

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

Document Signature LPL

1. File Number: 41622	2. Status Change Date: 9/6/2016	3. Change Num: C1	4. Field Office: 02	5. GMD:
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 5/11/2015
8a. Applicant(s) New to system <input type="checkbox"/> CAL-MAINE FOODS INC BRIAN BALLARD, GENERAL MANAGER PO BOX 367 CHASE KS 67524		8c. Landowner(s) New to system <input type="checkbox"/> CAL-MAINE FOODS INC PO BOX 367 CHASE KS 67524		
8b. Landowner(s) New to system <input type="checkbox"/> CAL-MAINE FOODS INC PO BOX 367 CHASE KS 67524		8d. WUC New to system <input type="checkbox"/> CAL-MAINE FOODS INC PO BOX 367 CHASE KS 67524		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/17 <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 8/15/16 By: LI Date Entered: 9/6/2016 By: LLM				

File No. **41622** 11. County: RC Basin: COW CREEK Stream: NA Formation Code: 190 Special Use: NA

12. Points of Diversion Rate and Quantity
 T
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment
Authorized Additional
 Rate Quantity Rate Quantity
 gpm mgy gpm mgy Overlap PD Files

NO CHANGE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **remains as: 57.4796 MGY COM/W #41431 & #41432**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
ENT	66891	26	19	10W	1	EGG FARM (E2)																	8B	NO	49385 49386 49387 41431 41432
CK	7536	24	19	10W	2	EGG FARM (S2)																	8B	NO	49385 49386 49387 41431 41432
CK	18586	25	19	10W	1	EGG FARM (N2)																	8B	NO	49385 49386 49387 41431 41432

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: August 26, 2016

FROM: Leslie Ireland

RE: Water Right, File Nos. 41,431; 41,432 & 41,622;
Application, File Nos. 49,385; 49,386 & 49,387

Jimmy Belk, Farm Manager for Cal-Maine Foods Inc., has filed the above referenced new applications File Nos. 49,385; 49,386 & 49,387, proposing to appropriate a combined total of 127 million gallons (389.75 acre-feet) of groundwater per calendar year for industrial use at an egg production facility in Rice County. The new applications were received on May 11, 2015. The proposed appropriation assigned File No. 49,385 is for the drilling of a new well. The requested permits under File Nos. 49,386 & 49,387, each propose a battery comprised of four(4) wells that will overlap existing batteries authorized by File Nos. 41,431 & 41,432. Applications to change the place of use, under File Nos. 41,431; 41,432 & 41,622, signed by Brian Ballard, General Manager and Jimmy Bell, Farm Manager, were submitted on May 11, 2015. The processing of the package of applications was delayed due to the certification of the existing rights.

The referenced existing rights appear to be in compliance with K.S.A. 82a-718, *Abandonment of water rights; notices; hearings; review of actions; exceptions* and K.S.A. 82a-732, *Annual water use report required; penalty for violations*. The change applications appear to comply with K.A.R. 5-5-2a, *Complete change application*. The new applications appear to comply with K.A.R. 5-3-1b, *Complete new application*. The applications comply with K.A.R. 5-3-3, *Legal access*. The referenced files are located in Rice County, in the Cow Creek Basin. This is an area open to new appropriations. The existing rights have had their source of supply determined as the Sanborn Formation (Equus Beds equivalent).

The egg farm facility is currently served by File Nos. 41,622; 41,432 & 41,431, authorizing a limited 57.4796 million gallons (mg) (176.4 acre-feet) from three(3) separate batteries each comprised of four(4) wells. The rights were originally permitted 277.35 million gallons (851.16 acre-feet) prior to certification.

