

KANSAS DEPARTMENT OF AGRICULTURE

DIVISION OF WATER RESOURCES

MEMORANDUM

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

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


4. The presently authorized place of use is:

22331

David. W. Barfield, PE.

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

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

JUN 26 2015
4:13
Chief Engineer
Division of Water Resources
Kansas Dept. of Agriculture

State of Kansas

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

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

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

David. W. Barfield, PE.

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

JUN 28 2015
4:13
Chief Engineer
Division of Water Resources
Kansas Dept. of Agriculture

JUN 29 2015
8:24
KS DEPT OF AGRICULTURE

File No. 22,331 Circle 22.

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 S County ED By KAB Date 6/29/15
Code C-3 Fee \$ 700 TR # _____ Receipt Date 6/22/15 Check # 058328

of 21000- 1505 3309

- 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 near the center Quarter of the SW Quarter of the NW Quarter of Section 1, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 3,240 feet North 4,875 feet West of Southeast corner of section. Authorized Rate 645 gpm Authorized Quantity 90 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 SW Quarter of the SW Quarter of Section 1, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 1,341 feet North 4,056 feet West of Southeast corner of section. Proposed Rate 1,000 gpm Proposed Quantity 209 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,329-32; 30,084

9. **Presently authorized point of diversion:**
 One in the Lot 9 Quarter of the _____ Quarter of the _____ Quarter of Section 2, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 3,460 feet North 235 feet West of Southeast corner of section. Authorized Rate 640 gpm Authorized Quantity 90 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 SW Quarter of the SW Quarter of Section 1, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 1,341 feet North 4,056 feet West of Southeast corner of section. Proposed Rate 1,000 gpm Proposed Quantity 209 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,329-32; 30,084

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). 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 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

(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.

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JUN 29 2015

Proposed Rate and Quantity

The Cities are requesting a total of 209 acre-feet and 1,000 gpm from the well associated with this water right, all of which will be diverted from new point of diversion J, as shown on Exhibit K. When combined with existing wells from other water rights, new point of diversion J will have a cumulative total of 678.44 acre-feet and 3,170 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 130 acre-feet for municipal use.¹ As discussed below, 120 approved acres irrigated during the perfection period multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 130 acre-feet.²

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

Quantity authorized and perfected

The permit was issued on March 19, 1976, granting the applicant the right to divert up to 214 acre-feet annually at a rate of up to 1,000 gallons per minute for irrigation use⁴, on 120 acres in Sections 1 and 2-T26S-R20W, or 1.78 acre-feet per acre.⁵ The certificate limited the rate to 1,000 gallons per minute when the two wells were operated simultaneously.

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

DWR’s Field Inspection Reports indicate that all of the 214 acre-feet authorized by the permit were lawfully perfected.

- 201 acre-feet⁷ and 202 acre-feet⁸ (403 acre-feet) were applied to 120 approved acres in Sections 1 and 2-T26S-R20W.

While the certificate limits the total quantity to 180 acre-feet based on DWR’s after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.⁹

¹ K.A.R. 5-5-9(a) and (a)(1).

² K.A.R. 5-5-12, NIR Requirements.

³ K.A.R. 5-5-9(b).

⁴ Permit, HAYS002691, Ex. A.

⁵ Application, HAYS002681, Ex. B.

⁶ March 19, 1976, letter (emphasis added), HAYS002690, Ex. C.

⁷ FIR, HAYS002663, Ex. D.

⁸ FIR, HAYS002672, Ex. E.

Thus, since the perfection period has expired, the “authorized quantity” for this water right is the 214 acre-feet actually perfected even though it exceeds the certified quantity.

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

NIR for Alfalfa

The Field Inspection Reports state that alfalfa was grown on each of these circles during the year of record.¹⁰ According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County is 13 inches (1.083333 feet) for corn and 20.9 (1.741666 feet) inches for alfalfa.

Since alfalfa was grown on the authorized place of use in at least one year during the perfection period, it is reasonable to use the NIR for alfalfa, which yields a total quantity of 209.00 acre-feet consumed. While this quantity is greater than the quantity set out in the certificate, it is less than the “maximum annual quantity authorized by the water right.”¹¹

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.¹² 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 214 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 154.08 acre-feet, should be available for conversion to municipal use. This is less than the 214 acre-feet authorized so the limitation in K.A.R. 5-5-9(a)(4) is not implicated.

The Applicants request that DWR approve a total of 209.00 acre-feet for municipal use.

⁹ Certificate, HAYS002702, Ex. F; Doug Bush August 29, 1994, Memo, HAYS002695, Ex. G; Larry Sheets September 27, 1994 letter, HAYS002699, Ex. H; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

¹⁰ FIRs, HAYS002666, Ex. D, and 2675, Ex. E.

¹¹ See K.A.R. 5-5-9(a)(4).

¹² Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. I, stating that: “In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.” See also, K.A.R. 5-3-24 and Doug Bush Memo dated August 29, 1994, Ex. G.

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. 22,331 of the applicant

Midwest Land and Cattle Co.
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 May 2, 1974.
2. That the water sought to be appropriated shall be used for irrigation on the land described in the application.

3. That the source from which the appropriation is made shall be from ground water in the drainage basin of the Arkansas River to be withdrawn by means of two (2) wells: one well near the center of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 1 and one well near the center of the East side of Lot 9 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 2, Township 26 South, Range 20 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 214 acre-feet for any calendar year.

WATER RESOURCES
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JUN 29 2015

KS DEPT OF AGRICULTURE

(OVER)

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MAR 25 1975 002691
web 22

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

SCANNED

22331

5. That installation of works for diversion of water shall be completed on or before December 31, 19 77. 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, 19 81.

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 19th day of March 19 76

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JUN 29 2015

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

HAYS002692

THE STATE OF KANSAS



222

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

Lead sheet 50 # 5-274

22331
12

NUMBER

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.) Midwest Land and Cattle Co.
Comes now the applicant (Miss) _____ whose post office address is Box 208 Kinsley, Kansas 67547

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 the 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:

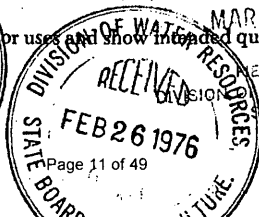
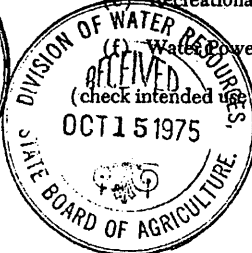
1. The quantity of water desired is in the amount of ~~XXXXXX~~ ²¹⁴ 320 acre feet per year, to be diverted at a maximum rate of 1000 gallons per minute (gallons per minute or cubic feet per second) * 203115

2. The location of the proposed wells or other works for diversion of water is in the _____ quarter of the _____ quarter of the _____ quarter of section X, township South Brown 26, range 2620W, in Edwards County, Kansas.

~~Second well can not be exactly located until test hole is drilled~~
is intended to be appropriated for:

* 1 well near the center of the East side of Lot 9, Section 2 and
Amount
1 well near the center of the SW 1/4 of the NW 1/4 of Section 11

- (a) Domestic use ()
- (b) Municipal use ()
- (c) Irrigation use (X) 320 acre ft./yr. - 1000 gals./min.
- (d) Industrial use ()
- (e) Recreational use ()
- (f) Water power use ()



MICROFILMED
RECEIVED

MAR 29 1976

FIELD OFFICE
WATER RESOURCES
STAFFORD, DIVISION OF WATER RESOURCES

HAYS002680

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JUN 29 2015

KS DEPT OF AGRICULTURE

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: Midwest Land & Cattle Co.

ADDRESS: P.O. Box 208 Kinsley, Kansas 67547

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 $\frac{1}{4}$	
2 26 20	Lot 10 17 $\frac{1}{2}$ 40	40	40	Lot 9 39 40										86 7			68 160
1 26 20					Lot 15 15 29	35 34				6 5							56 119

* Lot 10 + accretions
** Lot 9 + accretions

1-23-75
90
68 + 62
160
56 + 56
119 + 125
120

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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HAYS002681

two wells with two pumps

7. The works for diversion of water will consist of ~~two wells with two pumps~~ for one circle sprinkler irrigation system (two motors) _____
(wells, pumps, etc.)
and will be completed by July of 1974 _____
(Date)

8. The first actual application of water for the beneficial use proposed was or is estimated to be July of 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:
Irrigation wells and land is in the process of being bought from a
company known as the Kinsley Joint Venture (Wheatheart Land Co.)
Applications for water rights have been filed

11. The relation of the subscriber to this application is that of agent _____
(Owner, agent or otherwise)
and he is authorized to make this application in behalf of the interest affected.

Dated at Kinsley _____, Kansas, this 22 day of April _____, 1974

Midwest Land & Cattle Co.

(Applicant)

By Johnny Carson MGR. _____
(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.

