

File No. **49386** 15. Formation Code: **190** Drainage Basin: **COW CREEK** County: **RC** Special Use: **NA** Stream: **NA**

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
CK			50586	SE SE SE	24	19	10W	10	561	354	800	47.5	475	47.5	41432
CK			9748	NE SE SE	24	19	10W	13	859	351					41432
CK			12757	SE SE SE	24	19	10W	14	262	354					41432
CK			26604	SE SE SE	24	19	10W	11	459	360					41432
CK			49851	NE SE SE	24	19	10W	12	663	351					41432
COMMENT ID 10 "GEO CTR 4 WELL BATT" BATT ID 389															
COMMENT IDS 11-14 "BATT 1 OF 4 WELLS" BATT ID 389															

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

19. Limitation: _____ af/yr at **800** gpm (**1.78** cfs) when combined with file number(s) **41432**
 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																		Total	Owner	Chg? NO	Overlap Files						
MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼							
								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		49385 49387 41431 41432 41622				
MOD			18586	25	19	10W	1	EGG FARM (N2)													7B		49385 49387 41431 41432 41622				
MOD			66891	26	19	10W	1	EGG FARM (E2)													7B		49385 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 mgd (145.77 AF) of groundwater at 800 gallons per minute from an existing battery of four wells. The battery is currently authorized by File No. 41,432, with a limited quantity of 34.177 mgd when combined with File No. 41,431. The geographic center of File Nos. 49,386 & 41,431 is located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24, approximately located 561 feet North and 354 feet West of the Southeast corner of Section 24, Township 19 South, Range 10 West, Rice County. The permit will be for a battery of four wells and will contain the battery construction wording. The permit will be for a complete overlap in the place of use overlapping with File Nos. 41,431; 41,432 ; 41,622; 49,385 & 49,386. The new appropriation will be permitted for the full requested quantity, but the rate of diversion will be limited to 800 gpm, with File No. 41,432. The proposed battery complies with K.A.R. 5-1-1, *Definitions*.

File No. 49,387

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

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

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

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

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

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

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



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

September 6, 2016

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

FILE COPY

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

Dear Mr. Ballard:

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

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

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

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

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

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

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

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

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

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

Sincerely,



Brent A. Turney, L.G.

Change Applications Unit Supervisor

BAT:LI:li

Enclosures

pc: Stafford Field Office

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**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. 49,386** 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 (S $\frac{1}{2}$) of Section 24, and in the North Half (N $\frac{1}{2}$) of Section 25, and in the East Half (E $\frac{1}{2}$) of Section 26, all in Township 19 South, Range 10 West, Rice County.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographic center 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, more particularly described as being near a point 561 feet North and 354 feet West of the Southeast corner of said section, in Township 19 South, Range 10 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 **47.5 million gallons (145.77 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.

19. That the rate of diversion approved under this permit is further limited to the rate which combined with Water Right, File No. 41,432, will provide a maximum diversion rate not in excess of **800 gallons per minute** (1.78 c.f.s.) from the battery of wells at the location described herein.

20. That this permit is further limited such that all four (4) wells shall be located, within a three hundred (300) foot radius circle and all in the same local source of supply.

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 6 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)
) SS
County of Riley)

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



Danielle Wilson
Notary Public

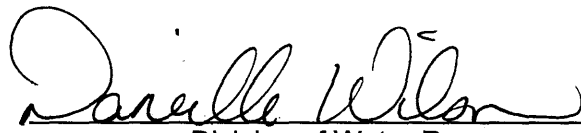
CERTIFICATE OF SERVICE

On this 6 day of September, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,386, dated September 6, 2016 was mailed postage prepaid, first class, US mail to the following:

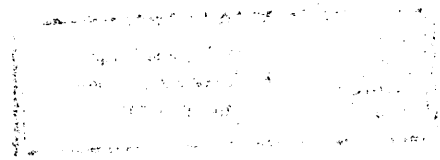
Cal-Maine Foods, Inc.
Brian Ballard, General Manager
PO Box 367
Chase, KS 67524

