

# 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.**

**WATER RESOURCES  
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**2:05**

**KS DEPT OF AGRICULTURE**

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

File No. 49,385

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

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): \_\_\_\_\_

NEED A BATTERY OR WELLS IN THIS AREA PER DRILLERS RECOMMENDATION.

The change(s) will be completed by WHEN APPROVED 2017

(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>ASW</u> | Date <u>11/10/16</u> |  |
| Code <u>CU1</u>      | Fee \$ <u>100</u> | TR # _____                                 | Receipt Date <u>10/19/16</u> | Check # <u>8530</u> |               |                      |  |

**SCANNED**

Assisted by: LT/AWR  
11/14/2016 LM



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   | 19   | 10W   | EGG FARM S 1/2 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |
| 25   | 19   | 10W   | EGG FARM N 1/2 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |
| 26   | 19   | 10W   | EGG FARM E 1/2 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |

List any other water rights that cover this place of use. 41431 41432 41622 49386 49387

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 IN PU OWNERSHIP REMAINS AS AUTHORIZED  
 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. \_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**



6. The presently authorized point(s) of diversion is ONE WELL ONE PUMP  
(Provide description and number of points)

7. The proposed point(s) of diversion is A BATTERY OF FOUR WELLS WITH A GEOGRAPHIC CENTER  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the NE Quarter of the SW Quarter of the SW Quarter of Section 19, Township 19 South, Range 9 (W), in RICE County, Kansas, 900 feet North 4320 feet West of Southeast corner of section. Authorized Rate 800 GPM Authorized Quantity 50 MGY  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed x 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 19, Township 19 South, Range 9 (W), in RICE County, Kansas, 755 feet North 4505 feet West of Southeast corner of section. Proposed Rate 800 GPM Proposed Quantity 50 MGY  
 This point is:  Additional Well xx Geo Center List other water rights that will use this point NONE GEO CENTER

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 19, Township 19 South, Range 9 (W), in RICE County, Kansas, 655 feet North 4505 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 BATTERY WELL 1 OF 4

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 \_\_\_\_\_  
 (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 19, Township 19 South, Range 9 (W), in RICE County, Kansas, 460 feet North 4505 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 BATTERY WELL 1 OF 4

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. CONVERTED TO BATTERY WELL IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for INDUSTRIAL USE 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.

PERMITTED QUANTITY AND RATE WILL NOT BE INCREASE FOR THIS INDUSTRIAL 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](http://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.

BATTERY WILL MEET THE REQUIRED WELL TO WELL SPACING

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.

THE APPLICATION COMPLIES WITH KAR 5-2-3 BATTERY OF WELLS

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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**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 \_\_\_\_\_ 19 \_\_\_\_\_, Township \_\_\_\_\_ 19 \_\_\_\_\_ South, Range \_\_\_\_\_ 9 \_\_\_\_\_ (W),  
 in RICE \_\_\_\_\_ County, Kansas, \_\_\_\_\_ 855 \_\_\_\_\_ feet North \_\_\_\_\_ 4505 \_\_\_\_\_ 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 BATTERY WELL 1 OF 4

**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 \_\_\_\_\_ 19 \_\_\_\_\_, Township \_\_\_\_\_ 19 \_\_\_\_\_ South, Range \_\_\_\_\_ 9 \_\_\_\_\_ (W),  
 in RICE \_\_\_\_\_ County, Kansas, \_\_\_\_\_ 1050 \_\_\_\_\_ feet North \_\_\_\_\_ 4505 \_\_\_\_\_ 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 BATTERY WELL 1 OF 4

**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 \_\_\_\_\_

**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 \_\_\_\_\_

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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 Cal-Maine Chase, Kansas, this 1 day of November, 2016.

|                             |                |
|-----------------------------|----------------|
| <u>Cal-Maine Foods Inc.</u> | _____          |
| (Owner)                     | (Spouse)       |
| <u>[Signature]</u>          | _____          |
| (Please Print)              | (Please Print) |
| _____                       | _____          |
| (Owner)                     | (Spouse)       |
| _____                       | _____          |
| (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 1 day of November, 2016.

[Signature]  
Notary Public

My Commission Expires March 7, 2019  
**RENDRASUE LISKA**  
Notary Public - State of Kansas  
My Appt. 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.**

