

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">49385</p>	2. Status Change Date: <p style="text-align: center;">9/6/2016</p>	3. Field Office: <p style="text-align: center;">02</p>	4. GMD:
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>CAL-MAINE FOODS INC BRIAN BALLARD, GENERAL MANAGER PO BOX 367 CHASE KS 67524</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID <u>39245</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p>CAL-MAINE FOODS INC PO BOX 367 CHASE KS 67524</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID <u>39245</u> New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>CAL-MAINE FOODS INC PO BOX 367 CHASE KS 67524</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input checked="" type="checkbox"/> IND SIC: <u>0252</u> <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2017 11. Perfection Date: 12/31/2021 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: 12/31/2017 Date WLMD Installed: _____

Date Prepared: **8/15/16** By: **LI**
Date Entered: **9/6/2016** By: **UM**

File No. **49385** 15. Formation Code: **190** Drainage Basin: **COW CREEK** County: **RC** Special Use: **NA** Stream: **NA**

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files	
									Rate gpm	Quantity mgy	Rate gpm	Quantity mgy		
DEL	84347	NE SW SW	24	19	10W	17	900	4320	800	50	800	50	NONE	
ENT	85595	NE SW SW	19	19	9W		900	4320	800	50	800	50	NONE	

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

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NONE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2017** Date Acceptable Meter Installed _____

21. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	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				
MOD 7536	24	19	10W	2		EGG FARM (S2)																	7B		49386 49387 41431 41432 41622
MOD 18586	25	19	10W	1		EGG FARM (N2)																	7B		49386 49387 41431 41432 41622
MOD 66891	26	19	10W	1		EGG FARM (E2)																	7B		49386 49387 41431 41432 41622

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 mgy (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 mgy 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 mgy (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 mgy (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 instillation 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

FILE COPY

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,385** of the applicant

Cal-Maine Foods, Inc.
PO Box 367
Chase, KS 67524

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **May 11, 2015**.
2. That the water sought to be appropriated shall be used for industrial use in the South Half (S½) of Section 24, and in the North Half (N½) of Section 25, and in the East Half (E½) of Section 26, all in Township 19 South, Range 10 West, Rice County.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a well 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 900 feet North and 4,320 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.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **50.0 million gallons (153.44 acre-feet)** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2017** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2021** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit 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.
12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit 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.
13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

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. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) 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 10 day of September, 2016, in 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)
County of Riley) SS

The foregoing instrument was acknowledged before me this 10 day of September, 2016, by Lane P. Letourneau, P.G., Program Manager, 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 foregoing Approval of Application and Permit to Proceed, File No. 49,385, 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



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49385
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

WATER RESOURCES RECEIVED

MAY 11 2015

12:56
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): Cal-Maine Foods INC
Address: PO Box 367
City: Chase State KS Zip Code 67524
Telephone Number: (620) 938-2300

2. The source of water is: surface water in _____ (stream)
OR groundwater in Cow Creek (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is (153.44 acre-feet) OR 50 million gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:							
F.O. <u>2</u>	GMD <u>0</u>	Meets K.A.R. 5-3-1 <input checked="" type="checkbox"/> YES / NO	Use <u>IND</u>	Source <u>@/S</u>	County <u>RC</u>	By <u>KAB</u>	Date <u>5/11/15</u>
Code _____	<u>RE2</u>	Fee \$ <u>300</u>	TR # <u>1547746</u>	Receipt Date <u>5-7-15</u>	Check # <u>8512</u>		

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the NE quarter of the SW quarter of the SW quarter of Section 24^{19*}, more particularly described as being near a point 900 feet North and 4,320 feet West of the Southeast corner of said section, in Township 19 South, Range 10 West, Rice County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____, _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____, _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____, _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Same as Applicant
(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 16, 2015. [Signature]
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 4 wells & pumps
(number of wells, pumps or dams, etc.)
and Will be completed (by) ASAP
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be ASAP
(Mo/Day/Year)

3/28/16 FROM METT @ SFO & MDP

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- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required N.A.

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

No PD Overlap. Overlaps PU with 41,431, 41,432, 41,622, and other pending applications.

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>See</u>	<u>Attached</u>	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Same as Applicant
(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Chase, Kansas, this 16 day of April, 2015.
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Matt Meier ESII Date: 4/16/2015
(office/title)

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**INDUSTRIAL USE
SUPPLEMENTAL SHEET**

File No. 49,385

Name of Applicant (Please Print): Cal-Maine Foods Inc

1. Please describe type of industry or product produced: Egg Production/Processing
 _____ Standard Industrial Classification Code Number: 0252

2. Please complete the following table to show your past and present water requirements:

PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago		52,894,800	
Last year		55,250,400	
Present year			

3. Please complete the following table to show your future water requirements:

ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1		75,000,000	
Year 2		80,000,000	
Year 3		85,000,000	
Year 4		90,000,000	
Year 5		100,000,000	

Number of days of operation of the industry per year is 365 days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