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 49,386
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
12:57
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-Main Foods INC
Address: PO Box 367
City: Chase State KS Zip Code 67524
Telephone Number: (____) _____

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 145.77 acre-feet^{*} OR 47.5 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>1</u>	Meets K.A.R. 5-3-1	(YES / NO) Use <u>IND</u>	Source <u>G/S</u>	County <u>RC</u>	By <u>KAB</u>	Date <u>5/11/15</u>
Code _____	REG	Fee \$ <u>300</u>	TR # <u>15047744</u>	Receipt Date <u>5-7-15</u>	Check # <u>8515</u>		

APPLICATION COMPLETE LE/one 7/14/16
7/15/16
Reviewer LE

SCANNED

5/18/2015 11M

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.

Geo-Center (A) One in the ^{SE 1/4} NE quarter of the SE quarter of the SE quarter of Section 24, more particularly described as being near a point ⁵⁶¹ 900 feet North and ³⁵⁴ 350 feet West of the Southeast corner of said section, in Township 19 South, Range 10 West, Rice County, Kansas. REF

Bat 1 of 4 (B) One in the ^{SE 1/4} NE quarter of the SE quarter of the SE quarter of Section 24, more particularly described as being near a point ⁸⁵⁹ 1200 feet North and ³⁵¹ 350 feet West of the Southeast corner of said section, in Township 19 South, Range 10 West, Rice County, Kansas.

Bat 2 of 4 (C) One in the SE quarter of the SE quarter of the SE quarter of Section 24, more particularly described as being near a point ²⁶² 600 feet North and ³⁵⁴ 350 feet West of the Southeast corner of said section, in Township 19 South, Range 10 West, Rice County, Kansas.

Bat 3 of 4 (D) One in the ^{SE 1/4} NE quarter of the NE quarter of the SE quarter of Section 24, more particularly described as being near a point ⁴⁵⁹ 800 feet North and ³⁶⁰ 350 feet West of the Southeast corner of said section, in Township 19 South, Range 10 West, Rice County, Kansas.

Bat 4 of 4 ^{SE} NE 1/4 SE 1/4 SE 1/4 Sect. 24 T19S R10W - 1000' N & 350' W
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. 
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 and Pumps
(number of wells, pumps or dams, etc.)

and (was) completed (by) March 5, 1998
(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)

(*) LI/Dwn 8/3/10

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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.

Overlaps PD with 41,431; Overlaps PU with 41,431, 41,432, 41,622, and other pending applications.

Limited to prior rights after certification of prior rights & water availability after certification

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* 000 7/1/16

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	_____	_____	_____	_____
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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FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

