

**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**.

David W. Barfield, P.E.

JUN 26 2015

4:06

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 the

David W. Barfield, P.E.

WATER RESOURCES  
RECEIVED

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

(Check one or more)

JUN 28 2015

4:06

Chief Engineer

Division of Water Resources  
Kansas Dept. of Agriculture

JUN 29 2015

8:34

KS DEPT OF AGRICULTURE

File No. 21,841 Circle 8A.

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 ULM

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4-T26S-R19W			Lot 1 86.11	Lot 2 86.35															172.46

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

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

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

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

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

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

Owner of Land — NAME: City of Hays, Kansas

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

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

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

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

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

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JUN 29 2015

- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.  
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.  
(Provide description and number of points)

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

8. **Presently authorized point of diversion:**  
 One in the Lot 1 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section 4, Township 26 South, Range 19 (E/W),  
 in Edwards County, Kansas, 5,378 feet North 1,340 feet West of Southeast corner of section.  
 Authorized Rate 890 gpm Authorized Quantity 195 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 NE Quarter  
 of Section 4, Township 26 South, Range 19 (E/W),  
 in Edwards County, Kansas, 4,545 feet North 1,311 feet West of Southeast corner of section.  
 Proposed Rate 890 Proposed Quantity 195 a/f  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 29,816

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

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

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

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

WATER RESOURCES RECEIVED

- 12. The presently authorized use of water is for irrigation purposes.  
It is proposed that the use be changed to municipal purposes.
- 13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
See the attached discussion regarding the quantity of water to be changed to municipal use and paragraph 13 of the cover letter.

(Please show any calculations here.)

- 14. It is requested that the maximum annual quantity of water be reduced to not applicable (acre-feet or million gallons).
- 15. It is requested that the maximum rate of diversion of water be reduced to not applicable gallons per minute (\_\_\_\_ c.f.s.).
- 16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](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, 2015.

[Signature]  
\_\_\_\_\_  
(Owner) (Spouse)

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

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

\_\_\_\_\_  
(Please Print) (Please Print)

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

\_\_\_\_\_  
(Please Print) (Please Print)

State of Kansas )  
County of Russell ) SS



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

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  
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JUN 29 2015

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

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

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

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

City of Russell, Kansas, by Jon Quinday, City Manager  
(Please Print) (Please Print)

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

\_\_\_\_\_  
(Please Print) (Please Print)

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

\_\_\_\_\_  
(Please Print) (Please Print)

State of Kansas }  
County of Russell } SS



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

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  
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**JUN 29 2015**

**SCANNED**

KS DEPT OF AGRICULTURE

### Proposed Rate and Quantity

The Cities are requesting a total of 195 acre-feet and 890 gpm from the well associated with this water right, all of which will be diverted from new point of diversion F, as shown on Exhibit H. When combined with existing wells from other water rights, new point of diversion F will have a cumulative total of 285 acre-feet and 1,640 gpm.

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

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

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows the conversion of 140.40 acre-feet from this water right for municipal use.<sup>1</sup> As discussed below, 130 approved acres were irrigated during the perfection period; 130 acres multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 140.40 acre-feet.<sup>2</sup>

That same regulation goes on to allow the change to 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 May 29, 1975, granting the applicant the right to divert up to 255 acre-feet annually at a rate of up to 1,000 gallons per minute for irrigation use<sup>4</sup>, on 170 acres in Section 4-T26S-R19W.<sup>5</sup> The certificate limited the rate to 890 gallons per minute.

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

The Field Inspection Reports indicate that only 195 of the 255 acre-feet authorized by the permit were lawfully perfected.

- 259 acre-feet were applied to 130 approved acres in the NE/4 of Section 4 T26S-R19W.<sup>7</sup>
- The permit authorized the perfection of 255 acre-feet on 170 acres, or 1.5 acre-feet per acre, but only 130 of the authorized acres were irrigated during the perfection period, resulting in the perfection of 195 acre-feet.

<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, HAYS002023, Ex. A.

<sup>5</sup> Application, HAYS002016, Ex. B.

<sup>6</sup> May 29, 1975 letter (emphasis added), HAYS002022, Ex. C.

<sup>7</sup> FIR, HAYS002009, Ex. D.

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JUN 29 2015



However, the certificate limits the total quantity to 195 acre-feet the permitted quantity of 1.5 acre-feet per acre.<sup>8</sup>

*NIR for Alfalfa – an alternative approach*

According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County is 13 inches (1.083333 feet) for corn and 20.9 (1.741666 feet) inches for alfalfa.

Since alfalfa was grown on the authorized place of use in at least one year during the perfection period,<sup>9</sup> it is reasonable to use the NIR for alfalfa, which yields a total quantity of 226.42 acre-feet. This quantity is greater than the authorized quantity of 1.5 acre-feet per acre.<sup>10</sup>

The alternative approach discussed in other applications yields the same quantity as the default approach, or 140.40 acre-feet.

The City requests that DWR approve a total of 195 acre-feet for municipal use.

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<sup>8</sup> Certificate, HAYS002031, Ex. E; March 4, 1988 Memo, HAYS002027, Ex. F.

<sup>9</sup> HAYS002012, Ex. D.

<sup>10</sup> See K.A.R 5-5-9(a)(4).

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EXHIBIT  
A

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE  
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES  
Guy E. Gibson, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application No. 21,841 of the applicant

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

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 22, 1974.
2. That the water sought to be appropriated shall be used for irrigation on the land described in the application.

3. That the source from which the appropriation is made shall be from ground water in the drainage basin of the Arkansas River to be withdrawn by means of one (1) well near the center of Lots 1 and 2, more particularly described as near the mid-point of the line common to Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) and Lot 2 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 4, 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  
1000 gallons per minute (2.23 c.f.s.)

and to a quantity of not to exceed

255 acre-feet

for any calendar year.