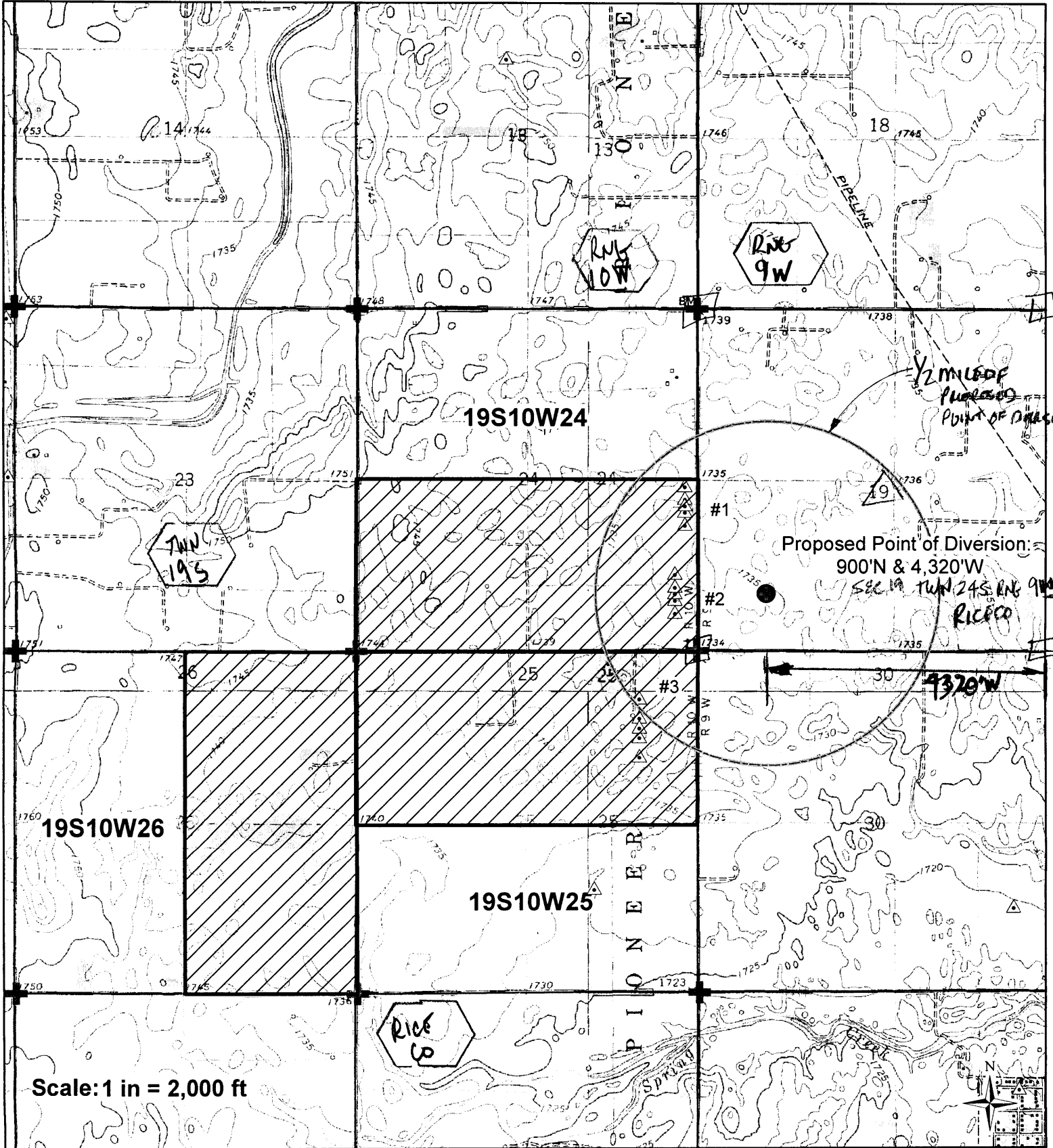
4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
24	19	10W																		320
26	19	10W	40	40	40	40														320
25	19	10W	40	40	40	40	40	40	40	40										320

** IN S½ 24 N½ 25 E½ 26 ALL IN 19S 10W, RICE CO **

You may attach any additional information you believe will assist in informing the Division **WATER RESOURCES** request.

** 15/000 7/11/16 -*

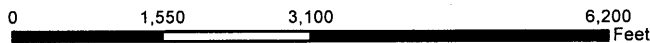


I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map. WATER RESOURCES RECEIVED

- Proposed Point of Diversion
- ▨ Proposed Place of Use
- △ Water Rights
- ⊕ Section Corner

[Signature]
Signature

4-16-2015
Date



MAY 11 2015
Created by Matt Meier
F.O. 2
Date: 4/15/2015
KS DEPT OF AGRICULTURE
SCANNED



Proposed Point of Diversion:
900'N & 4,320'W





19S10W24

19S10W26

19S10W25

Scale: 1 in = 2,000 ft

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. WATER RESOURCES RECEIVED

-  Proposed Point of Diversion
-  Proposed Place of Use
-  Water Rights
-  Section Corner

Signature _____ Date _____

0 1,550 3,100 6,200 Feet

MAY 11 2015
 Created By: Matt Meier
 F.O. 2
 Date: 4/15/2015
 KS DEPT OF AGRICULTURE
 RECEIVED

SCANNED

Nearby Wells

#1: WR#41,431

CAL-MAINE FOODS INC
PO BOX 367
CHASE KS 67524
(Forms PU Overlap with Application)

#2: WR#41,432

CAL-MAINE FOODS INC
PO BOX 367
CHASE KS 67524
(Forms PU Overlap with Application)

#3: WR#41,622

CAL-MAINE FOODS INC
PO BOX 367
CHASE KS 67524
(Forms PU Overlap with Application)

