

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

1. File Number: 10335	2. Status Change Date: 5/18/2020	3. Change Num: C1	4. Field Office: 04	5. GMD: 03
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 30-OCT-2019
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8a. Applicant(s) Person ID <u>40039</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> SEABOARD FOODS LLC 9000 W 67TH ST STE 200 SHAWNEE MISSION, KS 66202	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
--	--

8b. Landowner(s) Person ID <u>40039</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> SEABOARD FOODS LLC 9000 W 67TH ST STE 200 SHAWNEE MISSION, KS 66202	8d. WUC Person ID <u>40039</u> New to system <input type="checkbox"/> Add Seq# <u>2</u> SEABOARD FOODS LLC Attn: ENVIRONMENTAL ENG MNGR 2801 HURLIMAN RD GUYMON, OK 73942 NO CHANGE
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/20 N & P Date to Comply: 12/31/20

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **05/04/20** By: **RAK**
 Date Entered: **5/19/2020** By: **LMoody**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: May 5, 2020

FROM: Richelle A. Krueger

RE: Water Right
File No. 10,335

Stephen Summerlin, Senior Vice President, on behalf of Seaboard Foods, LLC, owner of the referenced file number, filed an application for approval to change the point of diversion.

The referenced water right does not appear to be abandoned, as per K.S.A. 82a -718.

The reference file number, authorized for stockwatering use, has no overlaps in the point of diversion but the place of use overlaps Water Right, File No. 12,645 and Application, File No. 50,231, which is being processed by Austin McCullough, Assistant Water Commissioner of the Garden City Field Office. The applicants proposed to redrill their authorized battery of two wells approximately 2,534 feet south of the currently authorized battery at a geographic center located 2,852 feet North and 5,100 feet West of the Southeast corner of Section 28, Township 31 South, Range 40 West, Morton County, Kansas.

According to the application map and WRIS, the only other wells within one-half mile are two domestic wells. The nearby well owner was notified by a letter dated March 18, 2020; no response has been received as of today's date.

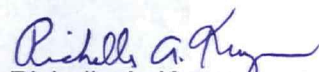
The same local source of supply will not change, which appears to be Ogallala Formation (211)/Dakota Formation (331). It should be noted that the wells in the currently authorized battery are approximately 400 feet in depth. The log submitted for the proposed battery and Application, File No. 50,231 (which was to be drilled near same location) was drilled to a depth of 740 feet. There was some question as to whether the same local source of supply would change. However, in an e-mail dated August 26, 2019 to Austin, Mark Rude, Executive Director of Southwest Kansas Groundwater Management District No. 3 indicated that at this point, all of the formations are considered to be connected and to be High Plains Aquifer, thus the same local source of supply will not change, and Application, File No. 50,231 should be dismissed. Austin will submit dismissal documents for Application, File No. 50,231 upon approval of the application for File No. 10,335.

In a letter dated April 27, 2020, Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3, indicated the District conducted a well evaluation to estimate possible effects of the proposal on other water rights per their draft revised management program. The District conducted an analysis using inputs from the GMD 3 aquifer model, and their conclusion was that the proposed change is reasonable and recommended approval of the application – see the recommendation for details.

In an e-mail dated May 1, 2020, Michael Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the referenced application.

A water flow meter will be required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works according to K.A.R. 5-3-5(c) and a water level measurement tube will be required.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that the referenced application be approved.


Richelle A. Krueger
Environmental Scientist

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY

1:08

DEPT OF AGRICULTURE



State of Kansas

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 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

OCT 30 2019

9:00

KS Dept Of Agriculture

File No. ~~40355~~ 10,335**

2. Name of applicant: Seaboard Foods LLC

Address: 9000 W 67th St, Suite 200

City, State and Zip: Shawnee Mission KS 66202

Phone Number: (913)261-2651 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: Seaboard Foods LLC Tim Yingst

Address: 2801 Hurliman Rd Guymon OK 73942

City, State and Zip: Guymon OK 73942

Phone Number: (580 338 4923) E-mail address: tim_yingst@seaboardfoods.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

Well battery volume is not enough to water swine

The change(s) (was) (will be) completed by As soon as permit issued; new battery completed by year end 2020
(Date)

For Office Use Only:														
F.O. Code	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use	<u>STK</u>	Source	<u>G</u>	County	<u>MIT</u>	By	<u>BAT</u>	Date	<u>10-29-19</u>
Code	<u>CGT</u>	Fee \$	<u>200</u>	TR #		Receipt Date	<u>10/30/19</u>	Check #	<u>Adjustment</u>					

APPLICATION COMPLETE

41-29120
Reviewer RAIL

**BAT/DWR
11-21-19

SCANNED

УБЫТКОВЫЙ КОМПЛЕКС
71.01.01
УБЫТКОВЫЙ КОМПЛЕКС

10.02.06

001

100

212

10.02.06

10.02.06

10.02.06

10.02.06

УБЫТКОВЫЙ КОМПЛЕКС
71.01.01
УБЫТКОВЫЙ КОМПЛЕКС

10.02.06

УБЫТКОВЫЙ КОМПЛЕКС

4. The presently authorized place of use is:

Owner of Land — NAME: Seaboard Foods LLC

ADDRESS: 9000 W 67th St, Suite 200 Shawnee Mission KS 66202

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		
21	31	40	swine	facil	ities	in														
27	31	40				in	NE													
28	31	40				in							NW							

List any other water rights that cover this place of use. 10335 12645

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		
33	31	40	NE																	
29	31	40											NW							

List any other water rights that cover this place of use. 10335 12645

(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 TO PLACE OF USE

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. _____

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY

OCT 07 2019

KS DEPT OF AGRICULTURE

Water Resources Received

OCT 30 2019 SCANNED

KS Dept Of Agriculture

- 6. The presently authorized point(s) of diversion (is) (are) one battery
(Provide description and number of points)
- 7. The proposed point(s) of diversion is establishing new battery 2612' south of current battery POD
(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 SW Quarter of the SW Quarter of Section 21, Township 31 South, Range 40 W, in Morton County, Kansas, 90 feet North 4965 feet West of Southeast corner of section.
 Authorized Rate 500 gpm for battery Authorized Quantity 283 for battery
 (DWR use only: Computer ID No. 6/7 *** 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 SW Quarter of the NW Quarter of Section 28, Township 31 South, Range 40W (E/W), in Morton County, Kansas, 2845 feet North 5034 feet West of Southeast corner of section.
 Proposed Rate 500 gpm for new battery Proposed Quantity 283 for new battery
 This point is: Additional Well Geo Center List other water rights that will use this point 12645 *

9. **Presently authorized point of diversion:**
 One in the sw Quarter of the sw Quarter of the sw Quarter of Section 21, Township 31 South, Range 40 W, in Morton County, Kansas, 95 feet North 5075 feet West of Southeast corner of section.
 Authorized Rate 500 gpm for battery Authorized Quantity 283 for battery
 (DWR use only: Computer ID No. 5 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 sw Quarter of the nw Quarter of Section 28, Township 31 South, Range 40 W, in Morton County, Kansas, 2852 feet North 5100 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 12645 *

10. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the SW Quarter of Section 21, Township 31 South, Range 40 W, in Morton County, Kansas, 100 feet North 5180 feet West of Southeast corner of section.
 Authorized Rate 500 gpm for battery Authorized Quantity 283 for battery
 (DWR use only: Computer ID No. ***6 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 SW Quarter of the SW Quarter of Section 28, Township 31 South, Range 40 W, in Morton County, Kansas, 2850 feet North 5165 feet West of Southeast corner of section.
 Proposed Rate 500 gpm for battery Proposed Quantity 283 for new battery
 This point is: Additional Well Geo Center List other water rights that will use this point 12645 *

Per WPLIS

RAK/own
3/16/20

WATER RESOURCES

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

per 3/11/20 email
Reenie Jackson Seaboard Foods
KS DEPT OF AGRICULTURE
* RAK/own 3/16/20

MAR 09 2020
** Modified per 3/16/20 email From Reenie
Jackson Seaboard Foods
** RAK/own 3/16/20

SCANNED

(*) per map & feet distances
RAK/own 3/16/20

Farm 5 Replacement Wells

S20-T31S-R40W

S21-T31S-R40W

10335 - Stockwater
- Seaboard Foods

10335 - Stockwater -
Seaboard Foods

10335 - Stockwater -
Seaboard Foods

Currently Authorized Battery of 2 Wells
File No. 10335
Geocenter 95'N and 5075'W of SE Corner
21-31S-40W Morton County

9423 - Irrigation
- Edyth Breeding

West Well
Lat: 37.32365911
Long: -101.68246905
2850' N, 5165' W of SE Corner S28

East Well
Lat: 37.32366933
Long: -101.68201861
2854' N, 5034' W of SE Corner S28

9423 - Irrigation
- Edyth Breeding

S29-T31S-R40W

S28-T31S-R40W

Proposed Battery of 2 Wells
File No. 10335*
Geocenter 2848'N and 5100'W of SE Corner
28-31S-40W Morton County

Water Resources
Received

MAR 16 2020

KS Dept Of Agriculture

* Modified per 3/16/20

email from Reenie Jackson Seaboard

Foods

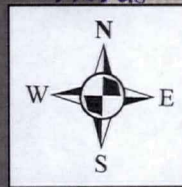
RAK/OWR
3/16/20

Legend

 Farm_5_New_Well_Geo_Center_Buffer_2640

0 330 660 1,320
Feet

S33-T31S-R40W



12. The presently authorized use of water is for stock purposes.
It is proposed that the use be changed to stock purposes.

