

**SECOND AMENDED**

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

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



State of Kansas

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

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

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

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

File No. 21,734 Circles 14, 15, 16, 17 & 18.

2. Name of applicant: City of Hays, Kansas and City of Russell, Kansas (See Section I.A. of the Cover Letter.)

Address: c/o Foulston Siefkin LLP, 1551 N. Waterfront Parkway, Suite 100

City, State and Zip: Wichita, Kansas 67206

Phone Number: ( 316 ) 291-9725 E-mail address: dtraster@foulston.com

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

Hays and Russell are co-owners of the authorized place of use on the R9 Ranch in Edwards County, Kansas

Name of water use correspondent: City of Hays, Kansas

Address: P.O. Box 490, 1507 Main Street

City, State and Zip: Hays, Kansas 67601

Phone Number: ( 785 ) 628-7320 E-mail address: tdougherty@haysusa.com

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

See Section I.B. of the accompanying Cover Letter which is incorporated by reference. The Cover Letter supersedes the June 25, 2015 Cover Letter that accompanied the original Change Applications.

The change(s) (was) (will be) completed by December 31, 2029.

(Date)

**For Office Use Only:**

F.O.      GMD      Meets K.A.R. 5-5-1 (YES / NO) Use      Source G / S County      By      Date       
Code      Fee \$      TR #      Receipt Date      Check #

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
33-T25S-R19W																	24			18		42	
5-T25S-R19W			Lot 1 68	Lot 2 58	37	33	Lot 3 86	Lot 4 69	31	34	39	38	6	11	29	37	31	28					635

List any other water rights that cover this place of use. None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 113 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
Same as above																							

List any other water rights that cover this place of use. None

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

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

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

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

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

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 113 W. 8th Street, Russell, Kansas 67665

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

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

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraphs 8, 9, and 10.  
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) a new municipal well described in paragraphs 8, 9, and/or 10 and in the Attachment.  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the Lot 1 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section 5, Township 26 South, Range 19 (SEW),  
 in Edwards County, Kansas, 6,538 feet North 525 feet West of Southeast corner of section.  
 Authorized Rate 935 gpm Authorized Quantity 310 a/f  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the SE Quarter of the SW Quarter  
 of Section 33, Township 25 South, Range 19 (SEW),  
 in Edwards County, Kansas, 824 feet North 3,036 feet West of Southeast corner of section.  
 Proposed Rate See Attachment Proposed Quantity See Attachment  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 21,733

9. **Presently authorized point of diversion:**  
 One in the Lot 3 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section 5, Township 26 South, Range 19 (SEW),  
 in Edwards County, Kansas, 5,394 feet North 3,640 feet West of Southeast corner of section.  
 Authorized Rate 1,250 gpm Authorized Quantity 399 a/f  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the SE Quarter of the NW Quarter  
 of Section 5, Township 26 South, Range 19 (SEW),  
 in Edwards County, Kansas, 4,867 feet North 3,107 feet West of Southeast corner of section.  
 Proposed Rate See Attachment Proposed Quantity See Attachment  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the Lot 2 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section 5, Township 26 South, Range 19 (SEW),  
 in Edwards County, Kansas, 3,776 feet North 1,306 feet West of Southeast corner of section.  
 Authorized Rate 1,050 gpm Authorized Quantity 367 a/f  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the SE Quarter of the NW Quarter  
 of Section 5, Township 26 South, Range 19 (SEW),  
 in Edwards County, Kansas, 4,867 feet North 3,107 feet West of Southeast corner of section.  
 Proposed Rate See Attachment Proposed Quantity See Attachment  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