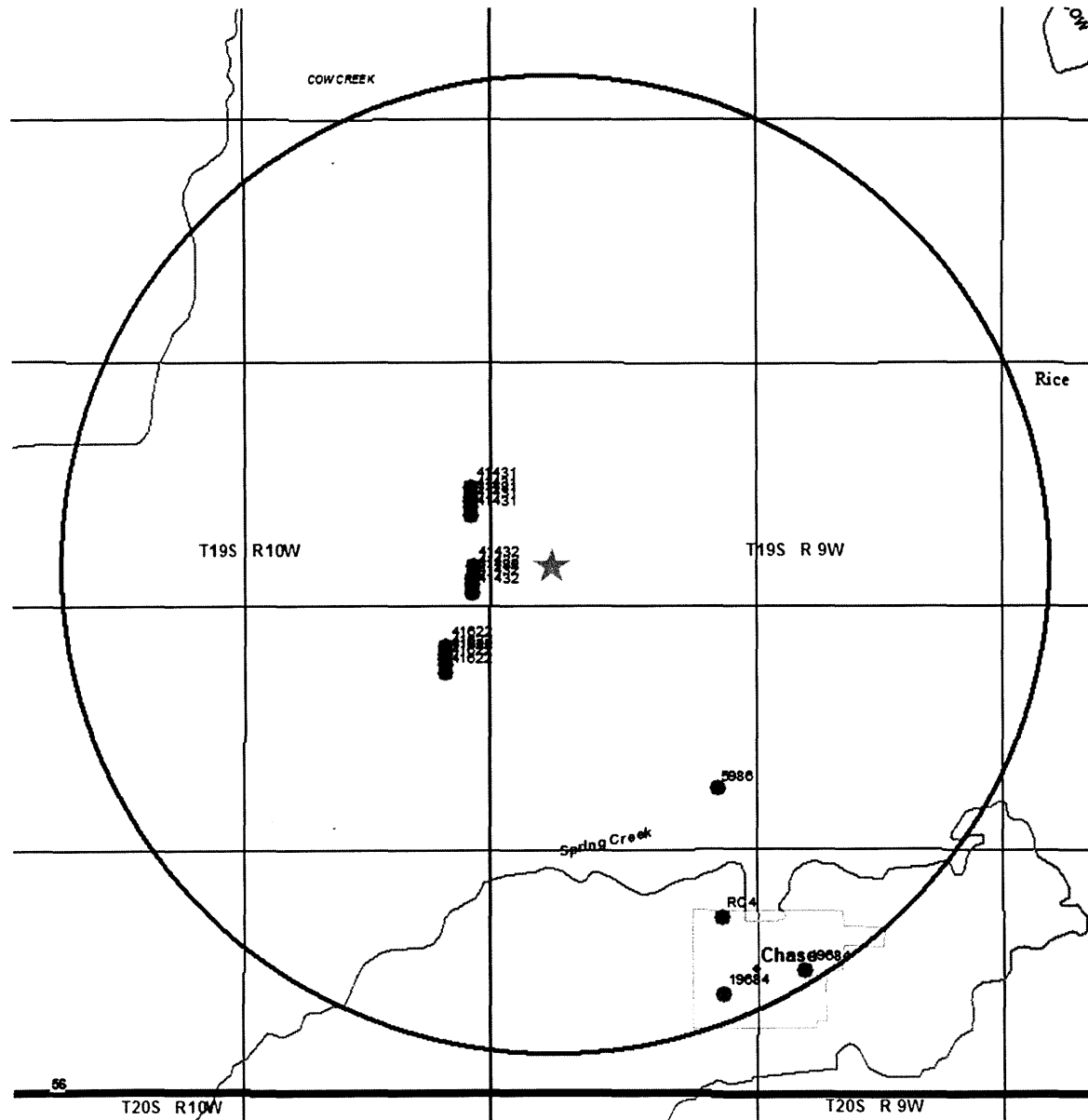
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KS DEPT OF AGRICULTURE

SCANNED

File No. 49,385
Safe Yield Report Sheet
Proposed Water Right Application Point of Diversion in SENESWSW 19-19S-09W



Safe Yield Report Sheet Proposed Point of Diversion in SENESWSW 19-19S-09W File No. 49385

Analysis Results

 The selected PD is in an area open to new appropriations.
 The safe yield, based on the variables listed below is 879.59 AF.
 Total prior appropriation in the circle is 373.59 AF.
 Total quantity of water available for appropriation is 506.00 AF.

Safe Yield Variables

 The area used for the analysis is set at 8,042 acres.
 Potential annual recharge of the area is estimated to be 1.75 inches.
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 12-JUL-2016 and are based on Appropriated and Vested groundwater rights. Domestic, Term and Temporary water rights have been excluded.
 There are 6 water right(s) and 19 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A	5986	00	IRR	NK	G		NC E2 SE	0	0	30	19	09W	1	WR	39.00	39.00	80.00	80.00
A	19684	00	MUN	NK	G		NC NE SE	1980	660	31	19	09W	2	WR	122.39	84.49		
Same			MUN	NK	G		SE SW NW	2700	4290	32	19	09W	2	WR				
A	41431	00	IND	NK	G		SE NE SE	1941	403	24	19	10W	15	WR	50.04	50.04		
Same			IND	NK	G		NE NE SE	2145	397	24	19	10W	7	WR				
Same			IND	NK	G		NE NE SE	2349	388	24	19	10W	8	WR				
Same			IND	NK	G		NE NE SE	2546	391	24	19	10W	9	WR				
Same			IND	NK	G		NE NE SE	2245	395	24	19	10W	6	WR				
A	41432	00	IND	NK	G		NE SE SE	859	351	24	19	10W	13	WR	104.89	90.90		
Same			IND	NK	G		SE SE SE	262	354	24	19	10W	14	WR				
Same			IND	NK	G		SE SE SE	459	360	24	19	10W	11	WR				
Same			IND	NK	G		NE SE SE	663	351	24	19	10W	12	WR				
Same			IND	NK	G		SE SE SE	561	354	24	19	10W	10	WR				
A	41622	00	IND	NK	G		SW NE NE	4426	968	25	19	10W	5	WR	70.92	35.51		
Same			IND	NK	G		NW SE NE	3843	965	25	19	10W	4	WR				
Same			IND	NK	G		SW NE NE	4025	977	25	19	10W	3	WR				
Same			IND	NK	G		SW NE NE	4131	970	25	19	10W	1	WR				
Same			IND	NK	G		SW NE NE	4229	968	25	19	10W	2	WR				
V RC	4	00	MUN	AA	G			3819	744	31	19	09W	3	WR	73.65	73.65		

=====

Water Rights and Points of Diversion Within 2.00 miles of point defined as:
 900 ft N and 4320 ft W of the SE Corner of Section 19, T 19S, R 9W
 Located at: 98.364328 West Longitude and 38.379180 North Latitude
 GROUNDWATER ONLY

