

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

Document Signature DWB

1. File Number: <b>13484-D1</b>	2. Status Change Date: <i>12/12/2016</i>	3. Change Num: <b>C3</b>	4. Field Office: <b>4</b>	5. GMD: <b>01</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>1/26/2016</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>1</b>	8c. Landowner(s) New to system <input type="checkbox"/>  <b>SEABOARD FOODS LLC 9000 W 67TH ST STE 200 SHAWNEE MISSION KS 66202</b>	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>MAPLE CREEK FARMS LLC ERM DEPARTMENT 2801 HURLIMAN RD GUYMON OK 73942</b>  <b>MAPLE CREEK FARMS IS A DIVISION OF SEABOARD FARMS LLC</b>		Person ID <b>53512</b> Add Seq# _____	8d. WUC New to system <input type="checkbox"/>  <b>MAPLE CREEK FARMS LLC ERM DEPARTMENT 2801 HURLIMAN RD GUYMON OK 73942</b>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/17</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/2016</u>				
<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>11/30/2016</b> By: <b>LI</b> Date Entered: <i>12/12/2016</i> By: <i>UM</i>				

File No. **13484-D1**      11. County: **SC**      Basin: **ARKANSAS RIVER**      Stream: **NA**      Formation Code: **211**      Special Use: **NA**

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity MGY	Rate gpm	Quantity MGY	
CK 18322		SW SW SW	28	20	32W	1	582	5078	STANDBY WELL					13484-D2
CK 76790		SW SW SW	28	20	32W	5	632	5078	STANDBY WELL					13484-D2
MOD 9100		SW SE SW	28	20	32W	2	239	3805	BATT 1 OF 2 - ( BAT ID2002 )					13484-D2
MOD 64535		SW SE SW	28	20	32W	4	235	3859	BATT 1 OF 2 - ( BAT ID2002 )					13484-D2
ENT 85792		SW SE SW	28	20	32W		237	3832	GEO CTR ( BAT ID2002 )	113	20MGY	113	20.000 MGY	

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 \_\_\_\_\_

16. Place of Use T MOD DEL ENT	PUSE	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:

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

File Number: 13,484-D1

FO: 4

GMD: 1

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
STK	9/9/2016	149	GMD 1	Battery of Wells	Conversion to a Battery
Rule Number	Date Granted	Date Denied	Justification:	The wells meet the definition of a battery, and have requested the quantity and rate not be reduced to allow the peak demands needed for the safe operation of the facility. The area is closed to new appropriations, but the application appears to meet the criteria for a new application. No new wells will be drilled. Groundwater Management District No. 1 recommended approval with a waiver.	
K.A.R. 5-21-5	12/12/2016				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
149	GMD 1	Battery of Wells	Conversion to a Battery	K.A.R. 5-21-5	9/22/2000	

Date Prepared 12/5/2016 By LI

Date Entered 12/12/2016 By UM



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**WAIVER OF REGULATION**  
**K.A.R. 5-21-5 Battery of Wells**

Date: 12/12/10

RE: Water Right, File No. 13,484-D1

1. That the regulation K.A.R. 5-21-5 (c) &(d) adopted by Groundwater Management District No. 1, allows a change in point of diversion to a battery of wells provided the annual maximum rate and quantity not exceed an average of the actual use in the three previous years and the application for change meet the criteria for approval of a new application.
2. That the application to change the point of diversion has been requested to preserve the maximum annual water use at a swine facility. The January 26, 2016, application for change under the referenced file request that the existing primary well and four(4) standby wells be authorized as a battery of two (2) wells and two(2) standby wells with a waiver of regulation for the proposed battery.
3. That the wells which will comprise the battery are located 50 feet apart and meet the definition of a battery; the right is authorized a maximum rate of 133 gallons per minute for the diversion of 20 million gallons (61.38 acre-feet) per year for stockwatering use.
4. The Board of Groundwater Management District No. 1, has recommended approval of the application for change and supports the requested waiver of regulation.
5. That because no new wells will be drilled, there will be no increase in the authorized rate or quantity, 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 cursive script that reads "David W. Barfield".

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: December 1, 2016

FROM: Leslie Ireland

RE: Water Right, File No. 13,484-D1

Stephen Summerlin, VP Live Production for Seaboard Foods LLC, owner of the referenced file, authorized for stockwatering use, has filed an application for approval to change the point of diversion. The application was received in the office of the Chief Engineer on January 25, 2016, proposed to change the existing wells from one(1) primary and four(4) standby wells to two(2) primary wells with one being an additional well and three (3) standby wells. 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 and three(3) standby wells. The owner accepted the modification to the proposed change on August 8, 2016.

The referenced water right appears 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 133 gallons per minute(gpm) for the diversion of 20 million gallons (61.7 acre-feet) for use at a swine facility located in the East Half of the Northwest Quarter (E½ NW¼) of Section 28, Township 20 Range 32 West, Scott County. It is located within the boundaries of the Western Kansas Groundwater Management District No. 1. The points of diversion overlap with a primary and standby wells authorized under File No. 13,484-D2. The wells authorized under File No. 13,484-D2, serve a different place of use and are held by a different entity of Seaboard Foods LLC.

The owner indicated the reason for the operation change was the want to preserve the rights and the ability to meet peak stockwatering demands. There does not appear to be an expansion of the facility or operations, but they might have had times when the weather causes extreme heat and additional cooling might be needed.

The location of some of the wells was determined by a Compliance Investigation completed by DWR staff in September 2016. The actual change in point of diversion to the geographic center of the battery of two (2) 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 SW¼ SE¼ SW¼ approximately 218 feet North and 3,729 feet West of the Southeast corner of Section 28, Township 20 South, Range 32 West, Scott County. A Findings and Order has been completed to update the overlapping well locations of File No. 13,484-D2.

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 a proposed additional well. The physical attributes of the wells authorized by the referenced file has complied with K.A.R. 5-1-1, Definitions, (n) *Battery of wells* since the changes in use made of water approved in 1999 and 2009. It has been recommended and requested to authorized the existing wells as a battery of two(2) wells with **parts (c) & (d) of K.A.R. 5-21-5, Battery of wells, waived**. The quantity and rate reported for the last three years appears to be at reduced to levels and reducing to these levels would negate the needed change. The Groundwater Management District No. 1 area is closed, and the proposed geographic center does not appear to meet a safe yield analysis.

The requested move of 54 feet to create the geographic center precludes 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.

There are only the standby and primary wells of File No. 13,484-D2 located within one-half (1/2) mile of the proposed geographic center of the battery. These wells are also owned by an entity of the applicant. There doesn't appear to be any domestic wells in the area. No comment or notification letters were sent.

Western Kansas Groundwater Management District No. 1 was sent a request for recommendation on the proposed change. In a letter dated November 16, 2016, Kyle Spencer, District Manager, indicated the Board recommended approval of the proposed change with a waiver of K.A.R. 5-21-5.

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 as in previous approvals. 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 there is 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. 5-21-5 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, it is recommended that the referenced application be approved.

Leslie Ireland  
Environmental Scientist  
Change Application Unit

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 13, 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. 13,484-D1

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.

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 contact 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. 1  
Rennie Jackson, Env Eng Manager, Seaboard Foods LLC



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. 13,484-D1**

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, and its division Maple Creek Farms, 9000 W 67th Street, Suite 200, Shawnee Mission, Kansas 66202, received in this office on January 26, 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 Orders of the Chief Engineer dated March 6, 2000 and August 3, 2009, approving the applications to change the authorized points of diversion and use made of water, and by the Findings and Order of the Chief Engineer dated August 4, 2009, which administratively divided Water Right, File No. 13,484, 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) **primary 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 28, more particularly described as being near a point 237 feet North and 3,832 feet West of the Southeast corner of said section, at a diversion rate not in excess of 113 gallons per minute (0.25 c.f.s) and in a quantity not to exceed 20.00 million gallons (61 acre-feet) of water per calendar year, and

one (1) **standby well** located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 582 feet North and 5,078 feet West of the Southeast corner of said section, and

one (1) **standby well** located in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 632 feet North and 5078 feet West of the Southeast corner of said section,

all in Township 20 South, Range 32 West, Scott 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.

