

**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 26<sup>th</sup>, 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 29<sup>th</sup>, 2015**. Thus, the June 29<sup>th</sup> date is the correct date and time received by the **Division of Water Resources**.

## Turney, Brent [KDA]

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**From:** Traster, David <dtraster@foulston.com>  
**Sent:** Tuesday, May 1, 2018 5:34 PM  
**To:** Turney, Brent [KDA]; Oleen, Aaron [KDA]  
**Subject:** RE: Quantity per consolidated municipal well File No. 21,734

I think the 890.1 was a mistake. I thought there was a limitation of 810 acre-feet for 21,734 but it turns out that I was looking at draft Certificate. 889.1 is the correct quantity for 21,734. Does this allocation conform to your understanding?

Circle	Municipal Well	Quantity	Allocation
18	C	176.8	176.8
14	D	290.9	591.3
17	D	130.2	
15	D	170.2	
16	E	121	121
		889.1	889.1

### ***Dave***

David M. Traster  
Foulston Siefkin LLP  
1551 N. Waterfront Parkway, Suite 100  
Wichita, Kansas 67206-4466  
Phone: 316-291-9725  
Cell: 316-210-8338  
Fax: 866-347-3138  
E-mail: [dtraster@foulston.com](mailto:dtraster@foulston.com)  
Web Site: [www.foulston.com](http://www.foulston.com)  
Secretary: Amy Pollard-Meek  
(316-291-9741; [apollardmeek@foulston.com](mailto:apollardmeek@foulston.com))

This message contains information from the law firm of Foulston Siefkin LLP that may be confidential and privileged. Unless you are the intended addressee, you may not use, copy, or disclose the message or any information contained in the message to anyone. If you have received this message in error, please notify me immediately by reply e-mail or telephone and delete the message. Thank you for your cooperation.

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**From:** Turney, Brent [KDA] [<mailto:Brent.Turney@ks.gov>]  
**Sent:** May 01, 2018 2:48 PM

**To:** Traster, David; Oleen, Aaron [KDA]

**Subject:** Quantity per consolidated municipal well File No. 21,734

David,

I need a verification of the quantity of water that will go to the three consolidated wells under this right. Below is line out of the items that I needed updated!

21,734 Quantity should be 890.1 AF, not 889.1 AF. Show how much of the 890.1 AF quantity to go to Well C, Well D and Well E.

Thanks,  
Brent

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

David. W. Barfield, P.E.

JUN 26 2015

4:05

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
- Point of Diversion
- Use Made of Water

(Check one or more)

JUN 28 2015  
4:05  
Chief Engineer  
Division of Water Resources  
Kansas Dept. of Agriculture

WATER RESOURCES  
RECEIVED

JUN 29 2015  
8:40  
KS DEPT OF AGRICULTURE

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

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. 2 GMD 5 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source (G) S County ED By KAB Date 6/29/15  
Code C-3 Fee \$ 700 TR # \_\_\_\_\_ Receipt Date 6/22/15 Check # 058328

of 21000- 15653312

SCANNED

6/30/2015 U.M

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

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

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

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

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 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**

WATER RESOURCES RECEIVED

- 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 Lot 1 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section 5, Township 26 South, Range 19 (E/W),  
 in Edwards County, Kansas, 6,538 feet North 525 feet West of Southeast corner of section.  
 Authorized Rate 935 gpm Authorized Quantity 310 a/f  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the SE Quarter of the SW Quarter  
 of Section 33, Township 25 South, Range 19 (E/W),  
 in Edwards County, Kansas, 824 feet North 3,036 feet West of Southeast corner of section.  
 Proposed Rate 777.82 gpm Proposed Quantity 148.04 a/f  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 21,733

9. **Presently authorized point of diversion:**  
 One in the Lot 3 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section 5, Township 26 South, Range 19 (E/W),  
 in Edwards County, Kansas, 5,394 feet North 3,640 feet West of Southeast corner of section.  
 Authorized Rate 1,250 gpm Authorized Quantity 399 a/f  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the SE Quarter of the NW Quarter  
 of Section 5, Township 26 South, Range 19 (E/W),  
 in Edwards County, Kansas, 4,867 feet North 3,107 feet West of Southeast corner of section.  
 Proposed Rate 3,161.18 gpm Proposed Quantity 522.5 a/f  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the Lot 2 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section 5, Township 26 South, Range 19 (E/W),  
 in Edwards County, Kansas, 3,776 feet North 1,306 feet West of Southeast corner of section.  
 Authorized Rate 1,050 gpm Authorized Quantity 367 a/f  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the SE Quarter of the NW Quarter  
 of Section 5, Township 26 South, Range 19 (E/W),  
 in Edwards County, Kansas, 4,867 feet North 3,107 feet West of Southeast corner of section.  
 Proposed Rate 3,161.18 gpm Proposed Quantity 522.5 a/f  
 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**

WATER RESOURCES RECEIVED

- 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 5, Township 26 South, Range 19 (~~E/W~~), in Edwards County, Kansas, 2,348 feet North 3,773 feet West of Southeast corner of section. Authorized Rate 1,500 gpm Authorized Quantity 218 a/f  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the SE Quarter of the NW Quarter of Section 5, Township 26 South, Range 19 (~~E/W~~), in Edwards County, Kansas, 4,867 feet North 3,107 feet West of Southeast corner of section. Proposed Rate 3,161.18 gpm Proposed Quantity 522.5 a/f  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the NE Quarter of the SW Quarter of the SE Quarter of Section 5, Township 26 South, Range 19 (~~E/W~~), in Edwards County, Kansas, 1,264 feet North 1,340 feet West of Southeast corner of section. Authorized Rate 1,035 gpm Authorized Quantity 334 a/f  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NW Quarter of the SE Quarter of the SE Quarter of Section 5, Township 26 South, Range 19 (~~E/W~~), in Edwards County, Kansas, 1,577 feet North 901 feet West of Southeast corner of section. Proposed Rate 861 gpm Proposed Quantity 226.41 a/f  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 29,816 & 21,842

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.

WATER RESOURCES RECEIVED

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

- 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](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
  - a. If a change in the location of the point(s) of diversion is proposed, show:
    - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
    - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
    - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
  - b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
- 17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

See 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.

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

**WATER RESOURCES RECEIVED**



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)

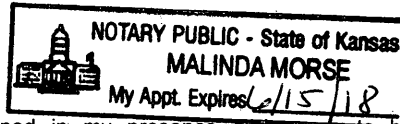
\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(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.

**WATER RESOURCES  
RECEIVED**

**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, 20 15.

[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, 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.

WATER RESOURCES  
RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

### Proposed Rate and Quantity

The Cities are requesting a total of 896.95 acre-feet and 4,800 gpm from the five wells associated with this water right, which will be divided among new points of diversion C, D, and E, as shown on attached Exhibit N. The single well moving to new point of diversion C totals 148.04 acre-feet and 777.82 gpm. The three existing wells moving to new point of diversion D total 522.5 acre-feet and 3,161.18 gpm. The single well moving to new point of diversion E totals 226.41 acre-feet and 861 gpm.

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 gpm. New point of diversion D will have a cumulative quantity of 522.5 acre-feet and 3,161.18 gpm. And when combined with existing wells from other water rights, new point of diversion E will have a cumulative total of 518.92 acre-feet and 2,561 gpm.

The proposed rate was capped at the overall limitation of 4,800 gpm by dividing the maximum rate for each of the five wells by the total rate for all of the wells (5,770 gpm) to determine the relative percentage of each well's rate. The 4,800 gpm rate was then allocated using the resulting percentages.

### 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 725.76 acre-feet from this water right for municipal use.<sup>1</sup> As discussed below, 672 approved acres were irrigated during the perfection period; 672 acres multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 725.76 acre-feet.<sup>2</sup>

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.<sup>3</sup>

#### *Quantity authorized and perfected*

The permit was issued on February 27, 1976, granting the applicant the right to divert up to 1,352 acre-feet annually at a rate not to exceed 4,800 gallons per minute for irrigation use<sup>4</sup> on 677 acres in Sections 5 and 33-T26S-R19W.<sup>5</sup> The certificate further limited the quantity to 1,040 acre-feet and a rate of 4,800 gallons per minute.<sup>6</sup>

In the cover letter transmitting the permit, DWR made findings of fact stating that "the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are

<sup>1</sup> K.A.R. 5-5-9(a) and (a)(1).

<sup>2</sup> K.A.R. 5-5-12, NIR Requirements.

<sup>3</sup> K.A.R. 5-5-9(b).

<sup>4</sup> Permit, HAYS001884, Ex. A.

<sup>5</sup> Application, HAYS001879, Ex. B.

<sup>6</sup> Certificate, HAYS001608, Ex. C.

observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”<sup>7</sup>

As discussed below, the Field Inspection Reports indicate that a total of 540 acres were irrigated during the perfection period. However, K.A.R. 5-5-9 refers to “the maximum acreage legally irrigated under the authority of the water right in *any* one calendar year during the perfection period.”<sup>8</sup> The map attached to the application clearly shows that the system was in place on all five circles<sup>9</sup> and the 1975 and 1977 water use reports<sup>10</sup> show that water was used on all five circles.<sup>11</sup>

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

- 399 acre-feet were applied to 170 approved acres in the N/2 of Section 5 and the SE/4 of Section 32-T26S-R19W.<sup>12</sup>
- 274 acre-feet were applied to 130 approved acres in the SE/4 of Section 5-T26S-R19W.<sup>13</sup>
- 298 acre-feet were applied to 130 approved acres in the NE/4 of Section 5-T26S-R19W.<sup>14</sup>
- 237 acre-feet were applied to 85 approved acres in the NE/4 of Section 5 and the S/2 of Section 33-T26S-R19W.<sup>15</sup>

Because all five circles were irrigated in 1977, for change application purposes, the maximum acreage legally irrigated during *any* one calendar year during the perfection period must be the 515 acres irrigated plus the total acres irrigated in Circle 15. This adds an additional 157 acres to the total.<sup>16</sup> Thus, the maximum legally irrigated acres for this water right is 672 acres.

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.

<sup>7</sup> The cover letter for this permit was not provided by DWR but there was a cover letter with this language. The cover letter is a standard form letter and was included with the permits for the five other water rights issued to the owners of the property on the same day, February 27, 1976. HAYS000670, HAYS000766, HAYS001009, HAYS001327, and HAYS001490. Moreover, the same language was used to transmit the permits issued in May of 1975 (See, e.g.: HAYS02022 and HAYS02101.) and in March of 1976 (See, e.g.: HAYS002210, HAYS 002321, HAYS002419.). Ex. D

<sup>8</sup> K.A.R. 5-5-9(a)(1) (emphasis added). See also §§ (a)(2)(A) and (B): “the maximum acreage legally irrigated in *any* one calendar year during the perfection period” (emphasis added).

<sup>9</sup> HAYS001882, Ex. B.

<sup>10</sup> HAYS001765-1766, Ex. E.

<sup>11</sup> While the 1977WUR states that only 105 acres were irrigated, that number is clearly incorrect.

<sup>12</sup> FIR, HAYS001850, Ex. F.

<sup>13</sup> FIR, HAYS001857, Ex. G.

<sup>14</sup> FIR, HAYS001862, Ex. H.

<sup>15</sup> FIR, HAYS0001867, Ex. I.

<sup>16</sup> FIR, HAYS001877, Ex. J.

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Since alfalfa was grown on Circles 14, 16, 17, and 18 in at least one year during the perfection period,<sup>17</sup> it is reasonable to use the NIR for alfalfa, which yields a total quantity of 896.95 acre-feet consumed.

*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.<sup>18</sup> 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 1,040 acre-feet set out in the certificate percolates back to the aquifer, then 72%, or 748.80 acre-feet, should be available for conversion to municipal use.<sup>19</sup> This is less than the 1,208 acre-feet authorized so the limitation in K.A.R. 5-5-9(a)(4) is not implicated.

The City requests that DWR approve a total of 896.95 acre-feet for municipal use.

---

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

<sup>18</sup> Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. L, 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.