HI-559



5-72-10M ESTE

WATER RESOURCES RECEIVED

JUN 29 2015

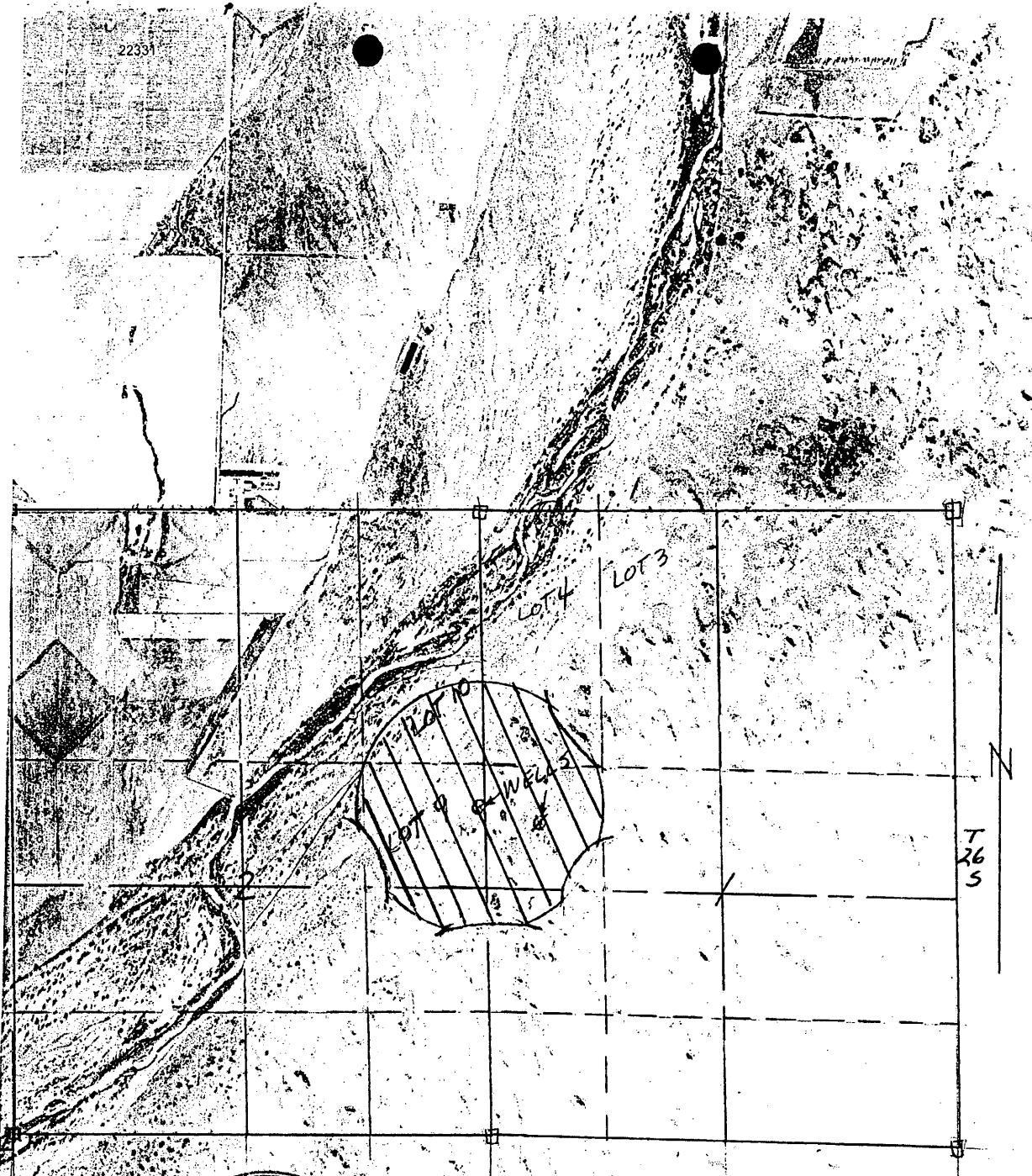
RECEIVED

KS DEPT OF AGRICULTURE

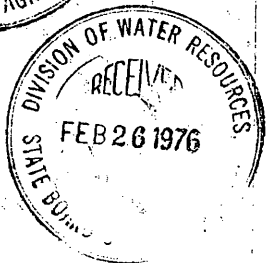
MAR 29 1976

HAYS002682

22331



R20W
APPLICATION 22331
 9-15-75
*All wells within 1/2 mile of the
 irrigation well are owned by applicant*



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WATER RESOURCES RECEIVED

JUN 29 2015

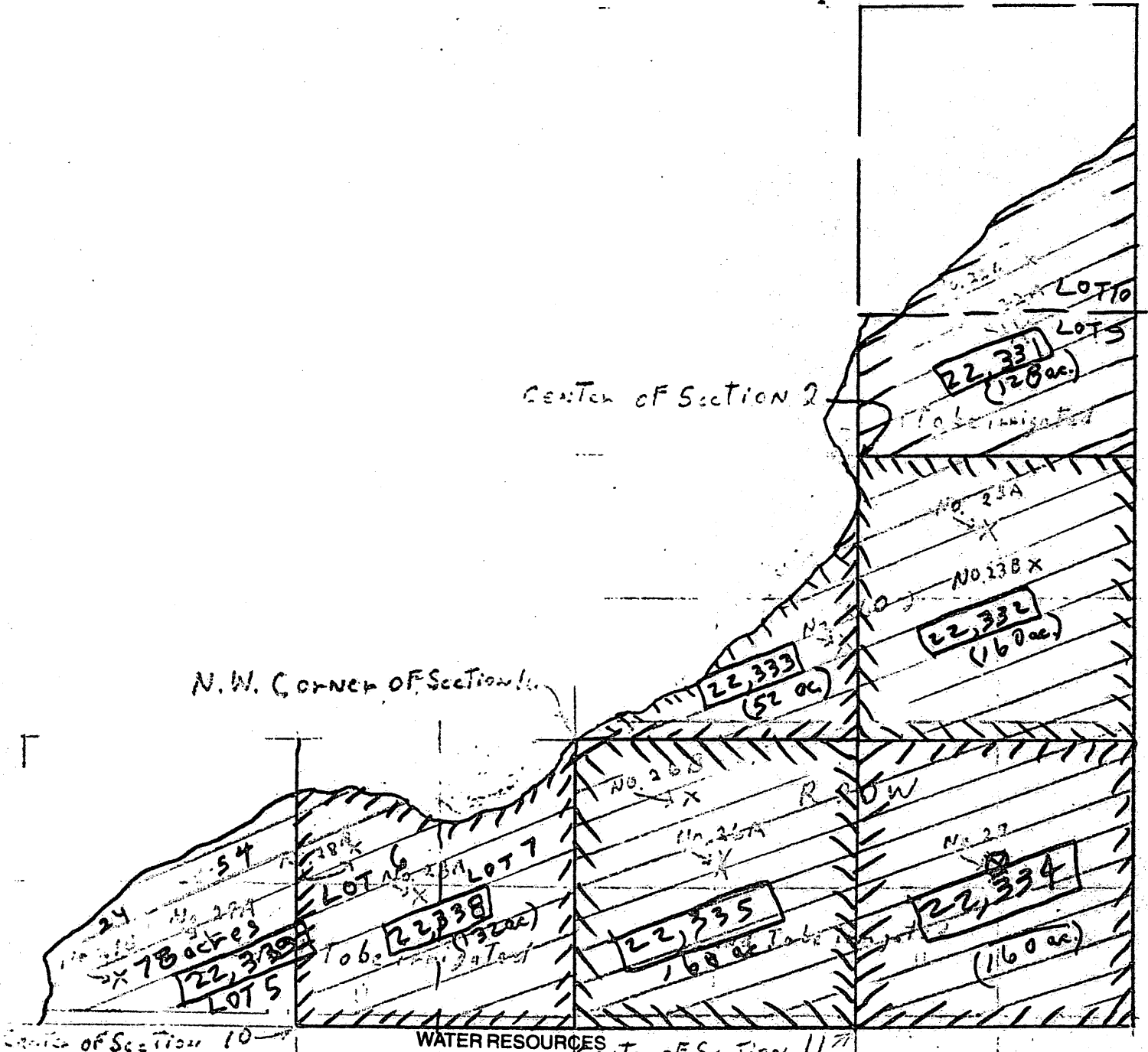
KS DEPT OF AGRICULTURE

HAYS002683

N.W. CORNER OF SECTION 2

Center of Section 2

N.W. CORNER OF SECTION 11



Center of Section 10

WATER RESOURCES RECEIVED

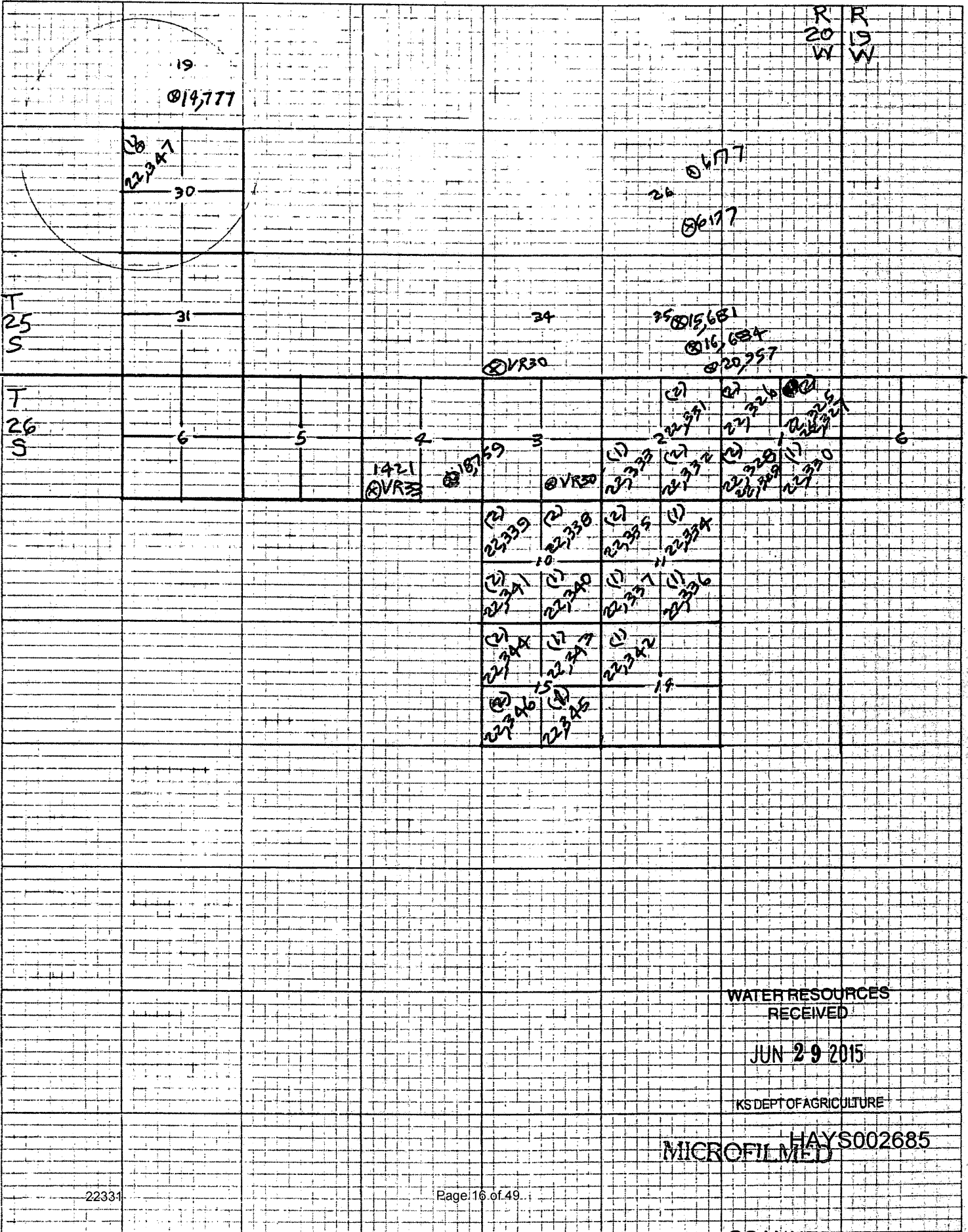
Center of Section 11

HAYS002684

R 20W

JUN 29 2015

Page 15 of 49..



