

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**.

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**

JUN 26 2015
4:04
Chief Engineer
Division of Water Resources
Kansas Dept. of Agriculture

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.

1. Application is hereby made for approval of the Chief Engineer to change the _____
 (Check one or more) Place of Use
 Point of Diversion
 Use Made of Water

David. W. Barfield, P.E.
JUN 28 2015
4:04
Chief Engineer
Division of Water Resources
Kansas Dept. of Agriculture
WATER RESOURCES RECEIVED
JUN 29 2015
8:39
KS DEPT OF AGRICULTURE

File No. 21,733 Circle 13.

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>G/S</u>
		Receipt Date	<u>6/22/15</u>	By	<u>KAB</u>	Date	<u>6/29/15</u>
		Check #	<u>058328</u>				

\$ 21000- 15653312

SCANNED

6/30/2015 ULM

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			
		32-25S-19W															23			23	46
		33-25S-19W									3	37	37	3							80

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.

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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 SW Quarter of the NW Quarter of the SW Quarter of Section 33, Township 25 South, Range 19 (E/W), in Edwards County, Kansas, 1,356 feet North 5,021 feet West of Southeast corner of section. Authorized Rate 915 gpm Authorized Quantity 189 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 (E/W), in Edwards County, Kansas, 824 feet North 3,036 feet West of Southeast corner of section. Proposed Rate 915 Proposed Quantity 219.45 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 21,734

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

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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 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.

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JUN 29 2015

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY KANSAS DEPT OF AGRICULTURE

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.

[Handwritten 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, 2015.

[Handwritten signature: 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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JUN 29 2015

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

[Signature]
(Owner)

(Spouse)

City of Russell, Kansas, by Jon Quinday, 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, 2015.

[Signature: Malinda Morse]
Notary Public

My Commission Expires 6/15/18

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- (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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JUN 29 2015

Proposed Rate and Quantity

The Cities are requesting a total of 219.45 acre-feet and 915 gpm from the well associated with this water right, which will be diverted from new point of diversion C, as shown on Exhibit J. When combined with existing wells from other water rights, new point of diversion C will have a cumulative total of 367.49 acre-feet and 1,692.82 gpm.

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 use of up to 136.08 acre-feet from this water right for municipal use.¹ As discussed below, 126 approved acres were irrigated during the perfection period; 126 acres multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 136.08 acre-feet.²

That same regulation goes on to allow the City to request that the change 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 250 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use,⁴ on 126 acres in Sections 32 and 33-T25S-R19W⁵, or 1.98 acre-feet per acre. The certificate limited the rate to 915 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 Reports indicate that all of the 250 acre-feet authorized by the permit were lawfully perfected.

- 294 acre-feet were applied to 126 approved acres.⁷

While the certificate limits the total quantity to 189 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, HAYS001491, Ex. A.

⁵ Application, HAYS001485, Ex. B.

⁶ February 27, 1976, letter (emphasis added), HAYS001490, Ex. C.

⁷ FIR, HAYS001477, Ex. D.

⁸ Certificate, HAYS001499, Ex. E; Doug Bush Memo dated September 24, 1987, HAYS001494, 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 250 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

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 during the perfection period,⁹ it is reasonable to use the NIR for alfalfa, which yields a total quantity of 219.45 acre-feet consumed. While this quantity is greater than the quantity set out in the certificate, it is less than the 250 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 250 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 180.00 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 250 perfected acre-feet, the “maximum annual quantity authorized by the water right.”

The City requests that DWR approve a total of 219.45 acre-feet for municipal use.

⁹ *American Ag Industries v. Slentz McAlister* Trial Exhibits, HAYS004448-4453, 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 Doug Bush Memo dated September 24, 1987, HAYS001494, Ex. F.

EXHIBIT
21733
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. 21,733 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 one (1) well in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, 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
1000 gallons per minute (2.23 c.f.s.)
and to a quantity of not to exceed 250 acre-feet

for any calendar year.

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DIVISION OF WATER RESOURCES
STAFFORD

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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.

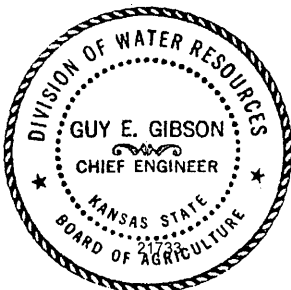
10. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

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

19 76



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

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JUN 29 2015

KS DEPT OF AGRICULTURE

HAYS001492



EXHIBIT
21733
B

2



THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE

Roy Freeland, Secretary

DIVISION OF WATER RESOURCES

Guy E. Gibson, Chief Engineer

Rec'd ck \$50.00 1-2-74
ck from: Wilson & Gasmc
aa

NUMBER 21,733

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

(Mr.) MID WEST LAND & CATTLE COMPANY DATED 8-8-75
(Mrs.) C/O JOHN CARSON, MANAGER GEE

Comes now the applicant (Miss) Kinsley Joint Venture whose post office address is Box 208, Kinsley, KS, 67547
~~at Andrew J. Moore, Attorney at Law, P.O. Box 588, Woodward, Oklahoma 75801~~

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)

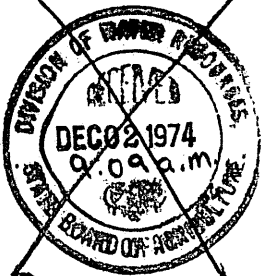
state of Kansas, to the extent and in accordance with the particulars hereinafter described:

1. The quantity of water desired is in the amount of 250 acre feet per year, to be (acre feet or million gallons) diverted at a maximum rate of 1000 gals per minute (gallons per minute or cubic feet per second)

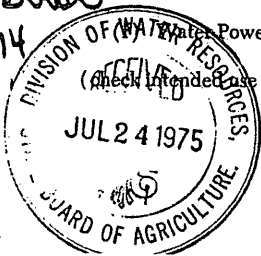
2. The location of the proposed wells or other works for diversion of water is in the SW 1/4 quarter of the SW 1/4 quarter of the SW 1/4 quarter of section 33, township 25, range 19, in Edwards County, Kansas.