<sup>19</sup> DWR calculates the perfected quantity for water rights with multiple places of use based on a single year of record even when the total quantity used on multiple places of use is higher if multiple years of record were allowed. Since change applications are also based on use in "any one calendar year" (see footnote 7, supra), this alternative method must be based on the quantity actually perfected in a single year.

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. 21,734 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 five (5) wells: one well approximately 140 feet East and 460 feet South of the Northwest corner of Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), one well in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), one well near the center of the West Half (W $\frac{1}{2}$ ) of Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), one well in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) and one well in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 5, Township 26 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

4800 gallons per minute (10.70 c.f.s.)

and to a quantity of not to exceed

1352 acre-feet

for any calendar year.

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KS DEPT OF AGRICULTURE

21784 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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HAYS001885 KS DEPT OF AGRICULTURE



EXHIBIT  
2

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

Roy Freeland, Secretary

*Model check \$50 1-2-74  
Ch. from Wilson & Frame  
sa.*

DIVISION OF WATER RESOURCES

Guy E. Gibson, Chief Engineer

NUMBER 21734

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:

(Mr.) MIDWEST LAND & CATTLE COMPANY \* SEE LETTER  
(Mrs.) 910 JOHN CARSON, MANAGER DATED 8-8-75

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

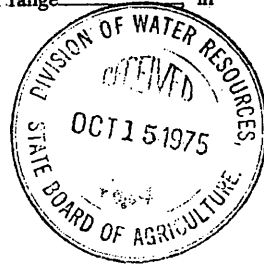
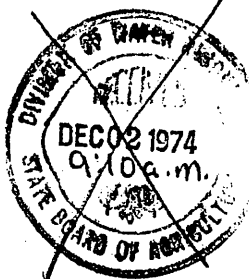
and makes application to the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture, for a permit to appropriate for beneficial use such unappropriated ground water  
(surface water or groundwater)  
as may be available in Arkansas River Basin in the county of Edwards  
(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 1352 acre feet per year, to be  
(acre feet or million gallons)  
diverted at a maximum rate of 4800 gals per minute  
(gallons per minute or cubic feet per second) See back page

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

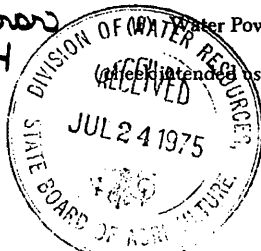
3. The water is intended to be appropriated for:



- |                          | Amount                                             |
|--------------------------|----------------------------------------------------|
| (a) Domestic use ( )     | _____                                              |
| (b) Municipal use ( )    | _____                                              |
| (c) Irrigation use (x)   | <u>1352 Acre ft</u><br><u>4800 gals per minute</u> |
| (d) Industrial use ( )   | _____                                              |
| (e) Recreational use ( ) | _____                                              |
| (f) Water Power use ( )  | _____                                              |

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Received 1-2-74  
9:10 a.m.  
dw*



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\* GUY E. GIBSON  
HAYS001879  
9-9-75



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~~ *MIDWEST LAND & CATTLE CO.*
- ~~W. A. McQuiddy, 1210 S. Fordham, Perryton, Texas~~ *C/O JOHN CARSON, MGR.*
- ~~Drew Ellis, 823 S. Indiana, Perryton, Texas~~ *KINSLEY, KS. 67547*
- ~~John O. Ellis Jr., P. O. Box 610, Perryton, Texas~~ *\* SEE LETTER*
- ~~H. C. Brillhart Jr., P. O. Box 576, Perryton, Texas~~ *DATED 8-8-75*
- ~~Ward B. Sherrill, P. O. Box 399, Perryton, Texas~~ *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 $\frac{1}{4}$	
			<i>lot 1</i>	<i>lot 2</i>			<i>lot 3</i>	<i>lot 4</i>											
5	26	19	71 <del>61</del>	78 <del>63</del>	38	33 <del>37</del>	85 <del>78</del>	66 <del>78</del>	25 <del>23</del>	53 <del>23</del>	40 <del>43</del>	57 <del>41</del>	0 <del>28</del>	12 <del>28</del>	31 <del>26</del>	33 <del>26</del>	27 <del>28</del>	33 <del>28</del>	650
33	25	19											2	20	1	5	0	0	27
33	25	19											20			5			677

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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#60 HAYS001880  
9-9-75

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7. The works for diversion of water will consist of 5 wells and pumps and five circle  
irrigation systems with wells and pumps being located at the pivot of each 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

~~8/15/73~~

(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

Proprietor

(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.

M1-529



5-72-10M 6ETS

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JUL 15 1974

HAYS001881

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FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD

Location of wells are as follows:

- Near the center of the W $\frac{1}{2}$  of lot 3 in section 5-26-19* *RC*
- \* Approximately the middle on the western edge of Lot 3 in Section 5-26-19  
 NW/4 of NE/4 of SW/4 in said section  
 NW/4 of SE/4 of SW/4 in said section  
~~NW/4 of SE/4 of NW/4 in said section~~ *NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  in said section* *RC*
  - \* Approximately the middle of the upper half of Lot 2 in said section  
*APPROX. 140' east & 460' south of NW corner of Lot 1 in said section*
  - \* Section 5-26-19 is an "over sized" section because it lies just south of a survey correction line. Therefore, instead of having four northern descriptive 40 acres such as the NW/4 of NW/4, the NE/4 of NE/4 etc., it has Lots 1, 2, 3 and 4 which are each approximately 87 acres. *RC*

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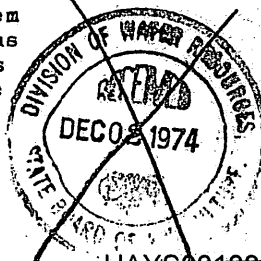
HAYS001882



The irrigation systems whose pivots are at points A and B cover 167 acres and have a radius of 1522 feet. The system whose pivot is at point C covers 112 acres and has a radius of 1250 feet. The system whose pivot is at point D covers 125 acres and has a radius of 1320 feet. The system whose pivot is at point E covers 105 acres and has a radius of 1205. All five of these systems are served by one well and pump at the pivot.

There is a windmill and small pond at point W

*Date stamp error  
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dw*



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HAY5004883



**KANSAS DEPARTMENT OF AGRICULTURE**  
Adrian J. Polansky, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David L. Pope, Chief Engineer

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

WATER RIGHT, File No. 21,734

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 Department 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 to be withdrawn by means of five (5) wells;

one (1) well (identified by the City of Hays as Well # 18) located in Lot 1 of Section 5, more particularly described as being near a point 6,538 feet North and 525 feet West of the Southeast corner of said section, at a diversion rate not in excess of **935 gallons per minute (2.08 c.f.s.)** and a quantity not to exceed **310 acre-feet** of water per calendar year,

one (1) well (identified by the City of Hays as Well # 14) located in Lot 3 of Section 5, more particularly described as being near a point 5,394 feet North and 3,640 feet West of the Southeast corner of said section, at a diversion rate not in excess of **1,250 gallons per minute (2.78 c.f.s.)** and a quantity not to exceed **399 acre-feet** of water per calendar year,

one (1) well (identified by the City of Hays as Well # 17) located in Lot 2 of Section 5, more particularly described as being near a point 3,776 feet North and 1,306 feet West of the Southeast corner of said section, at a diversion rate not in excess of **1,050 gallons per minute (2.34 c.f.s.)** and a quantity not to exceed **367 acre-feet** of water per calendar year,

one (1) well (identified by the City of Hays as Well # 15) located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW¼ NE¼ SW¼) of Section 5, more particularly described as being near a point 2,348 feet North and 3,773 feet West of the Southeast corner of said section, at a diversion rate not in excess of **1,500 gallons per minute (3.34 c.f.s.)** and a quantity not to exceed **218 acre-feet** of water per calendar year,

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STAFFORD FIELD OFFICE  
DIVISION OF WATER RESOURCES

**MICROFILMED HAYS001608**

one (1) well (identified by the City of Hays as Well # 16) located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 5, more particularly described as being near a point 1,264 feet North and 1,340 feet West of the Southeast corner of said section, at a diversion rate not in excess of **1,035 gallons per minute (2.31 c.f.s.)** and a quantity not to exceed **334 acre-feet** of water per calendar year,

all in Township 26 South, Range 19 West, Edwards County, Kansas,

for irrigation use on the following described property:

24 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
18 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ),

a total of 42 acres in Section 33, Township 25 South,

68 acres in Lot 1 (E $\frac{1}{2}$  NE $\frac{1}{4}$ ),  
58 acres in Lot 2 (W $\frac{1}{2}$  NE $\frac{1}{4}$ ),  
37 acres in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ),  
33 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$ ),  
86 acres in Lot 3 (E $\frac{1}{2}$  NW $\frac{1}{4}$ ),  
69 acres in Lot 4 (W $\frac{1}{2}$  NW $\frac{1}{4}$ ),  
31 acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ),  
34 acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ),  
39 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
38 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
6 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
11 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ),  
29 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ),  
37 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ),  
31 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ),  
28 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ),

a total of 635 acres in Section 5, Township 26 South,

all in Range 19 West, Edwards County, Kansas.

The maximum authorized acres that were lawfully irrigated in any one calendar year during the perfection period were 540 acres.

This appropriation right is further limited to a diversion rate which when the wells operate simultaneously will provide a maximum diversion rate not in excess of **4,800 gallons per minute (10.7 c.f.s.)** for irrigation use on the property described herein.

This appropriation right is further limited to a total quantity of water not to exceed **1,040 acre-feet** of water per calendar year for irrigation use on the land described herein.

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DIVISION OF WATER RESOURCES

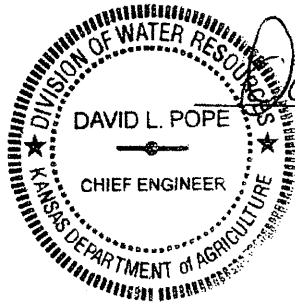
MICROFILMED

HAYS001609

All terms, conditions and limitation applicable to the Appropriation of Water not expressly changed or removed by the issuance of the Certificate of Appropriation remain in full force and effect. Failure to comply with those terms, conditions and limitations, and those added or amended by this Certificate, will result in the suspension of this appropriation right or revocation and dismissal of this appropriation right.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 19<sup>th</sup> day of January, 2006.



*David L. Pope*

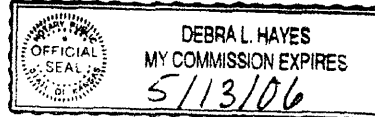
David L. Pope, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                                  ) SS  
County of Shawnee )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of January, 2006, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*Debra L. Hayes*

Notary Public



SCANNED

WATER RESOURCES  
RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

RECEIVED

FEB 16 2006

STAFFORD FIELD OFFICE  
DIVISION OF WATER RESOURCES

MICROFILMED  
HAYS001610

E-N<sup>2</sup>

February 27, 1976

2/27/76

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

Re: Appropriation of Water  
Application No. 21,729

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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WATER RESOURCES  
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KS DEPT OF AGRICULTURE

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MAR 8 1976

MICROFILMED  
5000670

RMD:ee1

Encs.



E-N<sup>2</sup>

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.

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Very truly yours,

Riley M. Dixon  
Hydrologist

RMD:ee1

Encs.

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MAR 8 1976

MICROFILMED

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD

E-N<sup>2</sup>

February 27, 1976

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

Re: Appropriation of Water  
Application No. 21,731  
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.

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Very truly yours,

WATER RESOURCES  
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JUN 29 2015

Riley M. Dixon  
Hydrologist

SCANNED

KS DEPT OF AGRICULTURE

RMD:ee1

Encs.

RECEIVED

MAR 8 1976

MAR 8 1976  
FILMED

EN<sup>2</sup>

February 27, 1976

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

Re: Appropriation of Water  
Application No. 21,732

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.

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Very truly yours,

Riley M. Dixon  
Hydrologist

WATER RESOURCES  
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JUN 29 2015

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MAR 8 1976 MICROFILMED

RMD:ee1

Encs.

E-N<sup>2</sup>

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.

