Kansas Department of Agriculture Division of Water Resources

CHANGE: P/D WORKSHEET

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
13202		C3	4	3
6. Status: ☐ Approved ☐ Den	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change:
				12/16/2019
8a. Applicant(s) New to system □	Person ID 58184 Add Seq#	8c. Landowned		Person IDAdd Seq#
TYSON FRESH MEATS I Attn: ATTN KEVIN PHAN PO BOX 149 HOLCOMB, KS 67851-01	i .			
8b. Landowner(s) New to system □ TYSON FRESH MEATS I 800 STEVENS PORT DR DAKOTA DUNES, SD 570	# 709	8d. WUC New to sys	stem □	Person IDAdd Seq#
9. Documents and Enclosure(s): ☑ DV ☐ Anti-Reverse Meter ☐ Meter ☐ Conservation Plan Date Requir		☑ N & P Form	☑ Water Tube ☑ [Oriller Copy H & E Letter O Comply:
10. Use Made of Water From:		To: _		
			Date Prepared: 12/20 Date Entered:	D/2019 By: АМ By:

File No.	13202	2	11. County: FI	Y: FI		Basin	ARK	ANSAS	Basin: ARKANSAS RIVER	ω.		Š	Stream:							Form	Formation Code: 211		Special Use:
12. Poir	Points of Diversion	ersion													, %	ate and	Rate and Quantity	ıtity					
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CHK	79492	SE NW NE	20	24S	34W	N 5		3970		1415					0,	925	,,	272		925	272	NONE	
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14. Limitation:	tation:		af/yr at	at				gpm				cfs) wh	nen cor	nbined	cfs) when combined with file number(s)	e num	ber(s)						
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15. 5YR	5YR Allocation:	n: Allocation Type	Туре		Start Year	rear _		5 }	5 YR Amount	unt		Amo	Amount Unit		Ba	Base Acres	res		Сош	Comment			
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Garden City Field Office 4532 W. Jones, Suite B Garden City, KS 67846



Phone: 620-276-2901 Fax: 620-276-9315 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

December 20, 2019

TYSON FRESH MEATS INC Attn: ATTN KEVIN PHAM PO BOX 149 HOLCOMB, KS 67851-0149

RE: Water Right, File No. 13202

Dear Sir or Madam:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

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

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

Austin J. McColloch

Assistant Water Commissioner

AM:

enclosures

pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

On this 20th day of December, 2019, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 13,202 dated 20th day of December, 2019 was mailed postage prepaid, first class, US mail to the following:

TYSON FRESH MEATS INC Attn: ATTN KEVIN PHAM PO BOX 149 HOLCOMB, KS 67851-0149

Pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3

Division of Water Resources Staff

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

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						□ F	Place o	f Use			Point	of Dive	ersion				DIVE	MUN UT 1	WATER RESOURCE
	under th	e water	right v	vhich is	s the s	ubject	of this	applio	cation	in acco	ordance	e with	the co	ndition	s desc	cribed I	below.		
	The sou	rce of s	upply i	s:			Ground	water			Surfa	ce wat	er						
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	in Finney	Cou	inty, Kansas, 3940	feet	North	1320	_ feet Wes	t of So	utheast	corner	of section.
	Authorized Rate		Authorized Quantit	y	AMERIC	_ Dept	h of well		131-111	_ (feet)	
	(DWR use only: C	omputer ID	No G	SPS		_ feet	North		fe	et Wes	t)
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<u>,</u> [Presently authoriz	ed point of	diversion:								
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	Proposed Rate		Proposed Quantity		-	_ Prop	osed well d	epth (fe	eet)		
- 1	This point is: Ac	dditional Well	☐ Geo Center Lis	t other w	ater rights	that w	ill use this p	oint _	N BATTER	124.25	Name of
7.			for the following reas		300 Em	200	100	North 0	100	200	008 PTTT
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8.	If a well, is the test h	iole log attach	ned? Xes No		200	+	1 + 1	= 1	+ 1	+	200
9.	The change(s) (was	(will be) com	pleted by?					Ē			=
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10.	If the point of diversi	on is a well:			E	. 7-	7-71-	Ξ.			
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5. Presently authorized point of diversion:

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. <u>13202</u>

Presently author						
One in the		Quarter of the	NC	Quarter of the South, Range 3960 feet West of S	NW	Quarter
of Section	20	, Township	24	South, Range	34	(E/W).
in Finney	Co	unty, Kansas, 3940	feet North	3960 feet West of S	Southeast corne	er of section.
Authorized Rate		Authorized Quantity		Depth of well	(fe	et)
(DWR use only:	Computer ID	No. GI	PS	Depth of well feet North	feet We	est)
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				ed or if existing point is		
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of Section		, Township		Quarter of theSouth, Rangefeet West of S		(E/W),
in	Co	unty, Kansas,	feet North _	feet West of S	Southeast corne	er of section.
Proposed Rate		Proposed Quantity		Proposed well depth	(feet)	
This point is:	Additional Wel	☐ Geo Center List	other water rig	hts that will use this point		
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Presently author	ized point of	diversion	1			
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of Section	20	, Township	24	South, Range	34	(E/W),
in <u>Finney</u>	Co	unty, Kansas, <u>3970</u>	feet North _	1415 feet West of S	Southeast corne	er of section.
Authorized Rate _		Authorized Quantity		Depth of well feet North No change, point better d	(fe	et)
(DWR use only:	Computer ID	No GF	PS	feet North	feet We	est)
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Proposed point of	of diversion:	Complete only if chan	ge is requeste	ed or if existing point is	better describ	ed by GPS)
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of Section		. Township		South, Range		(E/W).
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Presently author	ized point of	diversion:				
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of Section	0	, Township	f 1 1 1 11 -	South, Range	\4b4	(E/VV),
In_	60	unty, Kansas,	teet North _	reet vvest or s	outneast come	er of section.
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				ed or if existing point is		
One in the		Quarter of the		Quarter of the		Quarter
of Section		, Township		Quarter of the South, Range feet West of S		(E/W),
in	Co	unty, Kansas,	feet North	feet West of S	Southeast corne	er of section.
Proposed Rate		Proposed Quantity	Lil	Proposed well depth	(feet)	15/15/15
This point is:	dditional Wel	☐ Geo Center List of	other water rigl	Proposed well depth		
	7		- ' F		7	

14. If th	e proposed groundwater po	oint of diversion is 300	or fewer feet fro	m the exist	ing point of	of diversion, complete the	following:
(a)	Does the undersigned repr ☐ Yes ☐ No	resent all owners of the (If no, all owners mu			e(s) of use	identified in this application	on?
(b)	Will the ownership interest affected if this application i ☐ Yes ☐ No		sted?		s) of use	identified in this application	on be adversely
(c)	If this application is not app ☐ Yes ☐ No	oroved expeditiously, (If no, all owners mu			nage to pr	operty, public health or sa	fety?
or a cha	plication proposes a surface nge in place of use, the app ttach notarized statement a	olication must be sign	ed by all owners				
age and	y verify, being first duly d the owner, the spous ehalf, in regards to the ned in this application a	e of the owner, or water right(s) to	a duly authori which this app	zed agent	t of the o	wner(s) to make this	application on
Dated at	Darden	Citua	, Kansas, this	16	day of	n Ocember	,20 19.
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State of County of	^ -	SS					th
I here	eby certify that the foreg	going application w	as signed in r	ny presend	ce and s	worn to before me thi	11.
My Com	mission Expires	JULIE JONES My Appointment Expire December 15, 2022	es –		Juli	Notary Public	
ONLY CO	DMPLETE APPLICATIONS WIL	L BE PROCESSED. T	o be complete, all	of the applica	ble portion	s of the application form must	be completed with
accurate	information; maps, if necessary priate fee must be paid.	r, must be included; sign	natures of all the ap	propriate ow	ners' must	be affixed to the application a	nd notarized; and
			FEE SCHEDU	LE			
forth in t	plication to change the plac he schedule below: Make of 1) Application to change a	hecks payable to: K	ansas Departme	ent of Agric	culture		
	2) Application to change a3) Application to change the	point of diversion mo	ore than 300 feet				\$200
	Application Application Comment Education Comment Education Comment Education Comment 18, 20						