3. The water is intended to be appropriated for:

- | | | | |
|----------------------|-----|---|--------|
| (a) Domestic use | () | _____ | Amount |
| (b) Municipal use | () | _____ | |
| (c) Irrigation use | (x) | <u>250 acre ft</u>
1000 gals per minute | |
| (d) Industrial use | () | _____ | |
| (e) Recreational use | () | _____ | |
| (f) Power use | () | _____ | |



Date stamp over
Received 1-2-74
9:09 a.m.
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KS DEPT OF AGRICULTURE

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* Buy APR 8 1976

JUL HAYS 001485

9-9-75 FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD

SCANNED

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 Broadmoor, Woodward, Oklahoma~~
~~W. A. McQuiddy, 1210 S. Fordham, Perryton, Texas~~
~~Drew Ellis, 823 S. Indiana, Perryton, Texas~~
~~John O. Ellis Jr., P. O. Box 610, Perryton, Texas~~
~~H. C. Brillhart Jr., P. O. Box 576, Perryton, Texas~~
~~Word B. Sherrill, P. O. Box 399, Perryton, Texas~~

MIDWEST LAND & CATTLE CO.
 C/O JOHN CARSON, MANAGER
 BOX 208
 KINSLEY, KS. 67547
 *SEE LETTER
 DATED 8-8-75 OEE

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 $\frac{1}{4}$	
33 25 19									3	✓	✓	3					126
32 25 19									8		37	37	8	23			228
														27			28

This acreage is only that covered by irrigation system whose pivot is in Section 33; there is more ground irrigated in these sections, but it is irrigated by systems whose pivots are in Section 5-26-19

Owner of Land—NAME: Same as above

ADDRESS: Same as above

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

* Buy HAYS001486

SCANNED 9-9-75

7. The works for diversion of water will consist of Will consist of one well and pump and one circle irrigation system

(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

(Agent or Officer)

D. Allen Frame, 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-939



5-72-10M SETS

SCANNED

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MAR 8 1976

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

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JUL 15 1974

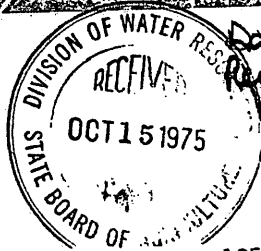
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

MICROFILMED
WATER RESOURCES
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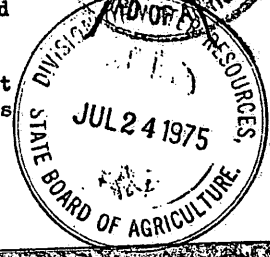
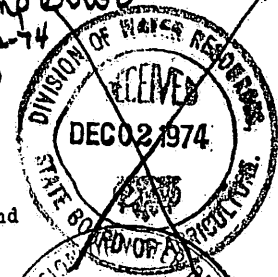
HAYS001487

JUN 29 2015

KS DEPT OF AGRICULTURE



*Date stamp error
Received 12-74
dw*



The system whose pivot is at point A covers 125 acres and has a radius of 1320 feet and is served by one well and pump at the pivot.

Also shown is an area irrigated by a system whose pivot is in Section 5-26-19. Complete specifications on this system are on the map for that section.



*Date stamp error
Received 1-3-74
dw*

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HAY S001488

SCANNED

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. 21,733

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,

WATER RESOURCES
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JUN 29 2015

Riley M. Dixon
Hydrologist

KS DEPT OF AGRICULTURE

RMD:ee1

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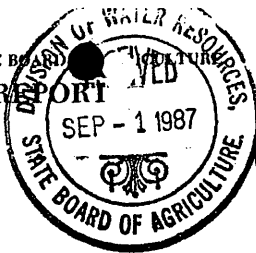
Encs.

SCANNED

MAR 8 1976
MICROFILMED
AYSOG-1460

EXHIBIT
21733
D

DIVISION WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE
FIELD INSPECTION REPORT



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

Partial
 Full
 Re-Test

Test 1 of 1 Diversion points County Edwards

Application No. 21733 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc
Current Landowner Connecticut General Life Ins. Co. Jerry Weaver Phone No. (308) 534-9240
Address P.O. Box 1162 North Platte, NE 69103
 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: SW 1/4, NW 1/4, SW 1/4 Sec. 33 T. 25 R. 19, ID No. —
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: SW 1/4, NW 1/4, SW 1/4 Sec. 33 T. 25 R. 19
Approximately 1356 ft. North and 5021 ft. West of SE corner of Sec. 33
How were distances determined? Scaled off aerial photo and original survey plats

"Approved" Quantity 250 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 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					
<u>33</u>	<u>25</u>	<u>19</u>									<u>3</u>	<u>37</u>	<u>37</u>	<u>3</u>					<u>23</u>			<u>23</u>	<u>80</u>
<u>32</u>	<u>25</u>	<u>19</u>																					<u>46</u>
																							<u>126</u>

LAND IRRIGATED—YEAR OF RECORD 1984 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					
<u>33</u>	<u>25</u>	<u>19</u>									<u>5</u>	<u>37</u>	<u>37</u>	<u>4</u>					<u>24</u>			<u>23</u>	<u>83</u>
<u>32</u>	<u>25</u>	<u>19</u>																					<u>47</u>
																							<u>130</u>

TESTED DIVERSION RATES

Maximum C.P.M. _____ (c.f.s. _____) Normal C.P.M. 911 (c.f.s. 2.03)

FOR D.W.R. USE ONLY

Year of Record 1984 Extension of time needed: Yes () No () Attached? yes () no ()

Ac. Ft. Applied = $1250 \text{ hrs.} \times 911 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 294 \text{ AF}$

"Approved" Land irrigated 126 acres, with 294 AF = 2.33 AF/acre

Total AF (including overlapping Files) 294 (2.33 AF/acre)

126 acres irrigated X 1.5 A.F. per acre
189 A.F.

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Perfected Rate 915 g.p.m. (2.04 c.f.s.) Perfected Quantity 189 AF
Completed by Douglas E. Bush 9-24-87
DWR-181733 Page 16 of 43 Revised January 1987

SCANNED

21733
GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Olson Model 103P Serial No. 3991

Drive: Water Electric Length of Pivot Arm _____ acres irr. 130

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 Nelson 100 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. 460 HP _____

Serial No. _____ Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Johnston Model No. NA Rated RPM _____

Serial No. CFa1224 Type Vertical Turbine No. stages NA

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. No tag

Serial No. _____ Drive Right Angle Ratio 1:1**

WELL INFORMATION:

Date Drilled 1974 Original Depth * ft. Static Water Level When Drilled * ft.