FILE NO. 49,385
PROPOSED POINT OF DIVERSION

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	6077	--	NC	E2	SE	-----	-----	30	19	9W	1		39.00	39.00	AF	
A__ 19684	00	MUN	NK	G	10189	--	NC	NE	SE	1980	660	31	19	9W	2		122.39	84.49	AF	
Same					10287	--	SE	SW	NW	2700	4290	32	19	9W	2					
A__ 41431	00	IND	NK	G*	2230	--	NE	NE	SE	2245	395	24	19	10W	6	G	4	50.04	50.04	AF
Same					2172	--	NE	NE	SE	2145	397	24	19	10W	7	B	4			
Same					2289	--	NE	NE	SE	2349	388	24	19	10W	8	B	4			
Same					2422	--	NE	NE	SE	2546	391	24	19	10W	9	B	4			
Same					2066	--	SE	NE	SE	1941	403	24	19	10W	15	B	4			
A__ 41432	00	IND	NK	G*	1760	--	SE	SE	SE	561	354	24	19	10W	10	G	4	104.89	90.90	AF
Same					1788	--	SE	SE	SE	459	360	24	19	10W	11	B	4			
Same					1741	--	NE	SE	SE	663	351	24	19	10W	12	B	4			
Same					1726	--	NE	SE	SE	859	351	24	19	10W	13	B	4			
Same					1839	--	SE	SE	SE	262	354	24	19	10W	14	B	4			
A__ 41622	00	IND	NK	G*	3098	--	SW	NE	NE	4131	970	25	19	10W	1	G	4	70.92	35.51	AF
Same					3033	--	SW	NE	NE	4229	968	25	19	10W	2	B	4			
Same					3175	--	SW	NE	NE	4025	977	25	19	10W	3	B	4			
Same					3294	--	NW	SE	NE	3843	965	25	19	10W	4	B	4			
Same					2909	--	SW	NE	NE	4426	968	25	19	10W	5	B	4			
A__ 49385	00	IND	AY	G	5696	--	NE	SW	SW	900	4320	24	19	10W	17		153.44	153.44	AF	
A__ 49386	00	IND	AY	G	1760	--	SE	SE	SE	561	354	24	19	10W	10	G	4	145.77	145.77	AF
Same					1788	--	SE	SE	SE	459	360	24	19	10W	11	B	4			
Same					1741	--	NE	SE	SE	663	351	24	19	10W	12	B	4			
Same					1726	--	NE	SE	SE	859	351	24	19	10W	13	B	4			
Same					1839	--	SE	SE	SE	262	354	24	19	10W	14	B	4			
A__ 49387	00	IND	AY	G	2230	--	NE	NE	SE	2245	395	24	19	10W	6	G	4	90.53	90.53	AF
Same					2172	--	NE	NE	SE	2145	397	24	19	10W	7	B	4			
Same					2289	--	NE	NE	SE	2349	388	24	19	10W	8	B	4			
Same					2422	--	NE	NE	SE	2546	391	24	19	10W	9	B	4			
Same					2066	--	SE	NE	SE	1941	403	24	19	10W	15	B	4			
VRC	4	00	MUN	AA	G	8465	--	--	--	3819	744	31	19	9W	3		73.65	73.65	AF	

