



THE STATE OF KANSAS

WATER RESOURCES RECEIVED

JUN 25 2024

13:21 KS Dept. of Agriculture

KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES Earl D. Lewis Jr., Chief Engineer

File Number 51255 This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE Filing Fee Must Accompany the Application (Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): CEA Dairy RNG Kansas, LLC Address: 120 Tredgar Street City: Richmond State VA Zip Code 23219 Telephone Number: (804) 310-0641

2. The source of water is: [] surface water in (stream) OR [x] groundwater in Cimarron River (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 15 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 200 gallons per minute OR cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended): (a) [] Artificial Recharge (b) [] Irrigation (c) [] Recreational (d) [] Water Power (e) [x] Industrial (f) [] Municipal (g) [] Stockwatering (h) [] Sediment Control (i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection (m) [] Thermal Exchange (n) [] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only: F.O. 4 GMD 3 Meets K.A.R. 5-3-1 (YES) NO Use IND Source G/S County SW By KJN Date 6/26/24 Code BEG Fee \$ 200 TR # Receipt Date 6-25-24 Check # 1053

JUN 25 2024

File No. _____

KS Dept. of Agriculture

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the NW quarter of the NE quarter of the NW quarter of Section 21, more particularly described as being near a point 4832 feet North and 3530 feet West of the Southeast corner of said section, in Township 33 South, Range 34 W East/West (circle one), Seward County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Tuls Hemann Enterprises Land LLC, 12541 Road C, Liberal, KS 67901 (620) 626-7151

(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 13, 2024.

John D. Ekle
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 well and appurtenances

(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) As soon as possible

(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 7/1/2024
(Mo/Day/Year)

JUN 25 2024

File No. _____

KS Dept. of Agriculture

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

N/A

JUN 25 2024

File No. _____

KS Dept. of Agriculture

- 13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	TO BE SUBMITTED			
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

- 14. The relationship of the applicant to the proposed place where the water will be used is that of tenant - long term lease
(owner, tenant, agent or otherwise)

- 15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):
Tuls Hemann Enterprises Land LLC, 12541 Road C, Liberal, KS 67901
(name, address and telephone number)

620-629-1902
(name, address and telephone number)

- 16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at _____, Kansas, this 13th day of May, 2024
(month) (year)

(Applicant Signature)

By Joshua D. Eakle
(Agent or Officer Signature)
Authorized Representative

Joshua D. Eakle
(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

JUN 25 2024

KS Dept. of Agriculture

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

KLA ENVIRONMENTAL SERVICES, INC.WATER RESOURCES
RECEIVED

JUN 25 2024

PROJECT: CEA DAIRY RNG KANSAS, LLC

KS Dept. of Agriculture

LOCATION: SECTION 21 T33S R34W, SEWARD COUNTY, KANSAS

BY: CSG
DATE: 02/22/24CHECKED BY: KMB
DATE: 2/29/2024**INDUSTRIAL REQUIREMENTS FOR A NEW FACILITY (RENEWABLE NATURAL GAS DIGESTER)**

CEA DAIRY RNG KANSAS, LLC HAS DEVELOPED PLANS TO IMPLEMENT A RENEWABLE NATURAL GAS DIGESTER SYSTEM IN CONJUNCTION WITH TULS DAIRY FARMS, LLC AND VANGUARD RENEWABLES. THE WASTE STREAM FROM THE DAIRY'S OPERATION WILL BE DIVERTED TO THE DIGESTERS, WHERE RENEWABLE NATURAL GAS WILL BE PRODUCED. FOR THE DIGESTION PROCESS TO WORK PROPERLY, FRESHWATER IS REQUIRED BY CEA DAIRY RNG KANSAS, LLC. THE ESTIMATED DAILY USE IS EXPECTED TO AVERAGE 13,391 GALLONS. ACTUAL USE IS EXPECTED TO VARY, DEPENDING UPON VARIABLE WASTE STREAM RATES.

DETERMINE REASONABLE USE FOR INDUSTRIAL QUANTITY:

ESTIMATED FRESHWATER USE =	13,391 GALLONS/DAY
=	4,887,765 GALLONS/YEAR
=	15.00 ACRE-FEET/YEAR
PLANNED FACILITY PRODUCTION =	100,000 MMBTU/YEAR
	274.0 MMBTU/DAY
GALLONS PER PRODUCT PER DAY =	48.878 GAL/MMBTU
MINIMUM FLOW RATE REQUIRED =	9 GPM
REQUESTED FLOW RATE =	200 GPM

MGY = MILLION GALLONS PER YEAR, AF = ACRE-FEET PER YEAR, AND 1.0 AF = 325,851 GALLONS
MMBTU = 1 MILLION BRITISH THERMAL UNITS

WATER RESOURCES
RECEIVED

JUN 25 2024

KS Dept. of Agriculture

**INDUSTRIAL USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): CEA Dairy RNG Kansas, LLC

1. Please describe type of industry or product produced: Biodigester utilizing livestock waste
to produce renewable natural gas. Standard Industrial Classification Code Number: _____

2. Please complete the following table to show your past and present water requirements:

PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago	N/A	N/A	N/A
Last year	N/A	N/A	N/A
Present year	N/A	N/A	N/A

3. Please complete the following table to show your future water requirements:

ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1	66,849 MMBTU	3,267,437	49 gal/MMBTU
Year 2	100,000 MMBTU	4,887,765	49 gal/MMBTU
Year 3	100,000 MMBTU	4,887,765	49 gal/MMBTU
Year 4	100,000 MMBTU	4,887,765	49 gal/MMBTU
Year 5	100,000 MMBTU	4,887,765	49 gal/MMBTU

Number of days of operation of the industry per year is 365 days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21	33S	34W					7.3											7.3 AC	

You may attach any additional information you believe will assist in informing the Division of the need for your request.

