

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**



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

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

File No. 21,729 Circles 7, 8, 9, & 10.

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
29-T25S-R19W			31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	500

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

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

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

Owner of Land — NAME: City of Hays, Kansas

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

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

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 _____ Quarter of the NE Quarter
 of Section 29, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 3,968 feet North 1,312 feet West of Southeast corner of section.
 Authorized Rate 615 gpm Authorized Quantity 188 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 NE Quarter of the SW Quarter
 of Section 29, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 2,259 feet North 2,705 feet West of Southeast corner of section.
 Proposed Rate 2,900 gpm Proposed Quantity 870.83 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the near the center Quarter of the _____ Quarter of the NW Quarter
 of Section 29, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 3,982 feet North 3,603 feet West of Southeast corner of section.
 Authorized Rate 275 gpm Authorized Quantity 86 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 NE Quarter of the SW Quarter
 of Section 29, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 2,259 feet North 2,705 feet West of Southeast corner of section.
 Proposed Rate 2,900 gpm Proposed Quantity 870.83 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the NE Quarter of the SW Quarter of the NW Quarter
 of Section 29, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 3,607 feet North 4,167 feet West of Southeast corner of section.
 Authorized Rate 325 gpm Authorized Quantity 102 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 NE Quarter of the SW Quarter
 of Section 29, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 2,259 feet North 2,705 feet West of Southeast corner of section.
 Proposed Rate 2,900 gpm Proposed Quantity 870.83 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 _____ Quarter of the SW Quarter
 of Section 29, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 1,416 feet North 4,000 feet West of Southeast corner of section.
 Authorized Rate 360 gpm Authorized Quantity 74 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 NE Quarter of the SW Quarter
 of Section 29, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 2,259 feet North 2,705 feet West of Southeast corner of section.
 Proposed Rate 2,900 gpm Proposed Quantity 870.83 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. Presently authorized point of diversion:
 One in the NE Quarter of the SW Quarter of the SW Quarter
 of Section 29, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 1,043 feet North 4,370 feet West of Southeast corner of section.
 Authorized Rate 635 gpm Authorized Quantity 114 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 NE Quarter of the SW Quarter
 of Section 29, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 2,259 feet North 2,705 feet West of Southeast corner of section.
 Proposed Rate 2,900 gpm Proposed Quantity 870.83 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. Presently authorized point of diversion:
 One in the near the center Quarter of the _____ Quarter of the SE Quarter
 of Section 29, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 1,377 feet North 1,415 feet West of Southeast corner of section.
 Authorized Rate 720 gpm Authorized Quantity 188 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 NE Quarter of the SW Quarter
 of Section 29, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 2,259 feet North 2,705 feet West of Southeast corner of section.
 Proposed Rate 2,900 gpm Proposed Quantity 870.83 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

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.

(Owner) _____
(Spouse)

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

(Owner) _____
(Spouse)

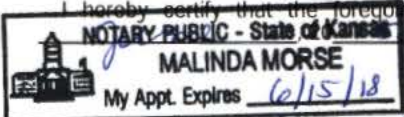
(Please Print) _____
(Please Print)

(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 _____.



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.**

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.

(Owner)

(Spouse)

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

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

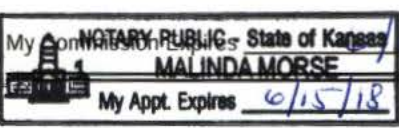
(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS

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

Malinda Morse
Notary Public



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.**

Proposed Rate and Quantity

The Cities are requesting a total of 870.83 acre-feet and 2,900 gallons per minute from the six wells associated with this water right, all of which will be diverted from new point of diversion A, as shown on Exhibit N. New point of diversion A will have a cumulative total of 870.83 acre-feet and 2,900 gallons per minute.

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

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

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows the conversion of 540 acre-feet for municipal use.¹ As discussed below, 500 approved acres were irrigated during the perfection period; 500 acres multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 540 acre-feet.²

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

Quantity authorized and perfected

The permit was issued on February 27, 1976, granting the applicant the right to divert up to 1,000 acre-feet annually at a rate of up to 2,900 gallons per minute for irrigation use⁴ on 500 acres in Section 29 T25S-R19W,⁵ or 2.0 acre-feet per acre. The rate for the points of diversion near the center of the southwest quarter of section 29 was further limited by the certificate to 700 gpm when combined with the well in the northeast quarter of the southwest quarter of the southwest quarter of that same section.⁶ There is also an overall rate limitation of 2,900 gallons per minute.

In the cover letter transmitting the permit, DWR made findings of fact stating that “the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”⁷

The Field Inspection Reports indicate that 897 of the 1,000 acre-feet authorized by the permit were lawfully perfected.

- 209 acre-feet were applied to 125 approved acres.⁸
- 110 acre-feet⁹ and 94 acre-feet¹⁰ (204 acre-feet) were applied to 125 approved acres.

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, HAYS000671, Ex. A.

⁵ Application, HAYS000664, Ex. B.

⁶ Certificate, HAYS000685, Ex. C.

⁷ February 27, 1976, letter (emphasis added), HAYS000670, Ex. D.

⁸ FIR, HAYS000654, Ex. E.

- 145 acre-feet¹¹ and 94 acre-feet¹² (239 acre-feet) were applied to 125 approved acres.
- 245 acre-feet were applied to 125 approved acres.¹³

While the certificate limits the total quantity to 752 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.¹⁴

Since the perfection period has expired, the "authorized quantity" for this water right is the 897 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 FIRs state that alfalfa was grown on each of these circles during the year of record.¹⁵ 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 870.83 acre-feet consumed. While this quantity is greater than the quantity set out in the certificate, it is less than the 897 perfected acre-feet, the "maximum annual quantity authorized by the water right."¹⁶

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.¹⁷ 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 897 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 645.84 acre-feet, should be available for conversion to municipal use. While this quantity is greater than the quantity set out in the certificate, it is less than the 897 perfected acre-feet, the "maximum annual quantity authorized by the water right."

⁹ FIR, HAYS000640, Ex. F.

¹⁰ FIR, HAYS000647, Ex. G.

¹¹ FIR, HAYS000618, Ex. H.

¹² FIR, HAYS000626, Ex. I.

¹³ FIR, HAYS000634, Ex. J.

¹⁴ Certificate, HAYS000685-687, Ex. C; Doug Bush Memo dated March 17, 1987, HAYS000679-680, Ex. K; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

¹⁵ FIRs, HAYS000621 (Ex. H), 629 (Ex. I), 637 (Ex. J), 643 (Ex. F), 650 (Ex. G), and 657 (Ex. E).

¹⁶ See K.A.R. 5-5-9(a)(4).

¹⁷ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. L, stating that: "In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated." See also, K.A.R. 5-3-24 and Doug Bush Memo dated March 17, 1987, HAYS000679-680, Ex. K.

The Applicants request that DWR approve a total of 870.83 acre-feet for municipal use.



STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application No. 21,729 of the applicant

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

for a permit to appropriate water to beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is January 2, 1974.
2. That the water sought to be appropriated shall be used for irrigation on the land described in the application.
3. That the source from which the appropriation is made shall be from ground water in the drainage basin of the Arkansas River to be withdrawn by means of six (6) wells: one well near the center of the Northeast Quarter (NE $\frac{1}{4}$)⁹, one well near the center of the Northwest Quarter (NW $\frac{1}{4}$)⁸, one well in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$)⁶, one well near the center of the Southwest Quarter (SW $\frac{1}{4}$)⁷, one well in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$)⁷ and one well near the center of the Southeast Quarter (SE $\frac{1}{4}$)¹⁰ of Section 29, Township 25 South, Range 19 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of
 2900 gallons per minute (6.46 c.f.s.)
 and to a quantity of not to exceed 1000 acre-feet for any calendar year.

(OVER)

RECEIVED
MICROFILMED
MAR 8 1976 HAYS000671

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

certs 7, 8, 9, 10

21729
5. That installation of works for diversion of water shall be completed on or before December 31, 1977. The applicant shall notify the Chief Engineer of the Division of Water Resources when construction of the works has been completed.

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

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

8. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified or any authorized extension thereof.

