

Kansas Department of Agriculture  
Division of Water Resources  
**CHANGE: PD WORKSHEET**

Document Signature DWB

1. File Number: <b>11170</b>	2. Status Change Date: <i>12/2/2016</i>	3. Change Num: <b>C1</b>	4. Field Office: <b>4</b>	5. GMD: <b>03</b>	
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>1/25/2016</b>	
8a. Applicant(s) New to system <input type="checkbox"/>  <b>SEABOARD FOODS LLC 9000 W 67TH ST STE 200 SHAWNEE MISSION KS 66202</b>		Person ID <b>40039</b> Add Seq# <b>2</b>	8c. Landowner(s) New to system <input type="checkbox"/>  		Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/>  <b>EUGENE L &amp; JANET M SHORE 1013 WICHITA DR ULYSSES KS 67880-1549</b>		Person ID <b>16357</b> Add Seq# _____	8d. WUC New to system <input checked="" type="checkbox"/>  <b>NO CHANGE</b>		Person ID <b>16357 irr</b> Person ID <b>40039 stk</b> Add Seq# _____
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u><i>12/31/2017</i></u> <b>12/31/16</b> <input checked="" type="checkbox"/> N & P Date to Comply: <u><i>12/31/2017</i></u> <b>12/31/2016</b>					
<input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____					
10. Use Made of Water    From: _____    To: _____					
Date Prepared: <b>11/30/15</b> By: <b>LI</b> Date Entered: <i>12/5/2016</i> By: <i>UM</i>					

File No. **11170**      11. County: **MT**      Basin: **NF CIMMARON RIVER**      Stream: **NA**      Formation Code: **211** <sup>g</sup>      Special Use: **NA**

12. Points of Diversion											Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional			
										Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy	Overlap PD Files	
CK	29672	NE NE SE	2	31	40W	2	2450	210		1085	328 AF	1085	328AF	NONE	
CK	45785	NC SW SW	2	31	40W	1	726	4568		760	279 AF	760	279AF	NONE	
MOD	63173	SW SE SE	2	31	40W	6	142	1018	BATT 1 OF 2 - ( BAT ID 1997 )						
MOD	61349	SW SE SE	2	31	40W	5	193	1004	BATT 1 OF 2 - ( BAT ID 1997 )						
ENT	85754	SW SE SE	2	31	40W		168	1011	GEO CTR ( BAT ID 1997 ) 75	6.700MGY		75	6.700 MGY	NONE	

330-

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: **NONE** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **NO CHANGE**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation: Allocation Type \_\_\_\_\_ Start Year \_\_\_\_\_ 5 YR Amount \_\_\_\_\_ Amount Unit \_\_\_\_\_ Base Acres \_\_\_\_\_ Comment \_\_\_\_\_

MOD DEL ENT	PULSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
<b>NO CHANGE</b>																										

Comments: NO CHANGE TO IRRIGATION PORTION

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

December 5, 2016

Governor Sam Brownback

SEABOARD FOODS LLC  
JENNIFER CHARNO NELSON DIR ENV AFFAIRS  
9000 W 67TH ST SUITE 200  
SHAWNEE MISSION KS 66202

**FILE COPY**

RE: Water Right, File No. 11,170

Dear Mrs. Nelson:

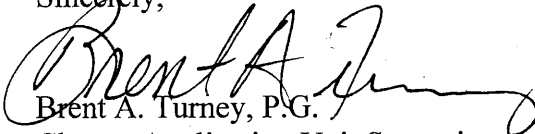
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file. Please return the required and the enclosed form, Notification of the Completion of the Diversion Works upon completion of the battery of wells that will be authorized for stockwatering use.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contract Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

  
Brent A. Turney, P.G.  
Change Application Unit Supervisor

BAT:LI:li:

Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3  
Rennie Jackson, Env Eng Manager, Seaboard Foods LLC  
Eugene L. & Janet M. Shore

Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 11,170

FO: 4

GMD: 3

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	1/25/2016	50	Statewide	Battery of Wells	Conversion to a Battery
Rule Number	Date Granted	Date Denied	Justification:	The wells are existing, having a location, rate and distribution system that meet the definition of a battery. No new wells will be drilled. Groundwater Management District No. 3 recommended approval with a waiver.	
K.A.R. 5-2-3	12/2/2016				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared 11/30/2016 By LI

Date Entered 12/5/2016 By UM

THE STATE



OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**WAIVER OF REGULATION**  
**K.A.R. 5-2-3 Battery of Wells**

Date: 12/2/16

RE: Water Right, File No. 11,170

1. That K.A.R. 5-2-3 (b) (2) states that once the time to complete the diversion works has expired, a change in point of diversion to create a battery of wells must meet the criteria for a new application to appropriate water, such as safe yield, allowable appropriation, or similar regulation, for a new well at that location.
2. That the application to change the point of diversion has been requested to meet the peak pumping needs at a swine facility. The January 25, 2016 application for change under the referenced file request that the existing primary well and standby well be authorized as a battery of two (2) wells with a waiver of regulation.
3. That the wells are located 53 feet apart and meet the definition of a battery; the right is authorized a maximum rate of 75 gallons per minute for the diversion of 6.7 million gallons (21 acre-feet) from the same source of supply, and pump water into a common distribution system for stockwatering use at a swine facility.
4. The right is located within Groundwater Management District No. 3, and the wells are located in an area which is closed to new appropriations by regulation, K.A.R. 5-23-4b, so a new application to appropriate water cannot be approved at the proposed geographic center of the existing wells.
5. The District has not adopted a regulation applicable to batteries of wells, but the Board of Groundwater Management District No. 3, has recommended approval of the application for change and supported the requested waiver of regulation.
6. That because no new wells will be drilled, there will be no increase in the quantity of water diverted, the change to a battery of two (2) wells will not impair existing water rights nor adversely affect the public interest, and a waiver of regulation is allowed per K.A.R. 5-10-4.