Length of time well has () operated () rested prior to measurement _____ () days () hrs

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

Depth to water _____ ft. below LSD.

ADDITIONAL REQUIREMENTS:

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

Meter Model No. _____ Serial No. _____ Size _____ KS DEPT OF AGRICULTURE

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

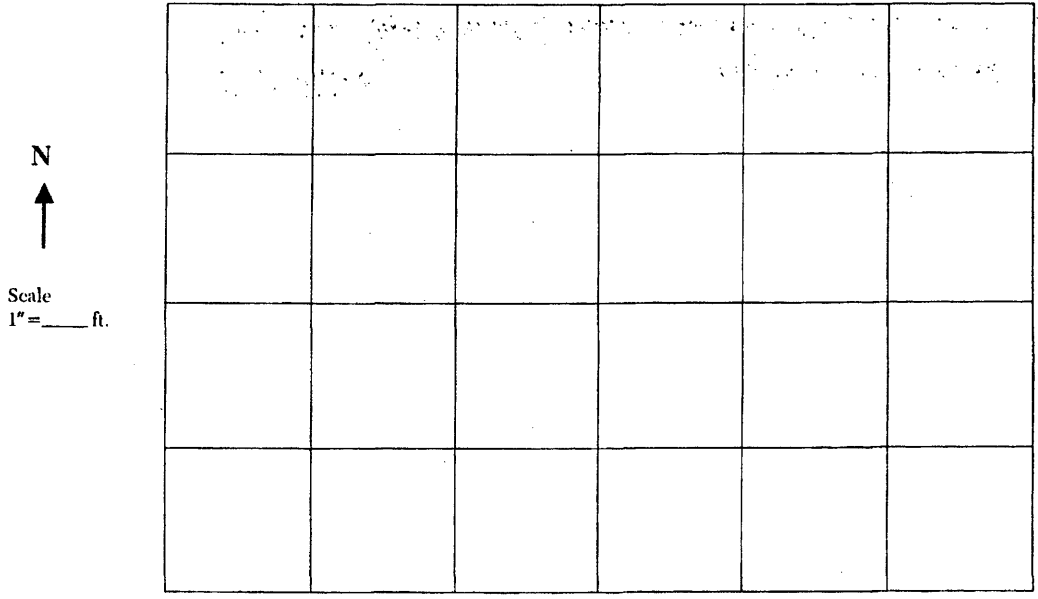
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HAYS001478

21733
SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORK AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Location of test Horizontal pipe between pump and pivot
 Pipe Diameter (I.D.) 8.5/6 inches

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 1664
 R.P.M. PUMP UNIT 1664
 Pressure at Pump 39 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

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

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JUN 29 2015

HAYS001479 DEPT OF AGRICULTURE

SW-NW-SW-33-25-100-01

TABULATION OF WATER USE:

21733

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1974	1884	1000		125
1975				
1976				
1977	607	1000		130
1978				
1979	1224	650		147
1980	1416	650		169
1981	1152	650		137
1982				
1983	881	900		120
* 1984	1750	911**		130
1985	1489	730		130
1986	1368	730		130
1987		911**		

** obtained from test data

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year Soybeans + Watermelon Year of record UNKNOWN

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 _____ Supplier _____
 Rate = $\frac{Volume (test)}{time}$ = _____
 How was the test volume determined? _____

REMARKS: _____

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Person present at test Kent Naber employee of tenant SCANNED
 Water Use Correspondent Jerry Weaver (Agri Affiliates) Box 1162 North Platte NE 69103 308-534-9240
 Conducted by Brag Efest Date 8/6/87 HAYS001480
 Approved by Lil J. Winters, P.E. Date 8/25/87
 21733 (signature) Page 19 of 43

24928

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JUN 29 2015

KS DEPT OF AGRICULTURE
HAYS 001481

APPLICATION 21733

LEGEND

- Well
- Paved System
- XXX Lead On Application
- /// Land Irrigated Presently



Property Owner
L-8-41-8

2519

33-2519

D-5

D-5

35 acms
32-2519

2519



33-2519

32-2519

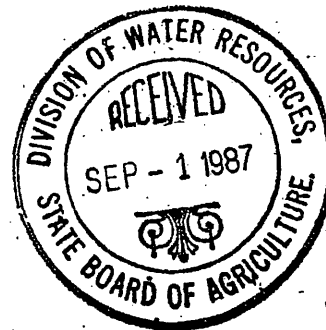
APPLICATION NO: 21,733

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CLOSING 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 RECORD. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTEGRATED 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 CLOSING A YEAR OF RECORD.



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JUN 29 2015

KS DEPT OF AGRICULTURE

RECEIVED

PUMPING PLANT TESTING, INC.

Reviewed by:

[Signature]

HAYS001482

DEC 19 1987

Professional Engineer

SCANNED

MICROFILMED

APPLICATION NO: 21, 733

NAME: Connecticut General Life Ins.

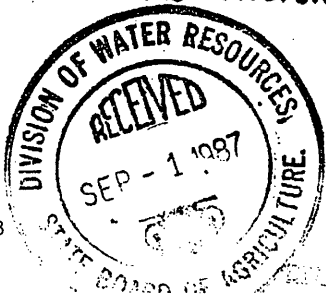
POINTS OF DIVERSION AND SECTION CORNERS

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.

WATER RESOURCES RECEIVED

PUMPING PLANT TESTING, INC. JUN 29 2015



Reviewed by:

Bill J. W...
Professional Engineer

KS DEPT OF AGRICULTURE HAYS001483

...FILMED

MICROFIL

APPLICATION NO: 21733 NAME: Connecticut General Life Ins.