JUN 25 2024

KS Dept. of Agriculture

**FIRST AMENDMENT TO
GROUND LEASE**

THIS FIRST AMENDMENT ("First Amendment") is entered into the 16th day of April, 2024, and amends that certain Ground Lease dated October 12, 2021 (the "Lease") entered into by Tuls Hemann Enterprises Land, LLC, a Kansas limited liability company ("Lessor"), having a physical address of PO Box 1138, Liberal KS 67905, Tuls Dairy Farms, LLC, a Kansas limited liability company and Mas Cow Dairy, LLC, a Kansas limited liability company (together the "Farming Companies"), having an address at PO Box 1138, Liberal KS 67905 and CEA Dairy RNG Kansas, LLC, a Kansas limited liability company ("Lessee") having its principal office at 120 Tredegar Street, Richmond, VA 23219. Lessor, the Farming Companies and Lessee shall each, at times, be referred to herein individually as a "Party" and, together, as the "Parties". Capitalized terms, unless otherwise defined in this First Amendment, have the same meanings attributable to such terms in the Lease.

WHEREAS, the Parties have determined that it is in their mutual interest to amend the terms of the Lease as set forth below.

NOW, THEREFORE, for and in consideration of the mutual covenants, conditions and provisions set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Exhibits A, B and C of the Lease are hereby deleted and Exhibits A, B and C attached hereto shall be inserted in their stead.
2. In the event of any conflict or inconsistency between this First Amendment and the Lease, this First Amendment will govern.
3. Except as expressly amended above, all terms, conditions and provisions of the Lease shall remain in full force and effect.
4. Each person signing this First Amendment warrants that the person has full legal capacity, power, and authority to execute this First Amendment for and on behalf of the respective Party and to bind such Party.
5. This First Amendment may be executed in one or more counterparts, and each of such counterparts so executed shall be deemed an original, but all of which together shall constitute one and the same agreement. This First Amendment shall be deemed executed when signed below by the representatives for each Party, whereupon this First Amendment shall be in full force and effect in accordance with its terms. Delivery of a copy of this First Amendment bearing an original signature by DocuSign, PDF transmission or by other electronic means shall have the same effect as physical delivery of the paper document bearing the original signature.

JUN 25 2024

KS Dept. of Agriculture

IN WITNESS WHEREOF, the Parties have executed this First Amendment effective as of the date first written above.

Lessee:

CEA Dairy RNG Kansas, LLC

By: Joshua D Eakle
Name: Joshua D. Eakle
Title: Authorized Representative

Lessor:

Tuls Hemann Enterprises Land, LLC

By: Brian D Hemann
Name: Brian D Hemann
Title: managing member

Farming Companies:

Tuls Dairy Farms, LLC,

By: Brian D Hemann
Name: Brian D Hemann
Title: Managing member

Mas Cow Dairy, LLC

By: Brian D Hemann
Name: Brian D Hemann
Title: managing member

WATER RESOURCES
RECEIVED

JUN 25 2024

KS Dept. of Agriculture

Exhibit A

Lessor's Property

JUN 25 2024

KS Dept. of Agriculture



Open Range Field Services, LLC
P. O. Box 2372, Pampa, TX 79066-2372
39350 IH-10 West, Ste. 1. Boerne, TX 78006

PREPARED FOR VANGUARD RENEWABLES

EXHIBIT "A"
TULS DAIRY LEASE SITE

LESSOR'S PROPERTY

QUIT CLAIM DEED
Book 660, Page 1043

All of Section Twenty one (21) Township Thirty three (33) South Range Thirty four (34) West of the Sixth Principal Meridian

AND

The West Half (W/2) of Section Twenty two (22) Township Thirty three (33) South Range Thirty four (34) West of the Sixth Principal meridian

Less and except all lands previously conveyed to or condemned by the State of Kansas for highway purposes and less and except a tract of land located in the Northwest Quarter (NW/4) described as follows Beginning at the Northwest corner of said Quarter Section thence South 89°58'23" East along the North line of said Quarter Section 68.90 feet to a point thence South 00°01'00" East 42.80 feet to a point on the South line of the right of way for US Highway 270 for the place of the beginning of this tract thence South 89°58'23" East along the North line of said Quarter Section 861.10 feet to a point for corner thence South 44°46'07" West 1,309.27 feet to a point on the West line of said quarter Section for corner thence North 00°29'23" West along said West line 834.80 feet to a point for corner thence North 89°59'00" East 30.00 feet to a point for corner thence North 23°27'00" East 1,033.60 feet to the Place of Beginning.

GENERAL WARRANTY DEED
Book 691, Page 636

Surface and water rights only in and to the Southeast Quarter (SE/4) of Section Twenty (20), Township Thirty-three (33) South, Range Thirty-four (34) West of the 6th P.M., Seward County, Kansas, according to the deed filed for record on January 14, 2015, at 9:10 a.m. and recorded in Volume 672 Page 398:

GENERAL WARRANTY DEED
Book 691, Page 638

Surface and water rights only in and to the Northeast Quarter (NE/4) of Section Twenty (20), Township Thirty-three (33) South, Range Thirty-four (34) West of the Sixth P.M. Seward County, Kansas, according to the deed filed for record on April 4, 2012, at 10:00 a.m. and recorded in Volume 646 Page 882:

GENERAL WARRANTY DEED
Book 702, Page 570

SURFACE AND SURFACE RIGHTS ONLY, IN AND TO: The Northwest Quarter (NW /4) of Section Twenty-Seven (27), Township Thirty-three (33) South, Range Thirty-four (34) West, Seward, County Kansas