The well described herein as the standby well shall be used exclusively at such time well described herein as the primary well is inoperable due to mechanical, maintenance or power failure. That the primary and standby well shall not be operated at the same time, unless one of the wells is being operated for maintenance, testing, fire protection, or a similar reason. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.



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. 13,484, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 19, 1981, 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.

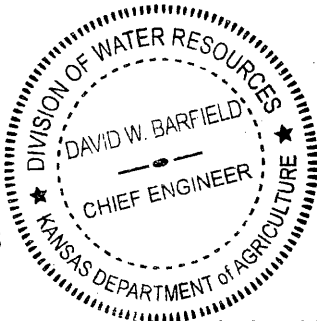
Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, 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 12<sup>th</sup> day of December, 2016, at Topeka, Shawnee County, Kansas.

State of Kansas )  
County of Riley ) SS



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

The foregoing instrument was acknowledged before me this 12<sup>th</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 3<sup>rd</sup> day of December, 2016, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Water Right, File No. 13,484-D1, dated December 12, 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

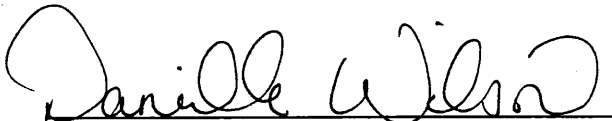
With a True and Correct copy to:

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. 1

  
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

8:22  
JAN 26 2016

JAN 25 2016  
UNACCEPTABLE FOR PRIORITY  
KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

File No. 13484 D1

2. Name of applicant: Seaboard Foods LLC AKA MAPLE CREEK FARMS - LLC (X)

Address: 9000 W 67th Street, Suite 200

City, State and Zip: Shawnee Mission, KS 66202

Phone Number: (913) 216-2600 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: 201 - HULLMAN RD

City, State and Zip: GUYMON OK 73942

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 1 Meets K.A.R. 5-5-1 (YES/NO) Use STK Source GS County SC By ASW Date 1/26/16  
Code LLT Fee \$ 100 TR # 16025194 Receipt Date 1/15/16 Check # VISA

(X) LI/DWR  
11/30/16

SCANNED

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

1/27/2016 LCM

4. The presently authorized place of use is:

Owner of Land — NAME: Seaboard Foods, LLC

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	
28	20S	32W					X			X			X						swine operation

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 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 RECEIVED

JAN 26 2016

JAN 25 2016

SCANNED

- 6. The presently authorized point(s) of diversion are one primary & three standby wells for stockwatering use.  
(Provide description and number of points)
- 7. The proposed point(s) of diversion are a battery comprised of two wells and two standby wells for stockwatering use.  
(Provide description and number of points)

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

8. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SE Quarter of the SW Quarter of Section 28, Township 20 South, Range 32 (W), in MOBTON SCOTT County, Kansas, 218 feet North 3704 feet West of Southeast corner of section. Authorized Rate 113 Authorized Quantity 20 mgv **PRIMARY WELL**  
 (DWR use only: Computer ID No. 2 GPS 239 feet North 3805 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 SW Quarter of Section 28, Township 20 South, Range 32 (W), in SCOTT County, Kansas, 218 feet North 3704 feet West of Southeast corner of section. Proposed Rate \_\_\_\_\_ Proposed Quantity 3805  
 This point is: 1 OF 2 WELLS OF BATTERY OF WELLS List other water rights that will use this point 13484-D2 STK STANDBY

9. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SE Quarter of the SW Quarter of Section 28, Township 20 South, Range 32 (W), in SCOTT County, Kansas, 218 feet North 3754 feet West of Southeast corner of section. Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ **SANDBY WELL**  
 (DWR use only: Computer ID No. 4 GPS 235 feet North 3859 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 SW Quarter of Section 28, Township 20 South, Range 32 (W), in SCOTT County, Kansas, 218 feet North 3754 feet West of Southeast corner of section. Proposed Rate \_\_\_\_\_ Proposed Quantity 3859  
 This point is: 1 OF 2 WELLS OF BATTERY OF WELLS List other water rights that will use this point 13484-D2 STK STANDBY

10. **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 \_\_\_\_\_  
 (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 28, Township 20 South, Range 32 (W), in SCOTT County, Kansas, 218 feet North 3729 feet West of Southeast corner of section. Proposed Rate 113 Proposed Quantity 20 mgv (61.38 AF)  
 This point is: GEO CENTER OF A BATTERY OF TWO WELLS List other water rights that will use this point NONE

- 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 LISTING OF ADDITIONAL STANDBY WELLS FOR STOCKWATERING USE.

AUG 10 2016

SCANNED

11/26/16  
 COMPLIANCE  
 CHECK  
 11/26/16  
 COMPLIANCE CHECK

SW \* LI/aw  
 11/29/16

cm  
 8-8-16

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 13,484-D1

**Presently authorized point of diversion:**  
 One in the SW Quarter of the SW Quarter of the SW Quarter of Section 28, Township 20 South, Range 32 (W), in SCOTT County, Kansas, 582 feet North 5078 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. 1 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed **STANDBY STOCKWATERING USE**

**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 \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 13,484-D2 STANDBY STOCKWATERING USE

**Presently authorized point of diversion:**  
 One in the SW Quarter of the SW Quarter of the SW Quarter of Section 28, Township 20 South, Range 32 (W), in SCOTT County, Kansas, 632 feet North 5078 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. 5 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed **STANDBY STOCKWATERING USE**

**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 \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 13,484-D2 PRIMARY STOCKWATERING USE

**Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:

**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 \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

WATER RESOURCES RECEIVED

AUG 10 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED  
 AUG 01 2016  
 KS DEPT OF AGRICULTURE

SCANNED

*CM 8/21/16*

12. The presently authorized use of water is for STK \_\_\_\_\_ 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 OF DIVERSION. THE PLACE OF USE AND 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.

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.

WATER RESOURCES  
RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

AUG 10 2016

SCANNED

CM  
8-8-16

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) \_\_\_\_\_

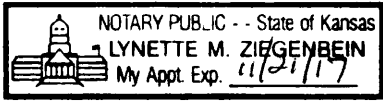
\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

\_\_\_\_\_  
(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

**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	WATER RESOURCES RECEIVED
SCANNED JAN 26 2016	JAN 25 2016
KS DEPT OF AGRICULTURE	KS DEPT OF AGRICULTURE



**Ireland, Leslie**

---

**From:** Meyer, Mike  
**Sent:** Wednesday, November 30, 2016 8:05 AM  
**To:** Ireland, Leslie  
**Subject:** RE: Recommendation for Change in PD, File No. 13,484-D1 Seaboard

I recommend approval

*Mike*

---

**From:** Ireland, Leslie  
**Sent:** Tuesday, November 29, 2016 1:57 PM  
**To:** Meyer, Mike <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>  
**Subject:** Recommendation for Change in PD, File No. 13,484-D1 Seaboard

Mike,

Please let me know if you could recommend this change 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)

Water Rights and Points of Diversion Within .75 miles of point defined as:  
 218 ft N and 3729 ft W of the SE Corner of Section 28, T 20S, R 32W  
 Located at: 100.862387 West Longitude and 38.280033 North Latitude  
 GROUNDWATER ONLY