COLLINS METER TEST

Collins Meter No. 1-84 Meter Calibration Factor .9635
 Pipe Inside Diameter (inches) 8 5/16 Flow Rate Factor 167.9
 Test Pressure (psi) 39 Test RPM, Pump 1664
 Description of Test Location Horizontal pipe between pump and pivot

TEST DATA: Check, Initial 6.49 Reversed 6.48
 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 11/16</u>	<u>6.14</u>	<u>6.13</u>	<u>6.35</u>	<u>6.32</u>
<u>2 15/16</u>	<u>5.42</u>	<u>5.46</u>	<u>5.80</u>	<u>5.82</u>
<u>3 13/16</u>	<u>4.93</u>	<u>4.70</u>	<u>5.29</u>	<u>5.20</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.63

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 5.63 x .9635 = 5.42

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 5.42 x 167.9 = 911 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]

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Professional Engineer

SEP 1 1987

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HAYS001484

MICROFILMED



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. 21,733
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 Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 1,356 feet North and 5,021 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 915 gallons per minute (2.04 c.f.s.) and in a quantity not to exceed 189 acre-feet per calendar year for irrigation use on the following described property:

- 23 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
- 23 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$),
- a total of 46 acres in Section 32,
- 3 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
- 37 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
- 37 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
- 3 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),
- a total of 80 acres in Section 33,
- all in Township 25 South, Range 19 West, Edwards County, Kansas.

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DEC 18 1987

MICROFILMED

WATER RESOURCES
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HAYS001499

JUN 29 2015

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.

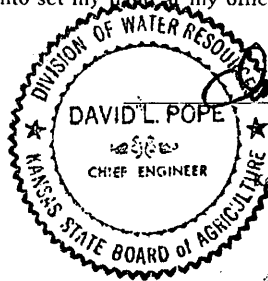
The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

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.

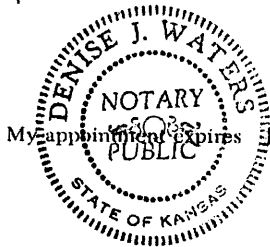
IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 30th day of November, 1987.



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 30th day of November, 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)

**WATER APPROPRIATION
CERTIFICATE**

No. 16,701

STATE OF KANSAS

Water Right, File No. 21,733

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.
HAYS001500

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JUN 29 2015
KS DEPT OF AGRICULTURE

SCANNED

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

To: Files

Date: September 24, 1987

From: Douglas E. Bush

Re: Appropriation of Water
File No. 21,733

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, Inc., has been reviewed. It meets the requirements specified in the Scope of Work. Based on the 1984 Water Use Report, 1,750 hours of pumping the well in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, Township 25 South, Range 19 West, Edwards County, Kansas, provided 294 acre-feet of water for irrigating 126 acres or 2.33 acre-feet per acre. The certificate of appropriation has been drafted using the maximum quantity for irrigating 126 acres or 1.5 acre-feet per acre or 189 acre-feet.

The Field Inspection Report shows that unapproved land is being irrigated. It appears, through observation of the aerial photograph supplied with the Field Inspection Report, unapproved land is not being irrigated to any great extent, if any. Therefore no new application is being sent with the draft certificate.

Douglas E. Bush
Douglas E. Bush
Hydrologist

DEB:jt

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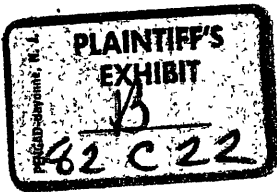
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21733

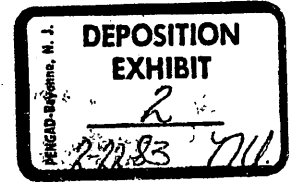


AMERICAN AGRICULTURAL INDUSTRIES, INC.

RURAL ROUTE *1

P. O. BOX 187

KINSLEY, KANSAS 67547



TELEPHONES
AREA CODE 316
659-2668
659-2772
659-3711

TELEX NUMBER
910-740-6720

March 25, 1982

Slentz-McAllaster Inc.

P O Box 38

Lewis, Kansas 67552

Dear Don,

This letter is in reference to our conversation concerning the alfalfa insurance on the alfalfa located at the Lucerne Farms in Kinsley, Kansas.

As of today, we will no longer be responsible for the insurance on the alfalfa that you have paid us for but have not removed from the farm.

Our records show that you have paid us \$ 416,000.00 (this includes the March payment of \$ 52,000.00) for alfalfa. At \$65.00 per ton this figures that you have paid for 6,400 ton of hay. We show that you have removed 2278 bales at 1800 lbs average weight. That is 2050.2 Tons removed. So there is 4,349.80 tons of alfalfa on this farm that you have paid for but you have not removed.

If you have any question on how I have arrived at these figures please contact me.

Best Regards,

Pamela Meadows

Pamela Meadows

Secretary

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*Note: This figure of 2278 removed doesn't include the 54 bales taken this week.

CLERK DIVISION
83 NOV 16 PM 5 05
FILED

EXHIBIT

Page 2 of 43

HAYS004448

SCANNED

LUCERNE FARMS HAY
PRODUCTION

McALLASTERS 4/5 TOTAL BALES ANIBYPRO 1/5

#0		TOTAL BALES	#0	
1st	13		16	1st
2nd	52	65	2nd	13
3rd	83	104	3rd	21
4th	31	39	4th	8
#1		TOTAL BALES	#1	
1st	73		91	1st
2nd	113	141	2nd	28
3rd	127	159	3rd	32
4th	46	58	4th	12
#2		TOTAL BALES	#2	
1st	54		68	1st
2nd	106	133	2nd	27
3rd	144	180	3rd	36
4th	48	60	4th	12
#3		TOTAL BALES	#3	
1st	153		191	1st
2nd	164	205	2nd	41
3rd	373	466	3rd	93
4th	121	152	4th	31
#4		TOTAL BALES	#4	
1st	82		103	1st
2nd	85	106	2nd	21
3rd	170	212	3rd	42
4th	32	40	4th	8
#5		TOTAL BALES	#5	
1st	44		55	1st
2nd	155	194	2nd	39
3rd	135	169	3rd	34
4th	38	47	4th	9
#6		TOTAL BALES	#6	
1st	41		51	1st
2nd	82	103	2nd	21
3rd	164	205	3rd	41
4th	82	102	4th	20
#7		TOTAL BALES	#7	
1st	141		176	1st
2nd	170	212	2nd	42
3rd	206	258	3rd	52
4th	96	120	4th	24
#8		TOTAL BALES	#8	
1st	82		103	1st
2nd	122	153	2nd	31
3rd	177	221	3rd	44
4th	99	124	4th	25

WATER RESOURCES RECEIVED HAYS004449

JUN 29 2015

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#9		
1st	119	149
2nd	194	243
3rd	167	209
4th	82	102

