Kansas Department of Agriculture Division of Water Resources

CHANGE: P/D WORKSHEET

Document Signature LPL				
1. File Number: 49385	2. Status Change Date: 12/4/2016	3. Change Num:	4. Field Office:	5. GMD:
6. Status: Approved De	enied by DWR/GMD	Dismiss by Reques	st/Failure to Return	7. Filing Date of Change: 11/9/16
8a. Applicant(s) New to system CAL-MAINE FOODS INC JIMMY BELK PO BOX 367 CHASE KS 67524	Person IDAdd Seq#	8c. Landown New to sy		Person IDAdd Seq#
8b. Landowner(s) New to system CAL-MAINE FOODS INC. PO BOX 367 CHASE KS 67524	Person ID 39245 Add Seq#	8d. WUC New to sy	vstem □	Person IDAdd Seq#
9. Documents and Enclosure(s): ⊠ I	DWR Meter(s) Date to Comp	ly: <u>12/31/17</u>	N & P Date t	o Comply: 12/31/17
☐ Check Valve ☐ N & P I	Form 🔀 Water Tub	e 🛚 Drille	r Copy 🔲 H	& E Letter
☐ Conservation Plan Date Requ	uired: Da	ate Approved:	Date	to Comply:
10. Use Made of Water From: NC	CHANGE	To:		
			Date Prepared: 11/1 Date Entered: パス/し	

File No	4938	5	11. Count	ty: RC		Basin: C	ow c	REEK	50	<i>*</i>		s	tream	NA						Fc 19	ormation Code:	Special Use	e: NA
12. Po	ints of Dive	ersion														Rate	and Q	uantity					
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KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

M E M O R A N D U M

TO: Files

DATE:

December 2, 2016

FROM:

Leslie Ireland

RE:

Appropriation of Water

File No. 49,385

Jimmy Belk on behalf of Cal-Maine Foods Incorporated owner of the referenced appropriation filed an application for approval to change the point of diversion authorized for industrial use. The application was received in the office of the Chief Engineer on November 9, 2016.

The referenced file is in compliance with K.S.A. 82a-732. A review of the application finds that it complies with K.A.R. 5-5-1, *Filling an application for change*.

The referenced appropriation is authorized 50 million gallons (153.44 acre-feet) at a maximum rate of 50 gallons per minute from one well located in the Southwest Quarter of Section 19, Township 19 South, Range 9 West, Rice County. The well is authorized for the place of use comprised of an egg production facilities located in Sections 24, 25 & 26, Township 19 South, Range 10 West. The appropriation is not in a special use area, and has no overlaps or additional limitations. This appropriation was approved on September 6, 2016, with a *Notice of Completion* due December 31, 2017. At the time of permitting 506 acre-feet was available for appropriating.

The proposal is to change the single well into a battery of four (4) wells as allowed by K.A.R. 5-2-3, *Battery of wells*, as the referenced file was recently permitted and the completion dated has not yet passed. A safe yield analysis completed at the new geographic center of the battery of wells indicates that there are 367.6 acre-feet of allowable appropriations of which 506 acre-feet is available. The proposal complies with part(b)(2)of K.A.R. 5-2-3, and a new appropriation could be approved.

The location of the permitted well is the NE¼ SW¼ SW¼ approximately 900 'North and 4,320 'West of the Southeast corner of 19-19-9 West, Rice County. This appears to be the test well location and will no longer be authorized. The wells will be placed in a north-south line with the west line being 4,505 feet and the north-south line being 655, 460, 855, & 1050 feet North. The geographic center of the battery of four(4) wells will be in the NE¼ SW¼ SW¼, approximately 755 feet North and 4,505 feet West of the Southeast corner. The change in point of diversion complies with K.A.R. 5-4-4, Change applications, as the point of diversion for the referenced file will be relocated less than 2,640 feet and the geographic center is approximately 1,543 feet from the wells to the west.

The proposal meets the definition of a battery as per K.A.R. 5-1-1-(n), *Battery of wells*. All wells are located within a 300 foot radius of the geographic center and will distribute water through a common distribution system to serve the place of use.