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

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- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraphs 8, 9, and 10.  
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) a new municipal well described in paragraphs 8, 9, and/or 10 and in the Attachment.  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the NW Quarter of the NE Quarter of the SW Quarter of Section 5, Township 26 South, Range 19 (W), in Edwards County, Kansas, 2,348 feet North 3,773 feet West of Southeast corner of section. Authorized Rate 1,500 gpm Authorized Quantity 218 a/f  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the SE Quarter of the NW Quarter of Section 5, Township 26 South, Range 19 (W), in Edwards County, Kansas, 4,867 feet North 3,107 feet West of Southeast corner of section. Proposed Rate See Attachment Proposed Quantity See Attachment  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the NE Quarter of the SW Quarter of the SE Quarter of Section 5, Township 26 South, Range 19 (W), in Edwards County, Kansas, 1,274 feet North 1,325 feet West of Southeast corner of section. Authorized Rate 1,035 gpm Authorized Quantity 334 a/f  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NW Quarter of the SE Quarter of the SE Quarter of Section 5, Township 26 South, Range 19 (W), in Edwards County, Kansas, 1,577 feet North 901 feet West of Southeast corner of section. Proposed Rate See Attachment Proposed Quantity See Attachment  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 21,842 & 29,816

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

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. See the Attachment.

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12. The presently authorized use of water is for irrigation purposes.

It is proposed that the use be changed to municipal purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

See the Attachment and the Master Order, Section III, Quantities for Municipal Use.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to See Attachment (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to See Attachment gallons per minute (\_\_\_\_ c.f.s.).

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

a. If a change in the location of the point(s) of diversion is proposed, show:

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

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

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

See the Master Order, Section II, Change in Beneficial Use; Section VI, Change in Places of Use; and Section VIII, Change in Points of Diversion.

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

No waivers are required.

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This Amended Change Application is contingent on (a) the entry of the Master Order as a Final Order with terms that are acceptable to the Cities and (b) the occurrence of the contingencies in the *Effective Date and Expiration Date* Section of the Master Order.

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

a. The various parcels of land known as the R9 Ranch located in Edwards County, Kansas, as specifically described in **Appendix A** of the Master Order.

b. The City of Hays, Kansas and its immediate vicinity as well as related areas in the Northeast Quarter (NE/4) of Section 19 and the Northwest Quarter (NW/4) of Section 36, T13S-R18W, Ellis County, Kansas.<sup>1</sup>

c. The City of Russell, Kansas and its immediate vicinity.<sup>2</sup>

Other water rights owned by the City of Hays: EL 002; 1,248; 5,757; 18,857; 18,858; 33,296; 33,548; 36,519; 36,520; 36,804; 40,367; 40,368; 40,702; 40,703; 40,704; 40,705; 40,706; and 40,707.

Other water rights owned by the City of Russell: RS 08; 206; 1,267; 1,861; 7,628; 17,586; 17,587; 36,680; and 20139006.

**8., 9., and 10. Proposed Rate, Quantity, and Well Location**

The Cities requested a total of 896.95 acre-feet at 4,800 gpm from the five wells associated with this water right, which would be divided among new Municipal Wells "C," "D," and "E," as shown on Exhibit N. The single irrigation well moving to new Municipal Well "C" totals 148.04 acre-feet at 777.82 gpm. The three irrigation wells moving to new Municipal Well "D" total 522.5 acre-feet at 3,161.18 gpm. The single irrigation well moving to new Municipal Well "E" totals 226.41 acre-feet at 861 gpm.

After extensive negotiation, the Cities and the Chief Engineer have reached an agreement on numerous terms that are set out in the Master Order, including an agreement that, subject to the negotiated terms and the contingencies in the Master Order, including an agreement to reduce the quantity requested to 889.1 acre-feet per year and the proposed Municipal Well "C" will be limited to a maximum rate of 1,360 gallons per minute, proposed Municipal Well "D" will be limited to a maximum rate of 1,500 gallons per minute, and proposed Municipal Well "E" will be limited to a maximum rate of 1,270 gallons per minute.