The proposed appropriations were reviewed per K.A.R. 5-3-1a, *Availability of water for appropriation-safe yield; unconfined groundwater aquifers*, in combination with a review of the existing rights and the recent certification. The determination for File No. 49,385, located in the Southwest Quarter (SW¼) of Section 19, Township 19 South, Range 9 West, found the area of 8,042 acres, with a potential annual recharge of 1.75 inches and a 75% recharge allowance, indicated a safe yield of 879.6 acre-feet, with 506 acre-feet available for appropriation. The safe yield determinations for File Nos. 49,386 & 49,387, utilizing an area of 8,042 acres with a potential annual recharge of 1.75 inches and allowing a 75% recharge allowance, indicated no quantity available for appropriation. As the overlapping rights had just recently surrendered quantity during the certification process this would make water available. The three rights certified 176.4 acre-feet of the 574 acre-feet that was originally permitted. A review of the area found that no new appropriations have been filed in the area and the 397.6 acre-feet not certified by File Nos. 41,431; 41,432 & 41,622, would be available. The referenced applications request a total combined quantity of 389.8 acre-feet (127 million gallons). It appears there is quantity available based on the certification of the senior rights.

The standard two-mile safe yield determination for File Nos. 49,386 & 49,387, yielded 879.6 acre-feet for this area, but listed 2,895 acre-feet appropriated in the study area. Further review found the 1994 original applications were modified to meet the area's safe yield by moving away from the rights authorized under File Nos. 10,509 & 31,389, which authorize 2,216 acre-feet currently owned by Oneok Hydrocarbon LP and 73.65 acre-feet allocated to the City of Chase, under File No. RC 004. As these nearby right are almost exactly 2 miles away and have not had their actual well locations corrected, the safe yield determination will follow the precedent established in 1994. At that time, 1994, the safe yield was determined to be 1,005 acre-feet. This along with the certification of the senior rights resulting in relinquishing 397.6 acre-feet indicates that the proposed appropriations under File Nos. 49,386 & 49,387, will have water available to appropriate. The original permitting under File Nos. 41,431 & 41,432, authorized a combined 851 acre-feet (277.3 million gallons) per year and indicated their area had 1,005 acre-feet per year. The rights in this area certified a combined total of 176.5 acre-feet. As no new permits have been issued in the area, 828.5 acre-feet would be available, to be appropriated. The permits, File Nos. 49,387 & 49,386, are requesting a combined total of 236 acre-feet (77 million gallons) per year, including the 153 acre-feet (50 million gallons) for File No. 49,385, safe yield would not be exceeded, by the permitting of the 127 million gallons (389.75 AF).

The industrial use supplemental sheet justification was the same for all of the requested permits. It appears the SIC Code of 0252 for the production of eggs is unchanged. The projected water use is expected to increase to with the additional facility in the East Half of Section 26. As they used half than 100 million gallons last year, and will be expanding the place of use to add layers beyond their initial 1,700,000 birds it appears that the total 184.4796 million gallons (566.15 AF) per year has been justified and no additional limitations will be needed.

File No.	Well ID	Quantity, MGY	RATE, gpm	Limitation
41,431	6, geo ctr	16.305	290	None
41,432	10, geo ctr	34.177	325	45.925 MGY COM/W #41,431
41,622	1, geo ctr	23.11	340	57.4796 MGY with #s 41,431 & 41,432
49,385	1	50.000	800	None
49,386	10, geo ctr	47.500	800	800 gpm with # 41,432
49,387	6, geo ctr	29.500	800	800 gpm with # 41,431

File No. 49,385

The new permit under File No. 49,385 requests 50.0 mgy (153.44 AF) of groundwater at 800 gallons per minute from a new well, proposed to be completed in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 19, approximately located 900 feet North and 4,320 feet West of the Southeast corner of Section 19, Township 19 South, Range 9 West, Rice County. The location listed on the application was updated to correspond with the map. The well location was also confirmed with Matt Meier, Stafford Field Office. The new appropriation will be permitted for the full requested quantity and rate of diversion. The submitted well log completed by Clarke Well & Equipment, Incorporated, indicates a static water level of 21.9 feet to grade level and an overall depth of 76 feet. The log's lithology and information in KGS Bulletin No. 85, and 1994 summary memo for the wells constructed to the West, under File Nos. 41,431 & 41,432, indicate the source of supply to be the Sanborn formation, Equus Beds aquifer equivalent of Cow Creek. The designation of Equus Beds, Code 190 in the WRIS database will be used for this new well, per K.A.R. 5-3-4e, *Groundwater source formation codes*. The applicant did not comment on the quality of the water.