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

(Please show any calculations here.)

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). 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.

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.

WATER RESOURCES RECEIVED
UNACCEPTABLE FOR PRIORITY
OCT 07 2019

Water Resources Received
OCT 30 2019
KS Dept Of Agriculture

SCANNED

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 10 day of October, 2019.

By: Seaboard Foods LLC (Owner)

Stephen Summerlin, Sr. VP (Please Print)

(Owner)

(Please Print)

(Owner)

(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 3rd day of October, 2019.

My Commission Expires 2/28/2023

Notary Public signature

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

OCT 30 2019

KS Dept Of Agriculture

UNACCEPTABLE FOR PRIORITY

SCANNED

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

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

October 15, 2019

Re: Unacceptable Change Application,
File No. 10,355

Dear Applicant:

Returned herewith is your Application for Approval to Change the Point of Diversion Under an Existing Water Right received by the Division of Water Resources on October 7, 2019. This application is not acceptable for filing in its present form.

The required fee as stated on the bottom of the signature page of the application was not included. Therefore, we find it necessary to return the application to you. Upon submitting the application to this office with the required fee, it will be further examined and processed. **Based on the information received, \$200 is needed for the filing fee** (application to change a point of diversion more than 300 feet).

Upon return of the acceptable application with the required filing fee, it will be assigned a priority based upon the date and time it is received in the office of the Chief Engineer. If you have any questions, please contact me at (785) 564-6643 or Kris.Neuhauser@ks.gov.

Sincerely,

Kris Neuhauser
Environmental Scientist
Water Appropriation Program

WATER RESOURCES
RECEIVED

OCT 30 2019

KS DEPT OF AGRICULTURE

Water Resources
Received

OCT 30 2019

KS Dept Of Agriculture

SCANNED



October 4, 2019

WATER RESOURCES RECEIVED
OCT 07 2019
KS DEPT OF AGRICULTURE

By Overnight UPS

Mr. David W. Barfield, Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502-5000

Re: Application for Permit to Construct a Replacement Well/Change the Point of Diversion
Water Right File No. 10355
Breeding Sow Farms 3 – 7

Dear Chief Engineer:

Enclosed is an application for a permit to construct a replacement well and change the point of diversion for the water right referenced above in Morton County, Kansas.

We appreciate your consideration of the application. Please contact me at (913) 261-2651 or Reenie Jackson at (580) 338-4926 if you have questions or need further information.

Sincerely,

Jennifer Charno Nelson
Senior Director of Environmental Affairs

C: Reenie Jackson

WATER RESOURCES RECEIVED

OCT 30 2019

KS DEPT OF AGRICULTURE



SCANNED

Farm 5 Replacement Wells

*See Revised Map received 3/16/20

S20-T31S-R40W

S21-T31S-R40W

4

Distance between Old West Well and New West Well = 2624 ft.

Distance between Old East Well and New East Well = 2570 ft.


S29-T31S-R40W

S28-T31S-R40W

West Well
Lat: 37.32365911
Long: -101.68246905
2850' N, 5165' W of SE Corner S28

East Well
Lat: 37.32366933
Long: -101.68201861
2854' N, 5034' W of SE Corner S28

Legend

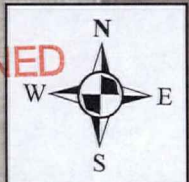
 Farm 4 West Well 2640 ft Buffer

0 330 660 1,320 Feet

Replacement wells are 130 ft. apart
Geo Center
Lat: 37.32366221
Long: -101.68224994

WATER RESOURCES RECEIVED
MAR 09 2020
KS DEPT OF AGRICULTURE

SCANNED



2 Doc/Map 3/16/20

* See Revised sheet Received 3/9/20

File No. 10355

6. The presently authorized point(s) of diversion (is) (are) one battery
(Provide description and number of points)
7. The proposed point(s) of diversion is establishing new battery 2612' south of current battery POD
(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 SW Quarter of the SW Quarter of Section 21, Township 31 South, Range 40 W, in Morton County, Kansas, 90 feet North 4965 feet West of Southeast corner of section. Authorized Rate 500 gpm for battery Authorized Quantity 283 for battery
 (DWR use only: Computer ID No. 6 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 SW Quarter of the NW Quarter of Section 28, Township 31 South, Range 40W (E/W), in Morton County, Kansas, 2745 feet North 5160 feet West of Southeast corner of section. Proposed Rate 500 gpm for new battery Proposed Quantity 283 for new battery
 This point is: Additional Well Geo Center List other water rights that will use this point 12645

9. **Presently authorized point of diversion:**
 One in the sw Quarter of the sw Quarter of the sw Quarter of Section 21, Township 31 South, Range 40 W, in Morton County, Kansas, 95 feet North 5075 feet West of Southeast corner of section. Authorized Rate 500 gpm for battery Authorized Quantity 283 for battery
 (DWR use only: Computer ID No. 5 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 sw Quarter of the nw Quarter of Section 28, Township 31 South, Range 40 W, in Morton 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 12645

10. **Presently authorized point of diversion:**
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range 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 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. plug

* RAK/dwn
3/16/20

OCT 30 2019

KS Dept Of Agriculture

UNACCEPTABLE FOR PRIORITY
OCT 27 2019
SCANNED
KS DEPT OF AGRICULTURE

Krueger, Richelle [KDA]

From: Jackson, Reenie <reenie.jackson@seaboardfoods.com>
Sent: Monday, March 16, 2020 12:05 PM
To: Krueger, Richelle [KDA]
Subject: RE: Seaboard Foods - Breeding WR 10335 application; updated battery POD

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Sounds great; I am so glad to have you guys! Who knows where the well(s) would be located if you did not check the application!

Thanks again!

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Monday, March 16, 2020 12:02 PM
To: Jackson, Reenie <reenie.jackson@seaboardfoods.com>
Subject: RE: Seaboard Foods - Breeding WR 10335 application; updated battery POD

CAUTION: External email - forward suspicious messages to your local Help Desk.

Reenie,
Based on that change I will modify the geocenter to 2852'N, 5100'W of the Southeast corner of 28-31-40W Morton Co. if okay with you?
Richelle

From: Jackson, Reenie <reenie.jackson@seaboardfoods.com>
Sent: Monday, March 16, 2020 11:40 AM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: RE: Seaboard Foods - Breeding WR 10335 application; updated battery POD

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

It is a typo on my part-gosh I am so sorry!

I transposed the numbers. It is 2854 and glad you are checking my submittal! I'll update my application to reflect the correct feet!

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Monday, March 16, 2020 11:31 AM
To: Jackson, Reenie <reenie.jackson@seaboardfoods.com>
Subject: RE: Seaboard Foods - Breeding WR 10335 application; updated battery POD

CAUTION: External email - forward suspicious messages to your local Help Desk.

Reenie,
I am sure you are getting tired of me by now, but I wanted to check on something...on the new map the proposed East Well shows feet distances of 2854'N and 5034'W of SE corner of 28-31-40W, but Paragraph No. 8 of the application shows the East well to be 2845'N and 5034'W. Do you know which one is correct? The reason I ask is it affects what the feet distances of the proposed geocenter should be.

If you can let me know I will modify the application.

Thanks,
Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive, 3rd Floor
Manhattan, KS 66502
(785) 564-6635

From: Jackson, Reenie <reenie.jackson@seaboardfoods.com>
Sent: Monday, March 16, 2020 9:21 AM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: RE: Seaboard Foods - Breeding WR 10335 application; updated battery POD

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No those were Edyth Breeding's at one time.

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Monday, March 16, 2020 9:19 AM
To: Jackson, Reenie <reenie.jackson@seaboardfoods.com>
Subject: RE: Seaboard Foods - Breeding WR 10335 application; updated battery POD

CAUTION: External email - forward suspicious messages to your local Help Desk.

Good Morning Reenie,
Thanks for the map! Does Seaboard own those two wells shown on the map as irrigation wells authorized by File No. 9423(dismissed irrigation right)? Just want to make sure who needs notification, thanks!
Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive, 3rd Floor
Manhattan, KS 66502
(785) 564-6635

From: Jackson, Reenie <reenie.jackson@seaboardfoods.com>
Sent: Monday, March 16, 2020 9:10 AM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: Yingst, Tim <tim.yingst@seaboardfoods.com>
Subject: RE: Seaboard Foods - Breeding WR 10335 application; updated battery POD

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Hi Richelle

Attached is a new map as discussed last week.

Please advise if you need any further information.

Thanks!

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

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Wednesday, March 11, 2020 12:35 PM
To: Jackson, Reenie <reenie.jackson@seaboardfoods.com>
Subject: RE: Seaboard Foods - Breeding WR 10335 application; updated battery POD

CAUTION: External email - forward suspicious messages to your local Help Desk.

Thanks Reenie, I am thinking you had the half mile on the original pod to make sure move was less than a half mile, I betcha!

