

| | | | |
|------------------------|--|-------------------|--|
| File No. 50,869 | 13. County: RC- Rice Basin: 56-Cow Creek Stream: | | |
| Structures File No: | Aquifer Code: 100 Quaternary system | Special Use Area: | |

| 14. Points of Diversion, Rates & Quantities | | | | | | | | | | Qty AF MGY | | Rate gpm | | Storage Qty | | Storage Rate | |
|---|--------------|-----------------|-----------|------------|-----------|----------|-------------|--------------------|--------------------------------|--------------------------|------------------|-----------------|------------|-------------|-----|--------------|----------|
| PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment (AKA Line) | | Auth | Add | Auth | Add | Auth | Add | Auth/Add | Overlaps |
| MOD | 85759 | NE SW SW | 19 | 19S | 9W | 2 | 755 | 4505 | GEO CENTER BATT ID 1998 | 37.28 | 37.28 | 800 | 800 | | | | |
| MOD | 85761 | NE SW SW | 19 | 19S | 9W | 4 | 855 | 4505 | BATT 1 OF 2 | 12.15 | 12.15 | | | | | | |
| MOD | 85762 | SE SW SW | 19 | 19S | 9W | 5 | 655 | 4505 | BATT 1 OF 2 | | | | | | | | |
| DEL | 85760 | NE SW SW | 19 | 19S | 9W | 3 | 1050 | 4505 | (Remove Comment) | | | | | | | | |
| DEL | 85763 | SE SW SW | 19 | 19S | 9W | 6 | 460 | 4505 | (Remove Comment) | | | | | | | | |

| | | | | |
|-----------------|-------|-----------|-------|---------------------------|
| 15. Limitations | Type: | Quantity: | Rate: | combined with file no(s): |
| | Type: | Quantity: | Rate: | combined with file no(s): |

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: **12/31/2025**

| 17. Place of Use | | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner(s) | Chg? | Overlaps |
|------------------|---------------------------|----------------------|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|-----------|--------------------------|--------------------------|
| PDIV | S T R ID | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | | |
| | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> |
| | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> |
| | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> |
| CHK | 7536 24 19S 10W 2 | EGG FARM (S2) | | | | | | | | | | | | | | | | | 5a | <input type="checkbox"/> | * |
| CHK | 18586 25 19S 10W 1 | EGG FARM (N2) | | | | | | | | | | | | | | | | | 5a | <input type="checkbox"/> | * |
| CHK | 66891 26 19S 10W 1 | EGG FARM (E2) | | | | | | | | | | | | | | | | | 5a | <input type="checkbox"/> | * |

| | |
|---|----------------------|
| 18. Point of Diversion and Place of Use Overlaps * 41431 & 41432 & 41622 & 49386 & 49387 + # ^ | ** ++ ## ^^ |
|---|----------------------|

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: July 30, 2024

From: Christa Anhold , Environmental Scientist

Re: New Application File No. 50,869 – Cal-Maine Foods Inc.

Summary

Cal-Maine Foods Inc. has filed the above referenced new application proposing to appropriate 153.44 AF (50 million gallons) per year of groundwater at a maximum diversion rate of 800 gallons per minute from a battery of four (4) wells for industrial use in Rice County. After the application failed safe yield, the applicant agreed to reduce the quantity requested to 37.28 AF (12.147 MG), and the number of wells in their battery from four (4) to two (2). The applicant owns the place of use and points of diversion. No files overlap the point of diversion. File Nos. 41,431, 41,432, 41,622, 49,386 and 49,387 overlap the place of use. The combined quantity authorized under those files is outlined in the table below. An approved Water Right File No. 49,385 was dismissed in 2022 for failure to complete diversion works, the above new application is a replacement for that dismissed file.

| File No | Million Gallons (MG) | Acre-Feet (AF) |
|--------------|----------------------|----------------|
| 41,431 | 57.4796 | 176.4 |
| 41,432 | | |
| 41,622 | | |
| 49,386 | 47.5 | 145.77 |
| 49,387 | 29.5 | 90.53 |
| Total | 134.4796 | 412.7 |

Reasonable Rate and Quantity

The applicant intends to expand their existing operation from 800,000 to 2.7 million laying hen and in doing so will increase water required for drinking, washing, lagoon dilution and building A/C operations. Based on water use reported to DWR from 2018 – 2022 (6 years) their current operations average 55.845 MGY. Assuming past use has been for 800,000 hen, to expand their operation to 2.7 million hen they will need roughly 188.5 MG of water. For the dismissed senior File No. 49,385, a reasonable quantity of water of 184.4796 MG was considered reasonable. Under the senior water right files the applicant has an authorized quantity of 134.4796, they would need an additional 54 MGY (165.72 AF). Based on past use and assuming all uses of water (drinking, cleaning, lagoon dilution and A/C operation) would increase linearly, the 12.147 MGY can be considered reasonable.

