

**Kansas Department of Agriculture
Division of Water Resources**

FINDINGS AND ORDER DISMISSAL OF CHANGE APPLICATION UMW WORKSHEET
~~APPROVAL OF CHANGE APPLICATION PU WORKSHEET~~

1. File No.: 7273	2. Status Change Date: 7/12/2024	4. Field Office: 04 - Garden City GMD: 01 - Western Structures File No.: Filing/Priority Date: 7/24/2023 Application Complete Date:
3. Package File No(s): Change Apps 7273 25347 & 43784 Permit Apps 202309069 20239070 & 20239071		
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 40039 Add Seq# 1	
SEABOARD FOODS LLC MCCLAIN SOUTHWELL, CFO 9000 W 67TH ST STE 200 SHAWNEE MISSION, KS 66202	SEABOARD FOODS LLC 9000 W 67TH ST STE 200 SHAWNEE MISSION, KS 66202	
5c. <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Name Change Person ID 40039 Add Seq# 2	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
SEABOARD FOODS LLC Attn: ENVIRONMENTAL ENG MNGR 2801 HURLIMAN RD GUYMON, OK 73942		
6. Change No.: C2 <input type="checkbox"/> PD <input checked="" type="checkbox"/> PU <input checked="" type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: Perfection/Expiration Date:		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: STK- STOCKWATER UMW: UMW:
8. Action Trail FZ C2 CHANGE USE MADE OF WATER DISMISSED GY C2 - CHANGE APP PLACE OF USE APPROVED - Compliance: 12/31/2024		
9. Special Conditions		
10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres: Comment:		
11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Rule Type: Justification: Rule SubType:		
Comments	Processed LI 6/24/2024	Entered 7/12/2024 KAnderson
	Reviewed KAK 7/2/2024	

File No. **7273** 13. County: **GL** Basin: **LADDER CREEK** Stream:
 Structures File No: Aquifer Code: **NO CHANGE** Special Use Area: **NA**

14. Points of Diversion, Rates & Quantities										Oty	Rate	Storage Qty	Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth/Add	Overlaps
NO CHANGE														

15. Limitations Type: Quantity: **AF** Rate: **gpm** combined with file no(s):
 Type: **Other** 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								
CHK 67584	16	16	41W	2		SWINE PRODUCTION FACILITY (N½NE¼) & (SE¼NE¼);(NE¼ NW¼);(S½SW¼); (NE¼SE¼) & (SW¼SE¼)																					5b	<input type="checkbox"/>	^
CHK 67585	17	16	41W	3		SWINE PRODUCTION FACILITY (W½ NW¼ SW¼); (S½S½); (NE¼ SE¼)																					5b	<input type="checkbox"/>	^
CHK 67586	20	16	41W	2		SWINE PRODUCTION FACILITY (SE¼ NE¼ NE¼); (W½ NW¼ NW¼) & (S½ N½)																					5b	<input type="checkbox"/>	^
ENT	20	16	41W			SWINE PRODUCTION FACILITY (NE¼ NE¼)																					5b	<input type="checkbox"/>	^^
																											5b	<input type="checkbox"/>	^
																											5b	<input type="checkbox"/>	^
																											5b	<input type="checkbox"/>	^

18. Point of Diversion and Place of Use Overlaps
 +
 ++
 #
 ^ 4857; 6802; 7273; 11537; 19065; 26062 & 33133 (ALL STK) 20239071 IND DISM ^^ 7273

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: June 24, 2024

FROM: Leslie Ireland

RE: Water Right, File Nos. 7,273; 25,347 & 43,784
Term Permit, File Nos. 20239069; 20239070 &
20239071

McClain Southwell on behalf of Seaboard Foods LLC, owner of the referenced files applied on July 24, 2023, to change the use made of water and place of use authorized for stockwater use to authorize biodigesters as industrial use at their swine facilities located in Greeley and Kearny County. The owner also submitted term permits for the operations. The term permit for File No. 20239071 overlaps with the requested changes to File No. 7273. It has been determined the location of this biodigester at the facility referenced as the Area 3000 and proposed by File No. 7273, is outside of the currently authorized place of use and the application for change will be processed separately, the proposed use made of water under this file will be dismissed.