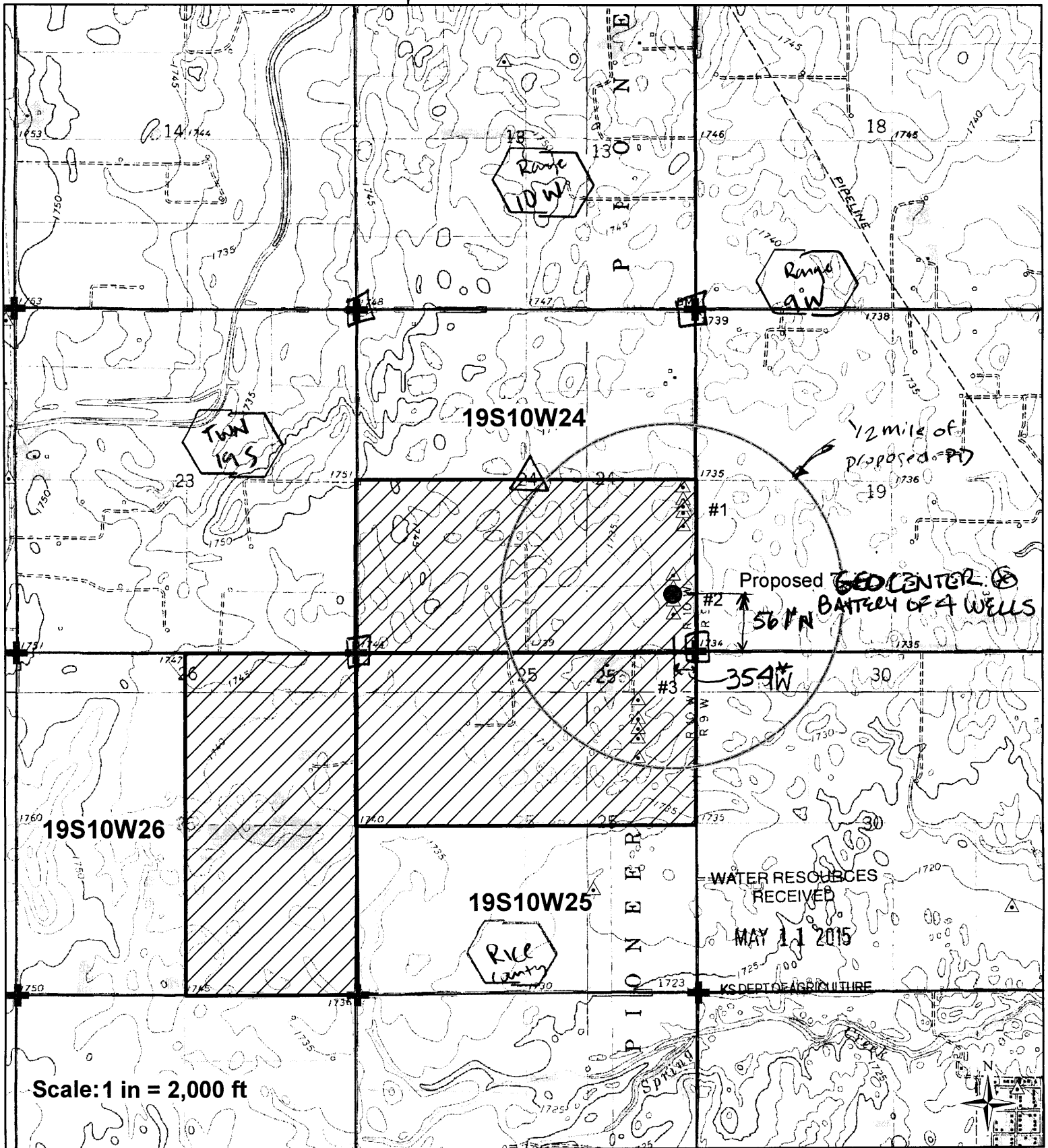
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File No. 49386

File No. 49386



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. *LI/awr 7/14/16

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

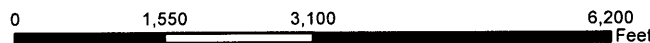
[Handwritten Signature]

 Signature

4-16-2015

 Date





Created By: Matt Meier
 F.O. 2
 Date: 4/15/2015




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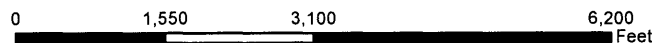


I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

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

 _____ 4-16-2015
 Signature Date

Created By: Matt Meier
 F.O. 2
 Date: 4/15/2015



SCANNED

INDUSTRIAL USE SUPPLEMENTAL SHEET

File No. _____

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: _____

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									40	40	40	40	40	40	40	40	320
26	19	10W	40	40	40	40									40	40	40	40	320
25	19	10W	40	40	40	40	40	40	40	40									320

In the South Half of Sec. 24, North Half of Sec. 25, East Half of Sec. 26, all in TWN. 19S, R. 10W, Rice County, KS

You may attach any additional information you believe will assist in informing the Division of the need for your request.