#9	
1st	30
2nd	49
3rd	42
4th	20

#10		
1st	77	96
2nd	261	326
3rd	201	251
4th	118	148

#10	
1st	19
2nd	65
3rd	42
4th	30

#11		
1st	116	145
2nd	208	260
3rd	162	202
4th	42	52

#11	
1st	29
2nd	52
3rd	40
4th	10

#12		
1st	130	162
2nd	302	377
3rd	257	321
4th	110	137

#12	
1st	32
2nd	75
3rd	64
4th	27

#13		
1st	75	94
2nd	122	153
3rd	121	151
4th	13	16

#13	
1st	19
2nd	31
3rd	30
4th	4

#16		
1st	70	88
2nd	144	180
3rd	86	108
4th	15	19

#16	
1st	18
2nd	36
3rd	22
4th	4

#17		
1st	107	134
2nd	218	273
3rd	122	152
4th	42	53

#17	
1st	27
2nd	55
3rd	30
4th	11

#18		
1st	23	28

#18	
1st	6

#19		
1st	47	59
2nd	42	53
3rd	50	63

#19	
1st	12
2nd	11
3rd	13

WATER RESOURCES RECEIVED

#30		
1st	126	158
2nd	157	196
3rd	90	113
4th	18	23

#30	
1st	32
2nd	39
3rd	23
4th	5

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#38		
1st	98	122
2nd	162	202
3rd	95	119
4th	52	65

#38	
1st	24
2nd	40
3rd	24
4th	13

21733

#39

1st	16	20
2nd	26	33
3rd	31	39

#39

1st	4
2nd	7
3rd	8

Total Bales 10776

McAllasters 4/5's 8621

Anibypros 1/5's 2155

*Note In order to come up to 8.000 Tons it will take 8.889 bales of 1800lbs.
This will leave Anibypro 1887 bales

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HAYS004451

21733
 SLENTZ-MCAILLASTER INC.

ALFALFA REMOVED FROM LUCERNE FARMS

	INITIALS	DATE	REFERENCE
PREPARED BY			
CHECKED BY			
APPROVED BY			

DATE	CIRCLE #	CUTTING	AMOUNT OF BALES TAKEN	TONS PER SCALE TICKETS
8-30	7	3rd	52	45.58
	10	3rd	50	43.2
9-7	7	3rd	108	94.34
	12	3rd	104	86.92
9-14	12	3rd	78	66.05
	5	3rd	113	93.85
	10	3rd	116	92.39
	11	2nd	30	18.38
	4	3rd	138	128.08
	12	3rd	30	26.24
9-21	30	3rd	69	57.46
	38	3rd	79	60.97
10-5	6	4th	21	21.97
10-12	8	4th	83	89.20
10-19	7	4th	52	55.89
10-26	9	4th	42	38.54
11-2	10	4th	78	68.8
	12	4th	56	58.83
11-9	9	4th	52	48.76
11-16	2	4th	22	22.82
	9	4th	3	3.00
	8	4th	41	42.36
	10	3rd	20	16.47
	6	4th	26	26.54
	7	4th	34	36.74
11-23	2	4th	22	22.73
	11	4th	26	24.55
	38	4th	52	52.02
12-7	30	4th	22	21.51
	38	4th	4	3.91
12-21	7	3rd	47	41.31
	9	4th	8	7.30
1-4	7	2nd	28	20.98
	7	3rd	11	9.14
	7	4th	15	12.17
1-17	3	4th	60	61.2
1-19	3	4th	28	26.39
	12	4th	56	43.63
1-29	12	3rd	28	18.78
1-30	12	3rd	2	1.75
	12	1st	78	70.52
2-2	5	4th	28	23.51
	12	1st	26	23.17
2-4	7	1st	7	5.44
	7	2nd	8	6.21
	7	3rd	7	5.44
2-11	7	1st	12	10.61
	7	2nd	14	12.38
2-22	30	2nd	52	44.21

21733

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KS DEPT OF AGRICULTURE

HAYS004452

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
Chief Engineer *David L. Pope*

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. <i>450</i>
10 - 40 acres	(+) 450 g.p.m. <i>900</i>
40 - 120 acres	(+) 8 g.p.m./acre <i>580 + 8X</i>
more than 120 acres	(+) 7 g.p.m./acre <i>700 + 7X</i>

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

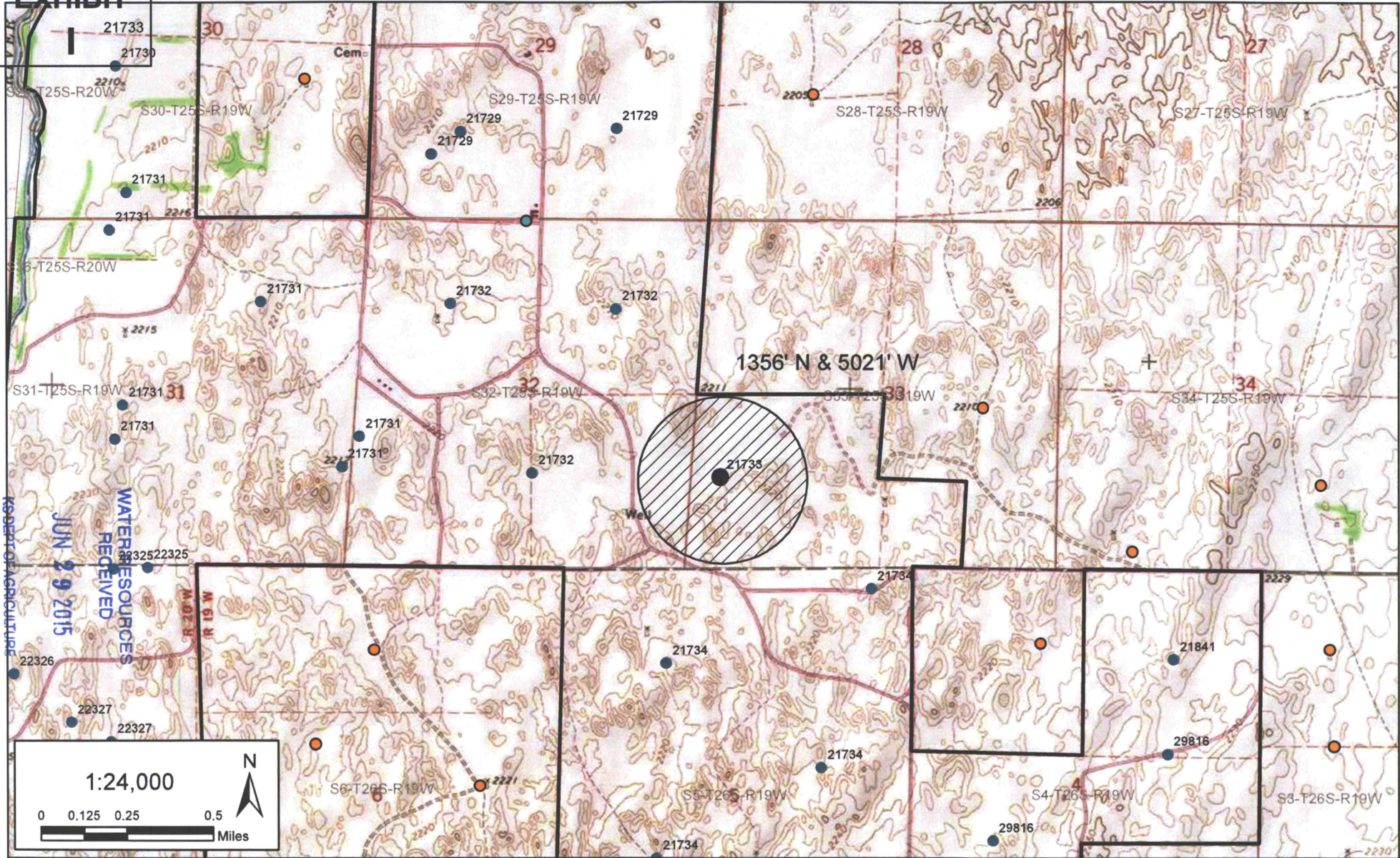
That if an applicant can show that his or her system design is reasonable for the use intended and approval of the proposed rate and/or maximum annual quantity will not impair any senior water right or prejudicially and unreasonably affect the public interest, the Chief Engineer may waive the above guidelines.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