Attached as Exhibits N, O, S, T, U, V, W, and X are maps that show the location of the currently authorized points of diversion, the proposed location of the new Municipal Wells, a one-half mile buffer around the proposed Municipal Wells, a 1,000-foot radius around each proposed well location, and the proposed areal limits within which the new Municipal Wells can be located without having to file a new change application.

<sup>1</sup> See Exhibit P.

<sup>2</sup> See Exhibit Q.

**11. Describe the current condition of and future plans for any point(s) of diversion that will no longer be used.**

All but a few of the irrigation wells on the R9 Ranch have been properly plugged and WWC-5P well plugging forms have been prepared and submitted to KDHE. See Exhibits Y, Z, AA, and BB for the Well Plugging Records for the irrigation wells authorized by File 21,734. Well 16 in the Southeast Quarter of Section 5, T26S-R19W was left unplugged but decommissioned and capped for potential livestock use.

**13. If changing the place of use and the use made of water, describe how the consumptive use will not be increased:**

*Quantity authorized and perfected*

The Permit was issued on February 27, 1976, granting the applicant the right to divert up to 1,352 acre-feet annually at a rate not to exceed 4,800 gallons per minute for irrigation use<sup>3</sup> on 677 acres in Sections 5 and 33-T26S-R19W.<sup>4</sup> The Certificate further limited the quantity to 1,040 acre-feet and a rate of 4,800 gallons per minute.<sup>5</sup>

In the cover letter transmitting the Permit, DWR made findings of fact stating that "the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest."<sup>6</sup>

As discussed below, the Field Inspection Reports indicate that a total of 540 acres were irrigated during the perfection period. However, K.A.R. 5-5-9 refers to "the maximum acreage legally irrigated under the authority of the water right in *any* one calendar year during the perfection period."<sup>7</sup> The map attached to the application clearly shows that the system was in place on all five circles<sup>8</sup> and the 1975 and 1977 water use reports<sup>9</sup> show that water was used on all five circles.<sup>10</sup>

The Field Inspection Reports indicate that 515 acres were lawfully irrigated on Circles 14, 16, 17, and 18:

<sup>3</sup> Permit, HAYS001884, Ex. A.

<sup>4</sup> Application, HAYS001879, Ex. B.

<sup>5</sup> Certificate, HAYS001608, Ex. C.

<sup>6</sup> The cover letter for this Permit was not provided by DWR but there was a cover letter with this language. The cover letter is a standard form letter and was included with the Permits for the five other water rights issued to the owners of the property on the same day, February 27, 1976. HAYS000670, HAYS000766, HAYS001009, HAYS001327, and HAYS001490. Moreover, the same language was used to transmit the Permits issued in May of 1975 (See, e.g.: HAYS02022 and HAYS02101.) and in March of 1976 (See, e.g.: HAYS002210, HAYS 002321, HAYS002419.). Ex. D

<sup>7</sup> K.A.R. 5-5-9(a)(1) (emphasis added). See also §§ (a)(2)(A) and (B): "the maximum acreage legally irrigated in *any* one calendar year during the perfection period." (emphasis added).

<sup>8</sup> HAYS001882, Ex. B.

<sup>9</sup> HAYS001765-1766, Ex. E.

<sup>10</sup> While the 1977WUR states that only 105 acres were irrigated, that number is clearly incorrect.

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- 399 acre-feet were applied to 170 approved acres in the N/2 of Section 5 and the SE/4 of Section 32-T26S-R19W.<sup>11</sup>
- 274 acre-feet were applied to 130 approved acres in the SE/4 of Section 5-T26S-R19W.<sup>12</sup>
- 298 acre-feet were applied to 130 approved acres in the NE/4 of Section 5-T26S-R19W.<sup>13</sup>
- 237 acre-feet were applied to 85 approved acres in the NE/4 of Section 5 and the S/2 of Section 33-T26S-R19W.<sup>14</sup>

Because all five circles were irrigated in 1977, for change application purposes, the maximum acreage legally irrigated during *any* one calendar year during the perfection period must be the 515 acres irrigated plus the total acres irrigated in Circle 15. This adds an additional 157 acres to the total.<sup>15</sup> Thus, the maximum legally irrigated acres for this water right is 672 acres.