Comments:

A handwritten signature in black ink that reads "David W. Barfield". The signature is written in a cursive style and is positioned above a horizontal line.

David W. Barfield, P.E.  
Chief Engineer

Division of Water Resources  
Kansas Department of Agriculture

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** November 30, 2016

**FROM:** Leslie Ireland

**RE:** Water Right, File No. 11,170

Stephen Summerlin, VP Live Production for Seaboard Foods LLC, as owner of the stockwatering portion and Eugene L & Janet Shore owners of the irrigation portion of the referenced right filed an application for approval to change the point of diversion authorized for stockwatering use. The irrigation portion of the referenced file has not been requested to be changed. The application for change was received in the office of the Chief Engineer on January 25, 2016, proposes to change the existing wells from a primary & standby well two(2) primary wells with one being an additional well. After a review of the proposal it was determined that the wells and their operations would be more accurately represented as a battery of two(2) wells. The owner accepted the modification to the proposed change on August 8, 2016.

Both portions of the referenced water right appear to comply with K.S.A. 82a-732, *Annual water use report required: penalty for violation*. The change in point of diversion from the authorized to the proposed application for change appears to comply with part (e)(1) of K.A.R. 5-5-1, *Filing an application for change* and is also in compliance with K.A.R. 5-5-2a, *Complete change application*.

The stockwatering well is authorized a maximum rate of 75 gallons per minute(gpm) for the diversion of 6.7 million gallons (20.6 acre-feet) that is diverted for a swine facility. The irrigation portion is authorized two(2) wells with authorized assigned quantity and rate, comprised of a combined total of 1,845 gpm for the diversion of 607 acre feet for irrigating 470 acres in Morton County. **There will be no change to the irrigation portion.**

The stockwatering wells are located approximately 53 feet apart and appear to have been operated as primary wells. The owner said the reason for the operation change was the primary well would not meet their peak stockwatering demands. There does not appear to be an expansion of the facility or operations. The actual change in point of diversion to the geographic center of the battery of two wells will be a move less than 300 feet from the completed existing wells. The location of the geographic center authorized for stockwatering use will be in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  approximately 168 feet North and 1011 feet West of the Southeast corner of Section 2, Township 31 South, Range 40 West Morton County.

As there is no real change in the wells, so the source of supply will not change.

The application was initially proposed to add the existing well as an additional well, per K.A.R. 5-5-16, *Additional well*. It was determined the proposed existing wells would appear to be more like a battery of wells, then the proposed additional well. The physical attributes of the wells authorized by the stockwatering portion of the referenced file has complied with K.A.R. 5-1-1, Definitions, (n) *Battery of wells* since the change in use made of water that was approved and completed in September 1997. The application was processed per a standard for stockwatering use with the approval of a primary and standby well permitted for the facility. At that time the regulation K.A.R. 5-2-3, *Battery of wells* does not appear to have been adopted regulation. It has been recommended and requested to authorized the existing wells as a battery of two(2) wells with a **waiver of K.A.R. 5-2-3, Battery of well**. A waiver of regulation is needed as the Groundwater Management District No. 3 area is now closed, a safe yield analysis was not completed by the District and they do not have a specified regulation for the creation of a battery within its area as allowed by the regulation.

It would appear the move of approximately 53 feet would appear to preclude the change from complying with well to well spacing per part (c) of K.A.R. 5-23-3. *Minimum well spacing requirements: high plains aquifer* and a waiver of spacing doesn't appear to be needed for the establishment of the geographic center by the change in point of diversion. The stock use owners have not designated a comment for each well. The geographic center of the battery will have the standard geographic center comment designation.

There is one(1) irrigation well located within one-half (½) mile of the geographic center of the battery. The owners of the place of use authorized by the irrigation well under File No. 19,548 were sent notification of the change. It appears the Gordon Bane Trust, owners of record for the fifty acres authorized in the in the Southeast Quarter of 3-31-40W did not receive their notice due to a bad address, but all of the other owners were informed. No comments of any kind were received.

Southwest Kansas Groundwater Management District No. 3 was sent a request for recommendation on the proposed change. In a letter dated November 10, 2016, Jason Norquest, Assistant Manager, indicated the Board recommended approval of the proposed change with a waiver of K.A.R. 5-23-3(a) if needed and K.A.R. 5-2-3(b).

Mike Meyer, Water Commissioner of the Garden City Field Office was notified of the proposed change and has reviewed the summary memo and waiver. He indicated by E-mail on November 30, 2016, that he has no objection to the approval of the proposed change in point of diversion.

