

File No. 11104-D2	13. County: HS Basin: CIMARRON RIVER Stream:		
Structures File No:	Aquifer Code: 211 / 331	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Oty mgy		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
DEL	63627																
ENT	NE NE NE	25	28S	33W	4701	175	IND WELL	24.44	24.44	100	100						*

15. Limitations	Type:	Quantity:	Rate:	combined with file no(s):
	Type:	Quantity:	Rate:	combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: 12/31/2024

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps			
PDIV	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE							
																									<input type="checkbox"/>			
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																									<input type="checkbox"/>			
																									<input type="checkbox"/>			
CHK	32844																											<input type="checkbox"/>
																												<input type="checkbox"/>

18. Point of Diversion and Place of Use Overlaps * 10946 + # ^	** ++ ## ^^
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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. 1104-D2

RECEIVED

MAR 11 2024

4:29 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:**
 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, 4,925 434 feet North 210 132 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, 4,693 470 feet North 210 175 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 10946-IND

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) Replace capacity from existing well for facility processing water.

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

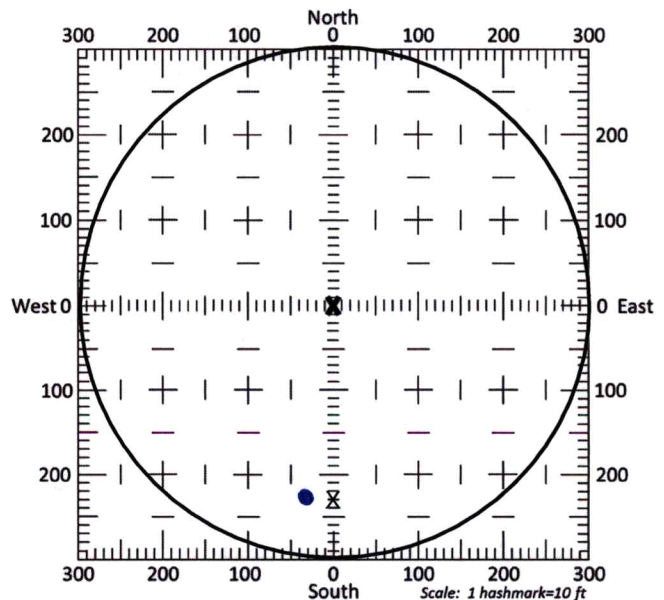
9. The change(s) (was)(will be) completed by?
Hydro Resources and APC, LLC.

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 BARRA</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.

Anjilys Mera
 Notary Public State of Kansas
 My Appt Expires 9/29/26

[Signature]

(Notary Public)

My Commission Expires _____

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

FEE SCHEDULE

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

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

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 11104-D2.

1. A change application was received on March 11, 2024 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 300 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2024**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2024**, or within any authorized extension of time. By March 1, 2025 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

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

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Austin McColloch
Duly Authorized Designee of the Chief Engineer
(Print Name): Austin McColloch
Division of Water Resources - Kansas Department of Agriculture

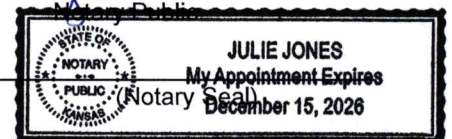
Date of Issuance: March 13, 2024
State of Kansas)

