

KANSAS DEPARTMENT OF AGRICULTURE

DIVISION OF WATER RESOURCES

MEMORANDUM

TO: File
DATE: May 1, 2018
FROM: Amber Herring
SUBJECT: Date Stamping Mail

On Friday, June 26th, 2015, The Administrative Assistant for Kansas Department of Agriculture, on the first floor signed for the certified mail containing the following Applications. I, Amber Herring, did not receive the documents until Monday, **June 29th, 2015**. Thus, the June 29th date is the correct date and time received by the **Division of Water Resources**.

David. W. Barfield, P.E.

JUN 26 2015

4:01

Chief Engineer

Division of Water Resources
Kansas Dept. of Agriculture



State of Kansas

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**

*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.

1. Application is hereby made for approval of the Chief Engineer to change David W. Barfield, P.E.

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

~~JUN 28 2015
4:01
Chief Engineer
Division of Water Resources
Kansas Dept. of Agriculture~~

~~WATER RESOURCES
RECEIVED~~

~~JUN 29 2015
8:36
KSDPT OF AGRICULTURE~~

File No. 21,730 Circle 1

2. Name of applicant: City of Hays, Kansas and City of Russell, Kansas (See paragraph 2 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.

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 Paragraph 3 of the cover letter filed concurrently with this application. The cover letter is incorporated herein by reference.

The change(s) ~~was~~ (will be) completed by See Paragraph 3 of the cover letter
(Date)

For Office Use Only:							
F.O.	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1	(YES / NO)	Use	<u>IRR</u>
Code	<u>C-3</u>	Fee \$	<u>700</u>	TR #		Source	<u>@/S</u>
		Receipt Date	<u>6/22/15</u>	By	<u>KAB</u>	Date	<u>6/29/15</u>
		Check #	<u>058328</u>				

of 21,000 15053312

SCANNED

6/30/2015 UCM

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	
30-T25S-R19W								Lot 2 23	22	34	Lot 3 34.75	Lot 4 2	1						116.75

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

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 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	
The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 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	
The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY. RESOURCES RECEIVED

JUN 29 2015

- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.
(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 30, Township 25 South, Range 19 (~~E/W~~), in Edwards County, Kansas, 2,330 feet North 3,937 feet West of Southeast corner of section. Authorized Rate 795 gpm Authorized Quantity 176 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 NE Quarter of the SW Quarter of Section 30, Township 25 South, Range 19 (~~E/W~~), in Edwards County, Kansas, 2,282 feet North 3,870 feet West of Southeast corner of section. Proposed Rate 795 gpm Proposed Quantity 203.77 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 21,731

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E/W~~), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ 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 _____

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 paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY. RESOURCES RECEIVED

- 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 attached discussion regarding the quantity of water to be changed to municipal use and paragraph 13 of the cover letter.

(Please show any calculations here.)

- 14. It is requested that the maximum annual quantity of water be reduced to not applicable (acre-feet or million gallons).
- 15. It is requested that the maximum rate of diversion of water be reduced to not applicable gallons per minute (c.f.s.).
- 16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
 - a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
 - b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
- 17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.
See paragraph 17 of the cover letter.

- 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.
See paragraph 7 of the cover letter.

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

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

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

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

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

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

Dated at Russell, Russell County, Kansas, this 23rd day of June, 20 15.

[Signature] (Owner) _____ (Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print) _____ (Please Print)

_____ (Owner) _____ (Spouse)

_____ (Please Print) _____ (Please Print)

_____ (Owner) _____ (Spouse)

_____ (Please Print) _____ (Please Print)

State of Kansas)
County of Russell) SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 20 15.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

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

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

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

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

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

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

<u>[Signature]</u> (Owner)	_____ (Spouse)
<u>City of Russell, Kansas, by Jon Quinday, City Manager</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

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8. Rate and Quantity

The Cities are requesting a total of 203.77 acre-feet and 795 gallons per minute from the well associated with this water right, all of which will be diverted from new point of diversion G, as shown on Exhibit J. When combined with existing wells from other water rights, new point of diversion G will have a cumulative total of 426.7 acre-feet and 1,870 gallons per minute.

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

The following discussion is subject to paragraph 13 of the cover letter regarding consumptive use.

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows the conversion of 126.36 acre-feet for municipal use.¹ As discussed below, 117 approved acres were irrigated during the perfection period; 117 acres multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 126.36 acre-feet.²

That same regulation goes on to allow the change to be based on the net consumptive use actually made during the perfection period.³

Quantity authorized and perfected

The permit was issued on February 27, 1976, granting the applicant the right to divert up to 224 acre-feet annually at a rate of up to 1,250 gallons per minute for irrigation use⁴ on 117 acres in Section 30-T25S-R19W,⁵ or 1.92 acre-feet per acre. The certificate limited the authorized rate to 795 gallons per minute.

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.”⁶

The Field Inspection Report indicates that 269 acre-feet were applied to 117 acres during the year of record. Since the permit authorized a maximum of 224 acre-feet, the entire quantity was perfected.⁷

While the certificate limits the total quantity to 176 acre-feet based on DWR’s after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.⁸

¹ K.A.R. 5-5-9(a) and (a)(1).

² K.A.R. 5-5-12, NIR Requirements.

³ K.A.R. 5-5-9(b).

⁴ Permit, HAYS000767, Ex. A.

⁵ Application, HAYS000758, Ex. B.

⁶ February 27, 1976, letter (emphasis added), HAYS000766, Ex. C.

⁷ FIR, HAYS000746, Ex. D.

⁸ Certificate, HAYS000776, Ex. E; Larry M. Sheets Memo dated July 9, 1987, HAYS000771, Ex. F; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

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Since the perfection period has expired, the “authorized quantity” for this water right is the 224 acre-feet actually perfected even though it exceeds the certified quantity.

There are at least two alternative approaches to calculating consumptive use.

NIR for Alfalfa

The FIR states that alfalfa and wheat was grown on this circle during the year of record.⁹ According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County is 13 inches (1.083333 feet) for corn and 20.9 (1.741666 feet) inches for alfalfa.

Since alfalfa was grown on the authorized place of use in at least one year during the perfection period, it is reasonable to use the NIR for alfalfa, which yields a total quantity of 203.77 acre-feet consumed. While this quantity is greater than the quantity set out in the certificate, it is less than the 224 perfected acre-feet, the “maximum annual quantity authorized by the water right.”¹⁰

An alternative approach

DWR’s use of the NIR of 1.08 feet of water for corn is based on its maximum gross irrigation requirement of 1.5 acre-feet per acre.¹¹ The regulation allows the conversion of 72% of the maximum quantity to a new use; in other words, it assumes that 28% of the quantity diverted returns to the aquifer.

If 28% of the 224 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 161.28 acre-feet, should be available for conversion to municipal use. While this quantity is greater than the quantity set out in the certificate, it is less than the 224 perfected acre-feet, the “maximum annual quantity authorized by the water right.”

The City requests that DWR approve a total of 203.77 acre-feet for municipal use.

⁹ FIR, HAYS000749, Ex. G.

¹⁰ See K.A.R. 5-5-9(a)(4).

¹¹ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. H (stating that: “In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated”). See also, K.A.R. 5-3-24 and Larry M. Sheets Memo, dated July 9, 1987, HAYS000771, Ex. F.