PROPOSED BATTERY OF WELLS  
 (ID 234)-

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Tw	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A_ 13484	D1	STK	NK	G*	1397	--	SW	SW	SW	582	5078	28	20	32W	1		.00	.00	AF
Same					25	--	SW	SE	SW	218	3704	28	20	32W	2		61.38	61.38	AF
Same					25	--	SW	SE	SW	218	3754	28	20	32W	4		.00	.00	AF
Same					1411	--	SW	SW	SW	632	5078	28	20	32W	5		.00	.00	AF
A_ 13484	D2	STK	NK	G	1397	--	SW	SW	SW	582	5078	28	20	32W	1		.00	.00	AF
Same					25	--	SW	SE	SW	218	3704	28	20	32W	2		.00	.00	AF
Same					25	--	SW	SE	SW	218	3754	28	20	32W	4		.00	.00	AF
Same					1411	--	SW	SW	SW	632	5078	28	20	32W	5		61.38	61.38	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	122.76	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	122.76	.00

- 50' Between wells -

An \* after the source of supply indicates a pending application for change for the file number.  
 An \* after the ID indicates a 15 AF exemption was granted for the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within .75 miles of point defined as:  
 100.862387 West Longitude and 38.280033 North Latitude  
 GROUNDWATER ONLY  
 WATER USE CORRESPONDENTS:

File Number	Use	ST	SR	
A_ 13484	D1	STK	NK	G
>	MAPLE CREEK FARMS LLC			
>	ERM DEPARTMENT			
>	2801 HURLIMAN RD			
>	GUYMON OK 73942			
-----				
A_ 13484	D2	STK	NK	G
>	PRAIRIE PORK LLC			
>	BARBARA SMITH			
>	140 HEREFORD RD			
>	RYE CO 81069			
-----				

9/16 GPS UPDATE OF WELL LOCATIONS -

239	3805	
235	3859	
<u>237</u>	<u>3832</u>	GEO CTR

JUSTIFICATION - WATER USAGE

13484-D1

REC NOV 1999

**Summary of Water Uses**

Commercial Finisher - Wasinger

<u>Drinking Water</u>	<u>Total Gallons</u>
Commercial Finisher	11,894,857

<u>Total Flush Water</u>	<u>11,894,857</u>
--------------------------	-------------------

<u>Drinking</u>	<u># Head</u>	<u>Gallons/day</u>	<u>Total Gallons</u>
Breeding/Gestation	0	5	0
Gestation	0		
Farrowing	0	5	0
Finishing	21,600	3	23,852,000
Nursery	0		0
<u>Total Drinking Water</u>	<u>21600</u>		<u>23,852,000</u>

Flush Water	11,894,857
Drinking Water	23,852,000
	<u>35,546,857</u>
Miscellaneous 10%	3,554,686
	<u>39,101,543</u>

Conversion to Acre Feet      120.00

# Company Data Sheet Report

FILE No. 13484-D1

Company Name: Maple Creek Farms, LLC

Short Name:

## Company Info

Address1: 9000 West 67th Street, Suite 300  
Address2:  
City, State, Zip: Merriam Kansas 66202  
Country: USA  
Phone:  
Fax:

Division: Seaboard Foods Division  
Corp Oversight:  
Status: Active  
Date: 7/18/2012  
Website:

Date Of: 12/15/1998  
Jurisdiction: Kansas  
Duration Perpetual Exp Date: 12/31/2048  
Federal ID Number: 48-1209147  
Organizational: a Limited Liability Company  
Former Name: None

Qualified State: Kansas (D) Qualification Date: Withd

Start Date End Date

## Locations

Of Corp Seal:

Address1:  
Address2:  
City, State,  
Country  
Phone  
Fax:

Of Corp Records: Seaboard Corporation

Address1: Attn: Legal Affairs  
Address2: 9000 West 67th Street, Suite 300  
City, State, Merriam KS 66202  
Country: USA  
Phone  
Fax:

## Company Managers

Type: Director

Name: Robert L. Steer (\*)  
Company: Seaboard Corporation  
Address1: 9000 West 67th Street, Suite 300  
Address2:  
City, State Zip: Merriam, KS 66202  
Country  
Email: [mailto:bob\\_steer@seaboardcorp.com](mailto:bob_steer@seaboardcorp.com)

Title: Director  
Title  
Title  
Elected: 8/10/2009  
Term Ended  
Phone: (913) 676-8833  
Fax: (913) 676-8976

Type: Director

Name: Steven J. Bresky (\*)  
Company: Seaboard Corporation  
Address1: 9000 West 67th Street, Suite 300  
Address2:  
City, State Zip: Merriam, KS 66202-3698  
Country: USA  
Email: [mailto:steve\\_bresky@seaboardcorp.com](mailto:steve_bresky@seaboardcorp.com)

Title: Director  
Title  
Title  
Elected: 8/10/2009  
Term Ended  
Phone: (913) 676-8931  
Fax: (913) 676-8868

Friday, November 16, 2012

Page 1 of 6

WATER RESOURCES  
RECEIVED

NOV 29 2016

KS DEPT OF AGRICULTURE

~~APPROVED~~  
David W. Barfield, PE.

~~NOV 29 2016~~

~~Chief Engineer  
Division of Water Resources  
Kansas Dept. of Agriculture~~

SCANNED

Name Terry J. Holton (\*)  
Company: Seaboard Foods LLC  
Address1: 9000 West 67th Street  
Address2:  
City, State Zip: Merriam, KS 66202  
Country  
Email [mailto:terry\\_holton@seaboardpork.com](mailto:terry_holton@seaboardpork.com)

Title President  
Title  
Title  
Elected 4/23/2012  
Term Ended  
Phone (913) 261-2650  
Fax: (913) 261-2626

**Type: Officer**

Name Zachery J. Holden, Esq. (\*)  
Company: Seaboard Corporation  
Address1: 9000 West 67th Street  
Address2: Suite 300  
City, State Zip: Merriam, Kansas 66202-3700  
Country U.S.A.  
Email [mailto:zach\\_holden@seaboardcorp.com](mailto:zach_holden@seaboardcorp.com)

Title Assistant Secretary  
Title  
Title  
Elected 8/10/2009  
Term Ended  
Phone (913) 676-8939  
Fax: (913) 676-8978

**Type: Former Officer**

Name James C. Hicks  
Company: Maple Creek Management, Inc.  
Address1: 7500 College Blvd.  
Address2:  
City, State Zip: Overland Park, KS 66210  
Country  
Email <mailto:>

Title Manager  
Title  
Title  
Elected  
Term Ended 8/8/2009  
Phone  
Fax:

**Type: Officer**

Name Stephen G. Summerlin (\*)  
Company: Seaboard Foods LLC  
Address1: 9000 West 67th Street  
Address2:  
City, State Zip: Merriam, KS 66202  
Country  
Email [mailto:stephen\\_summerlin@seaboardpork.com](mailto:stephen_summerlin@seaboardpork.com)

Title Vice President  
Title  
Title  
Elected 8/10/2009  
Term Ended  
Phone (913) 261-2611  
Fax: (913) 261-2626

**Type: Former Officer**

Name Rodney K. Brenneman  
Company: Seaboard Foods LLC  
Address1: 9000 West 67th Street, Suite 200  
Address2:  
City, State Zip: Merriam, KS 66202  
Country  
Email [mailto:rod\\_brenneman@seaboardpork.com](mailto:rod_brenneman@seaboardpork.com)

Title President  
Title  
Title  
Elected 8/10/2009  
Term Ended 4/23/2012  
Phone (913) 261-2603  
Fax: (913) 261-2626

**Type: Officer**

Name Robert L. Steer (\*)  
Company: Seaboard Corporation

Title Vice President  
Title Treasurer

WATER RESOURCES  
RECEIVED

NOV 29 2016

KS DEPT OF AGRICULTURE

6/30/200 Misc. Maple Creek Farms LLC/2009-0630 Assignment-BillOfSale(Bauer).pdf  
 Discussion Assignment and Bill of Sale - Agreement among William E. Bauer, Kathryn A. Bauer and Seaboard Foods, in which the Bauers agree to sell their 54.29% membership interest in  
 And Maple Creek to Seaboard Foods.