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WATER RESOURCES  
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HAYS002023

JUN 29 2015

5. That installation of works for diversion of water shall be completed on or before December 31, 1976. 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, 1980.

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 29<sup>th</sup> day of May 19 75



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

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JUN 29 2015

KS DEPT OF AGRICULTURE

SCANNED

HAYS002024

EXHIBIT  
B

2

THE STATE OF KANSAS



STATE BOARD OF AGRICULTURE

Roy Freeland, Secretary

*check \$50.00 1/22/75*

DIVISION OF WATER RESOURCES

Cuy E. Gibson, Chief Engineer

NUMBER 21841

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.)

~~(Mrs.)~~

Comes now the applicant ~~(Mrs.)~~ **CLARENCE A. WILSON** whose post office address is 2610 N. VanBuren Hutchinson, Kansas 67501

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 groundwater (surface water or groundwater) as may be available in Arkansas River Valley 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 255 acre-feet per year, to be diverted at a maximum rate of 1,000 gallons per minute near the center (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is ~~in the~~ quarter of the of Lots 1 and 2 quarter of the quarter of section 4, township 26S, range 19W, 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>255 acre feet</u>
(d) Industrial use ( )	_____
(e) Recreational use ( )	_____
(f) Water Power use ( )	_____

(check intended use or uses and show intended quantity for each use)

WATER RESOURCES RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

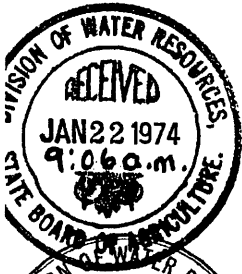
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SCANNED

JUN 9 1975 HAYS002016

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD



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:

Owner of Land—NAME: Full Service Insurance, Inc.

ADDRESS: Box J LaCrosse, Kansas 67548

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 $\frac{1}{4}$	
4-26s-19w	Lot 1 85		Lot 2 85														170

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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HAYS002017

7. The works for diversion of water will consist of a well, pump, motor, and center pivot sprinkler system,

(wells, pumps, etc.)

and will be completed by July 1, 1974

(Date)

8. The first actual application of water for the beneficial use proposed was or is estimated to be June 1, 1974

(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 President of Full Service Ins., Inc, Inc  
(Owner, agent or otherwise)  
and he is authorized to make this application in behalf of the interest affected.

Dated at LaCrosse, Kansas, this 17th day of January, 19 74

Clarence A. Wilson  
(Applicant)

By \_\_\_\_\_  
(Agent or Officer)

**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.

WI-838



8-72-10M BETH

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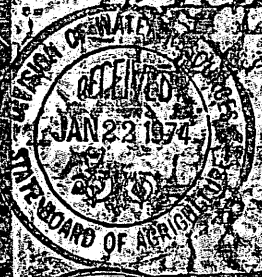
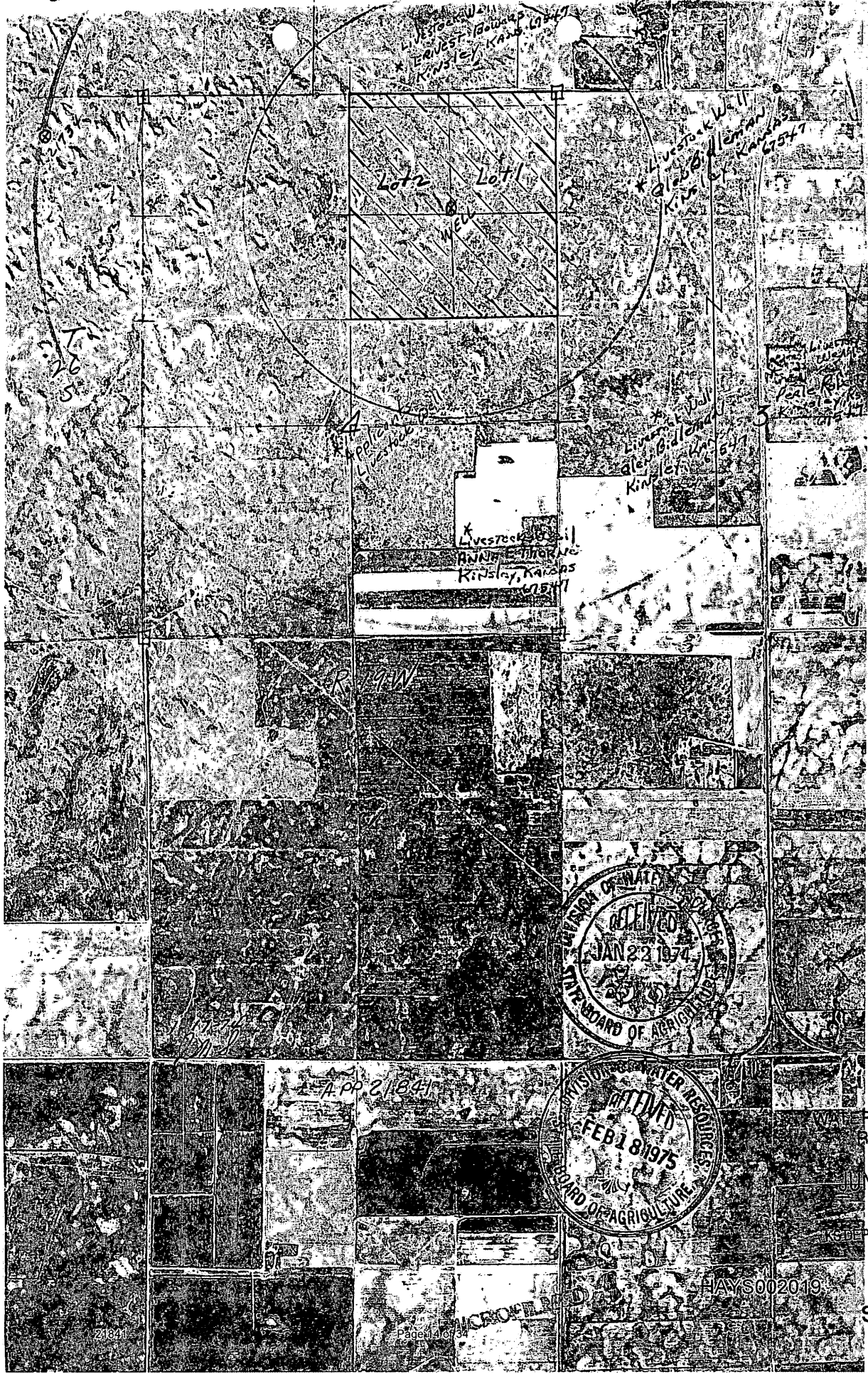
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JUN 9 1975 HAYS002018