From: Jackson, Reenie <reenie.jackson@seaboardfoods.com>
Sent: Wednesday, March 11, 2020 12:08 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: RE: Seaboard Foods - Breeding WR 10335 application; updated battery POD

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See below.

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Wednesday, March 11, 2020 11:15 AM
To: Jackson, Reenie <reenie.jackson@seaboardfoods.com>
Subject: RE: Seaboard Foods - Breeding WR 10335 application; updated battery POD

CAUTION: External email - forward suspicious messages to your local Help Desk.

Reenie,
Received your map and the updated POD page. Based on the location for the proposed wells, I calculated the geocenter for the proposed battery of two wells to be 2848'N and 5100'W of the Southeast corner of Section 28, Township 31 South, Range 40 West Morton County. If it's okay with you I will indicate those feet distances for the proposed geocenter in Paragraph No. 9 of the application. **Sounds great-our mapping guy only puts lat/long out of habit.**

Also the POD page indicates the proposed wells will overlap with Water Right, File No. 12645 but I don't think that is correct? I think maybe just the place of use overlaps File No. 12645, so I can cross that out if okay with you. **This is correct #12645 will not use the same POD. I cross out on my application as well.**

Also, I have attached a map with a one-half mile radius circle around the proposed geocenter, since we will need to know the location of any water wells (domestic or non-domestic) within that area. Please mark the location of any

wells within the half mile circle and provide the name and mailing addresses of the well owners. Please sign and date the map where indicated and e-mail or mail back to me. **I do not know why the ½ mile radius was used from the original POD; that is bad on my and the mapping specialist parts we both know where to look from. I'll have him re-do a map and get it back to you hopefully today; if not it will be Monday.**

Thanks!

Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive, 3rd Floor
Manhattan, KS 66502
(785) 564-6635

From: Jackson, Reenie <reenie.jackson@seaboardfoods.com>
Sent: Monday, March 9, 2020 12:47 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: Yingst, Tim <tim.yingst@seaboardfoods.com>; Sisseck, Allen <allen.sisseck@seaboardfoods.com>
Subject: Seaboard Foods - Breeding WR 10335 application; updated battery POD

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Richelle

Per our conversation please find attached the updated POD page of the above application and updated location map.

Please advise if further information is needed.

Thanks

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

Krueger, Richelle [KDA]

From: Meyer, Mike [KDA]
Sent: Friday, May 1, 2020 9:35 AM
To: McColloch, Austin [KDA]; Krueger, Richelle [KDA]
Subject: RE: Request for Recommendation Change in PD File No. 10335 Seaboard Foods, LLC

agree

Mike

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Friday, May 1, 2020 9:09 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: RE: Request for Recommendation Change in PD File No. 10335 Seaboard Foods, LLC

I agree source of supply should be 211/331. Once this is done we can go ahead and dismiss 50,231. I do not have anything drafted for that but I can if Richelle wants me to.

Austin McColloch
Ph: (620) 276-2901

From: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Sent: Friday, May 1, 2020 7:43 AM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: Request for Recommendation Change in PD File No. 10335 Seaboard Foods, LLC

please approve
the source of supply should be 211/331. or 211/400
Austin, please review the memo and If you have any thoughts also, let me know

Mike

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Thursday, April 30, 2020 5:09 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Cc: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: Request for Recommendation Change in PD File No. 10335 Seaboard Foods, LLC

Mike and Austin,
Attached is a draft memo for the referenced pd change, Jason's recommendation is in docuware. I wasn't quite sure what to say about the source of supply exactly, so please feel free to offer comments and suggestions.

Do you recommend approval of the referenced change?

Thanks,
Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive, 3rd Floor
Manhattan, KS 66502
(785) 564-6635

Krueger, Richelle [KDA]

From: Meyer, Mike [KDA]
Sent: Monday, April 13, 2020 4:38 PM
To: Krueger, Richelle [KDA]
Subject: RE: Change in Point of Diversion Application File No. 10335 Seaboard Foods

Yes, thank you (Jason was asking for it, in which I directed him to the log under the proposed dismissed app), but we needed to ask to clarify.

Thank you

Mike

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Monday, April 13, 2020 4:36 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: FW: Change in Point of Diversion Application File No. 10335 Seaboard Foods

Mike,
Does this information get you what you need?
Richelle

From: Jackson, Reenie <reenie.jackson@seaboardfoods.com>
Sent: Monday, April 13, 2020 4:30 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: RE: Change in Point of Diversion Application File No. 10335 Seaboard Foods

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I have attached the test hole log for the east well in the battery.

The 2nd well in the battery we have not done any type of test hole to date.

We are supposed to have snow tonight – yuck!

Please let me know if you need any further information.

Thanks

Reenie Jackson

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Monday, April 13, 2020 4:12 PM
To: Jackson, Reenie <reenie.jackson@seaboardfoods.com>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Change in Point of Diversion Application File No. 10335 Seaboard Foods

CAUTION: External email - forward suspicious messages to your local Help Desk.

Good afternoon Reenie,
Hope you are doing well, pretty cold here! Hey looks like we are going to need some additional information to get this application processed. Do you have the well depths for the proposed new two well battery proposed in Section 28, Township 31 South, Range 40 West, Morton County, KS? Also, do you have a copy of the well log for those proposed new wells you could e-mail to me?

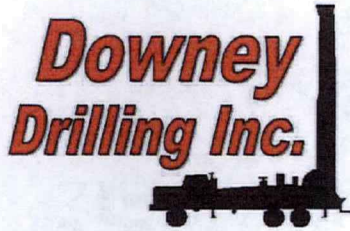
Thanks for your help!

Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive, 3rd Floor
Manhattan, KS 66502
Richelle.Krueger@ks.gov

WELL LOG

DATE: 7/18/2018



CUSTOMER NAME: SEABOARD FOODS FARM #5

LEGAL: SW 28-31S-40W

COUNTY: MORTON CO. KS

GPS: 37 19' 24.88" N
101 40' 57.15" W

DRILLER: CHRIS P.

WO: 18-408

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	2	TOPSOIL	SOFT	DARK	FAST		SMOOTH
	2	20	SILTY CLAY & SILT	SOFT	TAN	FAST		SMOOTH
	20	45	SILTY CLAY / SILT / TR. FINE SAND	SOFT	TAN	FAST		SMOOTH
	45	90	SILTY CLAY, SILT, FINE SAND, TR. CEM. SAND	SOFT	DARK	FAST		SMOOTH
	90	120	FINE/MED SAND, SILT, TR. SANDY CLAY	SOFT	DARK	FAST		SLIGHT CHATTER
	120	165	FINE/MED/COARSE SAND	SOFT	TAN	FAST		SLIGHT CHATTER
	165	190	FINE/MED/COARSE SAND, FINE/MED GRAVEL	SOFT	RED	FAST		CHATTER
	190	206	FINE/MED/COARSE SAND, FINE/MED/COARS GRAVEL, TR. SANDSTONE	SOFT	RED	FAST		CHATTER
	206	223	FINE/MED GRAVEL, TR. BROWN ROCK, SOME SANDSTONE	SOFT	TAN	FAST		CHATTER
	223	240	MED - COARSE SAND / SANDSTONE	FIRM	ORANGE	SLOW SEMI SLOW		CHOPPY
	270	294	SANDSTONE W/SILT LENSES	SEMI FIRM	RED	SLOW		CHATTER AT TIMES
	294	306	SILT / FINE SAND	SEMI FIRM	TAN	SLOWER		SLIGHT CHATTER
	306	320	CLAY / SOME SILTSTONE	FIRM	ORANGE & GRAY	SLOW		SMOOTH
	320	360	CLAY & SILTSTONE / FINE GRAIN SANDSTONE	FIRM	TAN	SLOW		SMOOTH
	360	435	RED CLAY/ RED SILTSTONE (LIGHT) FINE GRAIN SANDSTONE	FIRM	RED	SLOW		SMOOTH
	435	567	RED CLAY/RED SILTSTONE (DARK) FINE GRAIN SANDSTONE	FIRM	RED	SLOW		SMOOTH
	567	578	RED SANDSTONE	SOFT	RED	FAST		CHOPPY
	578	580	(TOOK WATER) RED SANDSTONE	SOFT	RED	FAST		CHOPPY
	580	593	RED SANDSTONE TR. CLAY LENSES	SOFT	RED	FAST		CHOPPY
	593	636	WHITE SOAPSTONE, FINE GRAINED SANDSTONE	SEMI FIRM	RED	SLOWER	X	SMOOTH
	636	645	FINE GRAINED SANDSTONE W/SAND	SOFT	RED	FAST		CHOPPY
	645	690	RED SANDSTONE, TR SAND W/FEW CLAY LENSES	SOFT	RED	FAST		CHOPPY
	690	715	RED SANDSTONE, TR SAND	SOFT	RED	FASTER		CHOPPY
	715	740	RED CLAY	SOFT	RED	SLOW		SMOOTH
			4 LOADS OF WATER					
			DRAG BIT					
			SODA ASH - 1					
			QUIK GEL - 11					
			FARM #4 - 218' SWL					
			FARM #5 - 1-2 FT LOWER IN ELEVATION					



Century GEOPHYSICAL CORP.