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, with the exception of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, with the exception of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated therein, with the exception of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated therein, with the exception of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated therein, with the exception of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated therein, with the exception of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated therein, this Summary Order does not change the terms, conditions and limitations of File No. 13202 A change application was received on 12/9/2019 \(\) cember \(\) \(\) requesting that the place of use and \(\) or point of diversion authorized under the above-referenced file number be changed as described in the application. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. ☐ Applicable Not Applicable The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.

Applicable
Not Applicable feet from the previously authorized point(s) of diversion. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube 6. or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. ☐ Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2012, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Applicable ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. By March 1, 2020 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable ☐ Not Applicable The completed well log shall be submitted with the required notice. □ Applicable ☐ Not Applicable 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. ☒ Applicable ☒ Not Applicable 11. Additional Conditions are attached. ☐ Yes 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within **30** days pursuant to K.S.A. 77-531. Any request for administrative (Print Name): Austin Malollock review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, 20 Legal Division, 1320 Research Park Drive, Manhattan, KS Date of Issuance: 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds County of Acknowledged before me on Colloc Signature: mes Notary Public

My commission expires

JULIE JONES ty Appointment Expires

December 15, 2022

Downey Drilling Inc.

DATE: 02/22/2019

CUSTOMER NAME: VAUGHN NIGHTENGALE

TEST HOLE #1

LEGAL: NE 19-24S-34W

COUNTY: FINNEY CO. KS

GPS: 37 57' 20.60" N

101 5' 22.21" W

37.9557 -101.0895

			DRIL				WO:	19-101 OTHER / DRILLING
W	FROM	то	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	ACTION
	0	30	TOP SOIL, FINE SAND AND FINE GRAVEL	SOFT	TAN/ RED	FAST		SMOOTH
	30	75	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	75	80	FINE-MEDIUM-COARSE SAND	SOFT	RED	FAST		SOMECHATTER
	80	140	SANDY CLAY, FINE SAND AND FINE GRAVEL	SOFT	TAN/ RED	FAST		SOME CHATTER
	140	175	FINE SAND, FINE GRAVEL WITH SANDY CLAY LAYERS	SOFT	TAN	FAST		SOME CHATTER
	175	180	SANDY CLAY, SMALL M-C SAND & FINE GRAVEL LENSES	SOFT	TAN	FAST		SLIGHT CHATTER
	180	203	SANDY CLAY	SOFT	TAN	NOT AS FAST		SMOOTHER
	203	207	FINE GRAVEL	SOFT	TAN	FAST		CHATTER
	220	270	SANDY CLAY W/ F-M SAND LAYERS	NOT AS SOFT	TAN	NOT AS FAST		SLIGHT CHATTER
	270	294	FINE GRAVEL	SOFT	RED	FAST		FAST CHATTER
	294	302	SANDY CLAY	SOFT	TAN	FAST		SMOOTHER
\neg	302	323	SANDY CLAY & M-C SAND W/ FINE GRAVEL LAYERS	SOFT	TAN/ RED	FAST		SLIGHT CHATTER
\neg	323	334	FINE GRAVEL, FINE-MEDIUM-COARSE SAND	SOFT	RED	FAST		FAST CHATTER
	334	365	SANDY CLAY W/ M-C SAND LAYERS	NOT AS SOFT	TAN	FAST		SLIGHT CHATTER (C
\neg	365	374	FINE GRAVEL, FINE-MEDIUM-COARSE SAND	SOFT	RED	FAST		FAST CHATTER
	374	425	WEATHERED SHALE W/TR. FINE SAND , YELLOW SANDY CLAY TR. SANDSTONE BROWN ROCK	SEMI DENSE	TAN	SLOW		SMOOTH
	425	428	FINE SAND, TR. SANDSTONE	SOFT	TAN	FAST		SLIGHT CHATTER
	428	435	BROWN ROCK / SANDSTONE ("BIG DRINK OF H2O")	SOFT	BROWN	FAST		CHATTER
	435	480	DARK SHALE	DENSE	BLACK	SLOW		SMOOTH
			11 BAGS OF QUIKGEL					
			1 BAG OF SODA ASH					
	E-4		1 BAG OF BRAN					
			WATER LOADS - 1			51		
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			NEW TOWNSHIP OF THE STATE OF TH		Mark to			
		7				RIME		1-7-16-11