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD

SCANNED

Livestock & Kennel Sr. Greensburg 81



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JAN 29 2015

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HAYS002019

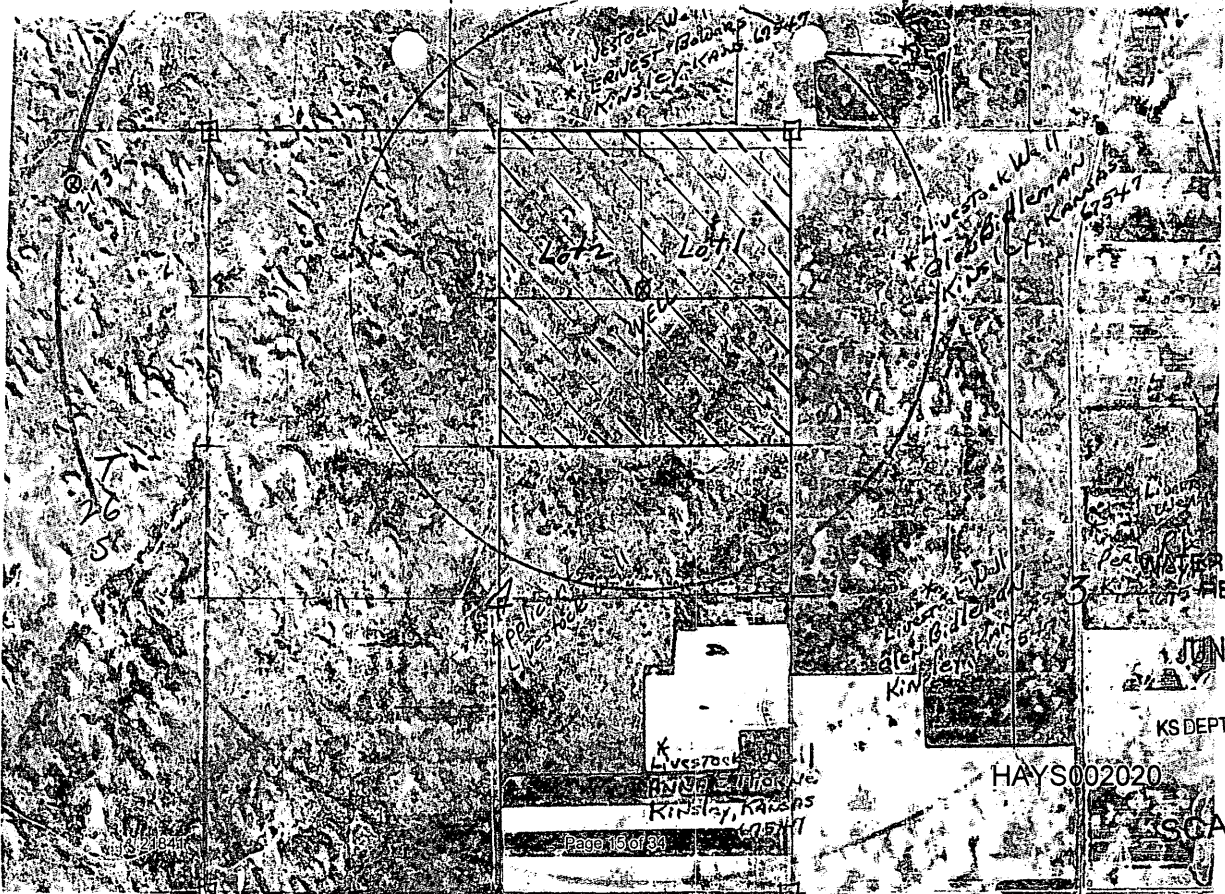
SCANNED

—33

3-4

T  
25  
S

Livestock Well  
Kawwash Smith  
Greensburg Kansas



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JUN 29 2015

KS DEPT OF AGRICULTURE

HAYS002020

SCANNED



DIVISION OF WATER RESOURCES  
KANSAS STATE BOARD OF AGRICULTURE

Re: Appropriation of Water, Application No. 21841

It is my judgment that

1. The application (was) (~~was not~~) made in good faith.
2. The application (is) (~~is not~~) in proper form.
3. The proposed use of water (is) (~~is not~~) for a beneficial purpose.
4. The proposed rate of diversion (is) (~~is not~~) within reasonable limitations for the proposed use.
5. The proposed quantity (is) (~~is not~~) within reasonable limitations for the proposed use.
6. The proposed use (~~will~~) (will not) impair a use under an existing water right.
7. The proposed use (~~will~~) (will not) prejudicially and unreasonably affect the public interest.

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recommendations Approve it.  
\_\_\_\_\_  
\_\_\_\_\_

Date 5-14-75

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JUN 29 2015

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*[Signature]*  
Water Commissioner

JUN 9 1975

HAYS002021

*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.

