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



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 ap	proval of the Chief Engineer to chan	ge the WA	TER RESOURCES RECEIVED
	X Pla	ce of Use		OCT 1 6 2017
	(Check one or more)	nt of Diversion		19:01
	⊠ Use	Made of Water	KS DE	EPT OF AGRICULTURE
		File No10,946		
2.	Name of applicant: Adsit Farmin	ng Enterprise, Inc.	APC Company, Ir	nc.
	Address: 3009 Longh	orn Drive	1197 U.S. Highwa	y 83
	City, State and Zip: <u>Lawrence</u> ,	Kansas 66049	Sublette, KS 678	77
			(620) 675-8691	
	Phone Number: (783) 842-787	6 E-mail address:	VIII AND THE PROPERTY OF THE P	
	What is your relationship to the wa	ater right; 🛛 owner 🔲 tenant 🔲	agent 🔲 other? If other, plea	ase explain.
	See, attached copy of water rig	hts deed dated December 10, 201		
		For irrigation:	For industrial us	= :
	Name of water use corresponden	: Adsit Farming Enterprise, Inc.	APC Company.	Inc.
	Address:	3009 Longhorn Drive	1197 U.S. High	way 83
	City, State and Zip:	Lawrence, Kansas 66049	Sublette, KS 67	7877
	Phone Number: (785) 842-767		(620) 675-8691	1
	rione Number (100)042-101	E-IIIali address.		
3.	The change(s) proposed herein a	re desired for the following reasons (please be specific):	
		sed its capacity and desires to add		
		of water right file no. 10,946 to cha	nge to be diverted from its we	ell for industrial use
	at its plant to supply the addition	nal water requirement.		
	The change(s) (was) (will be) com	pleted by		
			(Date)	
Fo	r Office Use Only <i>:</i> D. <u> 4 </u>	FALVER (NO) 1100 FER COURT	ce(g)/S County <u>HS</u> E	By Date 10/16/17
Co	ode C-3 Meets N.A.R. 5	ee \$ <u>_{</u>	Receipt Date <u>\0/10/17</u> C	heck # 19062
		RECEIVED I	NATER RESOURCES RECEIVED	
DW	/R 1-120 (Revised 06/16/2014)	OCT 12 2017	OCT 1 6 2017 Assisted b	y : .
		ULI # & ZUII	UCI I U ZUII	
		Garden City Field Office Division of Water Resources KS	DEPT OF AGRICULTURE	10/24/2017 LLY

4. The	e prese	ntly au	thorize	ed pla	ce of u	ıse is:		•							ı	File No	o. <u>10</u>	<u>,946 </u>	
	Owne	r of La	nd	NAM	E: _	Adsit F	armir	ng Ent	erpris	e, Inc	•		_						
			AD	DRES	is: _c	o Ma	ıry Bri	nkley,	Secre	etary	3009 I	ongh	orn D	rive, L	awre	nce, K	S 660)49	
				NE	1/4			NV				SV				SE			TOTAL ACRES
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1⁄4	NW¼	SW¼	SE1/4	NE¼	NW¼	SW1/4	SE1/4	NE1⁄4	NW¼	SW¼	SE¼	
30	28S	32W					40	36.67	36.67	40									153.34
24	28S	33W									40	40	40	40	40	40	40	40	320
_ist any	other	water r	ights t	hat co	ver th	is plac	ce of u	se. 18	3,165	and 2	21,416		_						
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List any	y other																		
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WATER RESOURCES IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY/VED

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

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

				F	ile No 10,946)
The presently a	uthorized point(s) of diversion (is) (304)	1 well and 1 pu			
				(Frovide description and numb		
The proposed p	oint(s) of divers	ion 🗱 (are) 1 well and	1 pump for irrig	ation use & 1 well and (Provide description and numb	1 pump for ind per of points)	ustrial use
List all present	ly authorized p	ooint(s) of diversion:				
Presently auth	orized point of	diversion:				
One in the	SW	Quarter of the	SW	Quarter of the	SW	Quarte
of Section	30	. Township	28S	South, Range	32	(K /W)
in Haskell	Co	unty, Kansas, 2658	feet North	4770 feet West of S	Southeast corne	er of section.
		Authorized Quantity				
				feet North	feet We	est)
		ged 🔲 This point w		·		•
			_	d) IRRIGATION USE		
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				South, Range		
				no change feet West of S		
		Proposed Quantity			outheast come	n or section.
				ts that will use this point	none	
THIS POINT IS.		Oeo Center List	Other Water right	is that will use this point	Hone	
Presently auth	orized point of	diversion:				
				Quarter of the		Quartei
				South, Range		
				feet West of S		
Authorized Rate	;	Authorized Quantity	v			
Authorized Rate (DWR use only	: Computer ID	Authorized Quantity No. G	/ iPS			
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					File No10,.946
12	The	e pre	sently authorized use of water is for _irrigation use	purposes	
			posed that the use be changed to <u>irrigation and industrial use</u>		purposes.
13.			ing the place of use and/or use made of water, describe how the c	onsumptive use will	not be increased.
	<u></u>	A.K.	5-5-10 will be applied.		
	(Ple	ase s	how any calculations here.)	240.0 # IDD	
14.	It is	reg	uested that the maximum annual quantity of water be reduced to $_$	318.9 acre-ft. IRR 40 acre-ft. IND	
					_,
15.			uested that the maximum rate of diversion of water be reduced to _ o.m. will be retained for irrigation and 40 g.p.m. will be changed		illons per minute (c.f.s.).
16.	The	app	plication must include either a topographic map or detailed plat. A	U.S. Geological S	
			0, is available through the Kansas Geological Survey, 1930 Co 66047-3726 (www.usgs.gov). The map should show the location		
			es North and West of the Southeast corner of the section must balso be shown. Identify the center of the section, the section lines		
			township, and range numbers on the map. In addition the followin		
	a.	If a	change in the location of the point(s) of diversion is proposed, sho	w:	
		1)	The location of the proposed point(s) of diversion. Distances North		
			must be shown. Please be certain that the information shown of Paragraph Nos. 9, 10 and 11 of the application.	on the map agrees	with the information shown in
		2)	If the source of supply is groundwater, please show the location domestic wells, within $\frac{1}{2}$ mile of the proposed well or wells. Ider mailing address of the property owner or owners. If there are no vertex of the property owner or owners.	ntify each well as to	its use and furnish name and
		3)	If the source of supply is surface water, the names and mailing a and $\frac{1}{2}$ mile upstream from your property lines must be shown.	addresses of all lan	downer(s) ½ mile downstream
	b.		change in the place of use is desired, show the proposed place tain that the information shown on the map agrees with the informa		
17.	Atta	ach d	documentation to show the change(s) proposed herein will not im	pair existing water	rights and relates to the same
	loca	al so	urce of supply as to which the water right relates. This informations, test hole logs, and other information as necessary information to	n may include state	ements, plats, geology reports,
			s, test note logs, and other information as necessary information telow.	to snow the above.	Additional comments may be
	T	he a	addition of 40 acre-feet at 40 g.p.m. to the existing well under file	e no. 11,104-D2 wi	Il not be sufficient to result in
	in	npai	rment of the well under file no. 11,104-D1, considering the wells	are separated by	slightly more than 2,700 feet.
	Т	he s	ource of supply for the existing well under file no. 11,104-D2 is	water in the aquife	r located 390' to 570' BGL,
	aı	nd th	ne source of supply for the existing well under file no. 10,946 is	water in the aquife	r located 340' to 586' BGL.
			wo wells are separated by less than one-half mile. WWC5 repo		
18.			oposed change(s) does not meet all applicable rules and regulatio		
	ider req	ntify uest	the rules and regulations for which you request a waiver. State should be granted. Attach documentation showing that granting the prejudicially and unreasonably affect the public interest.	the reason why a v	waiver is needed and why the
			aivers are necessary.		
					MATER TO
			The state of the s	7.41.	WATER RESOURCES RECEIVED
			•		