County of Stinson) SS

Acknowledged before me on March 13, 2024
by Austin McColloch

Signature: Julie Jones

My commission expires: _____

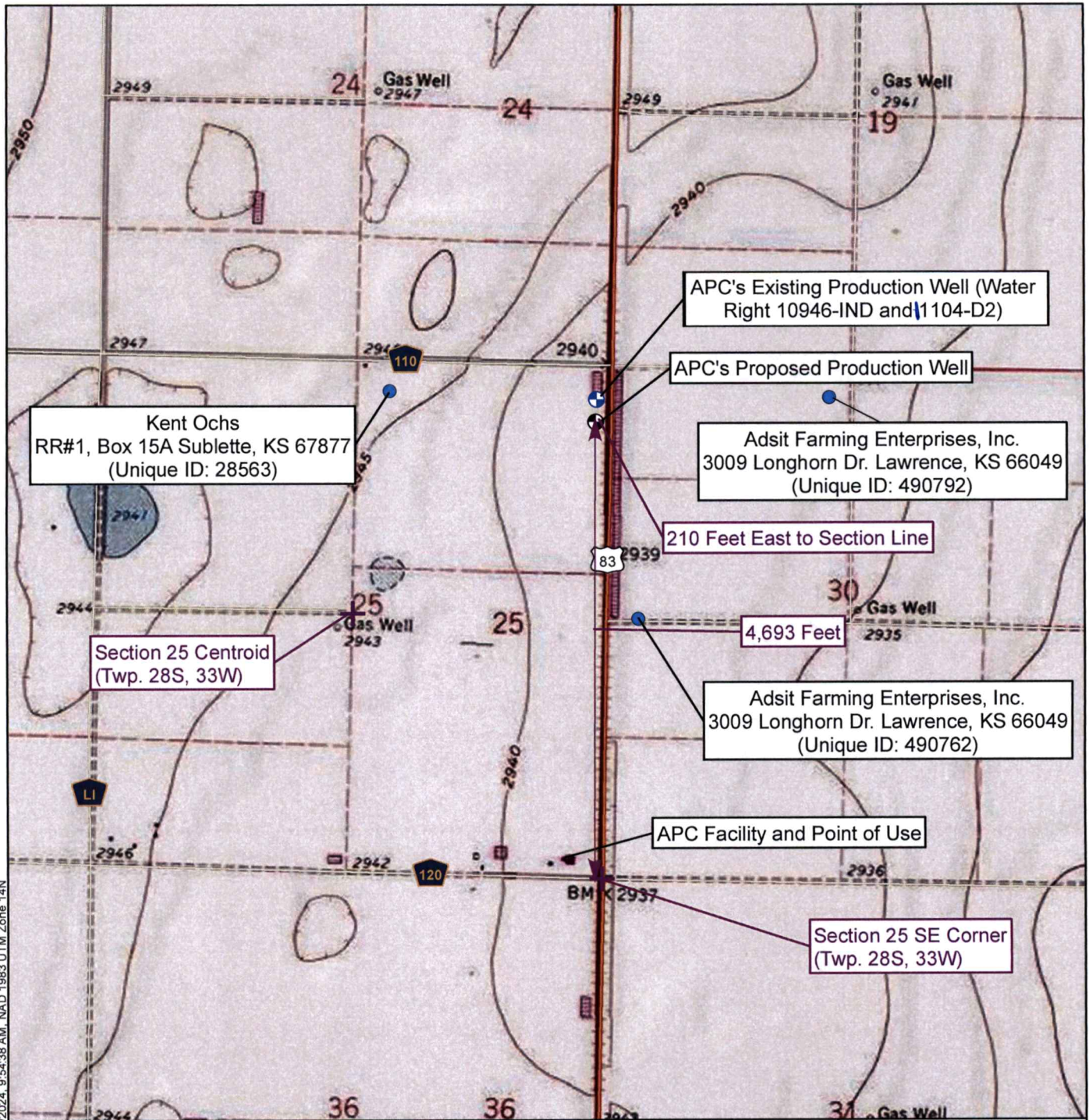


OWNER: APC	BORING/WELL NO. 1-2023	PAGE 1 OF 2 PAGES
LOCATION: Sublette, KS	SAMPLING METHOD: Cuttings Discharge	
DATE COMPLETED: 5/10/2023	OBSERVER: Martha Silks, PG	
DRILLING COMPANY: Elite Drilling Co. LLC	REFERENCE POINT:	
DRILLING METHOD: Forward rotary, Versa-Drill V100NG	GPS Coordinates: -100.871254,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

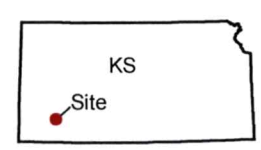
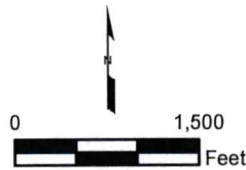
DEPTH IN FEET		SIEVE	GEOLOGIC DESCRIPTION
FROM	TO	ANALYSIS	
0.0	4.0		Top Soil, no sample
4.0	38.0		Fine sand, no sample
38.0	62.0		Tan Clay, no sample
62.0	134.0		Sand, medium to coarse, no sample
134.0	140.0		Clay and sand mix, no sample
140.0	196.0		Sand, medium to coarse, no sample
196.0	236.0		Sand, 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





-  Existing Well
-  Proposed Well
-  Private Well Within Half Mile of Proposed Well



Service Layer Credits: Copyright: © 2013 National Geographic Society, i-cubed
 Notes: Locations are approximate and not survey grade.
 Source: Well and setback locations are digitize from a map supplied by KS DWR.