WATER RESOURCES RECEIVED

JUN 29 2015

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MICROFILMED HAYS002685

SCANNED

EXHIBIT

22331

C

2

F-N

March 19, 1976

Midwest Land and Cattle Co.
Box 108
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,331

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

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

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

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

Very truly yours,

WATER RESOURCES
RECEIVED

JUN 29 2015

Riley M. Dixon
Hydrologist

KS DEPT OF AGRICULTURE

RMD:GEE:ee1

RECEIVED

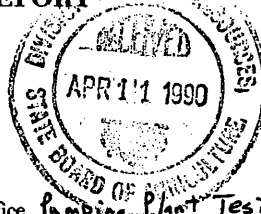
Encs.

MAR 29 1976
MAY 30 2015

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FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

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



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

- N & P
- Full
- Partial

Test 1 of 2 diversion points. County Edwards
Awell

Application No. 22331 Inspection Date 2/12/90 Firm/Field Office Pumping Plant Testing, Inc.

Current Landowner DON GOLDMAN % KING VALLEY DEVELOPMENT, INC. PHONE No. (416) 841-9262

Address ROUTE 3, KING CITY, PONTIAC, CANADA LOGIKO
 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 Arkansas River

Authorized Point of Diversion: NC Eastside of Lot 9 (SE, NE) Sec. 2, T. 26, R. 20, ID No. 01
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: NE 1/4, SE 1/4, NE 1/4 Sec. 2, T. 26, R. 20
Approximately 3460 ft. North and 235 ft. West of SE corner of Sec. 2
How were distances determined? Scaled off aerial photo

"Approved" Quantity 214 AF "Approved" Diversion Rate 1000 g.p.m. (2.25 c.f.s.)

Priority Date 5/2/74 Approval Date 3/19/76 Perfection Date 12/31/81

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	
1	26	20					19	34				5							58
2	26	20	17			39										6			62
																			120

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	
1	26	20					15.5	29				1.5							46
2	26	20	25	1	4.5	39.5									4				74
																			120

TESTED DIVERSION RATES

Maximum G.P.M. 640 (well pumping alone) **RECEIVED** both wells pumping together Normal G.P.M. 1005 (c.f.s. 2.24)

FEB 21 1995 FOR D.W.R. USE ONLY

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

Ac. Ft. Applied = 1700 hrs. x 640 g.p.m. x $\frac{4.419}{24 \times 1000}$ = 201 AF

WATER RESOURCES RECEIVED

"Approved" Land irrigated 120 acres, with 201 AF = 1.68 AF/acre

JUN 29 2015

Total AF (including overlapping Files) 315 A.F. (2.63 AF/acre)

KS DEPT OF AGRICULTURE

120 acres x 1.5 A.F. per acre = 180 A.F.
180 A.F. x 0.5 (one-half quantity per well) = 90 A.F.

Perfected Rate 640 g.p.m. (1.43 c.f.s.) Perfected Quantity 90 AF HAYS002663

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Zimatic Model 310 Serial No. 3079

Drive: Water Electric Length of Pivot Arm _____ Acres Irr. 120

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 Rainbird 85 Rating _____ g.p.m.

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 Angle Senninger Sprinklers on Center Pivot
unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____

Serial No. _____ Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10MA Rated RPM _____

Serial No. N2424231X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer U.S. Motors Model No. GP

Serial No. R-9556-00H-472 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled 7/24/74 Original Depth 58 ft. Static Water Level When Drilled 8 ft.

Length of time well has () operated rested prior to measurement 150 days () hrs

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

Depth to water Not Possible ft. below LSD.

ADDITIONAL REQUIREMENTS:

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

Flow Meter Model No. _____ Serial No. _____ Size _____

Is the meter installed properly? () yes () no Flow meter conversion factor: _____

Flow meter units: () Acre Feet () Acre inches () Gallons () Other _____

Is check valve present? yes () no

Is low pressure drain present? yes () no Is vacuum breaker present? yes () no

Is injection port present? yes () no Is injection system being operated HAYS002664

Was a Plant Health Chemigation Report completed? yes () no
22331 Page 19 of 29

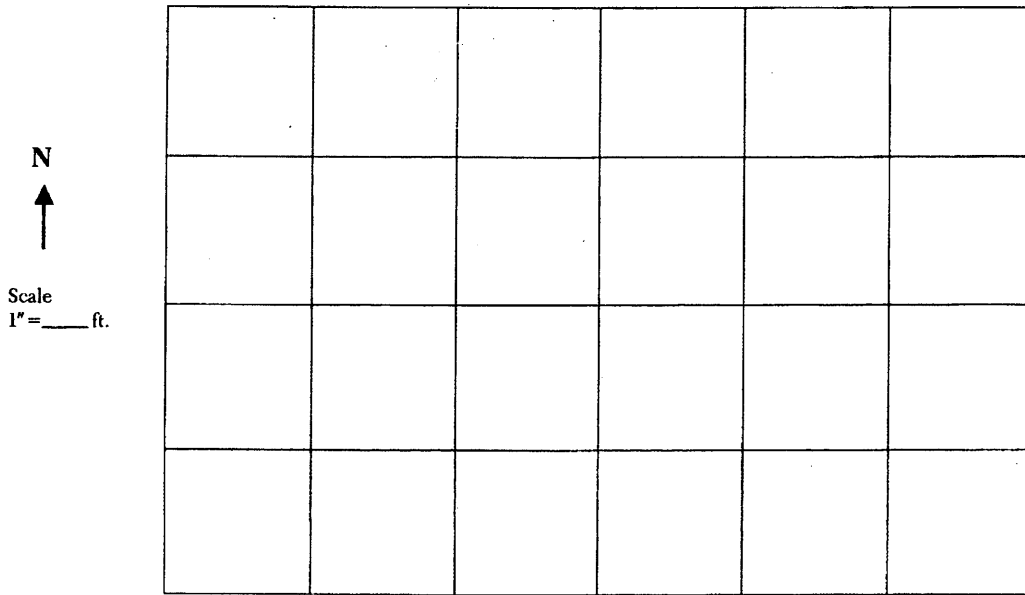
WATER RESOURCES RECEIVED

JUN 29 2015

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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 3/4 inches

Test No. 1—Normal Conditions
both wells pumping together
R.P.M. POWER UNIT 2120
R.P.M. PUMP UNIT 1767
Pressure at Pump 68 psi

Test No. 2—Maximum Conditions
Well pumping alone
R.P.M. POWER UNIT 2100
R.P.M. PUMP UNIT 1750
Pressure at Pump 30 psi

Jacuzzi Meter Test

Meter Identification No. _____

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

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

WATER RESOURCES RECEIVED

JUN 29 2015

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Other Flow Meter

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

HAYS002665

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TABULATION OF WATER USE DETERMINED AT THE TIME OF THIS REPORT:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1740			124
1976				
1977	893			130
1978				
1979	336	850		118
1980				
1981	840	850		118
1982				
1983	0 (PIK)			
* 1984	1700	1005**		120
1985	1600	400		120
1986	0 [†]			
1987	0 [†]			
1988	400			119
1989	801			120
1990		1005**		

Indicate Year of Record with (*) † obtained from test (both wells operating) ‡ obtained from tenant set aside acres
 Source of Information Standard Files

Crops Irrigated: this year Soybeans + wheat 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: This irrigated circle is known to the Owner's farm management as "CIRCLE NO. 22".

WATER RESOURCES RECEIVED

JUN 29 2015

Person present at test Kent Naber operator
(name) (relationship)

Water Use Correspondent Don Goldman (see owner)
(name) (address) (phone number)

Conducted by Brag Stent Date 2/12/90

Approved by Bill J. W... P.E. Date 4/6/93
(signature) (title)

KS DEPT OF AGRICULTURE

APPLICATION NO: 22331

NAME: Don Gollman
Eagle Ridge
Equities, Inc.

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 of 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 more accurate than our method of identifying section corners used. Our procedure of finding the section corners consisted of several steps. First, we used copies of the original survey plots 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 plot dimensions, but also by drawing lines across several miles from identifiable boundaries. However, sometimes these points made a section so "out-of square" that we shifted the boundaries until they were reasonably tolerable. Because some of these marks were based on our judgement, we can not be sure they would be the same if the land was surveyed. These points were then transferred to the large scale photos included.

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

PUMPING PLANT TESTING, INC.

Reviewed by: *[Signature]*
Professional Engineer

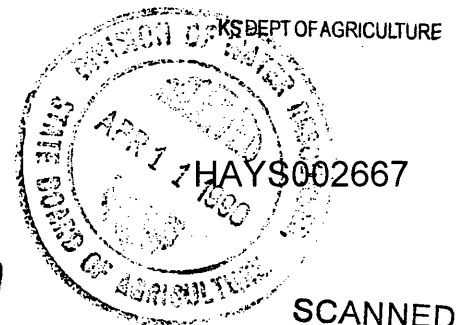
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JUN 29 2015

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FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD



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APPLICATION NO: 22331

NAME: Don Goldman
~~Eagle Ridge~~
~~Equities, Inc.~~

NOTES ON CHOOSING A YEAR OF RECORD

This development has had several owners since its inception in 1975, with owners from Europe and around the U.S. at various times. A state of confusion has existed in the crop production effort. All of the water use and equipment records have been either destroyed or lost, the systems and pumping plant components have been interchanged over the years.