File No.	10,946	

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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. __ day of October Dated at APC Company, Inc., by .x**kxaxxxxxx** this (Spouse) Andy Etnyre, Director of Operations (Please Print) (Please Print) (Owner) (Spouse) (Please Print) (Please Print) (Owner) eouse) KARI L. MOORE Commission Number 756616a e Print) (Please Print) My Commission Expires January 20, 2018 State of Kenasas Iowa SS County of Polk I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2017 My Commission Expires **FEE SCHEDULE**

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

(1)	Application to change a point of diversion 300 feet or less	. \$100)
(2)	Application to change a point of diversion more than 300 feet	\$200	0
735	Application to change the place of use	\$200	0
(4)	Application to change the use made of the water	\$300	0

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

FIRE IND. 10,540	File N	o 10	,946	
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Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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.

Dated at Wichita . Kar	nsas. this	10th day of October	, 20 17 .
Adsit Farming Enterprise, Inc., by:			,
William W. adrit			
(Owner)	-	(Spouse)	
William H. Adsit, President			
F & E Cox Farms, Inc., by: (Please Print) Adsit Farming Enterprise, Inc., by: Willia W. Ads. T	-	(Please Print)	
(Owner)	-	(Spouse)	
William H. Adsit, Pres., Adsit Farming Enterprise, agent for F & E Cox F	arms, Inc.		
Rex Brown. by: (Please Print)	-	Rhonda Brown, by: (Please Print)	
Adsit Farming Enterprise, Inc., by: William W. Adsit		Adsit Farming Enterprise, Inc., by:	-
(Owner)	-	(Spouse)	
Milliam H. Adoit Brog. Adoit Forming Enterprise, agent for Box Brown.	•	William H. Adait Drog. Adait Farming Enterne	ing agent for Dhanda Brown
William H. Adsit, Pres., Adsit Farming Enterprise, agent for Rex Brown (Please Print)	.	William H. Adsit, Pres., Adsit Farming Enterpri (Please Print)	se, agent for Knonda brown
State of Kansas) SS	A	MARIAH MONTANDON Notary Public - State of Kansas My Appt. Expires May 12, 2021	
County of Sedgwick I hereby certify that the foregoing application was signed October , 2017 .	in my p	presence and sworn to before me this	day of
My Commission Expires May 12, 2021		M. Mentan Notary Public	
FEE	SCHED	ULE	
Each application to change the place of use, the point of diversion application fee set forth in the schedule below:	or the use	e made of the water under this section shall	be accompanied by the
 (1) Application to change a point of diversion 300 feet or I (2) Application to change a point of diversion more than 3 (3) Application to change the place of use			\$200

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

INDUSTRIAL USE SUPPLEMENTAL SHEET

	File No. <u>10,946-D2</u>
	Name of Applicant (Please Print): APC Company, Inc.
1.	Please describe type of industry or product produced: <u>multiple products derived from processing blood obtained</u>
	from livestock slaughter facilities Standard Industrial Classification Code Number: 311119

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

PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

	LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
(2012)	5 years ago	32,337,738#	27,055,408	74.124 gal/day
(2016)	Last year	34,652,000#	22,614,059	61.956 gal/day
(2017)	Present year	35,200,000# (Est)	26,150,000 (Est)	71,644 gal/day

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

ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED

	NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
(2018)	Year 1	39,100,000#	29,200,000	80,000 gal/day
(2019)	Year 2	41,500,000#	30,700,000	84,110 gal/day
(2020)	Year 3	41,800,000#	32,400,000	88,767 gal/day
(2021).	Year 4	43,000,000#	33,200,000	90,959 gal/day
, ,	Year 5	43,000,000#	34,000,000	93,151 gal/day