C:\GIS\GISVA_PC_5059APC01\maps\5059APC01_01d.mxd, 3/7/2024, 9:54:38 AM, NAD, 1983 UTM, Zone 14N

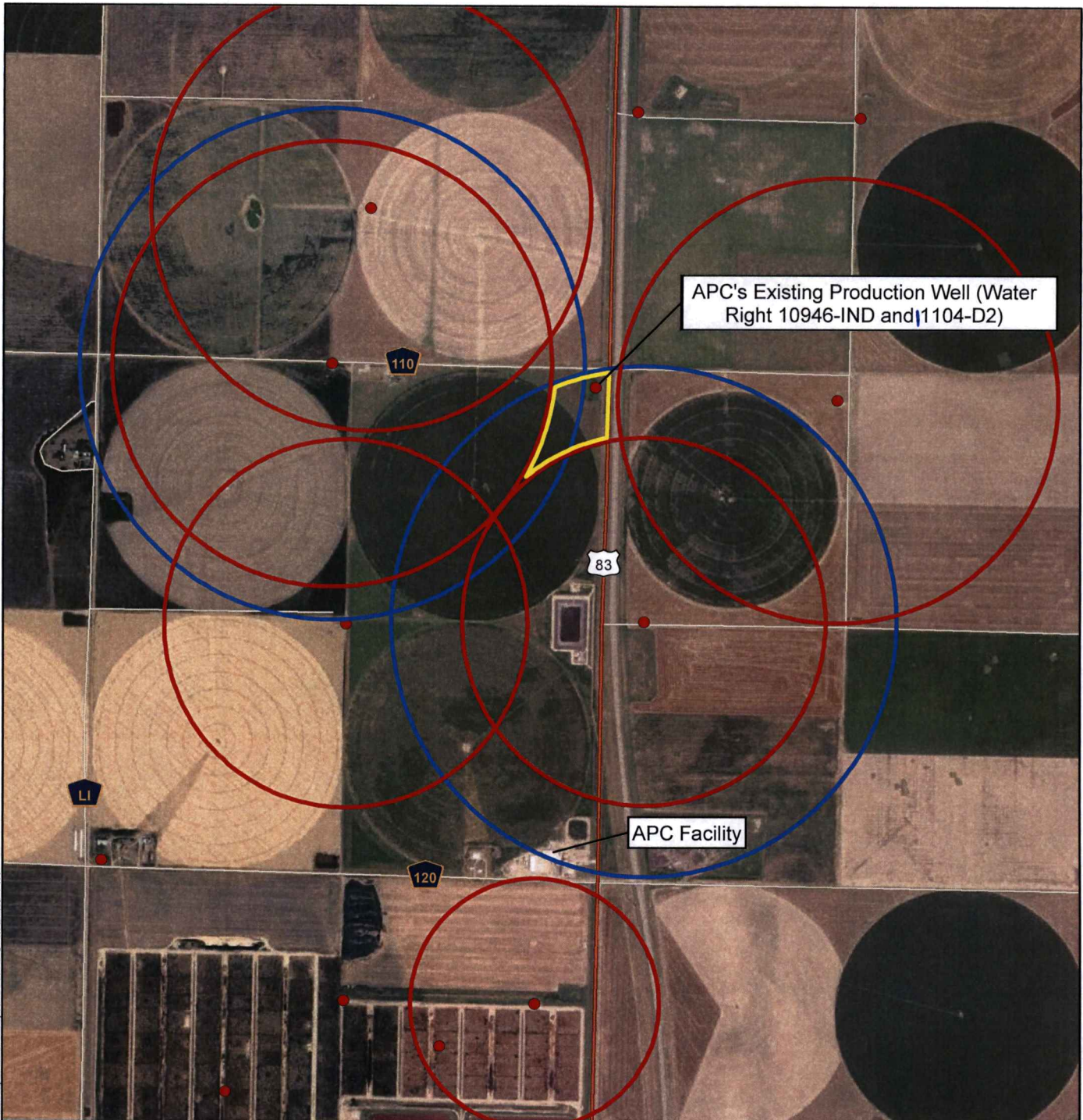


Prepared By:
LRE Water
 Minneapolis / St. Paul Office
 Minnesota
 (612) 805-0919

APC, LLC
 CHANGE OF DIVERSION APPLICATION
 SUBLETTE, KS

APC'S SUBLETTE, KS FACILITY EXISTING WELL LOCATION AND
 PROPOSED CHANGE OF DIVERSION WELL LOCATION

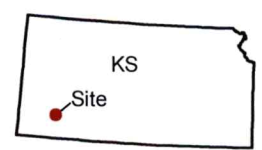
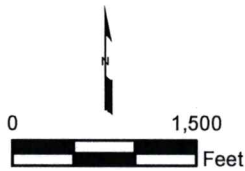
FILE:5059APC01_01d.MXD DATE:3/7/2024 FIGURE: 1



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.