SEABOARD FOODS SITE 5

COMPANY : DOWNEY DRILLING INC.
WELL : SEABOARD FOODS SITE 5
LOCATION/FIELD :
COUNTY : MORTON
LOCATION : SW
SECTION : 28

OTHER SERVICES:

TOWNSHIP : 31S RANGE : 40W

DATE : 07/18/18
DEPTH DRILLER : 740
LOG BOTTOM : 723.40
LOG TOP : 41.10

PERMANENT DATUM : GL

LOG MEASURED FROM: GL
DRL MEASURED FROM: GL

KB :
DF :
GL :

CASING DIAMETER : 10.
CASING TYPE :
CASING THICKNESS:

LOGGING UNIT : 1319
FIELD OFFICE : DDI
RECORDED BY : DAVE

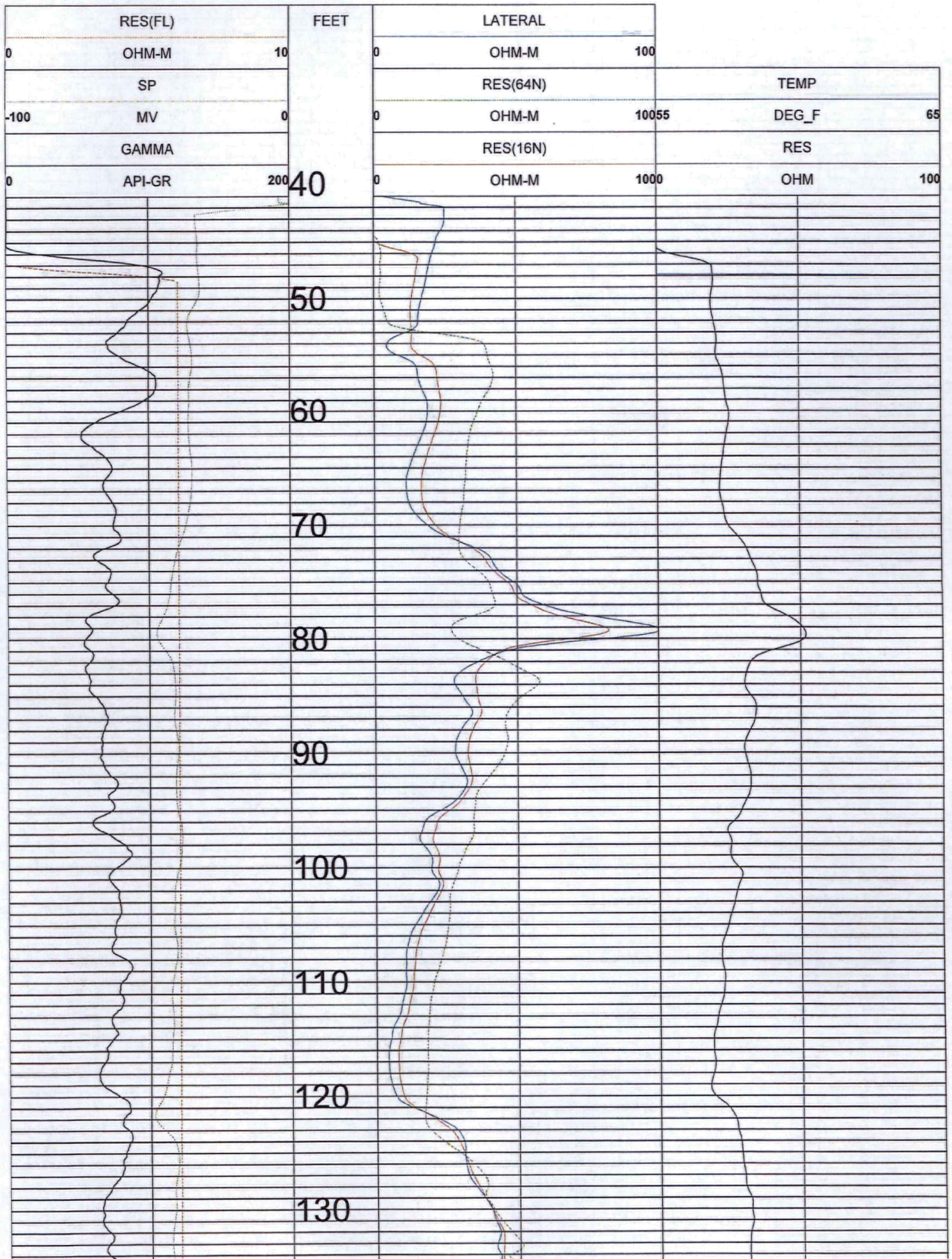
BIT SIZE : 6.25
MAGNETIC DECL. : 0
MATRIX DENSITY : 2.71
NEUTRON MATRIX : LIMESTONE