Since 1983, Connecticut General Life Insurance made a diligent effort to keep good records. In 1989 the property was purchased by ~~Eagle Ridge Equities, Inc.~~ and they too are trying to keep accurate up to date records. Therefore, it would seem reasonable to use the years since 1983 in choosing a Year of Record.

PUMPING PLANT TESTING, INC.

Reviewed by: W. J. Wentz
Professional Engineer

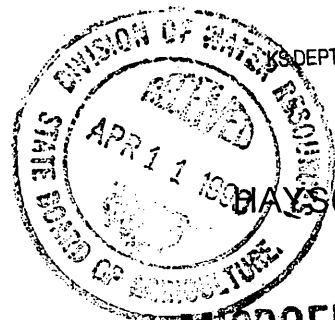
WATER RESOURCES
RECEIVED

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DEPT OF AGRICULTURE

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FEB 21 1995



002668

APPLICATION NO: 22331 NAME: Don Goldmann

COLLINS METER TEST *A well pumping alone*

Collins Meter No. 1-84 Meter Calibration Factor .9428

Pipe Inside Diameter (inches) 2 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 30 Test RPM, Pump 1750

Description of Test Location Horizontal pipe between pump and pivot

TEST DATA: Check, Initial 4.78 Reversed 4.76
 Meter Setting From Center of Pipe
 Velocity Left Side of Pipe (or Front Side if Vertical Test) Velocity Right Side of Pipe (or Back Side if Vertical Test)

Meter Setting	Left Side Velocity	Right Side Velocity
<u>1 9/16</u>	<u>4.71</u> <u>4.78</u>	<u>4.75</u> <u>4.70</u>
<u>2 3/4</u>	<u>4.73</u> <u>4.69</u>	<u>4.74</u> <u>4.64</u>
<u>3 9/16</u>	<u>4.63</u> <u>4.53</u>	<u>4.62</u> <u>4.52</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.67

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
4.67 x .9428 = 4.40

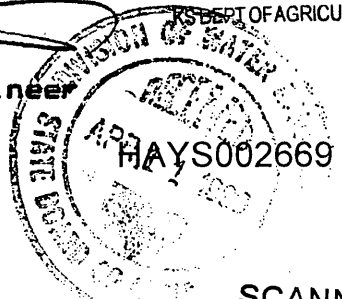
Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
4.40 x 145.4 = 640 GPM

WATER RESOURCES RECEIVED

JUN 29 2015
 PUMPING PLANT TESTING, INC.
 DEPT OF AGRICULTURE
 PROFESSIONAL ENGINEER

Reviewed By: Neil J. West

FEB 21 1995



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SCANNED

APPLICATION NO: 22331 NAME: Don Goldman

COLLINS METER TEST Both wells pumping Together

Collins Meter No. 1-84 Meter Calibration Factor .9428

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

Test Pressure (psi) 68 Test RPM, Pump A well 1767
B well 1755

Description of Test Location Horizontal pipe between pump and pivot

TEST DATA: Check, Initial 7.78 Reversed 7.80
 Meter Setting From Center of Pipe
 Velocity Left Side of Pipe (or Front Side if Vertical Test) Velocity Right Side of Pipe (or Back Side if Vertical Test)

<u>1 9/16</u>	<u>7.49</u>	<u>7.47</u>	<u>7.83</u>	<u>7.89</u>
<u>2 3/4</u>	<u>7.16</u>	<u>7.08</u>	<u>7.68</u>	<u>7.65</u>
<u>3 9/16</u>	<u>6.53</u>	<u>6.51</u>	<u>7.39</u>	<u>7.29</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 7.33

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
7.33 x .9428 = 6.91

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
6.91 x 145.4 = 1005 GPM

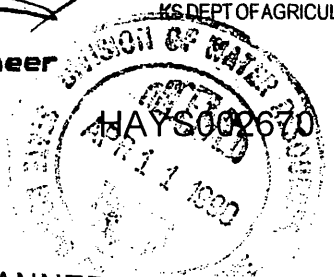
WATER RESOURCES RECEIVED

PUMPING PLANT TESTING, INC. JUN 29 2015

Reviewed By: Neil J. Water
 RECEIVED Professional Engineer

KS DEPT OF AGRICULTURE

FEB 21 1995



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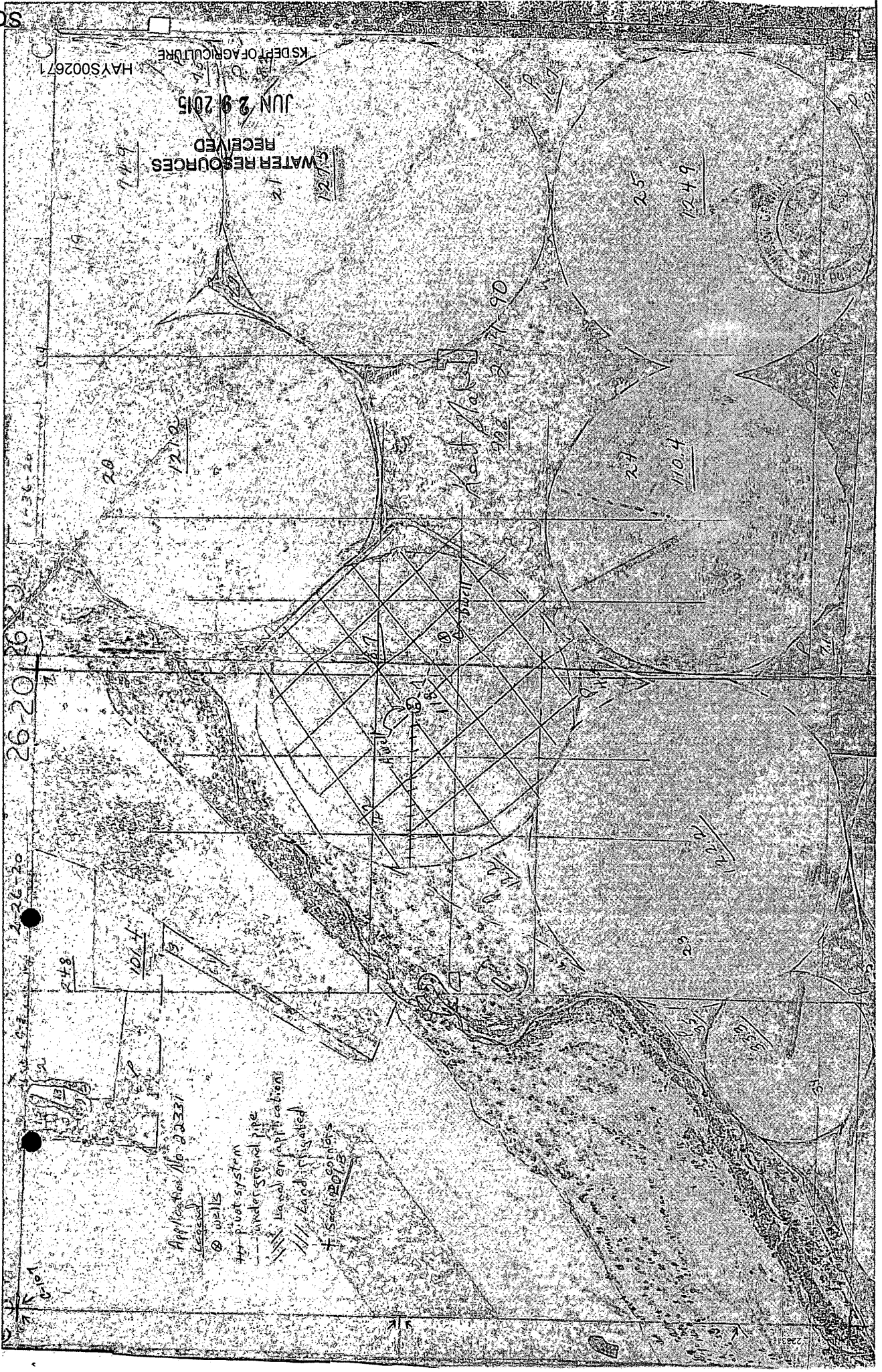
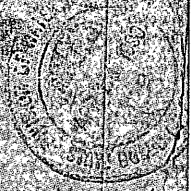
SCANNED

HAYS002671

KS DEPT. OF AGRICULTURE

JUN 29 2015

WATER RESOURCES RECEIVED



Application No. 20337

- Legend
- ⊙ walls
- pivot system
- under ground pipe
- ||||| canal application
- /// bagged applied
- F Section corners

Section 2015

26-2016-20

26-20

26-20

26-20

19

20

12.2

208

208

208

205

112.49

207

110.4

248

101.4

203

103.9

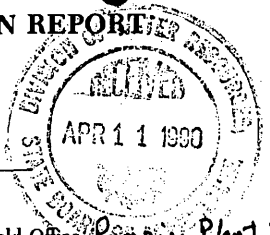
103.9

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

- N & P
- Full
- Partial

Test 2 of 2 diversion points. County Edwards
8 well

Application No. 22331 Inspection Date 2/12/90 Firm/Field Office Pumping Plant Testing, Inc. Ebert/Hirsch

Current Landowner Dion Goldman % KING VALLEY DEVELOPMENT Phone No. (416) 841-9262

Address ROUTE 3, KING CITY, ONTARIO, CANADA LOGIKO
 Additional landowners and addresses identified in remarks section.