| Past Water Use Authorized for Place of Use | | | | |
|--|---------------------------|-----------------|----------------|-------------------|
| Year | File Nos. 41,431 & 49,387 | 41,432 & 49,386 | 41,622 | Total |
| 2023 | 17,979,400 | 25,985,400 | 13,012,800 | 56,977,600 |
| 2022 | 20,487,100 | 27,045,700 | 14,309,000 | 61,841,800 |
| 2021 | 18,764,600 | 20,308,300 | 12,784,600 | 51,857,500 |
| 2020 | 19,279,000 | 20,070,400 | 13,196,200 | 52,545,600 |
| 2019 | 20,383,400 | 19,517,500 | 13,384,600 | 53,285,500 |
| 2018 | 21,898,000 | 21,851,400 | 14,817,300 | 58,566,700 |
| | | | Average | 55,845,783 |

Source of Supply and Safe Yield

A well log from March of 2015, provided with the previously dismissed File No. 49,385, indicates topsoil from 0 to 2 feet, brown, gray and tan clay from 2 to 21 feet, sandy clay and sand from 21 to 36 feet, fine to coarse sand with medium to fine gravel and streaks of yellow clay from 36 to 67 feet, and clay from 67 to 76 feet below ground surface. Static water level was measured at 21.9 feet below ground surface. This well log is consistent with well logs in the surrounding area as well as logs provided for the applicants existing wells. Based on nearby well logs and the "Geology and Ground-Water Resources of Rice County, Kansas" KGS Bulletin 85, the source of supply is likely Quaternary, Sanborn Formation.

K.A.R. 5-3-11 applies to safe yield evaluations for all unconfined aquifers. A safe yield report indicates the source of supply to cover 8,042 acres. Based on potential recharge of 1.8 inches, with 75% available for appropriating safe yield was determined to be 904.78 AF. Existing appropriations total 867.5 AF, leaving 37.28 AF available. The applicants initial request of 153.48 AF did not meet safe yield. In a phone call on July 11, 2024, the applicant agreed to the available 37.28 AF.

Nearby Water Rights

The closest domestic well to the proposed point of diversion is 7,000 feet away. File No. 49,386 is the closest nondomestic well to the proposed geographic center at 1,540 feet away. Well spacing regulations for domestic and nondomestic wells per K.A.R. 5-4-4 are met.

The applicant identified the nearest water rights as being owned by them. During the application review process, no nearby water users were identified within one-half mile. No nearby letters were mailed out.

Recommendations

The application was sent for consideration to Cameron Conant, Assistant Water Commissioner, and Jeff Lanterman, Water Commissioner, of the Stafford Field Office on July 30, 2024, and recommended for approval on August 23, 2024.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. Approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Christa Anhold
Environmental Scientist
Water Appropriation Program

From: Lanterman, Jeff [KDA]
Sent: Fri 8/23/2024 8:29 AM
To: Anhold, Christa [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: 50869 Recommendation Request
Attachments: 50869 Memo.docx

Christa;

Looks like the water levels are steady, this looks like a good app. Lets go ahead and approve it.

Thanks
Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, August 22, 2024 11:03 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: 50869 Recommendation Request

Jeff, recall when we dismissed a pending application from Cal-Maine back in 2022 for failure to complete? This application kind of works as a replacement to that one and was filed in 2022 after the other was dismissed. They have been in the process for a while now of securing additional water for their facility for planned expansions but the expansions have been delayed or put off in the past. They have been working on a long term plan to secure future water for expansion and make sure they are well covered into the future. They have been slowly proceeding with it for a while now, but I saw Christa had some emails with Jimmy Belk who heads the facility up there and he was noting they had 2025 planned for the expansion.

Per Krista's summary, they reduced this application to a battery of 2 wells and reduced the quantity down to 37.28 AF which maxed out the safe-yield in the 2 mile circle. They have 5 other existing rights with a complete place of use overlap and this one will provide an additional 37.28 AF to those rights. Seems like this application puts them in the best possible position for their future expansion and this makes sense and looks ok to me. I don't think the p/u is changing at all so there is no changes to the existing rights.