A water flow meter will be required, as it appears the wells are metered. A check valve is required if any chemical or foreign substance is injected through the diversion works. A water level measurement tube condition will be in the approval, but as the wells are authorized less than 100 gallons per minute a water level measurement tube will not be needed for compliance with the change. of the previous change approval and the rate is less than 100 gallons per minute. A tube will not be a condition of this approval. A copy of a WWC-5 will not be required. Approval of the change in point of diversion will not result in an abandoned well, so the no need to include the well plugging per KDHE requirements information or paragraph in the transmittal letter.

Based on the above discussion, that a waiver of K.A.R. 5-3-2 is approved and that no change in the local source of supply will occur, the change is reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of this proposed change request that may be affected by this approval, is recommended that the referenced application be approved.



Leslie Ireland  
Environmental Scientist  
Change Application Unit



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 11,170**

**FILE COPY**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Stephen Summerlin, VP Live Production on behalf of Seaboard Foods LLC, 9000 W 67th Street, Suite 200, Shawnee Mission, Kansas 66202, along with Eugene L. and Janet M. Shore, 1013 Wichita Drive, Ulysses, Kansas 67880-1549 received in this office on January 25, 2016, for approval of a change in the location of the points of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated January 15, 1998, approving the application to change the authorized point of diversion and use made of water, and by the Order of the Chief Engineer dated July 11, 2002, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion authorized for stockwatering shall be:

a battery of two (2) wells with a geographic center located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 168 feet North and 1,011 feet West of the Southeast corner of said section, at a diversion rate not in excess of 75 gallons per minute (0.17 c.f.s) and in a quantity not to exceed 6.70 million gallons (20.55 acre-feet) of water per calendar year, and

the authorized location of the points of diversion authorized for irrigation use shall be:

one (1) well located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 2,450 feet North and 210 feet West of the Southeast corner of said section, at a diversion rate not in excess of 1,085 gallons per minute (2.42 c.f.s) and in a quantity not to exceed 328 acre-feet of water per calendar year, and

one (1) well located near the center of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 726 feet North and 4,568 feet West of the Southeast corner of said section, at a diversion rate not in excess of 760 gallons per minute (1.69 c.f.s) and in a quantity not to exceed 279 acre-feet of water per calendar year,

all in Township 31 South, Range 40 West, Morton County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the points of diversion.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.



That the battery of wells authorized herein shall be located within a three hundred (300) foot radius circle and be in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2017 or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 11,170, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 12, 1983, as modified and amended by the aforementioned orders.

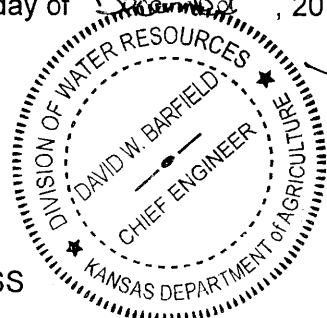
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 2<sup>nd</sup> day of December, 2016, at Topeka, Shawnee County, Kansas.



*David W. Barfield*  
David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
County of Riley ) SS

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of December, 2016, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*  
Notary Public

**CERTIFICATE OF SERVICE**

On this 5<sup>th</sup> day of December, 2016, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Water Right, File No. 11,170, dated December 2, 2016 was mailed postage prepaid, first class, US mail to the following:

Seaboard Foods LLC  
Jennifer Charno Nelson, Dir. Env. Affairs  
9000 W 67th St, Suite 200  
Shawnee Mission, KS 66202

With a True and Correct copy to:

Eugene L. & Janet M. Shore  
1013 Wichita Drive  
Ulysses, KS 67880-1549

With a Photocopy to:

Seaboard Foods LLC  
Rennie Jackson, Env Eng Manager  
2801 Hurliman Road  
Guymon, OK 73942

Garden City Field Office  
Groundwater Management District No. 3

  
Division of Water Resources

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

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



State of Kansas

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more)  Point of Diversion
- Use Made of Water

**WATER RESOURCES  
RECEIVED**

**JAN 25 2016**

**1:09  
KS DEPT OF AGRICULTURE**

File No. 11170

2. Name of applicant: Seaboard Foods LLC

Address: 9000 W 67th Street, Suite 200

City, State and Zip: Shawnee Mission, KS 66202

Phone Number: ( 913 ) 261-2600 E-mail address: jennifer\_nelson@seaboardfoods.com

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

Name of water use correspondent: \_\_\_\_\_

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( \_\_\_\_\_ ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): Current water right allows for one primary well and one standby well. Seaboard Foods, LLC requests that both wells be defined as primary use wells.

The change(s) (was) (will be) completed by Effective upon approval.