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Very truly yours,

WATER RESOURCES  
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Riley M. Dixon  
Hydrologist

JUN 29 2015

SCANNED

KS DEPT OF AGRICULTURE

RMD:ee1

RECEIVED

Encs.

MICROFILMED  
MAR 8 1976

*Handwritten marks: a large 'E' and a '2' at the top right, and a squiggle below it.*

May 29, 1975

Mr. Clarence A. Wilson  
2610 North Van Buren  
Hutchinson, Kansas 67501

Re: Appropriation of Water  
Application No. 21,841  
*ED*

Dear Mr. Wilson:

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.

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Very truly yours,

Riley M. Dixon  
Hydrologist

WATER RESOURCES  
RECEIVED

JUN 29 2015

SCANNED

KS DEPT OF AGRICULTURE

RMD:eel  
Encs.  
cc: Full Service Insurance, Inc.

RECEIVED

*Handwritten:* HAYS002022  
**MICROFILMED**

*Handwritten marks: "R" at top right, "FD" in the middle, and a squiggle at the bottom right.*

May 29, 1975

Mr. Clarence A. Wilson  
2610 North Van Buren  
Hutchinson, Kansas 67501

Re: Appropriation of Water  
Application No. 21,842  
*FD*

Dear Mr. Wilson:

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.

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Very truly yours,

Riley M. Dixon  
Hydrologist

WATER RESOURCES  
RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

RMD:ee1  
Encs.  
cc: Full Service Insurance, Inc.

RECEIVED

HAYS002101

SCANNED JUN 9 1975

MICROFILMED

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD

*Handwritten marks: E, N, and a large scribble.*

March 19, 1976

Midwest Land and Cattle Co.  
Box 208  
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water  
Application No. 22,325  
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.

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Very truly yours,

Riley M. Dixon  
Hydrologist

WATER RESOURCES  
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SCANNED

JUN 29 2015

RMD:GEE:ee1

RECEIVED KS DEPT OF AGRICULTURE

Encs.

MAR 29 1976 HAYS002210

MICROFILMED

DIVISION OF WATER RESOURCES  
STAFFORD

2

E-N

March 19, 1976

Midwest Land and Cattle Co.  
Cox 208  
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water  
Application No. 22,326

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.

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Very truly yours,

Riley M. Dixon  
Hydrologist

WATER RESOURCES  
RECEIVED

SCANNED

JUN 29 2015

RECEIVED KS DEPT OF AGRICULTURE

RMD:GEE:ee1

Encs.

MAR 29 1976  
MICROFILMED HAYS002321  
FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD



2

E-N

March 19, 1976

Midwest Land and Cattle Co.  
Box 208  
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water  
Application No. 22,327

Gentlemen:

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Very truly yours,

WATER RESOURCES  
RECEIVED

JUN 29 2015

Riley M. Dixon  
Hydrologist

KS DEPT OF AGRICULTURE

RECEIVED

RMD:GEE:ee1

Encs.

SCANNED MAR 29 1976

FIELD OFFICE HAYS002419

DIVISION OF WATER RESOURCES  
STAFFORD  
MICROFILMED

167  
17  
14

**EXHIBIT**  
21734

**E**

REPORT FOR IRRIGATION WATER USE  
FOR 1975

If you have disposed of your interest in this water right, will you please forward this form to the present holder of the right, or notify us as to whom we should contact regarding the water right.

This report applies to: (check one only)

( ) A vested right

(X) Appropriation right, Application No. 21734

Place of use is in Edwards County, Kansas

Reporting on:

(X) Wells

( ) Stream bank pumping plants

Location of each well  
battery of wells,  
or stream-bank  
pumping plant

Hours Pumped  
and Average  
Pumping Rate

Hours GPM

If Water  
is Metered

1      Gallons

2      Acre Feet

(Check Units Used)

If Source is Groundwater  
WELL INFORMATION

Date  
Measured

Depth  
to  
Water

Depth  
of  
Well

Location of each well battery of wells, or stream-bank pumping plant	Hours Pumped and Average Pumping Rate	Hours GPM	If Water is Metered	Date Measured	Depth to Water	Depth of Well
<i>nr. Cr. of the west side</i> <i>of lot 3</i> $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 5 T26 R19w	1128	1300				
<i>nr. Cr. of the</i> <i>lot 3</i> $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 5 T26 R19w	1080	1300				
$\frac{1}{4}$ NA $\frac{1}{2}$ CTR $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 5 T 26R 19w	1632	1000				
$\frac{1}{4}$ NE $\frac{1}{2}$ Cr. $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 5 T 26R 19w	1812	1000				
<i>nr. Cr. north side between</i> <i>lots 1 &amp; 2 in NE <math>\frac{1}{4}</math></i> Sec 5 T 26R 19w	1428	1000				
$\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Sec T R						
$\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Sec T R						
$\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Sec T R						
$\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Sec T R						
$\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Sec T R						
$\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Sec T R						
$\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Sec T R						

Show number of acres irrigated under this right during ~~1974~~ <sup>1975</sup> 460

WATER RESOURCES  
RECEIVED

SCANNED JUN 29 2015

Signature

*Larry Kinnell*  
MIDWEST LAND & CATTLE CO.  
R. R. 1 BOX 82E  
KINSLEY, KANSAS 67547

Date

RECEIVED

Mailing Address

KINSLEY, KANSAS 67547

DIVISION OF WATER RESOURCES  
RECEIVED  
JAN 28 1975  
HAYS 001765  
KS DEPT OF AGRICULTURE  
MICROFILMED

(Rev. 1974)

21734

MAR 1 1975

WATER USE REPORT AND ASSESSMENT FORM  
for  
BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO. 5

Acres 14, 15, 16, 17

2 X

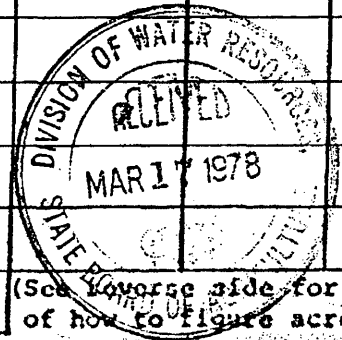
Name Paul Mann and First National Investors Corporation, Inc. Water Application # 21,734  
Address 453 South Webb Road City Wichita State Kans Zip Code 67207  
County Edwards Township Name South Brown

Fill out a separate report for each vested right and each appropriation right or permit. Identify each by vested right code or application number above.

This report applies to: (X only 1)      A vested right   X   Appropriation right

Purpose of use:   X   Irrigation;      Municipal\*;      Industrial\*;      Recreational\*

	Hours Pumped and Average Pumping Rate		If Water is Metered		WELL INFORMATION (if available)		
	Hours	GPM	1 Gallons	2 Acre-feet	Date Measured	Depth to Water	Depth of Well
Lot 1 18 <u>NE 1/4 NE 1/4</u> Sec 5 T 26 R 19	577	1200	127 Ac ft				
14 Lot 3 <u>NE 1/4 NW 1/4</u> Sec " T " R "	596	1500	164 Ac ft				
15 <u>NW 1/4 NE 1/4 SW 1/4</u> Sec " T " R "	789	1500	217 Ac ft				
16 <u>NW 1/4 SE 1/4 SE 1/4</u> Sec " T " R "	853	1000	156 Ac ft				
17 <u>NE 1/4 SW 1/4 NE 1/4</u> Sec " T " R "	913	5200	201 Ac ft				
<u>    </u> <u>    </u> <u>    </u> Sec <u>    </u> T <u>    </u> R <u>    </u>							
TOTAL	MAR 10	10 P M					



If irrigation use, total acres irrigated REYSSES Type of fuel for pump NATURAL GAS

Crop(s) irrigated under this right ALFALFA

I hereby affirm that the statement of water use on this form contains a full and true account of such water use by me, to the best of my knowledge and belief.

Date 3-2-78 RECEIVED

Paul Mann  
Signature of person filing this report

AUG 28 1978

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD

Signature of tenant, who is the owner  
RECEIVED

Owner's address  
SCANNED  
JUN 29 2015  
KS DEPT OF AGRICULTURE

THIS FORM MUST BE FILLED OUT BY ALL WATER USERS! [Those using less than one (1) acre-foot total water usage (not per acre) need not report.]

Prescribed under the authority of K.S.A. 82a-1030. Big Bend Groundwater Management District No. P O Box 125, St. John, KS 67576. Call us if you need assistance. (316) 549-3891.  
21734 Page 32 of 71

HAYS001766  
MICROFILMED

\*ALL MUNICIPAL, INDUSTRIAL, AND RECREATIONAL USERS MUST FILL OUT THE REVERSE SIDE OF THIS FORM.

**EXHIBIT**  
21734  
**F**

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



- Partial
- Full
- Re-Test

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

Test 1 of 5 Diversion points County Edwards  
#14

Application No. 21,734 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc  
Ebery Stegman

Current Landowner Connecticut General Life Insurance Co. Phone No. (308) 534-9240  
% Jerry Weaver

Address PO, Box 1162, North Platte, NE 69103  
 Additional landowners and addresses identified in remarks section.

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

Source:  
(x) Groundwater ( ) Surface Water Basin/Stream Rattlesnake Creek

Authorized Point of Diversion: NC W/2 of Lot 3 Sec. 5, T. 26, R. 19, ID No. 02  
Approximately - ft. North and - ft. West of SE corner of Sec. -

Actual Point of Diversion: NC W/2 of Lot 3 Sec. 5, T. 26, R. 19  
Approximately 5424 ft. North and 3735 ft. West of SE corner of Sec. 5  
How were distances determined? Scaled from AISC aerial photo.

"Approved" Quantity 1352 AF "Approved" Diversion Rate 4800 g.p.m. ( 10.7 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>5</u>	<u>26</u>	<u>19</u>	<u>71</u>	<u>78</u>	<u>38</u>	<u>33</u>	<u>85</u>	<u>66</u>	<u>25</u>	<u>33</u>	<u>40</u>	<u>37</u>	<u>8</u>	<u>12</u>	<u>31</u>	<u>33</u>	<u>27</u>	<u>33</u>	<u>650</u>
<u>33</u>	<u>25</u>	<u>19</u>												<u>2</u>	<u>20</u>			<u>5</u>	<u>27</u>
																			<u>677</u>

**LAND IRRIGATED—YEAR OF RECORD 1986**

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>5</u>	<u>26</u>	<u>19</u>		<u>11</u>	<u>6</u>		<u>84</u>	<u>60</u>											<u>161</u>
<u>32</u>	<u>25</u>	<u>19</u>															<u>4</u>	<u>5</u>	<u>9</u>
																			<u>170</u>

**TESTED DIVERSION RATES**

Maximum G.P.M. \_\_\_\_\_ (c.f.s. \_\_\_\_\_) Normal G.P.M. 1247 (c.f.s. 2.78)

DEC 20 1993

**FOR D.W.R. USE ONLY**

Year of Record 1986 Extension of time needed: Yes (x) No ( ) Attached? yes ( ) no (x)

Ac. Ft. Applied = 1737 hrs. x 1247 g.p.m. x  $\frac{4.419}{24 \times 1000}$  = 399 AF

"Approved" Land irrigated 170 acres, with 399 AF = 2.25 AF/acre

Total AF (including overlapping files) 399 (2.25 AF/acre)

170 acres x 2.0 A.F. per acre = 340 AF

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JUN 29 2015

KS DEPT OF AGRICULTURE

Perfected Rate 1250 g.p.m. ( 2.79 c.f.s.) Perfected Quantity 310 AF

DWR-10121734

Completed by Pedra 83019105 E L...  
9-13-93

Revised January 1987

HAYS001850

MICROFILMED

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Valley Model 4871 Serial No. 48563

Drive:  Water  Electric Length of Pivot Arm 11 towers acres irr. 170

Design Pressure-Pivot \_\_\_\_\_ p.s.i. Operating Pressure-Pivot \_\_\_\_\_ p.s.i.