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

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

Authorized Point of Diversion: NE SW 1/4, NW 1/4 Sec. 1, T. 26, R. 20, ID No. 13
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: NW 1/4, SW 1/4, NW 1/4 Sec. 1, T. 26, R. 20
Approximately 3240 ft. North and 4825 ft. West of SE corner of Sec. 1
How were distances determined? Scaled off aerial photo

"Approved" Quantity 214 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date 5/2/74 Approval Date 3/19/76 Perfection Date 12/31/81

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>1</u>	<u>26</u>	<u>20</u>					<u>19</u>	<u>34</u>			<u>5</u>							<u>58</u>	
<u>2</u>	<u>26</u>	<u>20</u>	<u>17</u>			<u>39</u>								<u>6</u>				<u>63</u>	
																		<u>120</u>	

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	
<u>1</u>	<u>26</u>	<u>20</u>					<u>15.5</u>	<u>29</u>			<u>1.5</u>							<u>46</u>	
<u>2</u>	<u>26</u>	<u>20</u>	<u>25</u>	<u>1</u>	<u>4.5</u>	<u>39.5</u>								<u>4</u>				<u>74</u>	
																		<u>120</u>	

TESTED DIVERSION RATES RECEIVED

Maximum G.P.M. 643 (c.f.s. 1.43) Normal G.P.M. 1005 (c.f.s. 2.24)
Well pumping alone both wells pumping together

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FOR D.W.R. USE ONLY

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

Ac. Ft. Applied = $\frac{1700}{24} \text{ hrs.} \times 643 \text{ g.p.m.} \times \frac{4.419}{1000} = 202 \text{ AF}$

"Approved" Land irrigated 120 acres, with 202 AF = 1.68 AF/acre

Total AF (including overlapping Files) 315 A.F. (2.63 AF/acre)

120 acres x 1.5 A.F. per acre = 180 A.F.

180 A.F. x 0.5 (one-half quantity per well) = 90 A.F.

Perfected Rate 645 g.p.m. (1.44 c.f.s.) Perfected Quantity 90 AF

completed by Page Douglas E. Bush
8-24-94

WATER RESOURCES RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Bimatic Model 310 Serial No. 3079

Drive: Water Electric Length of Pivot Arm _____ Acres Irr. 120

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 Rainbird 85 Rating _____ g.p.m.

Gravity Irrigation

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

Description _____

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____

Serial No. 34830 F-13-HK Fuel Nat. Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10MA Rated RPM _____

Serial No. N242464 7X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F-80

Serial No. 82494 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled 11/19/74 Original Depth 52ft. Static Water Level When Drilled 15 ft.

Length of time well has () operated () rested prior to measurement 150 () days () hrs

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

Depth to water 17' ft. below LSD.

ADDITIONAL REQUIREMENTS:

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

Flow Meter Model No. _____ Serial No. _____ Size _____

Is the meter installed properly? () yes () no Flow meter conversion factor: _____

Flow meter units: () Acre Feet () Acre inches () Gallons () Other _____

Is check valve present? () yes () no

Is low pressure drain present? () yes () no

Is vacuum breaker present? () yes () no

Is injection port present: () yes () no

Is injection system being operated: () yes () no

Was a Plant Health Chemigation Report completed? () yes () no

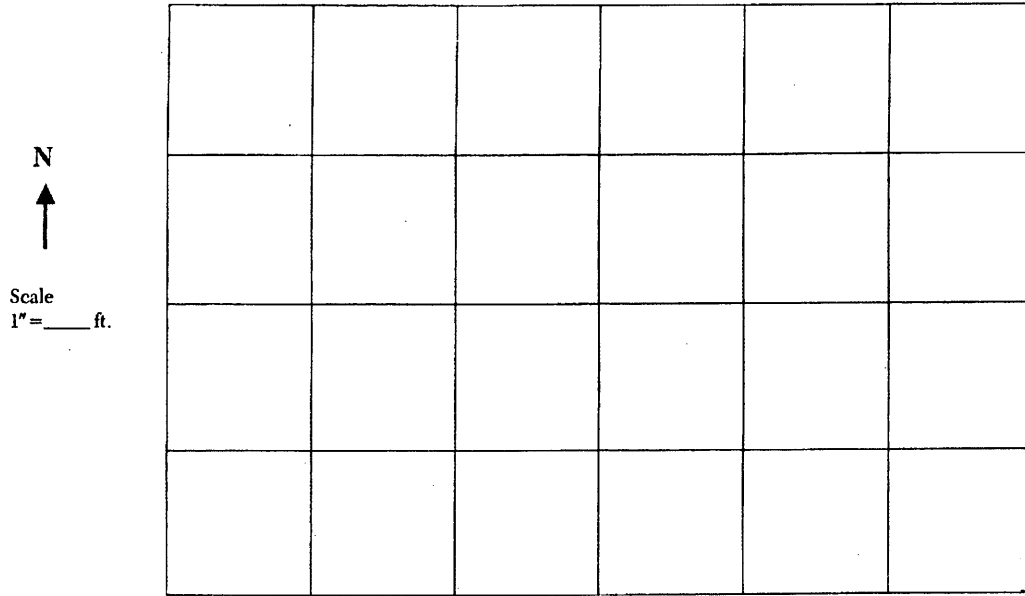
WATER RESOURCES RECEIVED

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KS DEPT OF AGRICULTURE

HAYS002673

22331
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 collection pot and pipe from A-well
 Pipe Diameter (I.D.) 6 1/8 inches

Test No. 1—Normal Conditions
both wells pumping together
 R.P.M. POWER UNIT 2106
 R.P.M. PUMP UNIT 1755
 Pressure at Pump 68 psi

Test No. 2—Maximum Conditions
Well Pumping alone
 R.P.M. POWER UNIT 2112
 R.P.M. PUMP UNIT 1760
 Pressure at Pump 18 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. _____

JUN 29 2015

Meter Diameter _____ inches

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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).

HAYS002674

TABULATION OF WATER USE DETERMINED AT THE TIME OF THIS REPORT:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1740	1000		124
1976				
1977	893	1000		130
1978				
1979	336	850		118
1980				
1981	840	850		118
1982				
1983	0 (PIK)			
* 1984	1700	1005**		120
1985	1600	400		120
1986	0*			
1987	0*			
1988	400			119
1989	801			120
1990		1005**		

** obtained from test (both wells operating)
* obtained from tenant set aside acres

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year soybeans + wheat year of record 1976/79

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: This irrigated circle is known by the owner as
"CIRCLE # 22"

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Person present at test Kent Naber (name) operator (relationship) KS DEPT OF AGRICULTURE
 Water Use Correspondent _____ (name) Don Goldman (address) (see owner) (phone number)
 Conducted by Greg Ebert Date 2/12/90
 Approved by Bill J. Went (signature) P.E. (title) Date 4/8/90

APPLICATION NO: 22331 NAME: Don Goldman

COLLINS METER TEST B well pumping alone

Collins Meter No. 1-84 Meter Calibration Factor .9428

Pipe Inside Diameter (inches) 6/8 Flow Rate Factor 89.5

Test Pressure (psi) 18 Test RPM, Pump 1760

Description of Test Location Horizontal pipe between collection pot and pipe from A-well

TEST DATA: Check, Initial 8.09 Reversed 8.10
 Meter Setting From Center of Pipe
 Velocity Left Side of Pipe (or Front Side if Vertical Test) Velocity Right Side of Pipe (or Back Side if Vertical Test)

Meter Setting	Left Side Velocity	Right Side Velocity
<u>1/4</u>	<u>7.78</u> <u>7.75</u>	<u>7.95</u> <u>8.10</u>
<u>2 3/16</u>	<u>7.92</u> <u>7.73</u>	<u>8.13</u> <u>8.13</u>
<u>2 13/16</u>	<u>6.25</u> <u>6.20</u>	<u>7.67</u> <u>7.85</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 7.62

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 7.62 x .9428 = 7.19

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 7.19 x 89.5 = 643 GPM

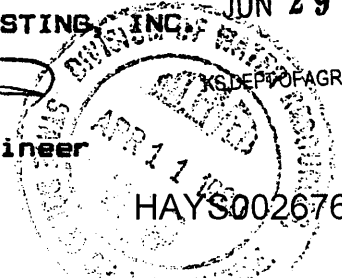
WATER RESOURCES RECEIVED

JUN 29 2015

PUMPING PLANT TESTING, INC. KS DEPT. OF AGRICULTURE
 Professional Engineer

Reviewed By: [Signature]
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APPLICATION NO: 22331 NAME: Don Goldman

COLLINS METER TEST Both wells pumping Together

Collins Meter No. 1-84 Meter Calibration Factor .9428

Pipe Inside Diameter (inches) 2 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 68 Test RPM, Pump A well 1767
B well 1755

Description of Test Location Horizontal pipe between pump and pivot

TEST DATA: Check, Initial 7.78 Reversed 7.80
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	Right Side of Pipe
<u>1 9/16</u>	<u>7.49</u> <u>7.47</u>	<u>7.83</u> <u>7.89</u>
<u>2 3/4</u>	<u>7.16</u> <u>7.08</u>	<u>7.68</u> <u>7.65</u>
<u>3 9/16</u>	<u>6.53</u> <u>6.51</u>	<u>7.39</u> <u>7.29</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 7.33

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
7.33 x .9428 = 6.91

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
6.91 x 145.4 = 1005 GPM

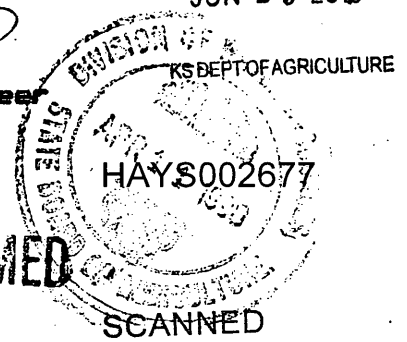
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PUMPING PLANT TESTING, INC.

JUN 29 2015

Reviewed By:

Professional Engineer



FEB 21 2005

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SCANNED

APPLICATION NO: 22331

NAME: Don Goldman
~~Eagle Ridge~~
~~Equities, Inc.~~

NOTES ON CHOOSING A YEAR OF RECORD

This development has had several owners since its inception in 1975, with owners from Europe and around the U.S. at various times. A state of confusion has existed in the crop production effort. All of the water use and equipment records have been either destroyed or lost, the systems and pumping plant components have been interchanged over the years.