WATER RESOURCES
RECEIVED

JUN 25 2024

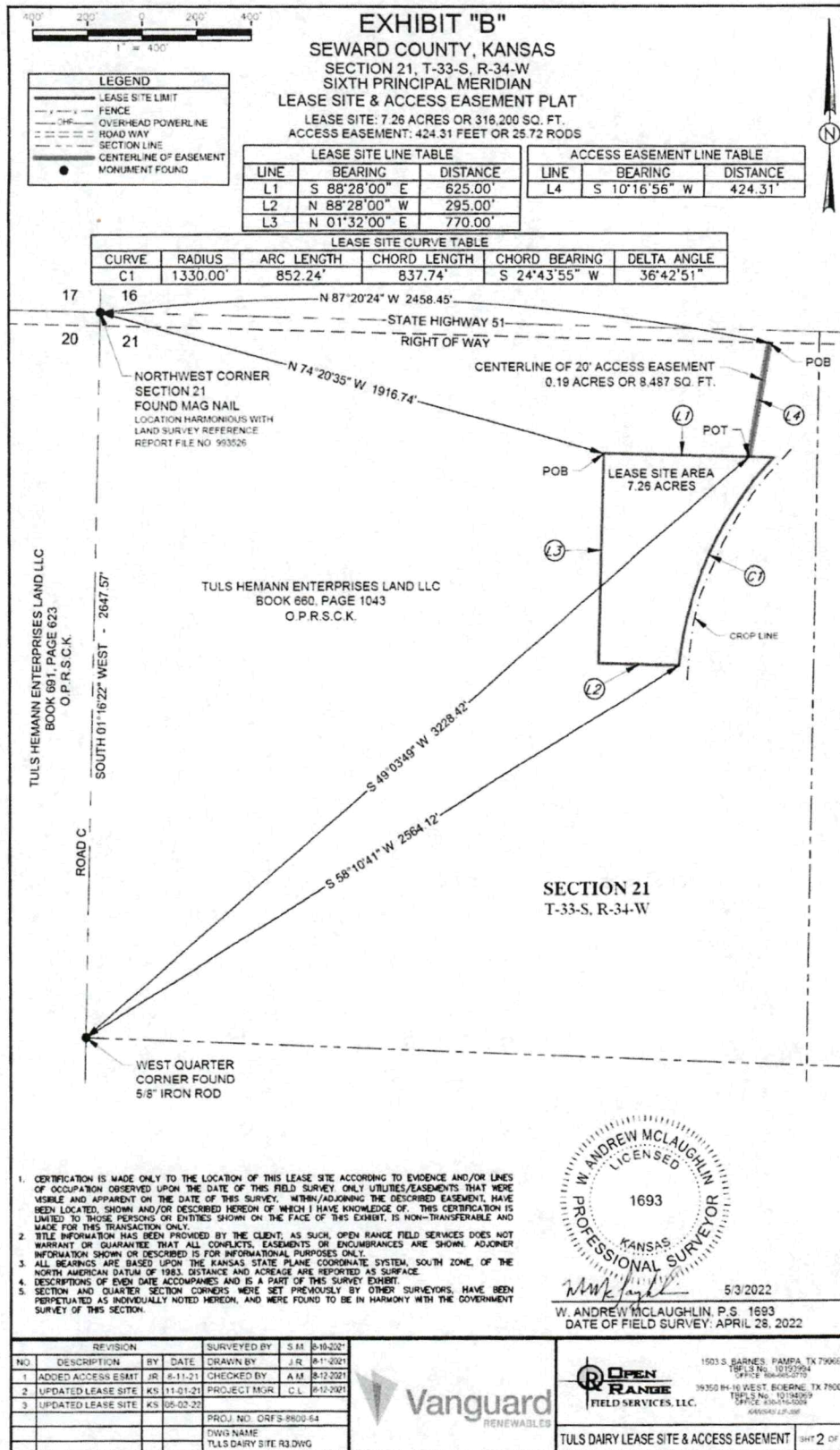
KS Dept. of Agriculture

Exhibit B

Leased Area

JUN 25 2024

KS Dept. of Agriculture



1. CERTIFICATION IS MADE ONLY TO THE LOCATION OF THIS LEASE SITE ACCORDING TO EVIDENCE AND/OR LINES OF OCCUPATION OBSERVED UPON THE DATE OF THIS FIELD SURVEY. ONLY UTILITIES/EASEMENTS THAT WERE VISIBLE AND APPARENT ON THE DATE OF THIS SURVEY, WITHIN/ADJOINING THE DESCRIBED EASEMENT, HAVE BEEN LOCATED, SHOWN AND/OR DESCRIBED HEREON OF WHICH I HAVE KNOWLEDGE OF. THIS CERTIFICATION IS LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS EXHIBIT. IT IS NON-TRANSFERABLE AND MADE FOR THIS TRANSACTION ONLY.

2. TITLE INFORMATION HAS BEEN PROVIDED BY THE CLIENT, AS SUCH, OPEN RANGE FIELD SERVICES DOES NOT WARRANT OR GUARANTEE THAT ALL CONFLICTS, EASEMENTS OR ENCUMBRANCES ARE SHOWN. ADJOINER INFORMATION SHOWN OR DESCRIBED IS FOR INFORMATIONAL PURPOSES ONLY.

3. ALL BEARINGS ARE BASED UPON THE KANSAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, OF THE NORTH AMERICAN DATUM OF 1983. DISTANCE AND ACREAGE ARE REPORTED AS SURFACE.

4. DESCRIPTIONS OF EVIDENCE ACCOMPANIES AND IS A PART OF THIS SURVEY EXHIBIT.

5. SECTION AND QUARTER SECTION CORNERS WERE SET PREVIOUSLY BY OTHER SURVEYORS, HAVE BEEN PERPETUATED AS INDIVIDUALLY NOTED HEREON, AND WERE FOUND TO BE IN HARMONY WITH THE GOVERNMENT SURVEY OF THIS SECTION.

W. ANDREW MCLAUGHLIN
LICENSED
1693
KANSAS
PROFESSIONAL SURVEYOR

W. Andrew McLaughlin 5/3/2022

W. ANDREW MCLAUGHLIN, P.S. 1693
DATE OF FIELD SURVEY: APRIL 28, 2022

Vanguard
RENEWABLES

1503 S. BARNES, PAMPA, TX 79666
TEL: 817.761.1212
OFFICE: 806.265.2775

19350 HWY 16 WEST, BOERNE, TX 78008
TEL: 817.761.1212
OFFICE: 817.761.2059
6885401 LP-09P

OPEN RANGE FIELD SERVICES, LLC.