(Date)

**For Office Use Only:**

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES/NO) Use SR/ETR Source G/S County MT By AJW Date 1/25/16  
Code LLT Fee \$ 100 TR # \_\_\_\_\_ Receipt Date 1/25/16 Check # 27157993

APPLICATION COMPLETE

11/16/16  
Reviewer LI

Assisted by: \_\_\_\_\_

SCANNED

1/26/2016 LCM

4. The presently authorized place of use is:

Owner of Land — NAME: Seaboard Foods, LLC

STOCKWATERING ADDRESS: 2801 Hurliman Road, Guymon, OK 73942

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	
2	31S	40W																X	swine operation

List any other water rights that cover this place of use. NONE

Owner of Land — NAME: EUGENE L & JANET M SHORE \*

IRRIGATION ADDRESS: 1013 WICHITA DRIVE ULYSSES KS 67880-1549

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	
2	31	40W	10.5	33.5	40.0	33.5	33.5	10.5	33.5	40.0	40.0	33.5	10.5	33.5	33.5	40.0	33.5	10.5	470

List any other water rights that cover this place of use. - 15440 -

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: No Change

ADDRESS: \_\_\_\_\_

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

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

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES

JAN 25 2016

SCANNED

6. The presently authorized point(s) of diversion are one primary & one standby well for stockwatering use, one well for irrigation use.  
(Provide description and number of points)

7. The proposed point(s) of diversion are a battery comprised of two wells for stockwatering use and one well for irrigation use.  
(Provide description and number of points)

List all presently authorized point(s) of diversion: **STOCKWATERING USE**

8. **Presently authorized point of diversion: PRIMARY WELL**

One in the SW Quarter of the SE Quarter of the SE Quarter of Section 2, Township 31 South, Range 40 (W), in MORTON County, Kansas, 100 feet North 1000 feet West of Southeast corner of section.  
 Authorized Rate 75 Authorized Quantity 6.7 mgy  
 (DWR use only: Computer ID No. 5 GPS 193 feet North 1004 feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the SW Quarter of the SE Quarter of the SE Quarter of Section 2, Township 31 South, Range 40 (W), in MORTON County, Kansas, 193 feet North 1004 feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is: 1 OF 2 WELLS OF BATTERY OF WELLS List other water rights that will use this point NONE.

9. **Presently authorized point of diversion: SANDBY WELL**

One in the SW Quarter of the SE Quarter of the SE Quarter of Section 2, Township 31 South, Range 40 (W), in MORTON County, Kansas, 100 feet North 900 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. 6 GPS 142 feet North 1018 feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the SW Quarter of the SE Quarter of the SE Quarter of Section 2, Township 31 South, Range 40 (W), in MORTON County, Kansas, 142 feet North 1018 feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is: 1 OF 2 WELLS OF BATTERY OF WELLS List other water rights that will use this point NONE.

10. **Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the SW Quarter of the SE Quarter of the SE Quarter of Section 2, Township 31 South, Range 40 (W), in MORTON County, Kansas, 168 feet North 1011 feet West of Southeast corner of section.  
 Proposed Rate 75 Proposed Quantity 6.7 mgy  
 This point is: GEO CENTER OF A BATTERY OF TWO WELLS. List other water rights that will use this point NONE.

WATER RESOURCES RECEIVED  
AUG 10 2016  
KS DEPT OF AGRICULTURE

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for STK & IRR \_\_\_\_\_ purposes.

It is proposed that the use be changed to NO CHANGE \_\_\_\_\_ purposes.

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

THERE WILL BE NO INCREASE IN THE AUTHORIZED QUANTITY OR RATE AND PLACE OF USE WILL REMAIN AS AUTHORIZED.

(Please show any calculations here.)

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

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

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

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

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

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

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

The wells have operated in a manner which meets the definition of a battery. There will be no physical movement of the wells and no new wells will be completed.

WATER RESOURCES  
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AUG 10 2016

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

A waiver of KAR 5-2-3, Battery of wells, is requested. The operation of the standby well was brought on line and pumped with or without the primary well. The wells have been operated in this manor for some time without any history of impairment. There will be no increase in the authorized quantity or rate. The wells meet the standard definition of a battery of wells.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

C.M.  
8-8-16

**Presently authorized point of diversion: IRRIGATION USE WELLS**

One in the NE Quarter of the NE Quarter of the SE Quarter of Section 2, Township 31 South, Range 40 W, in MORTON County, Kansas, 2450 feet North 210 feet West of Southeast corner of section. Authorized Rate 1,085 GPM Authorized Quantity 328 AF Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. 2 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW), 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 NONE RE: WELL #12

**Presently authorized point of diversion:**

One in the NC Quarter of the SW Quarter of the SW Quarter of Section 2, Township 31 South, Range 40 W, in MORTON County, Kansas, 726 feet North 4568 feet West of Southeast corner of section. Authorized Rate 760 GPM Authorized Quantity 279 AF Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. 1 GPS 754 feet North 4568 feet West)  
 This point will not be changed  This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW), 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 NONE RE: WELL # 11

**Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW), 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:

**Proposed point of diversion: (Complete only if change is requested)**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW), 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 \_\_\_\_\_

**Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW), 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:

**Proposed point of diversion: (Complete only if change is requested)**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW), 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 \_\_\_\_\_

RECEIVED

AUG 10 2016

File No. 11170  
LI/DWR

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Shawnee Mission, Kansas, this 19th day of January, 2016.

By: Seaboard Foods LLC (Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

Stephen Summerlin Vice President (Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

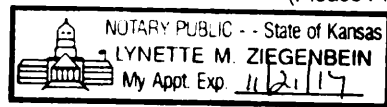
\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

\_\_\_\_\_  
(Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

\_\_\_\_\_  
(Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

State of Kansas }  
County of Johnson } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19th day of January, 2016.