Is there an End Gun? (x) yes ( ) no Is end gun operating during Test (x) 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. \_\_\_\_\_

Center pivot has a low-pressure water pattern.  
unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 IIP \_\_\_\_\_

Serial No. LSG-875B-6003-C Fuel Natural Gas Rated RPM \_\_\_\_\_

PUMP INFORMATION:

Manufacturer Johnston Model No. NA Rated RPM \_\_\_\_\_

Serial No. CFD1236 Type Vertical Turbine No. stages NA

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. 580

Serial No. 87989 Drive Right Angle Ratio 5:4

WELL INFORMATION: NO INFORMATION AVAILABLE EXCEPT NOTE IN FILES THAT STATES WELL HAD DRILL COMPLETED PRIOR TO JANUARY 1973.

Date Drilled \_\_\_\_\_ Original Depth \_\_\_\_\_ ft. Static Water Level When Drilled \_\_\_\_\_ ft.

Length of time well has (x) operated ( ) rested prior to measurement 4 (x) days ( ) hrs

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

Depth to water not possible ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? ( ) yes (x) no Make of Meter \_\_\_\_\_

Meter Model No. \_\_\_\_\_ Serial No. \_\_\_\_\_ Size \_\_\_\_\_

Is the meter installed properly? ( ) yes ( ) no Check Valve Present? (x) yes ( ) no

Injection port present? ( ) yes (x) no Operating an injection system? ( ) yes (x) no

Low Pressure Drain? (x) yes ( ) no Vacuum Breaker? (x) yes ( ) no

Plant Health Chemigation Report completed? (x) yes ( ) no

SCANNED

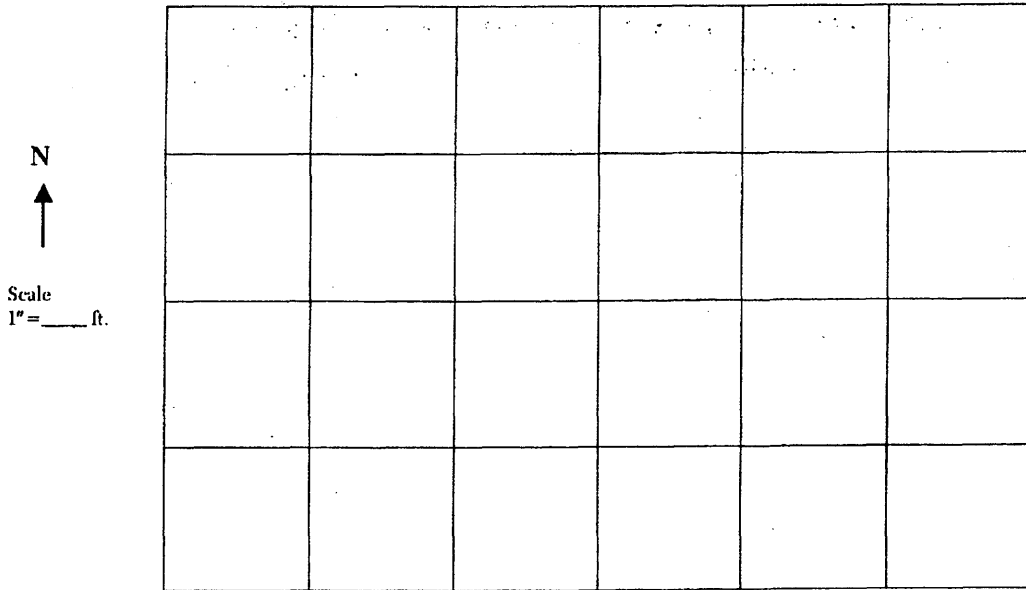
WATER RESOURCES RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

HAYS001851

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 & pivot  
Pipe Diameter (I.D.) 7 1/16 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2028  
R.P.M. PUMP UNIT 1622  
Pressure at Pump 43 psi

Test No. 2—Maximum Conditions

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. _____		G.P.M. _____
G.P.M. _____		

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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).

HAYS001852

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1128	1300		
1976				
1977	596	1500		
1978				
1979				
1980				
1981				
1982				
1983	0			
1984	0			
1985	689	1200		170
* 1986	1737	1247**		170
1987		1247**		
** obtained from test data				

Indicate Year of Record with (\*) Source of Information Stafford Files  
 Crops Irrigated: this year Alfalfa Year of record Alfalfa

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

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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 JUN 29 2015  
 KS DEPT OF AGRICULTURE

Person present at test Roy Williams employee of tenant  
(name) (relationship)  
 Water Use Correspondent Agri Associates % Jerry Weaver Box 1162 North Platte NE 69108 508-534-9240  
(name) (address) (phone number)  
 Conducted by Greg Ebert Date 8/19/87 HAYS001853  
 Approved by Kell J. Weaver, P.E. Date 8/28/87  
(signature) Page 36 of 71

APPLICATION NO: 21,734

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 judgment, 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.

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PUMPING PLANT TESTING, INC.



Reviewed by: SEP 20 1993

*[Signature]*  
Professional Engineer

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HAYS001854



APPLICATION NO: 21,734

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CLOSING A YEAR OF RECORD

THIS DEVELOPMENT UNIT WOULD SERVED BUSINESS SINCE ITS INCEPTION IN 1975, WITH UNITS 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 COMPANIES HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD BE NEARLY IMPOSSIBLE TO USE THE YEARS SINCE 1983 IN CLOSING A YEAR OF RECORD.



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DEC 20 1993 Reviewed by:

FIELD OFFICE  
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PUMPING PLANT TESTING, INC.

*Ed J. West*

Professional Engineer MICROFILMED

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HAYS001855

APPLICATION NO: 21734 NAME: Connecticut General Life Ins

**COLLINS METER TEST**

Collins Meter No. 1-84 Meter Calibration Factor .9635  
 Pipe Inside Diameter (inches) 7 1/6 Flow Rate Factor 143  
 Test Pressure (psi) 43 Test RPM, Pump 1622  
 Description of Test Location Horizontal pipe between  
pump and pivot

TEST DATA:  Check, Initial 9.27 Reversed 9.25  
 Velocity Velocity  
 Meter Setting From Left Side of Pipe Right Side of Pipe  
 Center of Pipe (or Front Side if (or Back Side if  
 Vertical Test) Vertical Test)

Meter Setting	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 1/6</u>	<u>9.78</u>	<u>8.95</u>
<u>2 3/4</u>	<u>9.54</u>	<u>8.61</u>
<u>3 1/2</u>	<u>9.12</u>	<u>8.34</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 9.05

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =  
9.05 x .9635 = 8.72

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =  
8.72 x 143 = 1247 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]  
**RECEIVED** Professional Engineer

DEC 20 1993

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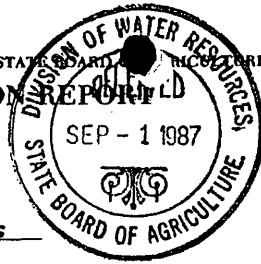
KS DEPT OF AGRICULTURE

HAYS001856

SCANNED

**EXHIBIT**  
21734  
**G**

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



- Partial
- Full
- Re-Test

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

Test 2 of 5 Diversion points County Edwards  
#16

Application No. 21734 Inspection Date 7/29/87 Firm/Field Office Pumping Plant Testing Inc Ebery/Stegman

Current Landowner Connecticut General Life Ins. Co Agri Affiliates Phone No. ( 308 ) 534-9240  
Attn. Jerry Weaver

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 Rattlesnake Creek

Authorized Point of Diversion: NW 1/4, SE 1/4, SE 1/4 Sec. 5, T. 26, R. 19, ID No. 05  
Approximately \_\_\_\_\_ ft. North and \_\_\_\_\_ ft. West of SE corner of Sec. \_\_\_\_\_

Actual Point of Diversion: NW 1/4, SE 1/4, SE 1/4 Sec. 5, T. 26, R. 19  
Approximately 1260 ft. North and 1332 ft. West of SE corner of Sec. 5  
How were distances determined? Scanned from AISC aerial photo.

"Approved" Quantity 1352 AF "Approved" Diversion Rate 4800 g.p.m. ( 10.7 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>5</u>	<u>26</u>	<u>19</u>	<u>71</u>	<u>78</u>	<u>38</u>	<u>33</u>	<u>85</u>	<u>66</u>	<u>25</u>	<u>33</u>	<u>40</u>	<u>37</u>	<u>8</u>	<u>12</u>	<u>31</u>	<u>33</u>	<u>27</u>	<u>33</u>	<u>650</u>
<u>33</u>	<u>25</u>	<u>19</u>												<u>2</u>	<u>20</u>			<u>5</u>	<u>27</u>
																			<u>677</u>

**LAND IRRIGATED—YEAR OF RECORD** 1986

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>5</u>	<u>26</u>	<u>19</u>													<u>34</u>	<u>32</u>	<u>30</u>	<u>34</u>	<u>120</u>

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**TESTED DIVERSION RATES**

Maximum C.P.M. \_\_\_\_\_ (c.f.s. DEC 20 1993) Normal C.P.M. 1034 (c.f.s. 2.30)

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STAFFORD

**SCANNED**

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

Ac. Ft. Applied = 1438 hrs. x 1034 g.p.m. x  $\frac{4.419}{24 \times 1000}$  = 274 AF

"Approved" Land irrigated 130 acres, with 274 AF = 2.11 AF/acre

Total AF (including overlapping Files) 274 (2.11 AF/acre)

130 acres x 2.0 A.F. per acre = 260 A.F.

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**WATER RESOURCES RECEIVED**

**JUN 29 2015**

**KS DEPT OF AGRICULTURE**

Perfected Rate 1035 g.p.m. (2.31 c.f.s.) Perfected Quantity 260 AF

nwr-21734 completed by Page/Burglos F. Bush Revised January 1987  
9-13-93

HAYS001857

21734  
GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Olsen Model 103P Serial No. 4015

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 2 Rain Bird 855 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. \_\_\_\_\_

Low pressure spray water pattern in center pivot.  
unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP \_\_\_\_\_

Serial No. \_\_\_\_\_ Fuel Natural Gas Rated RPM \_\_\_\_\_

PUMP INFORMATION:

Manufacturer Simmons Model No. No Tag Rated RPM \_\_\_\_\_

Serial No. NA Type Vertical Turbine No. stages NA

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. G80

Serial No. 84218 Drive Right Angle Ratio 6:5

WELL INFORMATION: NO INFORMATION AVAILABLE

Date Drilled \_\_\_\_\_ Original Depth \_\_\_\_\_ ft. Static Water Level When Drilled \_\_\_\_\_ ft.