EXHIBIT
A

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, 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 No. 21,730 of the applicant

Midwest Land and Cattle Company
c/o John Carson, Manager
Box 208
Kinsley, Kansas 67547

for a permit to appropriate water to 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 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 January 2, 1974.
2. That the water sought to be appropriated shall be used for irrigation on the land described in the application.

3. That the source from which the appropriation is made shall be from ground water in the drainage basin of the Arkansas River to be withdrawn by means of two (2) wells: one well near the center of the West Half (W₂) and one well in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW₄ NE₄ SW₄) of Section 30, Township 25 South, Range 19 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of
1250 gallons per minute (2.79 c.f.s.)

and to a quantity of not to exceed

224 acre-feet

for any calendar year.

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5. That installation of works for diversion of water shall be completed on or before December 31, 1977. The applicant shall notify the Chief Engineer of the Division of Water Resources when construction of the works has been completed.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 1981.

7. That the applicant shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer as soon as practicable after the close of each calendar year.

8. 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 or any authorized extension thereof.

9. That the use of water herein authorized shall not impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

10. 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.

11. That this permit does not constitute authority under K. S. A. 82a-301 to 305 to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or Local Governmental authorities when necessary.

12. 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.

Dated this 27th day of February 1976



Guy E. Gibson
Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

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HAYS000768

EXHIBIT
21730
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STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

*Rec'd check \$50 1-2-74
Chk from: Wilson & Frame
ca*

NUMBER 21,730

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture: * SEE LETTER DATED 8-8-75

(Mr.) MIDWEST LAND & CATTLE COMPANY BEE
(Mrs.) C/O JOHN CARSON, MANAGER

Comes now the applicant Kinsley Joint Venture whose post office address is Box 208 Kinsley, Kansas 67547
~~c/o Andrew J. Moore, Attorney at Law, P.O. Box 588, Woodward, Oklahoma 73801~~

and makes application to the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture, for a permit to appropriate for beneficial use such unappropriated ground water (surface water or groundwater) as may be available in Arkansas River Basin in the county of Edwards (name of stream or drainage basin) state of Kansas, to the extent and in accordance with the particulars hereinafter described:

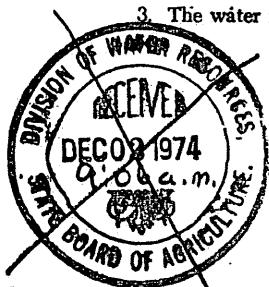
1. The quantity of water desired is in the amount of 224 acre feet per year, to be diverted at a maximum rate of 1250 gals per minute (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the SW/4 quarter of the SW/4 quarter of the SW/4 quarter of section 30, township 25, range 19, in Edwards County, Kansas, and in the NE/4 of SE/4 of SW/4 of said section. *(Near the center West 1/2 of R 20 SW)*

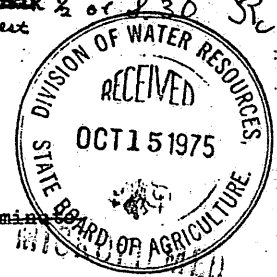
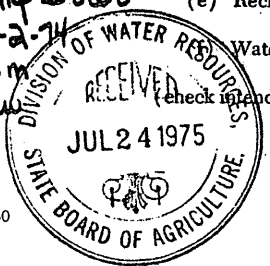
3. The water is intended to be appropriated for:

- | | | |
|----------------------|-----|--------------------------|
| (a) Domestic use | () | _____ |
| (b) Municipal use | () | _____ |
| (c) Irrigation use | (x) | <u>224 acre ft.</u> |
| (d) Industrial use | () | <u>1250 gals per min</u> |
| (e) Recreational use | () | _____ |
| Water Power use | () | _____ |

Amount



*Date stamp error
Received 1-2-74
9:06 a.m.
du*



WATER RESOURCES RECEIVED RECEIVED

RECEIVED JUL 15 1974 JUN 29 2015

* GUY ELLIS
9-2-75
Page 11 of 38

MAR 8 1976 DIVISION OF WATER RESOURCES STAFFORD
FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD
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4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.
5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.
6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or

fractional portion thereof: ~~Kinsley Joint Venture is a partnership with the following owners:~~
~~J. D. Hodges, 1921 Broadway, Woodward, Oklahoma~~ MIDWEST LAND & CATTLE CO.
~~W. R. McQuiddy, 1210 S. Fordham, Perryton, Texas~~ c/o JOHN CARSON, MANAGER
~~Drew Ellis, 823 S. Indiana, Perryton, Texas~~ Box 208
~~John C. Ellis Jr., P. O. Box 610, Perryton, Texas~~ KINSLEY, KANSAS 67547
~~H. C. Brillhart Jr., P. O. Box 576, Perryton, Texas~~ * SEE LETTER
~~Word S. Sherrill, P. O. Box 399, Perryton, Texas~~ DATED 8-8-75 GEE

Owner of Land—NAME: ~~Kinsley Joint Venture~~

ADDRESS: ~~c/o Andrew J. Moore, Attorney, P.O. Box 588, Woodward, Oklahoma 73801~~

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
30 25 19							23	22	34	35	2	1					117 112

These acreages are only those irrigated by wells on this application - other wells irrigate some acreage in this section but the pivot on the irrigation system that well supplies is on another section

Owner of Land—NAME: _____

ADDRESS: _____

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Owner of Land—NAME: _____

ADDRESS: _____

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

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KS DEPT OF AGRICULTURE

* Bu HAYS 000759
9-9-75

2 One well and pumps at the pivot of a circle irrigation system; also another well and pump in this section which supplies an

7. The works for diversion of water will consist of ~~irrigation system whose pivot is 500 yds southwest of the well in Section 31.~~

(wells, pumps, etc.)

and will be completed by already completed

(Date)

8. The first actual application of water for the beneficial use proposed was or is estimated to be already used - use begun with 1973 growing season

(Date)

9. The application must be accompanied either by a detailed plat prepared from an actual survey or by an aerial photograph of the area.

The plat or aerial photograph should show

- (a) Location of the proposed point or points of diversion
- (b) Location of the pipe lines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use
- (c) If for irrigation, show the location of the land proposed to be irrigated
- (d) If for industrial or other use, show the location of the land where water will be used.

10. List and describe other applications filed or vested rights held by applicant:

None

11. The relation of the subscriber to this application is that of Attorney

(Owner, agent or otherwise)

and he is authorized to make this application in behalf of the interest affected.

Dated at Kinsley, Kansas, this 15 day of Dec, 1973

KINSLEY JOINT VENTURE

(Applicant)

By D. Allen Frame

D. Allen Frame, (Agent or Officer) Attorney

Note:

- 1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.
- 1 million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.
- 1 acre foot = 43,560 cubic feet = 325,851 gallons.

MI-220 5-72-10M SETS

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MAR 8 1976

JUL 15 1974

HAYS000760

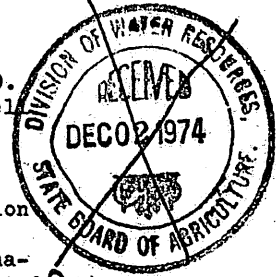
FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD

FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD

SCANNED

v

The northern most circle irrigation system shown on this map is located entirely within the W/2 of Section 30-25-19. The radius of this system is ¹²⁷⁵1250 feet and the pump and well serving this system are located at the pivot. Also shown is the part of Section 30 irrigated by circle irrigation system which is located in the NW/4 of Section 31-25-19. A well on Section 30-25-19 supplies water for the irrigation system located in Section 31-25-19. See map showing the irrigation systems in Section 31-25-19 for complete explanation of wells and irrigation systems whose pivots are located on that section. The circle system completely shown on this map covers 112 acres.