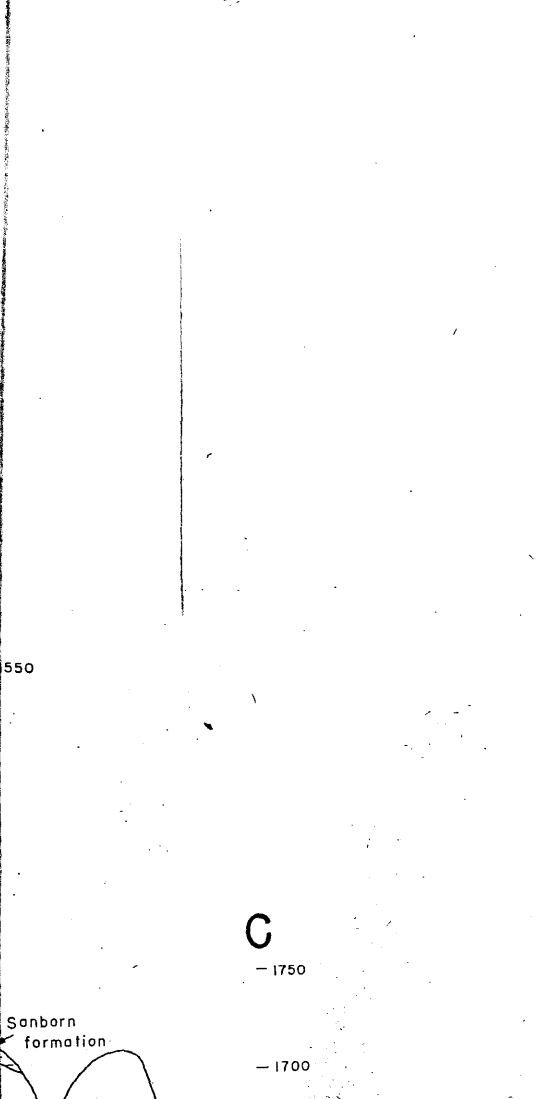
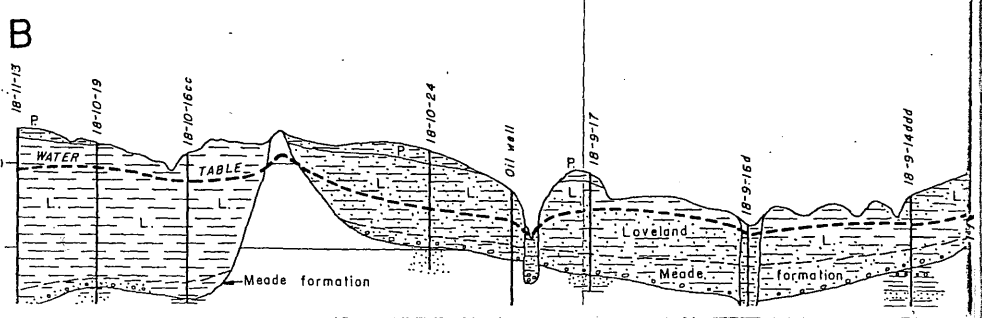
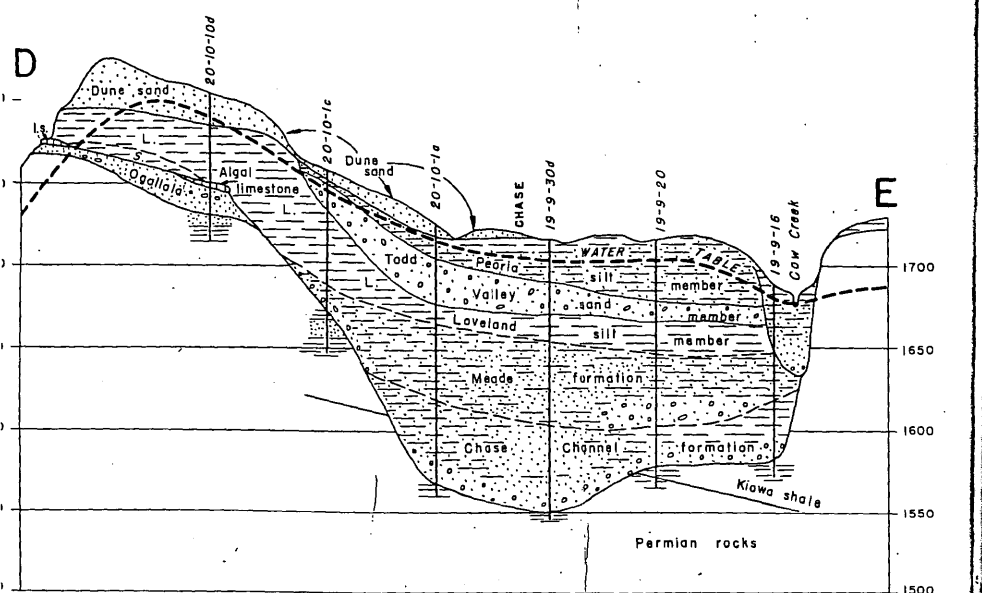
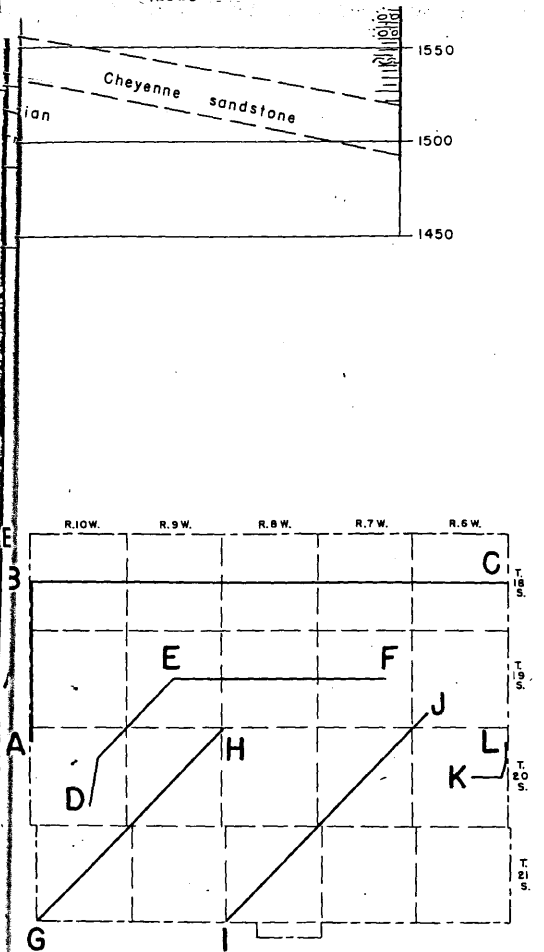
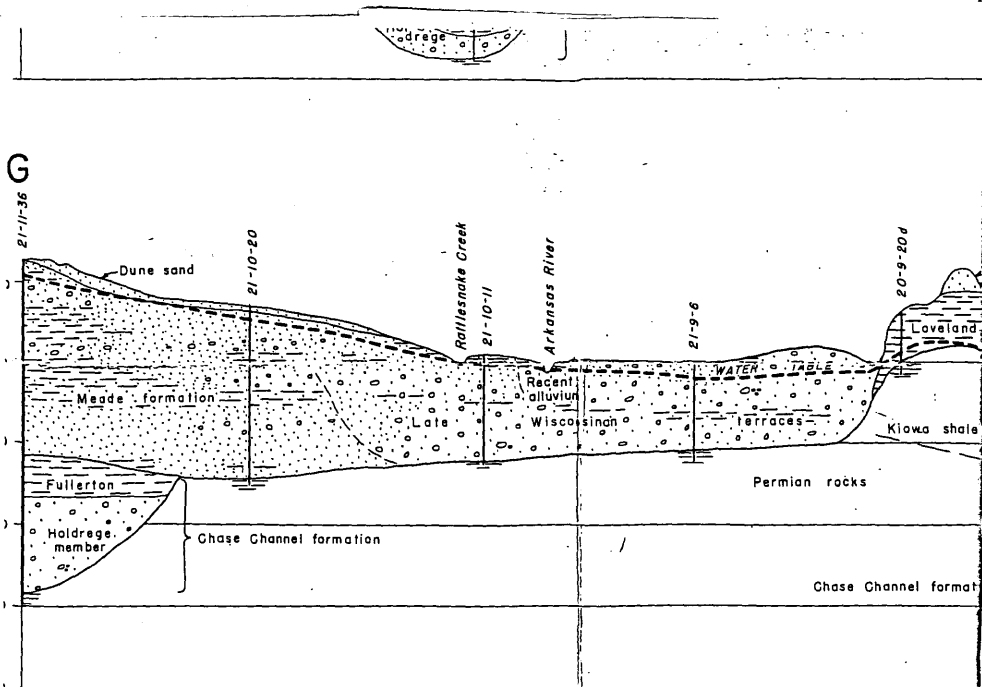
WRONG SECTION SHOULD BE Sect 19