*NIR for Alfalfa*

According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County is 20.9 (1.74 feet) inches for alfalfa. Since alfalfa was grown on Circles 14, 16, 17, and 18 in at least one year during the perfection period,<sup>16</sup> it is reasonable to use the NIR for alfalfa, which yields a total quantity of 896.95 acre-feet consumed.

*See also, Exhibits R and S.*

**14. The maximum annual quantity of water for municipal use:**

Subject to the contingencies stated above and the negotiated terms of the Master Order, File 21,734 is limited to a maximum quantity of 889.1 acre-feet per year for municipal use with 176.9 acre-feet allocated to Municipal Well "C," 121.0 acre-feet allocated to Municipal Well "E," and 591.3 acre-feet allocated to Municipal Well "D."

**15. The maximum annual rate of diversion:**

Subject to the contingencies stated above and the negotiated terms of the Master Order, Municipal Well "C" will be limited to a maximum rate of 1,360 gallons per minute 3.03 cubic feet per second, proposed Municipal Well "D" will be limited to a maximum rate of 1,500 gallons per minute 3.34 cubic feet per second, and proposed Municipal Well "E" will be limited to a maximum rate of 1,270 gallons per minute 2.83 cubic feet per second.

<sup>11</sup> FIR, HAYS001850, Ex. F.

<sup>12</sup> FIR, HAYS001857, Ex. G.

<sup>13</sup> FIR, HAYS001862, Ex. H.

<sup>14</sup> FIR, HAYS0001867, Ex. I.

<sup>15</sup> FIR, HAYS001877, Ex. J.

<sup>16</sup> Circle 14, HAYS001853, Ex. F; Circles 16, 17, and 18, *American Agricultural Industries, Inc. v. Slentz McAlister* trial exhibits, HAYS004448-4453, Ex. K. Circle 15 is not included in this calculation because there is no evidence that alfalfa was grown on that Circle.



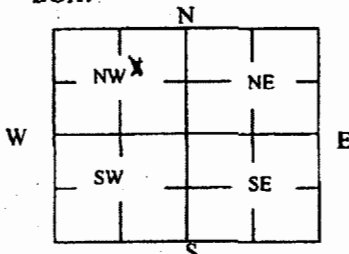
**EXHIBIT**  
**Y**

**WATER WELL PLUGGING RECORD Form WWC-5P KSA 82a-1212 ID NO.**

**Well #14**

<b>1 LOCATION OF WATER WELL:</b> County: <b>Edwards</b>	Fraction <b>¼ SW ¼ NE ¼ NW ¼</b>	Section Number <b>5</b>	Township Number <b>T 26 S</b>	Range Number <b>19</b> <input type="checkbox"/> E <input checked="" type="checkbox"/> W
Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here <input type="checkbox"/> <b>6 1/4 South, 1/4 West of Kinsley</b>		<b>Global Positioning Systems (GPS) information:</b> Latitude: <u>37.8220</u> (in decimal degrees) Longitude: <u>99.4266</u> (in decimal degrees) Elevation: _____ Horizontal Datum: <input type="checkbox"/> WGS84, <input checked="" type="checkbox"/> NAD83, <input type="checkbox"/> NAD27 Collection Method: _____ <input checked="" type="checkbox"/> GPS unit (Make/Model: _____) <input type="checkbox"/> Digital Map/Photo, <input type="checkbox"/> Topographic Map, <input type="checkbox"/> Land Survey Est. Accuracy: <input type="checkbox"/> <3 m, <input type="checkbox"/> 3-5 m, <input type="checkbox"/> 5-15 m, <input type="checkbox"/> > 15 m		