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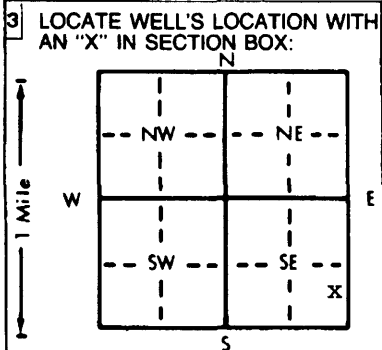
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** JB / 7-11-14
DWR*

1 LOCATION OF WATER WELL:	Fraction	Section Number	Township Number	Range Number
County: Rice	NE 1/4 SE 1/4 SE 1/4	24	T 19 S	R 10 E/W

Distance and direction from nearest town or city street address of well if located within city?
 Approximately 1 mile west and 2 miles north of Chase

2 WATER WELL OWNER: Cal-Maine Foods, Inc.
 RR#, St. Address, Box #: Box 347
 City, State, ZIP Code: Buhler, KS 67522
 Board of Agriculture, Division of Water Resources
 Application Number: 41,432



4 DEPTH OF COMPLETED WELL: 46 ft. ELEVATION: unknown

Depth(s) Groundwater Encountered 1. ft. 2. ft. 3. ft.

WELL'S STATIC WATER LEVEL: 16 ft. below land surface measured on mo/day/yr

Pump test data: Well water was not ch'd ft. after hours pumping gpm

Est. Yield unknown gpm: Well water was ft. after hours pumping gpm

Bore Hole Diameter: 18 in. to 46 ft., and in. to ft.

WELL WATER TO BE USED AS:

5 Public water supply	8 Air conditioning	11 Injection well
1 Domestic	3 Feedlot	6 Oil field water supply
2 Irrigation	4 Industrial	9 Dewatering
	7 Lawn and garden only	10 Monitoring well

Was a chemical/bacteriological sample submitted to Department? Yes No ; If yes, mo/day/yr sample was submitted

Water Well Disinfected? Yes No

5 TYPE OF BLANK CASING USED:

1 Steel	3 RMP (SR)	6 Asbestos-Cement	9 Other (specify below)
2 PVC	4 ABS	7 Fiberglass	

CASING JOINTS: Glued Clamped
 Welded
 Threaded

Blank casing diameter: 8.5/8 in. to 31 ft., Dia. in. to ft., Dia. in. to ft.

Casing height above land surface: 12 in., weight: 5.54 lbs./ft. Wall thickness or gauge No. .322

TYPE OF SCREEN OR PERFORATION MATERIAL:

1 Steel	3 Stainless steel	5 Fiberglass	8 RMP (SR)	10 Asbestos-cement
2 Brass	4 Galvanized steel	6 Concrete tile	9 ABS	11 Other (specify)
				12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:

1 Continuous slot	3 Mill slot	5 Gauzed wrapped	8 Saw cut	11 None (open hole)
2 Louvered shutter	4 Key punched	6 Wire wrapped	9 Drilled holes	
		7 Torch cut	10 Other (specify)	

SCREEN-PERFORATED INTERVALS: From 31 ft. to 45 ft., From ft. to ft.

GRAVEL PACK INTERVALS: From 28 ft. to 46 ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other Bentonite Holeplug

Grout Intervals: From 0 ft. to 5 ft., From 5 ft. to 25 ft., From 25 ft. to 28 ft.

What is the nearest source of possible contamination:

1 Septic tank	4 Lateral lines	7 Pit privy	10 Livestock pens	14 Abandoned water well
2 Sewer lines	5 Cess pool	8 Sewage lagoon	11 Fuel storage	15 Oil well/Gas well
3 Watertight sewer lines	6 Seepage pit	9 Feedyard	12 Fertilizer storage	16 Other (specify below)
			13 Insecticide storage	None known

Direction from well? How many feet?