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

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

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

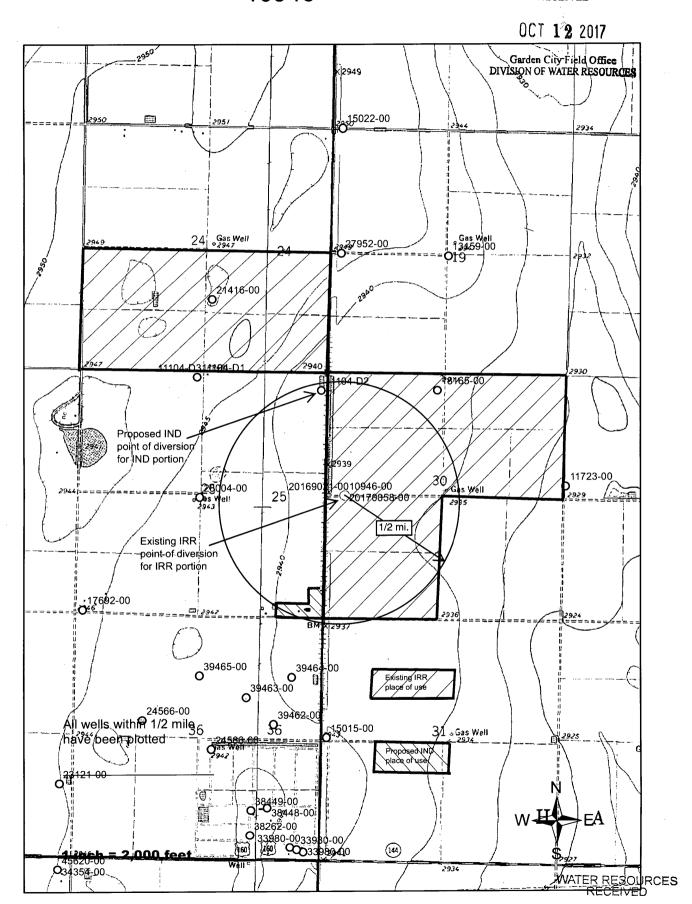
_	~			N]	E¼			N	N1/4			SV	V 1/4			SI	Ε1/4		TOT 41
S	Т	R	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	sw	SE	NE	NW	SW	SE	TOTAL
25	28S	33W																**	

^{**}Industrial plant site located in the SE/4 of SE/4 of SE/4 of Section 25-T28S-R33W.

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

DWR 1-100.22 (7-7-00)

WATER RESOURCES RECEIVED



OCT 1 6 2017

File No. 10,946-IND

COMMENTS SUPPLEMENTING INDUSTRIAL USE SUPPLEMENTAL SHEET

Year	Annual	Gal.	Product (lbs.)	gal/lb product	Comments
	diversion	Change			
	(million				·
	gallons)			LUCTORICAL	
2012	27.1	N/A	22 228 000	HISTORICAL 0.837	Historic year. No comments.
2012 2013	27.1	N/A N/A	32,338,000	0.657	nistoric year. No comments.
2014	22.8	N/A			
2015	21.9	N/A			
2016	22.6	0.7	34,652,000	0.653	Several factors caused water use to decline between year 2012 up to year 2016. Industry-wide the number of livestock slaughtered decreased due to external events, reducing the amount of product processed. Water use efficiency measures were implemented: seal water was either switched from well water to polished water or reclaimed and reused; more water efficient washing equipment and methods were installed; unnecessary running water was identified and shut off at times when the plant was idle; leaks were repaired; and, when possible process water was captured and re-used. By the end of 2016 the number of slaughter facilities from which blood was collected increased from 7 to 9, which increased plant operating days to 7 per week.
				PROJECTED	
2017	26.2	3.5	35,200,000	0.743	Due to new food standards, the conservation practice of re-using rinse water was discontinued. Working with slaughter facilities increased the amount of raw product collected, which increased plant production and water use. A new sanitization system was installed that requires more cleaning water. A new line of products went on line requiring more water for cleaning processes.
2018	29.2	3.1	39,100,000	0.747 ;	FSMA food safety regulations and standards will require even more cleaning operations and increase water use. It is reasonably anticipated that raw product will become available from an additional slaughter facility, which will increase water needed to clean tankers, filtration systems and storage containers.
2019	30.7	1.5	41,500,000	0.740	It is reasonably anticipated that raw product will become available from one more slaughter facility, resulting in more water use as in year 2018.
2020	32.4	1.7	41,800,000	0.775	The company plans to release a new line of processed products, which will require the installation of additional equipment that must be cleaned, increasing water use.
, 2021	33.2	0.8	43,000,000	0.772	Sales of the new product line initiated in year 2020 are anticipated to significantly increase, which will increase the use of water in production.
2022	34.0	0.8	43,000,000	0.791	A new market for existing product is planned to be developed, which will alter processing in a way that will require greater use of water.

WATER RESOURCES RECEIVED

State of Kansas, Haskell County This costrument was filed for Peland on December 30, 2010 - 12 11 00 Seconded in Book 225 Page 630-302 Pee 528 00 201501186

Candy Hiffine Register of Ceeds

CORPORATE WARRANTY DEED (Water Rights Only)

Date:

December 10, 2015

Grantor:

Adsit Farming Enterprise, Inc.

Grantee:

APC Company, Inc.

In consideration of Ten Dollars and other valuable consideration, the receipt of which is acknowledged, Grantor conveys and warrants unto Grantee the following interest in real property, to wit:

A portion of Appropriation Water Right File No. 10,946, that is or may be appurtenant to the following described lands in Haskell County, Kansas, described as follows:

40 acres NE/4 NE/4,

36.67 acres SW/4 NW/4,

40 acres NW/4 NE/4,

40 acres SE/4 NW/4,

40 acres NE/4 SW/4,

40 acres SW/4 NE/4,

36.69 acres NW/4 SW/4.

40 acres SE/4 NE/4.