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EXHIBIT



Legend

- 21733 Existing Point of Diversion
- ▨ 21733 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 21733
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Existing R9 Ranch Irrigation Wells



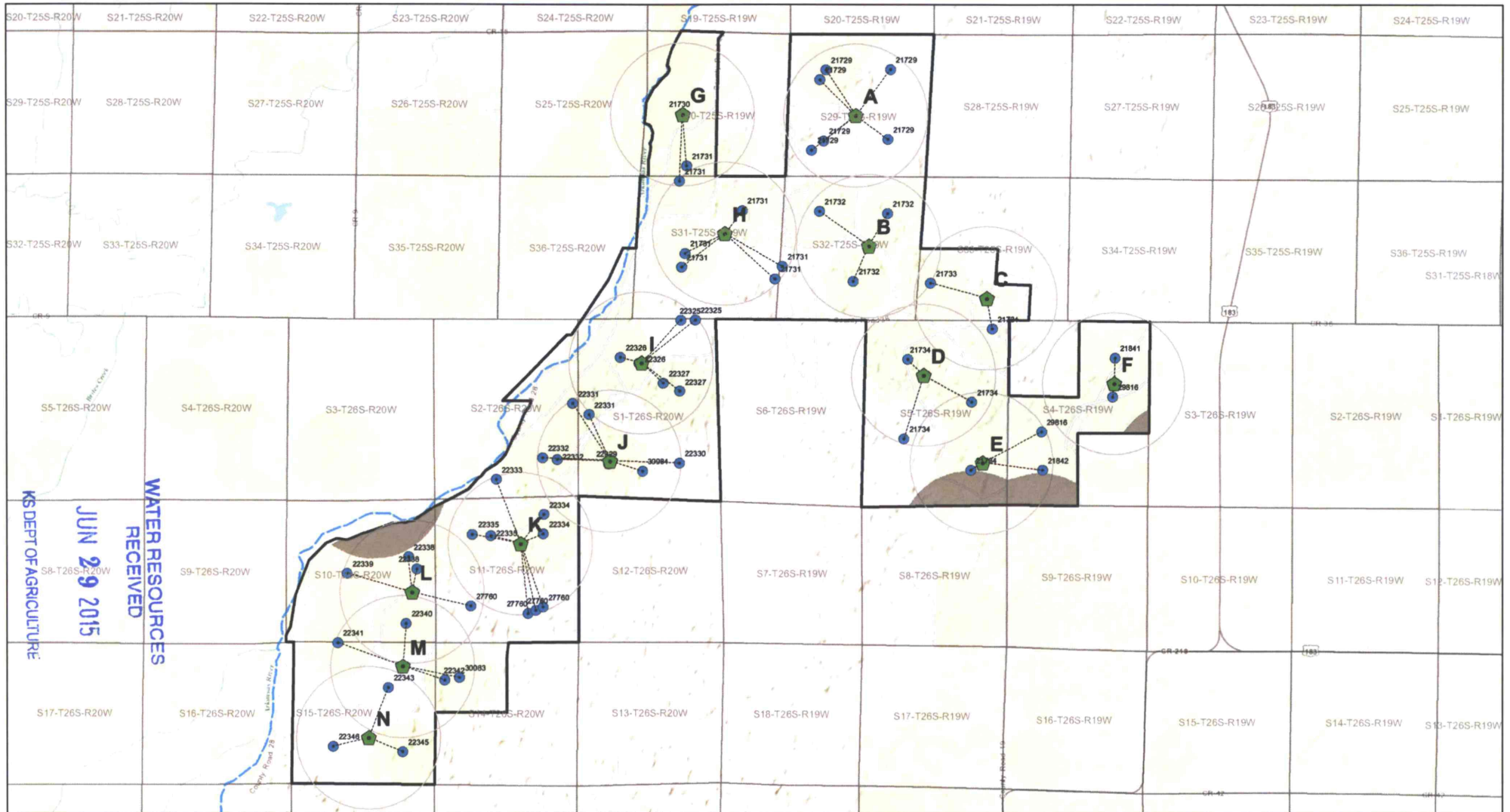
**CHANGE APPLICATION 21733
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION**