Since 1983, Connecticut General Life Insurance made a diligent effort to keep good records. In 1989 the property was purchased by ~~Eagle Ridge Equities, Inc.~~ and they too are trying to keep accurate up to date records. Therefore, it would seem reasonable to use the years since 1983 in choosing a Year of Record.

PUMPING PLANT TESTING, INC.

Reviewed by:

[Signature]
Professional Engineer

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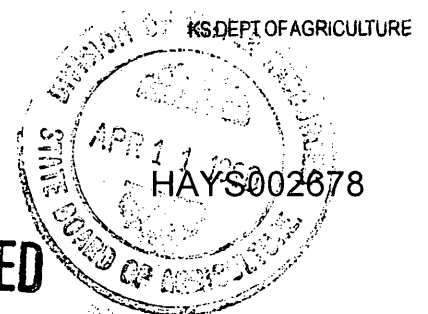
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FIELD OFFICE
DIVISION OF WATER RESOURCES

Page 38 of 49

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SCANNED

APPLICATION NO: 22331

NAME: Don Goldman
~~Eagle Ridge~~
~~Equities, Inc.~~

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 of 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 more accurate than our method of identifying section corners used. Our procedure of finding the section corners consisted of several steps. First, we used copies of the original survey plots 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 plot dimensions, but also by drawing lines across several miles from identifiable boundaries. However, sometimes these points made a section so "out-of square" that we shifted the boundaries until they were reasonably tolerable. Because some of these marks were based on our judgement, we can not be sure they would be the same if the land was surveyed. These points were then transferred to the large scale photos included.

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

PUMPING PLANT TESTING, INC.

Reviewed by: Neil J. Wentz
Professional Engineer

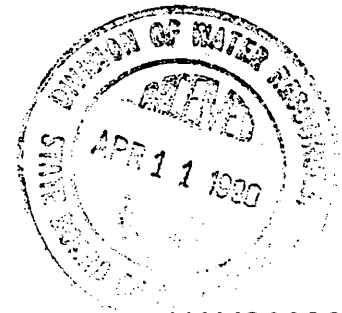
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HAYS002679

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THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Phillip A. Fishburn, *Acting Secretary*

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

CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER

DUPLICATE COPY

WATER RIGHT, File No. 22,331

PRIORITY DATE May 2, 1974

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

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of two (2) wells:

one (1) well located near the center of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 3,240 feet North and 4,875 feet West of the Southeast corner of said section, at a diversion rate not in excess of 645 gallons per minute (1.44 c.f.s.) and a quantity not to exceed 90 acre-feet of water per calendar year, and

one (1) well located in Lot 9 of Section 2, more particularly described as being near a point 3,460 feet North and 235 feet West of the Southeast corner of said section, at a diversion rate not in excess of 640 gallons per minute (1.43 c.f.s.) and a quantity not to exceed 90 acre-feet of water per calendar year,

both in Township 26 South, Range 20 West, Edwards County, Kansas,

for irrigation use on the following described property:

- 19 acres in Lot 4 (W $\frac{1}{2}$ NW $\frac{1}{2}$),
- 34 acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$),
- 5 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 58 acres in Section 1,

- 17 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
- 39 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$),
- 6 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 62 acres in Section 2,

all in Township 26 South, Range 20 West, Edwards County, Kansas.

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HAYS002702

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This appropriation right is further limited to a diversion rate which when the wells operate simultaneously will provide a diversion rate not in excess of 1,000 gallons per minute (2.23 c.f.s.) for irrigation use on the property described herein.

DUPLICATE COPY

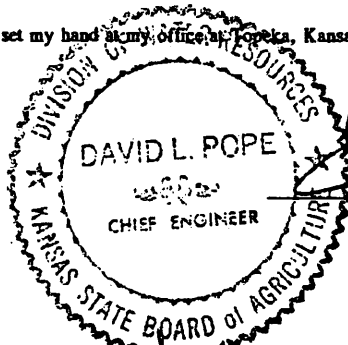
The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance likely to cause pollution of the water supply.

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 by March 1 following the end of the previous calendar year.

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.

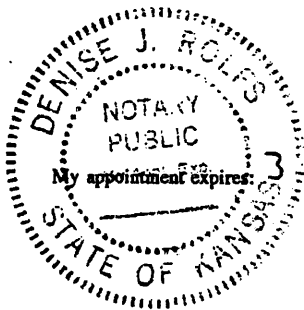
IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 7th day of Dec., 19 94.



[Handwritten Signature]
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 7th day of Dec, 19 94, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *[Handwritten Signature]*
Notary Public

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

22331
WATER APPROPRIATION CERTIFICATE
No. 21870
STATE OF KANSAS
Water Right, File No. 22,331

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.
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HAYS002703
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KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: August 29, 1994

FROM: Douglas E. Bush

RE: Appropriation of Water
File No. 22,331

The wells for the above referenced file were tested separately. The combined rate for the two wells exceeded the approved rate of 1,000 gpm. However, the wells are usually run together at a rate of 1,000 gpm. A limitation was therefore needed on the rate limiting the rate of 1,000 gpm when the wells are operated simultaneously.

The quantity per well was prorated by rate. As each well was tested at almost the same rate, 640 gpm and 643 gpm, the perfected quantity was divided by 2 as such: 120 acres x 1.5 = 180 x 0.5 (one-half quantity pumped by each well) = 90 AF per well.

The FIR reveals that there may have been some ambiguity as to the location of the authorized place or use and points of diversion. This information was reviewed and was discussed with Bruce Falk, Water Commissioner Stafford Field Office on August 26, 1994. The Certificate of Appropriation was drafted using the original approved place of use and points of diversion as the area is located in the sandhills South of the Arkansas River and section corners are ambiguous. Best information at this time would indicate the authorized place of use and points of diversion are located substantially correct. By using the original permitted descriptions, the points of diversion and place of use are compatible with other files permitted in the area.

Water use was reviewed and water use was shown in the recent past, therefore the water right appears to be active.

Douglas E. Bush

Douglas E. Bush
Environmental Scientist

DEB: jt

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MISSOURI STATE

EXHIBIT
H 22331



Phillip A. Fishburn
Acting Secretary
913 296-3558

KANSAS STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES

David L. Pope, Chief Engineer-Director
901 S. Kansas Avenue, Second Floor
Topeka, Kansas 66612-1283
(913) 296-3717 Fax (913) 296-1176

September 27, 1994

R 9 RANCH A KANSAS PARTNERSHIP
C/O JERRY BRYANT - PARTNER
518 GUM STREET
YUMA CO 80759

Re: Appropriation of Water
File No. 22,331

Dear Sir:

During a September 23, 1994, telephone conversation between Greg Ebert of R 9 Ranch and myself, it was learned errors may have occurred on the draft Certificate of Appropriation issued September 15, 1994. The errors have now been corrected to show the quantity per well as being 90 acre-feet per calendar year for each well. The original draft Certificate was drafted for 67 acre-feet per calendar year per well.

There is enclosed for your consideration and comment a revised draft Certificate of Appropriation. Please note the aforementioned revisions and review the document again as explained by our September 15, 1994, letter. If there are any corrections needed, please note them on the draft Certificate of Appropriation and submit it with comments for our review.

If we do not hear from you before October 27, 1994, we will issue the certificate as enclosed. If the proposed certificate is acceptable and you wish to expedite its issuance, you may notify this office in writing prior to the end of the normal thirty (30) day waiting period. Should you have any questions, please feel free to contact this office either by telephone or in writing. Please identify the file number when communicating with this office.

Sincerely,

Larry M. Sheets
Environmental Scientist
Water Rights Section

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LMS:jt
Enc.

pc: Stafford Field Office
Groundwater Management District No. 5 1 1995
R 9 Ranch Bet Farms

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HAY 5002699

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Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

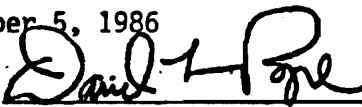
Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

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

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer



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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JUN 29 2015

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.

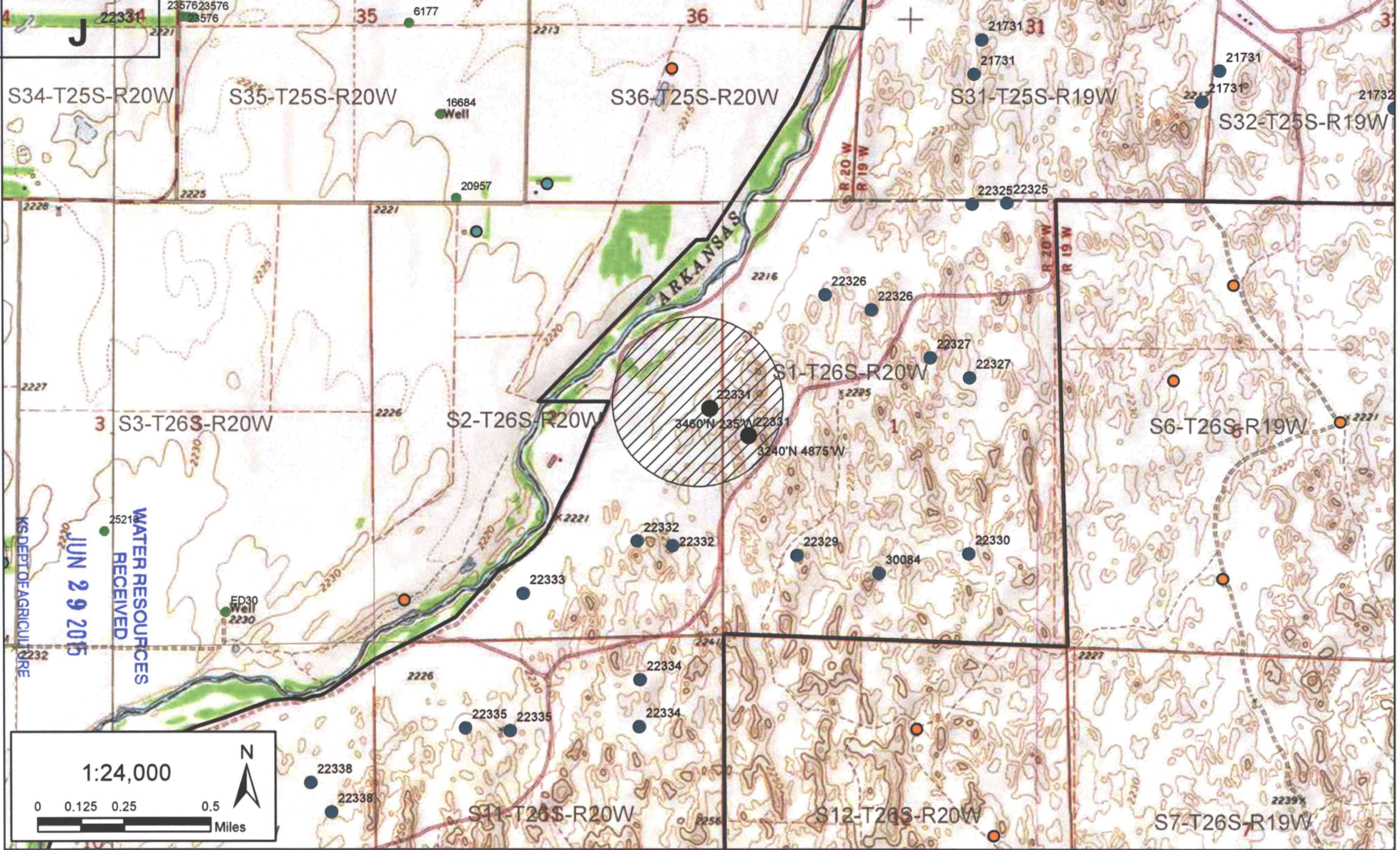
A further limiting factor to maximum allowable quantity is the availability of water from the proposed source of supply. If the source of supply is incapable of yielding a reasonably, sustainable (computed) quantity during the irrigation season in that area of the state, then the source becomes a further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