The source of supply for the currently authorized location has been determined as the Equus Beds (Code 190). Due to the geological composition of the area as detailed in the KGS Bulletin No. 85 the change will not alter the source of supply.

File No. 49,385 Page 2

There applicant indicated that there are their four(4) non-domestic wells located within one-half (½) mile of the proposed geographic center. The map would indicate there are no domestic wells in the vicinity of the proposed geographic center. The WRIS database indicates the closest nondomestic diversion of water are the applicants wells. The aerial photograph indicates several mobile homes in the vicinity of the Northeast Quarter of Section 25, Township 19, Range 10 West. A review of the Kansas Water Wells Information found no domestic well for the five mobile homes that appear to be owned by Cal-Maine for their onsite workers. It appears that no notification of any kind is needed for the requested change in point of diversion.

Jeff Lanterman, Water Commissioner, Stafford Field Office reviewed the application and in his email of December 1, 2016, recommended approval. The summary review by Cameron Conant, Assistant Water Commissioner, recommended the source of supply remain as Equus Beds, (Code 190).

A condition of the approval will be the requirement of a flow meters pursuant to K.S.A. 82a-706c, and a water level measurement tubes. As a well log was submitted with the original approval application a WWC-5 it will not be a condition of the approval. If the operation will chemigate, a check valve will be required.

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

Leslie Ireland

Environmental Scientist

Aslie Sul-d

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

December 7, 2016

CAL-MAINE FOODS INC JIMMY BELK PO BOX 367 CHASE KS 67524

FILE COPY

RE: Appropriation of Water, File No. 49,385

Dear Mr. Belk:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flowmeter(s) must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, 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, you must request it before the expiration of time set forth in this 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.

If you have any questions, please contract Leslie Ireland, Environmental Scientist, at (785) 564-6633, or Jeff Lanterman, Water Commissioner Stafford Field Office at (620) 234-5311. 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

Change Application Unit Supervisor

BAT:LI:li Enclosures

pc: Stafford Field Office

KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCESDavid W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION APPROPRIATION OF WATER FILE NO. 49,385

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jimmy Belk on behalf of Cal-Maine Foods, Incorporated, PO Box 367, Chase Kansas 67524, received in this office on November 9, 2016, for approval of a change in the location of the point of diversion under the Approval of Application, File No. 49,385, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

a battery of four (4) wells with a geographic center located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE¼ SW¼ SW¼) of Section 19, more particularly described as being near a point 755 feet North and 4,505 feet West of the Southeast corner of said section, in Township 19 South, Range 9 West, Rice County, Kansas,

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

That this water right is further limited such that all wells shall be located within a three hundred (300) foot radius circle and in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed.

The water right owner shall properly install an acceptable water meter on each of the diversion works 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.

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

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.

In all other respects, the Approval of Application, File No. 49,385, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated September 6, 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 6th day of December, 2016, at Topeka, Shawnee County, Kansas.

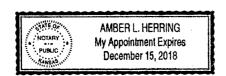
Lane P. Letourneau, P.G.
Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas

SS

County of Riley

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



Ambu J. Herring Notary Public

CERTIFICATE OF SERVICE

On this 7th day of December	, 2016, I hereby certify that the attached
Approval of Application for the Change in Po	int of Diversion for Appropriation of Water,
File No. 49,385, dated December 6	, 2016, was mailed postage prepaid, first
class, US mail to the following:	

Cal-Maine Foods, Inc. Jimmy Belk 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
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

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



Filing Fee Must Accompany the Application

(Please refer to Fee Schedule on signature page of application form.)