36.69 acres SW/4 SW/4, and

40 acres NE/4 NW/4,

36.67 acres NW/4 NW/4,

40 acres SE/4 SW/4,

a total of 466.7 acres in Section 30-T28S-R32W, and 320 acres in the S/2 of Section 24-T28S-R33W,

With the following attributes:

Priority Date:

April 8, 1965

Authorized Use:

Irrigation

Authorized Irrigation Quantity:

66.1 acre-feet per year,

Actual Rate:

40 gallons per minute,

Authorized Point of Diversion:

One well located in the SW/4 SW/4 NW/4, located 2,740

feet north and 5,080 feet west of the southeast corner of

Section 30-T28S-R32W, Haskell County, Kansas,

Authorized Place of Use:

466.7 acres in Section 30-T28S-R32W described above, and if approved by Grantor's application to change the place of

use, the 320 acres in the S/2 of Section 24-T28S-R33W, and

WATER RESOURCES RECEIVED

OCT 1 6 2017

KS DEPT OF AGRICULTURE

Perfected Acres:

33.1 perfected acres (the maximum acres irrigated during the perfection period as determined under K.A.R. 5-5-9(a) or

K.A.R. 5-5-10(d)),

Collectively referred to in this instrument as the "Conveyed Water Rights,"

SUBJECT TO THE LIMITATION that Grantee's diversion of water and use and enjoyment of the Conveyed Water Rights is entirely dependent on Grantee obtaining the administrative approval from the chief engineer of the Division of Water Resources, Kansas State Department of Agriculture, of administrative changes to the Conveyed Water Rights that permit Grantee to divert the Conveyed Water Rights from Grantee's well(s) for use at Grantee's industrial facility,

PROVIDED, GRANTOR EXCEPTS, EXCLUDES AND RETAINS that portion of Water Right File No. 10,946 with the following attributes:

Priority Date:

April 8, 1965

Authorized Use:

Irrigation

Authorized Irrigation Quantity: Authorized Rate:

318.9 acre-feet per year,

All authorized rate in excess of 40 gallons per minute, not to

Authorized Point of Diversion:

exceed 760 gallons per minute, One well located in the SW/4 SW/4 NW/4, located 2,740

feet north and 5,080 feet west of the southeast corner of

Section 30-T28S-R32W, Haskell County, Kansas,

Authorized Place of Use:

466.7 acres in Section 30-T28S-R32W described above, and if approved by Grantor's application to change the place of

use, the 320 acres in the S/2 of Section 24-T28S-R33W,

Perfected Acres:

All perfected acres in excess of the 33.1 perfected acres conveyed to Grantee in this instrument (the maximum acres

conveyed to Grantee in this instrument (the maximum acres irrigated during the perfection period as determined under

K.A.R. 5-5-9(a) or K.A.R. 5-5-10(d)),

FURTHER RESERVING UNTO GRANTOR the exclusive use of the above-described authorized point of diversion and authorized place of use for irrigation, as this deed transfers only title in and to the portion of Appropriation Water Right File No. 10,946 described above as the Conveyed Water Rights and does not transfer any possessory interest in the currently authorized place of use for irrigation or in the currently authorized point of diversion.

Grantor covenants with Grantee as follows:

- a. The actual quantity of water that will be available to Grantee for industrial use shall be not less than forty (40) acre-feet (13.034 million gallons) per calendar year, without limitation, after the authorized use of water under the Conveyed Water Rights is changed from irrigation use to Grantee's industrial use;
- b. The authorized and actual rate of diversion to Grantee from the Conveyed Water Rights shall be not less than forty (40) gallons per minute; and,

c. Grantor will fully cooperate with Grantee's efforts to change the use, place of use and point of diversion of the Conveyed Water Rights, and Grantor will on its own behalf and as agent for others join with Grantee and sign Grantee's application to change the Conveyed Water Rights as contemplated by this instrument.

SIGNED:

ADSIT FARMING ENTERPRISE, INC., by:

William H. Adsit, President

STATE OF KANSAS, COUNTY OF SEDGWICK, ss:

The foregoing Corporate Warranty Deed was acknowledged before me this 10th day of December, 2015, by William H. Adsit, as president of Adsit Farming Enterprise, Inc.

Notary Public

My Appointment Expires:

Dec, 17, 7018

OSBALDO MORENO
Notary Public - State of Kansas
My Appt. Expires Dec. 17, 2018

CONSENT TO CHANGE OF WATER RIGHTS AND LIMITED POWER OF ATTORNEY

WHEREAS, Rex Brown and Rhonda Brown, husband and wife, are the owners of real property in Haskell County, described as follows:

The southwest quarter (SW $\frac{1}{4}$) of section thirty (30), township twenty-eight south (28S), range thirty-two west (32W) of the 6th P.M. ("Browns' Quarter");

WHEREAS, Adsit Farming Enterprise, Inc. is the owner of real property in Haskell County, described as follows:

The northwest quarter (NW½) of section thirty (30), township twenty-eight south (28S), range thirty-two west (32W) of the 6th P.M. ("Adsit's Quarter");

WHEREAS, F & E Cox Farms, Inc. is the owner of real property in Haskell County, described as follows:

The northeast quarter (NE½) of section thirty (30), township twenty-eight south (28S), range thirty-two west (32W) of the 6^{th} P.M. ("Cox's Quarter");

WHEREAS, appropriation water right file no. 10946 ("WR 10946") and appropriation water right file 18165 ("WR 18165") are authorized to irrigate 160 acres located within Cox's Quarter, 153.34 acres located within Adsit's Quarter and 153.38 acres located in Browns' Quarter from wells owned and operated by Adsit Farming Enterprise, Inc. and located on Adsit's Quarter;

WHEREAS, the undersigned claim some undetermined interest in WR 10946 and WR 18165;

WHERAS, Adsit Farming Enterprise, Inc. desires to relocate the well authorized under WR 18165 from the existing location, 5,130 feet north and 2,790 feet west of the southeast corner of Section 30-T28S-R32W, to a new location for a replacement well on Adsit's Quarter;