Legend

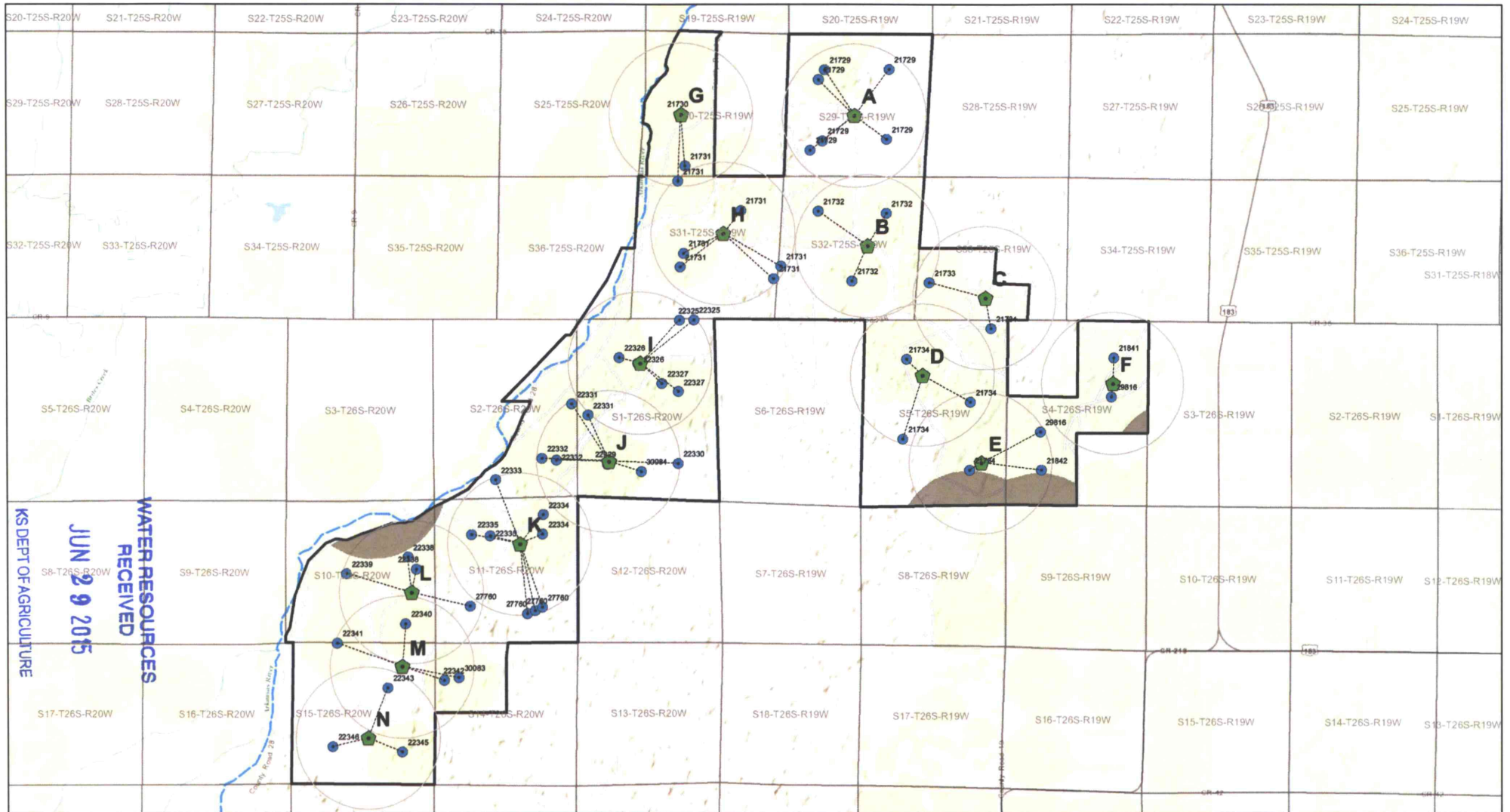
- 22331 Existing Point(s) of Diversion
- ▨ 22331 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 22331
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



**CHANGE APPLICATION 22331
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION**

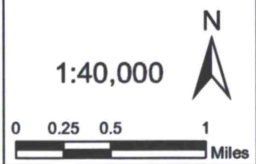
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EXHIBIT
22331
K



Legend

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

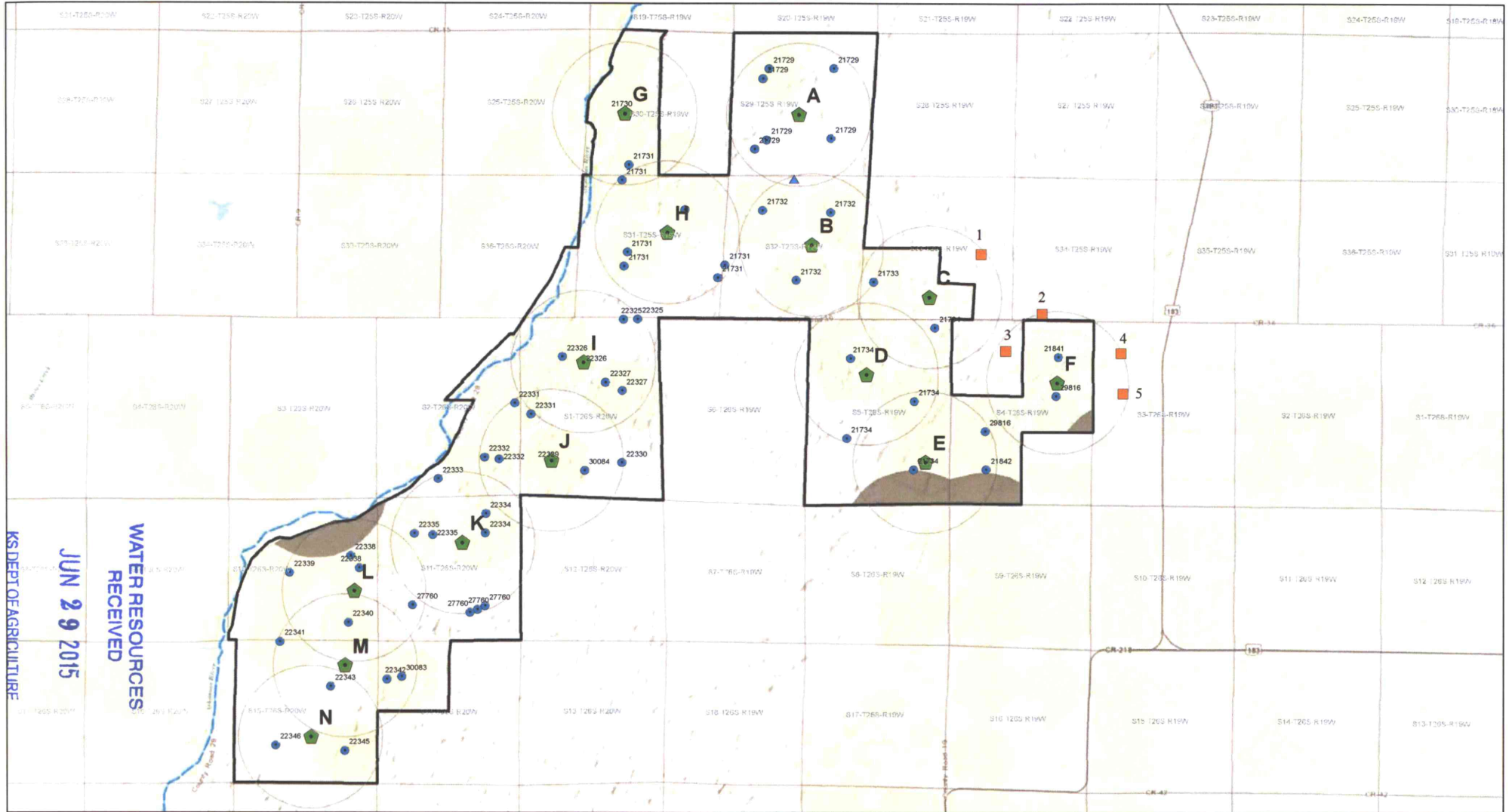


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EXHIBIT

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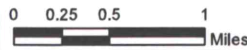


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JUN 29 2015
WATER RESOURCES
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Legend