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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SCANNED JUN 29 2015

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

RECEIVED KS DEPT OF AGRICULTURE

JUN 9 1975 HAYS002022  
MICROFILMED

*2*  
*E*  
*2*

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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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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RECEIVED

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

JUN 9 1975  
MICROFILMED  
HAYS002022

**EXHIBIT**  
2184  
**D**

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



- Partial
- Full
- Re-Test

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

Test 1 of 1 Diversion points County Edwards

Application No. 21,841 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc. Fbert/Stogman

Current Landowner Connecticut General Life Ins % Agri. Affiliates Phone No. (308) 534-9240

Address Box 1162 North Platte, Nebraska 69103 Attn: Jerry Weaver  
 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 of Lot 1 + 2 Sec. 4, T. 26, R. 19, ID No. 01  
Approximately — ft. North and — ft. West of SE corner of Sec. —

Actual Point of Diversion: NC of Lot 1 + 2 Sec. 4, T. 26, R. 19  
Approximately 5378 ft. North and 1340 ft. West of SE corner of Sec. 4  
How were distances determined? Scaled from ASCS aerial photo.

"Approved" Quantity 255 AF "Approved" Diversion Rate 1000 g.p.m. (223 c.f.s.)

Priority Date Jan 22, 1974 Approval Date May 29, 1975 Perfection Date Dec. 31, 1980

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	
4	26	19	ES	ES															170

**LAND IRRIGATED—YEAR OF RECORD 1984**

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	
4	26	19	ES	ES															130

**TESTED DIVERSION RATES**

Maximum G.P.M. \_\_\_\_\_ (c.f.s. \_\_\_\_\_) Normal G.P.M. 889 (c.f.s. 198)

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

Year of Record 1984 Extension of time needed: Yes (x) No ( ) Attached? yes ( ) no (x) **WATER RESOURCES RECEIVED**

Ac. Ft. Applied = 1581 hrs. x 889 g.p.m. x  $\frac{4.419}{24 \times 1000}$  = 259 AF

"Approved" Land irrigated 130 acres, with 259 AF = 1.99 AF/acre

Total AF (including overlapping Files) 259 (1.99 AF/acre)

130 (acres irrigated) x 1.5 (A.F. per acre) = 195 A.F.

**JUN 29 2015**

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**MAY 20 1988**

**SCANNED**

Perfected Rate 890 g.p.m. (c.f.s.) Perfected Quantity 195 AF  
Completed by Douglas E. Bush 3-4-88 **MICROFILMED**  
DWR-1021841 Page 19 of 34 Revised January 1987

21841  
GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Valley Model 4071 Serial No. 13264

Drive:  Water  Electric Length of Pivot Arm 10 towers acres irr. 130

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 Toro 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 nozzles with pressure regulators on center pivot.  
unusual condition/other information

POWER UNIT INFORMATION:

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

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

PUMP INFORMATION:

Manufacturer Western Land Roller Model No. 12CH Rated RPM \_\_\_\_\_

Serial No. F73278 Type Vertical Turbine No. stages 4

GEAR HEAD INFORMATION:

Manufacturer Amasillo Model No. 510.0

Serial No. 91665 Drive Right Angle Ratio 1:1

WELL INFORMATION:

Date Drilled May 1974 Original Depth 120 ft. Static Water Level When Drilled \_\_\_\_\_ ft.

Length of time well has (x) operated ( ) rested prior to measurement 14 (x) days ( ) hrs

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

Depth to water 60 ft. below LSD.

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ADDITIONAL REQUIREMENTS:

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

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

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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

HAYS002010

**SKETCH OF ACTUAL PLACE, 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 Vertical pipe at center of pivot  
 Pipe Diameter (I.D.) 7 1/16 inches

**Test No. 1—Normal Conditions**

R.P.M. POWER UNIT 1809  
 R.P.M. PUMP UNIT 1809  
 Pressure at Pump 25 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  $K = 2.45 \times I.D.^2 =$  \_\_\_\_\_  $Q \text{ (gpm)} = VK$

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. \_\_\_\_\_

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**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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**SCANNED**

**Other Flow Meter**

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

HAYS002011

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1450			
1976				
1977				
1978	950			130
1979				
1980				
1981				
1982				
1983				
* 1984	1581	889**		130
1985	1173	930		130
1986	907	930		130
1987		889**		
** obtained from test data				

Indicate Year of Record with (\*) Source of Information Stefford File  
 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 =  $\frac{K \times 3.6}{t}$  = \_\_\_\_\_ 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: Landowner obtained from Reg of Deeds. See attached sheet for notes on choosing a year of record.

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 JUN 29 2015  
 KS DEPT OF AGRICULTURE

Person present at test Roy William Employee  
 Water Use Correspondent Jerry Weaver 70 Agri Affiliates Box 1160 North Platte NE 69103 308-534-9240  
 Conducted by Le Ray Stegman Date 8/12/87 HAYS002012  
 Approved by Niel J. Wanta, P.E. Date 11/15/87  
 21841 (signature) Page 22 of 34

**EXHIBIT  
E**

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE  
Sam Brownback, *Secretary*

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

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

WATER RIGHT, File No. 21,841  
PRIORITY DATE January 22, 1974

**DUPLICATE COPY**

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

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of Rattlesnake Creek to be withdrawn by means of a well located near a point on a boundary line common to Lot 1 and Lot 2 of Section 4, more particularly described as being near a point 5,378 feet North and 1,340 feet West of the Southeast corner of said section, in Township 26 South, Range 19 West, Edwards County, Kansas, at a diversion rate not in excess of 890 gallons per minute (1.98 c.f.s.) and in a quantity not to exceed 195 acre-feet per calendar year for irrigation use on the following described property:

86.11 acres in Lot 1 (E½ NE¼),  
86.35 acres in Lot 2 (W½ NE¼),

a total of 172.46 acres in Section 4, Township 26 South,  
Range 19 West, Edwards County, Kansas.

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MAY 20 1988

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD

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HAYS002031

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DUPLICATE COPY

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

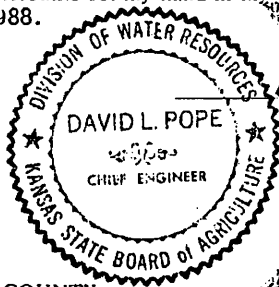
The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 10th day of May, 1988.