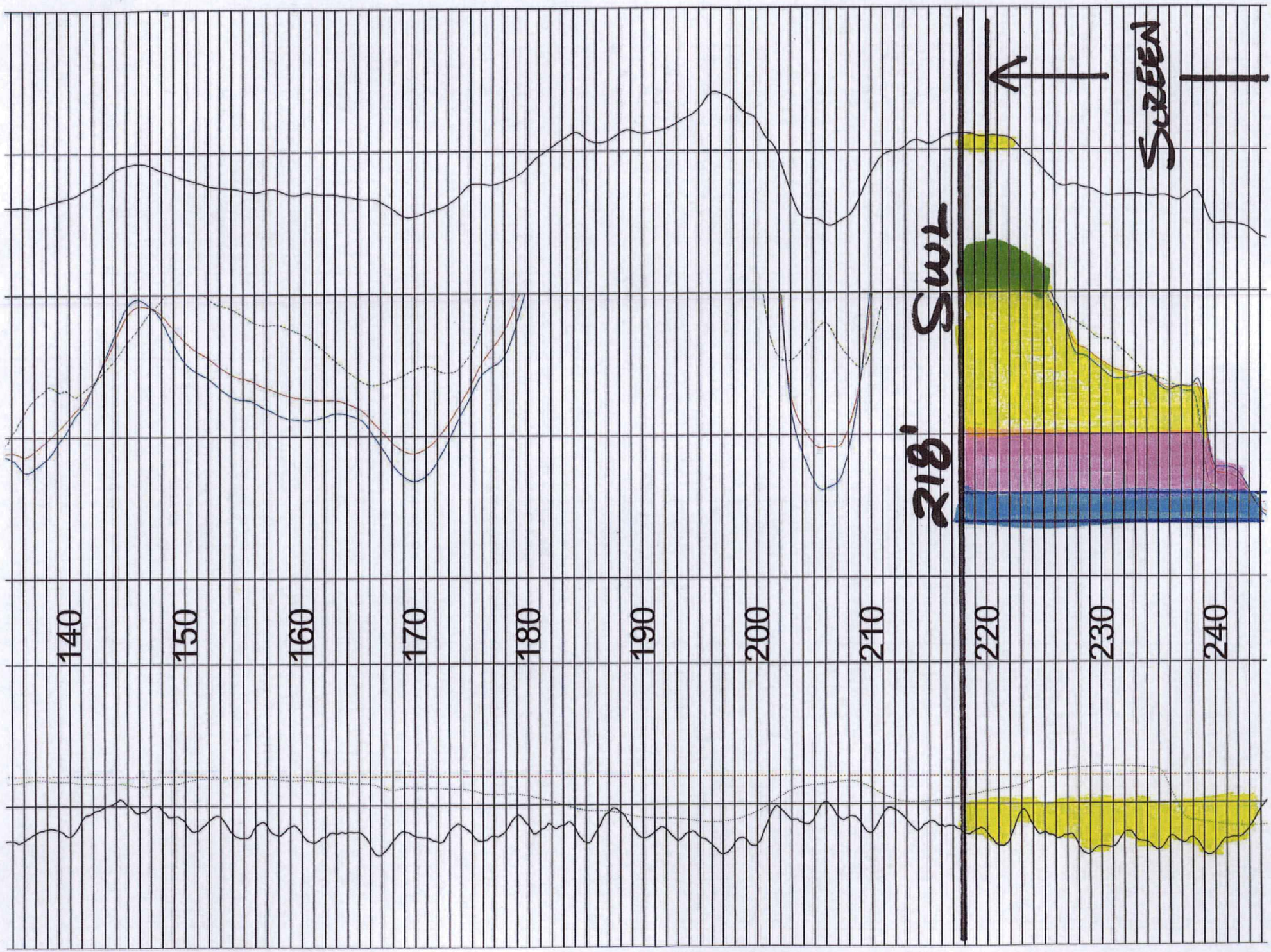
BOREHOLE FLUID : MUD
RM :
RM TEMPERATURE :
MATRIX DELTA T : 49

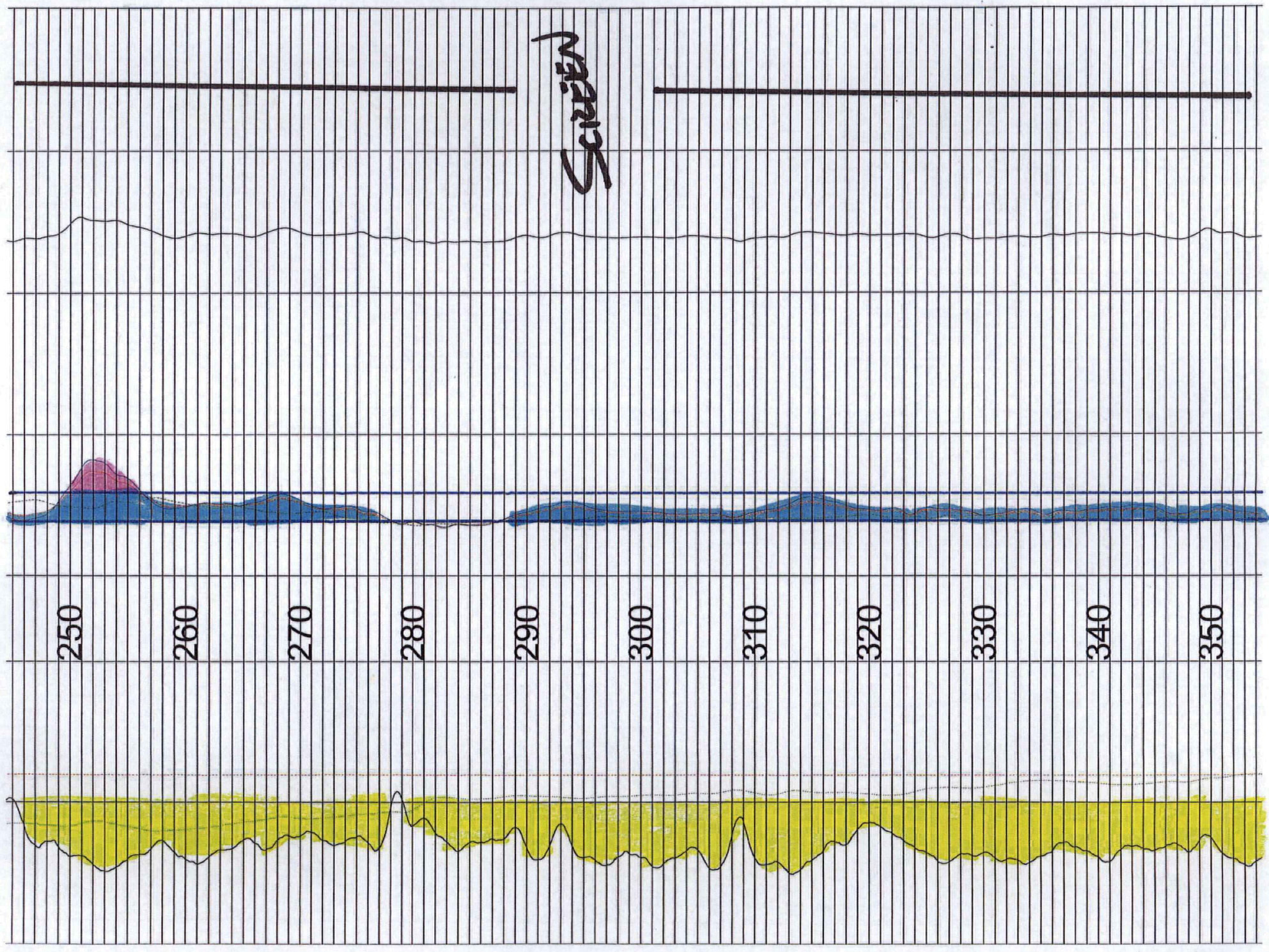
FILE : ORIGINAL
TYPE : 8144A
LGDATE: 07/18/18
LGTIME : 20:51:
THRESH: 99999

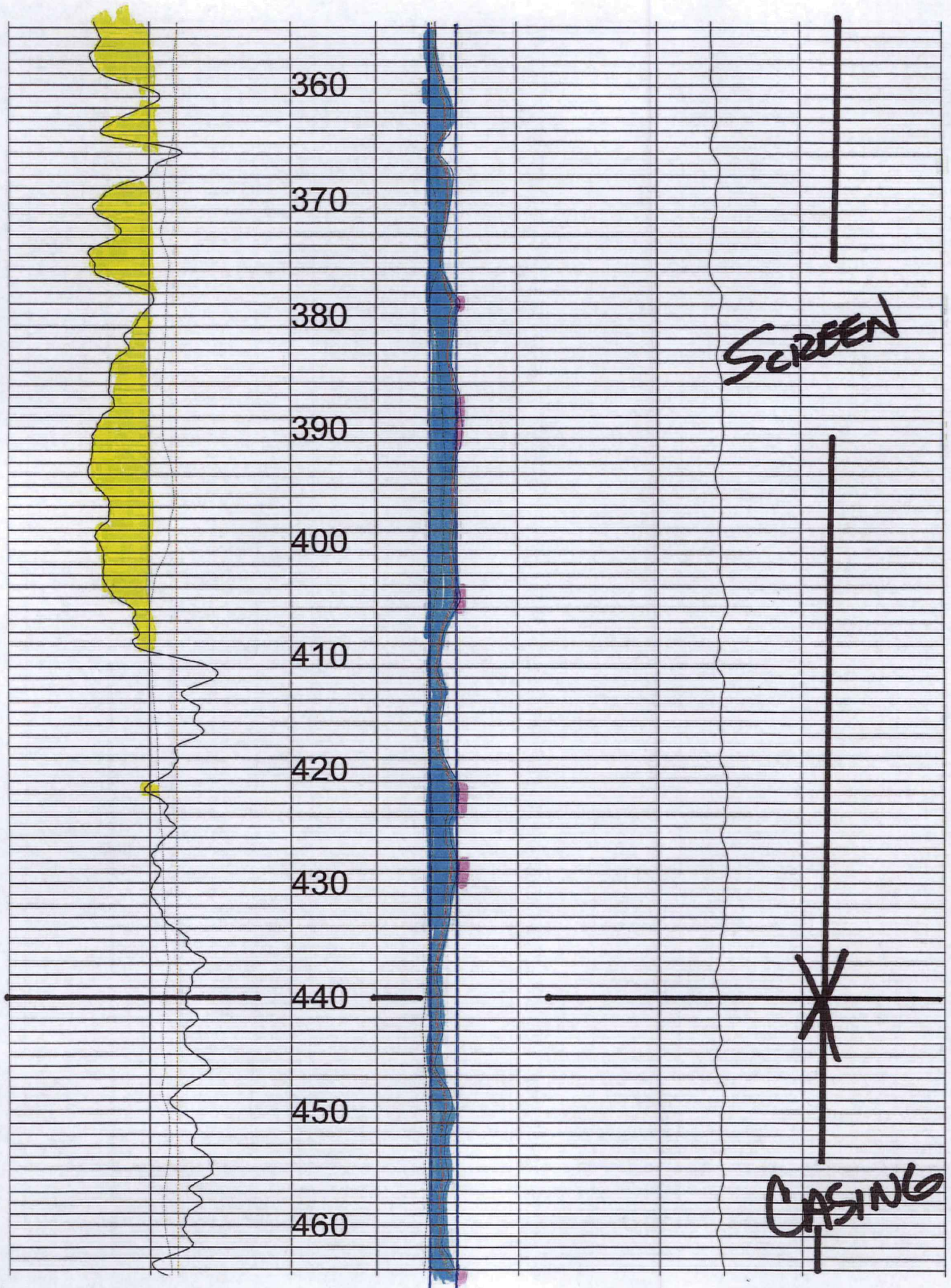
N 37°19'24.79"
W- 101°40'56.81"