Date stamp
 error
 Received 1-2-74
 dw



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E-N²

February 27, 1976

Midwest Land and Cattle Company
c/o John Carson, Manager
Box 208
Kinsley, Kansas 67547

Re: Appropriation of Water
Application No. 21,730
ED

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find 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. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

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RMD:ee1

Encs.

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MAR 8 1976

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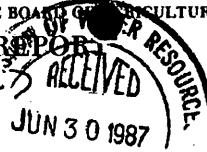
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

EXHIBIT
21730
D

DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE

FIELD INSPECTION REPORT

(RE-SUBMITTAL)



- Partial
- Full
- Re-Test

Field Office No. 2
G.M.D. No. 5

Test 1 of 2 Diversion points County Edwards

Application No. 21730 Inspection Date 10/1/86 Firm/Field Office Ebert/Klassen Pumping Plant Testing, Inc.

Current Landowner Connecticut General Life Ins. Phone No. ()

Address Box 1162 North Platte, NE 69103 Attn Jerry Weaver

Additional landowners and addresses identified in remarks section.

Water Use Classification: () Domestic () Industrial Irrigation () Municipal
() Recreation () Stockwatering () Water Power

Source: Groundwater () Surface Water Basin/Stream Arkansas River

Authorized Point of Diversion: NW 1/4 NE 1/4 SW 1/4 of Sec. 30 T. 25 R. 19, ID No. _____
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: NE 1/4, N 1/2, SW 1/4 Sec. 30, T. 25, R. 19
Approximately 2330 ft. North and 3937 ft. West of SE corner of Sec. 30
How were distances determined? Scaled from photo

"Approved" Quantity 224 AF "Approved" Diversion Rate 1250 g.p.m. (2.79 c.f.s.)

Priority Date Jan. 2, 1974 Approval Date Feb. 27, 1976 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
(include discussion of overlapping-files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
30	25	19								23	22	34	35	2	1					117

LAND IRRIGATED—YEAR OF RECORD 1985 See Attached sheet

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
30	25	19								21	22	37	34	2	3					119

TESTED DIVERSION RATES

Maximum G.P.M. _____ (c.f.s. _____) Normal G.P.M. 791 (c.f.s. 1.76)

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time needed: Yes () No () Attached? yes () no ()

Ac. Ft. Applied = 1850 hrs. × 791 g.p.m. × $\frac{4.419}{24 \times 1000}$ = 269 AF

"Approved" Land irrigated 117 acres, with 269 AF = 2.30 AF/acre

Total AF (including overlapping Files) _____ (_____ AF/acre)

117 × 1.5 = RECEIVED

WATER RESOURCES RECEIVED

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SEP 14 1987

Perfected Rate 795 g.p.m. Perfected Quantity 176 AF

Completed by Larry 7-8-87

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GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Zimmatic Model 310 Serial No. 3222

Drive: Water Electric Length of Pivot Arm _____ acres irr. 119

Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

Is there an End Gun? yes () no Is end gun operating during Test yes () no

End Gun Model teso Rating _____ g.p.m. Orifice size _____

Gravity Irrigation

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

unusual condition/other information _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____

Serial No. 08947 E-23-TL Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Johnston Model No. _____ Rated RPM _____

Serial No. CF21241 Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. 560

Serial No. 88424 Drive Right Angle Ratio 5:4

WELL INFORMATION:

Date Drilled Jan. 1974 Original Depth _____ ft. Static Water Level When Drilled _____ ft.

Length of time well has () operated rested prior to measurement 60 approx. days () hrs

Is measurement tube required? () yes no Is measurement tube present () yes no

Depth to water 8' ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is the meter installed properly? () yes () no

Check Valve Present? yes () no

Injection port present? yes () no

Operating an injection system? yes () no

Low Pressure Drain? yes () no

Vacuum Breaker? yes () no

Plant Health Chemigation Report completed? yes () no

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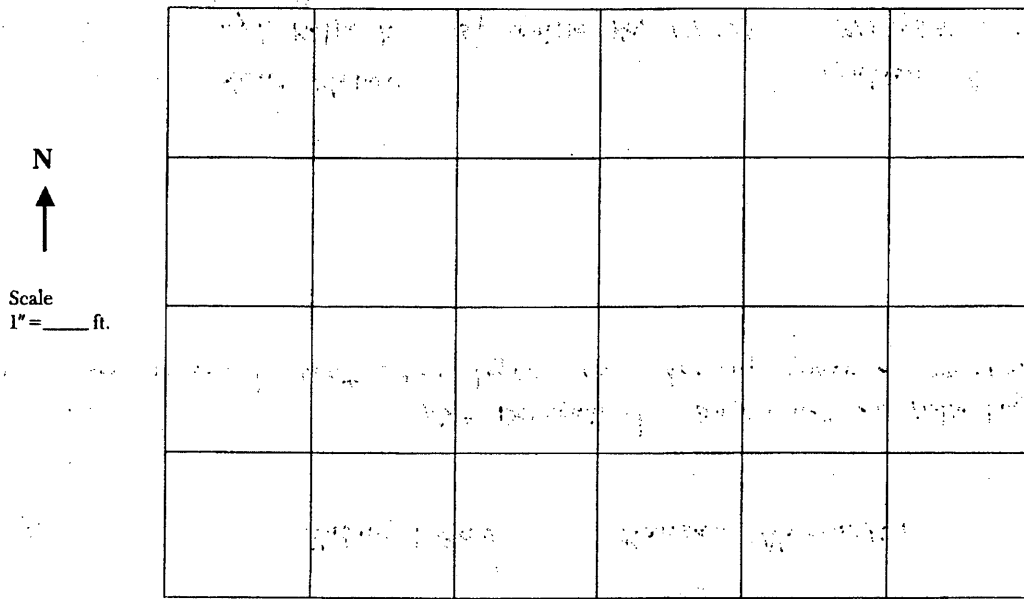
JUN 29 2015

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HAYS000747

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SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Location of test In horizontal pipe between pump and pivot
Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 2203
R.P.M. PUMP UNIT 1762
Pressure at Pump 70 psi

R.P.M. POWER UNIT _____
R.P.M. PUMP UNIT _____
Pressure at Pump _____ psi

Jacuzzi Meter Test Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q (gpm) = VK$

Velocity (fps)		Velocity (fps)	
1. _____	_____	1. _____	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____
5. _____	_____	5. _____	_____
6. _____	_____	6. _____	_____
7. _____	_____	7. _____	_____
8. _____	_____	8. _____	_____
9. _____	_____	9. _____	_____
10. _____	_____	10. _____	_____
Total _____	_____	Total _____	_____
Avg. _____	_____	Avg. _____	_____
G.P.M. _____	_____	G.P.M. _____	_____

Propeller Meter Test Manufacturer _____ Model _____ Serial No. _____
Meter Diameter _____ inches

Ending _____ gal.	Ending _____ gal.
Beginning _____ gal.	Beginning _____ gal.
Difference _____ gal.	Difference _____ gal.
Time _____ min.	Time _____ min.
Rate _____ gpm	Rate _____ gpm

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Other Flow Meter Use Supplemental Sheet (include meter identification, data and calculations).