This meets spacing to everything by a wide margin. The nearest wells not owned by them are about 1.25 miles north and 1.2 miles SE. The hydrograph Christa is showing is from a Cal-Maine well and is steady from 1996 to 2021. We dropped the measurement in the last couple years. This was a long way out of the way for the tri-annual well measurements and there really wasn't any change since the beginning and Cal-Maine is the main user of water right here, no domestics around to be worried about so we removed it after Pat retired. I'm ok not having a current measurement up there, I don't really think it is necessary but if you want one again we can ask Don to get something easy to measure with a tube back on the tri-annual list.

The FO can recommend approval of this application, please pass on to Christa if you agree.

Cameron

From: Anhold, Christa [KDA] <Christa.Anhold@ks.gov>
Sent: Tuesday, July 30, 2024 7:48 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: 50869 Recommendation Request

Good morning Jeff and Cameron,

Attached is the draft memo for 50,869 for your review and recommendation. There were no nearby neighbors to notify.

Here is the link to the WIZARD water well within a 2-mile radius of the proposed PD geo-center.

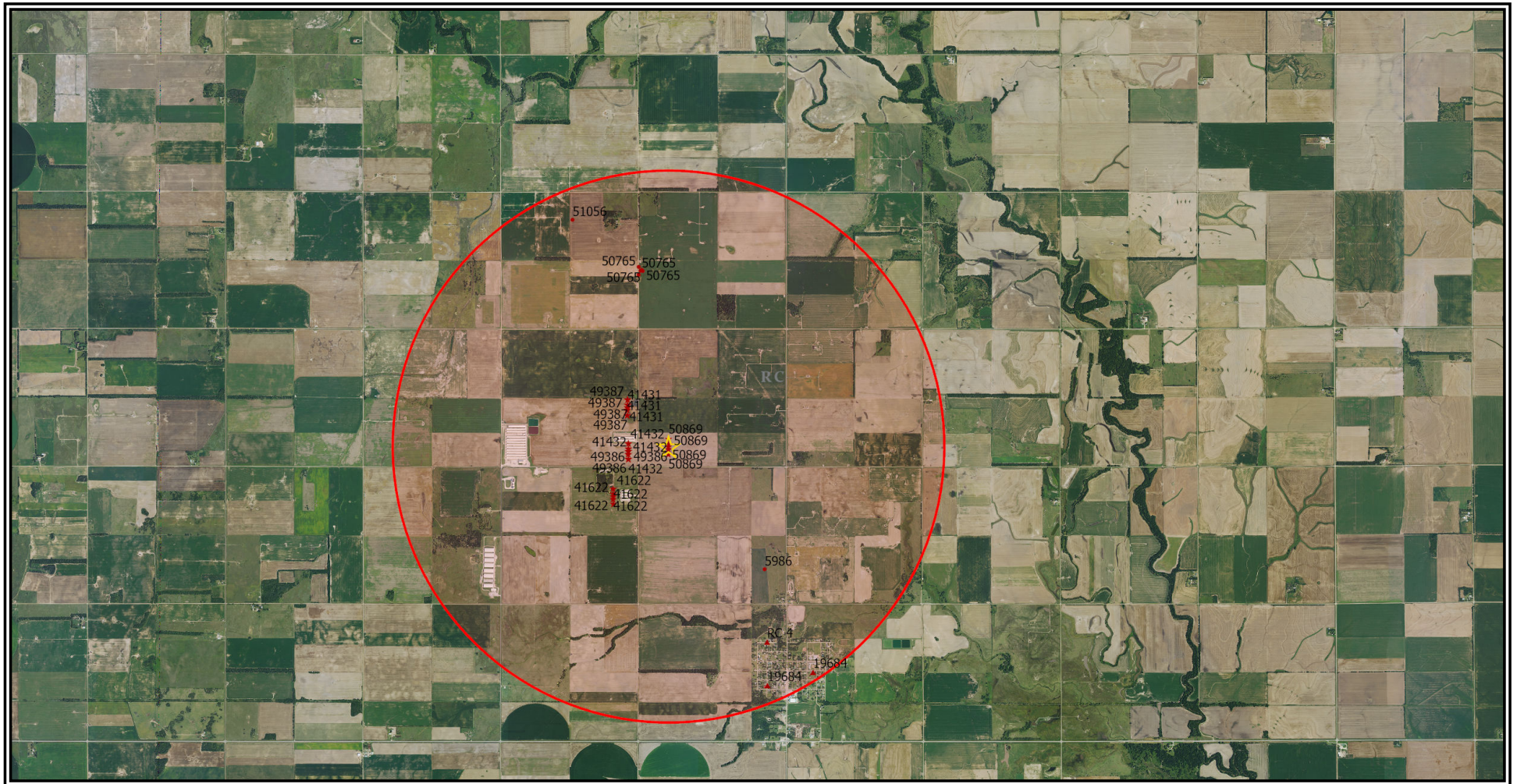
0.41 miles

https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=382259098221301

Let me know if you have any questions or need anything else.