ALL SERVICES PROVIDED SUBJECT TO STANDARD TERMS AND CONDITIONS

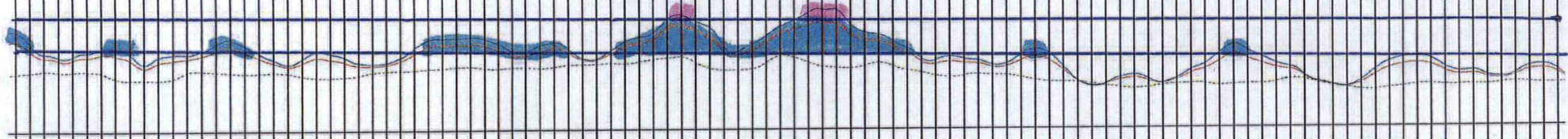








Orsindo



470

480

490

500

510

520

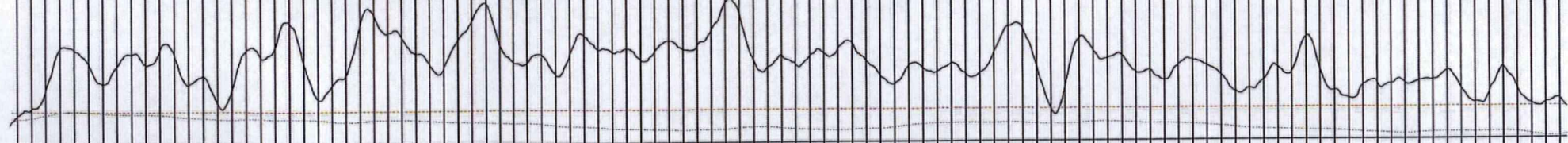
530

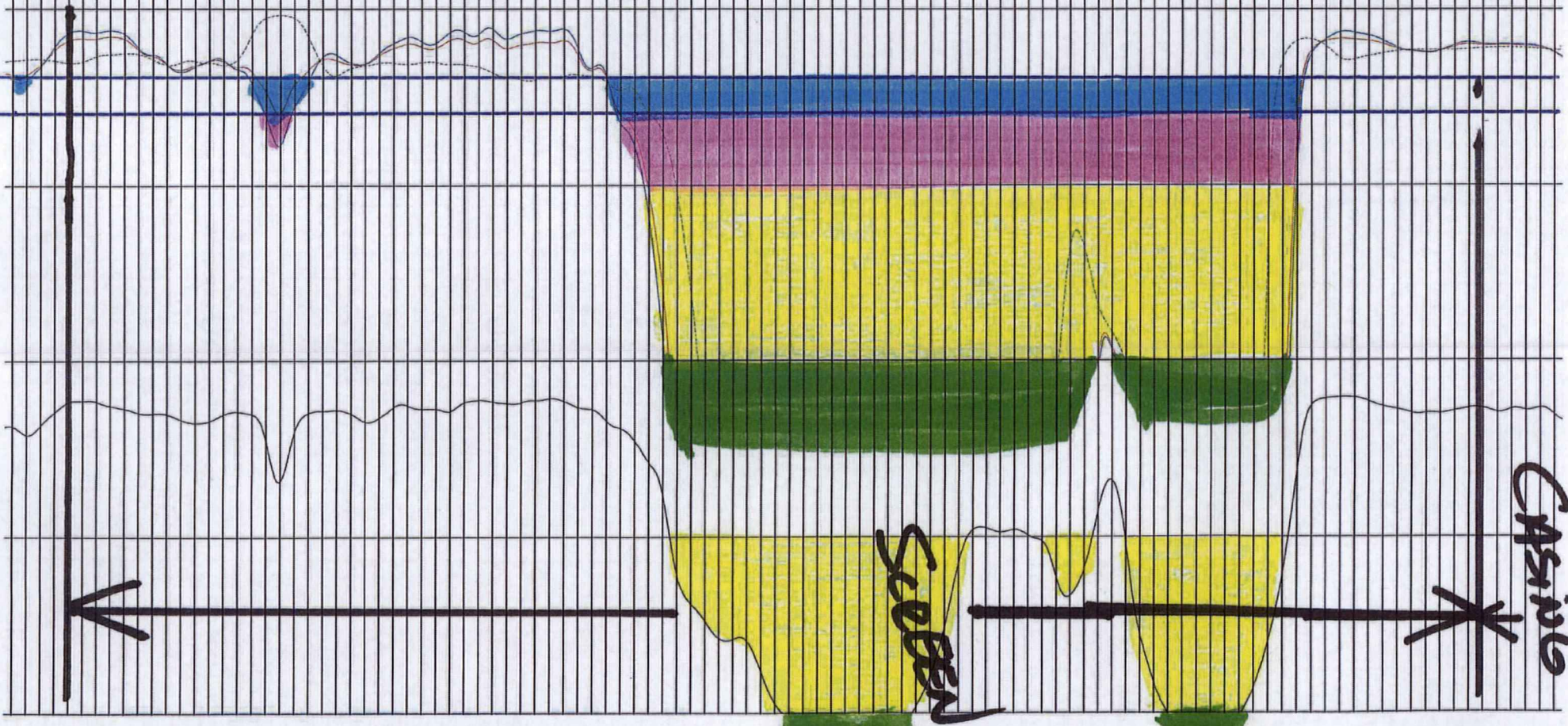
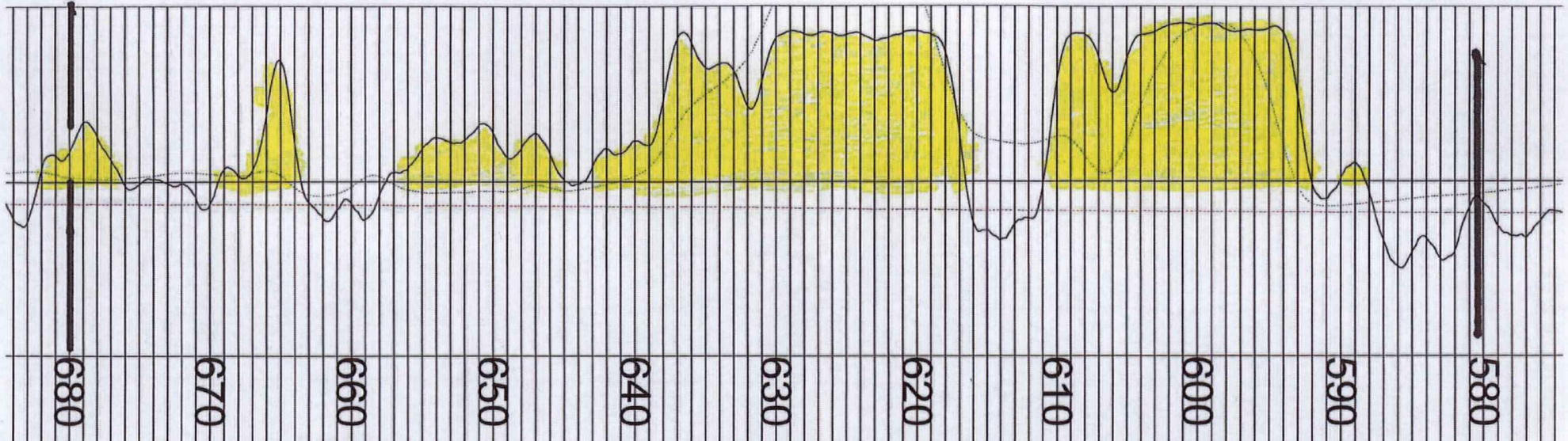
540

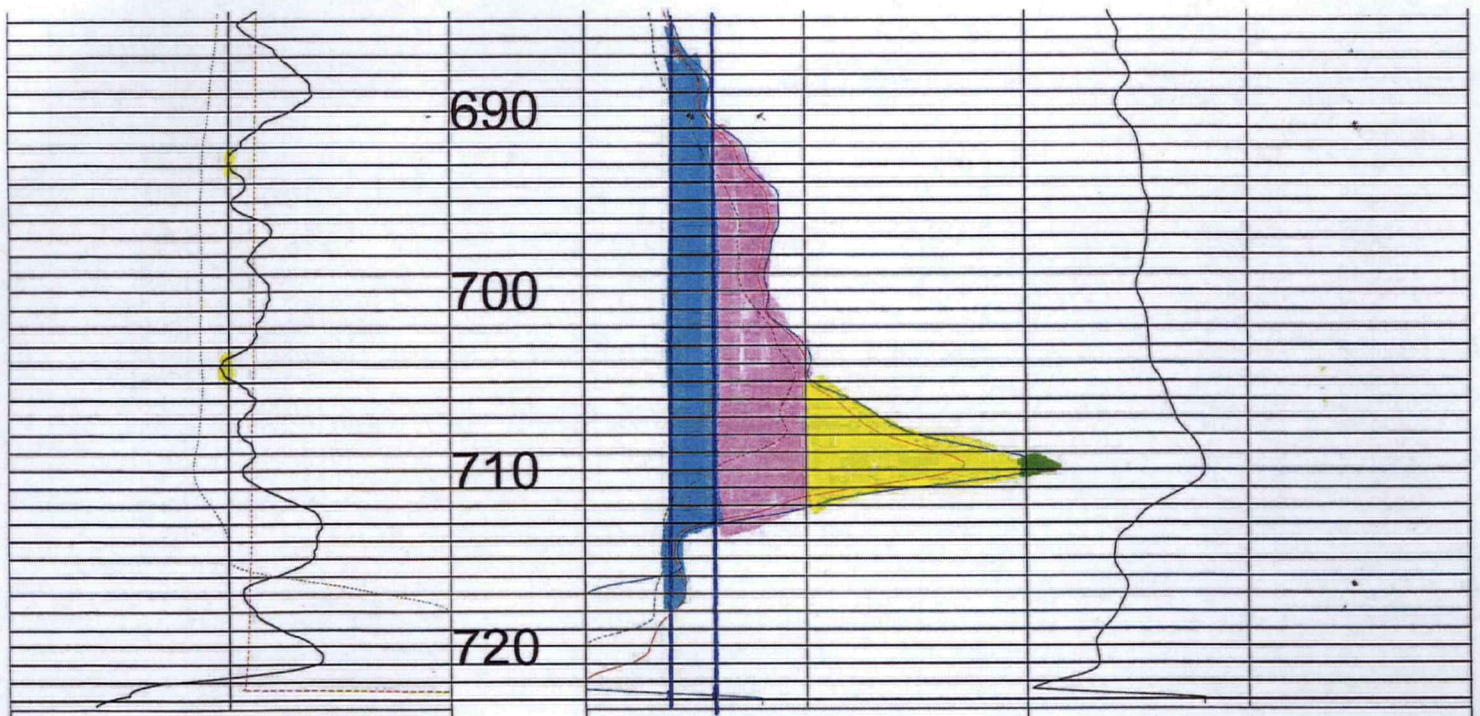
550

560

570







0	API-GR	200	0	OHM-M	1000	OHM	100
	GAMMA			RES(16N)		RES	
-100	MV	0	0	OHM-M	10055	DEG_F	65
	SP			RES(64N)		TEMP	
0	OHM-M	10	0	OHM-M	100		
	RES(FL)			LATERAL			
		FEET					

