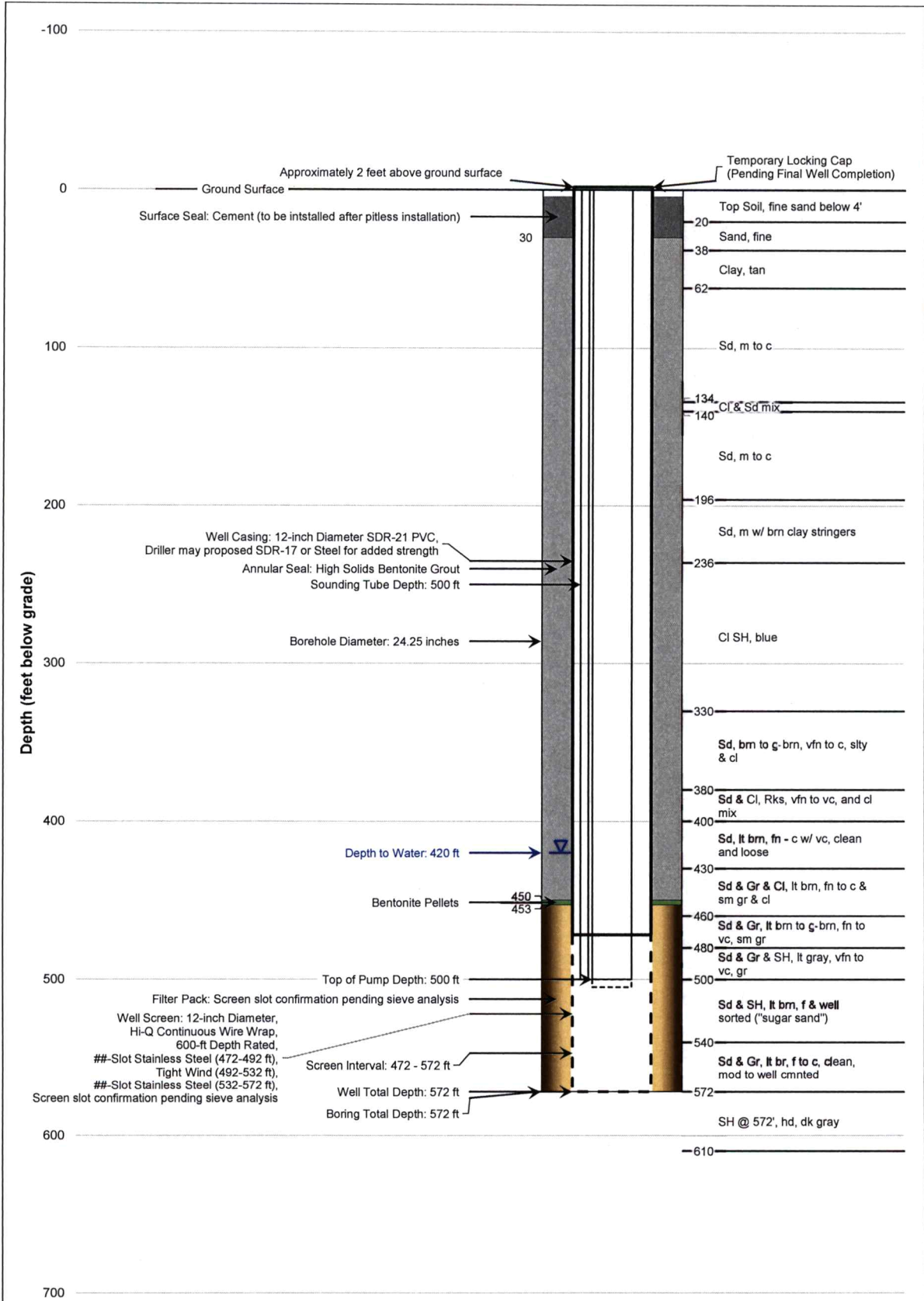


Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
 Notes: Locations are approximate and not survey grade.
 Source: Well and setback locations are digitize from a map supplied by KS DWR.



Prepared By:
LRE Water
 Minneapolis / St. Paul Office
 Minnesota
 (612) 805-0919

APC, LLC GROUNDWATER MONITORING DRILLING SPECS AND OVERSIGHT SUBLETTE, KS		
APC'S EXISTING WELL AND PROPOSED WELL LOCATION		
FILE:5059APC01_01b.MXD	DATE:4/27/2023	FIGURE: 2



Notes:

Installed: TBD



Prepared By:
LRE Water
Minneapolis / St. Paul Office
Minnesota

APC SUBLETTE FACILITY WELL #2 SUBLETTE, KANSAS		
WELL CONSTRUCTION DIAGRAM APC WELL #2		
File: LRE Well Const APC Sublette Well #2.xlsx	Date: 6/9/2023	Figure: 3