Open Range Field Services, LLC
 P. O. Box 2372, Pampa, TX 79066-2372
 39350 IH 10 West, Ste. 1, Boerne, TX 78006

WATER RESOURCES
 RECEIVED

JUN 25 2024

KS Dept. of Agriculture

PREPARED FOR VANGUARD RENEWABLES

EXHIBIT "B"

**LEASE SITE DESCRIPTION
 SEWARD COUNTY, KANSAS
 TULS DAIRY LEASE SITE**

DESCRIPTION FOR A 7.26 ACRE LEASE SITE, SITUATED IN SEWARD COUNTY, KANSAS, IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 33 SOUTH, RANGE 34 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CONVEYED TO TULS HEMANN ENTERPRISES LAND, L.L.C. RECORDED IN BOOK 660, PAGE 1043, OFFICIAL PUBLIC RECORDS SEWARD COUNTY, KANSAS (O.P.R.S.C.K.), SAID LIMITS OF LEASE SITE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

POINT OF BEGINNING (POB) at the Northwest corner of the herein described lease site, from which a PK Nail found for the Northwest Corner of Section 21 bears North 74°20'35" West, a distance of 1,916.74 feet.

THENCE South 88°28'00" East, a distance of 625.00 feet to a Point of Curvature.

THENCE along the arc of a curve to the left 852.24 feet, said curve have a radius of 1,330.00 feet, a delta of 36°42'51", and a chord of 837.74 feet which bears South 24°43'55" West to the Southeast corner of said lease site, from which a 5/8 inch iron rod found for the West Quarter Corner of Section 21 bears South 58°10'41" West, a distance of 2,564.12 feet.

THENCE North 88°28'00" West, a distance of 295.00 feet.

THENCE North 01°32'00" East, a distance of 770.00 feet to the **POINT OF BEGINNING (POB)**.

The herein described lease site contains 7.26 acres (316,204 sq. ft.), more or less.

**ACCESS EASEMENT DESCRIPTION
 SEWARD COUNTY, KANSAS
 TULS DAIRY LEASE SITE**

DESCRIPTION OF A 20 FOOT WIDE ACCESS EASEMENT, BEING 10 FEET LEFT OF AND 10 FEET RIGHT OF THE HEREIN DESCRIBED EASEMENT CENTERLINE, SITUATED IN SEWARD COUNTY, KANSAS, IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 33 SOUTH, RANGE 34 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CONVEYED TO TULS HEMANN ENTERPRISES LAND, L.L.C. RECORDED IN BOOK 660, PAGE 1043, OFFICIAL PUBLIC RECORDS SEWARD COUNTY, KANSAS (O.P.R.S.C.K.), THE SIDELINES OF THE HEREIN DESCRIBED ACCESS EASEMENT BEING LENGTHENED OR SHORTENED TO MEET THE BOUNDARIES OF SAID TRACT AND ABOVE DESCRIBED LEASE SITE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF BEGINNING (POB) of the herein described easement centerline being on the South Right-of-way line of State Highway 51, from which a PK Nail found for the Northwest corner of Section 21 bears North 87°20'24" West, a distance of 2,485.45 feet.

THENCE South 10°16'56" West, a distance of 424.31 feet to the **POINT OF TERMINATION (POT)**, on the North line of the above described lease site area, from which a 5/8 inch iron rod found for the West Quarter Corner of Section 21 bears South 49°03'49" West, a distance of 3,228.42 feet.

The herein described easement centerline having a total distance of 424.31 linear feet (25.72 rods).

ALL BEARINGS ARE BASED UPON THE KANSAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, OF THE NORTH AMERICAN DATUM OF 1983. DISTANCE AND ACREAGE ARE REPORTED AS SURFACE.

SECTION AND QUARTER SECTION CORNERS WERE SET PREVIOUSLY BY OTHER SURVEYORS, HAVE BEEN PERPETUATED AS INDIVIDUALLY NOTED HEREON, AND WERE FOUND TO BE IN HARMONY WITH THE GOVERNMENT SURVEY OF THIS SECTION.

I, hereby certify that this description was prepared from notes taken in the field in a bona fide survey made under my supervision.



W. Andrew McLaughlin 5/3/2022
 W. Andrew McLaughlin, P.S. No. 1693
 Date of Survey: April 28, 2022
 Revision No. 3
 Digitally signed by W. Andrew McLaughlin
 Reason: I have reviewed this document
 Date: 2022.05.03 09:19:00 -05'00'

WATER RESOURCES
RECEIVED

JUN 25 2024

KS Dept. of Agriculture

Exhibit C

Access Way

**ACCESS EASEMENT DESCRIPTION
SEWARD COUNTY, KANSAS
TULS DAIRY LEASE SITE**

DESCRIPTION OF A 20 FOOT WIDE ACCESS EASEMENT, BEING 10 FEET LEFT OF AND 10 FEET RIGHT OF THE HEREIN DESCRIBED EASEMENT CENTERLINE, SITUATED IN SEWARD COUNTY, KANSAS, IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 33 SOUTH, RANGE 34 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CONVEYED TO TULS HEMANN ENTERPRISES LAND, LLC, RECORDED IN BOOK 660, PAGE 1043, OFFICIAL PUBLIC RECORDS SEWARD COUNTY, KANSAS (O.P.R.S.C.K.), THE SIDELINES OF THE HEREIN DESCRIBED ACCESS EASEMENT BEING LENGTHENED OR SHORTENED TO MEET THE BOUNDARIES OF SAID TRACT AND ABOVE DESCRIBED LEASE SITE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF BEGINNING (POB) of the herein described easement centerline being on the South Right-of-way line of State Highway 51, from which a PK Nail found for the Northwest corner of Section 21 bears North 87°20'24" West, a distance of 2,485.45 feet:

THENCE South 10°16'56" West, a distance of 424.31 feet to the **POINT OF TERMINATION (POT)**, on the North line of the above described lease site area, from which a 5/8 inch iron rod found for the West Quarter Corner of Section 21 bears South 49°03'49" West, a distance of 3,228.42 feet:

The herein described easement centerline having a total distance of 424.31 linear feet (25.72 rods).