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	2	Topsoil			
2	29	Clay, brown and gray			
29	34	Sand and gravel, fine, medium			
34	38	Clay			
38	46	Sand and gravel			

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7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 11-4-96 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 185 This Water Well Record was completed on (mo/day/yr) 11-19-96 under the business name of Clarke Well & Equipment, Inc. by (signature) *[Signature]*

1 LOCATION OF WATER WELL:	Fraction	Section Number	Township Number	Range Number
County: Rice	NE ¼ SE ¼ SE ¼	24	T 19 S	R 10 EW

Distance and direction from nearest town or city street address of well if located within city?

Approximately 1 mile west and 2 miles north of Chase

2 WATER WELL OWNER:	Cal-Maine Foods, Inc.	Board of Agriculture, Division of Water Resources
RR#, St. Address, Box # :	Box 347	Application Number: 41,432
City, State, ZIP Code :	Buhler, KS 67522	

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:	4 DEPTH OF COMPLETED WELL: 46 ft. ELEVATION: unknown
	Depth(s) Groundwater Encountered 1. ft. 2. ft. 3. ft.
	WELL'S STATIC WATER LEVEL . . . 16 . . . ft. below land surface measured on mo/day/yr
	Pump test data: Well water was not ch'd. ft. after hours pumping gpm
	Est. Yield unknown gpm: Well water was ft. after hours pumping gpm
Bore Hole Diameter . . . 18 . . . in. to . . . 46 . . . ft., and in. to ft.	
WELL WATER TO BE USED AS:	
1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below) 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well	
Was a chemical/bacteriological sample submitted to Department? Yes No <input checked="" type="checkbox"/> If yes, mo/day/yr sample was submitted	
Water Well Disinfected? Yes No <input checked="" type="checkbox"/>	

5 TYPE OF BLANK CASING USED:	5 Wrought iron	8 Concrete tile	CASING JOINTS: Glued <input checked="" type="checkbox"/> Clamped
1 Steel	3 RMP (SR)	6 Asbestos-Cement	9 Other (specify below)
2 PVC	4 ABS	7 Fiberglass	Welded
Blank casing diameter . . 8 5/8 . . . in. to . . . 31 . . . ft., Dia in. to ft., Dia in. to ft.			
Casing height above land surface . . . 12 . . . in., weight . . . 5.54 . . . lbs./ft. Wall thickness or gauge No. . . . 322 . . .			
TYPE OF SCREEN OR PERFORATION MATERIAL:			
1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 10 Asbestos-cement			
2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 11 Other (specify)			
SCREEN OR PERFORATION OPENINGS ARE:			
1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)			
2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes			
3 Torch cut 10 Other (specify)			
SCREEN-PERFORATED INTERVALS: From . . . 31 . . . ft. to . . . 45 . . . ft., From ft. to ft.			
GRAVEL PACK INTERVALS: From . . . 28 . . . ft. to . . . 46 . . . ft., From ft. to ft.			

6 GROUT MATERIAL:	1 Neat cement compacted dirt	2 Cement grout	3 Bentonite	4 Other Bentonite Holeplug
Grout Intervals: From . . . 0 . . . ft. to . . . 5 . . . ft., From . . . 5 . . . ft. to . . . 25 . . . ft., From . . . 25 . . . ft. to . . . 28 . . . ft.				
What is the nearest source of possible contamination:				
1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well				
2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well				
3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)				
13 Insecticide storage None known				
Direction from well? How many feet?				