6/30/200 Misc. Maple Creek Farms LLC/2009-0630 SaleAgreement(Melber).pdf  
 Discussion Sale Agreement - Agreement among Lance Melber; Seaboard Foods; and Seaboard Corporation, whereby Melber agrees to sell 40.03% membership interest in Maple Creek to  
 And Seaboard Foods.

6/30/200 Misc. Maple Creek Farms LLC/2009-0630 Assignment-BillOfSale(Melber).pdf  
 Discussion Assignment and Bill of Sale - Agreement between Lance Melber and Seaboard Foods in which Melber agrees to sell 40.03% membership interest in Maple Creek to Seaboard  
 And Foods.

8/8/2009 Written Maple Creek Farms LLC/2009-0808 SoleMemUnanCons.pdf  
 Discussion Removal of Maple Creek Management as manager of Company and replacement with Seaboard Foods LLC as Manager.  
 And

8/7/2009 Bylaws- Maple Creek Farms LLC/2009-0807 Amended-RestatedOperatingAgr.pdf  
 Discussion Amended and Restated Operating Agreement  
 And

9/2/2009 Articles of Maple Creek Farms LLC/2009-0902 ArtsOfOrg.pdf  
 Discussion Change of Registered Agent  
 And

9/8/2009 Articles of Maple Creek Farms LLC/2009-0908 AmendedArtsOfOrg.pdf  
 Discussion Amended and Restated Articles of Organization  
 And

8/10/200 Written Maple Creek Farms LLC/2009-0810 SoleMemCons.pdf  
 Discussion Election of directors  
 And

8/10/200 Written Maple Creek Farms LLC/2009-0810 DirCons.pdf  
 Discussion Election of officers; designation of KPMG as auditor.  
 And

**Company Ownership**

Authorized Capital	921,000	Issued Capital	921,000	Seaboard's % Interest:	100.00 %
<b>Direct</b>					
Typ	Holder			# Of	% Interest
Member	Seaboard Foods LLC			0	54.29 %
Cert	0 Nominee	Stock			

Friday, November 16, 2012

Safe WATER RESOURCES RECEIVED  
 WATER RESOURCES RECEIVED  
 NOV 29 2016 NOV 28 2016  
 KS DEPT OF AGRICULTURE KS DEPT OF AGRICULTURE

SCANNED

Comme					
<b>Member</b>	<b>Seaboard Foods LLC</b>			<b>0</b>	<b>40.03 %</b>
Cert	0 Nominee	Stock	Safe		
Comme					
<b>Member</b>	<b>Seaboard Foods LLC</b>			<b>0</b>	<b>5.68 %</b>
Cert	0 Nominee	Stock	Safe		
Comme					

**Direct Subsidiaries:**

Typ	Compan			# Of	% Interest
	<b>None</b>			<b>0</b>	<b>0.00 %</b>
Cert	0 Nominee	Stock	Safe		
Comme					

**Company Other**

Nature Of Business: **Grow-out farms operations**

Remarks: **Purchased majority interest on June 30, 2009; and remaining interest on August 7, 2009.**

Address1: 9000 West 67th Street, Suite 300  
Address2:  
City, State Zip: Merriam, KS 66202  
Country  
Email [mailto:bob\\_steer@seboardcorp.com](mailto:bob_steer@seboardcorp.com)

Title  
Elected 8/10/2009  
Term Ended  
Phone (913) 676-8833  
Fax: (913) 676-8976

**Type: Officer**

Name David M. Becker, Esq. (\*)  
Company: Seaboard Corporation  
Address1: 9000 West 67th Street  
Address2:  
City, State Zip: Merriam, KS 66202  
Country USA  
Email [mailto:david\\_becker@seboardcorp.com](mailto:david_becker@seboardcorp.com)

Title Vice President  
Title Secretary  
Title  
Elected 8/10/2009  
Term Ended  
Phone (913) 676-8925  
Fax: (913) 676-8978

**Type: Officer**

Name Steven J. Bresky (\*)  
Company: Seaboard Corporation  
Address1: 9000 West 67th Street, Suite 300  
Address2:  
City, State Zip: Merriam, KS 66202-3698  
Country USA  
Email [mailto:steve\\_bresky@seboardcorp.com](mailto:steve_bresky@seboardcorp.com)

Title Vice President  
Title  
Title  
Elected 8/10/2009  
Term Ended  
Phone (913) 676-8931  
Fax: (913) 676-8868

**Company Management**

Fiscal 12/31/2011 Last Annual Meeting

DirectorsQuorum

**Registered Agent**

Company Corporation Service Company  
Address1: 2900 SW Wanamaker Drive, Suite 204  
Address2:  
City, State, Topeka KS 66614  
Country:  
Phone  
Fax:  
Contact:  
Email: <mailto:>

**Legal Counsel**

Company  
Address1:  
Address2:  
City, State,  
Country:  
Phone  
Fax:  
Contact:  
Email: <mailto:>

**Auditor**

Company  
Address1  
Address2  
City, State, Zip  
Country

Phone:  
Fax:  
Contact:  
Email:

**Company Minute Book**

Date S/D Typ Keyword  
12/15/19 Articles of

Link  
[Maple Creek Farms LLC/1998-1215  
ArtsofOrg.pdf](#)

Friday, November 16, 2012

Page 3 of 6

WATER RESOURCES  
RECEIVED  
NOV 29 2016  
KS DEPT OF AGRICULTURE

~~WATER RESOURCES  
RECEIVED  
NOV 28 2016  
KS DEPT OF AGRICULTURE~~

SCANNED





# Company Data Sheet Report

Company Name: Maple Creek Farms, LLC

Short Name:

## Company Info

Address1: 9000 West 67th Street, Suite 300  
Address2:  
City, State, Zip: Merriam Kansas 66202  
Country: USA  
Phone:  
Fax:

Division: Seaboard Foods Division  
Corp Oversight:  
Status: Active  
Date: 7/18/2012  
Website:

Date Of: 12/15/1998  
Jurisdiction: Kansas  
Duration Perpetual Exp Date: 12/31/2048  
Federal ID Number: 48-1209147  
Organizational: a Limited Liability Company  
Former Name: None

Qualified State: Kansas (D) Qualification Date: Withd

Start Date End Date

## Locations

### Of Corp Seal:

Address1:  
Address2:  
City, State,  
Country  
Phone  
Fax:

### Of Corp Records: Seaboard Corporation

Address1: Attn: Legal Affairs  
Address2: 9000 West 67th Street, Suite 300  
City, State, Merriam KS 66202  
Country: USA  
Phone  
Fax:

## Company Managers

### Type: Director

Name: Robert L. Steer (\*)  
Company: Seaboard Corporation  
Address1: 9000 West 67th Street, Suite 300  
Address2:  
City, State Zip: Merriam, KS 66202  
Country  
Email: [mailto:bob\\_steer@seaboardcorp.com](mailto:bob_steer@seaboardcorp.com)

Title: Director  
Title  
Title  
Elected: 8/10/2009  
Term Ended  
Phone: (913) 676-8833  
Fax: (913) 676-8976

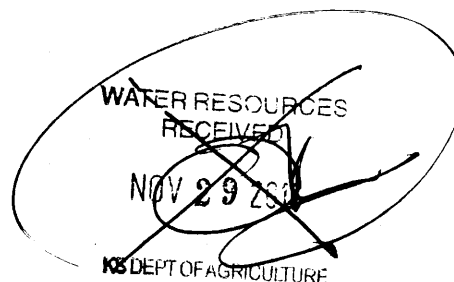
### Type: Director

Name: Steven J. Bresky (\*)  
Company: Seaboard Corporation  
Address1: 9000 West 67th Street, Suite 300  
Address2:  
City, State Zip: Merriam, KS 66202-3698  
Country: USA  
Email: [mailto:steve\\_bresky@seaboardcorp.com](mailto:steve_bresky@seaboardcorp.com)