<b>2 WATER WELL OWNER:</b> <b>City of Hays</b> RR#, St. Address, Box #: <b>P.O. Box 56</b> City, State ZIP Code: <b>Hays, KS 67601</b>	
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<b>3 MARK WELL'S LOCATION WITH AN "X" IN SECTION BOX:</b> 	<b>4 DEPTH OF WELL</b> <u>111</u> ft. <b>WELL'S STATIC WATER LEVEL</b> <u>41</u> ft. <b>WELL WAS USED AS:</b> <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Public Water Supply <input type="checkbox"/> Dewatering <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Oil Field Water Supply <input type="checkbox"/> Monitoring <input type="checkbox"/> Feedlot <input type="checkbox"/> Domestic (Lawn & Garden) <input type="checkbox"/> Injection Well <input type="checkbox"/> Industrial <input type="checkbox"/> Air Conditioning <input type="checkbox"/> Other _____ Was a chemical/bacteriological sample submitted to Department? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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**5 TYPE OF BLANK CASING USED:**

Steel  RMP (SR)  Wrought  Fiberglass  Other (Specify below) \_\_\_\_\_  
 PVC  ABS  Asbestos-Cement  Concrete Tile

Blank casing diameter 16 in. Was casing pulled? Yes  No  If yes, how much \_\_\_\_\_  
 Casing height above or below land surface 36 in.

**6 GROUT PLUG MATERIAL:**  Neat cement  Cement grout  Bentonite  Other \_\_\_\_\_

Grout Plug Intervals: From 41 ft. to 3 ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

What is the nearest source of possible contamination:

<input type="checkbox"/> Septic tank	<input type="checkbox"/> Seepage pit	<input type="checkbox"/> Fuel storage	<input checked="" type="checkbox"/> Other (specify below)
<input type="checkbox"/> Sewer lines	<input type="checkbox"/> Pit privy	<input type="checkbox"/> Fertilizer storage	<u>None</u>
<input type="checkbox"/> Watertight sewer lines	<input type="checkbox"/> Sewage lagoon	<input type="checkbox"/> Insecticide storage	
<input type="checkbox"/> Lateral lines	<input type="checkbox"/> Feedyard	<input type="checkbox"/> Abandoned water well	Direction from well? _____
<input type="checkbox"/> Cess pool	<input type="checkbox"/> Livestock pens	<input type="checkbox"/> Oil well/Gas well	How many feet? _____

FROM	TO	PLUGGING MATERIALS	FROM	TO	PLUGGING MATERIALS
111	41	Chlorinated gravel			
41	3	Cement grout			
3	0	Top soil			

**7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION:** This water well was plugged under my jurisdiction and was completed on (mo/day/year) 2-21-18 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 134. This Water Well Record was completed on (mo/day/year) 2-28-18 under the business name of Rosencrantz- Bemis Ent Inc by (signature) [Signature]

Send one white copy to Kansas Department of Health & Environment, Geology Section, 1000 SW Jackson Street, Ste. 420, Topeka, KS 66612-1367. Send one copy to WATER WELL OWNER and retain for your records  
 Visit us at <http://www.kdheks.gov/waterwell/index.html> Telephone 785-296-5524  
 KSA82a-1212 MAR 25 2019 Received  
 Revised 1/20/2015

**EXHIBIT**  
**Z**

Well 15

**WATER WELL PLUGGING RECORD Form WWC-5P KSA 82a-1212 ID NO.**

1 **LOCATION OF WATER WELL:** Fraction NW 1/4 SW 1/4 NE 1/4 SW 1/4 Section Number 5 Township Number T 26 S Range Number 19  E  W  
County: Edwards

Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here  6 3/4 south & 1/4 west of Kinsley Ks.