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	2	Topsoil			
2	7	Clay, brown			
7	10	Clay, gray			
10	25	Clay, brown, gray			
25	28	Clay with fine sand			
28	34	Sand and gravel, fine, medium			
34	35	Clay with cemented sand			
35	39	Clay, brown			
39	46	Sand and gravel, fine, medium			
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7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) <u>constructed</u> , (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 11-5-96 and this record is true to the best of my knowledge and belief. Kansas	Water Well Contractor's License No. 185 This Water Well Record was completed on (mo/day/yr) 11-19-96
under the business name of <u>Clarke Well & Equipment, Inc.</u> by (signature) <i>[Signature]</i>	

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

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 PD/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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Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in NWSESESE 24-19S-10W

Analysis Results

The selected PD is in an area to new appropriations.
The safe yield, based on the variables listed below is 879.59 AF.
Total prior appropriation in the circle is 2,590.09 AF.
Total quantity of water available for appropriation is 0.00 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 ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

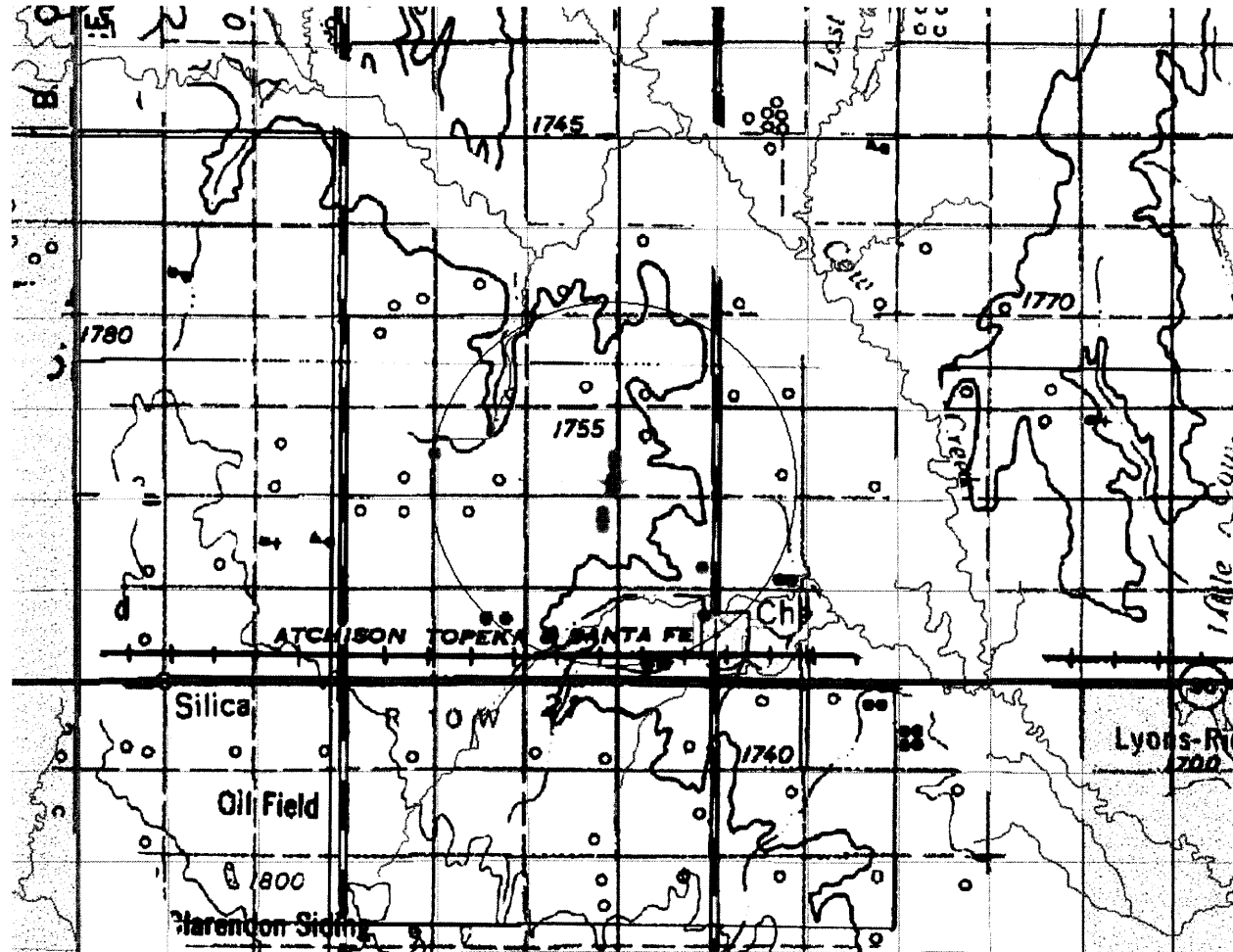
There are 8 water right(s) and 19 point(s) of diversion within the circle.