Title: Director  
Title  
Title  
Elected: 8/10/2009  
Term Ended  
Phone: (913) 676-8931  
Fax: (913) 676-8868

Friday, November 16, 2012

Page 1 of 6



SCANNED

Name Terry J. Holton (\*)  
Company: Seaboard Foods LLC  
Address1: 9000 West 67th Street  
Address2:  
City, State Zip: Merriam, KS 66202  
Country  
Email [mailto:terry\\_holton@seaboardpork.com](mailto:terry_holton@seaboardpork.com)

Title President  
Title  
Title  
Elected 4/23/2012  
Term Ended  
Phone (913) 261-2650  
Fax: (913) 261-2626

**Type: Officer**

Name Zachery J. Holden, Esq. (\*)  
Company: Seaboard Corporation  
Address1: 9000 West 67th Street  
Address2: Suite 300  
City, State Zip: Merriam, Kansas 66202-3700  
Country U.S.A.  
Email [mailto:zach\\_holden@seaboardcorp.com](mailto:zach_holden@seaboardcorp.com)

Title Assistant Secretary  
Title  
Title  
Elected 8/10/2009  
Term Ended  
Phone (913) 676-8939  
Fax: (913) 676-8978

**Type: Former Officer**

Name James C. Hicks  
Company: Maple Creek Management, Inc.  
Address1: 7500 College Blvd.  
Address2:  
City, State Zip: Overland Park, KS 66210  
Country  
Email <mailto:>

Title Manager  
Title  
Title  
Elected  
Term Ended 8/8/2009  
Phone  
Fax:

**Type: Officer**

Name Stephen G. Summerlin (\*)  
Company: Seaboard Foods LLC  
Address1: 9000 West 67th Street  
Address2:  
City, State Zip: Merriam, KS 66202  
Country  
Email [mailto:stephen\\_summerlin@seaboardpork.com](mailto:stephen_summerlin@seaboardpork.com)

Title Vice President  
Title  
Title  
Elected 8/10/2009  
Term Ended  
Phone (913) 261-2611  
Fax: (913) 261-2626

**Type: Former Officer**

Name Rodney K. Brenneman  
Company: Seaboard Foods LLC  
Address1: 9000 West 67th Street, Suite 200  
Address2:  
City, State Zip: Merriam, KS 66202  
Country  
Email [mailto:rod\\_brenneman@seaboardpork.com](mailto:rod_brenneman@seaboardpork.com)

Title President  
Title  
Title  
Elected 8/10/2009  
Term Ended 4/23/2012  
Phone (913) 261-2603  
Fax: (913) 261-2626

**Type: Officer**

Name Robert L. Steer (\*)  
Company: Seaboard Corporation

Title Vice President  
Title Treasurer

WATER RESOURCES  
RECEIVED

NOV 20 2016

KS DEPT OF AGRICULTURE

Address1: 9000 West 67th Street, Suite 300  
Address2:  
City, State Zip: Merriam, KS 66202  
Country  
Email [mailto:bob\\_steer@seboardcorp.com](mailto:bob_steer@seboardcorp.com)

Title  
Elected 8/10/2009  
Term Ended  
Phone (913) 676-8833  
Fax: (913) 676-8976

**Type: Officer**

Name David M. Becker, Esq. (\*)  
Company: Seaboard Corporation  
Address1: 9000 West 67th Street  
Address2:  
City, State Zip: Merriam, KS 66202  
Country USA  
Email [mailto:david\\_becker@seboardcorp.com](mailto:david_becker@seboardcorp.com)

Title Vice President  
Title Secretary  
Title  
Elected 8/10/2009  
Term Ended  
Phone (913) 676-8925  
Fax: (913) 676-8978

**Type: Officer**

Name Steven J. Bresky (\*)  
Company: Seaboard Corporation  
Address1: 9000 West 67th Street, Suite 300  
Address2:  
City, State Zip: Merriam, KS 66202-3698  
Country USA  
Email [mailto:steve\\_bresky@seboardcorp.com](mailto:steve_bresky@seboardcorp.com)

Title Vice President  
Title  
Title  
Elected 8/10/2009  
Term Ended  
Phone (913) 676-8931  
Fax: (913) 676-8868

**Company Management**

Fiscal 12/31/2011 Last Annual Meeting

DirectorsQuorum

**Registered Agent**

Company Corporation Service Company  
Address1: 2900 SW Wanamaker Drive, Suite 204  
Address2:  
City, State, Topeka KS 66614  
Country:  
Phone  
Fax:  
Contact:  
Email: <mailto:>

**Legal Counsel**

Company  
Address1:  
Address2:  
City, State,  
Country:  
Phone  
Fax:  
Contact:  
Email: <mailto:>

**Auditor**

Company  
Address1  
Address2  
City, State, Zip  
Country

Phone:  
Fax:  
Contact:  
Email:

**Company Minute Book**

Date	S/D	Typ	Keyword
12/15/19		Articles of	

Link  
[Maple Creek Farms LLC/1998-1215  
ArtsofOrg.pdf](#)

Friday, November 16, 2012

Page 3 of 6

WATER RESOURCES  
RECEIVED

NOV 29 2016

KS DEPT OF AGRICULTURE

SCANNED



6/30/200 Misc. Maple Creek Farms LLC/2009-0630 Assignment-BillOfSale(Bauer).pdf  
 Discussion Assignment and Bill of Sale - Agreement among William E. Bauer, Kathryn A. Bauer and Seaboard Foods, in which the Bauers agree to sell their 54.29% membership interest in Maple Creek to Seaboard Foods.  
 And

6/30/200 Misc. Maple Creek Farms LLC/2009-0630 SaleAgreement(Melber).pdf  
 Discussion Sale Agreement - Agreement among Lance Melber; Seaboard Foods; and Seaboard Corporation, whereby Melber agrees to sell 40.03% membership interest in Maple Creek to Seaboard Foods.  
 And

6/30/200 Misc. Maple Creek Farms LLC/2009-0630 Assignment-BillOfSale(Melber).pdf  
 Discussion Assignment and Bill of Sale - Agreement between Lance Melber and Seaboard Foods in which Melber agrees to sell 40.03% membership interest in Maple Creek to Seaboard Foods.  
 And

8/8/2009 Written Maple Creek Farms LLC/2009-0808 SoleMemUnanCons.pdf  
 Discussion Removal of Maple Creek Management as manager of Company and replacement with Seaboard Foods LLC as Manager.  
 And

8/7/2009 Bylaws- Maple Creek Farms LLC/2009-0807 Amended-RestatedOperatingAgr.pdf  
 Discussion Amended and Restated Operating Agreement  
 And

9/2/2009 Articles of Maple Creek Farms LLC/2009-0902 ArtsOfOrg.pdf  
 Discussion Change of Registered Agent  
 And

9/8/2009 Articles of Maple Creek Farms LLC/2009-0908 AmendedArtsOfOrg.pdf  
 Discussion Amended and Restated Articles of Organization  
 And

8/10/2009 Written Maple Creek Farms LLC/2009-0810 SoleMemCons.pdf  
 Discussion Election of directors  
 And

8/10/2009 Written Maple Creek Farms LLC/2009-0810 DirCons.pdf  
 Discussion Election of officers; designation of KPMG as auditor.  
 And

**Company Ownership**

Authorized Capital	921,000	Issued Capital	921,000	Seaboard's % Interest:	100.00 %
<b>Direct</b>					
Typ	Holder		# Of	% Interest	
Member	Seaboard Foods LLC		0	54.29 %	
Cert	0 Nominee	Stock	Safe		