TOOL CALIBRATION SEABOARD FOODS SITE 5 07/18/18 20:51
TOOL 8144A TM VERSION 1
SERIAL NUMBER 365

	DATE	TIME	SENSOR	STANDARD		RESPONSE	
1	Feb20,18	08:50:39	GAMMA	1.000	[API-GR]	0.000	[CPS]
	Feb20,18	08:50:39	GAMMA	340.000	[API-GR]	290.000	[CPS]
2	Feb20,18	08:50:53	RES(FL)	1.330	[OHM-M]	7595.000	[CPS]
	Feb20,18	08:50:53	RES(FL)	42.720	[OHM-M]	64820.000	[CPS]
3	Feb20,18	08:58:49	SP	0.000	[MV]	327616.000	[CPS]
	Feb20,18	08:58:49	SP	390.000	[MV]	165246.000	[CPS]
4	Feb20,18	08:58:55	RES(16N)	0.000	[OHM-M]	3636.000	[CPS]
	Feb20,18	08:58:55	RES(16N)	1954.000	[OHM-M]	449522.000	[CPS]
5	Feb20,18	08:59:01	RES(64N)	0.000	[OHM-M]	3153.000	[CPS]
	Feb20,18	08:59:01	RES(64N)	1989.000	[OHM-M]	449347.000	[CPS]
6	Feb20,18	08:50:45	TEMP	33.400	[DEG_F]	66910.000	[CPS]
	Feb20,18	08:50:45	TEMP	102.300	[DEG_F]	270930.000	[CPS]
7	Feb20,18	08:59:07	RES	0.000	[OHM]	4432.000	[CPS]
	Feb20,18	08:59:07	RES	943.000	[OHM]	173223.000	[CPS]

Krueger, Richelle [KDA]

From: Jason Norquest <norquest@gmd3.org>
Sent: Monday, April 13, 2020 1:26 PM
To: Krueger, Richelle [KDA]
Subject: 10335

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon Richelle, hope you and your family are doing well during these different times.

I got the change app for WR10335, Seaboard Foods. I was wondering if you got drillers logs with it or not. We like those to do our evaluations with current logs. Thanks for your help and talk to you soon.

Jason Norquest

Assistant Manager, GMD3

Cell: 620-271-1289

Office: 620-275-7147

www.gmd3.org

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

SOUTHWEST KANSAS GROUNDWATER April 8, 2020
MANAGEMENT DISTRICT NO 3
ATTN JASON NORQUEST
2009 E SPRUCE ST
GARDEN CITY KS 67846

Re: Water Right, File No. 10,335

Dear Jason:

We are enclosing a copy of the application to change the point of diversion for File No. 10,335.

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

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Garden City Field Office

Krueger, Richelle [KDA]

From: Krueger, Richelle [KDA]
Sent: Thursday, March 12, 2020 2:27 PM
To: McColloch, Austin [KDA]; Meyer, Mike [KDA]
Subject: RE: Application to Change the PD File No. 10335 Seaboard Farms , Application File No. 50231

Thanks, I will throw that in the file, it at least clarifies the gmd position. I knew there was some question about it a year or two ago and didn't know what was decided, thank you!

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Thursday, March 12, 2020 2:25 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: RE: Application to Change the PD File No. 10335 Seaboard Farms , Application File No. 50231

I think this is the one.

Austin McColloch
Ph: (620) 276-2901

From: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Sent: Thursday, March 12, 2020 2:18 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: Application to Change the PD File No. 10335 Seaboard Farms , Application File No. 50231

Austin can you send Richelle gmd recommendaiton

Mike

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Thursday, March 12, 2020 2:17 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Cc: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: Application to Change the PD File No. 10335 Seaboard Farms , Application File No. 50231

I don't see anything in docuware from the GMD 3 board on this in File No. 10335 or 50231, and I don't have anything in the file for File No. 10335?

Richelle

From: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Sent: Thursday, March 12, 2020 1:55 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: Application to Change the PD File No. 10335 Seaboard Farms , Application File No. 50231

Brent and us thought it was not hi plains, but after GMD review etc, they convinced us it was still hi plains. Should be in docuware their evaluation. I think we are good

Mike

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Thursday, March 12, 2020 1:54 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Cc: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: Application to Change the PD File No. 10335 Seaboard Farms , Application File No. 50231

The application indicates they will plug the currently authorized battery in Sec 21. I wasn't certain what the plan was on this application so thanks for the info. Since this is Morton County I thought I better double check with you that they would be staying in same source since I know there is some unusual geology in certain parts of the county. I am just waiting for Reenie to send me the map with the half mile radius around the proposed geocenter. I think I will have that Monday, then I will notify nearbys and send it off to GMD 3 for a recommendation.

Thanks!
Richelle

From: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Sent: Thursday, March 12, 2020 1:45 PM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: Application to Change the PD File No. 10335 Seaboard Farms , Application File No. 50231

Here are the existing well logs. Yes these are 211/331 formation, we are dismissing the 50231 when this battery gets approved. What are they doing with the old battery?

Mike

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Tuesday, March 10, 2020 12:38 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Cc: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: Application to Change the PD File No. 10335 Seaboard Farms , Application File No. 50231

Hi Mike,
Reenie Jackson from Seaboard sent the feet distances for the proposed battery of wells, it appears the geocenter would be 2848'N and 5100'W of the Southeast corner of Section 28, Township 31 South Range 40 West, Morton Co. It appears the proposed battery may possibly include or be very near a well proposed for Application, File No. 50231 (2745'N, 5160'W 28-31S-40W). It looks like there is a voluntary dismissal for File No. 50231 sent in September for the new app. I tried to look at microfilm to see well depths for the current wells under File No. 10335....I may have seen a depth of 381 feet on a 1996 well log but it was hard to see.....the well log for the new application File No. 50231 show a depth of approximately 680-740 feet.

When you get a chance, would you mind looking at File No. 10335 and see if you can see the depths of the currently authorized wells and take a look at their well logs, and see we are okay to let them drill that deep for File No. 10335? I'm not saying they do want to drill that deep but they did drill that deep for the new application.....Looks like Downey drilling did the log for Application File No. 50231.

They haven't included a well log with the change application and I still need to get nearbys, but thought I better check out the source of supply issue before I go much further with the application.

What do you think the source of supply should be for File No. 10335, WRIS currently shows it as Ogallala Formation.....

Thanks, as always, for your help!

Krueger, Richelle [KDA]

From: Mark Rude <mrude@gmd3.org>
Sent: Monday, August 26, 2019 4:29 PM
To: McColloch, Austin [KDA]
Cc: Jason Norquest; Meyer, Mike [KDA]; Trevor Ahring
Subject: RE: Recommendation New App File No. 50,231

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Austin,

We have discussed the fundamental question of where the bottom of the High Plains Aquifer is factually, hydraulically and legally. K.A.R. 5-23-1 defines the extent as follows: (b) "High plains aquifer" means the aquifer comprised of the undifferentiated Pleistocene-age deposits, Quaternary loess, alluvium, dune sand, the Ogallala formation, and deeper aquifers that are in vertical (emphasis added) or horizontal hydraulic contact with the Ogallala formation. So, where is the bottom and what might be a separate aquifer below?

At this point, both the GMD3 board and the chief engineer have allowed water users to re-establish wells deeper than the general scientific description of the High Plains Aquifer linked here:
https://pubs.usgs.gov/ha/ha730/ch_d/D-text2.html

Both Colorado and us are administratively practicing as though it is all High Plains Aquifer down to and even including upper Permian red bed in some areas. That is the prevailing practice in the absence of further data and study. So, unless and until we can establish index wells in the classic high plains aquifer and deeper bedrock formations that indicate separate systems and no connectivity, we must lean on the KGS work in terms of all formations are part of a connected system and therefore meet the rule definition, and closed unless it can be demonstrated otherwise.

We would like to see some index wells established to test for separation and possible granting of such applications. But that will require more than what is available now. Maybe we can get together Wednesday to discuss some ways to proceed, and also to get the project a supply other than a new appropriation, etc.

Mark
Mark E. Rude, Executive Director
Southwest Kansas Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, KS 67846
O (620) 275-7147
C (620) 272-3001

From: Jason Norquest <norquest@gmd3.org>
Sent: Tuesday, August 20, 2019 10:17 AM
To: Mark Rude <mrude@gmd3.org>
Subject: FW: Recommendation New App File No. 50231

Jason Norquest

Assistant Manager, GMD3

Cell: 620-271-1289

Office: 620-275-7147

www.gmd3.org

From: McColloch, Austin [KDA] <McColloch.Austin@ks.gov>
Sent: Wednesday, August 7, 2019 3:53 PM
To: Jason Norquest <norquest@gmd3.org>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation New App File No. 50231

Jason,

Attached is a copy of the above referenced new application submitted by Seaboard Foods LLC. You will notice the point of diversion is different than on WRIS. This was an error on the applicant on pg. 2, but the well log, map and all other information submitted showed the desired point of diversion. I have updated the correct PD on the application. Also attached is the STK supplemental sheet and other PU maps. Based on the well log it appears that the source of supply is the Dockum/Morrison formation. Let me know if you have any questions.