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

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

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

12. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Dated this 27th day of February 1976



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



THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

Rec'd check \$50⁰⁰ 1-2-74
Chk from: Wilson & Flame.
sa

NUMBER 21729

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 & CATTLE COMPANY *
c/o JOHN CARSON, MANAGER

SEE LETTER
DATED 8-8-75
GEE

Comes now the applicant (Miss) ~~Kinsley Joint Venture~~ whose post office

address is ~~c/o Andrew J. Moore, Attorney at Law, P.O. Box 588, Woodward, Oklahoma~~
~~75801~~

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

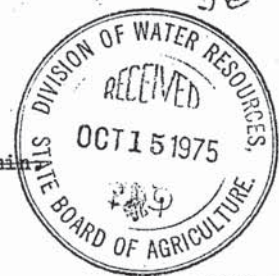
1. The quantity of water desired is in the amount of 1000 acre feet per year, to be
(acre feet or million gallons)
diverted at a maximum rate of 2900 gals per minute
(gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the Center of each quarter section quarter of the
quarter of the quarter of section 29, township 25, range 19, in
Edwards County, Kansas. Plus one well in SW 1/4 of NE 1/4 of SW 1/4
of said section & one well in the NE 1/4 of

3. The water is intended to be appropriated for: the SW 1/4 of the NW 1/4 of sec. 29.

Amount

- (a) Domestic use () _____
- (b) Municipal use () _____
- (c) Irrigation use (x) 1000 acre ft.
2900 gals per min
- (d) Industrial use () _____
- (e) Recreational use () _____
- Water Power use () _____



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9:05 a.m
dw



JUL 15 1974

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MAR 8 1976
HAYS000664
* Copy to office
DIVISION OF WATER RESOURCES
9-9-75 (FOR)

RECEIVED

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.

6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or

fractional portion thereof: ~~Kinsley Joint Venture is a partnership with the following owners:~~

- ~~J. D. Hodges, 1921 Broadmoor, Woodward, Oklahoma~~
- ~~W. A. McQuiddy, 1210 S. Fordham, Perryton, Texas~~
- ~~Drew Ellis, 823 S. Indiana, Perryton, Texas~~
- ~~John O. Ellis Jr., P. O. Box 610, Perryton, Texas~~
- ~~H. C. Brillhart Jr., P. O. Box 576, Perryton, Texas~~
- ~~Word B. Sherrill, P. O. Box 399, Perryton, Texas~~

MIDWEST LAND & CATTLE
 790100% JOHN CARSON
 BOX 208
 KINSLEY, KANSAS
 67547

Owner of Land—NAME: Kinsley Joint Venture

*SEE LETTER
 DATED 8-8-75

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

Oklahoma 7380

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 $\frac{1}{4}$	
29	25	19																	
29	25	19	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	500

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 $\frac{1}{4}$	

* Guy EIMAYS000665
 9-9-75

One well and pump in the center of each quarter section which will be the pivot

7. The works for diversion of water will consist of of a circle irrigation system; with one pivot, in SW/4, having two wells and pumps & pivot in NW/4 having two pumps & wells

(wells, pumps, etc.)

and will be completed by already completed _____
(Date)

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

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

The plat or aerial photograph should show

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

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

None

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

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

KINSLEY JOINT VENTURE

D. Allen Frame
By D. Allen Frame Attorney

By _____
(Agent or Officer)

NOTE:

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

MI-539



5-72-10M SETS

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DIVISION OF WATER RESOURCES
STAFFORD HAYS000666

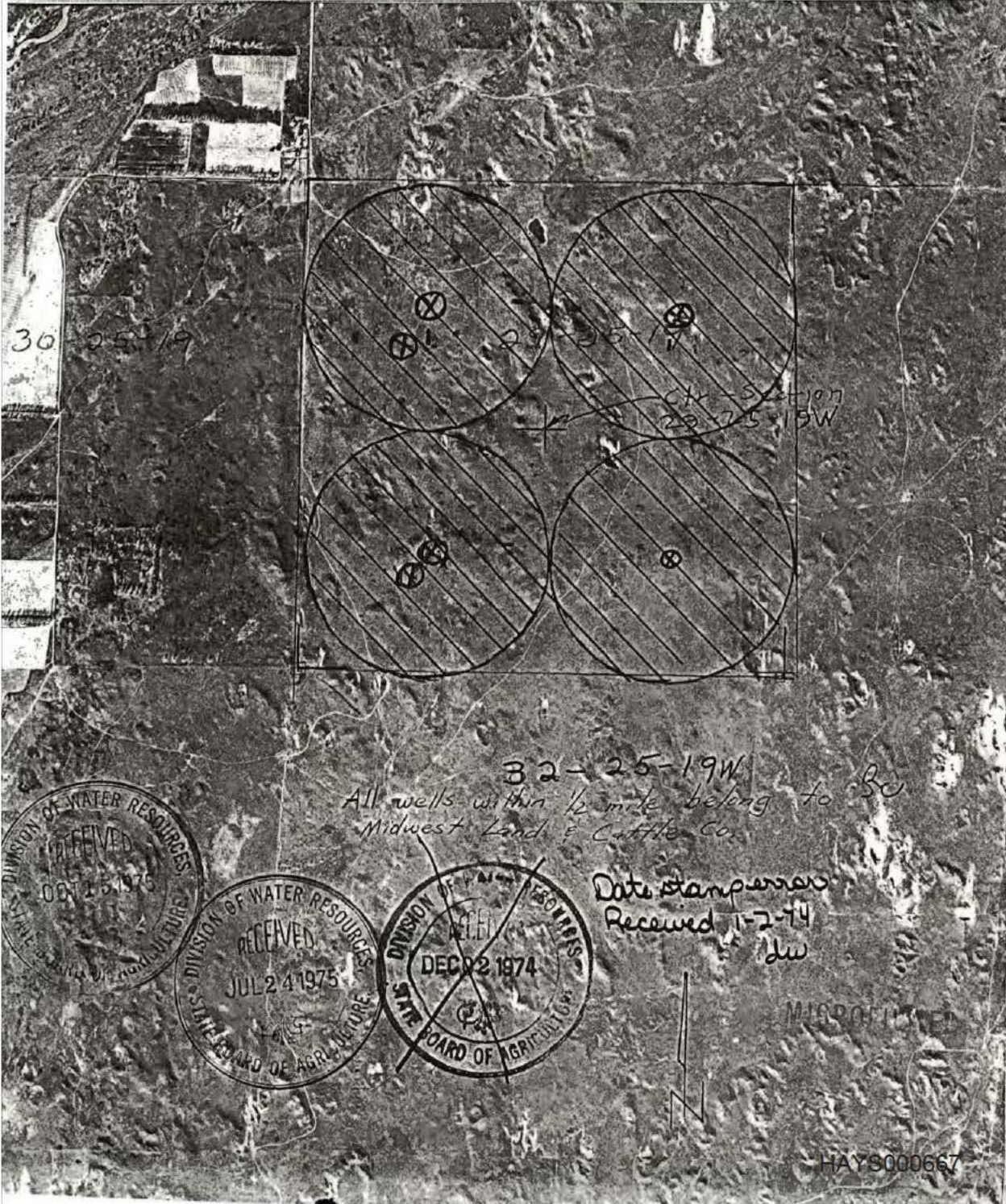
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STAFFORD



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The four circle systems shown on this map are all within Section 29, Township 25, Range 19. Each circle system has a radius of 1320 feet and is served by pump and well at the pivot. In addition, the circle system in the SW/4 has one well and one pump at point X (at the pivot) and one well and pump at point Y which is $\frac{1}{8}$ th of a mile southwest of point X. Point X and point Y are joined by a pipe line. Each of these circle systems cover 125 acres.



30-25-19

32-25-19W

All wells within 1/2 mile belong to Midwest Land & Cattle Co.



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EXHIBIT
C

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES

Harland E. Priddle, Secretary

David L. Pope, Chief Engineer-Director

Sam Brownback, Secretary CERTIFICATE OF APPROPRIATION

FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 21,729

PRIORITY DATE January 2, 1974

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

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of six (6) wells: one (1) well located near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 29, more particularly described as being near a point 3,968 feet North and 1,312 feet West of the Southeast corner of said section, at a diversion rate not in excess of 615 gallons per minute (1.37 c.f.s.) and in a quantity not to exceed 188 acre-feet per calendar year; one (1) well located near the center of the Northwest Quarter (NW $\frac{1}{4}$) of Section 29, more particularly described as being near a point 3,982 feet North and 3,603 feet West of the Southeast corner of said section, at a diversion rate not in excess of 275 gallons per minute (0.61 c.f.s.) and in a quantity not to exceed 86 acre-feet per calendar year; one (1) well located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 29, more

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DIVISION OF WATER RESOURCES
STAFFORD

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Re: File No. 21,729

particularly described as being near a point 3,607 feet North and 4,167 feet West of the Southeast corner of said section, at a diversion rate not in excess of 325 gallons per minute (0.72 c.f.s.) and in a quantity not to exceed 102 acre-feet per calendar year; one (1) well located near the center of the Southwest Quarter (SW $\frac{1}{4}$) of Section 29, more particularly described as being near a point 1,416 feet North and 4,000 feet West of the Southeast corner of said section, at a diversion rate not in excess of 360 gallons per minute (0.80 c.f.s.) and in a quantity not to exceed 74 acre-feet per calendar year; one (1) well located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 29, more particularly described as being near a point 1,043 feet North and 4,370 feet West of the Southeast corner of said section, at a diversion rate not in excess of 635 gallons per minute (1.41 c.f.s.) and in a quantity not to exceed 114 acre-feet per calendar year; and one (1) well located near the center of the Southeast Quarter (SE $\frac{1}{4}$) of Section 29, more particularly described as being near a point 1,377 feet North and 1,415 feet West of the Southeast corner of said section, at a diversion rate not in excess of 720 gallons per minute (1.60 c.f.s.) and in a quantity not to exceed 188 acre-feet per calendar year, all in Township 25 South, Range 19 West, Edwards County, Kansas, for irrigation use on the following described property:

31.25 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
 31.25 acres in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$),
 31.25 acres in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$),
 31.25 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$),
 31.25 acres in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$),
 31.25 acres in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$),
 31.25 acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$),
 31.25 acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$),
 31.25 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
 31.25 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
 31.25 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
 31.25 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),
 31.25 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
 31.25 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$),
 31.25 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),
 31.25 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 500.00 acres in Section 29, Township 25 South,
 Range 19 West, Edward County, Kansas.