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

	showing the authorized and proposed points(s)	, or diversion a	ind for place of use must	accompany this application.
				WATER RESOUR CES RECEIVED
1.	Application is hereby made for approval of the Chi	ief Engineer to	change the	NOV 0 9 2016
	(Check one or more) XX Point of Diversion			2:05
	☐ Use Made of Water			KS DEPT OF AGRICUL TURE
	File No	o. <u>49,385</u>		
	2. Name of applicant: <u>CAL-MAINE FOODS INC</u>			
	Address: PO BOX 367			
	City, State and Zip: CHASE KS 67524			
	Phone Number: (620) 938-2300	E-mail add	lress:	
	What is your relationship to the water right; own	ner 🗌 tenan	: ☐ agent ☐ other? If	other, please explain.
	Name of water use correspondent: <u>SAME</u>			
	Address:			
	City, State and Zip:			
	Phone Number: ()	E-mail add	lress:	
3.	The change(s) proposed herein are desired for the	e following rea	sons (please be specific):	
	NEED A BATTERY OR WELLS IN THIS AREA PE	ER DRILLERS	RECOMMENDATION.	
	The change(s) will be completed by WHEN APPR	OVED 2017		
			(Date)	
Fo F.C	for Office Use Only: F.O. 2 GMD 0 Meets K.A.R. 5-5-1 (Æ8 / NO) (Code Fee \$ 100)	Use INC TR#	Source 6 /S County <u>f</u> Receipt Date <u>10</u>	2C By 45 W Date 1/10/16 19/16 Check # 8538

APPLICATION COMPLETE
11 18 16
Raviewer LT

SCANNED

Assisted by: <u>LI/OUR</u> 11/14/2016 UM

File	Nο	49 385

Owner of Land — NAME: CAL-MAINE FOODS INC ADDRESS: PO BOX 367, CHASE KS 67524 NEX	4. The	prese	ently au	thorize	ed pla	ce of ı	use is:									1	File No	o. <u>49,3</u>	885	
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						File No. <u>4938</u>	5
6.	The presently au	thorized point(s	s) of diversion is ONE \	WELL ONE PUN	MP		
			,		(Provide description and n	umber of points)	
7.	The proposed po	oint(s) of diversi	on is <u>A BATTERY OF</u>	FOUR WELLS	WITH A GEOGRAPHIC		
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	One in the	50	Quarter of the	<u>5w</u>	Quarter of the		Quarter
	of Section	19	, Township	19	South, Range	9	(W),
	in RICE	Cou	unty, Kansas, 460	feet North	4505 feet West o	f Southeast co	rner of section.

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

TO BATTERY WELL IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NEEDED, ATTACH ADDITIONAL SHEETS AS NEEDED.

This point is: Additional Well Geo Center List other water rights that will use this point BATTERY WELL 1 OF 4

Proposed Quantity _

12.	The	e pre	sently authorized use of water is for <u>INDUSTRIAL USE</u> purposes.	
	lt is	pro	posed that the use be changed to NO CHANGE	purposes.
13.		_	ing the place of use and/or use made of water, describe how the consumptive use will	
	_			
	(Ple	ase s	how any calculations here.)	
14.	It is	req	uested that the maximum annual quantity of water be reduced to NO CHANGE	_ (acre-feet or million gallons).
15.	It is	req	uested that the maximum rate of diversion of water be reduced to NO CHANGE gal	lons per minute (c.f.s.).
16.	1:2- Kar Dis sho	4,00 nsas tanc ould	olication must include either a topographic map or detailed plat. A U.S. Geological Su.D., is available through the Kansas Geological Survey, 1930 Constant Avenue, Union 66047-3726 (www.usgs.gov). The map should show the location of the presently auses North and West of the Southeast corner of the section must be shown. The presently be shown. Identify the center of the section, the section lines and the section corn township, and range numbers on the map. In addition the following information must a	versity of Kansas, Lawrence, athorized point(s) of diversion. Sently authorized place of use hers and show the appropriate
	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 S must be shown. Please be certain that the information shown on the map agrees Paragraph Nos. 9, 10 and 11 of the application.	
		2)	If the source of supply is groundwater, please show the location of existing water domestic wells, within $\frac{1}{2}$ mile of the proposed well or wells. Identify each well as to mailing address of the property owner or owners. If there are no wells within $\frac{1}{2}$ mile, $\frac{1}{2}$	its use and furnish name and
		3)	If the source of supply is surface water, the names and mailing addresses of all land and $\frac{1}{2}$ mile upstream from your property lines must be shown.	downer(s) ½ mile downstream
	b.		change in the place of use is desired, show the proposed place of use by crosshate ain that the information shown on the map agrees with the information shown in Parag	
17.	loca wel	al so I log	documentation to show the change(s) proposed herein will not impair existing water rurce of supply as to which the water right relates. This information may include state s, test hole logs, and other information as necessary information to show the above. elow.	ments, plats, geology reports,
	<u>BA</u>	ΠŒ	RY WILL MEET THE REQUIRED WELL TO WELL SPACING	
18.	ide req will	ntify uest not	oposed change(s) does not meet all applicable rules and regulations of the Kansas W the rules and regulations for which you request a waiver. State the reason why a v should be granted. Attach documentation showing that granting the request will not in prejudicially and unreasonably affect the public interest.	vaiver is needed and why the
	TH	E AF	PLICATION COMPLIES WITH KAR 5-2-3 BATTERY OF WELLS	