1320 feet w2w spacing needed - none - within area -

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	389.75	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	299.93	.00
Total Vested Amount (AF) =	73.65	.00
TOTAL AMOUNT (AF) =	763.34	.00

An * after the source of supply indicates a pending application for change for the file number.
 An * 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 2.00 miles of point defined as:
 98.364328 West Longitude and 38.379180 North Latitude



CRETACEOUS—Comanchean		
	Thickness, feet	Depth, feet
Kiowa shale		
Shale, dark blue gray; contains a zone of cone-in-cone limestone and fossil shells	10	110
27.—Driller's log of the Carey Salt Company shaft in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 34, T. 19 S., R. 8 W., dug for the Bevis Rock Salt Company, 1890.		
QUATERNARY—Pleistocene		
	Thickness, feet	Depth, feet
Sanborn formation		
Soil and sandy loam.....	45	45
CRETACEOUS—Comanchean		
Kiowa shale		
Sand rock	10	55
Variegated clays	12	67
Blue clays	13	80
Black shale	30	110
Gray sand rock	10	120
PERMIAN—Leonardian		
Harper sandstone		
Red sand rock	78	198
Red sandy shale	56	254
Red clay	18	272
Stone Corral dolomite		
Soft lime rock	3	275
Gypsum and lime rock.....	9	284
Ninnescah shale		
Interbedded red, blue, and gray shale.....	386	670
Wellington formation		
Dark gray shale	123	793
Salt with many thin shale partings.....	275	1,068
Dark gray shale; contains shells at top.....	15.5	1,083.5
28.—Sample log of test hole 19-9-16dd in the SE cor. sec. 16, T. 19 S., R. 9 W., drilled by the State Geological Survey, July 1946. Surface altitude, 1688.7 feet.		
QUATERNARY—Pleistocene		
	Thickness, feet	Depth, feet
Late Wisconsinan terrace		
Silt, dark gray; contains some fine to medium sand.....	3	3
Silt and clay, buff and light gray; contains much fine to medium sand	4	7
Silt, light gray.....	3	10
Sand, fine to coarse, and gray silt.....	17	27
Silt, gray; contains much fine to coarse sand and pebbles of calcium carbonate in lower part of interval....	12	39
Sanborn formation		
Loveland silt member		
Silt, calcareous, buff to tan; contains some nodular caliche	57	96

Chase Channel formation		
	Thickness, feet	Depth, feet
Holdrege member		
Sand, medium to fine, and calcareous silt, buff; contains some medium gravel.....	11	107
CRETACEOUS—Comanchean		
Kiowa shale		
Shale, dark gray.....	9	116
29.—Sample log of test hole 19-9-20dd in the SE cor. sec. 20, T. 19 S., R. 9 W., drilled by the State Geological Survey, August 1946. Surface altitude, 1,716.5 feet.		
	Thickness, feet	Depth, feet
Road fill	1.5	1.5
QUATERNARY—Pleistocene		
Sanborn formation		
Peoria silt member		
Silt and clay, light gray, and very fine sand.....	1.5	3
Silt, tan; contains some fine to medium sand and concretionary calcium carbonate.....	13	16
Clay, calcareous, yellow buff and gray white; contains some concretionary calcium carbonate.....	22	38
Todd Valley sand member		
Gravel, fine to coarse, and sand.....	12	50
Loveland silt member		
Silt and clay, buff.....	9	59
Silt, light gray.....	9	68
Silt, tan and buff; contains some concretionary calcium carbonate. (Lower part of interval is probably Sappa member of Meade.).....	30	98
Meade formation		
Grand Island member		
Gravel, coarse to fine, sand and calcareous silt, buff..	14	112
Chase Channel formation		
Fullerton member		
Silt, calcareous, buff; contains much concretionary calcium carbonate. Many shale and sandstone pebbles in lower part of interval.....	26	138
CRETACEOUS—Comanchean		
Kiowa shale		
Shale, fissile, gray.....	3.5	141.5
PERMIAN—Leonardian		
Siltstone, red brown and light gray green.....	8.5	150

TABLE 6.—Records of wells in Rice County—Continued

WELL DESIGNATION	Owner or tenant	Type of well (2)	Depth of well (feet) (3)	Diameter of well, inches	Type of casing (4)	Principal water-bearing bed		Method of lift (5)	Use of water (6)	Measuring point			Depth to water level below measuring point (feet)	Date of measurement	REMA (Yield given minute; draw)
						Character of material	Geologic source			Description	Distance above land surface (feet)	Height above mean sea level (feet)			
20-7-34ab.....	F. B. Runyan.....	DD	42	48	R	Sand.....	Dune sand....	CY, W	S	Top of wooden cover.....	.6	1,650.8	15.28	7-26-46	
20-7-34bb.....	E. J. Hammel.....	Dr	49.30	6	GI	do.....	do.....	CY, H	S	Top of wooden platform.....	.2	1,645.7	35.80	7-26-46	
20-8-1cc.....	School.....	Dr	119.4	6	GI	Shale.....	Harper.....	CY, H	C	Top of casing.....	.3	1,711.7	41.45	8-5-46	
20-8-2dc.....	P. T. Lyon.....	Du	20.5	36	R	Rubble....	Sanborn.....	CY, H	N	Top of wooden platform.....	.0	1,685.6	12.96	8-2-46	
20-8-5da.....	S. Wilson.....	Dr	47.7	.....	.....	Sand and silt.	do.....	CY, W	D, S	Top of wooden cover.....	.3	1,673.4	28.53	7-9-46	
20-8-6aa.....	County Farm.....	Dr	58.9	6	GI	Sandstone	Kiowa.....	CY, W	S	do.....	1.0	1,681.3	27.38	7-9-46	
20-8-7da.....	S. Longen.....	Du	13.3	48	R	Sand and gravel.	Late Wisconsinan terrace	CY, W	S	Top of concrete platform.....	1.3	1,663.6	12.15	9-17-46	
20-8-9dd 1.....	City of Lyons.....	Dn	65	8	S	do.....	do.....	C, E, D	P	Land surface.....	.....	1,657.0	20	.....	Battery of 7 w from single ported yield down of 5, a drawdown of
20-8-9dd 2.....	do.....	Dr	64	24	I	do.....	do.....	T, E	P	do.....	.....	1,656.3	19	.....	Gravel-packed v yield, 1,000, c
20-8-10bd.....	American Salt Co.	Dr	80	12	I	do.....	do.....	T, E	In	.....	.....	.....	.....	.....	One of group of for salt proc ported yield 5
20-8-16aa.....	City of Lyons.....	Dr	65.2	18	I	do.....	do.....	T	P	Top of casing.....	1.8	1,657.5	18.2	6-10-47	Gravel-packed v 50.
20-8-23ad.....	J. E. Edwards....	Dn	53.5	.....	GP	do.....	do.....	N	D, S	Top of concrete curb.....	1.2	1,643.3	13.55	9-18-46	