WATER RESOURCES RECEIVED

Comme						
<b>Member</b>	<b>Seaboard Foods LLC</b>				<b>0</b>	<b>40.03 %</b>
Cert	0 Nominee	Stock	Safe			
Comme						
<b>Member</b>	<b>Seaboard Foods LLC</b>				<b>0</b>	<b>5.68 %</b>
Cert	0 Nominee	Stock	Safe			
Comme						

**Direct Subsidiaries:**

Typ	Compan			# Of	% Interest
	<b>None</b>			<b>0</b>	<b>0.00 %</b>
Cert	0 Nominee	Stock	Safe		
Comme					

**Company Other**

Nature Of Business: **Grow-out farms operations**

Remarks: **Purchased majority interest on June 30, 2009; and remaining interest on August 7, 2009.**

WATER RESOURCES  
RECEIVED  
NOV 29 2016  
KS DEPT OF AGRICULTURE

# Property Detail Information



Generated: 11/29/2016 3:22:25 PM

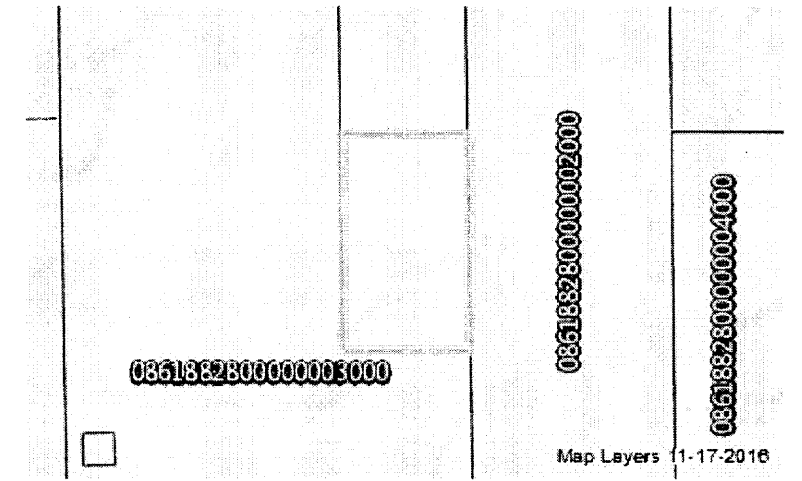
## Report for Parcel No. 086-188-28-0-00-00-003.04-0

(Quick Ref. ID R4625)

Property Physical (Situs) Address
00000 E ROAD 20, Scott City, KS 67871

Tract (Legal) Description
S28, T20, R32, ACRES 34, A TR IN TH W2 BEG 1688.63 E OF SW COR OF NW4 TH E 950 TH S 1575 TH W 950 TH N 1575 TO POB

Owner(s)	Owner Mailing Address
PRAIRIE PORK LLC - (P)	140 HEREFORD ROAD RYE, CO 81069



Property Factors	
Topography	Rolling - 4
Utilities	Well - 5 Septic - 6 Gas - 7
Access	Semi Improved Road - 2
Fronting	Secondary Street - 3
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantitiy	Adequate - 2
Parking Proximity	On Site - 3
Covered Parking	Not Available
Uncovered Parking	Not Available

Land-Based Classification	
Function	Cattle feedlot
Activity	Livestock related activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information	
Property Class	Commercial & Industrial - C
Living Units	Not Available
Zoning	Not Available
Neighborhood	200
Tax Unit Group	050

SCANNED

WATER RESOURCES RECEIVED  
NOV 29 2016  
KS DEPT OF AGRICULTURE



# Property Detail Information

LGIS vs



THOMSON REUTERS

2 of 3



Generated: 11/29/2016 3:22:25 PM

## Appraisal Information

Tax Year 2016

Tax Year

Class	Land	Building	Total
C	40,120	475,000	515,120

Class	Land	Building	Total
-------	------	----------	-------

## Deed Information

Book 1	Page 1	Book 2	Page 2	Book 3	Page 3	Book 4	Page 4
0195	0003	0191	0108				

## Market Land Information

Method	Type	AC/SF	Eff FF	Depth	DFact	Inf 1	Fact 1	Inf 2	Fact 2	Ovrd	Class	Value Est.
Site	Other Site - 8	0.00								40,120		40,120

## Other Improvements Info.

ID	Occupancy	MSCls	Rank	Qty	Yr Bld	Eff Yr	LBCS	Area	Perim	Hgt	Dim.	Stories	Phys	Funct	Econ	OVR	Ren	Cl	RCN	%Gd	Value
09	Farm Utility Building	S	2.00	1	1999			8241	484	14	201 X 41	1	1	2		0			93,371	0	0

## Other Improvements Components Info.

ID	Code	Units	Pct.	Size	Other	Rank	Year
09	No HVAC						
09	Single -Metal on Steel Frame		100				

WATER RESOURCES  
RECEIVED

NOV 29 2016

KS DEPT OF AGRICULTURE



---

WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

November 16, 2016

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program  
1320 Research Park Drive  
Manhattan, KS 66502

WATER RESOURCES  
RECEIVED  
NOV 18 2016  
KS DEPT OF AGRICULTURE

Re: Water Right File No. 13484-D1  
Seaboard Foods LLC

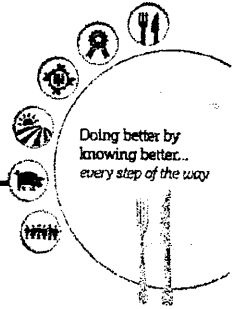
Dear Mrs. Ireland:

At the November 10<sup>th</sup> Western Ks  
Groundwater Management District #1 board meeting,  
the Board of Directors recommended approval of the  
application and to waive K.A.R. 5-21-5.

If you have any questions, please contact  
this office.

Sincerely,

Kyle Spencer  
District Manager



September 9, 2016

*By Electronic Mail and Overnight UPS Delivery*

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

Re: Waiver Request – Water Right File No. 13484 D1

Dear Mr. Meyer:

I am writing to request a waiver of K.A.R. 5-21-5 in regard to the two water wells at our Maple Creek Farm Number 644 (Wassinger) in Scott County. The water right file number is referenced above.

Seaboard Foods does not anticipate a dramatic increase in water usage after conversion of the two wells to a battery of wells, but we would like to preserve our maximum annual water use of 20 million gallons per year (“mgy”). This will allow flexibility for emergency circumstances and assure sufficient water for our animals to drink under such circumstances. In addition, our livestock operation’s normal water demands fluctuate significantly from year to year. The historical data shows our usage has been under 10 mgy the last few years, but it also shows use as high as 17 mgy within the last ten years.

A shortage of water would be hazardous to our daily operations and the health of our animals. Thus, we request a variance to allow for maintaining a maximum of 20 mgy.

We would appreciate your representation of this request in front of the Ground Water Management District 1 Board.

Please let me know if you have any questions or need further information.

Sincerely,

Jennifer Charno Nelson  
Senior Director of Environmental Affairs

*BE HQ 8/12/16 LI*

*Sent to GEFO*



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

September 7, 2016

WESTERN KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 1  
KYLE SPENCER  
PO BOX 604  
SCOTT CITY KS 67861

RE: Water Right  
File No. 13,484-D1

Dear Mr. Spencer:

In response to your September 6, 2016, E-mail, the Chief Engineer has extended, the initial time in which to submit a recommendation concerning the above referenced file.

At your request the Chief Engineer has delayed any further action until September 23, 2016.

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

LI:li

pc: Garden City Field Office  
Reenie Jackson, Seaboard Foods LLC

**FILE COPY**  
SCANNED



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

October 14, 2016

WATER RESOURCES  
RECEIVED

OCT 19 2016

KS DEPT OF AGRICULTURE

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program  
1320 Research Park Drive  
Manhattan, KS 66502

Re: Water Right File No. 13484-D1

Dear Ms. Ireland:

Due to the cancellation of our October Board Meeting because of fall harvest, we are requesting an extension for submission of recommendations on the referenced application until after our **TENTATIVELY** next scheduled meeting of November 10<sup>th</sup>.