WHEREAS, Adsit Farming Enterprise, Inc., also desires to sell a portion of WR 10946, or WR 18165, or both, to APC, Inc., to be changed for industrial use by APC, Inc., at its facility located in the E½ of Section 25-28S-33W, in an amount sufficient to provide not less than forty (40) acre-feet per calendar year for industrial use, to be diverted from a point to be determined at an authorized pumping rate not to exceed forty (40) gallons per minute;

WHEREAS, in order for Adsit Farming Enterprise, Inc. to relocate its well and sell a portion of the water rights to be changed to industrial uses, applications to change the water rights must be filed and the approval of the chief engineer of the Division of Water Resources ("DWR") will be necessary; and,

WHEREAS, Rex Brown and Rhonda Brown and F & E Cox, Inc., desire to accommodate Adsit Farming Enterprise, Inc., by expressing their consent to the changes and by appointing

WATER RESOURCES RECEIVED

Adsit Farming Enterprise, Inc. as their agent and attorney-in-fact under a limited power of attorney;

WHEREFORE, Rex Brown and Rhonda Brown and F & E Cox, Inc., by this instrument take the following action:

- 1. Consent to the relocation of the irrigation well of Adsit Farming Enterprise, Inc. authorized under WR 18165 from the existing location, 5,130 feet north and 2,790 feet west of the southeast corner of Section 30-T28S-R32W, to a new location anywhere on Adsit's Quarter that Adsit Farming Enterprise, Inc. deems favorable;
- 2. Appoint Adsit Farming Enterprise, Inc. as agent and attorney-in-fact of the undersigned, solely for the purpose and time necessary to change the authorized point of diversion under WR 18165, and to sign such applications, forms and other documents for and on behalf of the undersigned as may be required by DWR in connection with changing the authorized point of diversion under WR 18165, hereby waiving all requirements for the execution of documents or signatures of undersigned on all such applications, forms and documents that otherwise would be required by DWR pursuant to K.A.R. 5-5-1 or other applicable law, rule or regulation;
- 3. Consent to the sale by Adsit Farming Enterprise, Inc., of a portion of WR 10946, or WR 18165, or both, to APC, Inc., upon such terms and conditions as Adsit Farming Enterprise, Inc. deems favorable, and consent to such changes to a portion of WR 10946, or WR 18165, or both, as may be required to authorize the industrial use of water by APC, Inc., at its facility located in the E½ of Section 25-28S-33W, in an amount sufficient to provide not less than forty (40) acre-feet per calendar year for industrial use, to be diverted from a point to be determined at an authorized pumping rate not to exceed forty (40) gallons per minute; and,
- 4. Appoint Adsit Farming Enterprise, Inc. as agent and attorney-in-fact of the undersigned, solely for the purpose and time necessary to change the authorized use of water, place of use and point of diversion under WR 10946, or WR 18165, or both, as necessary to accomplish the changes described in the preceding paragraph and to sign such applications, forms and other documents for and on behalf of the undersigned as may be required by DWR in connection with such changes, hereby waiving all requirements for the execution of documents or signatures of undersigned on all such applications, forms and documents that otherwise would be required by DWR pursuant to K.A.R. 5-5-1 or other applicable law, rule or regulation.

F & E Cox Farms, Inc., by:

Kenneth Cox, President

Rex Brown

Rhonda Brown

WATER RESOURCES RECEIVED

STATE OF KANSAS, HASKELL COUNTY, ss:

This instrument was acknowledged before me on this day of April 2014, by Kenneth Cox as President of F & E Cox Farms, Inc.

Mclis a. BL

My Appointment Expires: January 22, 2017

MELISSA A. BLEVINS
Notary Public - State of Kansas
My Appointment Expires

STATE OF KANSAS, HASKELL COUNTY, ss:

This instrument was acknowledged before me on this 12 day of April 2014, by Rex Brown and Rhonda Brown, husband and wife.

NOTARY PUBLIC

My Appointment Expires: January 22, 2017

MELISSA A. BLEVINS
Notary Public - State of Kansas
My Appointment Expires
OL-22-2017

State of Kansas, Haskell County This instrument was filed for Record on December 30, 2015 12 11 00 Recorded in Book 225 Page 627-629 Fee \$28,00 201501165