ALL BEARINGS ARE BASED UPON THE KANSAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, OF THE NORTH AMERICAN DATUM OF 1983. DISTANCE AND ACREAGE ARE REPORTED AS SURFACE.

SECTION AND QUARTER SECTION CORNERS WERE SET PREVIOUSLY BY OTHER SURVEYORS, HAVE BEEN PERPETUATED AS INDIVIDUALLY NOTED HEREON, AND WERE FOUND TO BE IN HARMONY WITH THE GOVERNMENT SURVEY OF THIS SECTION.

I, hereby certify that this description was prepared from notes taken in the field in a bona fide survey made under my supervision.

WATER RESOURCES
RECEIVED

JUN 25 2024

KS Dept. of Agriculture

NEW APPROPRIATION APPLICATION

CEA Dairy RNG Kansas, LLC
Section 21 T33S R34W ■ Seward County, Kansas



1700 E. IRON AVE. ■ SALINA, KS 67401
T 785.823.0097 F 913.273.1493

1303 YUCCA ST. ■ SCOTT CITY, KS 67871
WWW.KLAENVIRO.COM

1700 E. IRON AVE. ▪ SALINA, KS 67401
T 785.823.0097 F 913.273.1493



1303 YUCCA ST. ▪ SCOTT CITY, KS 67871
WWW.KLAENVIRO.COM

WATER RESOURCES
RECEIVED

JUN 25 2024

KS Dept. of Agriculture

June 6, 2024

Mr. Earl Lewis, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Subject: New Appropriation Application for CEA Dairy RNG Kansas, LLC

Dear Mr. Lewis:

The subject application and supporting documents are enclosed for your consideration. This application is submitted on behalf of the applicant, CEA Dairy RNG Kansas, LLC. KLA Environmental Services, Inc. assisted with the preparation of this application.

CEA Dairy RNG Kansas, LLC has established a long-term lease with Tuls Hemann Enterprises Land LLC to develop an approximate 7-acre tract into a renewable natural gas digester system. Livestock waste from Tuls Dairy Farms LLC will be pumped to the digester system. The system will process the waste, produce renewable natural gas, and then return the waste to Tuls Dairy Farms LLC. Freshwater is a necessary input to enable natural gas production.

During planning discussions with Mike Meyer of the DWR Garden City Field Office, it was determined that an industrial right was the appropriate freshwater source for the digester. As the digester is owned and operated by CEA Dairy RNG Kansas, LLC and not Tuls Dairy, a distinct separation should be maintained to allow operational management of the water right by CEA Dairy RNG Kansas, LLC.

The volume of freshwater required is expected to be variable depending upon waste stream fluctuations and other system variability. The subject application is submitted to permit a new industrial water right with an annual appropriation of 15 acre-feet and a rate of 200 gpm. While this area is closed to new appropriations, Mr. Meyer indicated an application for a 15-acre-foot exemption would be considered under K.A.R. 5-23-4.

June 6, 2024

Page 2 of 2 JUN 25 2024

Mr. Earl Lewis, P.E.

KS Dept. of Agriculture

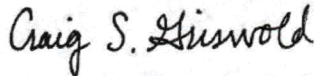
Please consider the subject application, as this project will have a positive impact on the area and is contingent upon acquiring a water right that will provide a sufficient and stable water supply. The project is anticipated to produce an estimated 100,000 MMBTUs of renewable natural gas each year, will result in a reduction in the natural emissions from the livestock operation, and will require additional management, providing economic and environmental benefits for the area.

An evaluation of DWR's WIMAS database indicated there are two permitted water rights within a half-mile radius of the proposed well: an irrigation well under File No. 39,963 ID 12 and a battery of stockwater wells under File No. 41,105 IDs 2 (geocenter), 3, and 5. The water rights are owned by Tuls Hemann Enterprises Land LLC and Tuls Dairy Farms respectively. The proposed well meets GMD 3's spacing requirements under K.A.R. 5-23-3.

The digester is projected to begin requiring freshwater on July 1, 2024. With the known backlog of applications, a temporary permit is being submitted separately as an interim measure while this application is reviewed. Please process this application as quickly as possible to ensure a sufficient supply of water.

Payment has been submitted separately. Please contact me if you have any questions concerning this application. Additionally, please send a copy of the final determination to our office. Thank you for your consideration of this matter.

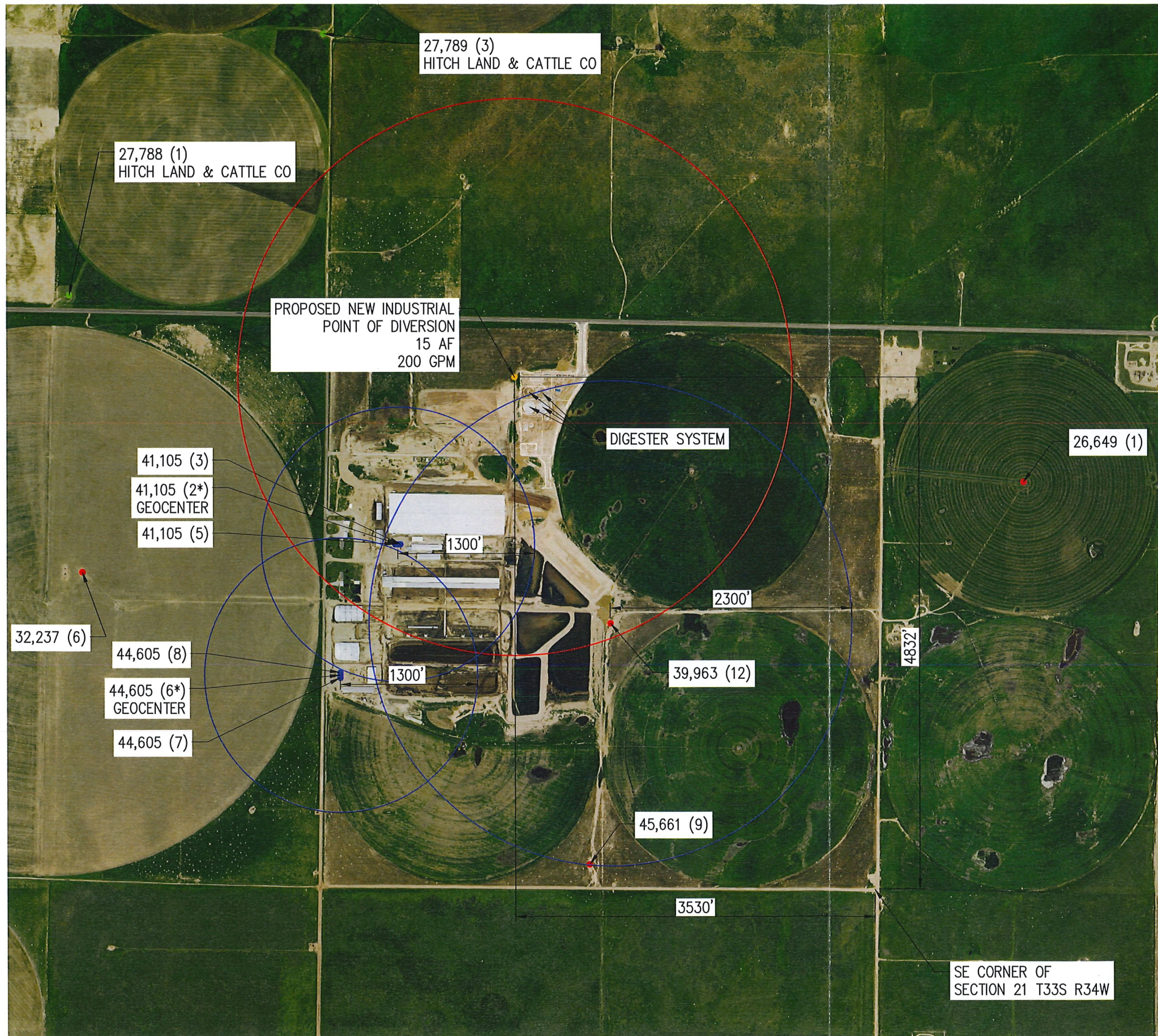
Respectfully,



Craig S. Griswold, P.E.
cgriswold@klaenviro.com
cell: 660-292-0823

Enclosures

cc/enc: Joshua Eakle, CEA Dairy RNG Kansas, LLC
Steven Laliberte, Vanguard Renewables
Brian Hemann, Tuls Dairy Farms/Tuls Hemann Land Enterprises, LLC



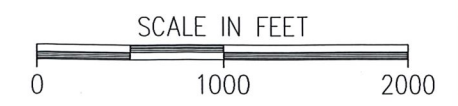
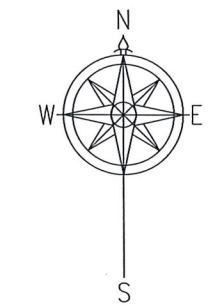
LEGEND

- POINT OF DIVERSION (IRR)
- POINT OF DIVERSION (STK)
- PROPOSED POINT OF DIVERSION (IND)
- POINT OF DIVERSION (NBR)
- 1/2 MILE FROM PLANNED WELL
- EXISTING WELL SEPARATION DISTANCES

FILE NO. 39,963 (12) DWR ID

NOTE: ALL WELLS MAPPED UTILIZING DATA FROM DWR'S WIMAS. WELLS INDICATED AS STOCK OR IRRIGATION ARE OWNED BY TULS DAIRY FARMS, LLC – THE COOPERATING LIVESTOCK FACILITY FOR THE DIGESTER PROJECT.