Length of time well has ( ) operated  rested prior to measurement 2  days ( ) hrs

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

Depth to water 47 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

SCANNED

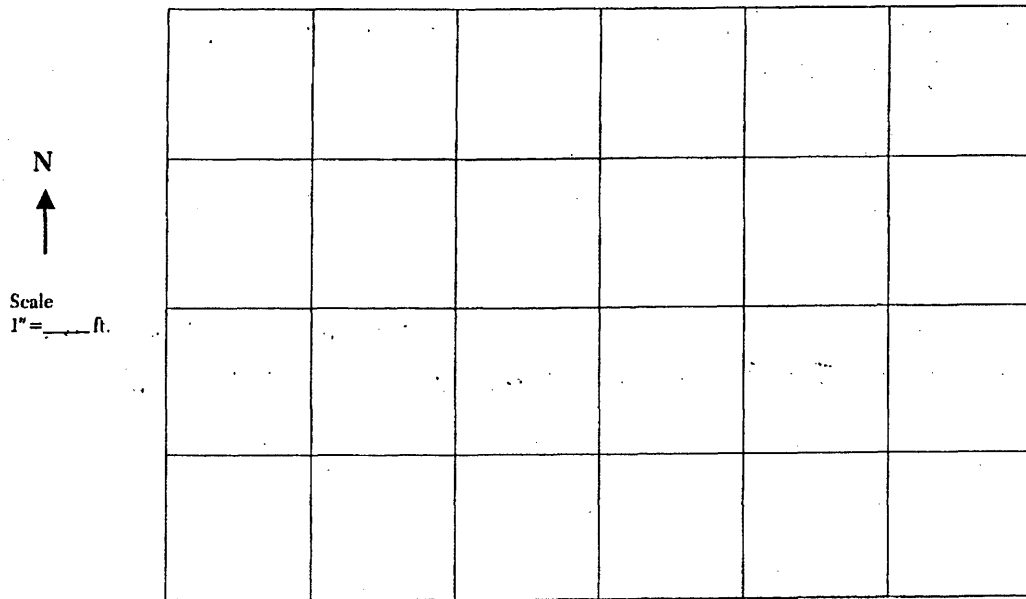
WATER RESOURCES  
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JUN 29 2015

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HAYS001858

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.) 7 1/2 inches

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 1962  
R.P.M. PUMP UNIT 1635  
Pressure at Pump 40 psi

R.P.M. POWER UNIT \_\_\_\_\_  
R.P.M. PUMP UNIT \_\_\_\_\_  
Pressure at Pump \_\_\_\_\_ psi

Jacuzzi Meter Test

Meter Identification No. \_\_\_\_\_

Area Constant  $K = 2.45 \times I.D.^2 =$  \_\_\_\_\_  $Q \text{ (gpm)} = VK$

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 \_\_\_\_\_  
Avg. \_\_\_\_\_  
G.P.M. \_\_\_\_\_

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DIVISION OF WATER RESOURCES  
STAFFORD

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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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JUN 29 2015

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Other Flow Meter

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

HAYS001859

TABULATION OF WATER USE:

Year	Hours Pumped ( hr )	Reported Pumping Rate ( gpm )	Water Used ( AF )	Acres Irrigated
1975	1632	1000		
1976				
1977	853	1000		
1978				
1979	1224	700		115
1980	1500	700		120
1981	1152	700		115
1982				
1983	849	900		115
1984	1750	750		130
1985	1438	890		130
* 1986	921	1034**		130
1987		1034**		
** obtained from test data				

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

Crops Irrigated: this year Soybeans Year of record \_\_\_\_\_

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 \_\_\_\_\_ Supplier \_\_\_\_\_

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

How was the test volume determined? \_\_\_\_\_

REMARKS: SEE NOTES ON TEST REPORT FOR WORK LOGS REGARDING SELECTION OF YEAR OF RECORD.

WATER RESOURCES RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

Person present at test Kent Naber employee of tenant  
(name) (relationship)

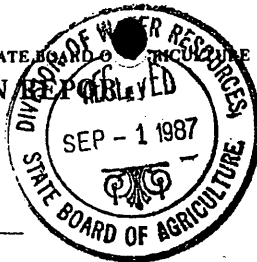
Water Use Correspondent Agri Associates 70 Jerry Weaver Box 1162 North Platte, NE 69103 308-534-9240  
(name) (address) (phone number)

Conducted by Breg Ebert Date 8/19/87 HAYS001860

Approved by Neil J. Wentz, P.E. Date 8/28/87

**EXHIBIT**  
21734  
**H**

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



- Partial
- Full
- Re-Test

Field Office No. 2  
G.M.D. No. 5  
#17

Test 3 of 5 Diversion points County Edwards

Application No. 21734 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc  
Ebert/Steigman

Current Landowner Connecticut General Life Ins Co Agri. Associates Phone No. (308) 534-9240  
Attn. Jerry Weaver

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 Rattlesnake Creek

Authorized Point of Diversion: NE 1/4, SW 1/4, NE 1/4 Sec. 5, T. 26 R. 19, ID No. 03  
Approximately \_\_\_\_\_ ft. North and \_\_\_\_\_ ft. West of SE corner of Sec. \_\_\_\_\_

Actual Point of Diversion: NE 1/4, SW 1/4, NE 1/4 Sec. 5, T. 26, R. 19  
Approximately 4000 ft. North and 1333 ft. West of SE corner of Sec. 5  
How were distances determined? Scaled from AISC aerial photo

"Approved" Quantity 1352 AF "Approved" Diversion Rate 4800 g.p.m. ( 10.7 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>5</u>	<u>26</u>	<u>19</u>	<u>71</u>	<u>78</u>	<u>38</u>	<u>33</u>	<u>85</u>	<u>66</u>	<u>25</u>	<u>33</u>	<u>40</u>	<u>37</u>	<u>8</u>	<u>12</u>	<u>31</u>	<u>33</u>	<u>27</u>	<u>33</u>	<u>650</u>
<u>33</u>	<u>25</u>	<u>19</u>												<u>2</u>	<u>20</u>			<u>5</u>	<u>27</u>
																			<u>677</u>

LAND IRRIGATED—YEAR OF RECORD 1986

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>5</u>	<u>26</u>	<u>19</u>	<u>32</u>	<u>28</u>	<u>35</u>	<u>35</u>													<u>130</u>

TESTED DIVERSION RATES **RECEIVED**

Maximum G.P.M. \_\_\_\_\_ (c.f.s. \_\_\_\_\_) Normal G.P.M. 1047 (c.f.s. 2.33)

DEC 20 1993 FOR D.W.R. USE ONLY

Year of Record 1985 DIVISION OF WATER RESOURCES ESTABLISHED time needed: Yes (  ) No ( ) Attached? yes ( ) no (  )

Ac. Ft. Applied = 1543 hrs. x 1047 g.p.m. x  $\frac{4.419}{24 \times 1000}$  = 299 AF

"Approved" Land irrigated 130 acres, with 299 AF = 2.29 AF/acre

Total AF (including overlapping Files) 299 (2.29 AF/acre)

130 acres x 2.0 AF. per acre = 260 A.F.

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Perfected Rate 1050 g.p.m. (2.34 c.f.s.) Perfected Quantity 260 AF HAYS001862

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Olsen Model 103P Serial No. 4020

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 2 1/2 in. Bird 85's 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 LOW PRESSURE

Manufacturer \_\_\_\_\_ Model \_\_\_\_\_ Serial No. \_\_\_\_\_

Low pressure water pattern on center pivot.  
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. \_\_\_\_\_ Rated RPM \_\_\_\_\_

Serial No. CF21223 Type Vertical Turbine No. stages \_\_\_\_\_

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. 580

Serial No. 87985 Drive Right Angle Ratio 5:1

WELL INFORMATION: NO INFORMATION AVAILABLE

Date Drilled \_\_\_\_\_ Original Depth \_\_\_\_\_ ft. Static Water Level When Drilled \_\_\_\_\_ ft.

Length of time well has ( ) operated () rested prior to measurement 3 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 \_\_\_\_\_

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

HAYS001863

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

N  
↑  
Scale  
1" = \_\_\_\_\_ ft.


TEST OF DIVERSION RATE:

Location of test Horizontal pipe between pump and pivot  
Pipe Diameter (I.D.) 2 1/8 inches

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 2204  
R.P.M. PUMP UNIT 1837  
Pressure at Pump 43 psi

R.P.M. POWER UNIT \_\_\_\_\_  
R.P.M. PUMP UNIT \_\_\_\_\_  
Pressure at Pump \_\_\_\_\_ psi

Jacuzzi Meter Test

Meter Identification No. \_\_\_\_\_

Area Constant  $K = 2.45 \times I.D.^2 =$  \_\_\_\_\_  $Q \text{ (gpm)} = VK$

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

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

Propeller Meter Test

Manufacturer \_\_\_\_\_ Model \_\_\_\_\_ Serial No. \_\_\_\_\_

Meter Diameter \_\_\_\_\_ inches

Ending \_\_\_\_\_ gal.  
Beginning \_\_\_\_\_ gal.  
Difference \_\_\_\_\_ gal.  
Time \_\_\_\_\_ min.  
Rate \_\_\_\_\_ gpm

Ending \_\_\_\_\_ gal.  
Beginning \_\_\_\_\_ gal.  
Difference \_\_\_\_\_ gal.  
Time \_\_\_\_\_ min.  
Rate \_\_\_\_\_ gpm

Other Flow Meter

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

HAYS001864

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TABULATION OF WATER USE:

Year	Hours Pumped ( hr )	Reported Pumping Rate ( gpm )	Water Used ( AF )	Acres Irrigated
1975	1812	1000		
1976				
1977	913	1200		
1978				
1979	1224	750		120
1980	1900	800		130
1981	1152	750		120
1982				
1983	849			121
1984	1750			130
1985	1543			130
* 1986	1186			130
1987				
		* obtained from test data		

← This is wrong - should be 894

Indicate Year of Record with (\*) Source of Information Stafford Files  
 Crops Irrigated: this year Soybeans Year of record corn

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

REMARKS: NOTES ON SECTION BOUNDARIES & SELECTING A YEAR OF RECORD ARE IN THE REPORT FOR WELL 1 OF 5.

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Person present at test Kent Naber employee of tenant  
 Water Use Correspondent Agri Associates & Jerry Weaver Box 1162 North Platte NE 69103 308-534-9240  
 Conducted by Brag Elbert Date 8/19/87 HAYS001865  
 Approved by Lil J. Went P.E. Date 8/28/87

APPLICATION NO: 21734 NAME: Connecticut General Life Ins

**COLLINS METER TEST**

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 8 1/8 Flow Rate Factor 160.2

Test Pressure (psi) 43 Test RPM, Pump 1837

Description of Test Location Horizontal pipe between pump and pivot

TEST DATA:  Check, Initial 7.69 Reversed 7.68  
 Meter Setting From Velocity Left Side of Pipe Velocity Right Side of Pipe  
 Center of Pipe (or Front Side if Vertical Test) (or Back Side if Vertical Test)

Meter Setting	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>7.53</u>	<u>7.31</u>
<u>2 7/8</u>	<u>7.10</u>	<u>6.49</u>
<u>3 1/16</u>	<u>6.48</u>	<u>5.72</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.785

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 6.785 x .9635 = 6.54

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 6.54 x 160.2 = 1047 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]

RECEIVED Professional Engineer

DEC 20 1993

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 STAFFORD

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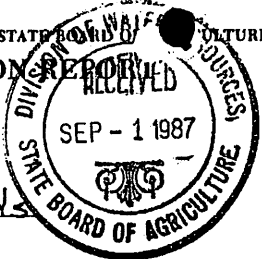
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HAYS001866

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**EXHIBIT**  
21734  
**1**

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



- Partial
- Full
- Re-Test

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

Test 4 of 5 Diversion points County Edwards  
# 18

Application No. 21734 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc

Current Landowner Connecticut General Life Ins. Co. Agri. Affiliates Phone No. (308) 534-9240  
Attn: Jerry Weaver

Address P.O. Box 1162 North Platte, NE 69103  
 Additional landowners and addresses identified in remarks section.

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

Source:  
 Groundwater ( ) Surface Water Basin/Stream Rattlesnake Creek

Authorized Point of Diversion: NE 1/4, NE 1/4 Sec. 5, T. 26, R. 19, ID No. 01  
Approximately \_\_\_\_\_ ft. North and \_\_\_\_\_ ft. West of SE corner of Sec. \_\_\_\_\_

Actual Point of Diversion: NE 1/4, NE 1/4, NE 1/4 Sec. 5, T. 26, R. 19  
Approximately 646 ft. North and 535 ft. West of SE corner of Sec. 5  
How were distances determined? Scaled from AISC aerial photo.

"Approved" Quantity 1352 AF "Approved" Diversion Rate 4800 g.p.m. (10.7 c.f.s.)

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

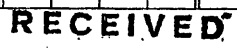
Other applications covering land and/or point of diversion None  
(include discussion of overlapping files in remarks section)

**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	
5	26	19	71	78	38	33	85	66	25	33	40	37	8	12	31	33	27	53	650
33	25	19												2	20			5	27
																			677

**LAND IRRIGATED—YEAR OF RECORD** 1986

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	
5	26	19	34	13															47
33	25	19											26				12		38
																			85



**TESTED DIVERSION RATES**

Maximum G.P.M. \_\_\_\_\_ (c.f.s. DEC 20 1993) Normal G.P.M. 933 (c.f.s. 208)

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Year of Record 1986 Extension of time needed: Yes ( ) No (x) Attached? yes ( ) no (x)

Ac. Ft. Applied =  $\frac{1376 \text{ hrs.} \times 933 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 237 \text{ AF}$

"Approved" Land irrigated 85 acres, with 237 AF = 2.79 AF/acre

Total AF (including overlapping Files) 237 (2.79 AF/acre)

85 acres x 2.0 A.F. per acre = 170 A.F.