**Global Positioning Systems (GPS) information:**  
Latitude: 37.81362 (in decimal degrees)  
Longitude: 99.42709 (in decimal degrees)  
Elevation: 2247  
Datum:  WGS84,  NAD83,  NAD27  
Collection Method:  
 GPS unit (Make/Model: \_\_\_\_\_)  
 Digital Map/Photo,  Topographic Map,  Land Survey  
Est. Accuracy:  < 3 m,  3-5 m,  5-15 m,  > 15 m

2 **WATER WELL OWNER:** City of Hays  
RR#, St. Address, Box #: P.O. Box 56  
City, State ZIP Code: Hays, Ks. 67601

3 **MARK WELL'S LOCATION WITH AN "X" IN SECTION BOX:**

4 **DEPTH OF WELL** 131.70 ft.  
**WELL'S STATIC WATER LEVEL** 41.98 ft.  
**WELL WAS USED AS:**  
 Domestic  Public Water Supply  Dewatering  
 Irrigation  Oil Field Water Supply  Monitoring  
 Feedlot  Domestic (Lawn & Garden)  Injection Well  
 Industrial  Air Conditioning  Other \_\_\_\_\_  
Was a chemical/bacteriological sample submitted to Department? Yes  No

5 **TYPE OF BLANK CASING USED:**  
 Steel  RMP (SR)  Wrought  Fiberglass  Other (Specify below)  
 PVC  ABS  Asbestos-Cement  Concrete Tile  
Blank casing diameter 16 in. Was casing pulled? Yes  No  If yes, how much \_\_\_\_\_  
Casing height above or below land surface 36 in.

6 **GROUT PLUG MATERIAL:**  Neat cement  Cement grout  Bentonite  Other \_\_\_\_\_  
Grout Plug Intervals: From 41 ft. to 3 ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft., From \_\_\_\_\_ to \_\_\_\_\_ ft.  
What is the nearest source of possible contamination:  
 Septic tank  Seepage pit  Fuel Storage  Other (specify below) \_\_\_\_\_  
 Sewer lines  Pit privy  Fertilizer storage  None \_\_\_\_\_  
 Watertight sewer lines  Sewage lagoon  Insecticide storage \_\_\_\_\_  
 Lateral lines  Feedyard  Abandoned water well \_\_\_\_\_  
 Cess pool  Livestock pens  Oil well/Gas well \_\_\_\_\_  
Direction from well? \_\_\_\_\_  
How many feet? \_\_\_\_\_

FROM	TO	PLUGGING MATERIALS	FROM	TO	PLUGGING MATERIALS
131.7	41	Chlorinated gravel			
41	3	Cement grout			
3	0	Top soil			

7 **CONTRACTOR'S OR LANDOWNER'S CERTIFICATION:** This water well was plugged under my jurisdiction and was completed on (mo/day/year) 2-6-15 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 134. This Water Well Record was completed on (mo/day/year) 2-12-15 under the business name of Rosencrantz-Bemis by (signature) *Dora Alapa*

**INSTRUCTIONS:** Use typewriter or ballpoint pen. Please press firmly and print clearly. Please fill in blanks, underline or circle the correct answers. Send one copy to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Ste. 420, Topeka, Kansas 66612-1367. Telephone: 785/296-5524. Send one to Water Well Owner and retain one for your records. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

White copy

WATER WELL PLUGGING RECORD Form WWC-5P KSA 82a-1212 ID NO.

Well #17

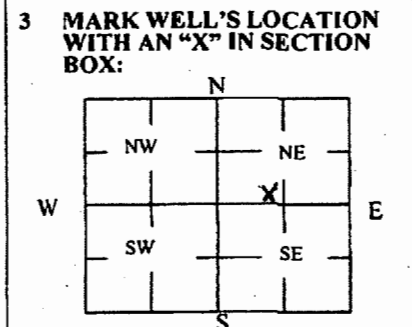
1 LOCATION OF WATER WELL: County: Edwards	Fraction ¼ SE ¼ SW ¼ NE ¼	Section Number 5	Township Number T 26 S	Range Number 19 <input type="checkbox"/> E <input checked="" type="checkbox"/> W
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Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here  6 1/2 South of Kinsley