WATER RESOURCES RECEIVED
JUN 25 2024
 KS Dept. of Agriculture



DRAWN	CSG	DATE
CHECKED	KMB	DATE
APPROVED	CSG	DATE
		02/24
		04/24
		04/24

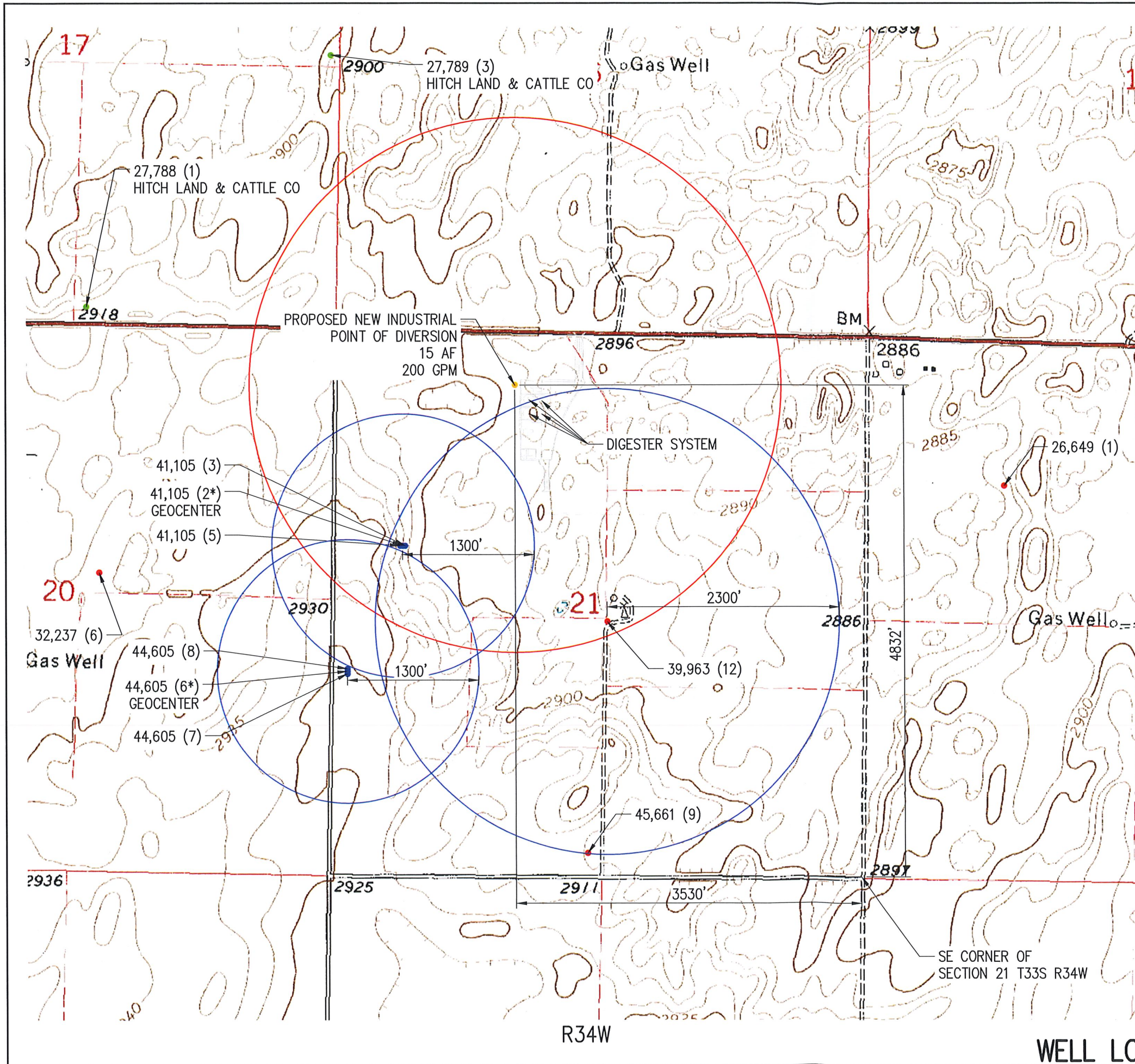
CEA DAIRY RNG KANSAS, LLC
 WATER RIGHTS
 NW 1/4 SECTION 21 T33S R34W
 SEWARD COUNTY, KANSAS

1700 E. IRON
 SALINA, KANSAS 67401
 (785) 823-0097
 1303 YUCCA STREET
 SCOTT CITY, KANSAS 67871
 (620) 872-2300



CAD FILE NAME:
 WATER RIGHTS.dwg

WELL LOCATION MAP



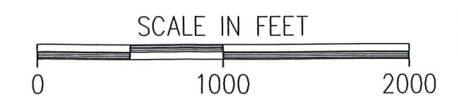
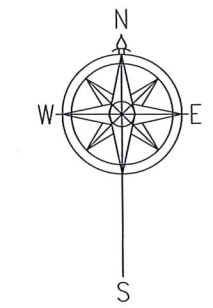
LEGEND

- POINT OF DIVERSION (IRR)
- POINT OF DIVERSION (STK)
- PROPOSED POINT OF DIVERSION (IND)
- POINT OF DIVERSION (NBR)
- 1/2 MILE FROM PLANNED WELL
- EXISTING WELL SEPARATION DISTANCES

FILE NO. 39,963 (12) DWR ID

NOTE: ALL WELLS MAPPED UTILIZING DATA FROM DWR'S WIMAS. WELLS INDICATED AS STOCK OR IRRIGATION ARE OWNED BY TULS DAIRY FARMS, LLC - THE COOPERATING LIVESTOCK FACILITY FOR THE DIGESTER PROJECT.

WATER RESOURCES RECEIVED
JUN 25 2024
 KS Dept. of Agriculture



DRAWN	CSG	DATE
CHECKED	KMB	DATE
APPROVED	CSG	DATE
		02/24
		04/24
		04/24

CEA DAIRY RNG KANSAS, LLC
 WATER RIGHTS
 NW 1/4 SECTION 21 T33S R34W
 SEWARD COUNTY, KANSAS

1700 E. IRON
 SALINA, KANSAS 67401
 (785) 823-0097

1303 YUCCA STREET
 SCOTT CITY, KANSAS 67871
 (620) 872-2300

WELL LOCATION MAP (TOPOGRAPHIC)



PROPOSED NEW INDUSTRIAL
POINT OF DIVERSION
15 AF
200 GPM

LEGEND

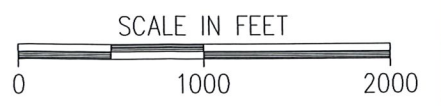
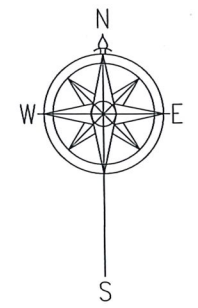
- PROPOSED PLACE OF USE (IND)
- PROPOSED POINT OF DIVERSION (IND)

NOTE: ALL WELLS MAPPED UTILIZING DATA FROM DWR'S WIMAS. WELLS INDICATED AS STOCK OR IRRIGATION ARE OWNED BY TULS DAIRY FARMS, LLC – THE COOPERATING LIVESTOCK FACILITY FOR THE DIGESTER PROJECT.