My Commission Expires 11/21/17 \_\_\_\_\_  
Notary Public Lynette M. Ziegenbein

**FEE SCHEDULE**

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

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

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES  
RECEIVED

JAN 25 2016

SCANNED

KS DEPT OF AGRICULTURE



Change in Point of Diversion

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Eugene L Shore  
(Owner)  
Eugene L Shore  
(Please Print)  
\_\_\_\_\_  
(Owner)

Janet M Shore  
(Spouse)  
Janet Shore  
(Please Print)  
\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)  
\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)

FO 4  
\* was sent to HQ by Applicant \*

\_\_\_\_\_  
(Please Print)  
\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Grant }

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11 day of Aug 2016



Rachael Groomer  
Notary Public

My Commission Expires \_\_\_\_\_

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

RECEIVED

WATER RESOURCES RECEIVED

AUG 22 2016

SCANNED

AUG 15 2016

Garden City Field Office DIVISION OF WATER RESOURCES

## Ireland, Leslie

---

**From:** Meyer, Mike  
**Sent:** Wednesday, November 30, 2016 8:04 AM  
**To:** Ireland, Leslie  
**Subject:** RE: 11170 PD 2 batry seaboard\_\_\_stk\_irr use\_4\_3

I recommend approval

*Mike*

---

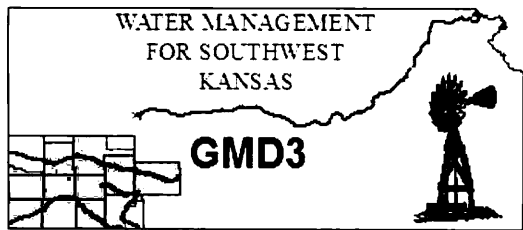
**From:** Ireland, Leslie  
**Sent:** Tuesday, November 29, 2016 12:25 PM  
**To:** Meyer, Mike <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>  
**Subject:** 11170 PD 2 batry seaboard\_\_\_stk\_irr use\_4\_3

Mike,

Please let me know if you recommend this change in point of diversion and support the waiver.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



**Southwest Kansas  
Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

November 10, 2016

Leslie Ireland  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

WATER RESOURCES  
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NOV 16 2016

KS DEPT OF AGRICULTURE

RE: Change Application,  
Water Right, File No. 11,170

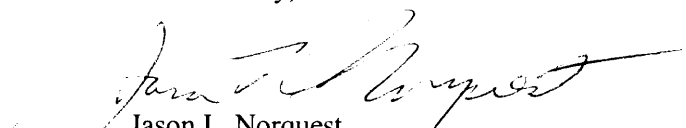
Dear Leslie:

We have completed a review of the application for the above referenced water right. The proposal is in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). More specifically, it does not meet the criteria to create a battery, K.A.R. 5-2-3(b) for meeting safe yield. Since it a change to the water right, we also discussed the minimum spacing requirement in accordance with K.A.R. 5-23-3(a). We reviewed the application at our November 9, 2016 Board meeting.

Craig Maloney was able to be in attendance for the review, as well as Jennifer Nelson by telephone, representing the applicant. A review of the water shows that this stock right is currently authorized on primary well and one standby well. The applicant has been operating both wells at times in order to ensure a sufficient rate is obtained to the hog facility. During peak demand, the primary well alone has lost rate and cannot meet that demand alone. Even though they have been operating both wells, the applicant has stayed within their authorized quantity. By creating a battery of the wells, it will allow the applicant to use one or both of the wells when needed and offer flexibility to ensure the water supply to the facility. They realize that they will still be held to their current authorized quantity and rate, no matter if one well or both are operating. According to K.A.R. 5-2-3(b), when creating a battery it must meet safe yield in the area. It was noted that the majority of our District does not meet safe yield. These two wells are only slightly further than 50' apart and will in effect have the same draw down effect as one well. The applicant is also limited on space that they can redrill drill due to the small area that actually pertains to the hog facility. Discussion also focused on spacing to neighboring wells. There is currently a water right that does not meet spacing to the proposed battery wells. Again, the fact that this request is for a small quantity and rate, there should be minimal effect to neighboring wells. After thorough review and discussion, the Board recommends a waiver to KAR 5-23-3(a) if needed and K.A.R. 5-2-3(b) and that the current application be approved, with the primary factor being the small authorization that we are dealing with and the short distance between the two wells.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

  
Jason L. Norquest  
Assistant Manager

Serving Southwest Kansas Since 1976

SCANNED



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 7, 2016

THOMAS W ROTTINGHAUS TRUST  
1120 28TH RD  
AXTELL KS 66403

RE: Water Right, File No. 11,170

Dear Sir or Madam:

This is to advise you that Stephen Summerlin, VP Live Production on behalf of Seaboard Foods LLC, along with Eugene L. & Janet M. Shore, have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion authorized by the referenced file.