File No. 49,386

The new permit under File No. 49,386 requests 47.5 mgd (145.77 AF) of groundwater at 800 gallons per minute from an existing battery of four wells. The battery is currently authorized by File No. 41,432, with a limited quantity of 34.177 mgd when combined with File No. 41,431. The geographic center of File Nos. 49,386 & 41,431 is located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24, approximately located 561 feet North and 354 feet West of the Southeast corner of Section 24, Township 19 South, Range 10 West, Rice County. The permit will be for a battery of four wells and will contain the battery construction wording. The permit will be for a complete overlap in the place of use overlapping with File Nos. 41,431; 41,432 ; 41,622; 49,385 & 49,386. The new appropriation will be permitted for the full requested quantity, but the rate of diversion will be limited to 800 gpm, with File No. 41,432. The proposed battery complies with K.A.R. 5-1-1, *Definitions*.

File No. 49,387

The new permit under File No. 49,387 requests 29.5 mgd (90.53 AF) of groundwater at 800 gallons per minute from an existing battery of four wells. The battery is currently authorized by File No. 41,431, for the diversion of 16.305 mgd (50 AF) at a maximum rate of 290 gallons per minute. The well locations will be updated per those determined for the certification of File No. 41,431. The geographic center for File Nos. 49,387 & 41,431 will be located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24, more particularly near a point 2,245 feet North and 395 feet West of the Southeast corner of said section, in Township 19 South, Range 10 West, Rice County, Kansas. The permit will be for a battery of four wells and will contain the battery construction wording. The permit will be for a complete overlap in the place of use with File Nos. 41,431; 41,432 ; 41,622; 49,385 & 49,386. The new appropriation will be permitted for the full requested quantity, but the rate of diversion will be limited to 800 gpm. The proposed battery complies with K.A.R. 5-1-1, *Definitions*.

The well to well spacing per K.A.R. 5-4-4, *Well spacing*, uses 1,320 feet as a guideline for wells in this generalized aquifer. Two of the three proposed permits will overlap with existing rights that meet spacing all approximately 1,684 feet between the authorized geographic centers. The new well under File No. 49,385, in Section 19, is approximately 1,760 feet East of the geographic center authorized File Nos. 41,432 49,386. The spacing appears to be sufficient to prevent any direct impairment as this area has approximately 50 feet of saturated thickness and the recommended well to well spacing has been met.

The requested change in place of use for File Nos. 41,431; 41,432 & 41,662, will add the East Half of Section 26, Township 19, Range, 10 West. The authorized place of use for all of the referenced files will be: the South Half (S $\frac{1}{2}$) of Section 24, and the North Half (N $\frac{1}{2}$) of Section 25 and the East Half (E $\frac{1}{2}$) of Section 26, all in Township 19 South, Range 10 West, Rice County.

The approval of the new permits will assure compliance with K.A.R. 5-5-8. *Standards for approval of an application for a change in the place of use and a change in the use made of water*, and K.A.R. 5-5-3, *Consumptive use*, for File Nos. 41,431; 41,432 & 41,622.

Water flowmeters meeting the specifications of the Chief Engineer will be will be required. The standard check valve wording will be included on the permits and approvals. A field inspection fee of \$400.00 will be required for File Nos. 49,385; 49,386 & 49,387. A completion date of 2017 will be utilized for the new permits. Water level measurement tubes will be a condition of the permits, under File Nos. 49,385; 49,386 & 49,387, as the existing batteries were required to have tubes.

The referenced files are not located within a Ground Water Management District. Jeff Lanterman, Water Commissioner, of the Stafford Field Office was contacted for a recommendation. His concern about the actual location of the new well under File No. 49,385 prompted a confirmation from Cal-Maine Foods. Brian Ballard, General Manager with the company confirmed via e-Mail the correct location is the Southwest Quarter of Section 19. In an e-Mail dated August 25, 2016, Jeff Lanterman stated that he believed Section 19 was the only location that Cal-Maine could get water. He further stated he had no objection the new appropriations and to the proposed change in place of use under File No. 41,622; 41,432 & 41,431.