Downey Drilling Inc.

CUSTOMER NAME: VAUGHN NIGHTENGALE

TEST HOLE #1

LEGAL: NE 19-24S-34W

COUNTY: FINNEY CO. KS

GPS: 37 57" 20.60" N

101 5' 22.21" W

-			DRILLER:				WO:	19-101
W	FROM	то	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	30	TOP SOIL, FINE SAND AND FINE GRAVEL	SOFT	TAN/ RED	FAST		SMOOTH
	30	75	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	75	80	FINE-MEDIUM-COARSE SAND	SOFT	RED	FAST		SOMECHATTER
	80	140	SANDY CLAY, FINE SAND AND FINE GRAVEL	SOFT	TAN/ RED	FAST		SOME CHATTER
	140	175	FINE SAND, FINE GRAVEL WITH SANDY CLAY LAYERS 5WL	SOFT	TAN	FAST		SOME CHATTER
	175	180	SANDY CLAY, SMALL M-C SAND & FINE GRAVEL LENSES 180-183	SOFT	TAN	FAST		SLIGHT CHATTER
	180	203	SANDY CLAY	SOFT	TAN	NOT AS FAST		SMOOTHER
ß.	203	207	FINE GRAVEL	SOFT	TAN	FAST	4	Property Property Co.
	220	270	SANDY CLAY W/ F-M SAND LAYERS	NOT AS		NOTAS	20.	CHATTER
		-		SOFT	TAN	FAST	24	SLIGHT CHATTER
	270	294	FINE GRAVEL	SOFT	RED	FAST	XI.	FAST CHATTER
05	294	302	SANDY CLAY	SOFT	TAN	FAST	11	SMOOTHER
-	302	323	SANDY CLAY & M-C SAND W/ FINE GRAVEL LAYERS	SOFT	TAN/ RED	FAST	11	SLIGHT CHATTER
-	323	334	FINE GRAVEL, FINE-MEDIUM-COARSE SAND	NOT AS	RED	FAST	11	FAST CHATTER
	334	365	SANDY CLAY W/ M-C SAND LAYERS	SOFT	TAN	FAST	15	TIMES
	365	374	FINE GRAVEL, FINE-MEDIUM-COARSE SAND WEATHERED SHALE WITR. FINE SAND, YELLOW SANDY CLAY TR.	SOFT	RED	FAST	9	FAST CHATTER
_	374	425	SANDSTONE BROWN ROCK	DENSE	TAN	SLOW		SMOOTH
1	425	428	FINE SAND, TR. SANDSTONE	SOFT	TAN	FAST	3	SLIGHT CHATTER
	428	435	BROWN ROCK / SANDSTONE ("BIG DRINK OF H2O")	SOFT	BROWN	FAST	7	CHATTER
	435	480	DARK SHALE	DENSE	BLACK	SLOW		SMOOTH
						1		
			11 BAGS OF QUIKGEL	l a			93	
			1 BAG OF SODA ASH				1	75
		1	1 BAG OF BRAN					
			WATER LOADS - 1			1		
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YOST & NIGHTENGALE

NE 19-24S-34W FINNEY CO.

Legend

Feature 1 KS

TH #1 ELEV=2935' KS T26S R36W

ITH #1 ELEV=2935'

Google Earth

1000 ft