Thanks,

Austin McColloch
Ph: (620) 276-2901

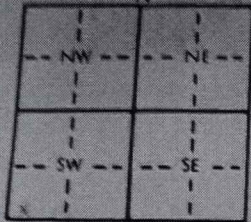
3 WATER WELL CONTRACTOR
 Name, St. Address, Box #
 City, State, ZIP Code

Seaboard Farms, Inc.
 P. O. Box 1029
 Hugoton, Kansas 67951

8-3, Well #1 for Breeding #1

Board of Agriculture, Division of Water Resources
 Application Number 10335

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX



4 DEPTH OF COMPLETED WELL 403 ft. ELEVATION: slope
 Depth(a) Groundwater Encountered 1 183 ft. 2 ft. 3 ft.
 WELL'S STATIC WATER LEVEL 183 ft. below land surface measured on mo/day/yr 8/10/95 ft.
 Pump test data: Well water was ft. after hours pumping gpm
 Est. Yield gpm: Well water was ft. after hours pumping gpm
 Bore Hole Diameter 18 in. to 403 ft. and in. to ft.
 WELL WATER TO BE USED AS:
 1 Domestic 3 Feedlot 5 Public water supply 8 Air conditioning 11 Injection well
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well 12 Other (Specify below)
 Was a chemical/bacteriological sample submitted to Department? Yes No If yes, mo/day/yr sample was submitted

5 TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued Clamped
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded
 7 Fiberglass Threaded
 Blank casing diameter 12 in. to 243 ft. Dia 12 in. to 303 ft. Dia 12 in. to 363 ft.
 Casing height above land surface 18 in. weight CL 200 lbs./ft. Wall thickness or gauge No.

TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass 7 PVC 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 8 RMP (SR) 11 Other (specify)
 9 ABS 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes
 7 Torch cut 10 Other (specify) 343

SCREEN-PERFORATED INTERVALS: From 243 ft. to 263 ft. From 303 ft. to 343 ft.
 From 363 ft. to 403 ft. From ft. to ft.

GRAVEL PACK INTERVALS: From 24 ft. to 403 ft. From ft. to ft.
 From ft. to ft. From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other
 Grout intervals: From 4 ft. to 24 ft. From ft. to ft. From ft. to ft.

What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 13 Insecticide storage
 Direction from well? North How many feet? 1000

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	2	Surface			
2	65	Clay, lime & fine sand	21		
65	72	Coarse sand	09		
72	110	Sandy clay	04		
110	180	Medium to coarse sand	08		
180	218	Yellow chalk & gray shale	19		
218	241	Yellow chalk & light sandstone	23		
241	260	Sandstone	23		
260	290	Light sandstone	23		
290	358	Firm sandstone	23		
358	380	Shale & tight sandstone	19		
380	390	Firm sandstone	23		
390	403	Tight sandstone	23		

CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed (2) reconstructed, or (3) plugged under my jurisdiction and completed on (mo/day/year) 8/10/95 and this record is true to the best of my knowledge and belief.
 Water Well Contractor's License No. 164 This Water Well Record was completed on (mo/day/yr) 8/22/95
 or the business name of Houck Bros. Drilling Co. by (signature) M. Beard

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

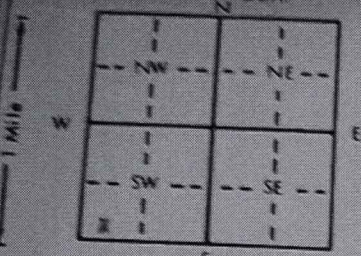
OFFICE USE ONLY

REV. ST. ADDRESS BOX #
City, State ZIP Code

BERNARD FAYNE, Inc.
P. O. Box 1029
Hudson, Kansas 67951

S-3, Breeding #1, well #2
Board of Agriculture, Division of Water Resources
Application Number 10335

LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:



DEPTH OF COMPLETED WELL

Depth(s) Groundwater Encountered 1. 198 ft. ELEVATION n. 2 slope ft. 3
WELL'S STATIC WATER LEVEL 187 ft. below land surface measured on mo/day/yr 12/11/95

Pump test data Well water was _____ ft. after _____ hours pumping
Est. Yield _____ gpm Well water was _____ ft. after _____ hours pumping
Bore Hole Diameter 26 in. to 398 ft. and _____ in. to _____
WELL WATER TO BE USED AS
1 Domestic 3 Feedlot 5 Public water supply 8 Air conditioning 11 Injection well
2 Irrigation 4 Industrial 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
7 Lawn and garden only 10 Monitoring well
Was a chemical bacteriological sample submitted to Department? Yes _____ No If yes, mo/day/yr sample submitted _____

TYPE OF BLANK CASING USED:

1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued _____ Clamped _____
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded _____
Blank casing diameter _____ in. to 194.4 ft. Dia _____ in. to _____ lbs. ft. Wall thickness or gauge No. 188
Casing height above land surface _____ in. weight 25.22 in. to _____ ft. Dia _____ in. to _____

TYPE OF SCREEN OR PERFORATION MATERIAL:

1 Steel 3 Stainless steel 5 Fiberglass 7 PVC 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 8 RMP (SR) 11 Other (specify) _____
SCREEN OR PERFORATION OPENINGS ARE:
1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes
7 Torch cut 10 Other (specify) _____

SCREEN-PERFORATED INTERVALS: From 194.4 ft. to 398 ft. From _____ ft. to _____
GRAVEL PACK INTERVALS: From 24 ft. to 398 ft. From _____ ft. to _____

6) GROUT MATERIAL:

1 Neat cement 2 Cement grout 3 Bentonite 4 Other
Grout intervals: From 4 ft. to 24 ft. From _____ ft. to _____

What is the nearest source of possible contamination:

1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water
2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
13 Insecticide storage
How many feet? 200

Direction from well? north

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	2	Surface			
2	40	Clay			
40	70	Sandy clay			
70	120	Medium sand w/clay breakers			
120	190	Coarse sand			
190	210	Yellow chalk w/sandrock			
210	230	Yellow chalk w/fine sandstone			
230	261	Fair sandstone			
261	320	Yellow chalk w/tight sandstone			
261	320	Yellow chalk w/tight sandstone			
310	358	Brown and red shale w/red sandrock			
358	361	Good sandstone			
361	393	Brown and red shale w/tight sandstone strips			
393	410	Brown and red shale w/hard sandstone			

RECEIVED
AUG - 9 1996

Division of Water Resources
Garden City

DIV. OF WATER RES
RECEIVED
JUL 22 1996
KS DEPT OF AGRICULTURE

7) CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction completed on (mo/day/year) 11/8/95 and this record is true to the best of my knowledge and belief.
Water Well Contractor's License No. 164 This Water Well Record was completed on (mo/day/yr) 1/12/95
under the business name of Houck Bros. Drilling Co. by (signature) M. Beard

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

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

RE: Water Right, File No. 10,335

Dear Sir or Madam:

Enclosed is the order executed by 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. Please return the required notification of completion of the diversion works and/or installation of the required meter form 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.

The abandoned well(s) must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

BAT:rak

pc: Garden City Field Office
Groundwater Management District No. 3
Seaboard Foods LLC, Attn Reenie Jackson, 2801 Hurliman Rd., Guymon OK 73942

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
WATER RIGHT
FILE NO. 10,335**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Stephen Summerlin, Senior Vice President, Seaboard Foods LLC, 9000 West 67th Street, Suite 200, Shawnee Mission, Kansas, 66202, received in this office on October 30, 2019, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated August 23, 1995, approving the application to change the place of use, point of diversion and use made of water, and by the Order of the Chief Engineer dated January 5, 1996, approving the application to change the point of diversion, 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 shall be:

a battery of two (2) wells with a geographic center located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 2,852 feet North and 5,100 feet West of the Southeast corner of said section, in Township 31 South, Range 40 West, Morton County, Kansas, at a diversion rate not in excess of 500 gallons per minute (1.11 c.f.s.) and a quantity not to exceed 92.2 million gallons (283 acre-feet) of water per calendar year,

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

The point of diversion described herein as a battery of two (2) wells is further limited such that the wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2020, or within any authorized extension of time. The water right owner 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.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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.

CERTIFICATE OF SERVICE

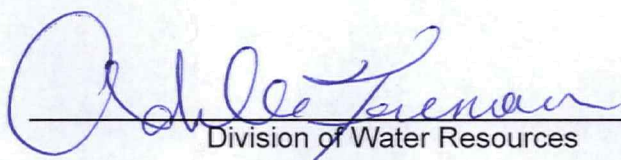
On this 19 day of May, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 10,335, dated May 19, 2020 was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:

SEABOARD FOODS LLC
ATTN REENIE JACKSON
2801 HURLIMAN RD
GUYMON, OK 73942

Garden City Field Office
Groundwater Management District No. 3


Division of Water Resources