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

File No. 49,385

Presently authorize	ed point of dive	rsion:				
One in the		Quarter of the		Quarter of the		Quarter
of Section		, Township		South, Range feet West of		(E/W),
in	County,	Kansas,	feet North _	feet West of	Southeast corner	of section.
Authorized Rate		Authorized Quantity		Depth of well	(fee	t)
(DWR use only: Co	omputer ID No.	GI	PS	Depth of well feet North	feet We	st)
│ □ This point will n	ot be changed	x This point will	be changed a	s follows:		
Proposed point of	diversion: (Con	nolete only if chan	ae is requeste	d)		
					رب>	Ouerter
of Section	10	Quarter of the	10	Quarter of the South, Range	<u> </u>	Quarter
in DICE	Country	_, rownship	foot North	South, Range	Courth cook compa	(VV),
Proposed Pate	County,	Proposed Quantity	leet North _	4505 feet West of Proposed well dept	Southeast come	or section.
This point is:	ditional Well	1 Geo Center Liet	other water righ	its that will use this point	DATTEDV MEI	. 1 OE 4
Tills politilis. Au	ditional vven	J Geo Center List		its that will use this point	DATTENT WEL	L T OF 4
- 4 4 1						
Presently authorize						
One in the		Quarter of the		Quarter of the		Quarter
of Section		, Township		South, Range		(E/W),
lin	County.	Kansas.	feet North	feet West of	Southeast corner	of section.
Authorized Rate	<i>H</i>	Authorized Quantity		Depth of well	(fee	t)
(DWR use only: Co	omputer ID No.	GI	PS	Depth of well feet North	feet We	st)
☐ This point will n	ot be changed	x This point will	be changed as	s follows:		
Proposed point of	diversion: (Con	nplete only if chan	ge is requeste	<u>d)</u>	•	
One in the	NE	Quarter of the	รเป	Quarter of the South, Range	$S\omega$	Quarter
of Section	19	Township	19	South Range	9	(\frac{1}{1})
in RICE	County	_, rownship Kansas 1050	feet North	Coulif, range	Southeast corner	of section
Proposed Rate		Proposed Quantity	1000 1101111	4505 feet West of Proposed well dept	h (feet)	01 0000011.
This point is:	ditional Well	Geo Center List o	other water righ	its that will use this point	BATTERY WEL	1 1 OF 4
e permitter			out of the state o			
Presently authorize	ed point of dive	rsion:				
<u> </u>				Quarter of the		Quarter
of Section		Quarter of the		Quarter of the		Quarter
or Section	County	_, rownship	foot North	South, Range feet West of	Coutboost sorner	(E/VV),
Authorized Rate	County,	Nations,	166(140(11)	Donth of woll	outrieast corrier	OI SECTION.
/DWP use only: Co	/	Ruthonzed Quantity		Depth of well feet North	(lee	L) E †\
☐ This point will n	of he changed	☐ This point wi	li be changed.	as follows:	1661 W6	51,
1	_					
Proposed point of	diversion: (Con	npiete only if chan	ge is requeste	<u>a)</u>		_
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		roposed Quantity _	- 41	Quarter of the South, Range feet West of Proposed well dept ts that will use this point	n (teet)	·
I his point is: Ad	ditional vveil _	Geo Center List o	otner water righ	its that will use this point		·
Presently authorize	-					
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	(fee	t)
(DWR use only: Co	omputer ID No.	GI	PS	South, Range feet West of Depth of well feet North	feet We	st)
☐ This point will n	ot be changed	☐ This point wi	ll be changed	as follows:		
Proposed point of	diversion: (Con	nplete only if chan	ae is reaueste	d)		
· ————			_	Quarter of the		Quarter
of Section		. Quarter Urthe		Quarter of the	<u></u>	Quarter
		LOWnehin		20mm Ranna		
in	County	_, Township Kansas	feet North	South, Range	Southeast corner	of section
in	County,	_, Township Kansas, Proposed Quantity	feet North	South, Range feet West of	Southeast corner	of section.
Proposed Rate	F	Proposed Quantity _		South, Range feet West of Prop osed well dept ts that will use this proport	h,(feet).	