The rate of diversion by means of the well located near the center of the Southwest Quarter (SW $\frac{1}{4}$) of Section 29, more particularly described as being near a point 1,416 feet North and 4,000 feet West of the Southeast corner of said section, in Township 25 South, Range 19 West, Edwards County, Kansas, is further limited to that which when combined with the well located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 29, more particularly described as being near a point 1,043 feet North and 4,370 feet West of the Southeast corner of said section, in Township 25 South, Range 19 West, Edwards County, Kansas, will provide a diversion rate not in excess of 700 gallons per minute (1.56 c.f.s.) when the wells are run simultaneously.

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This appropriation is further limited to a diversion rate which when all wells operate simultaneously will provide a diversion rate not in excess of 2,900 gallons per minute (6.46 c.f.s.) for irrigation use on the property described herein.

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 of each year following.

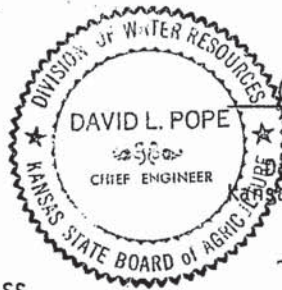
The appropriator shall maintain, in an operating condition satisfactory to the Chief Engineer, all check valves installed for the prevention of chemical or other foreign substance pollution of the water supply.

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 5th day of June, 1987.



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

State of Kansas)
County of Shawnee) SS

The foregoing instrument was acknowledged before me this 5th day of June, 1987, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Denise J. Waters
Notary Public

My appointment expires: March 1, 1990

MICROFILMED

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

WATER APPROPRIATION
CERTIFICATE
No. 16,034
STATE OF KANSAS

Water Right, File No. 21,729
State of Kansas,

County, ss. _____ day of _____ 198__
Filed for record this _____ day of _____ 198__
at _____ o'clock _____ m. and _____
recorded in Book _____ Page _____
Fee \$ _____

Register of Deeds

HAYS000687

JUN 19 1987
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD
Page 19 of 79

E-N²

**EXHIBIT
D**

February 27, 1976

2/27/76

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

Re: Appropriation of Water
Application No. 21,729
ED

Gentlemen:

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

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

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

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

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:ee1

Encs.

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MAR 8 1976

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FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 1 of 6 Diversion points
 Application No. 21729 Date 9/30/86 Firm/Field Office Pumping Plant Testing, Inc.
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Insurance % Agri. Affiliates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.
 Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()
 Groundwater Drainage Basin Arkansas River
 Surface Water () Stream _____
 Authorized Point of Diversion: 1 well NC NE 1/4 Sec. 29, T. 25, R. 19
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____
 Actual Point of Diversion: 1 well NC NE 1/4 Sec. 29, T. 25, R. 19
 Approximately 396.8 ft. North and 1312 ft. West of SE corner of Sec. 29
 How were distances determined? Scaled from ASCS photo
 "Approved" Quantity 1000 AF "Approved" Diversion Rate 2900 g.p.m. (6.46 c.f.s.)
 Priority Date Jan. 2, 1974 Approval of Application Date Feb. 27, 1976
 Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29	25	19	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	500

LAND IRRIGATED—YEAR OF RECORD 1985

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	
29	25	19	3 1/4	3 1/4	3 1/4	3 1/4	(WELL IN NE 1/4 ONLY)												125

APPLICATION OF WATER:

Year of Record 1985 Hours Pumped 1850 or Quantity 209 AF
 Normal Operating G.P.M. 614 Equiv. c.f.s. 137
 Maximum Operating G.P.M. _____ Equiv. c.f.s. _____



FOR D.W.R. USE ONLY:

Year of Record 1985 Extension of time requested: Yes _____ No
 Total No. of Hours on land covered by this application 1850
 Ac. Ft. Applied = $\frac{1850 \text{ hrs.} \times 614 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 209 \text{ AF}$
 Acres of "Approved" Land irrigated 125
 Ac. Ft. on "Approved" Land 209 (0.42 Ac. Ft./Ac.)
 Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 209

Proration Calculations 125 acres irrigated x 1.5 A.F. per acre = 188 AF

Perfected Rate 615 g.p.m. Perfected Quantity 188 AF

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GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure

Manufacturer Olson Model 103 P Serial No. 3943

Drive Electric Length of Pivot Arm _____

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

End Gun? yes End Gun Rating _____ g.p.m. Toro

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 360 HP _____

Serial No. _____ Fuel Nat Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Jacuzzi Model No. 1215 24 Rated RPM _____

Serial No. 6C7 22157 Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. G60

Serial No. 63029 Drive Right Angle Ratio 5:4

WELL INFORMATION: Records not available from owner's representative.

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

Tape Down Possible? yes Water Level Measurement Tube? NO

Measuring Point _____ ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? NO Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is Meter Installed Properly? _____

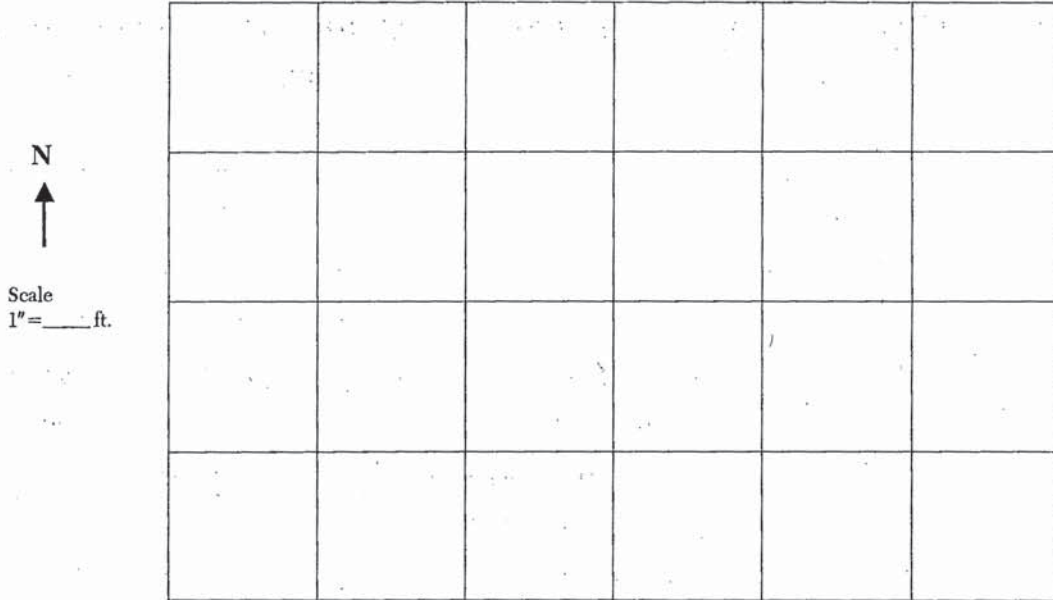
Chemical Injection System? yes Check Valve? yes Low Pressure Drain? yes

Pressure Breaker? yes Are these anti-pollution devices installed properly? yes

If chemicals are injected into system, please attach sketch of system.