As the area is open to new appropriations and that the requested quantity appears to be reasonable and will not result in any impairment of nearby wells, the new appropriation is recommended. The proposed changes will not increase consumptive use as with the approval of the new appropriations. It is recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

September 6, 2016

CAL-MAINE FOODS, INC.
BRIAN BALLARD, GENERAL MANAGER
PO BOX 367
CHASE KS 67524

FILE COPY

RE: Appropriation of Water, File Nos. 49,385, 49,386 & 49,387
Water Right, File Nos. 41,432; 41,432 & 41,622

Dear Mr. Ballard:

The enclosed permits to appropriate water authorize you to proceed with construction of the diversion works (except those dams and stream obstructions regulated by K.S.A. 82a 301 through 305a), and to divert such unappropriated water as may be available from the source and at the location specified in the permits, and to use water for the purpose and at the location described in the permits under File Nos. 49,385, 49,386 & 49,387. The approvals of the applications for change in place of use under File Nos. 41,432; 41,432 & 41,622, are also enclosed.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the permits, specifically paragraph Nos. 5, (all new permits) 19 & 20 under File Nos. 49,386 and 49,387. Water meters are required for each permit and you must be installed prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report. It does appear that meters are installed on the existing diversion works, however the Notice of Completion and installation of the water flowmeter is required for each new appropriation permit issued.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works under File Nos. 49,385; 49,386 & 49,387, within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of the permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All forms are available on our website: Agriculture.ks.gov under the heading of Division of Water Resources then Water Appropriation Forms.

All requests for extensions of time to complete diversion works, or to perfect the new appropriations, under File Nos. 49,385, 49,386 & 49,387, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation.

If for any reason, you require an extension of time for your new permits, you must request it before the expiration of time set forth in the permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

RE: File Nos. 41,432; 41,432; 41,622; 49,385; 49,386 & 49,387

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your new permits.

Since the orders approving the applications for change under File Nos. 41,432; 41,432 & 41,622, modifies the original certificate of appropriation, they should be recorded with the Rice County Register of Deeds as other instruments affecting real estate.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used by each authorized appropriation should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contract Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, L.G.

Change Applications Unit Supervisor

BAT:LI:li

Enclosures

pc: Stafford Field Office

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**THE APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
WATER RIGHT
FILE NO. 41,622**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Brian Ballard, General Manager and Jimmy Belk, Farm Manager on behalf of Cal-Maine Foods Incorporated, PO Box 367, Chase, Kansas 67524, received in this office on May 11, 2015, for approval of a change in the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, 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 place of use shall be:

in the South Half (S $\frac{1}{2}$) of Section 24, and in the North Half (N $\frac{1}{2}$) of Section 25
and in the East Half (E $\frac{1}{2}$) of Section 26,

all in Township 19 South, Range 10 West, Rice County.

located substantially as shown on the topographic map accompanying the application to change the place of use.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works for each use authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 41,622, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 7, 2016.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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.

Ordered this 6 day of September 2016, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau
Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 6 day of September 2016, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 6 day of September, 2016, I hereby certify that the attached Approval of Application for Change In Place of Use under Water Right, File No. 41,622; dated September 6, 2016, was mailed postage prepaid, first class, US mail to the following:

Cal-Maine Foods, Inc.
Brian Ballard, General Manager
PO Box 367
Chase KS 67524

With photocopies sent to:

Stafford Field Office


Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
www.ksda.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

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

WATER RESOURCES
RECEIVED

MAY 11 2015

1:03
KS DEPT OF AGRICULTURE

File No. 41,622

2. Name of applicant: Cal-Maine Foods INC

Address: PO Box 367

City, State and Zip: Chase, KS 67524

Phone Number: (620)938-2300 E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Same as Applicant

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): Change needed to cover currently unauthorized egg operation and form a complete PU overlap with new water right applications

The change(s) will be completed by ASAP

(Date)