The biodigester operation provides conversion of the facilities waste for the removal of odors and controls methane emissions. As it controls a by-product of the facility that is only produced when the facility is operational, it has been determined water used for the biodigester to be stockwater use. The location of the biodigesters as proposed under the referenced files was determined to be located within the currently authorized place of use, a change was not needed.

The owner was informed by letter dated May 23, 2024, of the reviews and determinations. The applications were returned to them for their review. The owner, represented by Kevin Sanders, Director, Environmental Compliance, coordinated the review and Mr. Southwell's signature of the voluntary requests to dismiss the referenced applications.

Based on the above discussion, it is recommended that the applications to change filed on July 24, 2023, for File Nos. 7,273 (use made of water) 25,347 & 43,784, along with the referenced applications for term permits, be dismissed by a Findings and Order as requested by the owner.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

**FINDINGS AND ORDER
IN THE MATTER OF THE DISMISSAL
OF AN APPLICATION FOR APPROVAL
TO CHANGE THE AUTHORIZED
USE MADE OF WATER UNDER
WATER RIGHT, FILE NO. 7,273**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS


1. That on April 25, 1972, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to Water Right, File No. 7,273, subsequently modified and amended by Orders of the Chief Engineer.
2. That on July 24, 2023, an Application for Approval to Change the Use Made of Water for the file described in paragraph No. 1 of these findings was received in the office of the Chief Engineer.
3. That by means of a written request received in the office of the Chief Engineer on June 17, 2024, McClain Southwell, CFO, on behalf of Seaboard Foods LLC, as owner of the place of use authorized under the file described in paragraph No. 1, requested that the Application for Approval to Change the Use Made of Water for Water Right, File No. 7,273, received on July 24, 2023, described in Finding No. 2 above be dismissed.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Use Made of Water and Place of Use Under an Existing Water Right, received in the Office of the Chief Engineer on July 24, 2023, under Water Right, File No. 7,273, shall be dismissed and its priority forfeited.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to Water Right, File No. 7,273, dated April 25, 1972, remains as authorized as modified and amended by the Orders of the Chief Engineer.

Ordered this 17th day of July, 2024, at Manhattan, Riley County, Kansas.



EARL D. LEWIS, JR., P.E.
CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 12 day of July, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Notary Public



MELINDA JENNINGS
My Appointment Expires
April 7, 2025

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

July 16, 2024

SEABOARD FOODS LLC
MCCLAIN SOUTHWELL, CFO
9000 W 67TH ST STE 200
SHAWNEE MISSION KS 66202

RE: Findings and Order - Voluntary Dismissal of Applications

Water Right
File Nos. 7,273, 25,347 and 43,784

Applications for Term Permit
File Nos. 20239069, 20239070 and 20239071

Dear Mr. Southwell:

Enclosed are Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismiss the Applications for Approval to Change for File Nos. 7273 (use made of water) 25,347 & 43,784, received in our office on July 24, 2023, and Applications for Term Permit for File Nos. 20239069; 20239070 & 20239071, received in our office on October 27, 2023, which were subsequently requested to be dismissed via the voluntary dismissal forms received in the our office on June 17, 2024.

The orders dismissing the applications do not need to be recorded with the register of deeds as no modification of the referenced appropriations under File Nos. 7,273, 25,347 and 43,784, has been ordered by the Chief Engineer.

Please be reminded annual water use reports must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such water right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswateruserreport.org.

If you have any questions, please contact our office at 785-564-6640. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:kak:li

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 1 (Excluding File Nos. 43,784 & 20239069)

**RIGHT TO PETITION FOR REVIEW
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

CERTIFICATE OF SERVICE

On this 16 day of July, 2024, I hereby certify that the foregoing Findings and Orders in the Matter of the Dismissal of an Application for Approval to Change an Existing Water Right, under Water Right, File Nos. 7,273, 25,347 and 43,784, along with Applications for Term Permit, File Nos. 20239069, 20239070 and 20239071, all dated July 12, 2024, were mailed postage prepaid, first class, US mail to the following:

SEABOARD FOODS LLC
MCCLAIN SOUTHWELL, CFO
9000 W 67TH ST STE 200
SHAWNEE MISSION KS 66202

With photocopies sent to:

KDA-DWR Garden City Field Office

Groundwater Management District No. 1



Division of Water Resources