HAYS000655

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



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In horizontal pipe between pump and pivot
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2206
 R.P.M. PUMP UNIT 1765
 Pressure at Pump 47 psi

Test No. 2—Maximum Conditions

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

Jacuzzi Meter Test

Meter Identification No. _____

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

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

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

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

UNPROCESSED

Other Flow Meter

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

HAYS000656

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Natural Gas Supplier Kansas-Nebraska

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

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

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1164	1000		125
1976				
1977	412	1000		130
1978				
1979	1224	600		124
	1416	600		124
Should be 2000 hours →	1152	600		124
Should be 1046 hrs →	2200 ^F	800 ^F		125 ^F
1984	1750 ^F	775 ^F		125 ^F
* 1985	1850 ^F	614 [*]		125 ^F
1986		614 [*]		

* obtained from test on 9/30/86

F obtained from WAR sent to us from Jerry Weaver

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

Crops Irrigated: this year Soybeans Year of record Alfalfa

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

Person present at test Kent Naber (name) Irrigation Manager (relationship)

Water Use Correspondent Lyle Kolbeck (name) Spearville, ks 67876 (address) 316-385-2803 (phone number)

Conducted by Greg Ebert (signature) Date 10/11/86

Approved by Kel J. Watt, P. E. (signature) (title) Date 1/15/87 HAYS000657

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Natural Gas Supplier Kansas-Nebraska

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

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

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1164	1000		125
1976				
1977	412	1000		130
1978				
1979	1224	600		124
1980	1416	600		124
1981	1152	600		124
1982				
1983	2200 ^F	800 ^F		125 ^F
1984	1750 ^F	775 ^F		125 ^F
* 1985	1850 ^F	614 [*]		125 ^F
1986		614 [*]		

* obtained from test on 9/30/86

F obtained from WAR sent to us from Jerry Weaver

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

Crops Irrigated: this year Soybeans Year of record Alfalfa

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

Should be 2000 hours →

Should be 1046 hrs →

Person present at test Kent Naber (name) Irrigation Manager (relationship)

Water Use Correspondent Lyle Kolbeck (name) Spearville, ks 67876 (address) 316-385-2803 (phone number)

Conducted by Greg Ebert (signature) Date 10/11/86

Approved by Kilj. Watt, P.E. (signature) (title) Date 1/15/87 HAYS000658

APPLICATION NO: 21729 NAME: Connecticut General Life Insurance
NC NE 1/4

COLLINS METER TEST

Collins Meter No. 1-83 Meter Calibration Factor .9559
 Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4
 Test Pressure (psi) 47 Test RPM, Pump 1765
 Description of Test Location In horizontal pipe between
pump and pivot

TEST DATA: Check, Initial 4.48 Reversed 4.43
 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 From Center of Pipe	Velocity Left Side of Pipe (or Front Side if Vertical Test)	Velocity Right Side of Pipe (or Back Side if Vertical Test)
<u>1 1/16</u>	<u>4.50</u>	<u>4.49</u>
<u>2 3/4</u>	<u>4.40</u>	<u>4.47</u>
<u>3 9/16</u>	<u>4.38</u>	<u>4.17</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.412

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
4.412 x .9559 = 4.22

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
4.22 x 145.4 = 614 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

[Signature]

Professional Engineer

JUN 10 1987

HAYS000659

APPLICATION NO: 21, 729

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

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

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



PUMPING PLANT TESTING, INC.

Reviewed by:

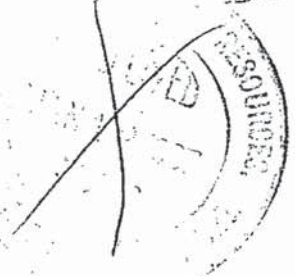
Neil J. White

HAYS000660

Professional Engineer



Wrong date stamp error should read 1/2/87



APPLICATION NO: 21729

NAME: Connecticut General Life Ins.

POINTS OF DIVERSION AND SECTION CORNERS

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

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

PUMPING PLANT TESTING, INC.

Reviewed by:

Professional Engineer HAYS000661

MICROFILMED

APPLICATION NO: 21,729

NAME: CONNECTICUT GENERAL LIFE INS. CO.

SUMMARY SHEET
APPLICATION OF WATER

	NW		NE	SE	SW		Total
	NC	NE			NC	NE	
Normal Operating Flow Rate (GPM)	599	614	718	699	2897		
Hours of Operation on "Approved" Land	1850	1850	1850	1850	—		
Ac-Ft Applied on "Approved" Land	204	209	244.6	238.1	895.7		
Acres of "Approved" Land Irrigated	130	125	125	130	510		
Ac-Ft per Acre Irrigated	1.57	1.67	1.96	1.83	1.76		
Ac-Ft Applied at "Approved" Rate or Less					895.7*		

* SUBJECT TO LIMITATION OF 1.5 AC-FT / ACRE OR "APPROVED" LAND IRRIGATED (765 AC-FT) *Date stamp error should read 1/21/87*



PUMPING PLANT TESTING, INC.

Reviewed by: *[Signature]*
Professional Engineer

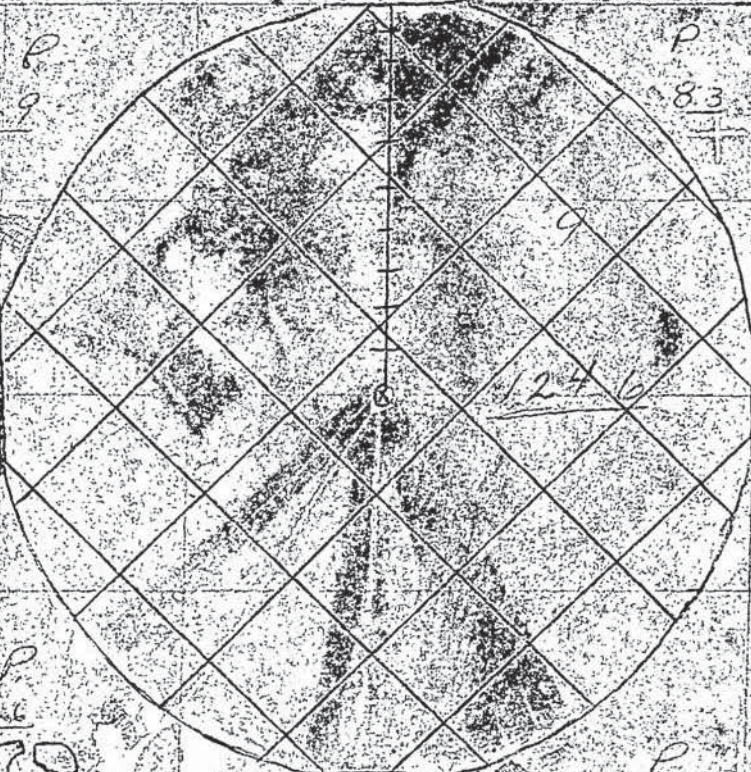
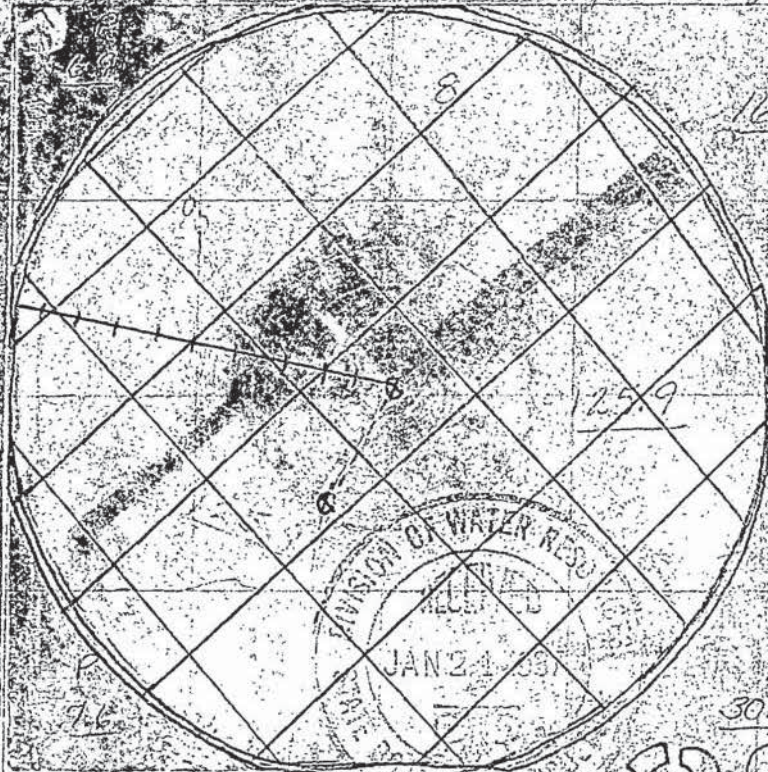
RECEIVED