For Office Use Only:							
F.O. <u>2</u>	GMD <u>0</u>	Meets K.A.R. 5-5-1 (YES/NO) Use <u>IND</u>	Source <u>G/S</u>	County <u>RC</u>	By <u>KAB</u>	Date <u>5/11/15</u>	
Code _____	<u>CU</u>	Fee \$ <u>200</u>	TR # <u>15047244</u>	Receipt Date <u>5-7-15</u>	Check # <u>8513</u>		

of
600

APPLICATION COMPLETE
7/15/16
Reviewer LB

5/12/2015 CCM

4. The presently authorized place of use is:

Owner of Land — NAME: Cal-Maine Foods INC

ADDRESS: PO Box 367 Chase, KS 67524

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	
24	19S	10W									40	40	40	40	40	40	40	40	320
25	19S	10W	40	40	40	40	40	40	40	40									320
<i>in the south half of sec. 24 & the north half of sec 25</i>																			

List any other water rights that cover this place of use. 41,431, 41,432, and three new applications in T. 19S, R. 10W

Owner of Land — NAME: _____

ADDRESS: _____

7/11/16 CCP

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: Cal-Maine Foods INC

ADDRESS: PO Box 367 Chase, KS 67524

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	
24	19S	10W	<i>In the south half of 24, the north half of 25 and</i>																
			40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320
25	19S	10W	40	40	40	40	40	40	40	40									320
26	19S	10W	40	40	40	40									40	40	40	40	320
<i>the East half of 26, all in T. 19S, R. 10W.</i>																			

List any other water rights that cover this place of use. 41,431, 41,432, and three new applications

49385, 49386, 49387

Owner of Land — NAME: _____

ADDRESS: _____

7/11/16 CCP

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

MAY 11 2015

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

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Currently unautorized site already in use and new applications filed to cover area.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N.A. (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N.A 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.

N.A.

WATER RESOURCES
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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

MAY 11 2015

- 6. The presently authorized point(s) of diversion are Battery of 4 Wells
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) Not Changing
(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 NE Quarter of the NE Quarter of Section 25, Township 19 South, Range 10 W, in Rice County, Kansas, 4,590 feet North 932 feet West of Southeast corner of section.
 Authorized Rate 580 Authorized Quantity 87AF
 (DWR use only: Computer ID No. 5 GPS 4426 feet North 968 feet West) *UPDATED BY CERTIFICATE **
 This point will not be changed This point will be changed as follows: BATTERY WELL 1 OF 4

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 _____

9. **Presently authorized point of diversion:**
 One in the NW Quarter of the SE Quarter of the NE Quarter of Section 25, Township 19 South, Range 10 W, in Rice County, Kansas, 3,690 feet North 932 feet West of Southeast corner of section.
 Authorized Rate 580 Authorized Quantity 87AF
 (DWR use only: Computer ID No. 4 GPS 3843 feet North 965 feet West) *UPDATED BY CERTIFICATE **
 This point will not be changed This point will be changed as follows: BATTERY WELL 1 OF 4

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 SW Quarter of the NE Quarter of the NE Quarter of Section 25, Township 19 South, Range 10 W, in Rice County, Kansas, 3,990 feet North 932 feet West of Southeast corner of section.
 Authorized Rate 580 Authorized Quantity 87AF
 (DWR use only: Computer ID No. 3 GPS 4025 feet North 977 feet West) *UPDATED BY CERTIFICATE **
 This point will not be changed This point will be changed as follows: BATTERY WELL 1 OF 4

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. N.A.

WATER RESOURCES
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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

MAY 11 2015

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 41622

Presently authorized point of diversion:

One in the SW Quarter of the NE Quarter of the NE Quarter
of Section 25, Township 19 South, Range 10 (W),
in RICE County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 2 GPS 4229 feet North 968 feet West)
 This point will not be changed **BATTERY WELL 1 OF 4**

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 _____ Proposed well depth (feet) _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

Presently authorized point of diversion:

One in the SW Quarter of the NE Quarter of the NE Quarter
of Section 25, Township 19 South, Range 10 (W),
in RICE County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 1 GPS 4131 feet North 970 feet West)
 This point will not be changed **GEO CENTER BATTERY OF 4 WELLS**

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 _____ Proposed well depth (feet) _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

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 _____ Depth of well _____ (feet)
(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 _____ Proposed well depth (feet) _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

- MISSING PAGE -
- LI/DWR 7/13/16 -

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 Chase, Kansas, this 16 day of April, 20 15.