20-8-29cd.....	W. E. Ball.....	B	47.7	12	R	do.....	Todd Valley..	CY, W	D, S	Top of wooden cover.....	.1	1,679.6	26.9	9-12-46	
20-8-35bc.....	A. J. McFarland..	Dn	27.5	1 1/4	GP	do.....	do.....	P, H	S	Pump check valve.....	2.4	1,651.8	16.3	9-12-46	
20-9-1ba.....	J. L. Gray.....	Du	46.8	36	I	Sandstone	Kiowa.....	CY, W, E	D	Top of concrete curb.....	.5	1,702.8	43.51	7-12-46	
20-9-2dd.....	C. T. Grizzell....	Du	.....	18	R	Sand and gravel.	Late Wisconsinan terrace	N	N	do.....	.0	1,675.6	18.70	12-5-45	
20-9-5bb.....	J. Proffitt.....	Dr	62	8	I	do.....	Todd Valley..	CY, G	In	Hole in south side of casing.....	.0	1,713.7	13.18	8-5-46	
20-9-8bb.....	C. O. Sharp.....	Dr	39.6	8	I	do.....	do.....	CY, G	In	Top of casing.....	.6	1,732.2	21.68	8-5-46	
20-9-9dc.....	E. M. Dewitt.....	Du	40	36	R	do.....	do.....	CY, W	N	Top of wooden cover.....	.2	1,726.0	39.50	7-25-46	
20-9-9dd.....	School District...	Dr	87.2	6	GI	Sand and gravel.	Todd Valley..	J, E	C	Top of concrete curb.....	.0	1,713.4	32.42	7-25-46	
20-9-10cb.....	W. H. Keesling...	Dr	62.6	6	I	do.....	do.....	CY, W	S	Top of casing.....	1.0	1,710.5	32.20	12-11-45	
20-9-10cd.....	B. E. Keesling...	Dr	76.5	6	I	do.....	do.....	CY, G	In	do.....	.2	1,697.3	23.10	7-9-46	Oil drilling supply.
20-9-11bb.....	Wayne Markle....	Dn	31	1 1/4	GP	do.....	Late Wisconsinan terrace	.....	.....	.....	.....	1,672.0	.....	.....
20-9-13cc.....	J. H. Fair.....	Dn	17.9	1 1/4	GP	do.....	do.....	N	N	Top of concrete platform.....	1.1	1,670.2	10.52	9-17-46	Abandoned domestic observation well 11
20-9-20aa.....	J. M. McGlynn....	Dr	60.7	8	C	Sand and silt.	Sanborn.....	CY, H	N	Top of casing.....	.5	1,767.8	58.87	7-9-46	
20-9-26dd.....	J. H. Fair.....	Dn	.....	1 1/4	GP	Sand and gravel.	Late Wisconsinan terrace	N	N	Top of concrete platform.....	1.0	1,679.9	16.66	9-12-46	
20-9-28db.....	K. W. Myers.....	Dr	.....	6	I	do.....	do.....	N	N	Top of casing.....	.4	1,693.0	17.28	9-12-46	
20-10-7cd.....	W. Peters.....	Dr	52.7	6	GI	Sandstone	Kiowa.....	CY, W	S	do.....	.0	1,779.3	15.76	8-6-46	
20-10-9cd.....	J. Shubert.....	Dr	59	8	GI	Sand.....	Dune sand....	N	N	do.....	.5	1,820.0	19.8	8-6-46	
20-10-10ad.....	C. Koenig.....	Du	24.3	36	R	do.....	do.....	CY, W	S	Top of wooden cover.....	.8	1,790.8	16.92	12-11-45	
20-10-13ba.....	E. J. Proffitt....	Dr	38.5	6	GI	do.....	do.....	CY, W	S	Top of casing.....	.5	1,780.0	24.49	7-9-46	
20-10-22dc.....	A. Loesch.....	Dr	14	6	GI	do.....	do.....	P, H	D, S	do.....	.7	1,791.5	9.05	8-6-46	
20-10-23aa.....	R. Proffitt.....	Dr	37	6	GI	do.....	do.....	CY, W	N	do.....	.4	1,810.7	22.73	8-6-46	

30.—Sample log of test hole 19-9-23aa in the NE cor. sec. 23, T. 19 S., R. 9 W., drilled by the State Geological Survey, July 1946. Surface altitude, 1,735.6 feet.