The application proposes a change in point of diversion to the wells authorized for stockwatering use and will define the actual location of one of the wells authorized for irrigation use:

**from:** one (1) well authorized for use as a primary well that is located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 100 feet North and 1,000 feet West of the Southeast corner of said section, authorized for stockwatering use, and

one (1) well authorized for use as a standby well that is located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 142 feet North and 1,018 feet West of the Southeast corner of said section, authorized for stockwatering use, and

one (1) well located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 2,450 feet North and 210 feet West of the Southeast corner of said section, authorized for irrigation use, and

one (1) well located near the center of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 726 feet North and 4,568 feet West of the Southeast corner of said section, authorized for irrigation use,

**to:** a battery of two (2) wells with a geographic center located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 168 feet North and 1,011 feet West of the Southeast corner of said section, authorized for stockwatering use,

*Scanned*  
**FILE COPY**

one (1) well located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 2,450 feet North and 210 feet West of the Southeast corner of said section, authorized for irrigation use, and

one (1) well located near the center of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 754 feet North and 4,568 feet West of the Southeast corner of said section, authorized for irrigation use,

all in Township 31 South, Range 40 West, Morton County, Kansas.

You are being notified of the proposed change so that you may furnish this office written comments or other information you may desire to submit. Such written comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

**FILE COPY**

pc: Garden City Field Office  
Groundwater Management District No. 3  
Gordon Bane Trust

12. The presently authorized use of water is for stockwater purposes.  
It is proposed that the use be changed to no change purposes.

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

(Please show any calculations here.)

**VOID**  
10/10

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

15. It is requested that the maximum rate of diversion of water be reduced to See #17/18 gallons per minute (\_\_\_\_ c.f.s.).

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

- a. If a change in the location of the point(s) of diversion is proposed, show:
  - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
  - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
  - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

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

Current wells were flow tested by DWR - Garden City Field Office in last quarter of 2015 and yielded a diversion rate of 65 gpm. It is requested that the flow rate for these two points individually or combined not exceed this rate and that the maximum diversion rate be allowed up to 75 gpm during critical animal performance periods.  
A wavier from K.A.R. 5-5-16(3) and 5-5-16(4)(d) is requested. See Question 18.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

Combined they will not exceed 65 gpm and will be controlled with frequency drives. Combined diversion rates allows for flexibility and use of existing pumps and infrastructure. During periods of high temperatures it is requested that the rate be allowed up to 75 gpm for animal health. This additional water is used to cool the animals and prevent loss.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

**WATER RESOURCES**

SCANNED **JAN 25 2016**

6. The presently authorized point(s) of diversion (is) (are) SW1/4SE1/4SE1/4 (primary) SW1/4SE1/4SE1/4 (standby) Sec. 2-31S-40W  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) convert both to primary wells  
(Provide description and number of points)

List all presently authorized point(s) of diversion: \*STOCK WATERING USE

8. **Presently authorized point of diversion:** PRIMARY STOCK WELL

One in the SW Quarter of the SE Quarter of the SE Quarter of Section 2, Township 31 South, Range 40W (E/W), in Morton County, Kansas, 100 feet North 1000 feet West of Southeast corner of section. Authorized Rate 75 Authorized Quantity 20.562 AF 6.7 MGy  
 (DWR use only: Computer ID No. 5 GPS 193 feet North 1004 feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the SW Quarter of the SE Quarter of the SE Quarter of Section 2, Township 31 South, Range 40W (E/W), in Morton County, Kansas, 100 193 feet North 900 1004 feet West of Southeast corner of section. Proposed Rate see #17/18 Proposed Quantity N/A  
 This point is:  Additional Well  Geo Center List other water rights that will use this point NONE

Primary  
STK  
Well  
\*

9. **Presently authorized point of diversion:** STANDBY STOCK WELL

One in the SW Quarter of the SE Quarter of the SE Quarter of Section 2, Township 31 South, Range 40 W (E/W), in MORTON County, Kansas, 100 feet North 900 feet West of Southeast corner of section. Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. 6 GPS 142 feet North 1018 feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the SW Quarter of the SE Quarter of the SE Quarter of Section 2, Township 31 South, Range 40W (E/W), in \*MORTON County, Kansas, 142 feet North 1018 feet West of Southeast corner of section. Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point NONE

STANDBY  
WELL  
ADDITIONAL  
WELL  
TO  
\*PRIMARY  
WELL

10. **Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section. Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section. Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

\*SEE SUPPLEMENTAL SHEET FOR  
ICE USE \* LI 11202 3/31/16

SCANNED

JAN 25 2016

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 23, 2016

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 3  
ATTN MARK RUDE  
2009 E SPRUCE  
GARDEN CITY KS 67846

Re: Application for Change, Water Right, File No. 11,170

Dear Mr. Rude:

We are enclosing a copy of the application referred to above which appears to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

**FILE COPY**

LI:li  
Enclosure

pc: Garden City Field Office  
Reenie Jackson, Seaboard Foods LLC, Guymon  
Mr. & Mrs. Eugene L. Shore



## Ireland, Leslie

---

**Subject:** REQUESTED ADDITIONAL WELLS, FILE NOS. 10,408, 11,170 & 13484-D1  
**Location:** Manhattan - Room 322

**Start:** Mon 6/13/2016 9:30 AM  
**End:** Mon 6/13/2016 10:30 AM

**Recurrence:** (none)

**Meeting Status:** Accepted

**Organizer:** Hunter, Karen  
**Required Attendees:** Barfield, David; Letourneau, Lane; Meyer, Mike; Turney, Brent; Ireland, Leslie

To discuss the change applications for the referenced files authorized for stockwatering use.