Brian Ballant General Manager
(Owner)

(Spouse)

Brian Ballant
(Please Print)

(Please Print)

[Signature]
(Owner)

(Spouse)

Jimmy Belle Farm Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Rice } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 16 day of April, 20 15.

[Signature]
Notary Public - State of Kansas
My Appt. Expires 3/7/19

Kendra Sue Coleman
Notary Public

My Commission Expires 3/7/19

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:

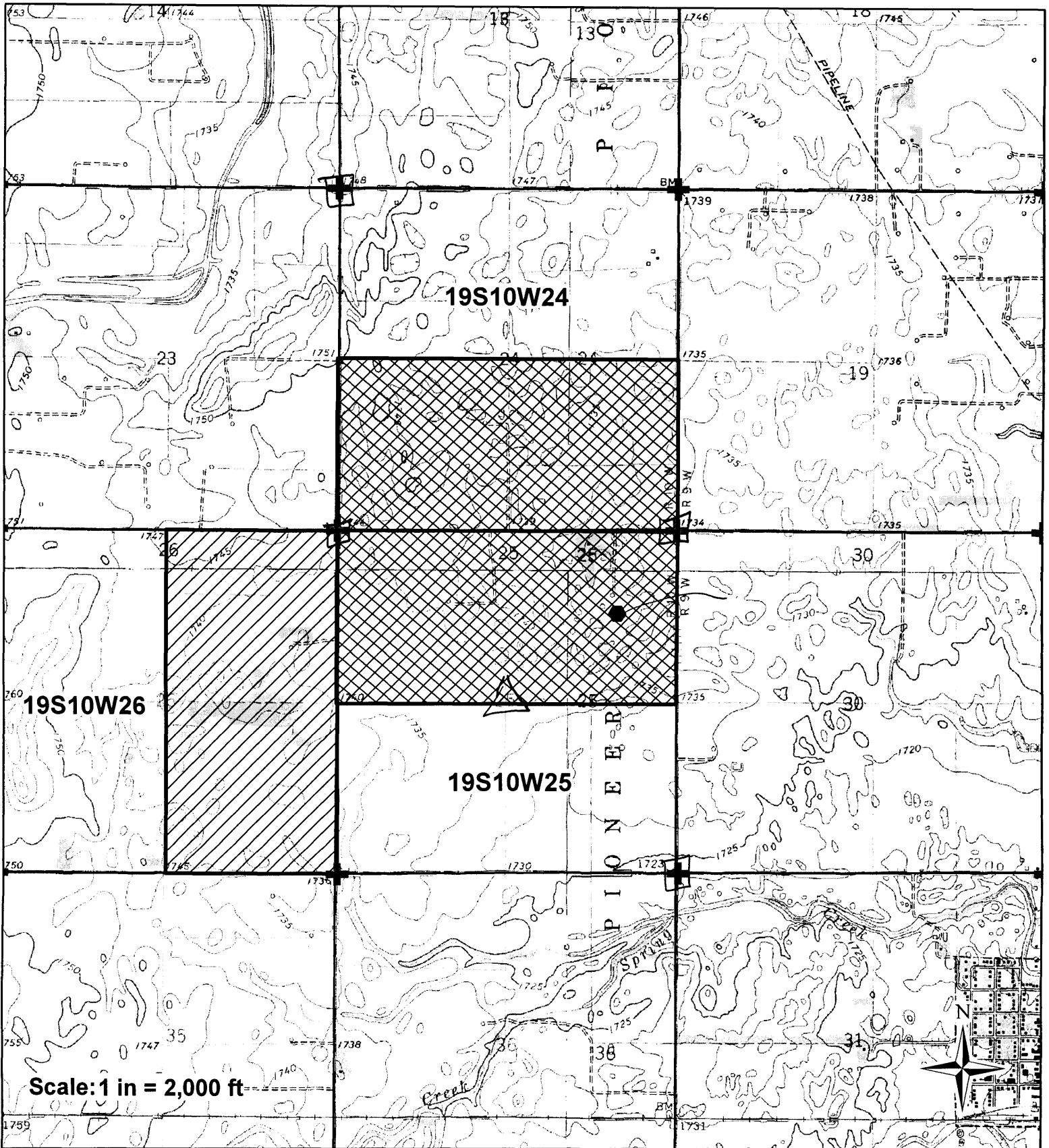
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES
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MAY 11 2015