HAYS000748

NW-NL-SW-30-25-19W-02

21730

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975				
1976				
1977	875	800		175
1978				
1979				
1980	1416	650		65
1981	1152	550		116
1982				
1983	1130	700		119
1984	1700**	850**		119**
* 1985	1850**	791*		119**
1986		791*		

* obtained from test on 10/1/86

** obtained from WUR sent to us from Jerry Weaver

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year Alfalfa Year of record Alfalfa & wheat

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____

Meter Manufacturer _____ Type _____ Serial No. _____

K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Natural Gas Supplier Kansas - Nebraska

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not Determined Engine not on individual meter

REMARKS: See attached sheet for logic on choosing year of record.

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Person present at test Kent Naber Irrigation Manager

Water Use Correspondent Lyle Kolbeck Spencer, KS, 67876 316-385-2803

Conducted by Breg Elbert Date 10/8/86 HAYS000749

Approved by [Signature] Date 6/29/87

SCANNED

30-35-19

0-4

Application no. 21730

Legend

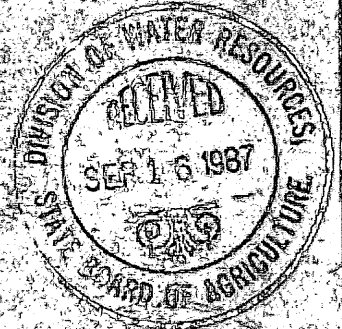
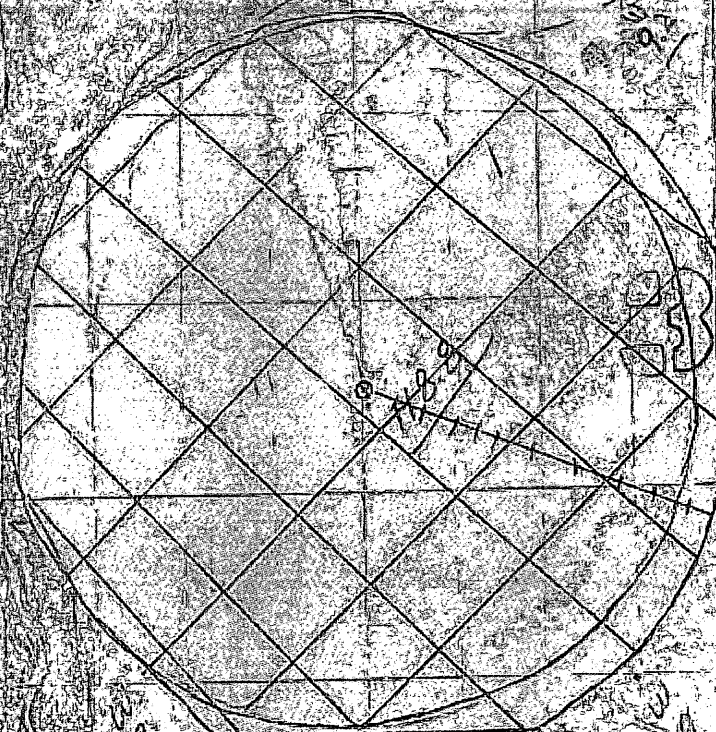
⊗ well

/// Land covered in original application

/// Land covered year of record and present (irrigated)

⊕ center pivot

3102



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SEP 14 1987

HAYS000750

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APPLICATION NO: 21730

NAME: Connecticut General Life Ins.

POINTS OF DIVERSION AND SECTION CORNERS

The actual section corners of the land applied for and the land irrigated have never been clearly marked. (If it was marked at some time, we, nor the present owners and managers could find any marks or records) It appears the land described on the applications was based on visible marks, but we don't know for sure. It might have been surveyed and be more accurate than our method of identifying section corners. Our procedure of finding the section corners consisted of several steps. First, we used copies of the original survey plats to find the dimension of each section. Second, we laid out each section on the large small-scale photos in the ASCS office. For this, we used not only survey plat dimensions, but also by drawing lines across several miles from identifiable boundaries. However, sometimes these points made a section so "out-of-square" that we shifted the boundaries until they were reasonably tolerable. Because some of these marks were based on our judgement, we can not be sure they would be the same if the land was surveyed. These points were then transferred to the large-scale photos included.

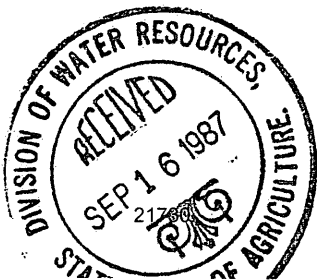
The point of diversion location on the photo is correct. The photos were taken at a time when the diversion points were visible. The problem is in our ability to correctly describe the diversion points in relation to section corners.

PUMPING PLANT TESTING, INC.

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Reviewed by:

Professional Engineer HAYS000751
WATER RESOURCES RECEIVED

SEP 14 1987



MICROFILMED
SCANNED

JUN 29 2015

APPLICATION NO: 21,730

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

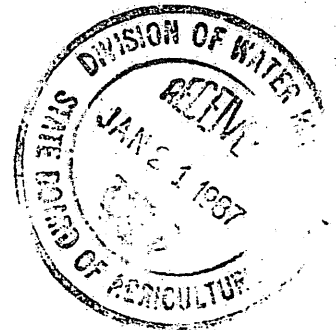
THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES, A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.

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PUMPING PLANT TESTING, INC.

SEP 14 1987 reviewed by:

Neil J. W... HAYS000752
Professional Engineer

APPLICATION NO: 21730 NAME: Connecticut General Life Insurance

COLLINS METER TEST

Collins Meter No. 1-83 Meter Calibration Factor .9559

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 70 Test RPM, Pump 1762

Description of Test Location In horizontal pipe between pump and pivot

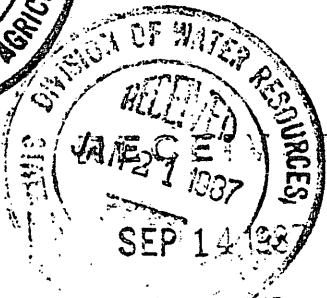
TEST DATA: Check, Initial 5.96 Reversed 5.97
 Meter Setting From Center of Pipe Velocity Left Side of Pipe (or Front Side if Vertical Test) Velocity Right Side of Pipe (or Back Side if Vertical Test)

<u>1 1/16</u>	<u>5.89</u>	<u>5.82</u>	<u>5.88</u>	<u>5.85</u>
<u>2 3/4</u>	<u>5.84</u>	<u>5.81</u>	<u>5.80</u>	<u>5.75</u>
<u>3 9/16</u>	<u>5.61</u>	<u>5.31</u>	<u>5.18</u>	<u>5.54</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.69

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 5.69 x .9559 = 5.44

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 5.44 x 145.4 = 791 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]

Professional Engineer

SCANNED

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HAYS000753

JUN 29 2015

MICROFILMED

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

**CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER**

WATER RIGHT, File No. 21,730
PRIORITY DATE January 2, 1974

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas,

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of a well located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 2,330 feet North and 3,937 feet West of the Southeast corner of said Section, in Township 25 South, Range 19 West, Edwards County, Kansas, at a diversion rate not in excess of 795 gallons per minute (1.77 c.f.s.) and in a quantity not to exceed 176 acre-feet per calendar year for irrigation use on the following described property:

- 23.00 acres in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$),
- 22.00 acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$),
- 34.00 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
- 34.75 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
- 2.00 acres in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
- 1.00 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 116.75 acres in Section 30, Township 25 South, Range 19 West, Edwards County, Kansas.