	Thickness, feet	Depth, feet
Road fill	1	1
QUATERNARY—Pleistocene		
Sanborn formation		
Top soil	2	3
Silt, tan; contains some fine sand and nodular caliche. A few "ironstone" fragments in lower 10 feet of interval	66	69
CRETACEOUS—Comanchean		
Kiowa shale		
Shale, light gray green; contains much limonite.....	7	76
31.—Partial sample log of oil-exploration well 19-9-24cd in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 24, T. 19 S., R. 9 W., drilled by the Iron Drilling Company, July 1946. Surface altitude, 1,723.1 feet.		
QUATERNARY—Pleistocene		
Sanborn formation		
Silt, buff and tan; contains some nodular caliche and fine sand.....	60	60
CRETACEOUS—Comanchean		
Kiowa shale		
Sandstone, fine to medium, gray white, and yellow; contains a hard calcareous zone at top of interval.....	12	72
Shale, blue gray; contains some yellow medium sandstone and yellow clay near top of interval.....	18	90
Shale, gray; contains some pyrite and thin zones of gray brown siltstone.....	15	105
Sandstone, coquinoid, calcareous; contains some pyrite, glauconite, and a thin zone of cone-in-cone limestone	2	107
Shale, fissile, dark gray; contains some gypsum and charcoal	23	130
Sandstone, coquinoid, calcareous, gray; contains some pyrite, glauconite, and a thin zone of cone-in-cone limestone	1	131
Shale, dark gray.....	24	155
Cheyenne sandstone		
Clay, gray white and light green; contains much fine sand	19	174
PERMIAN—Leonardian		
Harper sandstone		
Shale, dull red and pink.....	11	185

32.—Sample log of test hole 19-9-27dd(S) in the SE cor. sec. 27, T. 19 S., R. 9 W., drilled by the State Geological Survey, October 1946. Surface altitude, 1,689.4 feet.

	Thickness, feet	Depth, feet
Road fill	3	3
QUATERNARY—Pleistocene		
Sanborn formation		
Todd Valley member		
Sand, fine to coarse; contains some brown silt in upper part of interval	12	15
Gravel, fine to medium, and sand; contains a little silt, tan and gray	10	25
Gravel, medium to fine, and sand	7	32
Loveland silt member		
Silt, calcareous, tan to buff; contains some nodular caliche. Many sandstone fragments at base of interval	47	79
CRETACEOUS—Comanchean		
Kiowa shale		
Shale, light blue gray and yellow.....	7	86
"Shell bed," siltstone, yellow; contains many fossil shells	1.5	87.5
Shale, silty, light gray	2.5	90
33.—Sample log of test hole 19-9-30dd in the SE cor. sec. 30, T. 19 S., R. 9 W., drilled by the State Geological Survey, August 1946. Surface altitude 1,716.6 feet.		
	Thickness, feet	Depth, feet
Road fill	2	2
QUATERNARY—Pleistocene		
Sanborn formation		
Peoria silt member		
Silt, calcareous, buff and tan; contains much fine to medium sand	4	6
Silt, light gray and buff, and very fine to medium sand; contains some concretionary calcium carbonate	16	22
Todd Valley member		
Silt, light gray and buff; contains much fine to medium gravel and sand	5	27
Sand, fine to coarse; contains some fine gravel.....	16	43
Gravel, fine to coarse, and sand.....	4	47
Loveland silt member		
Silt, calcareous, tan, and very fine to medium sand..	23	70
Meade formation		
Grand Island member		
Sand, very fine to medium, and calcareous silt, gray,	60	130

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

Ireland, Leslie

FILE NO. 49,385

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

WATER RESOURCES
RECEIVED

AUG 26 2016

KS DEPT OF AGRICULTURE

Leslie,

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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

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To: JIMMY BELK
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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

Ireland, Leslie

From: Ireland, Leslie
Sent: Wednesday, February 17, 2016 12:28 PM
To: Fitch, Elizabeth
Subject: RE: CAL-MAINE FOODS INC FILE NOS. 41431 41432 41622

Elizabeth,

Thank you. Getting these certified will help clear 3 new apps and about the same number of changes.

Leslie

From: Fitch, Elizabeth
Sent: Wednesday, February 17, 2016 11:04 AM
To: Lanterman, Jeff <Jeff.Lanterman@KDA.KS.GOV>; Allen, Lisa <Lisa.Allen@kda.ks.gov>; Conant, Cameron <Cameron.Conant@KDA.KS.GOV>
Cc: Ireland, Leslie <Leslie.Ireland@KDA.KS.GOV>
Subject: RE: CAL-MAINE FOODS INC FILE NOS. 41431 41432 41622

I got it. I have all the leg work done on these already anyway.

Elizabeth

From: Lanterman, Jeff
Sent: Wednesday, February 17, 2016 10:51 AM
To: Allen, Lisa; Fitch, Elizabeth
Cc: Ireland, Leslie
Subject: FW: CAL-MAINE FOODS INC FILE NOS. 41431 41432 41622

Lisa or Elizabeth, can we do pro certs on these? Pretty quickly?

I think we went ahead and denied the PP extension request on these assisted the new apps and changes. I think the FIR's are done.

Jeff

From: Ireland, Leslie
Sent: Wednesday, February 17, 2016 9:15 AM
To: Lanterman, Jeff; Conant, Cameron
Cc: Philip, Charlotte
Subject: CAL-MAINE FOODS INC FILE NOS. 41431 41432 41622

Jeff & Cameron

Could these please be listed for a workup as "Pro Certs". There are changes and new apps.

Thank you.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633

Leslie.Ireland@kda.ks.gov

www.agriculture.ks.gov

Ireland, Leslie

From: Ireland, Leslie
Sent: Friday, August 28, 2015 3:35 PM
To: Lanterman, Jeff
Cc: Philip, Charlotte
Subject: Certification of File No. 41,622

Jeff,

We're getting ready to work the apps for Cal-Main Foods.

Is there any pro cert paperwork out there for File No. 41,622?

If not could you please add this file to the list for certification.

I spoke with Charlotte about it and she is ready.

Thank you,
Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@kda.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

May 14, 2015

CAL-MAINE FOODS INC
PO BOX 367
CHASE KS 67524

RE: Application
File No. 49385

Dear Sir or Madam:

Your application for permit to appropriate water in 24-19S-10W In Rice County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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) 564-6643. 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 black ink that reads "Brent A. Turney".

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

BAT: dlw
pc: STAFFORD Field Office
GMD

SCANNED