JUN 19 1987

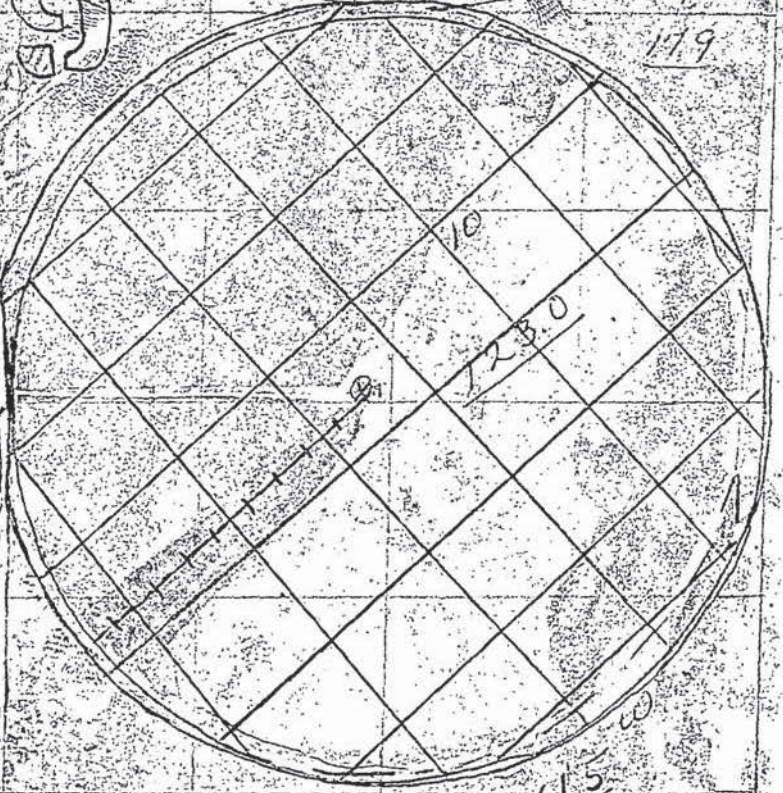
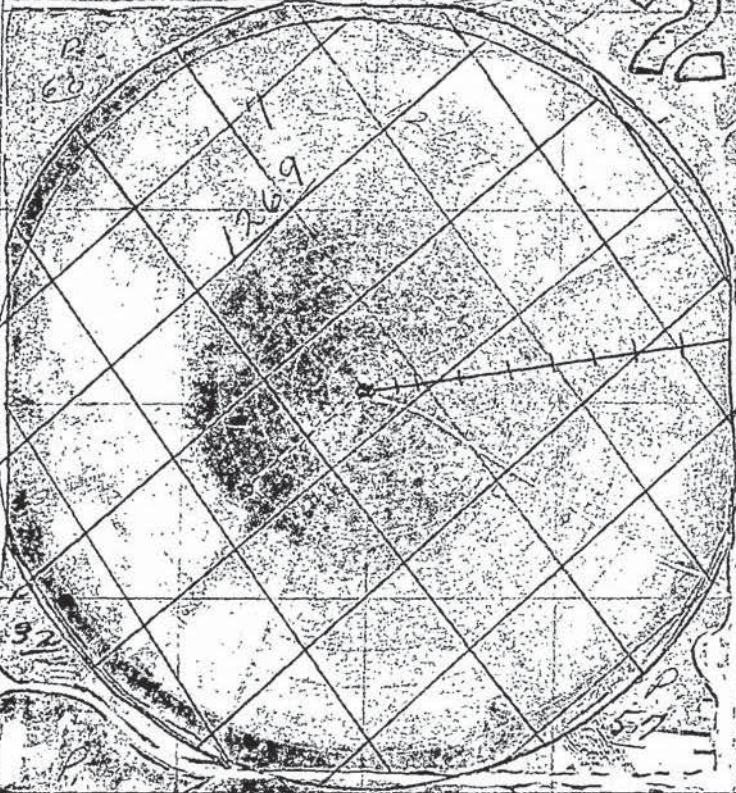
HAYS000662

Starns
29-25-19

D-5



29



Legend

- Wells
- center pivot
- underground pipe
- Land on original application
- Land covered presently

HAYS000663

Site sketch
11-25-86

MICROFILM

183

- Partial
- Full
- Re-Test

Test 3 of 6 Diversion points

Application No. 21729 Date 9/30/86 Firm/Field Office Pumping Plant Testing Inc
Inspector Ebert/Klassen

Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance % Agri. Affiliates

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

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: 1 well NE 1/4, SW 1/4, NW 1/4 Sec. 29, T. 25, R. 19
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well NE 1/4, SW 1/4, NW 1/4 Sec. 29, T. 25, R. 19
Approximately 3607 ft. North and 4167 ft. West of SE corner of Sec. 29
How were distances determined? Scaled from ASCS photo

"Approved" Quantity 1000 AF "Approved" Diversion Rate 2900 g.p.m. (6.46 c.f.s.)

Priority Date Jan. 2, 1974 Approval of Application Date Feb. 27, 1976

Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29	25	19	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	500

LAND IRRIGATED—YEAR OF RECORD 1985

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	
29	25	19					32.5	32.5	32.5	32.5	(well NE 1/4 + SW 1/4 NW 1/4 + NW 1/4)								130

APPLICATION OF WATER:

Year of Record 1985 Hours Pumped 1850 or Quantity 204 AF
Normal Operating G.P.M. 599 Equiv. c.f.s. 133
Maximum Operating G.P.M. 313 Equiv. c.f.s. .70
Both wells pumping together (combined)

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JUN 19 1987



Year of Record 1985 Extension of time requested: Yes _____ No _____

Total No. of Hours on land covered by this application 1850

Ac. Ft. Applied = $\frac{1850 \text{ hrs.} \times 325 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 110 \text{ AF}$

Acres of "Approved" Land irrigated 125

Ac. Ft. on "Approved" Land 110 (0.22 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 110
Proration Calculations $0.54 \times 188 \text{ A.F. } \times \text{max allowed for irrigating } 125 \text{ acres} = 102 \text{ A.F.}$
263 gpm + 313 gpm = 576 gpm. 313 gpm = 576 gpm = 0.54 x 599 gpm = 325 gpm.

Perfected Rate 325 g.p.m. Perfected Quantity 10.2 AF

Completed by Douglas E. Bush 3-17-87

HAYS000640

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Olson Model 103 Serial No. 3808
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. Valducci
 Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.

Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
 Unusual Conditions/Other Info. _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____
 Serial No. 11827 K-29-7C Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Western Land Roller Model No. 10cm Rated RPM _____
 Serial No. C78426 Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. 540 B
 Serial No. 8662 Drive Right Angle Ratio 1:1

WELL INFORMATION: No records available from owner's representative.

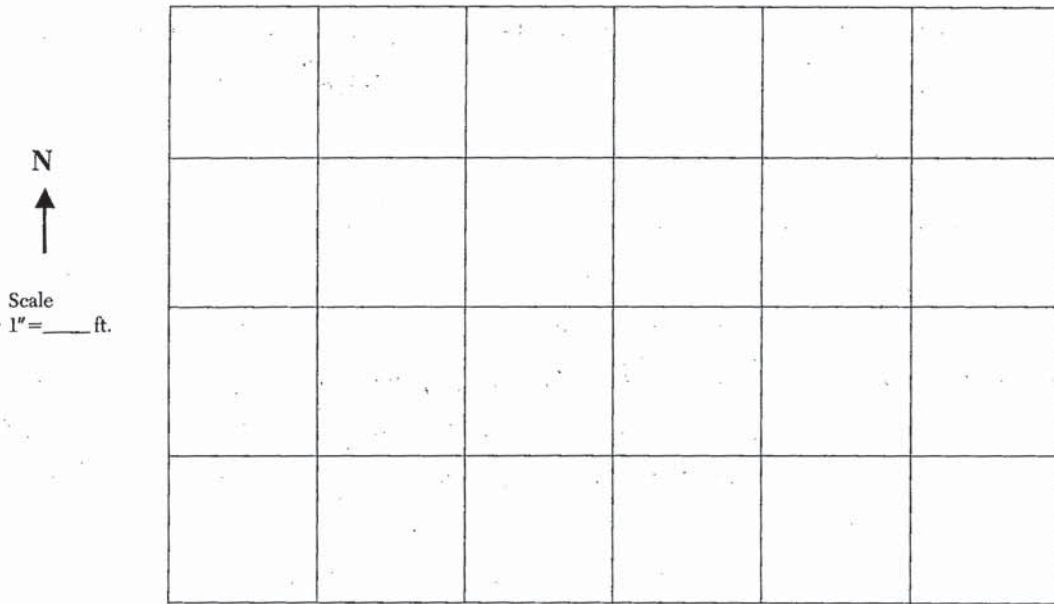
Date Drilled prior to Jan 1974 Original Depth _____ ft. Static Water Level When Drilled _____ ft.
 Tape Down Possible? yes 9' Water Level Measurement Tube? no
 Measuring Point 1 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____
 Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no
 Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

HAYS000641

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



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In vertical pipe inside pivot stand
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 1670
 R.P.M. PUMP UNIT 1670
 Pressure at Pump 40 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 1700
 R.P.M. PUMP UNIT 1700
 Pressure at Pump 10 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

MICROFILMED

HAYS000642

Other Flow Meter

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

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Natural Gas Supplier Kansas-Nebraska

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

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

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975				
1976				
1977	889	1000		130
1978				
1979				
1980	2100	400		130
1981				
1982				
1983	2200 ^F	700 ^F		126 ^F
1984	1750 ^F	500 ^F		130 ^F
* 1985	1850 ^F	313 [*]		130 ^F
1986		313 [*]		