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	10509	00	IND	NK	G		SE CR NE	2700	120	22	19	10W	9	WR	2,216.50	2,216.50		
A	19684	00	MUN	NK	G		NC NE SE	1980	660	31	19	09W	2	WR	122.39	84.49		
A	31389	00	IND	NK	G		SE CR NE	2700	120	22	19	10W	9	PD	1,373.56	0.00		
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		

Safe Yield Report Sheet

Proposed Water Right Application

Point of Diversion in SWNESESE 24-19S-10W



Analysis Results

 The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 879.59 AF.
 Total prior appropriation in the circle is 3,180.28 AF.
 Total quantity of water available for appropriation is 0.00 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 11-SEP-2015 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 7 water right(s) and 18 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	10509	00	IND	NK	G		SE CR NE	2700	120	22	19	10W	9	WR	2,216.50	2,216.50		
A	31389	00	IND	NK	G		SE CR NE	2700	120	22	19	10W	9	PD	1,373.56	0.00		
A	41431	00	IND	LR	G		SE NE SE	1960	200	24	19	10W	15	WR	307.17	307.17		
Same			IND	LR	G		NE NE SE	2160	200	24	19	10W	7	WR				
Same			IND	LR	G		NE NE SE	2360	200	24	19	10W	8	WR				
Same			IND	LR	G		NE NE SE	2560	200	24	19	10W	9	WR				
Same			IND	LR	G		NE NE SE	2260	200	24	19	10W	6	WR				
A	41432	00	IND	LR	G		NE SE SE	1200	350	24	19	10W	13	WR	543.96	543.96		
Same			IND	LR	G		SE SE SE	600	350	24	19	10W	14	WR				
Same			IND	LR	G		NE SE SE	800	350	24	19	10W	11	WR				
Same			IND	LR	G		NE SE SE	1000	350	24	19	10W	12	WR				
Same			IND	LR	G		NE SE SE	900	350	24	19	10W	10	WR				
A	41622	00	IND	LR	G		SW NE NE	4590	932	25	19	10W	5	WR	87.00	0.00		
Same			IND	LR	G		NW SE NE	3690	932	25	19	10W	4	WR				
Same			IND	LR	G		SW NE NE	3990	932	25	19	10W	3	WR				
Same			IND	LR	G		SW NE NE	4140	932	25	19	10W	1	WR				
Same			IND	LR	G		SW NE NE	4290	932	25	19	10W	2	WR				
V RC	4	00	MUN	AA	G			3819	744	31	19	09W	3	WR	73.65	73.65		

NATURAL GAS -
 LRM 4/8735, 8826 10509 11294.
 2010 50.039 AF
 2011 104.88 AF
 2012 185.92 AF OVER
 LRM 307.16 AF/YW 41.431

Ireland, Leslie

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

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

Leslie.

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

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

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

I'll have to make some omelets this weekend!

Thanks

Jeff

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

Jeff,

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

I let them know the package is moving forward.

Leslie

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

Leslie,

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

Thank You,

Brian Ballard, General Manager



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

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

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

Jimmy,

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

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

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

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

1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



Phone: (785) 564-6700

Fax: (785) 564-6777

Email: ksag@kda.ks.gov

www.agriculture.ks.gov

Sam Brownback, Governor

May 14, 2015

CAL-MAINE FOODS INC
PO BOX 367
CHASE KS 67524

RE: Application
File No. 49386

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 cursive script that reads "Brent A. Turney".

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

BAT: dlw
pc: STAFFORD Field Office
GMD

SCANNED