Cand, Hulfine Register of Deeds

WATER RESOURCES RECEIVED



		RECORD		WWC-5	126		vision of Wa		10946		
		Correction		ge in Well Use			sources App.			Well ID	
1 LOCA	TION OF V	WATER WE	LL:	Fraction SE1/4 SW 1/4	S/V 1		ection Numb 30	oer	Township Numb		nge Number 2 □ E 🛭 W
	y: Haskell	·			300			ab a	T 28 S ere well is located		
	OWNER:	Last Name: arming Enterpr	ises INC	First:							
Address:			1000 1110				rection from nearest town or intersection): If at owner's address, check here: PPROX 8 MILES NORTH OF SUBLETTE KANSAS				
Address:		_				APPROX	3 MILES N	ORI	H OF SUBLET II	E KANSA	18
City:	Lawrenc	e	State: KS	ZIP: 66049)						
3 LOCAT WITH "		4 DEPTH	I OF COM	APLETED W	ELL:	596	ft. 5 Lati	tude:	37.58407	77	(decimal degrees)
	ON BOX:		Depth(s) Groundwater Encountered: 1)						.(decimal degrees)		
	N	2)	2)						NAD 27		
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sw	SE			vater was							
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	S	Bore Hole	Diameter:	gp 28 in. to	596	ft. and	Sour	<u>ce</u> : 🗆	Land Survey 🛭 🗸	GPS 🔲 T	opographic Map
1 1	mile			in. to		ft.			Other		
7 WELL	WATER T	O BE USED									
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House				ig: how many v					: well ID		
☐ Lawn	& Garden			echarge: well I g: well ID					al: how many bores		
2. Irrigat				al Remediation:					Loop Horizont		
	3. ☐ Feedlot ☐ Air Sparge ☐ Soil Vapor Extr					Extraction			Loop 🔲 Surface Dis		
4. Industrial Recovery Injection 13. Other (specify):											
Was a chemical/bacteriological sample submitted to KDHE? Yes V No If yes, date sample was submitted:											
Water well	disinfected	? 🛛 Yes 🗌	No					11/6			
8 TYPE C	OF CASING	G USED: 🛭 S	Steel PV	C 🗌 Other		CAS	ING JOINT	S: 🗆	Glued 🗌 Clamped	✓ Welde	d Threaded
Casing diam	neter10	in. to	.590 ft.,	Diameter	12	in. to	ft., Dia	meter	in. to s or gauge No250	ft	
		R PERFORA				99 lbs./π.	waii thic	ekness	s or gauge No		
✓ Steel		inless Steel	☐ Fiber		PVC		ПО	ther (S	Specify)		
Brass		Ivanized Steel				used (open ho			speens)		
		RATION OPE					,				
	nuous Slot	☑ Mill Slot	☐ Ga	auze Wrapped	T 🔲	orch Cut	Drilled Holes	s 🗆	Other (Specify)		
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	ight Sewer L		Seepage Pit	☐ Fee] Fertilizer St	torage	Oil We	ii/Gas weii	
Direction from	om well?			Distance	from v	 well?			ft.		
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Attached	Attached	Attached									
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11 CONT	PACTOR'	SORLAND	OWNER	SCERTIFIC	ATIO	N· This wat	er well was	7 cc	onstructed, reco	nstructed	or nlugged
under my i	urisdiction :	and was comp	leted on (m	no-day-year).	8/13/2	015 and	I this record	l is tru	ue to the best of my	y knowled	lge and belief.
Kansas Wa	ater Well Co	ontractor's Lic	ense No!	! 4 5]	Γhis W	/ater Well Re	cord was co	omple	eted on (mo-day-ye	ear) .9/.1.0/	/ZU15
under the b	ousiness nan	ne of Hydro.	Kesource:	s Ivila Contin	ent, Ir	IC.	ords Esser	25 00 4	for each constructed we		
KS Departs	ment of Health	and Environmen	.o w A i EK W t, Bureau of V	VELL OWNER ar Water, Geology Se	ia retair ection, l	i one for your re 1000 SW Jackso	n St., Suite 420	ου.υυ τ), Τορε	or each <u>constructed</u> we eka, Kansas 66612-136	n. 7. Telephon	ie 785-296 - 3565.
		neks.gov/waterwe									SA 82a-1212

Form	WWC5	
Contractor	Hydro Resources Mid Continent, Inc.	
Well Owner		
Doc ID	1264320	

Litholgy

Litholgy		V
From	То	LithologicLog
0	59	clay, brown sandy
59	169	and brown fine to coarse gravel
169	176	clay, brown sandy
176	210	sand brown fine to coarse gravel
210	230	clay, brown, sandy, sticky
230	331	gray clay
331	370	sand, gray to brown, fine to coarse
370	385	sand brown fine to coarse w/ brown gravel
385	387	clay gray to brown
387	410	sand, brown fine to coarse with fine to coarse brown gravel
410	508	clay brown to gray, some sandy gray clay
508	513	gravel brown, fine to med w/ some brown gray clay
513	515	clay brown to gray
515	517	cemented zone - very hard
517	520	gravel brown fine to med with sand
520	522	fine to med
522	525	gravel, fine to med with med to coarse sand
525	527	cemented gravel

WATER RESOURCES RECEIVED

Form	WWC5	
Contractor	Hydro Resources Mid Continent, Inc.	
Well Owner		
Doc ID	1264320	

Litholgy

From	To	LithologicLog
527		gravel brown with med to coarse sand
586	605	shale, gray oily

WATER RESOURCES RECEIVED

direction from nea F, APPX 1 1/2 MILES WHER: CLAU THESS, Box # : HCR ZIP code : SUBLE CLOCATION WITH CTION BOX:	WEST AND 6 SEN KOCH CO 1 BOX 14A ETTE, KS	1/2 MILES NOR 			Agricultu	re, Division	of Water Res	sources
ZIP code : SUBL	1 BOX 14A ETTE, KS 4 D	67877–9756			•	·	of Water Res	sources
S LOCATION WITH	4 D			Applicat	ion Number	11 104 D2		
					ion Number	: 11,104-02		
	D 	epth(s) Ground	TED WELL 57			0	0 ft. 3.	. 0 ft.
		L'S STATIC WAT Pump te	ER LEVEL 34 stdata: Well					
	i i	imated Yield	0 gpm: Well	1 water was	0 ft.	after 0	hours pumping	g 0 gpn
	E Bor	e Hole Diamete	r 17.5	in. to 57	70 ft., an	d in.	to 0 ft.	*
	!!!	L WATER TO BE	USED AS: 04 I	NDUSTRIAL				
/ SE 	Was		*					fected? Yes
RATED INTERVALS:	From From	390 ft. to 450 ft. to	470 ft., fr	om 0 ft.	to 0	ft.		
als: From 5 ft nearest source of p			O ft. to	0 ft., Fro	om 0 ft	. to 0 f	t.	
om well?							How many	feet? (
	AY 01 CLAY	31 CALICHE		FROM	то	PLUGG:	ING INTERVALS	 S
30	AY 01 CLAY			 		WAT	ER RESOUR RECEIVED	?CES
1								
05 SAND 11 07 01 CLAY 05 SAND 11		LAY				0	CT 1 6 201	7
	CASING USED: 02 P diameter 8 t above land surface EN OR PERFORATION M REFORATION OPENINGS PACK INTERVALS: PACK INTERVALS: AL 03 BENTONITE als: From 5 ft nearest source of p om well? TO 67 04 SANDY CL	E Bore	Estimated Yield	Estimated Yield O gpm: Well E Bore Hole Diameter 17.5 WELL WATER TO BE USED AS: 04 I Was a chemical/bacteriological If yes, mo/day/yr sample was s Was a chemical/bacteriological If yes, mo/day/yr sample was s CASING USED: 02 PVC	Estimated Yield 0 gpm: Weill water was		Estimated Yield	Estimated Yield 0 gpm: Well water was 0 ft. after 0 hours pumping Bore Hole Diameter 17.5 in. to 570 ft., and in. to 0 ft. WELL WATER TO BE USED AS: 04 INDUSTRIAL Was a chemical/bacteriological sample submitted to department? No; If yes, mo/day/yr sample was submitted Water well dising CASING USED: 02 PVC CASING JOINTS: GLUED diameter 8 in. to 570 ft., Dia in. to 0 ft., Dia in. to 0 ft. EN OR PERFORATION MATERIAL: 07 PVC REFORATION OPENINGS ARE: 08 SAW CUT RATED INTERVALS: From 390 ft. to 430 ft., From 0 ft. to 0 ft. From 450 ft. to 470 ft., From 0 ft. to 0 ft. From 25 ft. to 570 ft., From 0 ft. to 0 ft. From 0 ft. to 0 ft., From 0 ft. to 0 ft. Water well? How many to 10 LITHOLOGIC LOG FROM TO PLUGGING INTERVALE 130 05 SAND 11 GRAVEL 01 CLAY 31 CALICHE