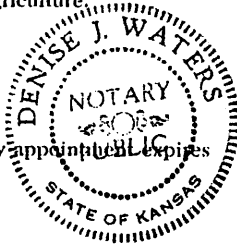


*David L. Pope*  
\_\_\_\_\_  
David L. Pope, P.E.  
Chief Engineer

Division of Water Resources  
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 10th day of May, 1988 by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*  
\_\_\_\_\_  
Denise J. Waters, Notary Public

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

**WATER APPROPRIATION  
CERTIFICATE**

No. 17,208

STATE OF KANSAS

Water Right, File No. 21,841

STATE OF KANSAS, \_\_\_\_\_ COUNTY, ss.

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and \_\_\_\_\_

recorded in Book \_\_\_\_\_ Page \_\_\_\_\_

Fee \$ \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Register of Deeds.

HAYS002032

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SCANNED

KANSAS STATE BOARD OF AGRICULTURE  
Division of Water Resources

## M E M O R A N D U M

To: Files

Date: March 4, 1988

From: Douglas E. Bush

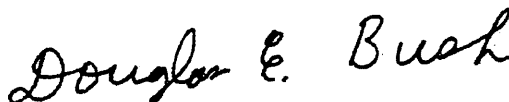
Re: Appropriation of Water  
File No. 21,841

No recommendation on file. The certificate is based on a Field Inspection Report conducted under contract by Pumping Plant Testing, Inc.

The description for the point of diversion was changed from being described as near the center of Lots 1 and 2, more particularly described as near the mid-point of the line common to Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) and Lot 2 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 4, Township 26 South, Range 19 West, Edwards County, Kansas, to be described as being located near a point on a boundary line common to Lot 1 and Lot 2 of Section 4. The latter description more clearly describes the actual location of the well. Also the well has not moved and is still in its original location.

The quantity shown on the certificate was calculated as follows:

1,581 hours x 889 gallons per minute x 0.0001841 = 259 acre-feet  
maximum allowable = 130 acres irrigated x 1.5 acre-feet per acre = 195  
acre-feet.



Douglas E. Bush  
Hydrologist

DEB:jt

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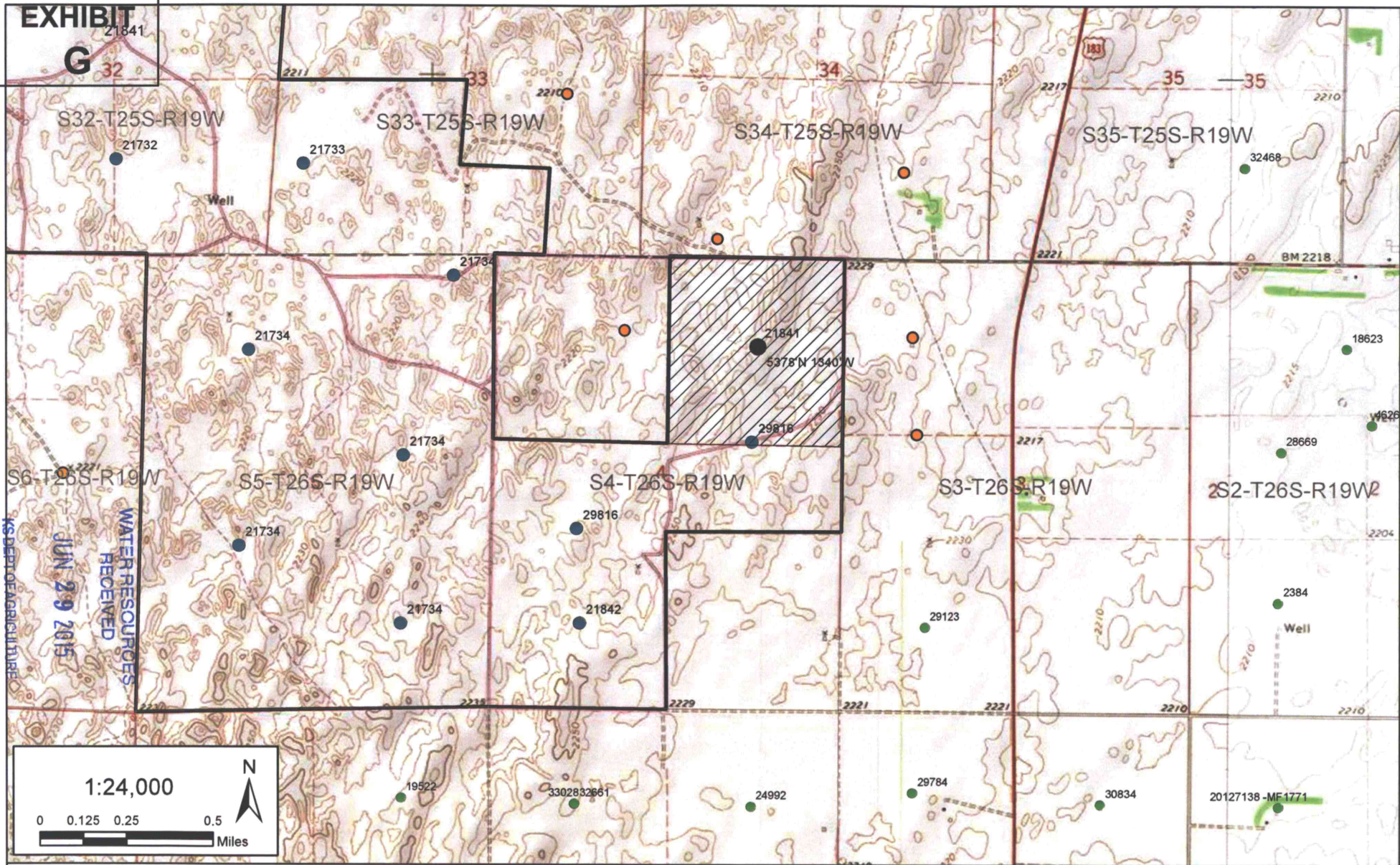
KS DEPT OF AGRICULTURE