SCANNED

EXHIBIT

21733

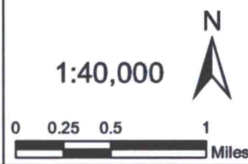
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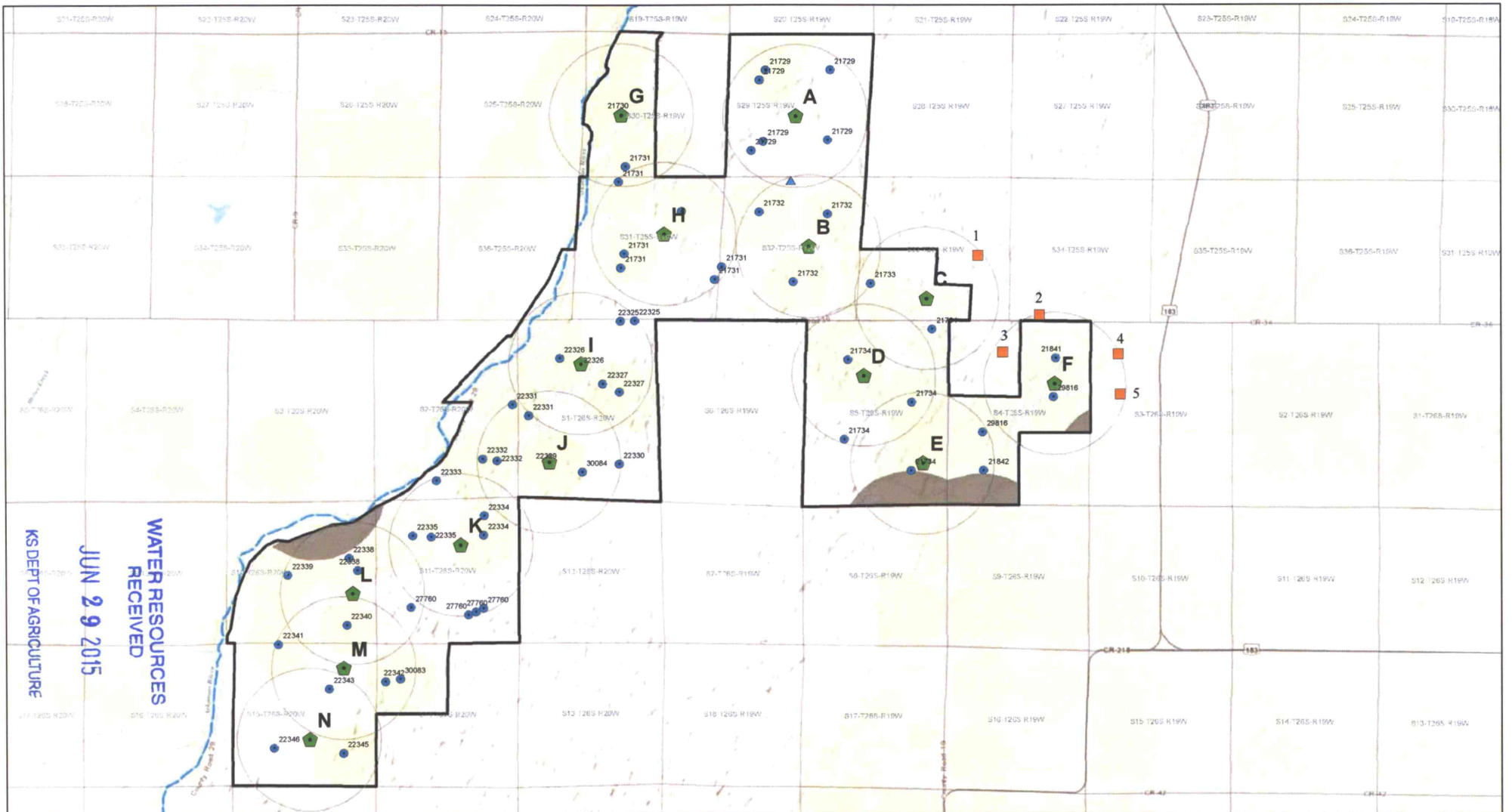
Legend

- 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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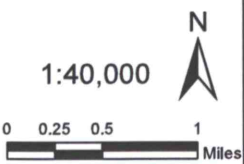
EXHIBIT
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Legend

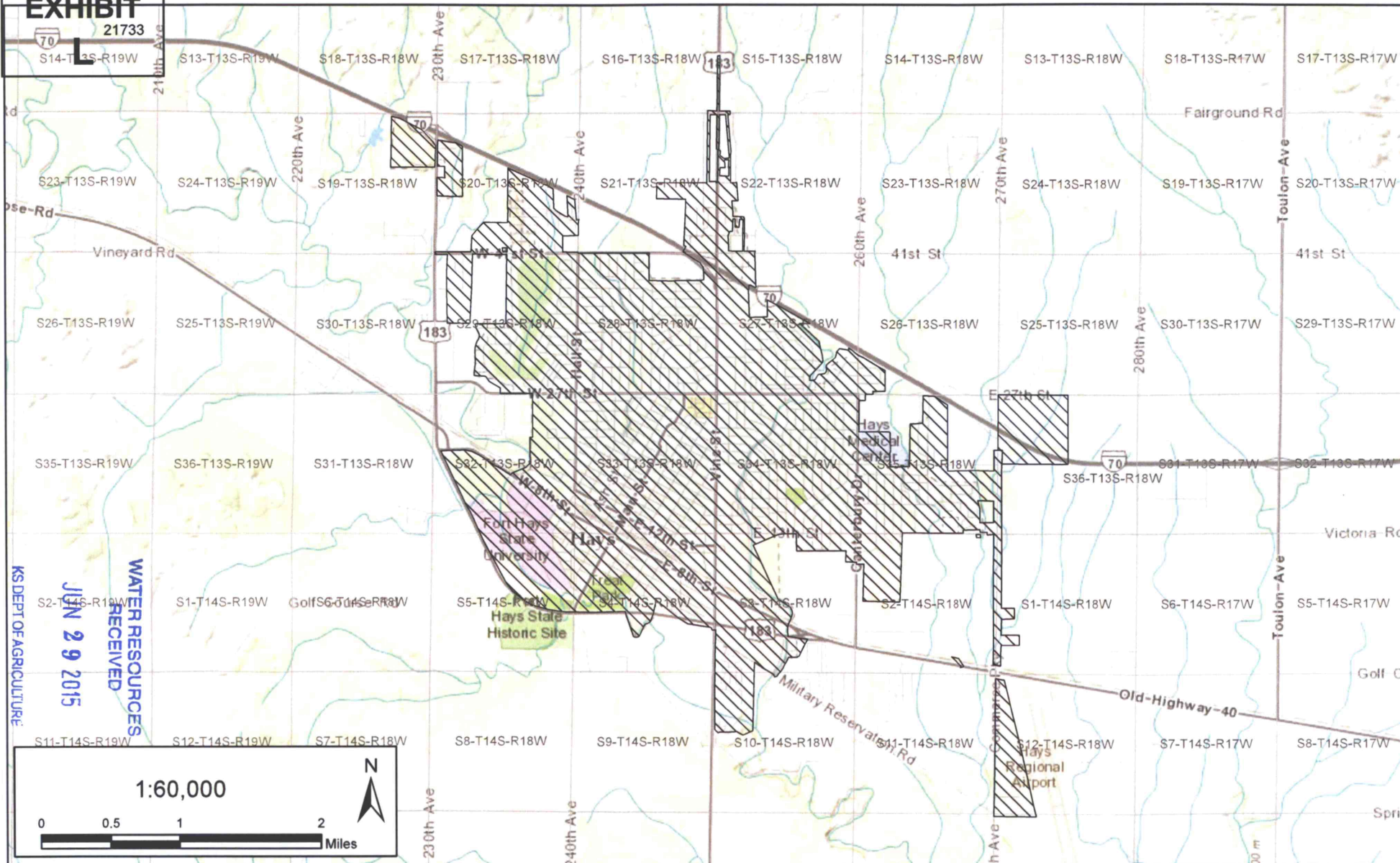
- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- ▲ Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)