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SEP 14 1987

DIVISION OF WATER RESOURCES
STAFFORD

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MICROFILMED



HAYS000776

SCANNED

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

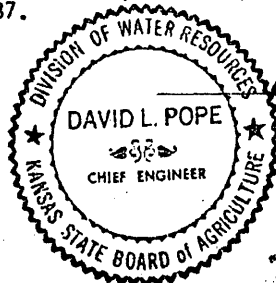
The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

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 stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 31st day of August, 1987.

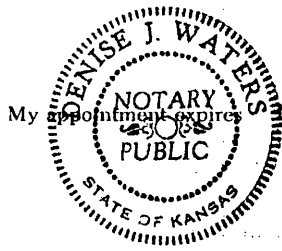


David L. Pope
David L. Pope, P.E.
Chief Engineer

Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 31st day of August, 1987 by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*

Denise J. Waters, Notary Public

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

21730

WATER APPROPRIATION
CERTIFICATE

No. 16,465

STATE OF KANSAS

Water Right, File No. 21,730

Page 25 of 38

STATE OF KANSAS,

COUNTY, ss.

Filed for record this _____ day of _____, 19____

at _____ o'clock _____ m. and _____

recorded in Book _____ Page _____

Fee \$ _____

Register of Deeds.

HAYS000777

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KS DEPT OF AGRICULTURE

SCANNED

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources



MEMORANDUM

TO: File

DATE: July 9, 1987

FROM: Larry M. Sheets

RE: Appropriation of Water
File No. 21,730

The Field Inspection Report (F.I.R.) for the above referenced file, conducted under contract by Pumping Plant Testing, has been reviewed. It meets the requirements specified in the scope of work. Based on the 1985 Water Use Report (W.U.R.), 1,850 hours of pumping the well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 30, T 25 S, R 19 W, Edwards County, Kansas, provided 269 acre-feet of water for irrigating 117 acres or 2.30 acre-feet per acre. The Certificate of Appropriation has been drafted for the tested pumping rate rounded up to 795 g.p.m. and a reasonable quantity for the approved acres irrigated (117 x 1.5 = 176).

The section is along the Arkansas River, and has lots along the West side. The lot designations have been incorporated in the description of the place of use.

The information gathered by Pumping Plant Testing indicates one of two wells which were approved was not drilled. Jerry Weaver of Agri. Affiliates (managers of the land) confirmed that only one well existed for use under File No. 21,730. The deletion of one well will be noted in the draft certificate of Appropriation transmittal letter.

The F.I.R. notes the possibility that 2 additional acres are being irrigated. This is in an area of the state where section corners are difficult to define. There was some confusion (the application has revised figures) as to the acres intended to be irrigated on the original application. The place of use has been described in lots with the appropriate acreage as listed in item 6 of the application.

Concern regarding the location of the existing well resulted in the contract firm submitting a second F.I.R. The description of the well location has been left as approved (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$).

RECEIVED *Larry M. Sheets*

Larry M. Sheets
Hydrologist

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LMS:rk

NW-NW-SW-30-25-19W-02

TABULATION OF WATER USE:

21730

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975				
1976				
1977	875	800		175
1978				
1979				
1980	1416	650		65
1981	1152	550		116
1982				
1983	1130	700		119
1984	1700**	850**		119**
* 1985	1850**	791*		119**
1986		791*		

* obtained from test on 10/1/86

** obtained from WUR sent to us from Jerry Weaver

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year Alfalfa Year of record Alfalfa & wheat

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____

Meter Manufacturer _____ Type _____ Serial No. _____

K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

Other Fuels Type Natural Gas Supplier Kansas - Nebraska

Rate = $\frac{Volume (test)}{time}$ = _____

How was the test volume determined? Not Determined Engine not on individual meter

REMARKS: See attached sheet for logic on choosing year of record.

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Person present at test Kent Naber (name) Irrigation Manager (relationship) KS DEPT OF AGRICULTURE
 Water Use Correspondent Lyle Kolbeck (name) Spearsville, Ks. 67876 (address) 316-385-2803 (phone number) HAYS000749
 Conducted by Breg Elbert Date 10/8/86
 Approved by [Signature] (signature) [Title] (title) Date 6/29/87

SCANNED

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope *David L. Pope*
Chief Engineer

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	450
10 - 40 acres	(+) 450 g.p.m.	900
40 - 120 acres	(+) 8 g.p.m./acre	580 + 8X
more than 120 acres	(+) 7 g.p.m./acre	700 + 7X

EXAMPLES:

A. 37 acres requested; since this area is less than 40 acres, a rate of up to 900

B. 83 acres requested;

10 acres	= 450 g.p.m.	} 900 g.p.m.
(+) 40 acres (10 + 30)	= 450 g.p.m.	
(+) 43 acres @ 8 g.p.m./acre	= 344 g.p.m. +	
	1,244 (allow 1,245 g.p.m.)	

A further limiting factor of this procedure is the availability of water from the proposed source of supply. In those instances whereby the source of supply is incapable of yielding a reasonably, sustainable (computed) rate, then the source becomes a further limiting factor.

A further limiting factor is well design and equipment, which shall be reasonable to divert the requested rate.

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Administrative Policy No. 86-8
Page 2

Further, the rate authorized should not impair senior water rights in the area, including domestic rights.

In reviewing an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes, the following guidelines shall be considered when determining a maximum allowable annual quantity of water request:

In that area of Kansas located between the Kansas/Missouri border and the Range 5 East/Range 6 East line, the maximum allowable quantity shall not exceed an average of 1.00 acre-foot per acre to be irrigated.

In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.

In that area of Kansas located between the Range 20 West/Range 21 West line and the Kansas/Colorado border, the maximum allowable quantity shall not exceed an average of 2.00 acre-feet per acre irrigated.

A further limiting factor to maximum allowable quantity is the availability of water from the proposed source of supply. If the source of supply is incapable of yielding a reasonably, sustainable (computed) quantity during the irrigation season in that area of the state, then the source becomes a further limiting factor.