HAYS002027

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**EXHIBIT**

**G**



**Legend**

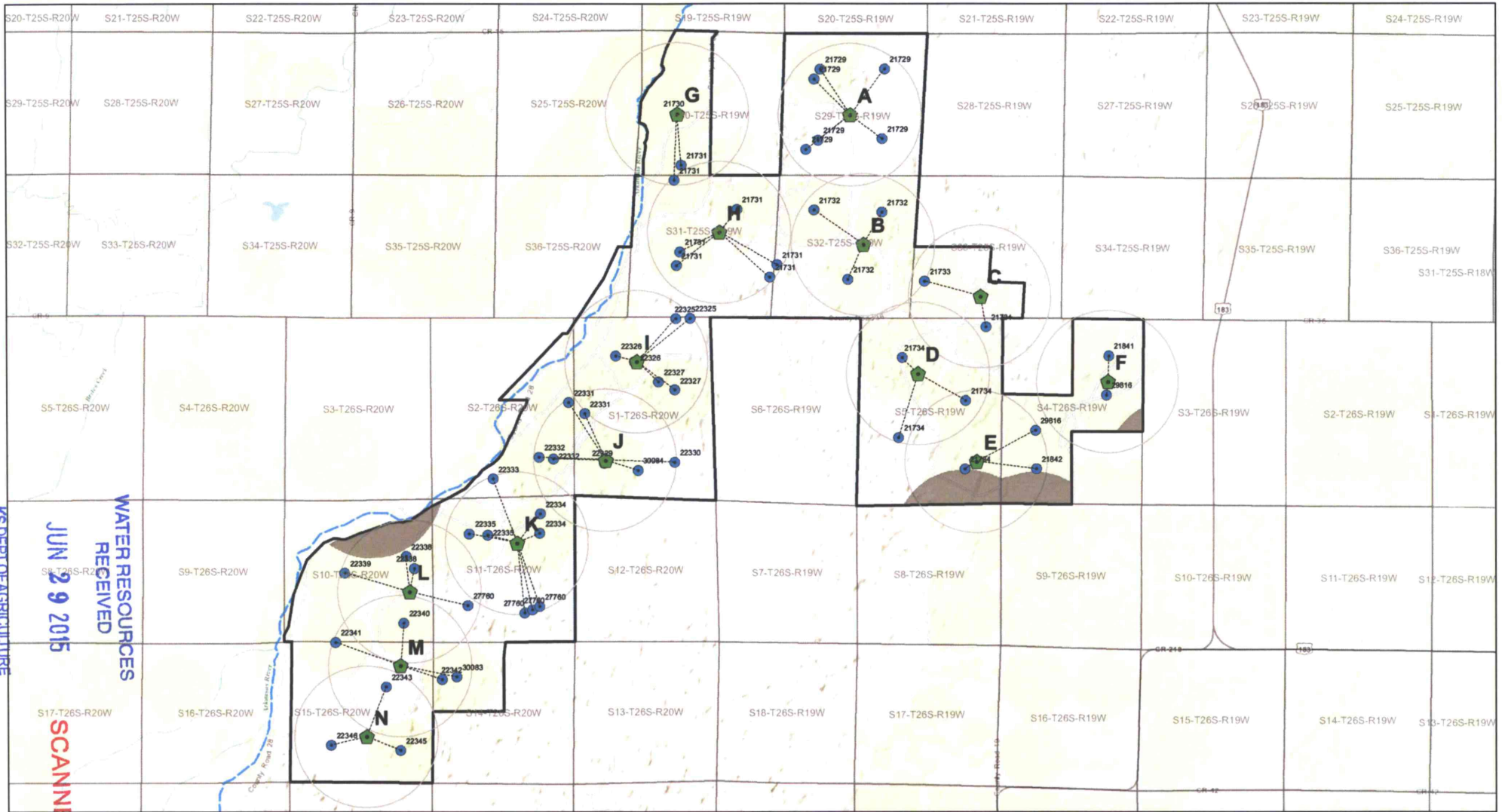
- 21841 Existing Point(s) of Diversion
- 21841 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- ▭ PLSS Sections 21841
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