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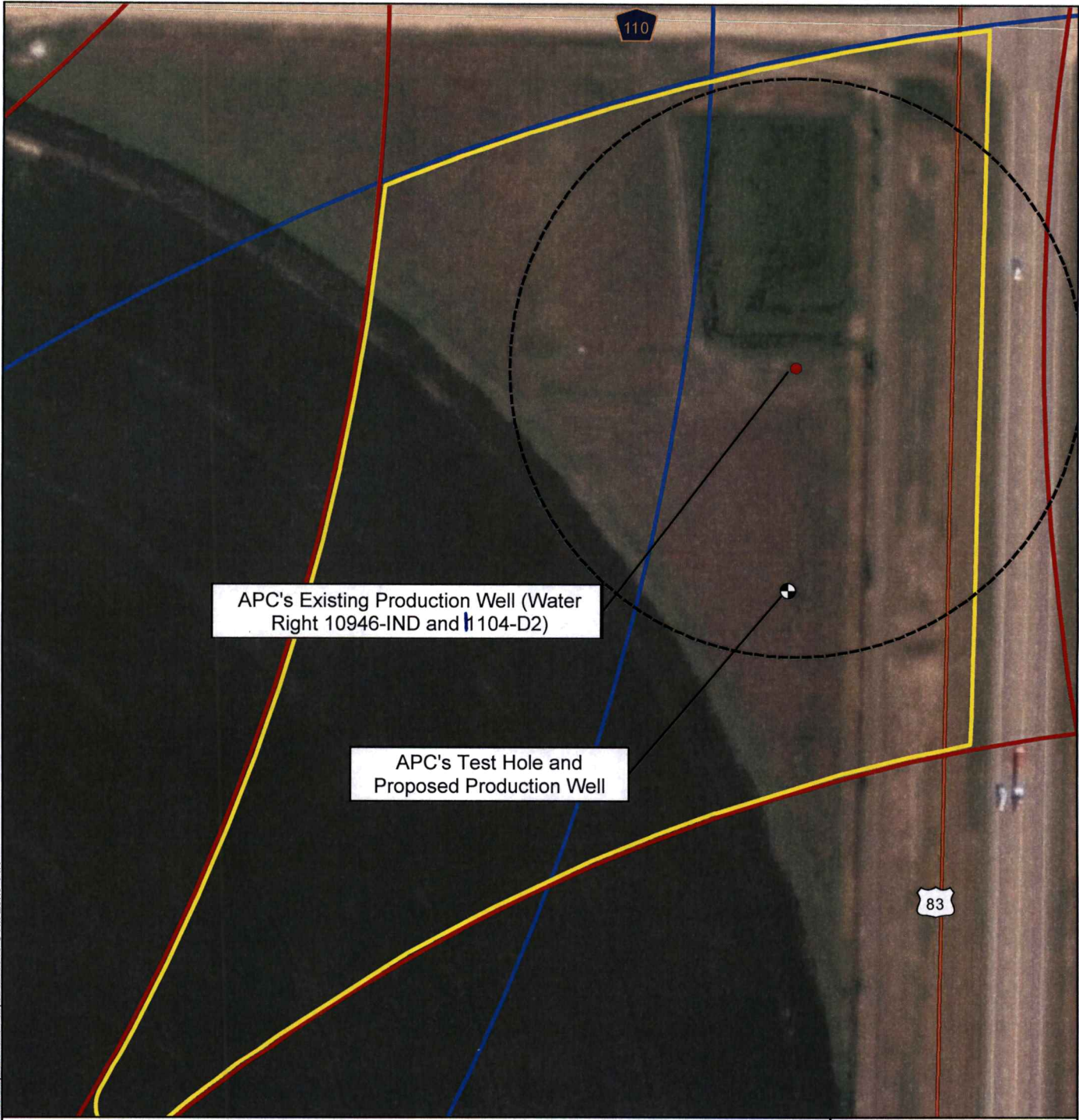