The applications are requesting to add existing standby wells to operate as primary wells under the additional well regulations with a request to waive 5-5-13(d) the assignment of the rate between the wells. One of the three applications also want to allow the rate to increase from 65 to 75 gpm for animal health issues. Attached are the WRIS reports for each application for the files as they are all a little different.



13484D1.pdf



11170.pdf



10408.pdf

Mike call in # 866-620-7326

Code 258-628-5219



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

May 11, 2016

EUGENE L & JANET M SHORE  
1013 WICHITA DR  
ULYSSES KS 67880-1549

RE: Water Right, File No. 11,170

Dear Mr. & Mrs. Shore:

Reference is made to the application for approval of the Chief Engineer to change the point of diversion under the referenced file number which was received in this office on January 25, 2016. Upon review of the application, we find that additional information is needed.

The Division of Water Resources is require to obtain a notarized signature from each landowner, as per K.A.R. 5-5-5, *Signatures required on change application*. Records in this office indicate that you are an owner of a portion of the place of use authorized under the referenced file.

Attached please find a copy of the application for change, with a new signature page to be signed by the both of you in the presence of a notary. Please return the needed signature page to our office. If the ownership has changed please supply a copy of a recorded Kansas Warrantee Deed along with the new owners address.

In order for the application to retain its priority of filing a complete application must be returned to this office on or before May 26, 2016. According to law, default in returning the application and requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file number.

FILE COPY

SCANNED —

RE: Water Right, File No. 11,170

Should you need to request additional time in which to return the application please do so prior to the deadline.

If you have any questions, please contact me at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

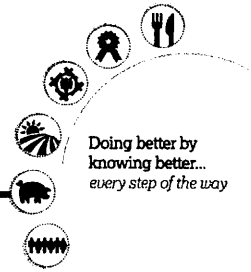


Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li

Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3



January 19, 2016

*By Overnight UPS Delivery*

Mr. Michael Meyer  
Kansas Department Agriculture  
Division of Water Resources - Garden City Field Office  
2508 Johns Street  
Garden City, KS 67846

WATER RESOURCES  
RECEIVED

JAN 25 2016

KS DEPT OF AGRICULTURE

Re: Applications for Additional Points of Diversion, Water Rights 10408, 13484, and 11170

Dear Mr. Meyer:

Enclosed are three applications requesting the conversion of existing standby wells to primary use. All wells were flow tested by Department staff during the last quarter of 2015. Included with each application are the following waiver requests:

- Water rights 10408, 13484, and 11170
  - K.A.R. 5-5-16(4)(d) requires that each point of diversion authorized by approval of an application for change for an additional well shall have a specific assignment of a maximum instantaneous rate of diversion and a maximum annual quantity of water. Due to the reduced flow rate that results with these change applications, paired with existing infrastructure for water distribution, Seaboard requests that a combined rate be issued for the two points of diversion. See question #17 of the change applications for specifics. This will allow for greater flexibility and management of water in the event that one of the points cannot be temporarily used. Never will the appropriated quantity be exceeded.
- Water rights 13484 and 11170
  - K.A.R. 5-5-16(3) requires that the total maximum rate of diversion that may be authorized for the original well or the additional well or wells shall not be greater than the total maximum rate of diversion that could have been diverted from the original well or wells if they were currently being replaced by new wells at substantially the originally authorized location or locations in the same local source of supply. The recent flow tests for these two water rights yield less than 100 gpm. During periods of high temperature it is necessary for the facilities to have at least 100 gpm in order to cool the animals and prevent death loss. Allowing a waiver for the facilities to exceed this flow rate during critical periods will provide the cooling necessary to maximize animal health. This rate will not be continuous and likely less than 6 months of the calendar year. Water right 11170 will be further restricted to 75 gpm (the original maximum diversion rate). Never will the appropriated quantity be exceeded.

\* LE/OWE 4/22/16

9000 W. 67<sup>th</sup> Street, Suite 200 | Shawnee Mission, KS 66202 | (913) 261-2600 | [www.SeaboardFoods.com](http://www.SeaboardFoods.com)

SCANNED

PRIME FRESH  
PREMIUM BLEND

DAILYS

SEABOARD  
FOODS

RIGHT PLACES

These requests do not withdraw any additional water than authorized, or allow for higher rates than originally designated. Granting the waivers will allow for flexibility and health management of animals onsite.

Thank you in advance for your time and consideration and please contact us with any questions.