**CHANGE APPLICATION 21841  
APPLICATION MAP  
AUTHORIZED PLACE OF USE &  
POINTS OF DIVERSION**

SCANNED

**EXHIBIT**  
21841  
**H**



KS DEPT OF AGRICULTURE

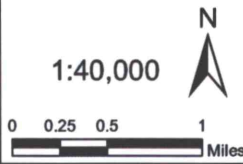
JUN 29 2015

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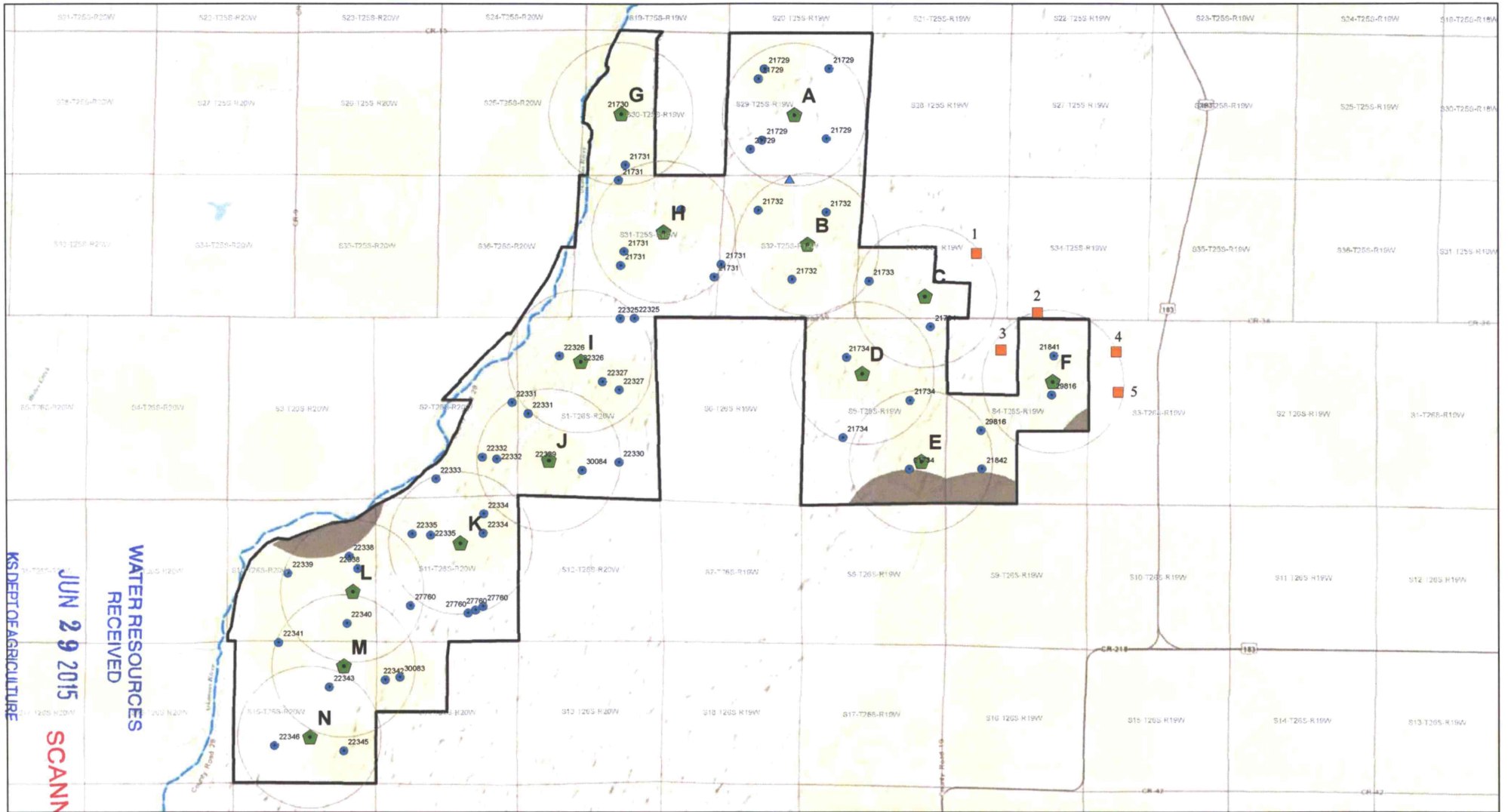
**Legend**

- ◆ 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



# EXHIBIT

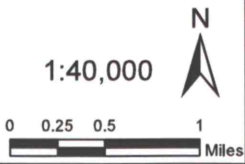
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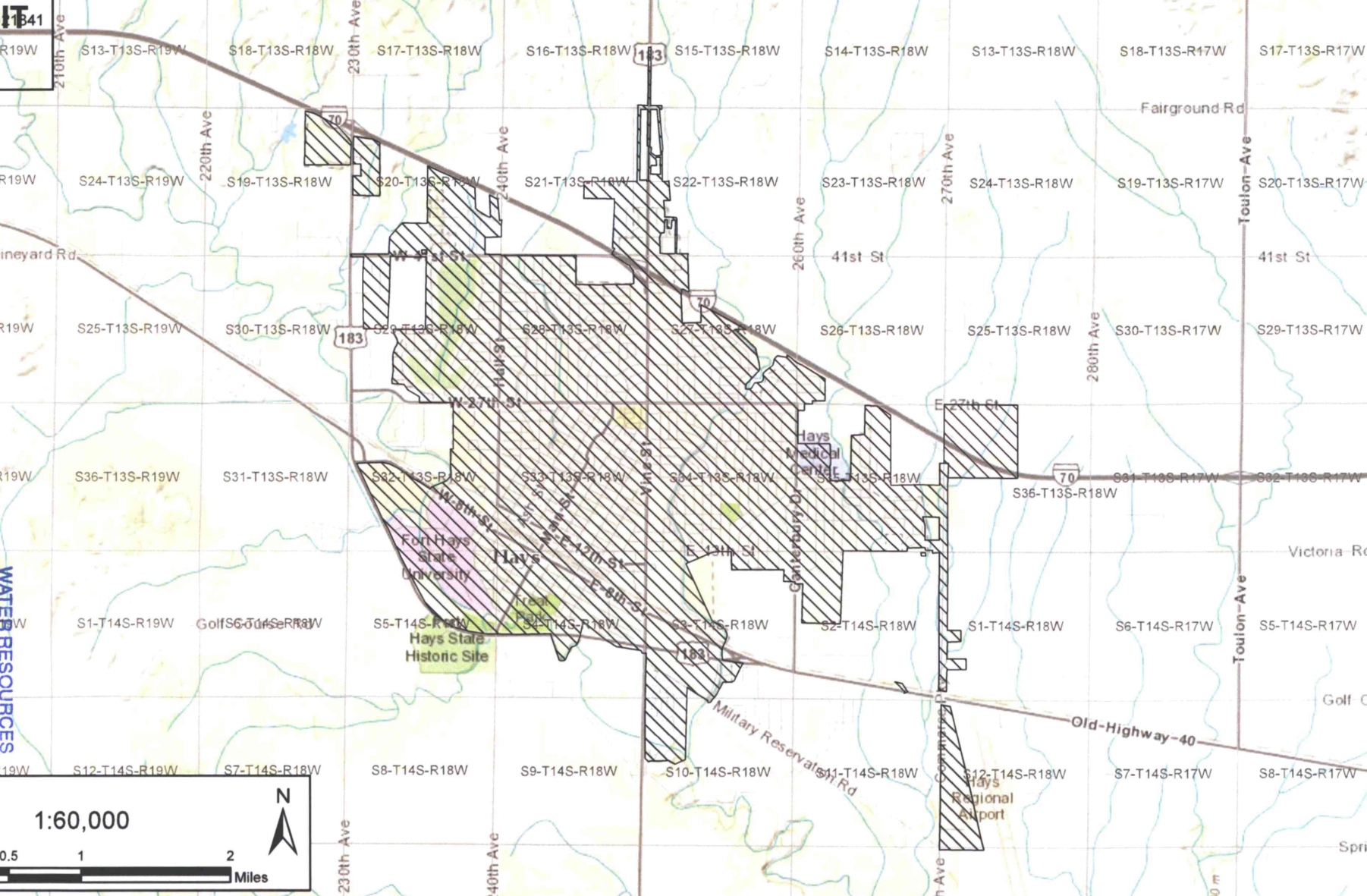
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### Legend

