

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

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, *Filing 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, 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.

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
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.

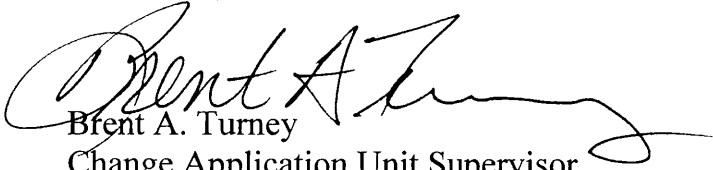
Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer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

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

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

FILE COPY

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 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) 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.

CERTIFICATE OF SERVICE

On this 7th day of December, 2016, I hereby certify that the attached Approval of Application for the Change in Point 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**



State of Kansas

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

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

WATER RESOURCES
RECEIVED

NOV 09 2016

2:05

KS DEPT OF AGRICULTURE

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

Place of Use

(Check one or more) Point of Diversion

Use Made of Water

File No. 49,385

2. Name of applicant: CAL-MAINE FOODS INC

Address: PO BOX 367

City, State and Zip: CHASE KS 67524

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

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

Name of water use correspondent: SAME

Address: _____

City, State and Zip: _____

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

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

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

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

(Date)

For Office Use Only:					
F.O. <u>2</u>	GMD <input checked="" type="checkbox"/>	Meets K.A.R. 5-5-1 <input checked="" type="checkbox"/> (YES / NO)	Use <u>IND</u>	Source <u>G/S</u> County <u>RC</u>	By <u>ASW</u> Date <u>11/10/16</u>
Code _____	<u>CU</u>	Fee \$ <u>100</u>	TR # _____	Receipt Date <u>10/19/16</u>	Check # <u>8538</u>

APPLICATION COMPLETE
11/18/16
Reviewer LI

SCANNED

Assisted by: LI/dwr

11/14/2016 LUM

4. The presently authorized place of use is:

Owner of Land — NAME: CAL-MAINE FOODS INC

ADDRESS: PO BOX 367, CHASE KS 67524

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
24	19	10W	EGG FARM S 1/2																
25	19	10W	EGG FARM N 1/2																
26	19	10W	EGG FARM E 1/2																

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

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

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

Owner of Land — NAME: NO CHANGE IN PU OWNERSHIP REMAINS AS AUTHORIZED

ADDRESS: _____

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

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion is ONE WELL ONE PUMP

(Provide description and number of points)

7. The proposed point(s) of diversion is A BATTERY OF FOUR WELLS WITH A GEOGRAPHIC CENTER

(Provide description and number of points)

List all presently authorized point(s) of diversion:

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

LS/Dunk 11/18/16

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the SW Quarter of the SW Quarter of Section 19, Township 19 South, Range 9 (W), in RICE County, Kansas, 655 feet North 4505 feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point BATTERY WELL 1 OF 4

SW #

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the SW Quarter of the SW Quarter of Section 19, Township 19 South, Range 9 (W), in RICE County, Kansas, 460 feet North 4505 feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point BATTERY WELL 1 OF 4

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

** LS/Dunk 11/16/16*

SCANNED NOV 09 2016

12. The presently authorized use of water is for INDUSTRIAL USE purposes.
It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
PERMITTED QUANTITY AND RATE WILL NOT BE INCREASE FOR THIS INDUSTRIAL USE

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to NO CHANGE gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

BATTERY WILL MEET THE REQUIRED WELL TO WELL SPACING

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Presently authorized point of diversion:
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the SW Quarter of the SW Quarter
 of Section 19, Township 19 South, Range 9 (W),
 in RICE County, Kansas, 855 feet North 4505 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point BATTERY WELL 1 OF 4

Presently authorized point of diversion:
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the SW Quarter of the SW Quarter
 of Section 19, Township 19 South, Range 9 (W),
 in RICE County, Kansas, 1050 feet North 4505 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point BATTERY WELL 1 OF 4

Presently authorized point of diversion:
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

Presently authorized point of diversion:
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use RESERVED

NOV 09 2016

SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

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

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

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

Cal-Maine Foods Inc.
(Owner)

[Signature]
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas)
County of Rice) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1 day of November, 2016.

Kendra Sue Liska
Notary Public

My Commission Expires March 7, 2019
KENDRA SUE LISKA
Notary Public - State of Kansas
My Appt. Expires 3/7/19