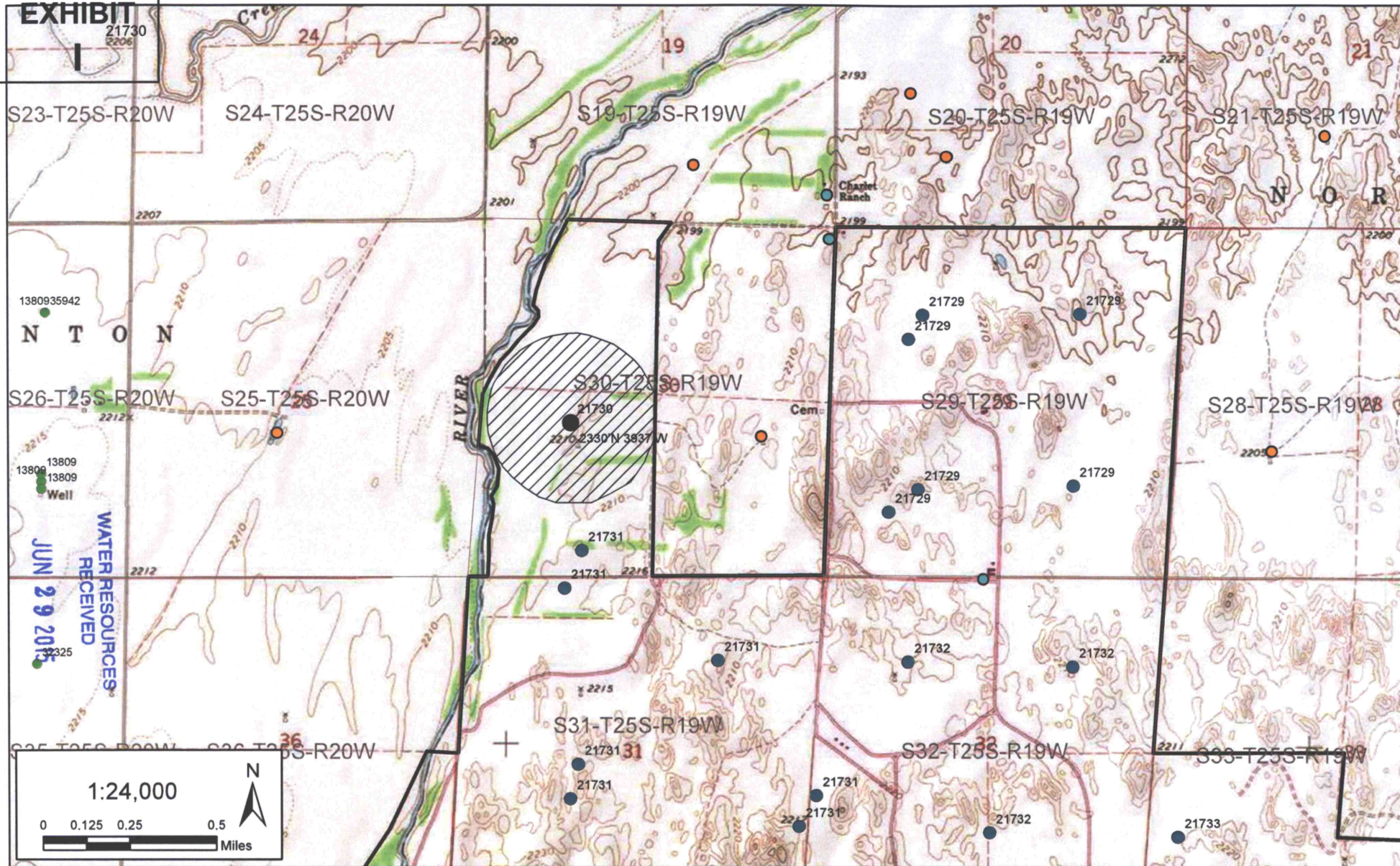
That if an applicant can show that his or her system design is reasonable for the use intended and approval of the proposed rate and/or maximum annual quantity will not impair any senior water right or prejudicially and unreasonably affect the public interest, the Chief Engineer may waive the above guidelines. Documentation shall be placed in the file clearly demonstrating any exceptions to the above policy.

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Legend

- 21730 Existing Point(s) of Diversion
- 21730 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 21730
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells

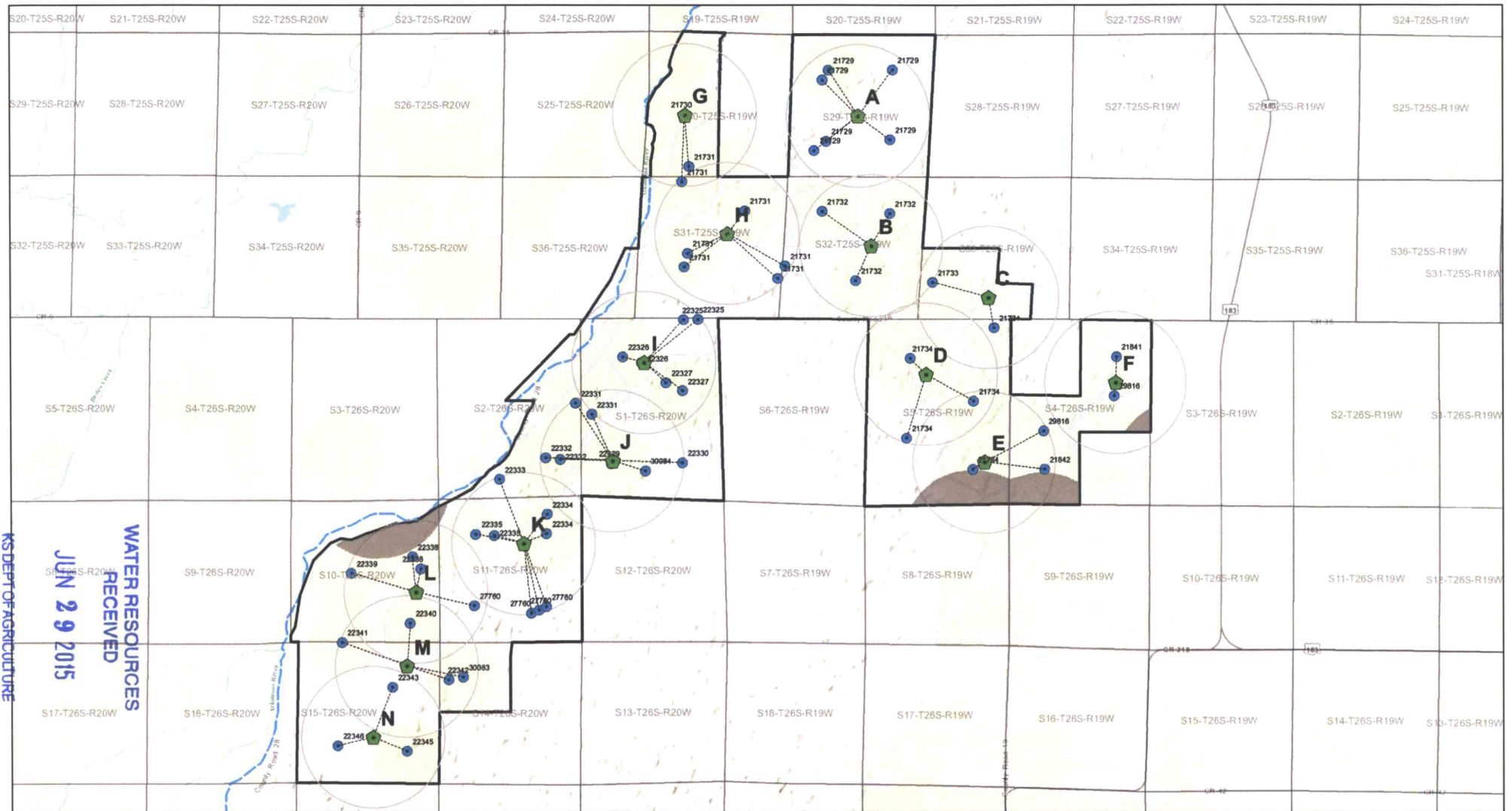


**CHANGE APPLICATION 21730
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION**

SCANNED

EXHIBIT

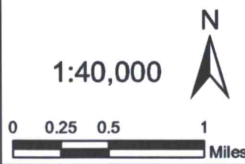
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Legend