T33S

R34W

WATER RESOURCES
RECEIVED
JUN 25 2024
KS Dept. of Agriculture



DRAWN	CSG	DATE	02/24
CHECKED	KMB	DATE	04/24
APPROVED	CSG	DATE	04/24

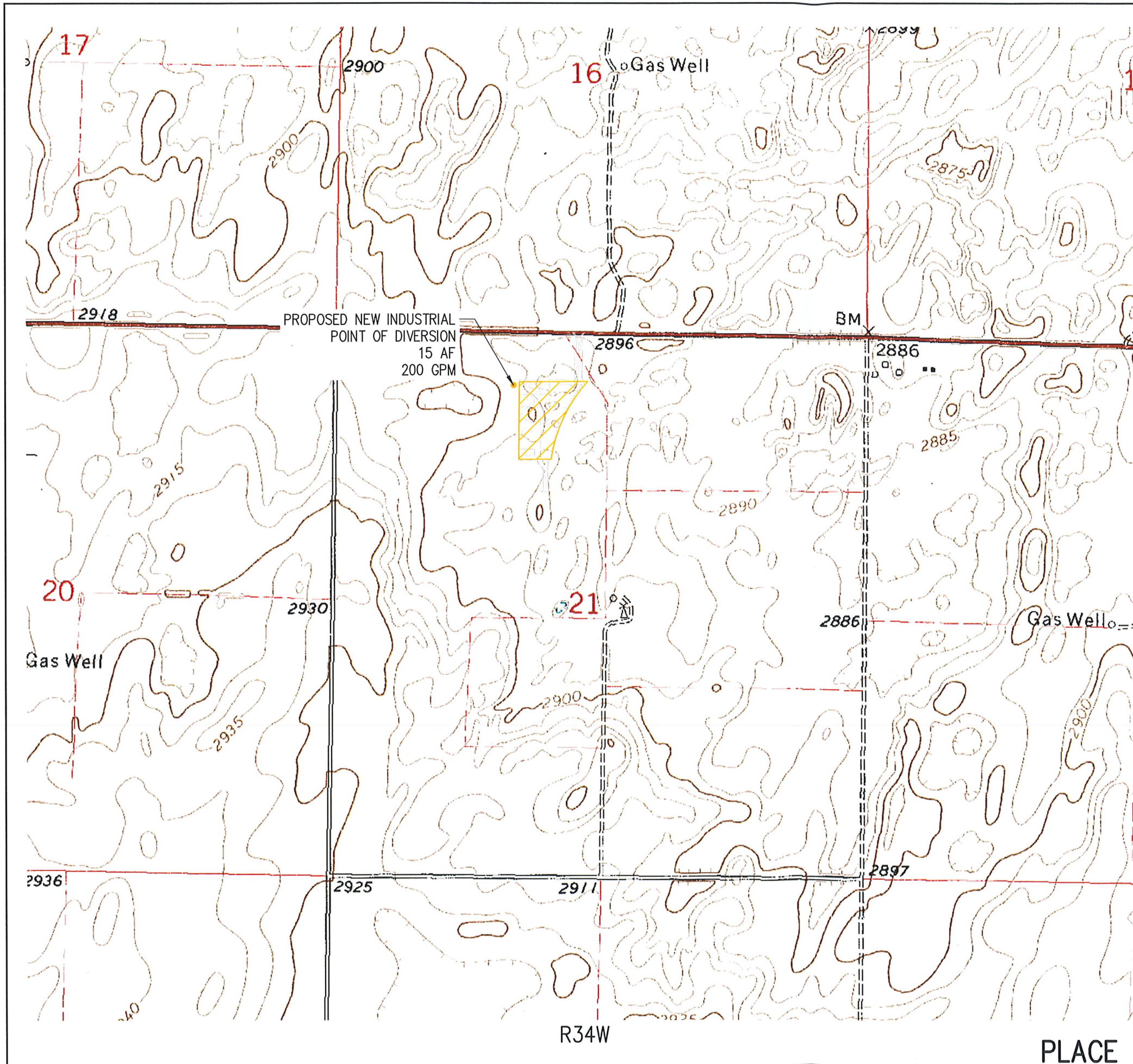
CEA DAIRY RING KANSAS, LLC
WATER RIGHTS
NW 1/4 SECTION 21 T33S R34W
SEWARD COUNTY, KANSAS

1700 E. IRON
SALINA, KANSAS 67401
(785) 823-0097
1303 YUCCA STREET
SCOTT CITY, KANSAS 67871
(620) 872-2300



CAD FILE NAME:
WATER RIGHTS.dwg

PLACE OF USE MAP

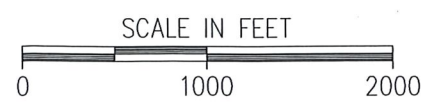
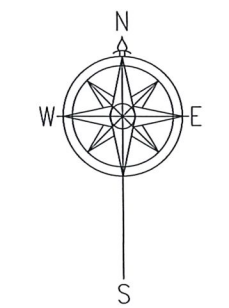


LEGEND

- PROPOSED POINT OF DIVERSION (IND)
- PROPOSED PLACE OF USE (IND)

NOTE: ALL WELLS MAPPED UTILIZING DATA FROM DWR'S WIMAS. WELLS INDICATED AS STOCK OR IRRIGATION ARE OWNED BY TULS DAIRY FARMS, LLC – THE COOPERATING LIVESTOCK FACILITY FOR THE DIGESTER PROJECT.

WATER RESOURCES
RECEIVED
JUN 25 2024
KS Dept. of Agriculture



DRAWN	CSG	DATE	02/24
CHECKED	KMB	DATE	04/24
APPROVED	CSG	DATE	04/24

CEA DAIRY RNG KANSAS, LLC
WATER RIGHTS
NW 1/4 SECTION 21 T33S R34W
SEWARD COUNTY, KANSAS

1700 E. IRON
SALINA, KANSAS 67401
(785) 823-0097
1303 YUCCA STREET
SCOTT CITY, KANSAS 67871
(620) 872-2300



CAD FILE NAME:
WATER RIGHTS.dwg

PLACE OF USE MAP (TOPOGRAPHIC)

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

June 28, 2024

CEA DAIRY RNG KANSAS LLC
120 TREDGAR STREET
RICHMOND VA 23219

RE: Application, File No(s). **51255**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned 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 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,

Kris Neuhauser
New Applications Lead
Water Appropriation Program