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Perfected Rate 935 g.p.m. (2.08 c.f.s.) Perfected Quantity 1 HAYS001867 AF

9-9-93

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21734  
GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Valley Model NA Serial No. NA

Drive:  Water  Electric Length of Pivot Arm \_\_\_\_\_ acres irr. 85

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 6-FOETAE0 Model \_\_\_\_\_ Serial No. \_\_\_\_\_

No serial number tag could be found on center pivot.  
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. CF21226 Type Vertical Turbine No. stages NA

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. 2BC-90

Serial No. 70524 Drive Right Angle Ratio 6:5

WELL INFORMATION: NO INFORMATION AVAILABLE.

Date Drilled \_\_\_\_\_ Original Depth \_\_\_\_\_ ft. Static Water Level When Drilled \_\_\_\_\_ ft.

Length of time well has  operated ( ) rested prior to measurement 2  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 \_\_\_\_\_

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

WATER RESOURCES RECEIVED

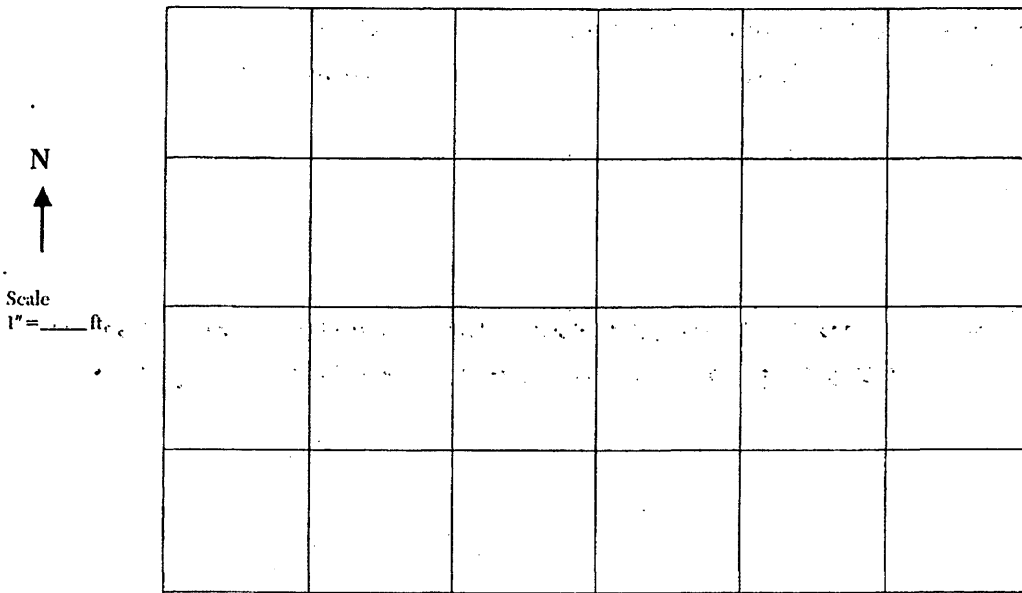
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HAYS001868

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



TEST OF DIVERSION RATE:

Location of test Vertical pipe inside pivot stand  
Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 2064  
R.P.M. PUMP UNIT 1720  
Pressure at Pump 66 psi

R.P.M. POWER UNIT \_\_\_\_\_  
R.P.M. PUMP UNIT \_\_\_\_\_  
Pressure at Pump \_\_\_\_\_ psi

Jacuzzi Meter Test

Meter Identification No. \_\_\_\_\_

Area Constant  $K = 2.45 \times I.D.^2 =$  \_\_\_\_\_  $Q \text{ (gpm)} = VK$

Velocity (fps)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

Total \_\_\_\_\_

Avg. \_\_\_\_\_

G.P.M. \_\_\_\_\_

Velocity (fps)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

Total \_\_\_\_\_

Avg. \_\_\_\_\_

G.P.M. \_\_\_\_\_

Propeller Meter Test

Manufacturer \_\_\_\_\_ Model \_\_\_\_\_ Serial No. \_\_\_\_\_

Meter Diameter \_\_\_\_\_ inches

Ending \_\_\_\_\_ gal.  
Beginning \_\_\_\_\_ gal.  
Difference \_\_\_\_\_ gal.  
Time \_\_\_\_\_ min.  
Rate \_\_\_\_\_ gpm

Ending \_\_\_\_\_ gal.  
Beginning \_\_\_\_\_ gal.  
Difference \_\_\_\_\_ gal.  
Time \_\_\_\_\_ min.  
Rate \_\_\_\_\_ gpm

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Other Flow Meter

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

HAYS001869

TABULATION OF WATER USE:

Year	Hours Pumped ( hr )	Reported Pumping Rate ( gpm )	Water Used ( AF )	Acres Irrigated
1975	1428	1000		
1976				
1977	577	1200		
1978				
1979				
1980	600	650		98
1981				
1982				
1983	0			
1984	1750	750		100
1985	1481	900		85
* 1986	1376	933**		85
1987		933**		
** obtained from test data				

Indicate Year of Record with (\*) Source of Information Stafford Files  
 Crops Irrigated: this year Alfalfa Year of record Alfalfa

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: NOTES ON CHOOSING A YEAR OF RECORD & SECTION  
BOUNDARIES ARE CONTAINED WITH REPORT OF #1 WELL OUT OF  
S.

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 KS DEPT OF AGRICULTURE

Person present at test Roy Williams employee of tenant  
(name) (relationship)  
 Water Use Correspondent Jerry Weaver (Agri Affiliates) Box 1162 North Platte NE 69103 308-534-9244  
(name) (address) (phone number)  
 Conducted by Breg Ebert Date 8/19/87 HAYS001870  
 Approved by K.L. Went, P.E. Date 8/28/87  
(signature) (title)

APPLICATION NO: 21734 NAME: Connecticut General Life Ins

**COLLINS METER TEST**

Collins Meter No. 1-84 Meter Calibration Factor .9635  
Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4  
Test Pressure (psi) 66 Test RPM, Pump 1720  
Description of Test Location Vertical pipe inside pivot stand

TEST DATA:  Check, Initial 7.07 Reversed 7.10  
Velocity Velocity  
Meter Setting From Left Side of Pipe Right Side of Pipe  
Center of Pipe (or Front Side if (or Back Side if  
Vertical Test) Vertical Test)

Meter Setting	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 9/16</u>	<u>6.32</u>	<u>7.61</u>
<u>2 3/4</u>	<u>5.88</u>	<u>7.50</u>
<u>3 9/16</u>	<u>5.41</u>	<u>7.18</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.662

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =  
6.662 x .9635 = 6.42

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =  
6.42 x 145.4 = 933 GPM



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*Neil J. Wentz*  
Professional Engineer

DEC 20 1993

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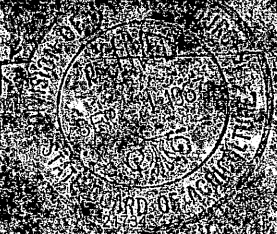
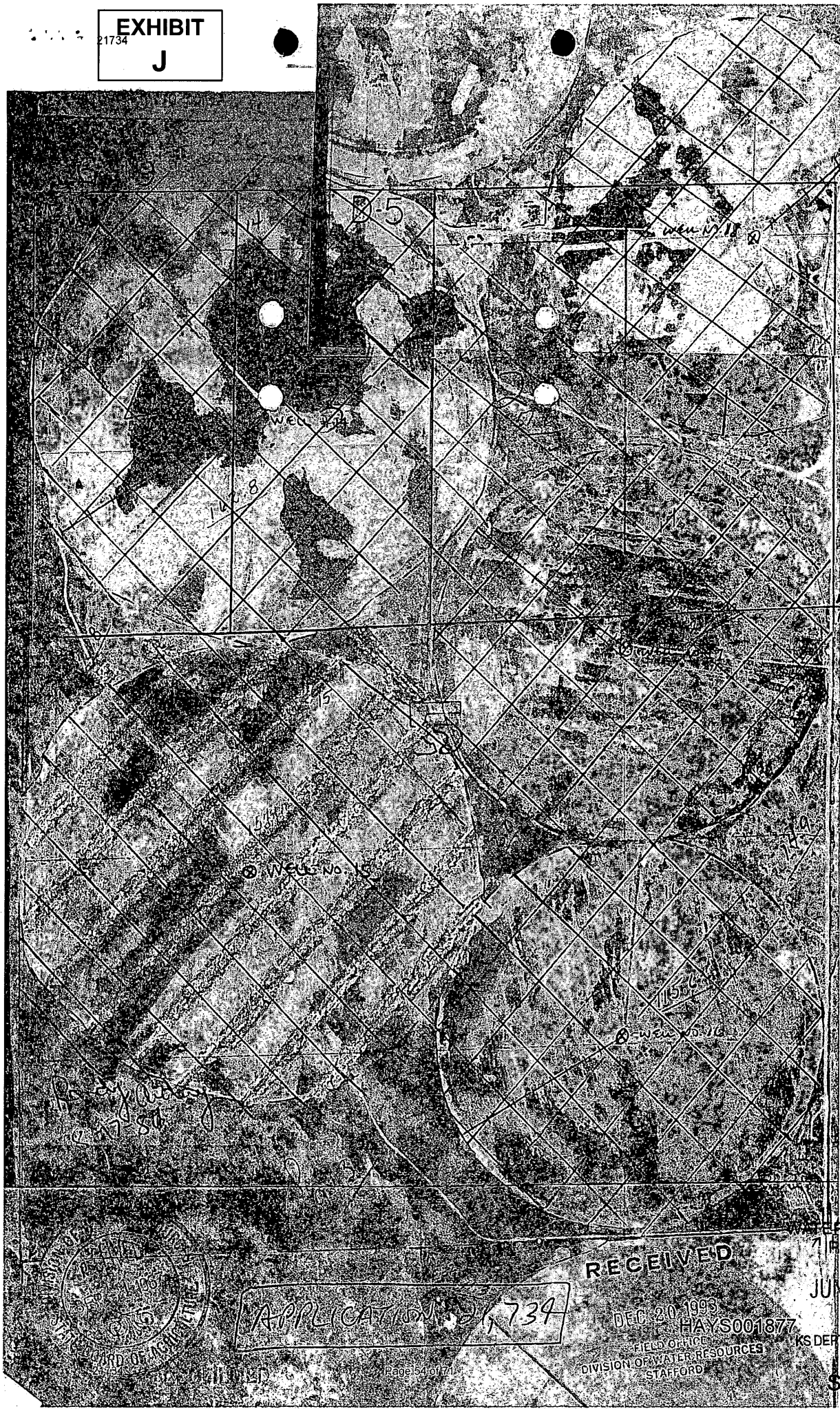
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HAYS001871



21734  
**EXHIBIT**  
**J**



APPLICATION 21734

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HAYS001877

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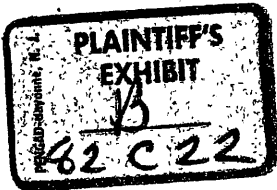
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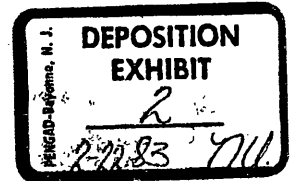


AMERICAN AGRICULTURAL INDUSTRIES, INC.