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

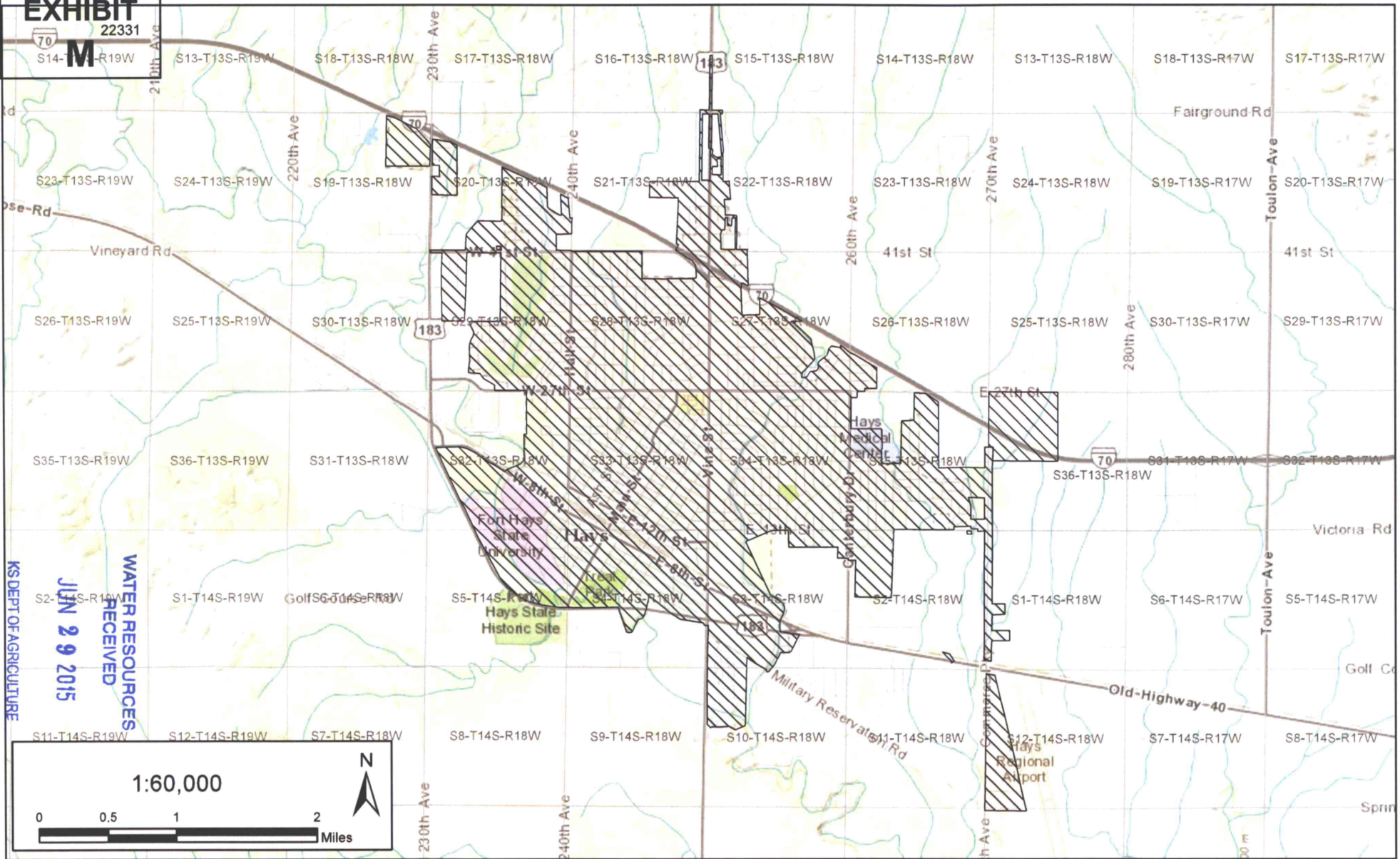
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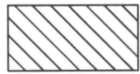
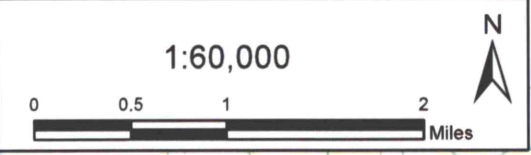
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22331



MS DEPT OF AGRICULTURE
 JUN 29 2015
 WATER RESOURCES RECEIVED



Proposed Place of Use City of Hays



PLSS Sections

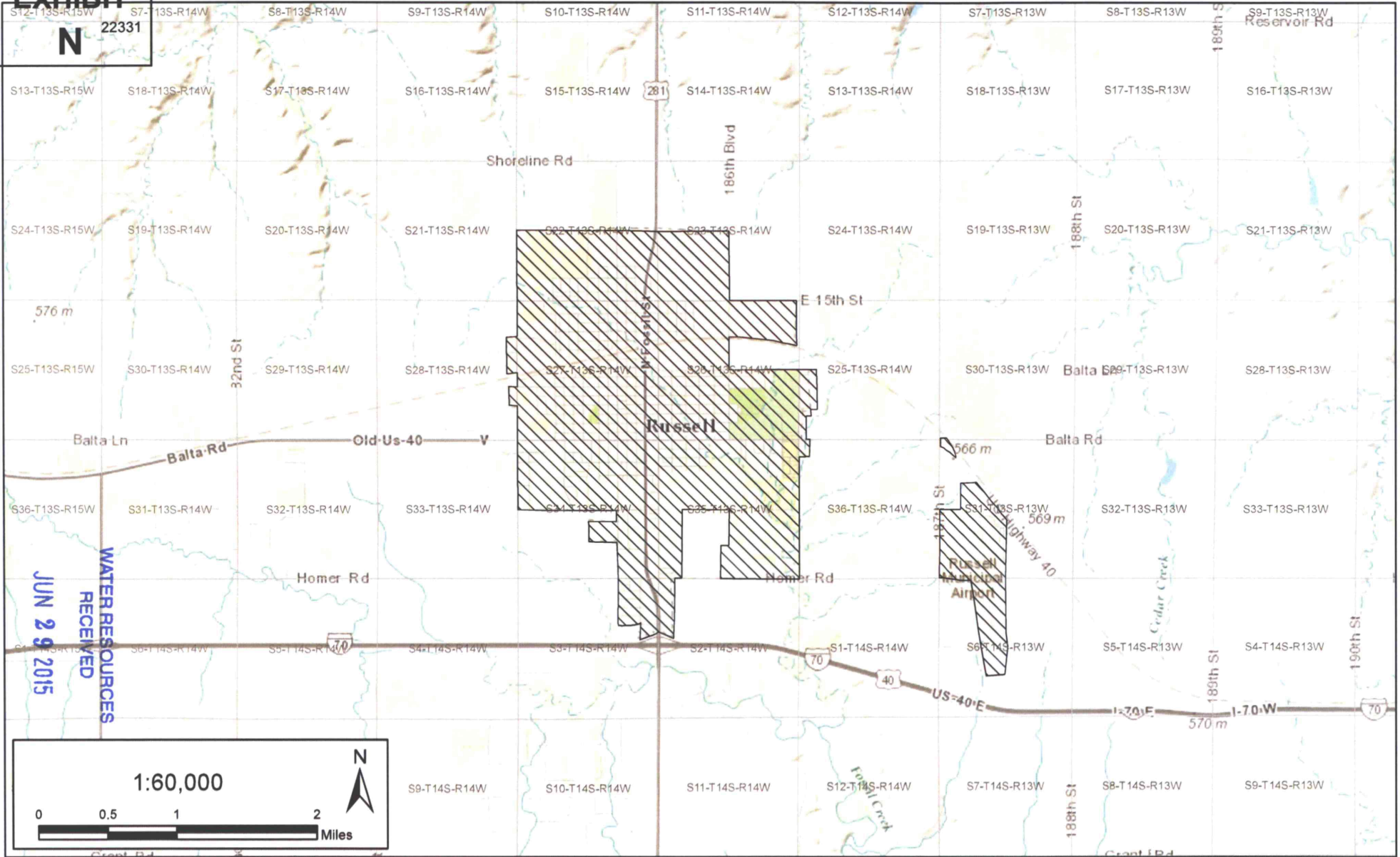


SCANNED

EXHIBIT

N

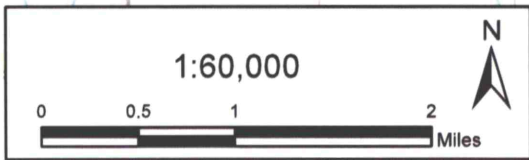
22331



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Proposed Place of Use - City of Russell



PLSS Sections



SCANNED

22331
 Applicant's Name City Of Hays KS
 (Please Print)

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

Application File Number

 (assigned by DWR)

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

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

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

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

UNACCOUNTED FOR WATER

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

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

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

EXHIBIT
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**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
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6			UNACCOUNTED FOR WATER	

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

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Explanation on other side)
Year 5	753,014,900			11,886,600	654,779,400	17,959,700	68,389,200
Year 10	829,316,390			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	23,804,361	91,026,025
TOTAL WATER = Columns 1 + 2			ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

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

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

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

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

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

Provide number of current active service connections:

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

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

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

$$823,753,000 \div 21,038 \div 365 \text{ Days/Year} = 88 \text{ GALLONS PER PERSON PER DAY.}$$

Amount of water in Columns 5, 6, and 7 of Section 1

Population from Last Year of Section 4

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District):
City of 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	93,308,100
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6			UNACCOUNTED FOR WATER	

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

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

UNACCOUNTED FOR WATER

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

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:
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
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**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	373,757,000	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
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6			UNACCOUNTED FOR WATER	

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SECTION 3: PROJECTED FUTURE WATER NEEDS

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

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

SECTION 4: POPULATION AND SERVICE CONNECTIONS

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

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

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

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

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

Provide number of current active service connections:

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

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

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

221,991,000 ÷ 4,475 ÷ 365 Days/Year = 135.9 GALLONS PER PERSON PER DAY.
 Amount of water in Columns 5, 6, and 7 of Section 1 Population from Last Year of Section 4

SECTION 6: AREA TO BE SERVED

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

You may attach additional information you believe will assist in informing the Division of the Page 49 of 46 of your request.

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