- 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)

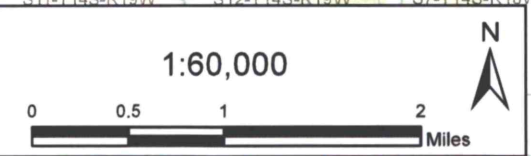


**EXHIBIT**  
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Proposed Place of Use City of Hays

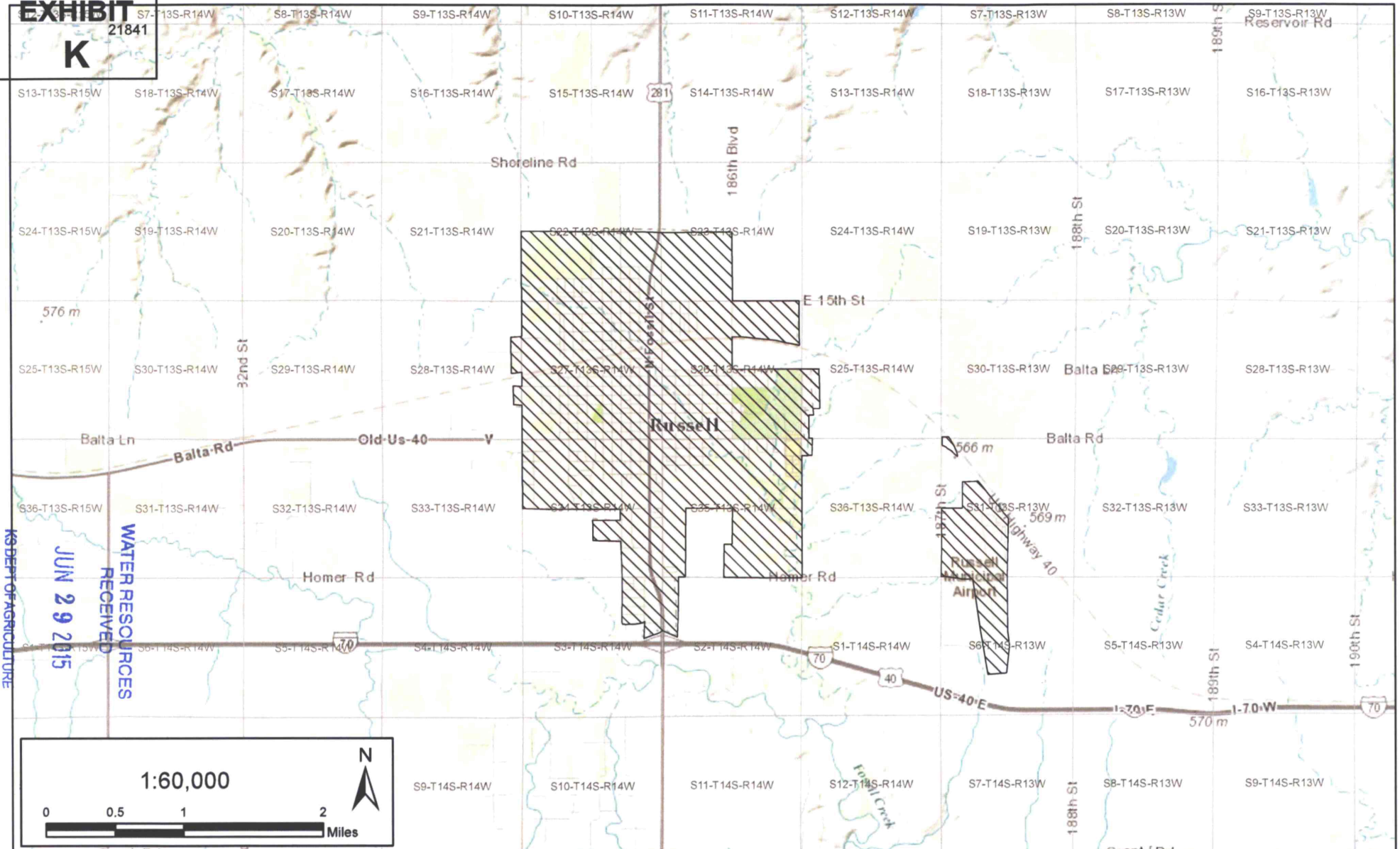


PLSS Sections



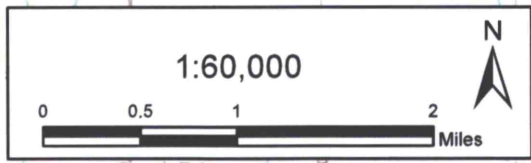
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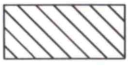

**EXHIBIT**  
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-  Proposed Place of Use - City of Russell
-  PLSS Sections



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

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

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

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 L**

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

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago	592,323,000			5,029,000	469,314,000	5,155,000	112,825,000
15 years ago	780,527,000			10,819,000	587,865,000	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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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 84 of 94 request.

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