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

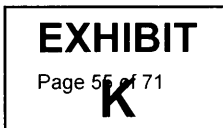
Secretary

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

HAYS004448



21734

SCANNED

LUCERNE FARMS HAY  
PRODUCTION

McALLASTERS 4/5		TOTAL BALES	ANIBYPRO 1/5	
#0			#0	
1st	13	16	1st	4
2nd	52	65	2nd	13
3rd	83	104	3rd	21
4th	31	39	4th	8
#1			#1	
1st	73	91	1st	18
2nd	113	141	2nd	28
3rd	127	159	3rd	32
4th	46	58	4th	12
#2			#2	
1st	54	68	1st	14
2nd	106	133	2nd	27
3rd	144	180	3rd	36
4th	48	60	4th	12
#3			#3	
1st	153	191	1st	38
2nd	164	205	2nd	41
3rd	373	466	3rd	93
4th	121	152	4th	31
#4			#4	
1st	82	103	1st	21
2nd	85	106	2nd	21
3rd	170	212	3rd	42
4th	32	40	4th	8
#5			#5	
1st	44	55	1st	11
2nd	155	194	2nd	39
3rd	135	169	3rd	34
4th	38	47	4th	9
#6			#6	
1st	41	51	1st	10
2nd	82	103	2nd	21
3rd	164	205	3rd	41
4th	82	102	4th	20
#7			#7	
1st	141	176	1st	35
2nd	170	212	2nd	42
3rd	206	258	3rd	52
4th	96	120	4th	24
#8			#8	
1st	82	103	1st	21
2nd	122	153	2nd	31
3rd	177	221	3rd	44
4th	99	124	4th	25

WATER RESOURCES  
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HAYS004449

#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

#30

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

#30

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

#38

1st	98	122
2nd	162	202
3rd	95	119
4th	59	65

#38 HAYS004450

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

WATER RESOURCES RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

SCANNED

21734

#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

WATER RESOURCES  
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JUN 29 2015

KS DEPT OF AGRICULTURE

HAYS004451

21734  
 SLENTZ-MCALISTER 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

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HAYS004452

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PREPARED BY	INITIALS	DATE	SCALE TICKET
CHECKED BY			
APPROVED BY			

Page 2 of removals  
Slentz-McAllaster Inc,

DATE	CIRCLE #	CUTTING	AMOUNT OF BALES TAKEN	TONS PER SCALE TICKET
2-24	38	1st	26	23.75
3-9	7	2nd	30	21.64
3-10	10	3rd	5	3.95
	11	4th	25	23.60
3-15	7	1st	23	21.21
	7	2nd	5	4.61
3-17	8	1st	26	24.58
			TOTALS:	
(* This does not include hay taken this week ) 3/25/82			2278'	2,035.58

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HAYS004453

L

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.

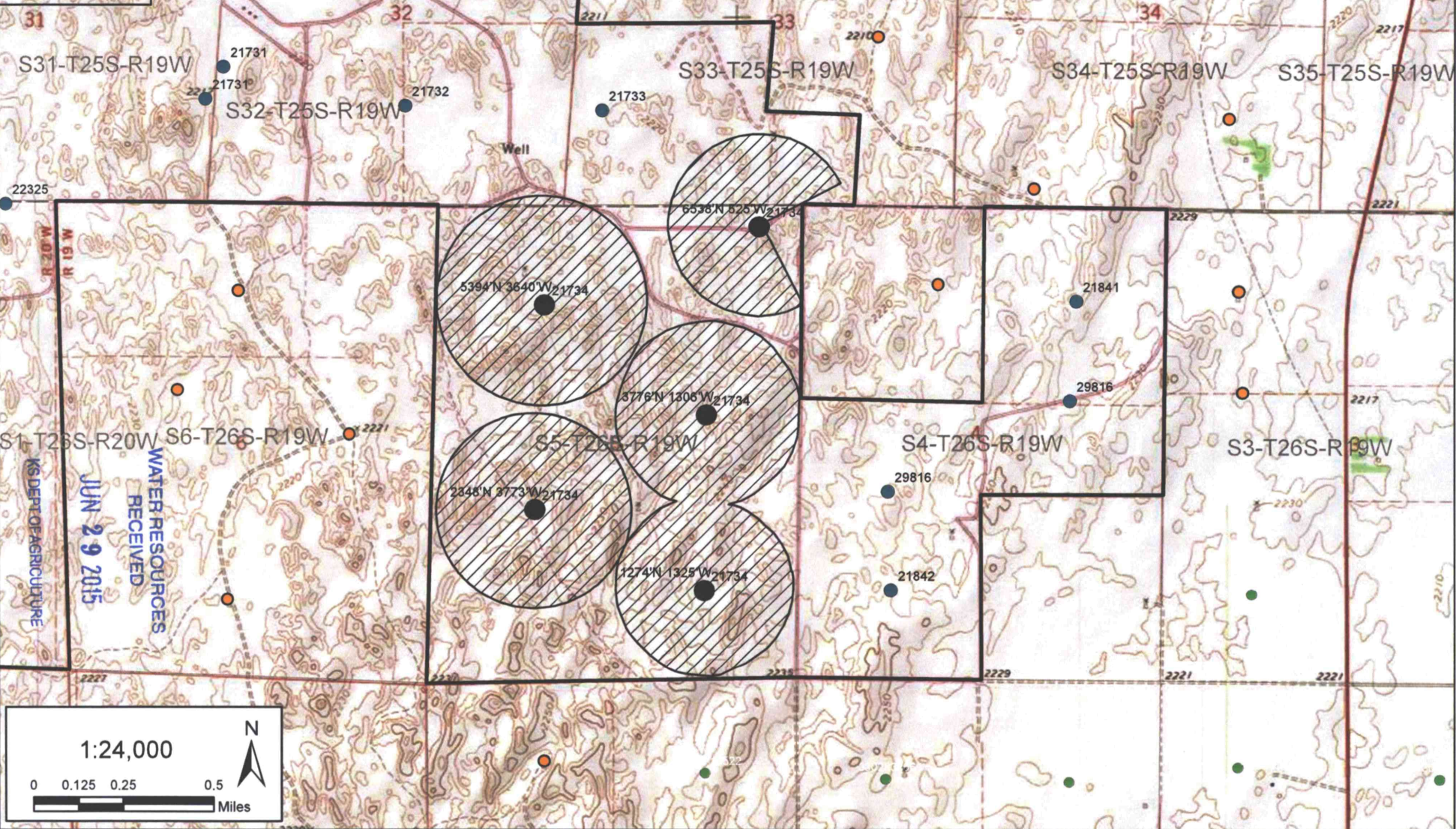
A further limiting factor to maximum allowable quantity is the availability of water from the proposed source of supply. If the source of supply is incapable of yielding a reasonably, sustainable (computed) quantity during the irrigation season in that area of the state, then the source becomes a further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

WATER RESOURCES  
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**EXHIBIT M**



**Legend**

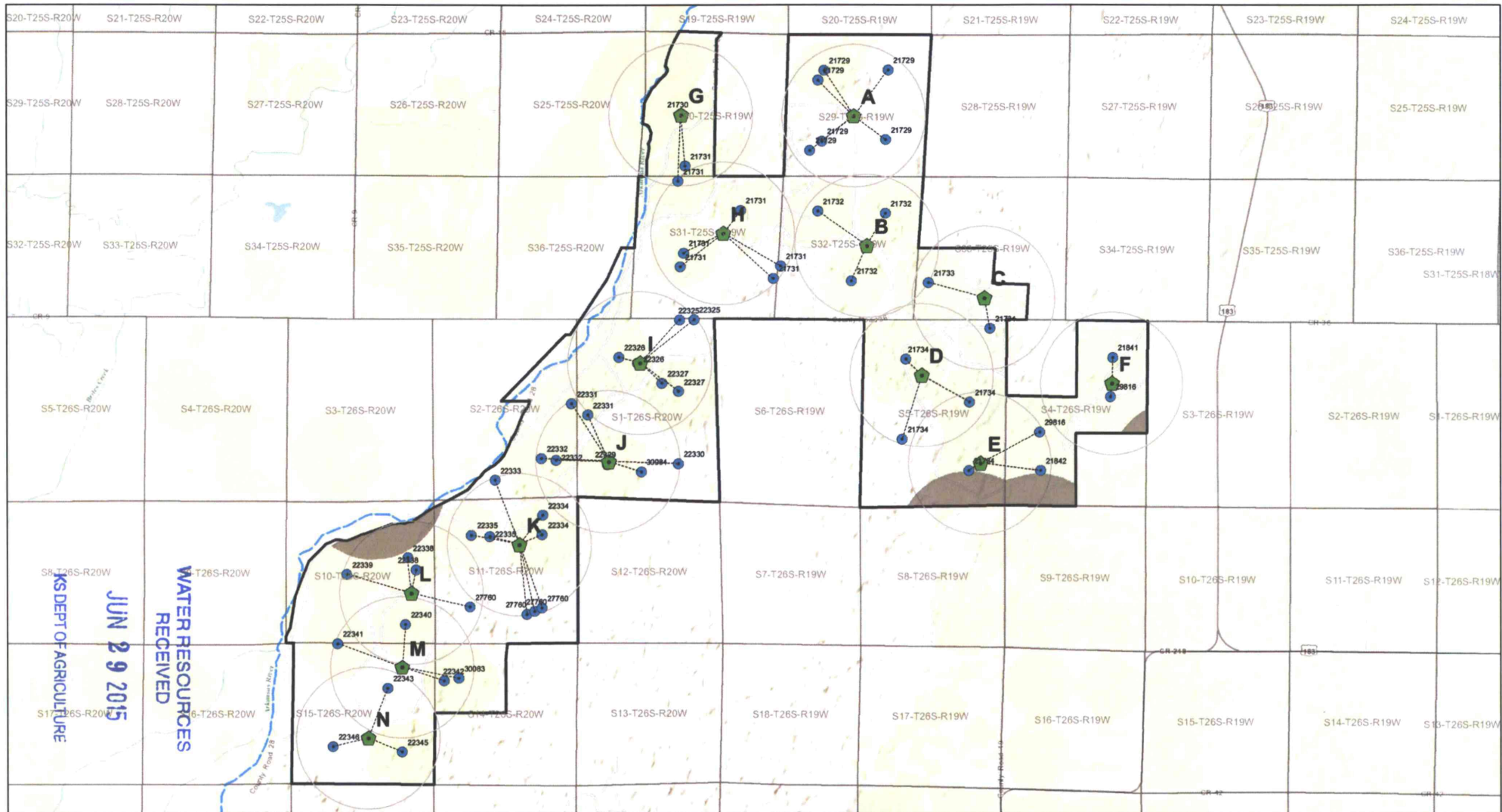
- 21734 Existing Point(s) of Diversion
- 21734 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 21734
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



**CHANGE APPLICATION 21734  
APPLICATION MAP  
AUTHORIZED PLACE OF USE &  
POINTS OF DIVERSION**

SCANNED

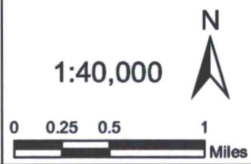
**EXHIBIT**  
**N**  
21734



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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



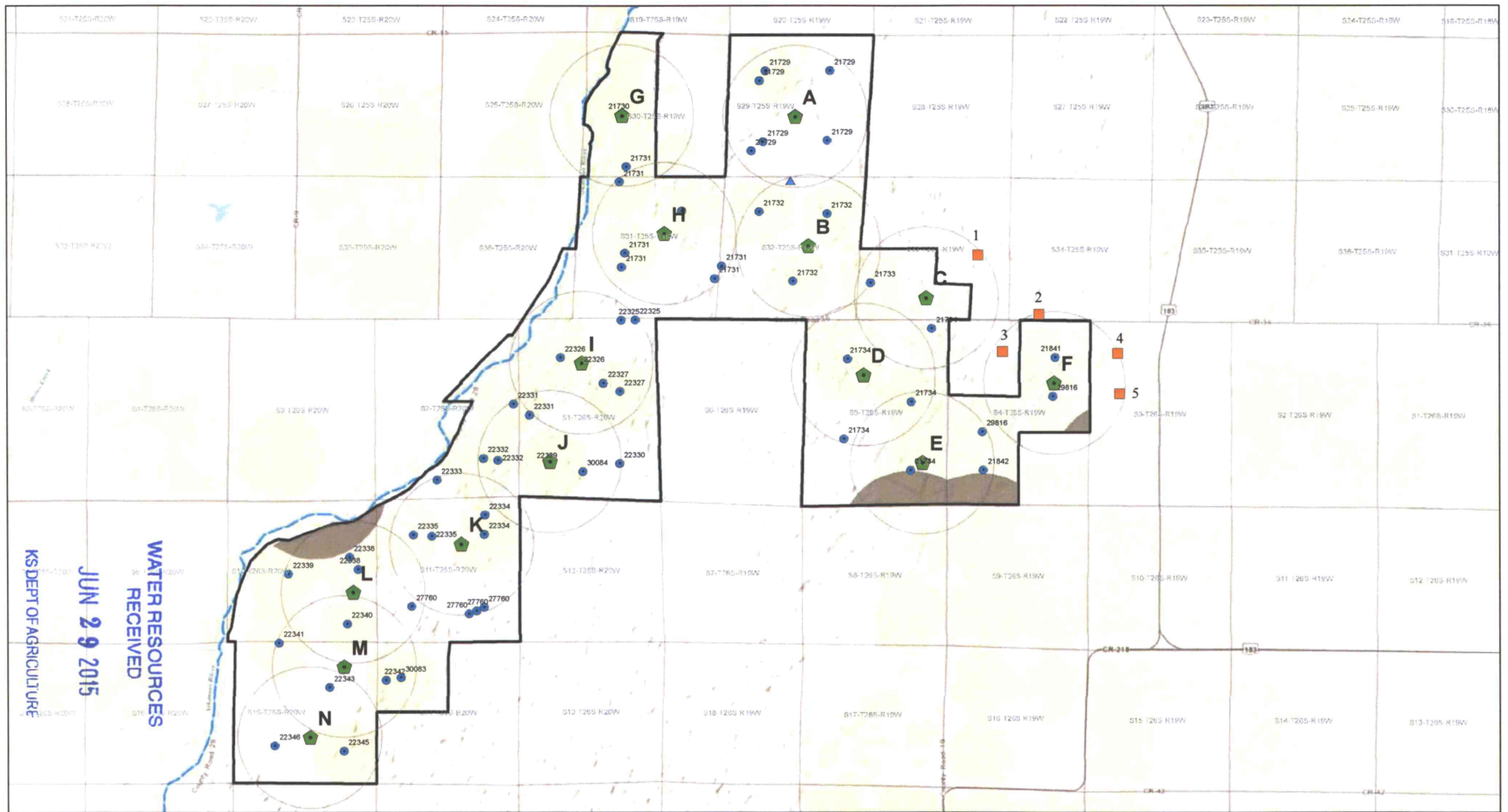
**BURNS**  
**MCDONNELL**

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# EXHIBIT

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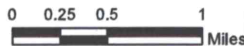
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### Legend

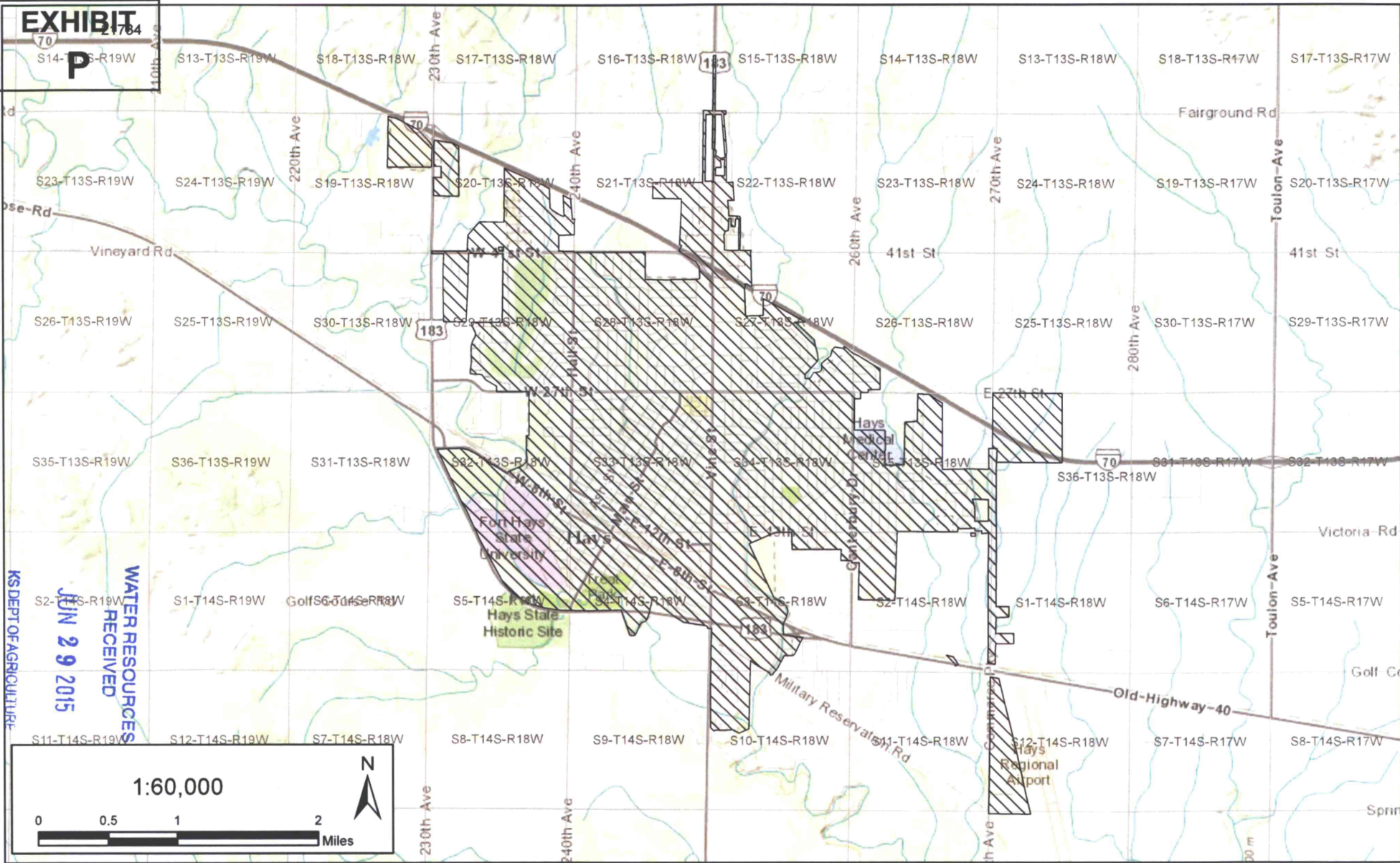
- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)

1:40,000

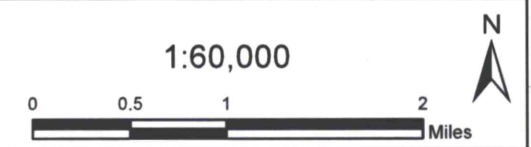


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Proposed Place of Use City of Hays



PLSS Sections

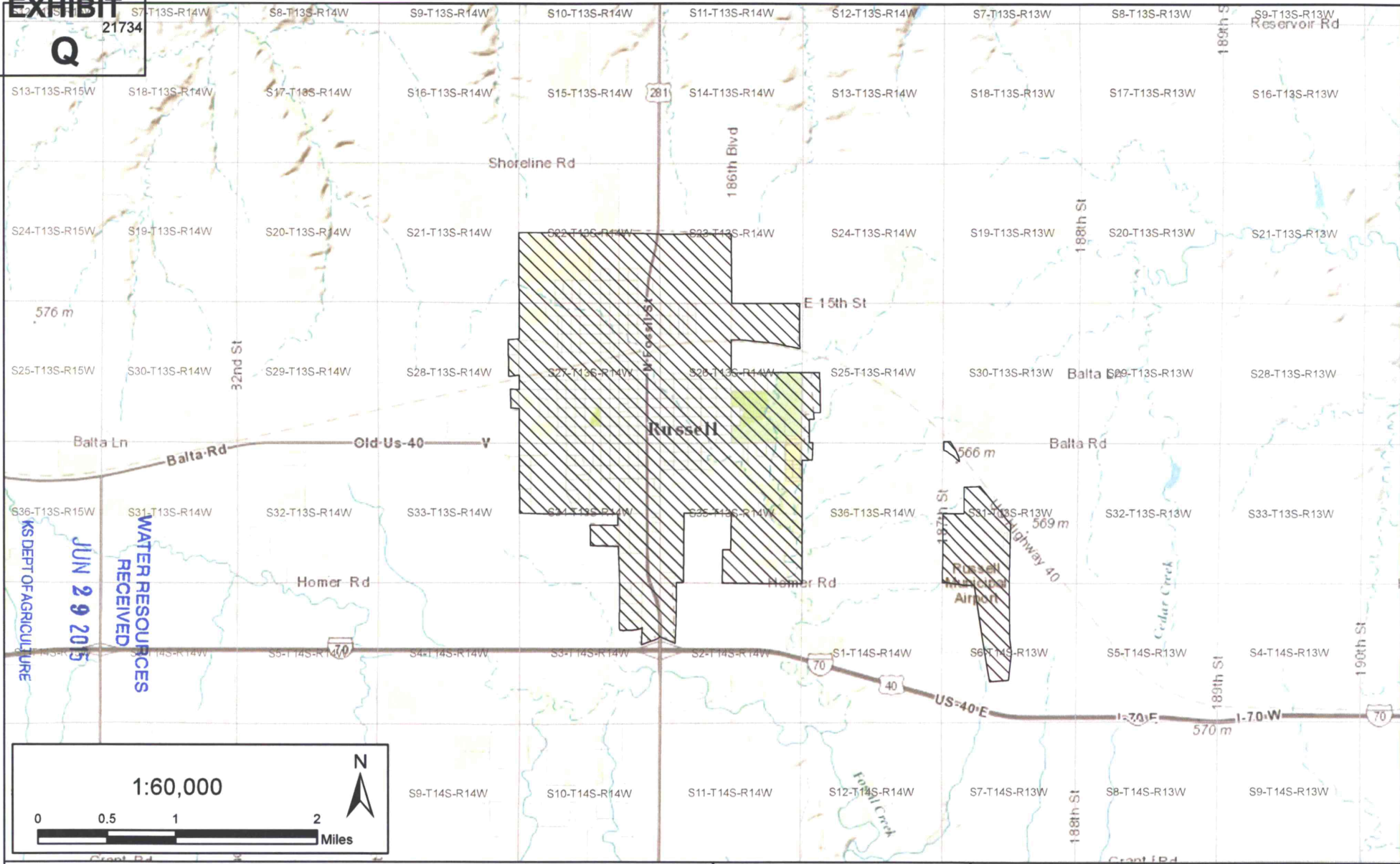


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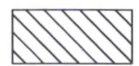
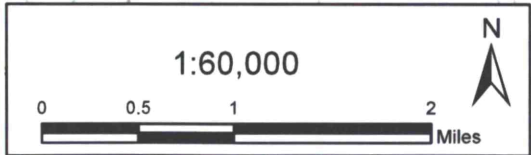
**EXHIBIT**

21734

**Q**



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 WATER RESOURCES  
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 KS DEPT OF AGRICULTURE



Proposed Place of Use - City of Russell



PLSS Sections



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21734  
 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
<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>				<b>UNACCOUNTED FOR WATER</b>

**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  
 R**

**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	693,966,000			13,537,000	581,900,000	19,362,000	114,383,000
	<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>				<b>UNACCOUNTED FOR WATER</b>

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21734  
**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
	<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>				<b>UNACCOUNTED FOR WATER</b>

**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

673,753,000 ÷ 21,038 ÷ 365 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.



Applicant's Name City of Russell  
(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)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>			<b>UNACCOUNTED FOR WATER</b>	

**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:  
 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 S

**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							
15 years ago	373,767,000	0	0	171,928,220	115,864,670	18,687,850	67,276,260
10 years ago	477,486,000	0	0	222,781,000	147,340,000	19,483,000	87,882,000
5 years ago	375,790,000	0	0	144,277,000	123,343,000	18,907,000	89,263,000
	<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>			<b>UNACCOUNTED FOR WATER</b>	

KANSAS DEPT. OF AGRICULTURE  
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21734  
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
	<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>				<b>UNACCOUNTED FOR WATER</b>

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

$$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$$

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 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 1 of 7 of your request.