If you have any questions or need further information, please contact us.

Sincerely,

Kyle Spencer  
District Manager

- NOV 17th -

Ks/vr

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

October 21, 2016

WESTERN KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 1  
KYLE SPENCER  
PO BOX 604  
SCOTT CITY KS 67861

RE: Water Right  
File No. 13,484-D1

Dear Mr. Spencer:

In response to your October 14, 2016, letter, the Chief Engineer has extended, the time in which to submit a recommendation concerning the above referenced file.

At your request the Chief Engineer has delayed any further action until November 17, 2016.

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, appearing to read "Leslie Ireland".

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li

pc: Garden City Field Office  
Reenie Jackson, Seaboard Foods LLC

**FILE COPY**  
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

September 16, 2016

WESTERN KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 1  
KYLE SPENCER  
PO BOX 604  
SCOTT CITY KS 67861

RE: Water Right  
File No. 13,484-D1

Dear Mr. Spencer:

In response to your September 13, 2016, E-mail, the Chief Engineer has extended, the time in which to submit a recommendation concerning the above referenced file.

At your request the Chief Engineer has delayed any further action until October 21, 2016.

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**  
SCANNED

LI:li  
pc: Garden City Field Office  
Reenie Jackson, Seaboard Foods LLC



---

WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

September 13, 2016

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program  
1320 Research Park Drive  
Manhattan, KS 66502

WATER RESOURCES  
RECEIVED

SEP 15 2016

KS DEPT OF AGRICULTURE

Re: Water Right File No. 13484-D1

Dear Ms. Ireland

Due to the cancellation of the District's September Board meeting we are requesting an extension for submission of recommendations on the referenced application until after our next scheduled meeting on October 18<sup>th</sup> 2016.

Sincerely,

Kyle Spencer  
District Manager

ks/vr



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. 13,484-D1

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

**Ireland, Leslie**

---

**From:** WKGMD <gmd1@wbsnet.org>  
**Sent:** Tuesday, September 06, 2016 3:38 PM  
**To:** Ireland, Leslie  
**Subject:** file #13484 D1

Good Afternoon Leslie,

Regarding file 13484 D1:

I'm requesting an extension to submit recommendations. Our next scheduled board meeting is Sept. 20<sup>th</sup> if it's not cancelled due to fall harvest.

We just received the application today, as it was accidently sent to GMD #3 and the 15 day recommendation period expires tomorrow. Obviously didn't have time to submit the written request via snail mail, hope this is okay.

Thanks,

Kyle Spencer  
GMD1  
Scott City, KS. 67871  
620-872-5563  
[gmd1@wbsnet.org](mailto:gmd1@wbsnet.org)

FILE COPY  
SCANNED

## Ireland, Leslie

---

**From:** Jackson, Reenie <Reenie\_Jackson@seaboardfoods.com>  
**Sent:** Monday, August 08, 2016 11:15 AM  
**To:** Ireland, Leslie  
**Subject:** RE: Water Right, Change in Point of Diversion, File No. 13,484-D1 Seaboard

Hi Leslie

We will be forwarding the go ahead as proposed today via UPS.

Thanks for all your help!

Reenie Jackson  
Seaboard Foods  
ERM Compliance Coordinator  
580-338-4926

---

**From:** Ireland, Leslie [<mailto:Leslie.Ireland@KDA.KS.GOV>]  
**Sent:** Wednesday, June 22, 2016 4:00 PM  
**To:** Jackson, Reenie  
**Subject:** Water Right, Change in Point of Diversion, File No. 13,484-D1 Seaboard

Reenie,

We have reviewed the proposed change for File No. 13,484-D1, which is requesting to add an additional well, but wanting to maintain the currently authorized rate instead of the tested rate allocated between the two existing wells. It appears the requested operation may work better if the proposed change were considered as changing the wells to a battery of two wells. This would afford the retention of all of the certified rate and operation of either well during peak conditions. It appears that the currently authorized wells meet the definition of a battery and may have historically been operated as a battery. This modification of the application for change would not be without a waiver, as the GMD does not have a specific regulation to allow this type of change and the right is complete and certified so a waiver of K.A.R. 5-2-3, Battery of wells, would be needed. The current proposal would request a waiver of KA.R. 5-5-16, Additional well.

This modification would negate the request for an additional well as the geographic center of the battery would be assigned the certified rate and quantity allowing the operation of either well at 113 gallons per minute not to exceed 113 gallons per minute when operating simultaneously for the diversion of 61.38 acre-feet (20 Million gallons) per year. The additional standby wells would remain authorized as standby wells.

Attached is the modifications to the application that we believe would be a more viable solution to the proposed change and operation of the wells under this right.

Please review the attachments and should you concur please have a representative of your company initial and date the pages, ( I hope to send a map tomorrow) and return them to me at:

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

Should you have any questions please do not hesitate to contact me.

Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture

Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@kda.ks.gov](mailto:Leslie.Ireland@kda.ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

## Ireland, Leslie

---

**From:** Jackson, Reenie <Reenie\_Jackson@seaboardfoods.com>  
**Sent:** Thursday, June 23, 2016 4:03 PM  
**To:** Ireland, Leslie  
**Subject:** RE: Water Right, Change in Point of Diversion, File No. 13,484-D1 Seaboard

**Categories:** Change pending

We received and was able to print the map!

Thanks

Reenie Jackson  
Seaboard Foods  
ERM Compliance Coordinator  
580-338-4926

---

**From:** Ireland, Leslie [<mailto:Leslie.Ireland@KDA.KS.GOV>]  
**Sent:** Thursday, June 23, 2016 3:44 PM  
**To:** Jackson, Reenie  
**Subject:** FW: Water Right, Change in Point of Diversion, File No. 13,484-D1 Seaboard

Reenie,

I had to send the map via our printer. If you don't received it, please let me know and I'll try again tomorrow. Experiencing some technical difficulties.

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

---

**From:** Ireland, Leslie  
**Sent:** Thursday, June 23, 2016 8:15 AM  
**To:** 'Jackson, Reenie'  
**Subject:** RE: Water Right, Change in Point of Diversion, File No. 13,484-D1 Seaboard

Reenie,

What it kind of boils down to is the applications should have been filled out differently. The batteries will give you the needed flexibility without the issues of the additional well regulation.

Glad Mike was able to talk with you so it wasn't a total surprise.

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

---

**From:** Jackson, Reenie [[mailto:Reenie\\_Jackson@seaboardfoods.com](mailto:Reenie_Jackson@seaboardfoods.com)]  
**Sent:** Wednesday, June 22, 2016 4:23 PM

**To:** Ireland, Leslie  
**Subject:** RE: Water Right, Change in Point of Diversion, File No. 13,484-D1 Seaboard

Hi Leslie

I will reply to both this modification and the #11170 modification. Mike Meyer has already visited about these.

I do not foresee any problems; I will review and forward to upper management.

Thanks so much!

Reenie Jackson  
Seaboard Foods  
ERM Compliance Coordinator  
580-338-4926

---

**From:** Ireland, Leslie [<mailto:Leslie.Ireland@KDA.KS.GOV>]  
**Sent:** Wednesday, June 22, 2016 4:00 PM  
**To:** Jackson, Reenie  
**Subject:** Water Right, Change in Point of Diversion, File No. 13,484-D1 Seaboard

Reenie,

We have reviewed the proposed change for File No. 13,484-D1, which is requesting to add an additional well, but wanting to maintain the currently authorized rate instead of the tested rate allocated between the two existing wells. It appears the requested operation may work better if the proposed change were considered as changing the wells to a battery of two wells. This would afford the retention of all of the certified rate and operation of either well during peak conditions. It appears that the currently authorized wells meet the definition of a battery and may have historically been operated as a battery. This modification of the application for change would not be without a waiver, as the GMD does not have a specific regulation to allow this type of change and the right is complete and certified so a waiver of K.A.R. 5-2-3, Battery of wells, would be needed. The current proposal would request a waiver of KA.R. 5-5-16, Additional well.