Christa Anhold
Environmental Scientist
Department of Water Resources
(785)-564-6644
Christa.anhold@ks.gov

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 19-19S-09W
Footages from SE corner- 755 feet North 4,505 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 904.78 AF.

Total prior appropriations in the circle is 1,244.94 AF. $-153.44 - 224.00 = 867.5$

Total quantity of water available for appropriation is ~~0.00 AF~~. $904.78 - 867.5 = 37.28$ AF

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 1.8 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 28-MAY-2024 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 11 water rights and 30 points 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 | | Tot Acres | Net Acres |
|-------------|-----|----|----|----|----|----|----|-------|-------|-----|-----|-----|----|------|------------|-----------|----|-----------|-----------|
| A 5986 00 | IRR | NK | G | | NC | E2 | SE | 0 | 0 | 30 | 19 | 09W | 1 | WR | 39.00 | 39.00 | | 80.00 | 80.00 |
| A 19684 00 | MUN | NK | G | | NC | NE | SE | 1980 | 660 | 31 | 19 | 09W | 2 | WR | 122.39 | 84.49 | +0 | | |
| Same | MUN | NK | G | | SE | SW | NW | 2700 | 4290 | 32 | 19 | 09W | 2 | WR | | | | | |
| A 41431 00 | IND | NK | G | | SE | NE | SE | 1941 | 403 | 24 | 19 | 10W | 15 | WR | 50.04 | 50.04 | | | |
| Same | IND | NK | G | | NE | NE | SE | 2145 | 397 | 24 | 19 | 10W | 7 | WR | | | | | |
| Same | IND | NK | G | | NE | NE | SE | 2349 | 388 | 24 | 19 | 10W | 8 | WR | | | | | |
| Same | IND | NK | G | | NE | NE | SE | 2546 | 391 | 24 | 19 | 10W | 9 | WR | | | | | |
| Same | IND | NK | G | | NE | NE | SE | 2245 | 395 | 24 | 19 | 10W | 6 | WR | | | | | |
| A 41432 00 | IND | NK | G | | NE | SE | SE | 859 | 351 | 24 | 19 | 10W | 13 | WR | 104.89 | 90.90 | | | |
| Same | IND | NK | G | | SE | SE | SE | 262 | 354 | 24 | 19 | 10W | 14 | WR | | | | | |
| Same | IND | NK | G | | SE | SE | SE | 459 | 360 | 24 | 19 | 10W | 11 | WR | | | | | |
| Same | IND | NK | G | | NE | SE | SE | 663 | 351 | 24 | 19 | 10W | 12 | WR | | | | | |
| Same | IND | NK | G | | SE | SE | SE | 561 | 354 | 24 | 19 | 10W | 10 | WR | | | | | |
| A 41622 00 | IND | NK | G | | SW | NE | NE | 4426 | 968 | 25 | 19 | 10W | 5 | WR | 70.92 | 35.51 | | | |
| Same | IND | NK | G | | NW | SE | NE | 3843 | 965 | 25 | 19 | 10W | 4 | WR | | | | | |
| Same | IND | NK | G | | SW | NE | NE | 4025 | 977 | 25 | 19 | 10W | 3 | WR | | | | | |
| Same | IND | NK | G | | SW | NE | NE | 4131 | 970 | 25 | 19 | 10W | 1 | WR | | | | | |
| Same | IND | NK | G | | SW | NE | NE | 4229 | 968 | 25 | 19 | 10W | 2 | WR | | | | | |
| V RC 4 00 | MUN | AA | G | | | | | 3819 | 744 | 31 | 19 | 09W | 3 | WR | 73.65 | 73.65 | | | |
| A 49386 00 | IND | KK | G | | NE | SE | SE | 859 | 351 | 24 | 19 | 10W | 13 | WR | 145.77 | 145.77 | +0 | | |
| Same | IND | KK | G | | SE | SE | SE | 262 | 354 | 24 | 19 | 10W | 14 | WR | | | | | |