Global Positioning Systems (GPS) information:  
 Latitude: 37.8175 (in decimal degrees)  
 Longitude: 99.4185 (in decimal degrees)  
 Elevation: \_\_\_\_\_  
 Horizontal Datum:  WGS84,  NAD83,  NAD27  
 Collection Method: \_\_\_\_\_

2 WATER WELL OWNER: City of Hays  
 RR#, St. Address, Box #: P.O. Box 56  
 City, State ZIP Code: Hays, KS 67601

GPS unit (Make/Model: \_\_\_\_\_)  
 Digital Map/Photo,  Topographic Map,  Land Survey  
 Est. Accuracy:  < 3 m,  3-5 m,  5-15 m,  > 15 m



4 DEPTH OF WELL 127 ft.  
 WELL'S STATIC WATER LEVEL 45 ft  
 WELL WAS USED AS:  
 Domestic  Public Water Supply  Dewatering  
 Irrigation  Oil Field Water Supply  Monitoring  
 Feedlot  Domestic (Lawn & Garden)  Injection Well  
 Industrial  Air Conditioning  Other \_\_\_\_\_  
 Was a chemical/bacteriological sample submitted to Department? Yes  No

5 TYPE OF BLANK CASING USED:  
 Steel  RMP (SR)  Wrought  Fiberglass  Other (Specify below)  
 PVC  ABS  Asbestos-Cement  Concrete Tile  
 Blank casing diameter 16 in. Was casing pulled? Yes  No  If yes, how much \_\_\_\_\_  
 Casing height above or below land surface 36 in.

6 GROUT PLUG MATERIAL:  Neat cement  Cement grout  Bentonite  Other \_\_\_\_\_  
 Grout Plug Intervals: From 45 ft. to 3 ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 What is the nearest source of possible contamination:  
 Septic tank  Seepage pit  Fuel storage  Other (specify below)  
 Sewer lines  Pit privy  Fertilizer storage  None  
 Watertight sewer lines  Sewage lagoon  Insecticide storage  
 Lateral lines  Feedyard  Abandoned water well Direction from well? \_\_\_\_\_  
 Cess pool  Livestock pens  Oil well/Gas well How many feet? \_\_\_\_\_

FROM	TO	PLUGGING MATERIALS	FROM	TO	PLUGGING MATERIALS
127	45	Chlorinated gravel			
45	3	Cement grout			
3	0	Top soil			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was plugged under my jurisdiction and was completed on (mo/day/year) 2-21-18 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 134. This Water Well Record was completed on (mo/day/year) 2-28-18 under the business name of Rosencrantz- Bemis Ent Inc by (signature) *Jana A. [unclear]*

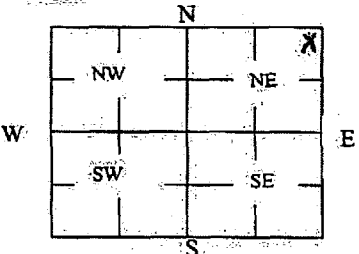
Send one white copy to Kansas Department of Health & Environment, Geology Section, 1000 SW Jackson Street, Ste. 420, Topeka, KS 66612-1367. Send one copy to WATER WELL OWNER and retain one for your records.  
 Visit us at <http://www.kdheks.gov/waterwell/index.html> Telephone 785-296-5524