File No. 49385	
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Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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.

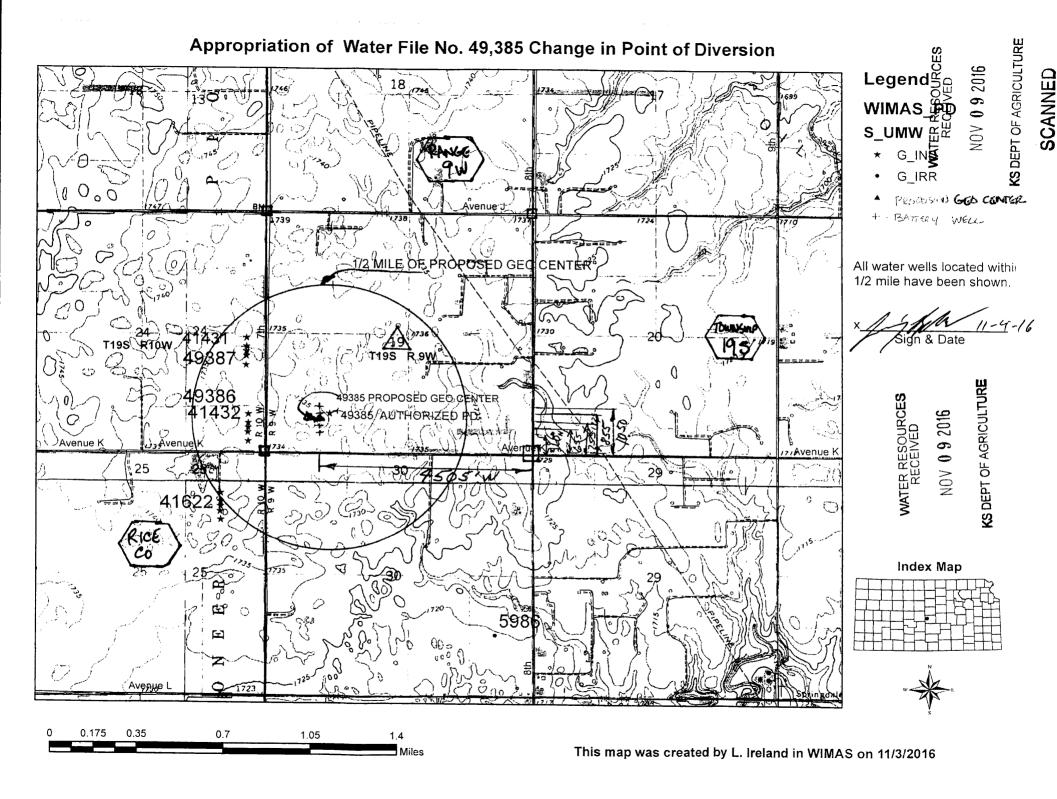
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the curre authorized to make this application on t complete. By filing this application I auth as specified in sections 14 and 15 of this	heir behalf, and de norize the chief eng	clare furt	her that th	e statemen	ts contained here	in are true, co	rrect, and
Dated at Cal-Maine	Chase, K	ansas, this		day of _	Novembe.	, 20	16.
Cal-Maine Foods	Inc.						
Cal-Maine Foods (Owner)					(Spouse)		
(Please Print)		_			(Please Print)		
(Owner)		_			(Spouse)		
(Please Print)					(Please Print)	-	
(Owner)		_			(Spouse)		
(Please Print)		_			(Please Print)		
State of Kansas County of Rice I hereby certify that the foregoing app)) SS)	d in my	presence	and sworn	to before me this	s /	day of
November , 20/6	plication was signe	u iii iiiy					_ day or
My Commission Expired RASULISKA	019		Kena	ia Sue	Notary Public		
My Appt. Expires 3/7//9	FE	E SCHED	ULE				
Each application to change the place of use, application fee set forth in the schedule below		n or the us	e made of	the water un	der this section sha	II be accompani	ied by the
 (1) Application to change a point of (2) Application to change a point of (3) Application to change the place (4) Application to change the use n 	f diversion more than	300 feet .				\$2	200
Make check payable to Kansas Department	t of Agriculture.			WATER RI	ESOURCES EIVED	WATER RESC RECEIV	