| File Number | Use | ST | SR | Q4 | Q3 | Q2 | Q1 | FeetN | FeetW | Sec | Twp | Rng | ID | Qind | Auth Quant | Add Quant | | Tot Acres | Net Acres |
|-------------|-----|----|----|----|----|----|----|-------|-------|-----|-----|-----|----|------|------------|-----------|---------|-----------|-----------|
| Same | IND | KK | G | | SE | SE | SE | 459 | 360 | 24 | 19 | 10W | 11 | WR | | | | | |
| Same | IND | KK | G | | NE | SE | SE | 663 | 351 | 24 | 19 | 10W | 12 | WR | | | | | |
| Same | IND | KK | G | | SE | SE | SE | 561 | 354 | 24 | 19 | 10W | 10 | WR | | | | | |
| A 49387 00 | IND | KK | G | | SE | NE | SE | 1941 | 403 | 24 | 19 | 10W | 15 | WR | 90.53 | 90.53 | | | |
| Same | IND | KK | G | | NE | NE | SE | 2145 | 397 | 24 | 19 | 10W | 7 | WR | | | | | |
| Same | IND | KK | G | | NE | NE | SE | 2349 | 388 | 24 | 19 | 10W | 8 | WR | | | | | |
| Same | IND | KK | G | | NE | NE | SE | 2546 | 391 | 24 | 19 | 10W | 9 | WR | | | | | |
| Same | IND | KK | G | | NE | NE | SE | 2245 | 395 | 24 | 19 | 10W | 6 | WR | | | | | |
| A 50765 00 | IRR | GY | G | | | NW | SW | 2240 | 5588 | 18 | 19 | 09W | 3 | WR | 257.60 | 257.60 | | 184.00 | 184.00 |
| Same | IRR | GY | G | | | NW | SW | 2230 | 5503 | 18 | 19 | 09W | 4 | WR | | | | | |
| Same | IRR | GY | G | | | NW | SW | 2266 | 5540 | 18 | 19 | 09W | 5 | WR | | | | | |
| Same | IRR | GY | G | | | NW | SW | 2382 | 5654 | 18 | 19 | 09W | 6 | WR | | | | | |
| Same | IRR | GY | G | | | NW | SW | 2080 | 5653 | 18 | 19 | 09W | 7 | WR | | | | | |
| A 50869 00 | IND | AY | G | | NE | SW | SW | 755 | 4505 | 19 | 19 | 09W | 2 | WR | 153.44 | 153.44 | -153.44 | | |
| Same | IND | AY | G | | NE | SW | SW | 1050 | 4505 | 19 | 19 | 09W | 3 | WR | | | | | |
| Same | IND | AY | G | | NE | SW | SW | 855 | 4505 | 19 | 19 | 09W | 4 | WR | | | | | |
| Same | IND | AY | G | | SE | SW | SW | 655 | 4505 | 19 | 19 | 09W | 5 | WR | | | | | |
| Same | IND | AY | G | | SE | SW | SW | 460 | 4505 | 19 | 19 | 09W | 6 | WR | | | | | |
| A 51056 00 | IRR | AY | G | | SW | NW | NE | 4187 | 2512 | 13 | 19 | 10W | 3 | WR | 224.00 | 224.00 | -224.00 | 160.00 | 160.00 |

Limitations

| File Number | Seq Num | Limitations | |
|-----------------------|--------------|-----------------------------------|----------|
| A 19684 00 | 1 | 51.53MGY COM/W #RC-004 | 158.14AF |
| A 41432 00 | 1 | 45.925 MGY COM/W #41431 | 140.9AF |
| A 41622 00 | 2 | 57.4796 MGY COM/W #41431 & #41432 | 176.4AF |
| A 49386 00 | 1 | 800 GPM COM/W #41432 | |
| A 49387 00 | 1 | 580 GPM COM/W #41431 | |

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., 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. 50,869** 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 **September 23, 2022**.
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, 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, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by a battery of two (2) wells with a geographical 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.
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 **12.15 million gallons of water (37.28 acre-feet)** for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2025**, 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, 2029, 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. The required 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 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.

17. That this permit is further limited such that all two (2) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, shall be limited to a total maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s)** and shall supply water to a common distribution system.

18. 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

Ordered this 29 day of August, 2024, in Manhattan, Riley County, Kansas.

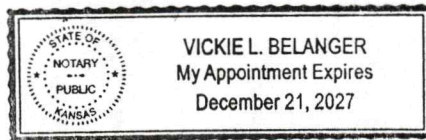
Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 29 day of August, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger
Notary Public



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

September 6, 2024

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

RE: Appropriation of Water
File No. 50,869

Dear Mr. Belk:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Stafford Field Office at (620)-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:kak:cla
Enclosure(s)
pc: Stafford Field Office

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 6th day of September, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,869, dated August 29, 2024, was mailed postage prepaid, first class, US mail to the following:

Original to:

CAL-MAINE FOODS INC
PO BOX 367
CHASE KS 67524

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources