

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
(Check one or more) Point of Diversion
 Use Made of Water

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MAY 18 2018
12:48
KS Dept Of Agriculture

File No. 25228

2. Name of applicant: Curtis Thoene, Environmental Superintendent, Cargill

Address: PO Box 1060

City, State and Zip: Dodge City, Kansas 67801

Phone Number: (620) 338-4485 E-mail address: Curtis_Thoene@Cargill.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. Dodge City Facility Environmental Superintendent

Name of water use correspondent: _____

Address: _____

City, State and Zip: _____

Phone Number: (_____) _____ E-mail address: _____

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

The proposed change in point of diversion will move Water Right 25228 from Well #1 to Well #2

Pending change applications will also be filed to consolidate 31938 to Well #2 and relocate Vested FO-70-D1 from Well # 6 to Well #1

The change(s) (was) (will be) completed by upon approval of the change application
(Date)

For Office Use Only:									
F.O. Code	<u>2</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1 (YES/NO)	<u>NO</u>	Use	<u>IND</u>	Source	<u>G</u>
	<u>CGT</u>							S County	<u>PO</u>
				Fee \$	<u>300</u>	TR #		Receipt Date	<u>5/18/18</u>
								By	<u>AW</u>
								Date	<u>5/18/18</u>
								Check #	<u>10148010</u>

5/21/18 DAW

4. The presently authorized place of use is:

Owner of Land — NAME: Cargill

ADDRESS: 3201 E Highway 400, Dodge City, KS 67801

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. 1684, 18398, 25228, 31938, 33369, 33730, 34675

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: NO CHANGE

ADDRESS: NO CHANGE

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	

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

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion (is) (are) One Well - Well #1
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) One Well - Well #2
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**

Well #1 One in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 4, Township 27 South, Range 24W (E/W), in Ford County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate No Change Authorized Quantity No Change
(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)

Well #2 One in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 4, Township 27 South, Range 24W (E/W), in Ford County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate No Change Proposed Quantity No Change
This point is: Additional Well Geo Center List other water rights that will use this point 31938

9. **Presently authorized point of diversion:**

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

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**

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

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. Water Resources
Well #1 will be authorized by pending change application on Vested FO-70-D1 Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY MAY 18 2018

12. The presently authorized use of water is for Industrial purposes.
It is proposed that the use be changed to No Change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
No Changes are being proposed to the use made of water or place of use

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to No Change (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to No Change 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.

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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 Dodge City, Kansas, this 4th day of May, 2018.

Curtis Thoene

(Owner)

Curtis Thoene

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas)
County of Ford) SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4th day of May, 2018.

Susan Cornejo

Notary Public

My Commission Expires 09/17/2021

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.**

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KS Dept Of Agriculture



May 2, 2018

David Barfield
Chief Engineer
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

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KS Dept Of Agriculture

Re: Change in Point of Diversion Applications – FO-70-D1, 25228, 31938
Cargill, Dodge City Meat Processing Facility

Dear Mr. Barfield:

Enclosed you will find Change in Point of Diversion Applications for Vested Ford County Water Right No. 70-D1, Water Right No. 25228, and Water Right No. 31938. FO-70-D1 authorizes up to 500 acre-feet per year at a maximum diversion rate of 700 gpm from Well #6 which historically supplied water to the Cargill Dodge City meat processing facility. Due to water quality issues that occur locally at Well #6, the Cargill facility has had to increase reliance on adjacent wells and water rights to make up for the loss of water supply from Well #6.

The Cargill facility has recently experienced increases in the number of cattle processed annually and a reduction in the amount and types of wastewater that are allowed for re-use throughout the facility. When these two water demand factors are combined the facility will require access to the quantity of water granted by FO-70-D1. To identify potential long-term water rights solutions a meeting was held on March 1, 2018 which included staff from the Cargill Facility, Burns & McDonnell, Groundwater Management District No. 3 (GMD3), and staff from the Division of Water Resources (DWR) Stafford Field Office.

The results of the March 1, 2018 meeting indicated that the most viable long-term solution would be to relocate FO-70-D1 (Well #6) to another Cargill Facility well completed in the Ogallala formation via a Change in Point of Diversion Application. Staff from DWR and GMD3 recommended that a change in point of diversion application be accompanied by well construction logs to assure completion in the Ogallala formation and details on spacing to surrounding well owners.

The enclosed applications propose to change the location of FO-70-D1 from Well #6 to the location of Cargill Facility Well #1, and to consolidate Water Rights 25228 and 31938 to Well #2. The construction log for Cargill Facility Well #1 (attached) indicates the well is isolated from the upper alluvium via concrete grout from land surface to 90 feet below land surface. The lithology description of the screened interval from 114 to 154 feet below land surface is consistent with the anticipated interval and composition of the Ogallala formation in the immediate area. The only water wells within one-half mile of the proposed points of diversion (Wells #1 and #2) are owned by the Cargill Facility.



David Barfield
Division of Water Resources
May 2, 2018
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Burns & McDonnell and Cargill would like to thank DWR and GMD3 Staff for their time and effort in reviewing and identifying water rights alternatives. If you have any questions on the enclosed applications, please feel free to contact our offices or the applicant (Curtis Thoene) directly.

Sincerely,

Daniel Clement
Hydrogeologist

DWC/dwc

Attachments: Change in Point of Diversion Applications, FO-70-D1, 25228, 31938

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KS Dept Of Agriculture

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

CURTIS THOENE, ENVIRONMENTAL SUPERINTENDENT
PO BOX 1060
DODGE CITY, KS 67801

May 21, 2018

RE: File No 25228-

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

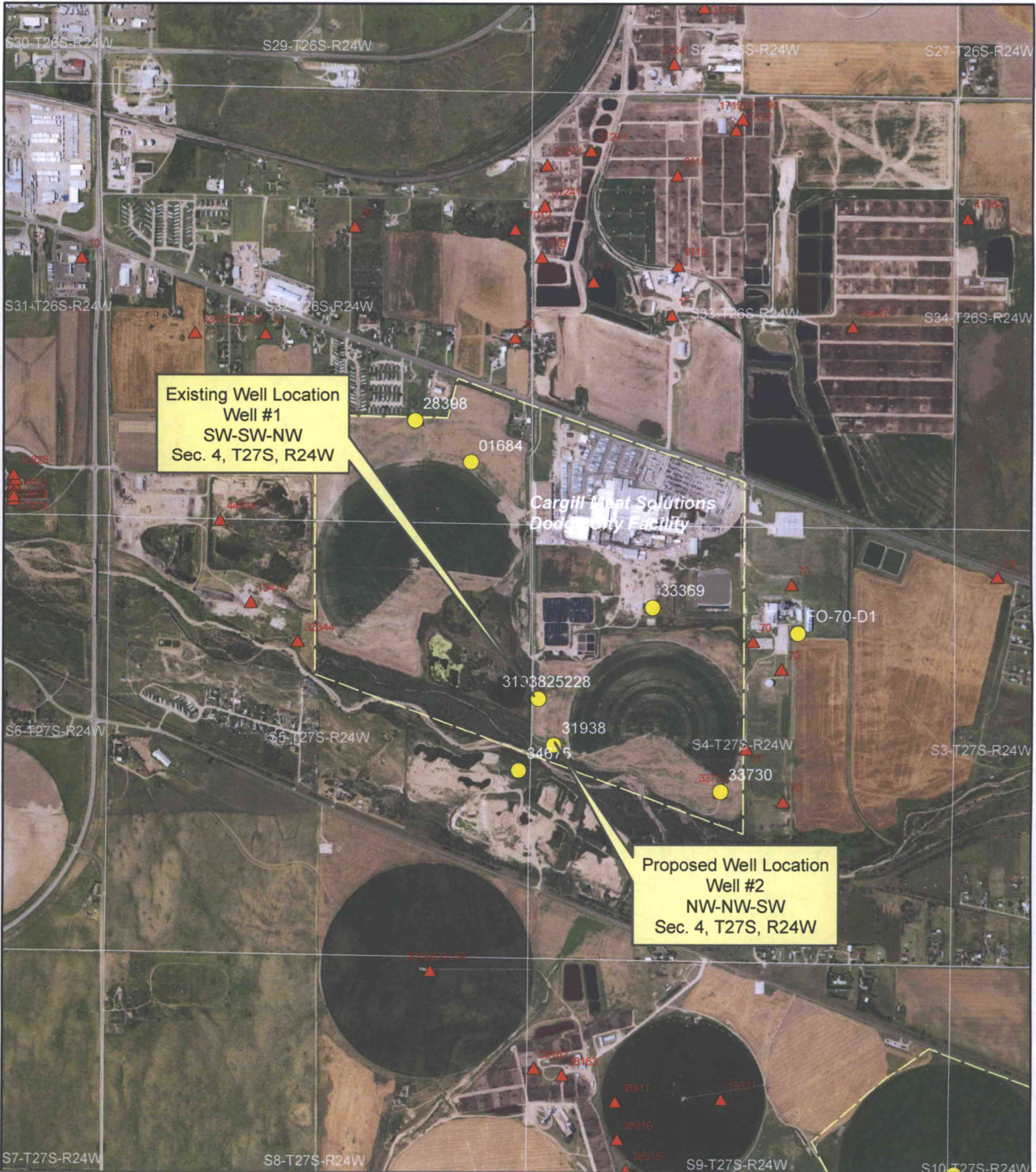
A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STAFFORD Field Office GMD3



Existing Well Location
Well #1
SW-SW-NW
Sec. 4, T27S, R24W

Proposed Well Location
Well #2
NW-NW-SW
Sec. 4, T27S, R24W

Legend

- Existing Cargill Water Right Number
- ▲ Surrounding Water Rights
- Cargill Property (Approximate)
- PLSS Sections

N

1:24,000

0 0.125 0.25 Miles

Water Resources Received

Water Right 25228
Application for
Change in Point of Diversion

MAY 18 2018

Existing and Proposed
Well Locations

BURNS MCDONNELL OF AGRICULTURE