KS DEPT OF AGRICULTURE KS DEPT OF AGRICULTURE SCANNED

NOV 0 9 2016

NOV 0 9 2016



Ireland, Leslie

From:

Lanterman, Jeff

Sent:

Thursday, December 01, 2016 4:33 PM

To:

Ireland, Leslie

Subject:

FW: Recommendation for Change in PD File No. 49,385 Cal-Maine

Attachments:

49385_battery change (b)2 comply____pd_2_0.doc; 49385 application map.pdf; 49385

aerial photo.jpg

Importance:

High

Leslie;

I have no concerns with this change application. Go ahead and approve it.

Jeff

From: Conant, Cameron

Sent: Thursday, December 1, 2016 2:39 PM **To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>

Subject: FW: Recommendation for Change in PD File No. 49,385 Cal-Maine

Importance: High

Jeff,

This is a p/d change from a single well (50gpm) to a battery of 4 wells authorizing the same quantity of 50MGY at a new rate of 800gpm. You recommended the original application for approval on 8/26/16 and after the approval Cal-Maine determined they had wanted to apply for a battery of wells, not a single well.

The memo states the source is Equus Beds...I was thinking it was more along the lines of 144 or 180...maybe 100 or something like that but not Equus Beds...then I found this in a previous memo for a Cal-Main well just west of this file \rightarrow "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." Since this was apparently discussed during the past file reviews, I'm good leaving it as code 190.

Spacing is great, the nearest well not operated by Cal-Maine is over 1 mile away. Water level information is spotty (~5 miles north of GMD#2 boundary and 6 miles east of GMD#5 boundary) but the limited hydrographs available seem to be fairly stable and are not showing a large declining trend.

http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=382259098221301 (~5 miles NW of proposed)

http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=382432098275201 (~½ mile W of proposed)

SY is met at the proposed geo-center.

I think this can be recommended for approval. Please pass on to Leslie if you agree.

Cameron

From: Ireland, Leslie

Sent: Friday, November 18, 2016 10:42 AM

To: Lanterman, Jeff < Jeff.Lanterman@ks.gov >; Conant, Cameron < Cameron.Conant@ks.gov >

Subject: Recommendation for Change in PD File No. 49,385 Cal-Main

Importance: High

Jeff & Cameron,

No matter how hard I tried to confirm that they only wanted the original well it was wrong. Cal-Maine has requested to change the new well permitted to a battery of four wells.

Please let me know if you could recommend this change.

As always comments and concerns are welcome,, but this seems pretty straight forward.

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

Water Rights and Points of Diversion Within 1.50 miles of point defined as: 755 ft N and 4505 ft W of the SE Corner of Section 19, T 19S, R 9W Located at: 98.364973 West Longitude and 38.378782 North Latitude GROUNDWATER ONLY