**WATER WELL PLUGGING RECORD Form WWC-5P** KSA 82a-1212 ID NO. Well #18

<b>1 LOCATION OF WATER WELL:</b> County: <u>Edwards</u>	Fraction <u>¼ NE ¼ NE ¼ NE ¼</u>	Section Number <u>5</u>	Township Number <u>T 26 S</u>	Range Number <u>19</u> <input type="checkbox"/> E <input checked="" type="checkbox"/> W
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Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here <input type="checkbox"/> <u>6 South of Kinsley</u>	<b>Global Positioning Systems (GPS) information:</b> Latitude: <u>37.8250</u> (in decimal degrees) Longitude: <u>99.4158</u> (in decimal degrees) Elevation: _____ Horizontal Datum: <input type="checkbox"/> WGS84, <input checked="" type="checkbox"/> NAD83, <input type="checkbox"/> NAD27 Collection Method: _____
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<b>2 WATER WELL OWNER:</b> <u>City of Hays</u> RR#, St. Address, Box #: <u>P.O. Box 56</u> City, State-ZIP Code: <u>Hays, KS 67601</u>	<input checked="" type="checkbox"/> GPS unit (Make/Model: _____) <input type="checkbox"/> Digital Map/Photo, <input type="checkbox"/> Topographic Map, <input type="checkbox"/> Land Survey Est. Accuracy: <input type="checkbox"/> <3 m, <input type="checkbox"/> 3-5 m, <input type="checkbox"/> 5-15 m, <input type="checkbox"/> >15 m
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<b>3 MARK WELL'S LOCATION WITH AN "X" IN SECTION BOX:</b> 	<b>4 DEPTH OF WELL</b> <u>110</u> ft. <b>WELL'S STATIC WATER LEVEL</b> <u>34</u> ft. <b>WELL WAS USED AS:</b> <input checked="" type="checkbox"/> Domestic Irrigation <input type="checkbox"/> Public Water Supply <input type="checkbox"/> Dewatering <input type="checkbox"/> Feedlot <input type="checkbox"/> Oil Field Water Supply <input type="checkbox"/> Monitoring <input type="checkbox"/> Industrial <input type="checkbox"/> Domestic (Lawn & Garden) <input type="checkbox"/> Injection Well <input type="checkbox"/> Air Conditioning <input type="checkbox"/> Other _____ Was a chemical/bacteriological sample submitted to Department? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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**5 TYPE OF BLANK CASING USED:**

Steel     RMP (SR)     Wrought     Fiberglass     Other (Specify below) \_\_\_\_\_  
 PVC     ABS     Asbestos-Cement     Concrete Tile

Blank casing diameter 16 in. Was casing pulled? Yes  No  If yes, how much \_\_\_\_\_

Casing height above or below land surface 36 in.

**6 GROUT PLUG MATERIAL:**  Neat cement     Cement grout     Bentonite     Other \_\_\_\_\_

Grout Plug Intervals: From 34 ft. to 3 ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

What is the nearest source of possible contamination:

<input type="checkbox"/> Septic tank	<input type="checkbox"/> Seepage pit	<input type="checkbox"/> Fuel storage	<input checked="" type="checkbox"/> Other (specify below)
<input type="checkbox"/> Sewer lines	<input type="checkbox"/> Pit privy	<input type="checkbox"/> Fertilizer storage	<u>None</u>
<input type="checkbox"/> Watertight sewer lines	<input type="checkbox"/> Sewage lagoon	<input type="checkbox"/> Insecticide storage	
<input type="checkbox"/> Lateral lines	<input type="checkbox"/> Feedyard	<input type="checkbox"/> Abandoned water well	Direction from well? _____
<input type="checkbox"/> Cess pool	<input type="checkbox"/> Livestock pens	<input type="checkbox"/> Oil well/Gas well	How many feet? _____

FROM	TO	PLUGGING MATERIALS	FROM	TO	PLUGGING MATERIALS
110	34	Chlorinated gravel			
34	3	Cement grout			
3	0	Top soil			

**7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION:** This water well was plugged under my jurisdiction and was completed on (mo/day/year) 2-21-18 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 134. This Water Well Record was completed on (mo/day/year) 2-28-18 under the business name of Rosencrantz-Bemis Ent Inc by (signature) [Signature]

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