* obtained from test on 9/30/86

F obtained from WUR sent to us from Jerry Weaver

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

Crops Irrigated: this year Alfalfa Year of record Alfalfa

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

Person present at test Kent Naber Irrigation Manager
(name) (relationship)
 Water Use Correspondent Lyle Kolbeck Spearville, Ks 67876 316-385-2803
(name) (address) (phone number)
 Conducted by [Signature] Date 10/11/86
(signature)
 Approved by [Signature] Date 1/15/87 HAYS000643
(signature) (title)



APPLICATION NO: 21729 NAME: Connecticut General Life Insurance

Bethwell's
NC NW 1/4 & NE 1/4, SW 1/4, NW 1/4

COLLINS METER TEST

Collins Meter No. 1-83 Meter Calibration Factor 1.9559

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

Test Pressure (psi) 40 Test RPM, Pump 1650 (NC NW 1/4)
1670 (NE 1/4, SW 1/4, NW 1/4)

Description of Test Location In vertical pipe inside pivot stand

TEST DATA: Check, Initial 4.56 Reversed 4.54
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 From Center of Pipe	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 9/16</u>	<u>4.31</u>	<u>4.21</u>
<u>2 3/4</u>	<u>3.99</u>	<u>4.01</u>
<u>3 9/16</u>	<u>3.65</u>	<u>3.73</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.3075

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
4.3075 x 1.9559 = 4.12

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
4.12 x 145.4 = 599 GPM

PUMPING PLANT TESTING, INC.

Reviewed By:

RECEIVED Professional Engineer

HAYS000644

JUN 19 1987

MICROFILMED

APPLICATION NO: 21729 NAME: Connecticut General Life Insurance
NE 1/4, SW 1/4, NW 1/4 pumping alone

COLLINS METER TEST

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

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

Test Pressure (psi) 10 Test RPM, Pump 1700

Description of Test Location In vertical pipe inside pivot stand

TEST DATA: Check, Initial Checked Previously Reversed

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>2.12</u>	<u>2.20</u>	<u>2.40</u>	<u>2.38</u>
<u>2 3/4</u>	<u>1.96</u>	<u>2.15</u>	<u>2.48</u>	<u>2.55</u>
<u>3 9/16</u>	<u>1.85</u>	<u>1.90</u>	<u>2.38</u>	<u>2.65</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 2.25

Corrected Ave. Vel. = (Ave. Vel.) × (Calibration Factor) = 2.25 × .9559 = 2.15

Flow Rate = (Corrected Ave. Vel.) × (Flow Rate Factor) = 2.15 × 145.4 = 313 GPM



Reviewed By:

PUMPING PLANT TESTING, INC.

Wil J. W.
Professional Engineer

HAYS000645

APPLICATION NO: 21,729

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

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

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



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PUMPING PLANT TESTING, INC.

Reviewed by: JUN 19 1987

Handwritten signature

HAYS000646

FIELD OFFICE
DIVISION OF WATER RESOURCES

Professional Engineer

MICROFILMED

Partial
 Full
 Re-Test

Test 2 of 6 Diversion points
 Application No. 21729 Date 9/30/86 Firm/Field Office Pumping Plant Testing, Inc
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Insurance % Agri. Affiliates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.
 Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation ()
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()
 Groundwater (Drainage Basin: Arkansas River
 Surface Water () Stream _____
 Authorized Point of Diversion: 1 well NC NW 1/4 Sec. 29, T. 25, R. 19
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____
 Actual Point of Diversion: 1 well NC NW 1/4 Sec. 29, T. 25, R. 19
 Approximately 3982 ft. North and 3603 ft. West of SE corner of Sec. 29
 How were distances determined? Scaled from A.S.C.S. photo
 "Approved" Quantity 1000 AF "Approved" Diversion Rate 2900 g.p.m. (6.46 c.f.s.)
 Priority Date Jan. 2, 1974 Approval of Application Date Feb. 27, 1976
 Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29	25	19	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	500

LAND IRRIGATED—YEAR OF RECORD 1985

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	
29	25	19					32.5	32.5	32.5	32.5	(Well NC NW 1/4)								130

APPLICATION OF WATER:

Year of Record 1985 Hours Pumped 1850 or Quantity 204 AF
 Both wells pumping together (combined)
 Normal Operating G.P.M. 599 Equiv. c.f.s. 1.33
 Individual
 Maximum Operating G.P.M. 263 Equiv. c.f.s. .59

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time requested: Yes _____ No ✓

Total No. of Hours on land covered by this application 1850

Ac. Ft. Applied = $1850 \text{ hrs.} \times 274 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 94 \text{ AF}$

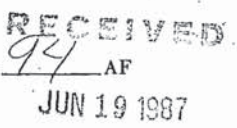
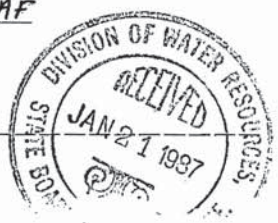
Acres of "Approved" Land irrigated 125

Ac. Ft. on "Approved" Land 94 (0.19 DRAINAGE)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 94
 $263 \text{ gpm} + 313 \text{ gpm} = 576 \text{ gpm}$
 $263 \text{ gpm} = 576 \text{ gpm} \times 0.46 \times 59 \text{ gpm} = 274 \text{ gpm}$
 Proration Calculations 0.46 x 185 AF (max allowed for irrigating 125 acres) = 86 AF.

Perfected Rate 275 g.p.m. Perfected Quantity 86 AF

DWR-1012729 completed by Douglas E. Bush 3-17-87



HAYS000647

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Olsen Model 103 Serial No. 3808
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. Valducci
 Is end gun operating during test? yes
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 492 HP _____
 Serial No. 13811 T-4-TG Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10M, Fig. 7000 Rated RPM _____
 Serial No. N2W24647X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F60
 Serial No. 62055 Drive Right Angle Ratio 6:5

WELL INFORMATION:

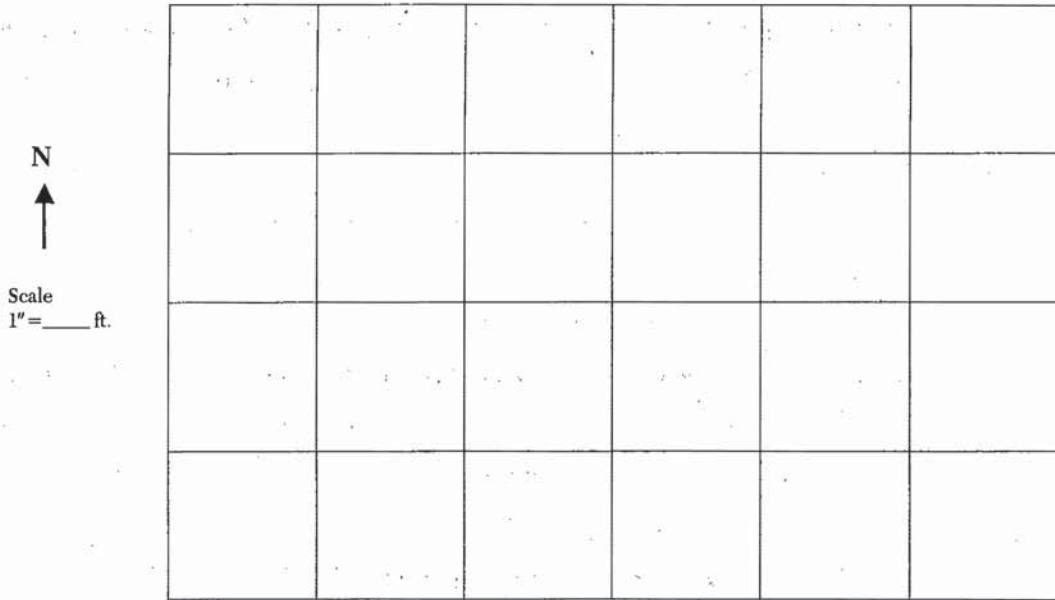
Date Drilled prior to Jan 1974 Original Depth 75 ft. Static Water Level When Drilled 8 ft.
 Tape Down Possible? yes 16' Water Level Measurement Tube? no
 Measuring Point 1 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____
 Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no
 Vacuum Breaker? no Are these anti-pollution devices installed properly? yes
 If chemicals are injected into system, please attach sketch of system.

HAYS000648

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



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In vertical pipe inside pivot stand
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 1980
 R.P.M. PUMP UNIT 1650
 Pressure at Pump 40 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 2028
 R.P.M. PUMP UNIT 1690
 Pressure at Pump 9 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

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations) HAYS000649

MICROFILMED

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds

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

Other Fuels Type Natural Gas Supplier Kansas - Nebraska

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

How was the test volume determined? Not Determined, One Meter is used for Many wells

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1584	1000		125
1976				
1977	889	1000		130
1978				
1979	1224	743		125
1980	1416	743		125
1981	1152	743		125
1982				
1983	2200 ^F	700 ^F		126 ^F
1984	1750 ^F	500 ^F		130 ^F
* 1985	1850 ^F	263 [*]		130 ^F
1986		263 [*]		

* obtained from test on 9/30/86

F obtained from WUR sent to us from Jerry Weaver

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

Crops Irrigated: this year Alfalfa Year of record Alfalfa

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

Person present at test Kent Naber (name) Irrigation Manager (relationship)
 Water Use Correspondent Lyle Kolbeck (name) Spearville, Ks 67876 (address) 316-385-2803 (phone number)
 Conducted by Greg Ebert (signature) Date 10/11/86
 Approved by Neil J. Winters (signature) P.E. (title) Date 1/15/87 HAYS000650

APPLICATION NO: 21729 NAME: Connecticut General Life Insurance

NC NW 1/4 pumping alone

COLLINS METER TEST

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

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

Test Pressure (psi) 9 Test RPM, Pump 1690

Description of Test Location In vertical pipe inside
pivot stand

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

<u>1 1/6</u>	<u>2.10</u>	<u>2.00</u>	<u>1.98</u>	<u>1.98</u>
<u>2 3/4</u>	<u>2.00</u>	<u>1.90</u>	<u>2.02</u>	<u>1.92</u>
<u>3 1/6</u>	<u>1.85</u>	<u>1.72</u>	<u>1.90</u>	<u>1.30</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 1.89

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
1.89 x .9559 = 1.81

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
1.81 x 145.4 = 263 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

Neil J. White
RECEIVED
Professional Engineer

JUN 19 1987

HAYS000651

APPLICATION NO: 21729 NAME: Connecticut General Life Insurance

Bothwells
NC NW 1/4 & NE 1/4, SW 1/4, NW 1/4

COLLINS METER TEST

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

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

Test Pressure (psi) 40 Test RPM, Pump 1650 (NC NW 1/4)
1670 (NE 1/4, SW 1/4, NW 1/4)

Description of Test Location In vertical pipe inside pivot stand

TEST DATA:	<input checked="" type="checkbox"/> Check, Initial	<u>4.56</u>	Reversed	<u>4.54</u>
		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)

<u>1 9/16</u>	<u>4.31</u>	<u>4.21</u>	<u>4.62</u>	<u>4.66</u>
<u>2 3/4</u>	<u>3.99</u>	<u>4.01</u>	<u>4.79</u>	<u>4.75</u>
<u>3 9/16</u>	<u>3.65</u>	<u>3.73</u>	<u>4.34</u>	<u>4.63</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.3075

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
4.3075 x .9559 = 4.12

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
4.12 x 145.4 = 599 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

[Signature]

Professional Engineer

HAYS000652

MICROFILMED

APPLICATION NO: 21,729

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

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

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



RECEIVED

PUMPING PLANT TESTING, INC.

Reviewed by:

Handwritten signature

Professional Engineer

HAYS000653

MICROFILMED

- Partial
- Full
- Re-Test

Test 6 of 6 Diversion points
 Application No. 21729 Date 11/5/86 Firm/Field Office Pumping Plant Testing Inc
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Ins. 90 Agri. Affiliates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: Well NE 1/4, SW 1/4, SW 1/4 Sec. 29, T. 25, R. 19
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: Well NE 1/4, SW 1/4, SW 1/4 Sec. 29, T. 25, R. 19
 Approximately 1043 ft. North and 4320 ft. West of SE corner of Sec. 29
 How were distances determined? Scaled from ASCS photo

"Approved" Quantity 1000 AF "Approved" Diversion Rate 2900 g.p.m. (6.46 c.f.s.)

Priority Date Jan. 2, 1974 Approval of Application Date Feb. 27, 1976

Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29	25	19	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	500

LAND IRRIGATED—YEAR OF RECORD 1985

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	
29	25	19	(NE SW SW well only)				33	33	32	32									130

APPLICATION OF WATER:

Year of Record 1985 Hours Pumped 1850 or Quantity 144.8 AF
 Flow from individual well with both Normal Operating G.P.M. 425 Equiv. c.f.s. .947
 well pumping alone Maximum Operating G.P.M. 631 Equiv. c.f.s. 1.406

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time requested: Yes _____ No

Total No. of Hours on land covered by this application 1850

Ac. Ft. Applied = $\frac{1850 \text{ hrs.} \times 425 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 145 \text{ AF}$

Acres of "Approved" Land irrigated 125

Ac. Ft. on "Approved" Land 145 (0.29 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 145
 $\frac{425 \text{ g.p.m.} + 274 \text{ g.p.m.}}{699 \text{ g.p.m.}} = 0.61$ $\frac{425 \text{ g.p.m.}}{699 \text{ g.p.m.}} = 0.61$

Proration Calculations 0.61 x 188 AF (max allowed for irrigating 125 acres)

Perfected Rate 635 g.p.m. Perfected Quantity 114 AF



DIVISION OF WATER RESOURCES
STAFF OFFICE
MICROFILMED

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Olsen Model no tag* Serial No. _____
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. 1 Rain Bird 85
 Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info. — THERE IS A TAG ON CENTRAL PIVOT,
BUT NO NUMBERS ARE STAMPED ON IT.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____
 Serial No. 08948 E-23-TL Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Johnston Model No. _____ Rated RPM _____
 Serial No. CF21230 Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Amatillo Model No. 560
 Serial No. 115267 Drive Right Angle Ratio 4:3

WELL INFORMATION: Records not available from Owner's Representative.

Date Drilled prior to Jan 1974 Original Depth _____ ft. Static Water Level When Drilled _____ ft.
 Tape Down Possible? yes 19' Water Level Measurement Tube? no
 Measuring Point 1 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____
 Chemical Injection System? no Check Valve? yes Low Pressure _____
 Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

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

N
↑
Scale
1" = _____ ft.

TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test Horizontal pipe at pivot
 Pipe Diameter (I.D.) 7 1/8 inches

Test No. 1—Normal Conditions *- See attached sheet.*

Test No. 2—Maximum Conditions *Flow from well NE 1/4 SW 1/4 SW 1/4 NONE*

R.P.M. POWER UNIT 2213
 R.P.M. PUMP UNIT 1660
 Pressure at Pump 110 psi

R.P.M. POWER UNIT 2200
 R.P.M. PUMP UNIT 1650
 Pressure at Pump 10 psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant K = 2.45 × 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

MICROFILMED

Other Flow Meter

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

HAYS000620

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds

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

Other Fuels Type Natural Gas Supplier Kansas-Nebraska

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

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

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975				
1976				
1977	936	1000		130
1978				
1979				
1980				
1981				
1982				
1983	2200 [†]	700 [†]		127 [†]
1984	1750 [†]	400 [†]		130 [†]
* 1985	1850 [†]	425 [*]		130 [†]
1986		425 [*]		

[†] From WUR sent to us from Jerry Weaver of Agri. Associates

* From test on 11/5/86

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

Crops Irrigated: this year Alfalfa Year of record Alfalfa

REMARKS: SEE ATTACHED SHEETS FOR LOGIC IN CHOOSING A YEAR OF RECORD.

Person present at test Kent Naber Irrigation Manager
(name) (relationship)

Water Use Correspondent Lyle Kolbeck Spoutville, Ks 67876 316-385-2803
(name) (address) (phone number)

Conducted by Greg Ebert Date 11/13/86
(signature)

Approved by Lyle Kolbeck, P.E. Date 1/15/87 HAYS000621
(signature) (title)

APPLICATION NO: 21729 NAME: Connecticut General Life Insurance

Flow from well in the NE 1/4, SW 1/4, SW 1/4 pumping alone

COLLINS METER TEST

Collins Meter No. 1-85 Meter Calibration Factor .9826
 Pipe Inside Diameter (inches) 7 1/16 Flow Rate Factor 147.8
 Test Pressure (psi) 10 Test RPM, Pump 1650
 Description of Test Location Horizontal pipe before pivot stand

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

Meter Setting	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 5/8</u>	<u>4.52</u>	<u>4.28</u>
<u>2 3/4</u>	<u>4.93</u>	<u>4.20</u>
<u>3 9/16</u>	<u>4.40</u>	<u>4.40</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.35

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
4.35 x .9826 = 4.27

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
4.27 x 147.8 = 631 GPM

PUMPING PLANT TESTING, INC.

Reviewed By:

W. J. [Signature] RECEIVED

Professional Engineer

JUN 19 1987

HAYS000622
 MICROFILMED

APPLICATION NO: 21729 NAME: Connecticut General Life Ins.

