Kansas Department of Agriculture Division of Water Resources APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: 10946	2. Status Change Date:	1 ¥ 1	GMD: 0:	ice: 04 - Garden C 3 - Southwest es File No.:	City
3. Package File No(s): 11104-D2			Filing/Pri	ority Date: 3/11/2 on Complete Date:	
5a. Applicant Owner WU Address Change APC-SUBLETTE 1197 HWY 83	C Person ID 60328 Add Seq#	5b. Owner Address	☐ WUC Change		son ID Seq#
SUBLETTE, KS 67877			**************************************	r i i	
5c. Owner WUC Address Change	Person ID Add Seq#	5d. ☐ Owner ☐ Address	☐ WUC Change		son ID Seq#
6. Change No.: C4 PD PU Base Acres: Year: Min F Previous UMW: MDS Gauge: Active Admin? Completion/Start Date: 3/1/2025 Perfect	Reasonable Q:	7			
8. Action Trail					
9. Special Conditions	·	- department	- -	· · · · · · · · · · · · · · · · · · ·	3.3
10. 5YR Allocation Type: Sta Comment:	rt Year: 5YR Qua	ntity: Base A	cres:	<u>. </u>	
11. Sand & Gravel Proj ID:	☐ Active ☐ Dredge	☐ IND Evap ☐	Jr Evap ☐	Other Diversion	☐ Rpt on Sr
12. Waiver Rule ID: New D Applies: Rule No.: Rule Type: Rule SubType:	Pate Requested:	Justification:			
Comments IND WELL CHANGE WITHIN 300' NO CHANGE TO IRR WELL OR PU		1 k 5		Processed 3/13/2024 AM Reviewed	Entered

File	No. 1094	16	13. C	ounty: H	S Bas	sin: CI	MARRO	ON RIV	ER S	Stream	*			-									-
Stru	ctures File	No:	Aquife	er Code:	211 / 3	331							5	Speci	ial Use	Area:	47						
14. F	oints of Dive	ersion, Rates & Qua	ntities										Oty n	nav		Rate	apm	s	torage	Otv	Storag	e Rate	
	PDIV	Qualifier	S	Т	R	ID	'N	ʻW	Cor	mment (AKA Li	ne)	Auth		Add	Auth	Add		uth	Add			Overlaps
DEL	63627																						
ENT		NE NE NE	25	28S	33W		4701	175	INE	WEL	L		13.03	4 1	3.034	40	40						*
снк	84608	,							IRF	R WEL	L											ń	
		v								-													,
											1,										-		
										191	*				·						-		
15.	Limitations	Type: Type:	Quanti Quanti	-		Rate:				ed with													
16.	Metering		equire	d 🗆	Anti-Re	everse	Require	ed [] Sea	ıl Requ	ired	Comp	liance Da	ate:	12/31/2	2024							1
17.	Place of Use	•			IE1/			. n	N 11 /		,	01/	N# /			01	-1/		_		Owner(s)	Cha2	Overlaps
	PDIV S	T R ID	NE		IE¼ sw	SE	NE	NW	V ¹ / ₄ sw	SE	NE	NW	V¼ sw	SE	NE	NW	E½ sw	SE	10	otal	Owner(s)	City	Overlaps
снк	9339																					~ ,	
снк	37225															,					*		
снк	54327								1 +												~		
снк	55463													=						-	-		
снк	32844															1.							
													*:										
		version and Place	of Use	Overla	os								9,										
*	11104-D2										**												
#											##		i,										
^											^^												

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

March 13, 2024

APC-SUBLETTE 1197 HWY 83 SUBLETTE, KS 67877

RE:

Filed Office Application for Change

Water Right, File Nos. 10946 & 11104-D2

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.

The abandoned well 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.

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:

CERTIFICATE OF SERVICE

On this 13th day of March, 2024, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File Nos. 10,946 and 11,104-D2 dated 13th day of March, 2024 was mailed postage prepaid, first class, US mail to the following:

APC-SUBLETTE 1197 HWY 83 SUBLETTE, KS 67877

Pc:

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	File No	o. <u>109</u>	946-IN	D				-					11 2024
1.	Application	on is he	reby n	nade fo	or appi		of the Co		ingine		_	the (ch		ne or b	ooth):		Ga	rden C	city Field Office Water Resource
	under the	e water	right w	vhich is	s the s	ubject	of this	applic	ation i	n acco	rdance	e with t	the cor	ndition	s desc	ribed l	below.		
	The sour	ce of su	upply is	s:		⊠ Gr	roundv	vater			Surfac	e wate	r APC	,					
2.	Name an	nd addre	ess of a	Applica	ARC I	LC 1	197 Hi	ighway	/ 83 Sı	ublette	, Kans	as 678	77						
	Phone Number: (515) 963-4847 Email address: Victor.lbarra@apcproteins.com																		
	Name and address of Water Use Correspondent:																		
	Victor Ibarra 1197 Highway 83 Sublette, Kansas 67877																		
	Phone N	umber:	(515)	963-4	1847				Email	addre	ss: <u>Vic</u>	tor.Iba	rra@a	pcprot	eins.c	om			
3.	The pres	ently a	uthoriz	ed plad	ce of u	se is:													
	Owner of	f Land -	NA	ME: A	PC, L	LC													
	Α	DDRES	SS:	1197 <u>F</u>	<u>lighwa</u>	y 83 S	Sublette	e, Kan	sas 67	877									
	(If there is	more th	an one	landov	vner, at	tach su	ppleme	ental sh	eets as	neces	sary.)								
				NE	≣1⁄4			NV	N¹¼			SW1/4				SI	TOTAL		
Se	c. Twp.	Range	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
25,	28S, 33W														-		-	Х	NA - Facility processing water
4.	If this app Owner of	f Land -	NA ADDRI	AME: . ESS: .								ace of	use be	e chan	ged to	:			
				NE	Ξ1/4			NV	N ¹ / ₄			SV	V1/4			SI	E1/4		TOTAL
Se	c. Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	ACRES
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	For Offic	ce Use	Only:	Code		Fe	e \$_\	00.	TR	#		Re	ceipt	Date]	3-11.	-24	Chec	k#_	

5.	Presently authorized point of diversion:
	One in the NE Quarter of the NE Quarter of the NE Quarter
	of Section 25 South, Range 33W (E/W),
	in Haskell County, Kansas, 4,925 4,934 feet North 240 132 feet West of Southeast corner of section.
- 1	Authorized Rate Authorized Quantity Depth of well 560 (feet)
- 1	(DWR use only: Computer ID No. Ob GPS feet North feet West)
- 1	☐ This point will not be changed ☐ This point will be changed as follows: ☐ No change, point better described with GPS as follows:
- 1	Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
- 1	One in the NE Quarter of the NE Quarter of the NE Quarter of the NE Quarter of Section 25 , Township 28S South, Range 33W (E/W),
	of Section <u>25</u> , Township <u>28S</u> South, Range <u>33W</u> (E/W),
	in Haskell County, Kansas, 4,693470\ feet North 240 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
	Proposed Rate Proposed Quantity Proposed well depth (feet) 572
l	This point is: Additional Well Geo Center List other water rights that will use this point
6.	Presently authorized point of diversion: TRR
	One in the Quarter of the Quarter of the Quarter
	of Section 30 , Township 265 South, Range 32w (E/W),
	in <u>Haskell</u> County, Kansas, <u>2658</u> feet North <u>4710</u> feet West of Southeast corner of section.
	Authorized Rate Authorized Quantity Depth of well (feet)
	(DWR use only: Computer ID No. 63 GPS feet North feet West)
	This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
	Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
	One in the Quarter of the Quarter of the Quarter
	of Section, Township South, Range (E/W),
	in County, Kansas, feet North feet West of Southeast corner of section.
	Proposed Rate Proposed Quantity Proposed well depth (feet)
	This point is: Additional Well Geo Center List other water rights that will use this point
L	This point is. Additional Well Geo Genter List other water rights that will use this point
7.	The changes herein are desired for the following reasons?
	(please be specific) Replace capacity from existing well for
	facility processing water. 300 200 100 0 100 200 300
R	If a well, is the test hole log attached? X Yes No The change(s) (was)(will be) completed by? Hydro Resources and APC, LLC.
0.	11 a well, is the test hole log attached? \square res \square No $200 \vdash 1 + 1 + 1 = 1 + 1 + 1 = 200$
9.	The change(s) (was)(will be) completed by?
	Hydro Resources and APC, LLC. 100 + + = + + 100
	The change(s) (was)(will be) completed by? Hydro Resources and APC, LLC. 100 H
10.	If the point of diversion is a well:
	(a) What are you going to do with the old well? West 0 +
	The existing well will be abandoned
	(b) When will this be done? Once new well is online - Expected 100 \ \
	late summer 2024.
11	Groundwater Management District recommendation attached? 200 200 1 1 1 1 200
	Yes No
12.	Assisted by Hydro Resources and LRE Water 500 200 100 0 100 200 300
10-	South Scale: 1 hashmark=10 ft
13a	If the proposed point of diversion will be relocated <u>more than 300</u> feet but within 2,640 feet of the existing point of diversion, attach 13b.If the proposed point of diversion will be relocated <u>within a 300</u>
	a topographic map or aerial photograph. For groundwater foot radius of the existing point of diversion, indicate its location
	sources, show all wells (including domestic) within one-half mile on the diagram shown above in relation to the existing point of the proposed point of diversion and the names and mailing diversion. The proposed point of diversion must be located
	addresses of the owners. For surface water sources, show the within the circle shown above. (PLEASE NOTE: The "X" in
	names and addresses of the landowner(s) one-half mile center of diagram above represents the presently authorized point of diversion.)
	administration and one-figure in the apparation from your property authorized point of diversion.

foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

lines

14. If the proposed groundwater point of diversion is 300 of fewer feet in	on the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently auth ▼ Yes No (If no, all owners must sign this applied)	
 (b) Will the ownership interest of any owner of the currently author affected if this application is approved as requested? ☐ Yes ☑ No (If yes, all owners must sign this application) 	
(c) If this application is not approved expeditiously, will there be sub ☐ Yes ☐ No (If no, all owners must sign this applie	
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this appropriate in this application are true, correct and complete.	ized agent of the owner(s) to make this application on plication pertains. I further verify that the statements
Dated at Sublette , Kansas, this	11th day of Warch , 20 24.
1/mbsras	
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of +95Kell SS	
I hereby certify that the foregoing application was signed in of march.	my presence and sworn to before me this $\frac{11+h}{h}$ day
Anjilys Mera Notary Public State of Kansas My Commission Expires 4 Appt Expires 9 22 24	Motary Public
ONLY COMPLETE APPLICATIONS WILL BE FROM SCEED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the apthe appropriate fee must be paid.	
FEE SCHEDU	<u>JLE</u>
Each application to change the place of use or the point of diversion under forth in the schedule below: Make checks payable to: Kansas Departm (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	ent of Agriculture

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 those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. A change application was received on ________ requesting that the place of us diversion authorized under the above-referenced file number be changed as described in the application. requesting that the place of use and / or point of 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 previously authorized. The point of diversion authorized by this summary order shall be located within a foot radius of the authorized point(s) of diversion. 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 The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion. Applicable \(\subseteq \text{Not Applicable} \) feet from the previously 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 or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. **Applicable** ☐ Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20 , 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** ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20, or within any authorized extension of time. By March 1, 20, 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 \subseteq Not Applicable 11. Additional Conditions are attached. ☐ Yes No 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 Austin (Print Name): days pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS Division of Water Resources - Kansas Department of Agriculture Date of Issuance: **66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. State of Kansas SS For Use by Register of Deeds County of Acknowledged before me on Signature: MON STATE OF JULIE JONES NOTARY My commission expires: My Appointment Expires
Notary Seal
December 15, 2026

PUBLIC

OWNER:	APC		BORING/WELL NO.	1-2023	PAGE	1	OF	2	PAGES		
LOCATION:	Sublette, K	S		SAMPLING METHOD:	Cuttings	Disc	harge				
DATE COMP	PLETED:	5/10/2023		OBSERVER:	Martha	Silks,	PG				
DRILLING C	OMPANY:	Elite Drilling Co. LLC		REFERENCE POINT:							
DRILLING M	ETHOD:	Forward rotary, Versa-Drill \	/100NG	GPS Coordinates:	-100.87	1254,	37.5	8967	' 1		
REMARKS:	REMARKS: Boring took water from top of sand to top of shale at 572										

FROM	TO	SIEVE	GEOLOGIC DESCRIPTION
0.0	4.0	7.1.0.10.10	Top Soil, no sample
4.0	38.0		Fine sand, no sample
38.0	62.0		Tan Clay, no sample
62.0	134.0		Sand, medium to coarse, no sample
134.0	140.0		Clay and sand mix, no sample
140.0	196.0		Sand, medium to coarse, no sample
196.0	236.0		·
236.0	300.0		Sand, medium with brown clay stringers, no sample
300.0	310.0		Shale, blue, no sample
310.0	320.0		Clay, gray, fat
320.0	330.0		Clay gray fat: transitioning to early brown you fine to medium trace course eith.
330.0	340.0		Clay, gray, fat; transitioning to sand, brown, very fine to medium, trace coarse, silty Sand, brown, very fine to coarse, silty
340.0	350.0		Sand and Gravel, brown, very fine to medium with coarse, large gravel, trace rocks up to 2"
350.0	360.0		Sand and Gravel, brown, very fine to very coarse, large angular gravel and small rocks
360.0	370.0		Sand, brown, very fine to coarse, trace gravel and clay balls
370.0	380.0		AA
380.0	390.0		Sand and Clay, brown, very fine to medium
390.0	400.0		Sand and Clay and Rocks, very fine to very coarse well graded, angular gravel and clay mixed throughout
400.0	410.0		Sand, light brown, fine to coarse with some very coarse, clean and loose
410.0	420.0		Sand and Gravel and Clay, light brown, with clay and angular small and medium gravel
420.0	430.0		Sand, light brown, fine to very coarse with trace very fine and trace angular gravel, clean
430.0	440.0		Sand and Gravel and Clay, light brown, fine to coarse and small angular gravel and clay throughout
440.0	450.0		AA
450.0	460.0		Sand, light brown, very fine to medium, some coarse, trace very coarse, trace clay
460.0	470.0	×	Sand and Gravel, light brown, fine to very coarse, small slightly rounded gravel
470.0	480.0	X	Sand and Gravel, grayish-brown, very fine to very coarse, small sli rounded gravel, clean
480.0	490.0		Sand and Gravel and Shale, light gray, very fine to very coarse, small gravel, dark gray clay-shale
490.0	500.0		AA, less Shale





OWNER:	APC		BORING/WELL NO. 1-2023 PAGE 2 OF 2 PAGE	ES
DEPTH	N FEET	SIEVE		
FROM	то	ANALYSIS		
500.0	510.0		Sand, very light brown, fine and well sorted ("sugar sand" of undefined thickness), back to sand with small rock chips	angular
510.0	520.0		Shale and Sand, very light brown, dark gray clay-shale	
520.0	530.0		AA, with more rocks and clay (or weathered shale)	
530.0	540.0	х	AA, transitioning to Sand and Gravel, light brown	
540.0	550.0	Х	Sand and Gravel, light brown, fine to coarse, clean, moderately cemented	
550.0	560.0	Х	Sand and Shale, light brown, fine to coarse with angular small rock chips, dark gray shale, well cemented	and tight
560.0	570.0	Х	Sand and gravel, light borwn, fine to coarse, clean, moderately cemented	
572.0	580.0		Shale @ 572', hard, dark gray, well cemented (driller provided depth based on drilling rate and feel)	
580.0	590.0		AA	
590.0	600.0		AA	
600.0	610.0		AA (Boring Total Depth 610 ft bgs)	y ·
Geolog.xls				