File No. 41,622 PU Change



- Authorized Point of Diversion
- Proposed Point of Diversion
- ▲ Water Rights
- ★ Domestic Wells
- ▨ Authorized Place of Use
- ▩ Proposed Place of Use
- ⊕ Section Corner

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

WATER RESOURCES RECEIVED

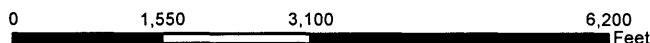
Signature _____

Date **MAY 11 2015**

Created By: Matt Meier

50.2

Date: 4/15/15



Ireland, Leslie

From: Lanterman, Jeff
Sent: Friday, August 26, 2016 9:36 AM
To: Ireland, Leslie
Cc: Conant, Cameron
Subject: RE: Location of New Well (Cal Maine Recommendation)

RE: Recommendation for New Appropriations & Changes in PU File Nos. 49385xx 41431x Cal Maine

Leslie.

I recommend approval of these applications. I don't know if you knew the background on these but we purposely let the PP expire on the senior rights because they had already had so much time and had plenty of time to perfect on existing facilities. Hence the issues with safe yield. I do believe that any newer facilities or additions should have been covered by new applications for additional water and that is how we assisted Cal Maine. I am ok with how this panned out.

The nearest GW wells appear to be stable and not declining.

With your clarification on the section 19 well I think these are good to go. Good job on these applications.

I'll have to make some omelets this weekend!

Thanks

Jeff

From: Ireland, Leslie
Sent: Friday, August 26, 2016 8:58 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: Location of New Well

Jeff,

The map was correct for 49385, document and wris wrong. Approval work will fix it all.....

I let them know the package is moving forward.

Leslie

From: Brian Ballard [<mailto:bballard@cmfoods.com>]
Sent: Friday, August 26, 2016 8:11 AM
To: Ireland, Leslie
Cc: JIMMY BELK
Subject: RE: Location of New Well

Leslie,

The Southwest Quarter of section 19 is the correct location of the proposed well.

Thank You,

Brian Ballard, General Manager



Cal-Maine Foods, Inc.
625 Ave K
Chase, Kansas 67524
Office Phone: 620-938-2300
Office Fax: 620-938-2344
Email: bballard@cmfoods.com
Web: <http://www.calmainefoods.com>

From: JIMMY BELK
Sent: Friday, August 26, 2016 7:14 AM
To: Brian Ballard <bballard@cmfoods.com>
Subject: FW: Location of New Well

From: Ireland, Leslie [<mailto:Leslie.Ireland@ks.gov>]
Sent: Thursday, August 25, 2016 4:02 PM
To: JIMMY BELK
Subject: Location of New Well

Jimmy,

Per our conversation we are concerned about the location of the new well that will be drilled. Sometime back there was a well proposed for the Southwest of Section 24, but the maps show the proposed well to be in the Southwest Quarter of Section 19.

The two maps that are attached are the same, (one is a topographic map the other is an aerial map) The maps that I have for the proposed new well to be permitted under File No. 49385 would place the well in the Southwest Quarter of Section 19. This new well would be just to the east of your current wells.

Please let me know if the Southwest Quarter of Section 19, is the correct location for your new well to be drilled?
Thank you.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



Phone: (785) 564-6700

Fax: (785) 564-6777

Email: ksag@kda.ks.gov

www.agriculture.ks.gov

Sam Brownback, Governor

CAL-MAINE FOODS INC
PO BOX 367
CHASE KS 67524

May 14, 2015

RE: File No. 41622

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 PU
- 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,

A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: dlw

pc: STAFFORD Field Office