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

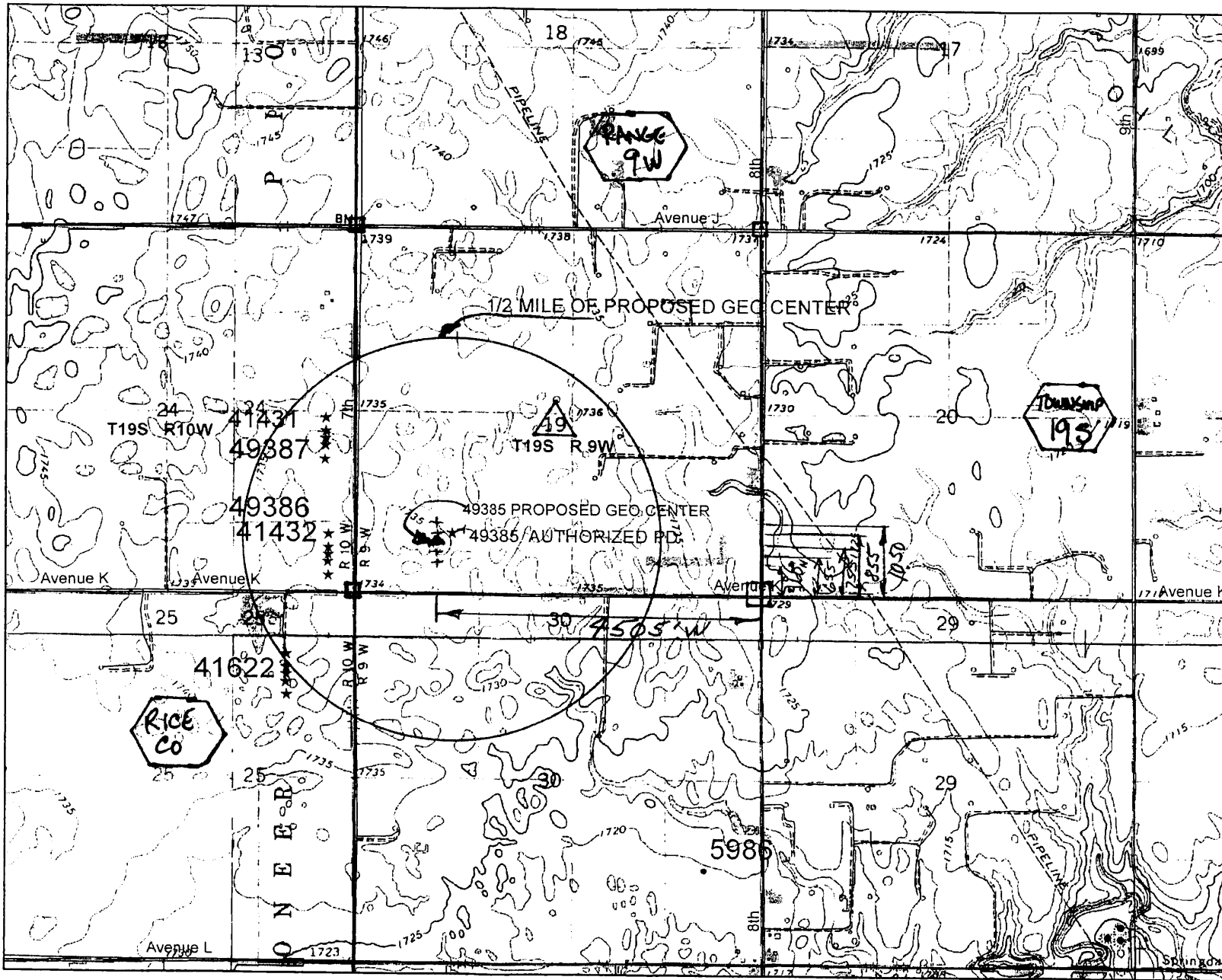
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

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

WATER RESOURCES
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NOV 09 2016

WATER RESOURCES
RECEIVED
NOV 09 2016

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



- Legend**
- WIMAS WATER RESOURCES RECEIVED**
- S_UMW WATER RESOURCES RECEIVED**
- ★ G_IN
 - G_IRR
 - ▲ PROPOSED GEO CENTER
 - + BATTERY WELL

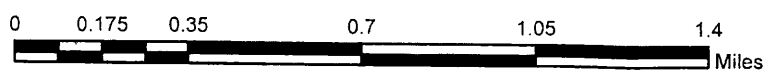
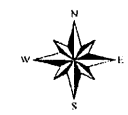
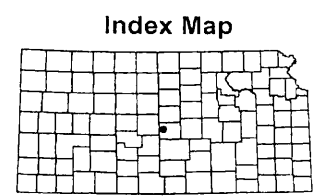
All water wells located within 1/2 mile have been shown.

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

WATER RESOURCES RECEIVED

NOV 09 2016

KS DEPT OF AGRICULTURE



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

WATER RESOURCES RECEIVED

NOV 09 2016

KS DEPT OF AGRICULTURE

SCANNED

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 → *"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

GEO CTR -
FILE NO. 49385 CUG TO
BATTERY - OF 4 wells

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

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					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			

CMP

CMP

153.44

CMP

Total Net Quantities Authorized:	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	.00
Total Certified Amount (AF) =	215.45	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	605.20	.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 1.50 miles of point defined as:

98.364973 West Longitude and 38.378782 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

*MOBILE HOMES TO SW ARE
 > 2640 FROM PD -*

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

=====

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 PD
- point of diversion
- use made of water

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

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

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

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

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

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

Sincerely,

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

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

BAT: dlw

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