This modification would negate the request for an additional well as the geographic center of the battery would be assigned the certified rate and quantity allowing the operation of either well at 113 gallons per minute not to exceed 113 gallons per minute when operating simultaneously for the diversion of 61.38 acre-feet (20 Million gallons) per year. The additional standby wells would remain authorized as standby wells.

Attached is the modifications to the application that we believe would be a more viable solution to the proposed change and operation of the wells under this right.

Please review the attachments and should you concur please have a representative of your company initial and date the pages, ( I hope to send a map tomorrow) and return them to me at:

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

Should you have any questions please do not hesitate to contact me.

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

- 6. The presently authorized point(s) of diversion (is) (are) SW1/4SE1/4SW1/4 (primary) SW1/4SE1/4SW1/4 (standby) Sec. 28-32S-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:

8. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SE Quarter of the SW Quarter of Section 28, Township 20 South, Range 32W (E/W), in Scott County, Kansas, 218 feet North 3704 feet West of Southeast corner of section.  
 Authorized Rate 113 Authorized Quantity 61.38 ac-ft  
 (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 SW Quarter of Section 28, Township 20 South, Range 32W (E/W), in Scott County, Kansas, 218 feet North 3754 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 \_\_\_\_\_

9. **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 \_\_\_\_\_

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. \_\_\_\_\_

WATER RESOURCES RECEIVED  
 IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

JAN 26 2016 SCANNED  
 JAN 25 2016  
 KS DEPT OF AGRICULTURE

VOID  
 See 8/10/16 REVISION TO SECTION OF WELLS

VOID

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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VOID**  
8/10/16

(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 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 88 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 110 gpm during critical animal performance periods.

A waiver 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 88 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 110 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**

**VOID**

**WATER RESOURCES WATER RESOURCES**

**RECEIVED**

**JAN 26 2016**  
**SCANNEL**

**JAN 25 2016**



August 8, 2016

Ms. Leslie Ireland  
Environmental Scientist II  
Kansas Department of Agriculture  
Division of water Resources-Change Unit  
1320 Research Park Drive  
Manhattan KS 66502

RE: Seaboard Foods, Change in Points of Diversions, File No. 11170 and 13484 D-1

Ms. Ireland,

As instructed via electronic correspondence of June 22, 2016, enclosed are the attachments for the permit modification submitted to DWR on January 19<sup>th</sup>.

Please advise if you need any further information.

Sincerely,



Reenie Jackson  
Environmental Compliance Correspondence

Enclosures

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 66200

January 26, 2016

RE: File No. 13484 D1

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 1

SCANNED



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.

x LSI/OWR 4/22/16

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

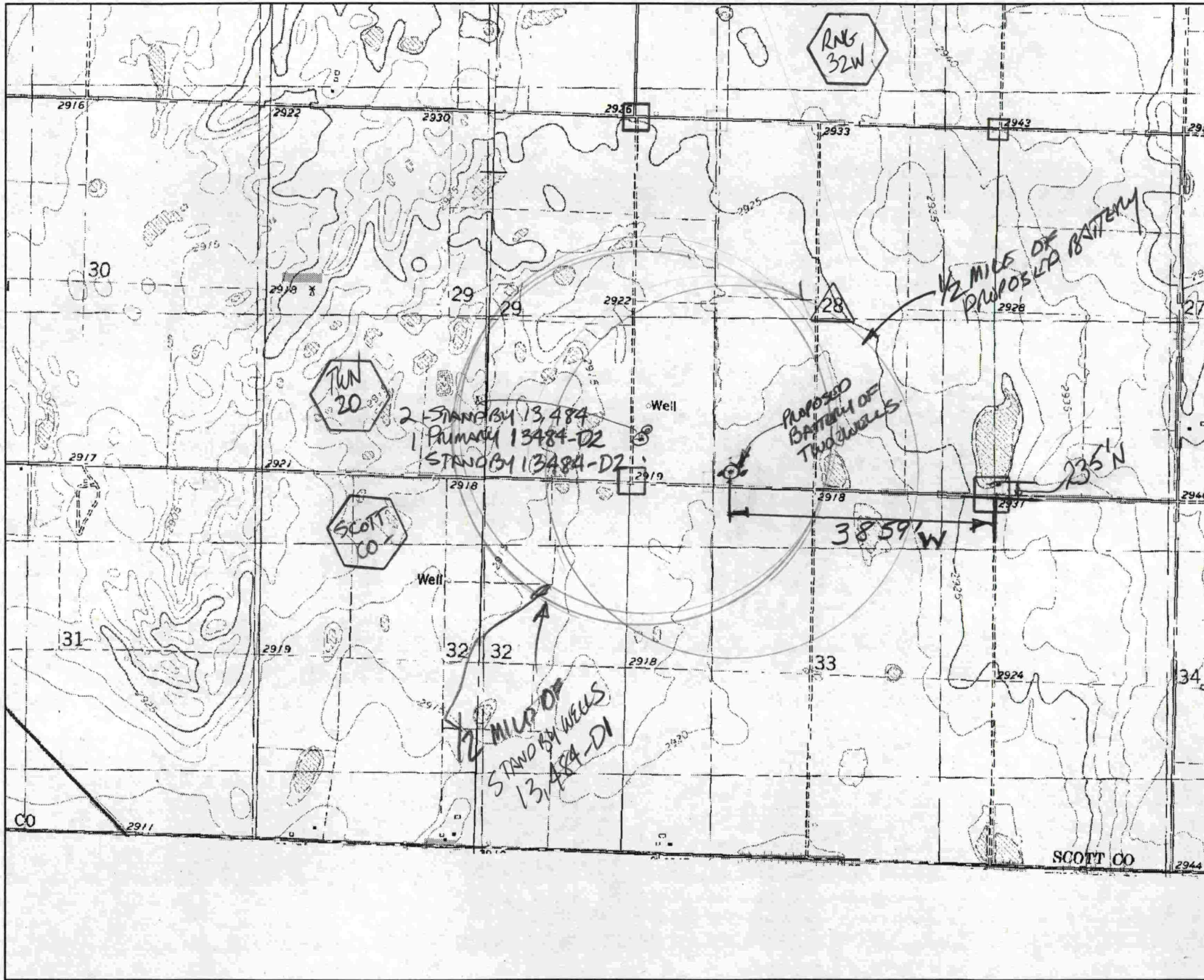
JAN 25 2016

KS DEPT OF AGRICULTURE

SCANNED

---

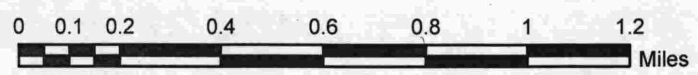
# Water Right, File No. 13484-D1 Change in Point of Diversion



Legend  
WIMAS\_PD

G\_IRR  
G-STK

Index Map



This map was created by L. Ireland in WIMAS on 6/23/16 &  
GPS-UPDATED 11/30/16-

# Farm 644 Water Well Wells

V292032

NE292032

NW282032

NE282032

NW272032

V292032

SE292032

SW282032

645

SE282032

13484D-2 Stockwater  
Prairie Pork LLC

13484D-1 Stockwater  
Seaboard Foods

WATER RESOURCES  
RECEIVED  
JAN 25 2016  
KS DEPT OF AGRICULTURE

WATER RESOURCES  
RECEIVED  
JAN 26 2016  
KS DEPT OF AGRICULTURE

SW272032

KS DEPT OF AGRICULTURE

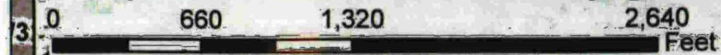
V322032

NE322032

NW332032

NE332032

NW342032



SW332032

SE332032

SW342032