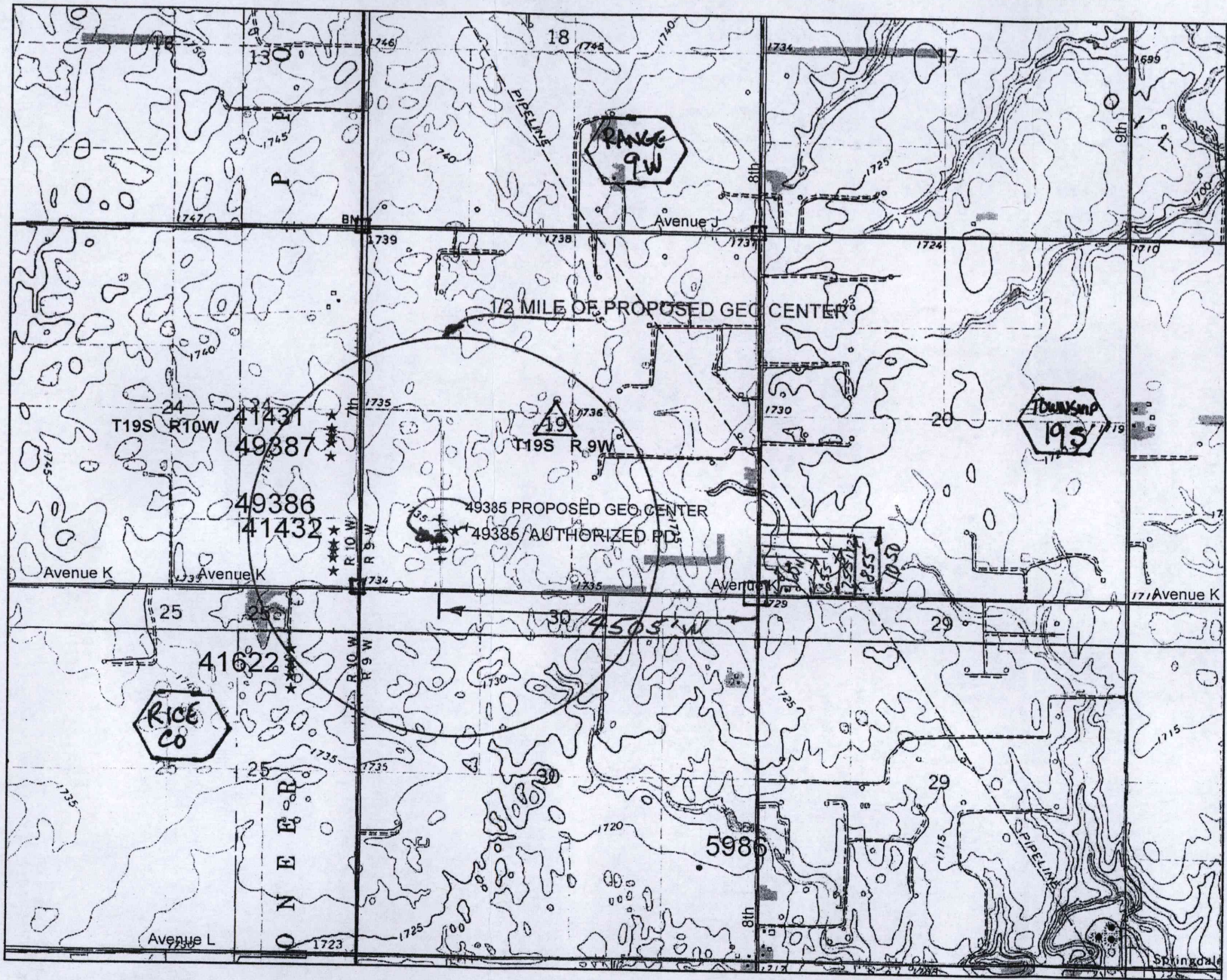
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KS DEPT OF AGRICULTURE  
**SCANNED**



# Appropriation of Water File No. 49,385 Change in Point of Diversion

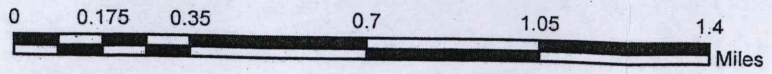
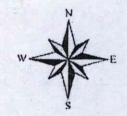
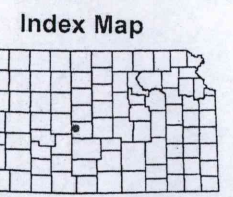


- Legend**
- ★ G\_IN
  - G\_IRR
  - ▲ PROPOSED GEO CENTER
  - + BATTERY WELL

All water wells located within 1/2 mile have been shown.

x *[Signature]* 11-4-16  
Sign & Date

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This map was created by L. Ireland in WIMAS on 11/3/2016

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 KS DEPT OF AGRICULTURE  
 SCANNED



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

CALL-MAINE FOODS INC  
PO BOX 367  
CHASE, KS

November 14, 2016

RE: File No. 49385

**FILE COPY**

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

BAT: dlw





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

pc: STAFFORD Field Office GMD

FILE COPY

RE: File No. 49382

CAL-MARINE FOODS INC  
PO BOX 381  
CHASSERS

Director of Medicine

An application for approval of the Chief Engineer to change the forward condition or conditions of the license number referred to above has been received.

Chief of Division  
Division 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 these applications as quickly as possible, you will be contacted when received. We intend to continue on the basis of applications until the reverse side. You will be contacted regarding the application as soon as it has been examined.

An application will be processed if the provisions of the Kansas Water Appropriation Act, a portion of which is included below, are met. You should read the Act carefully. You should read the Act and the rules and regulations which are in effect at the time of your application for a change in the license. You will receive a copy of the Act and the rules and regulations. Consideration of the water application will be given in the order of the date of receipt. The terms, conditions and limitations of the license are as follows:

Section 82a-122 of the Kansas Water Appropriation Act provides for the appropriation of water for the purpose of domestic use. It is provided that any person who appropriates water for the purpose of domestic use shall file an application with the Director of Water Resources. The application shall contain the following information:

(b) (1) The location of any portion 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 imprisonment 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) 564-6700. If you wish to discuss a specific license, please have the license number ready so that we may help you more efficiently.

Sincerely,

Brian A. Tunney, Director  
Chief of Applications Unit  
Water Appropriation Program