Report Date Friday, November 18 2016

GOO CAR 49 385 CHG 70

File Number Use ST SR Dist	(ft) Q4 Q3 Q2 Q1	FeetN FeetW Sec	Twp Rng ID Batt Auth_Quan Add_Quan Unit
A 5986 00 IRR NK G	.6076 NC E2 SE	30	19 9W 1 39.00 39.00 AF
A 41431 00 IND NK G	2183 NE NE SE	2245 395 24	19 10W 6 G 4 50.04 50.04 AF
Same	2117 NE NE SE	2145 397 24	19 10W 7 B 4
Same	2251 NE NE SE	2349 388 24	19 10W 8 B 4
Same CW.	2398 NE NE SE	2546 391 24	19 10W 9 B 4
Same	1993 SE NE SE	1941 403 24	19 10W 15 B 4
A 41432 00 IND NK G	1555 SE SE SE	561 354 24	19 10W 10 G 4 104.89 90.90 AF
Same	1576 SE SE SE	459 360 24	19 10W 11 B 4
Same	1543 NE SE SE	663 351 24	19 10W 12 B 4
Same	1546 NE SE SE	859 351 24	19 10W 13 B 4
Same	1618 SE SE SE	262 354 24	19 10W 14 B 4
A 41622 00 IND NK G	2864 SW NE NE	4131 970 25	19 10W 1 G 4 70.92 35.51 AF
Same	2798 SW NE NE	4229 968 25	19 10W 2 B 4
Same	2941 SW NE NE	4025 977 25	19 10W 3 B 4
Same	3061 NW SE NE	3843 965 25	19 10W 4 B 4
Same	2674 SW NE NE	4426 968 25	19 10W 5 B 4
A 49385 00 IND GY G*	235 NE SW SW	900 4320 19	19 9W 1 153.44 153.44 AF
A_ 49386 00 IND GY G	1555 SE SE SE	561 354 24	19 10W 10 G 4 145.77 145.77 AF
Same	1576 SE SE SE	459 360 24	19 10W 11 B 4
Same	1543 NE SE SE	663 351 24	19 10W 12 B 4
Same	1546 NE SE SE	859 351 24	19 10W 13 B 4
Same	1618 SE SE SE	262 354 24	19 10W 14 B 4
A 49387 00 IND GY G	2183 NE NE SE	2245 395 24	19 10W 6 G 4 90.53 90.53 AF
Same	2117 NE NE SE	2145 397 24	19 10W 7 B 4
Same	2251 NE NE SE	2349 388 24	19 10W 8 B 4
Same	2398 NE NE SE	2546 391 24	19 10W 9 B 4
Same	1993 SE NE SE	1941 403 24	19 10W 15 B 4
Total Net Quantities Authoriz	ed: Direct	Storage	
Total Requested Amount (AF) =	.00	.00	
Total Permitted Amount (AF) =	389.75	.00	
Total Inspected Amount (AF) =	.00	.00	
Total Pro_Cert Amount (AF) =		.00	
Total Certified Amount (AF) =	215.45	.00	
Total Vested Amount (AF) =	.00	.00	
TOTAL AMOUNT (AF) =	605.20	.00	

An \star after the source of supply indicates a pending application for change for the file number.

An \star after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery. The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.50 miles of point defined as: 98.364973 West Longitude and 38.378782 North Latitude

MOBILIO HOMES TO SW ARE >2640 FROM PD-

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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File Number Use ST SR
A 5986 00 IRR NK G
> CARL LEBSACK TRUST ESTATE
> % WAYNE LEBSACK
> 603 S DOUGLAS AVE
> LYONS KS 67554
>-----
A__ 41431 00 IND NK G
> CAL-MAINE FOODS INC
> PO BOX 367
> CHASE KS 67524
>-----
A 41432 00 IND NK G
> CAL-MAINE FOODS INC
> PO BOX 367
> CHASE KS 67524
>----
A__ 41622 00 IND NK G
> CAL-MAINE FOODS INC
> PO BOX 367
> CHASE KS 67524
>-----
A__ 49385 00 IND GY G
> CAL-MAINE FOODS INC
> PO BOX 367
> CHASE KS 67524
>-----
A__ 49386 00 IND GY G
> CAL-MAINE FOODS INC
> PO BOX 367
> CHASE KS 67524
A__ 49387 00 IND GY G
> CAL-MAINE FOODS INC
> PO BOX 367
> CHASE KS 67524
>-----
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. . .

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

November 14, 2016

CALL-MAINE FOODS INC PO BOX 367 CHASE. KS

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 PE☐ 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