- ◆ Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections

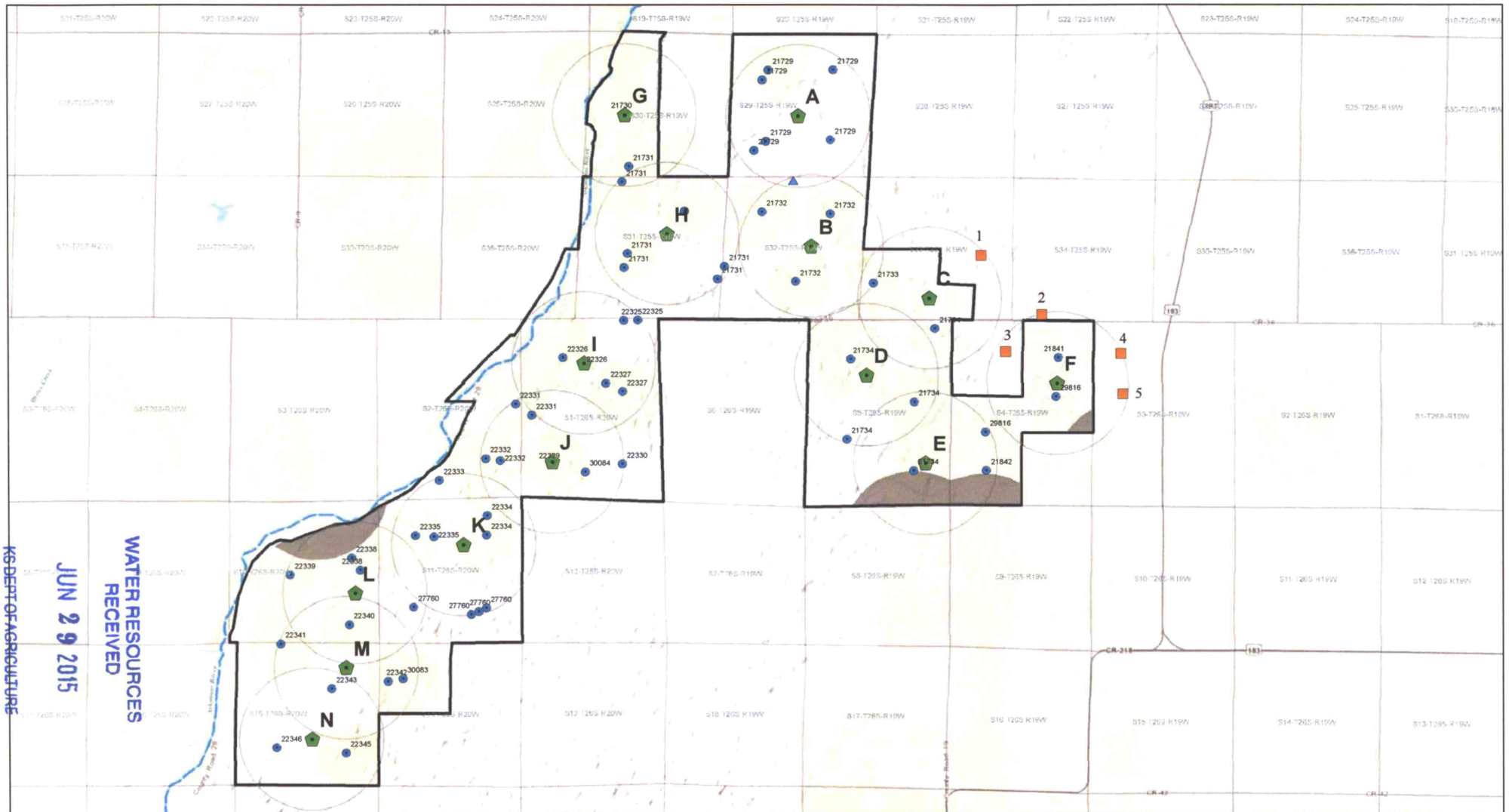


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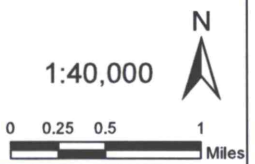
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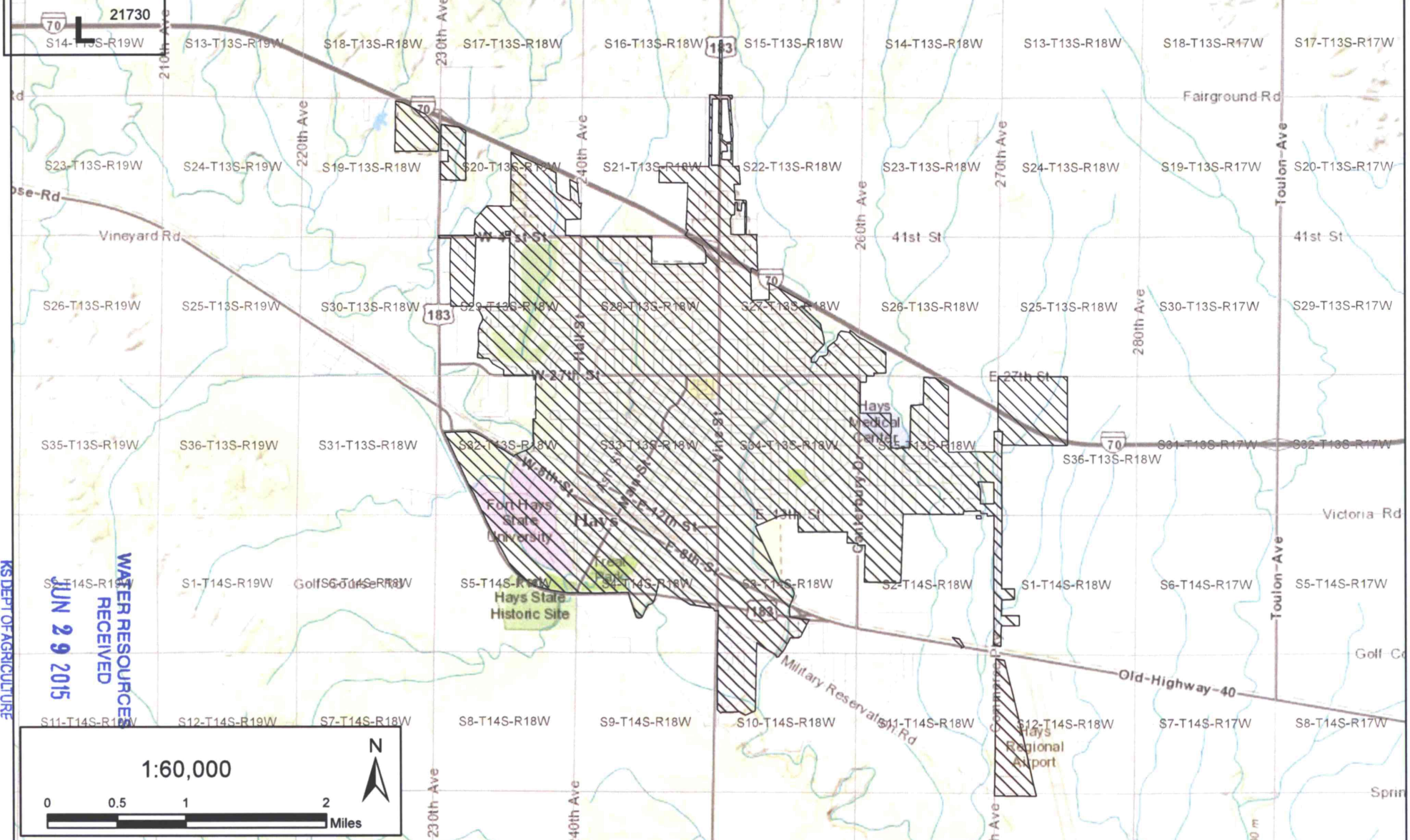
Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)