Prepared By:
LRE Water
 Minneapolis / St. Paul Office
 Minnesota
 (612) 805-0919

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 FIGURE: 1



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

APC's Test Hole and Proposed Production Well

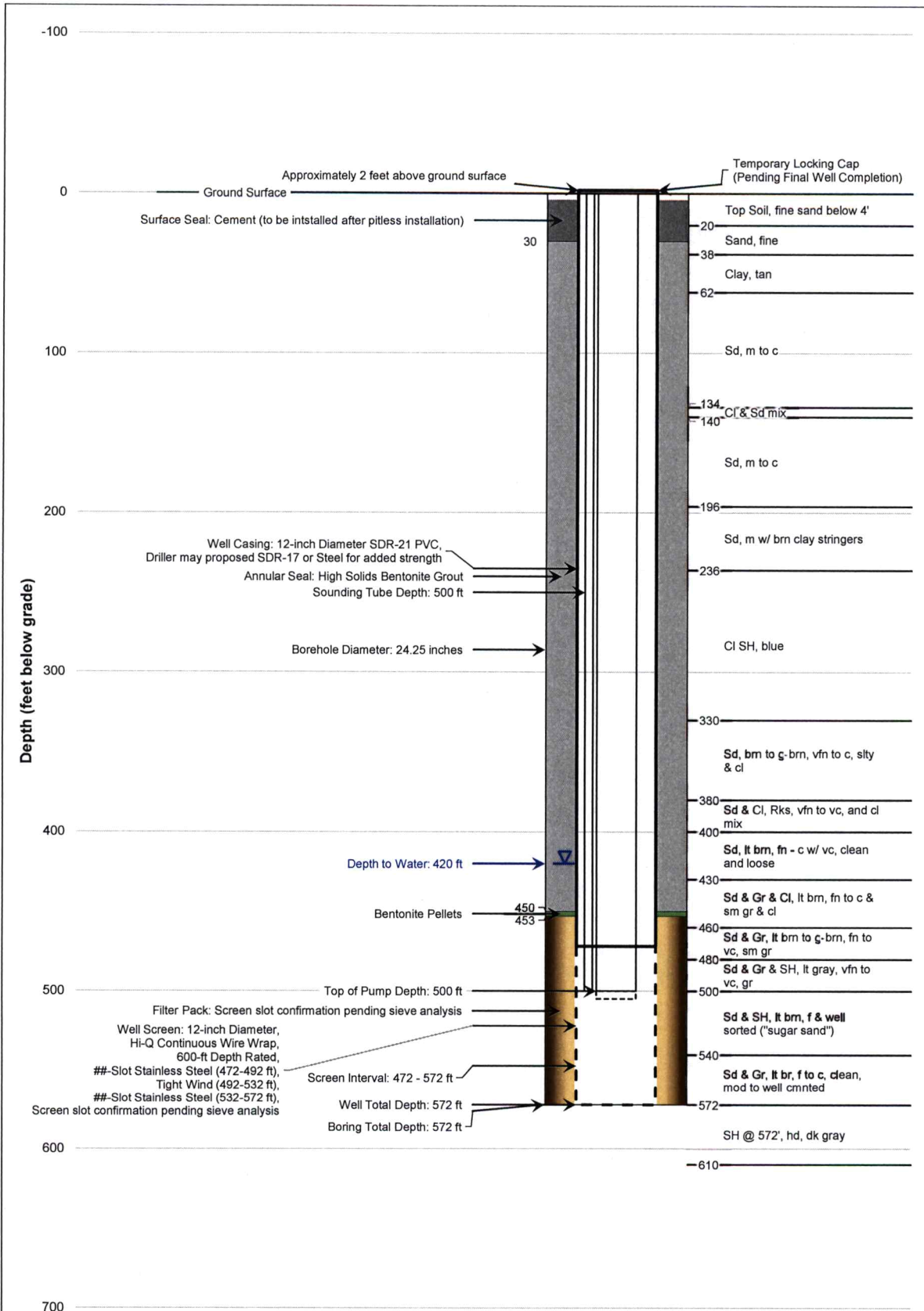
C:\GIS\GISIA\PC_5059APC01\maps\5059APC01_01b.mxd, 4/27/2023, 12:09:09 PM, NAD, 1983 UTM Zone 14N

Existing Well	Proposed TH and Well Location
Area Allowed for New Well	300 ft Buffer
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.

 CONNECTING WATER TO LIFE	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