Water Well Contractor's License No. 145 This Water Well Record was completed on (mo/day/yr) 06/21/99

under the business name of HENKLE DRILLING & SUPPLY

by (signature)

		ELL NE 1/4 NE 1/4 NE 1/4 	25 	T 28	R 33 W
		CLAUSEN KOCH COPORATION			
R#, St.	. Address,	Box # : HCR 1 BOX 14A	Board of Agri	culture, Division of	Water Resources
City, St	tate, ZIP o	code : SUBLETTE, KS 67877-9756	Application N	lumber: 11,104-D2	
FROM	 то	 LITHOLOGIC LOG			
207	218	05 SAND 13 FINE GRAVEL 14 MED GRAVEL	Ì		
228	288	01 CLAY	İ		•
218	228	01 CLAY			
288	322	01 CLAY 05 SAND			
228	288	01 CLAY			
322	340	05 SAND 13 FINE GRAVEL 01 CLAY			
288	322	01 CLAY 05 SAND			
340	378	05 SAND 13 FINE GRAVEL 04 SANDY CLAY			
322	340	05 SAND 13 FINE GRAVEL 01 CLAY			
378	400	05 SAND 13 FINE GRAVEL 04 SANDY CLAY			
340	378	05 SAND 13 FINE GRAVEL 04 SANDY CLAY			
400	418	05 SAND 13 FINE GRAVEL 14 MED GRAVEL			
378	400	05 SAND 13 FINE GRAVEL 04 SANDY CLAY	1		
418	428	05 SAND 13 FINE GRAVEL 04 SANDY CLAY 05 SAND 13 FINE GRAVEL 14 MED GRAVEL			
400	418				
418 428	428 441	O5 SAND 13 FINE GRAVEL 04 SANDY CLAY O4 SANDY CLAY 20 LIMESTONE 28 ROCK			
440 441	441 472	05 SAND 01 CLAY			
428	472	03 SAND OF CEAP 04 SANDY CLAY 20 LIMESTONE 28 ROCK			
472	490	04 SANDY CLAY 20 LIMESTONE 05 SAND			
441	472	05 SAND 01 CLAY			
490	510	01 CLAY 05 SAND 28 ROCK			
472	490	04 SANDY CLAY 20 LIMESTONE 05 SAND			
510	530	05 SAND 28 ROCK 01 CLAY			
490	510	01 CLAY 05 SAND 28 ROCK			
530	568	05 SAND 28 ROCK			
510	530	05 SAND 28 ROCK 01 CLAY			
568	574	31 CALICHE 01 CLAY	j		
530	568	05 SAND 28 ROCK	<u> </u>		
574	578	19 SHALE	j		
568	574	31 CALICHE 01 CLAY	ĺ		
574	578	19 SHALE	j		
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7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was Constructed under my jurisdiction and was completed on (mo/day/year) 06/11/99 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 145 This Water Well Record was completed on (mo/day/yr) 06/21/99 under the business name of HENKLE DRILLING & SUPPLY by (signature)

Ground Water Associates, Inc.

109 W. 1st Ave., P.O. Box 792, Goddard, Ks 67052-0792

• 316-262-3322

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Sep 25, 2015

APC c/o Michael K. Ramsey, Attorney P.O. Box 439 Garden City, Kansas 67846

Subject: Adsit Well Report

Dear Mike,

This letter is written to serve as a report concerning the development pumping and final test on the new northeast and southwest Adsit irrigation wells located in the northwest quarter of Section 30, T28S, R32W in Haskell County.

The northeast well is located approximately 337' south and 125' west of the NE corner of the NW $\frac{1}{4}$ of Section 30, T28S, R32W (N 37°35.425' W 100°51.715', NAD1927:datum).

Northeast Well

Bottom of Aquifer 587'
Static Water Level 451.62'
Aquifer thickness 135.38'

Development pumping was run at the following rates:

Gallons per Minute	Pumping Water Level	Drawdown	Specific Capacity	Percent
	(ft)	(ft)	(gal/ft of dd)	Drawdown
			,-	
263	457.77	6.97	37.73	5.15%
359	459.85	9.05	39.68	6.68
445	463.55	12.75	34.90	9.41
563	464.28	13.58	41.45	10.03
653	466.55	15.75	41.53	11.63
731	468.40	17.60	41.53	13.00
815	470.55	19.75	41.26	14.59
868	471.51	20.71	41.91	15.30
1003	473.18	22.38	44.81	16.53



OCT 1 & 2017

M. Ramsey, Attorney Page 2 Sep 24, 2015

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The final eight hour test was run at 857 gallons per minute.