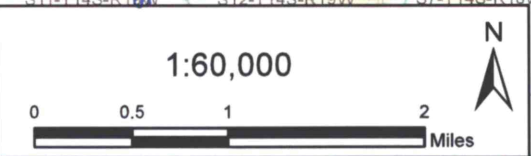
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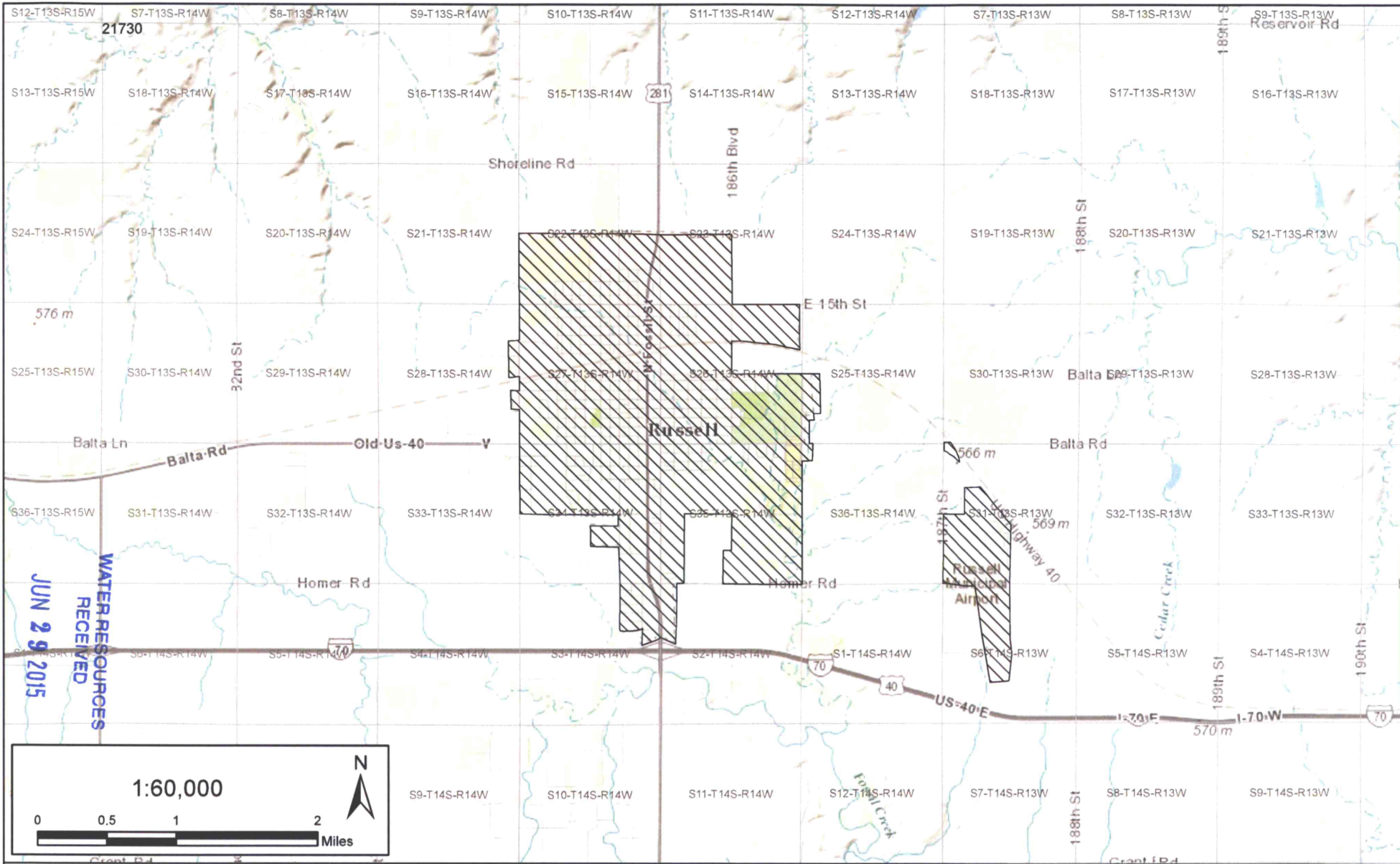
Proposed Place of Use City of Hays



PLSS Sections



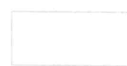
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Proposed Place of Use - City of Russell



PLSS Sections



**EXHIBIT
M**

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$
 If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
 N**

**SECTION 2: PAST WATER USE
 COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago	592,323,000			5,029,000	469,314,000	5,155,000	112,825,000
15 years ago	780,527,000			10,819,000	587,965,000	10,470,000	171,473,000
10 years ago	706,926,000			7,103,000	639,222,000	20,861,000	39,740,000
5 years ago	693,966,000			13,537,000	581,900,000	19,362,000	114,383,000
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

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SECTION 3: PROJECTED FUTURE WATER NEEDS
 PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Explanation on other side)
Year 5	753,014,900			11,886,600	654,779,400	17,959,700	68,389,200
Year 10	828,316,390			13,075,260	720,257,340	19,755,670	75,228,120
Year 15	911,148,029			14,382,786	792,283,074	21,731,237	82,750,932
Year 20	1,002,262,832			15,821,065	871,511,381	23,904,361	91,026,025
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6			UNACCOUNTED FOR WATER	

SECTION 4: POPULATION AND SERVICE CONNECTIONS
 ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
 (CENSUS BUREAU INFORMATION)

LAST 20 YEARS	POPULATION
20 years ago	17,636
15 years ago	18,750
10 years ago	20,013
5 years ago	20,106
Last Year	21,038

PROJECTED FUTURE POPULATION
 ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	23,142
Year 10	25,456
Year 15	28,002
Year 20	30,802

Provide number of current active service connections:

6,824 Residential 2 Industrial _____ Other (specify) _____
 1,256 Commercial _____ Pasture/ Stockwater/ Feedlot 8,082 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY
 CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 + Population + 365 Days/Year = Gallons per Person per Day

$$\frac{673,753,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{21,038}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 88 \text{ GALLONS PER PERSON PER DAY.}$$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): _____

City of Hays, KS Municipal Water Supply

2013 is year one and 2033 will be year twenty. 2 percent growth is used for estimate. Hays had a reasonable 9.1 percent unaccounted water in 2013.

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

21730
SECTION 3: PROJECTED FUTURE WATER NEEDS

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Explanation on other side)	
Year 5	386,346,512	0	0	177,719,396	119,767,419	15,453,861	73,405,836	
Year 10	405,513,682	0	0	186,536,377	125,709,241	16,220,547	77,047,517	
Year 15	426,310,852	0	0	196,102,992	132,156,364	17,052,434	80,999,062	
Year 20	443,848,022	0	0	204,170,090	137,592,887	17,753,921	84,331,124	
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER	

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
(CENSUS BUREAU INFORMATION)

LAST 20 YEARS	POPULATION
20 years ago	
15 years ago	4,710
10 years ago	4,696
5 years ago	4,506
Last Year	4,475

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	4,596
Year 10	4,605
Year 15	4,651
Year 20	4,698

Provide number of current active service connections:

2,049 Residential 9 Industrial 30 Other (specify) Free Service
 360 Commercial 0 Pasture/ Stockwater/ Feedlot 2448 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 + Population + 365 Days/Year = Gallons per Person per Day

$$\frac{221,991,000}{4,475} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$$

Amount of water in Columns 5, 6, and 7 of Section 1
Population from Last Year of Section 4

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the ~~Page 88 of 98~~ Page 87 of 98 of your request.

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