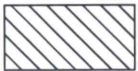
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EXHIBIT

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Proposed Place of Use City of Hays



PLSS Sections

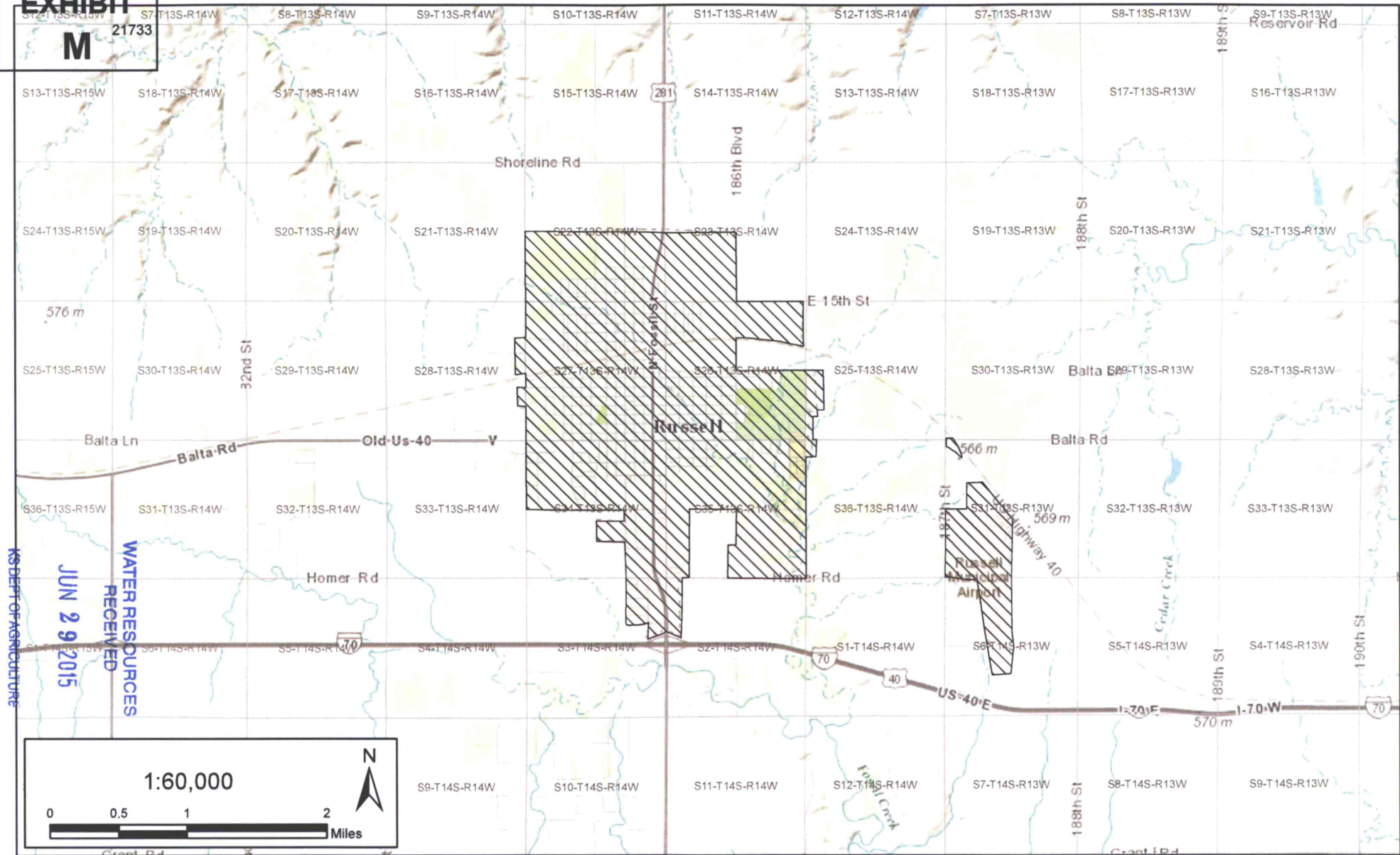


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EXHIBIT

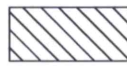
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Proposed Place of Use - City of Russell



PLSS Sections



SCANNED

21733
 Applicant's Name City Of Hays KS
 (Please Print)

MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET

Application File Number

 (assigned by DWR)

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			10,619,000	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	693,866,000			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	

KANSAS DEPT OF AGRICULTURE
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 WATER RESOURCES RECEIVED

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21733
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

$\frac{673,753,000}{21,038} \div 365 \text{ Days/Year} = 88$ 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 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.

21733
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

21,991,000 ÷ 4,475 ÷ 365 Days/Year = 135.9 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 21733 Page 43 of 49 request.

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