Sincerely,



Miranda L. Fox  
Senior Soil Scientist

C: Craig Maloney  
Fred Williams  
Jennifer Nelson  
Reenie Jackson

WATER RESOURCES  
RECEIVED

JAN 25 2016

KS DEPT OF AGRICULTURE

SCANNED

---



1320 Research Park Drive  
Manhattan, Kansas 66502  
Jackie McClaskey, Secretary

Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

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

January 25, 2016

RE: File No. 11170

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

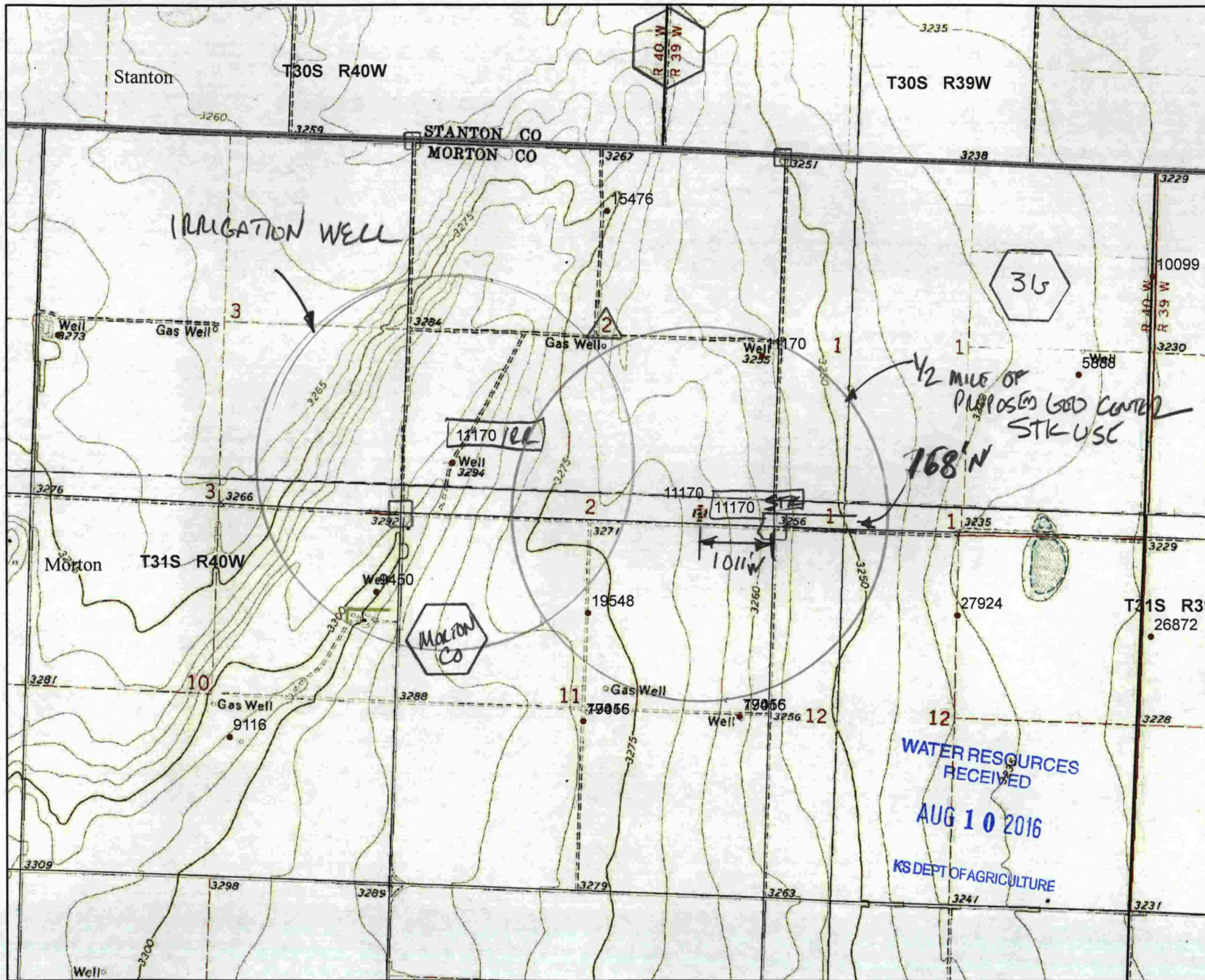
Sincerely,

Brent A Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: GARDEN CITY Field Office GMD 3

SCANNED

# Water Right, File No. 11,170 Change in Point of Diversion



## Legend

WIMAS\_PD

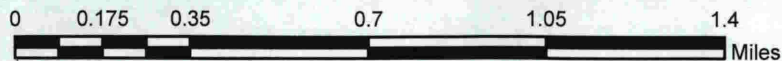
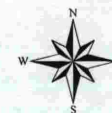
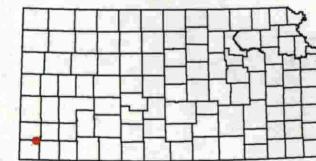
S\_UMW

• G\_IRR

⊙ G\_STK GED

CENTER OF BATTERY

## Index Map



This map was created by L. Ireland in WIMAS on 6/22/2016



PROPOSED CHANGE IN PO - FILE NO. 11170

Farm 9

33140 NW023140 NE023140 NW013140 NE013140

33140 SW023140 SE023140 SW013140 SE013140

NW113140 NE113140 NW123140 NE123140

SE113140 SW123140 SE123140

11170 - Irr Eugene Shore

11170 - Stockwater Seaboard Foods

9 House

19548 - Irr Thomas Rottinghaus

WATER RESOURCES RECEIVED  
JAN 25 2016  
KS DEPT OF AGRICULTURE

SCANNED