Gallons per Minute	Pumping Water Level (ft)	Drawdown (ft)	Specific Capacity (gal/ft of dd)	
857	470.35	18.73	45.76	13.84%

Using Aquifer Test 4.0 software our analysis shows a semi-confined to confined aquifer with a transmissivity of 94,200 gallons per day per foot and storativity of 0.000344. During the last four hours pumping water level stabilized with a drop of 3/4 foot.

The southwest well is located approximately 18' north and 425' east of the SW corner of the NW $\frac{1}{2}$ of Section 30, T28S, R32W (N 37°35.043' W 100°52.125', NAD1927:datum).

Southwest Well

Bottom of Aquifer	586'
Static Water Level	441.18'
Aquifer thickness	144.82'

The first well sounder Hydro Resources used was not reading correctly (sticking to the side of the steel drawdown pipe) on the first two pumping rates. We replaced the first sounder and continued the development. Development pumping was run at the following rates:

Gallons per Minute	Pumping Water Level (ft)	Drawdown (ft)	Specific Capacity (gal/ft of dd)	Percent Drawdown
466	?	?	?	?
522	?	?	?	?
650	460.58	19.40	33.51	13.39
756	464.34	23.16	32.64	15.99
857	464.41	23.80	36.00	16.43
962	470.23	29.05	33.11	20.06
1003	473.75	32.57	30.80	22.49

The final six hour test was run at 857 gallons per minute.

Gallons per Minute	Pumping Water Level (ft)	Drawdown (ft)	Specific Capacity (gal/ft of dd)	
857	465.40	24.22	35.38	16.72%

Using Aquifer Test 4.0 software our analysis shows a semi-confined to confined aquifer. Matching to the early data (up to 40 minutes) the transmissivity is 79,200 gallons per day per foot and the storativity is 0.00000585. Matching to the late data (after 240



OCT 1 6 2017

M. Ramsey, Attorney Page 3 Sep 25, 2015

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minutes) the transmissivity is 79,000 gallons per day per foot and the storativity is 0.0000406. The pumping water level stabilized after 70 minutes until the six hour point when the test was concluded.

Both wells pumped nicely at 857 gallon per minute. The biggest difference between wells is the starting static water level which was higher at the southwest well site. This shows up as a lower specific capacity but a higher final pumping water level at the southwest well. This difference in static water level would reflect the pumping of the old well near the northeast well site this season. Both wells have layers of brown clay that act as a confining layer on the bottom aquifer (see attached test hole logs).

Please give us call with any comments or questions.

Best Regards,

Brad Vincent, P.G.

Ground Water Associates, Inc.

Pc: Mary Brinkley Adsit Farming



LAW OFFICES OF HOPE, MILLS, BOLIN, COLLINS & RAMSEY

PHONE AREA 620-276-3203 TELECOPIER 620-276-3300 607 N. SEVENTH – P.O. BOX 439 GARDEN CITY, KANSAS 67846

JIM D. MILLS MICHAEL E. COLLINS MICHAEL K. RAMSEY Wm. EASTON HUTCHISON (1860-1952) C. E. VANCE (1878-1958) A. M. FLEMING (1888-1971) CLIFFORD R. HOPE (1923-2010) WILLIAM B. BOLIN (1934-2014)

October 12, 2017

Mike Meyer, Water Commissioner Kansas State Department of Agriculture Division of Water Resources 2508 Johns Street Garden City, KS 67846-2804 HAND DELIVERED

Re:

APC Company, Inc. ("APC")

Adsit Farming Enterprise, Inc. ("Adsit")

Application to partially change water right file no. 10,946

Haskell County, Kansas

Dear Mike,

With this letter I am delivering an application to partially change the use made of water, place of use and point diversion of water right file no. 10,946 for industrial use by APC at its facility located in the southeast quarter of section 25-28S-33W, Haskell County, Kansas. Also enclosed is a filing fee check in the amount of \$700.00.

It is urgent that the application be acted upon prior to the end of year 2017. You will find from the industrial use supplemental sheet included with the application that due to increased plant production and food safety requirements, the projected water use at APC's plant in 2017 may exceed the quantity available under file number 11,104-D2. For that reason, as soon as you are able, please reply to this letter and inform me whether or not approval of the change in year 2017 is reasonably possible. If it is not, APC will file an application for a term permit. I hesitate to recommend that APC file an application for a term permit should it later prove to have been unnecessary and a waste of administrative time.

Included with the application is a copy of the pumping analysis of the current well owned by Adsit performed by Ground Water Associates, Inc., during September 2015. At the time of the test pumping, the maximum pumping rate of Adsit's well was in excess of the certified rate of 800 g.p.m. Thus, Adsit should be able to retain a rate of 760 g.p.m., and APC should be

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OCT 12 2017

Garden City Field Office Division of Water Resources

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permitted a rate of 40 g.p.m. Please let me know as soon as possible whether or not a re-test will be required.

A copy of a recorded deed is included with the application, by which APC acquired a portion of water right file no. 10,946 from Adsit in December 2015. Filing the application to change the acquired water right has been delayed while APC evaluated whether or not to establish a separate point of diversion for the acquired water right.

Further, included with the application is a recorded consent and power of attorney given by the owners of other lands authorized as a place of use to be irrigated under file no. 10,946, by which they have consented to the proposed change and have appointed Adsit as their agent to accomplish the change.

If you have questions or concerns, please do not hesitate to contact me.

Kind Regards,

Michael K. Ramsey

For the Firm

MKR/mkr

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OCT 12 2017

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



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

Jackie McClaskey, Secretary

Dear Sir or Madam:

Governor Sam Brownback

ADSIT FARMING ENTERPRISE, INC 3009 LONGHORN DRIVE LAWRENCE, KS 66049 10/17/2017

FILE COPY

AWRENCE, KS 66049 RE: File No 10946

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 PU/PD/UMW ☐ 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 Tourney, L.G.

Change Applications Unit Supervisor

Water Appropriation Program

and A. Juney

BAT: DLW

pc: GARDEN CITY Field Office GMD3