Flow from well in NE 1/4, SW 1/4, SW 1/4 under normal conditions
COLLINS METER TEST

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 7 13/16 Flow Rate Factor 147.8

Test Pressure (psi) 110 Test RPM, Pump 1660

Description of Test Location Horizontal pipe before pivot stand

TEST DATA: Check, Initial 2.92 Reversed 2.96
 Velocity Velocity
 Meter Setting From Left Side of Pipe Right Side of Pipe
 Center of Pipe (or Front Side if (or Back Side if
 Vertical Test) Vertical Test)

Meter Setting	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 5/8</u>	<u>2.99</u> <u>2.95</u>	<u>2.95</u> <u>2.91</u>
<u>2 3/4</u>	<u>2.90</u> <u>2.90</u>	<u>2.92</u> <u>2.92</u>
<u>3 9/16</u>	<u>2.96</u> <u>2.93</u>	<u>2.82</u> <u>2.93</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 2.923

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
2.923 x .9826 = 2.872

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
2.872 x 147.8 = 425 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

[Signature]

Professional Engineer

JUN 19 1987

MICROFILMED 00623

APPLICATION NO: 21,729

NAME: CONNECTICUT GENERAL LIFE
INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

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

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



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RECEIVED PUMPING PLANT TESTING, INC.

Reviewed by:

[Signature]

HAYS000624

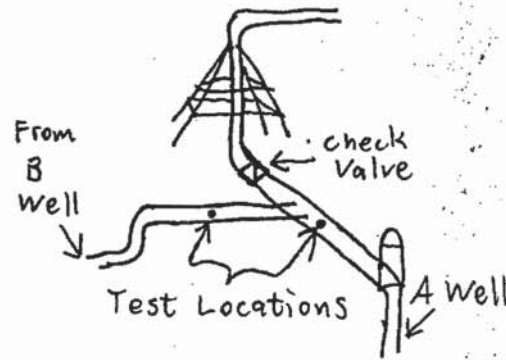
Professional Engineer

APPLICATION NO: 21729

NAME: Connecticut General Life Ins

Flow test on wells pumping independently:

Since there was only one checkvalve for both wells (located downstream of the pipe junction), each of these wells were tested upstream of the pipe junction. (See diagram) The pressure is low on the individual test because the water is going down the well on the pump that isn't running.



Flow test under "normal" conditions:

"Normal" conditions are when both wells are pumping together into the center pivot. We tested the flow from each individually while both were pumping. The total flow into the system would be the combined flow of each well pumping under "normal" conditions, (274 gpm + 425 gpm = 699 gpm)



PUMPING PLANT TESTING, INC.

Reviewed by: *Ned J. W.*

Professional Engineer HAYS000625

JUN 19 1987

MICROFILMED

FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 5 of 6 Diversion points
 Application No. 21729 Date 11/5/86 Firm/Field Office Pumping Plant Testing, Inc
 Inspector Klassen/Ebert
 Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Ins. % Agri. Affiliates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: 1 well NC SW 1/4 Sec. 29, T. 25, R. 19
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well NC SW 1/4 Sec. 29, T. 25, R. 19
 Approximately 1416 ft. North and 4000 ft. West of SE corner of Sec. 29
 How were distances determined? Scaled from ASCS photo

"Approved" Quantity 1000 AF "Approved" Diversion Rate 2900 g.p.m. (6.46 c.f.s.)

Priority Date Jan. 2, 1974 Approval of Application Date Feb. 27, 1976

Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
29	25	19	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	31 1/4	500

LAND IRRIGATED—YEAR OF RECORD 1985

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		
29	25	19																		

APPLICATION OF WATER:

Year of Record 1985 Hours Pumped 1850 or Quantity 93.3 AF
 flow from individual well with both Normal Operating G.P.M. 274 Equiv. c.f.s. .611
 well pumping alone Maximum Operating G.P.M. 358 Equiv. c.f.s. .798

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time requested: **RECEIVED**

Total No. of Hours on land covered by this application 1850

Ac. Ft. Applied = 1850 hrs. × 274 g.p.m. × 4.419 = 2274 AF
24 × 1000

Acres of "Approved" Land irrigated 125

Ac. Ft. on "Approved" Land 94 (019 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 94

Proration Calculations 274 gpm. + 425 gpm. = 699 gpm. 274 gpm. ÷ 699 gpm. = 0.39
0.39 × 1850 A.F. = 721 A.F.
 Perfected Rate 360 g.p.m. Perfected Quantity 74 AF

Completed by Douglas E. Bush 3-17-87
 HAYS000626



GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure

Manufacturer Olson Model notag Serial No. _____

Drive Electric Length of Pivot Arm _____

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

End Gun? yes End Gun Rating _____ g.p.m. 1 Rain Bird 85

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info. _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____

Serial No. 11909 K-28-TG Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Western Land Roller Model No. notag Rated RPM _____

Serial No. _____ Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Amasillo Model No. _____

Serial No. OL 36605 Drive Right Angle Ratio 1:1

WELL INFORMATION: No records available from owner's representative.

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

Tape Down Possible? yes 25' Water Level Measurement Tube? No

Measuring Point 5 ft. above ~~or below~~ L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

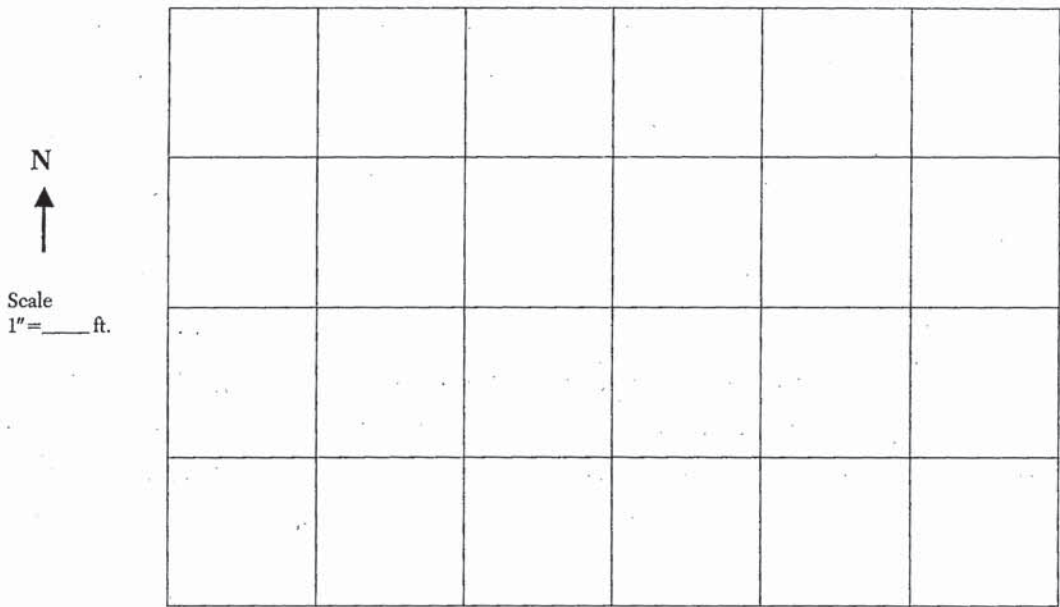
Is Meter Installed Properly? _____

HAYS000627

Chemical Injection System? no Check Valve? yes Low Pressure Drain? yes

Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

21729
SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test Horizontal pipe at pivot
 Pipe Diameter (I.D.) 7 13/16 inches

Test No. 1—Normal Conditions - *See attached sheet* Test No. 2—~~Maximum~~ Conditions *Flow from well NC SW 1/4 alone*

R.P.M. POWER UNIT	<u>1760</u>	R.P.M. POWER UNIT	<u>1771</u>
R.P.M. PUMP UNIT	<u>1760</u>	R.P.M. PUMP UNIT	<u>1771</u>
Pressure at Pump	<u>110</u> psi	Pressure at Pump	<u>6</u> psi

Jacuzzi Meter Test Meter Identification No. _____

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

Velocity (fps)

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

Velocity (fps)

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

Propeller Meter Test Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

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

Other Flow Meter Use Supplemental Sheet (include meter identification, data and calculations) **HAYS000628**

MICROFILMED

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

Other Fuels Type Natural Gas Supplier Kansas-Nebraska
 Rate = $\frac{Volume (test)}{time}$ = _____
 How was the test volume determined? Not Determined Engine not on individual meter

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1764	1000		125
1976				
1977	936	1000		130
1978				
1979	1224	650		126
1980	1416	650		126
1981	1152	650		126
1982				
1983	2200 [‡]	700 [‡]		127 [‡]
1984	1750 [‡]	450 [‡]		130 [‡]
* 1985	1850 [‡]	274 [*]		130 [‡]
1986		274 [*]		

[‡] From WHA sent to us from Jerry Weaver of Agri. Affiliates

* From test on 11/5/86

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

Crops Irrigated: this year Alfalfa Year of record Alfalfa

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

Person present at test Kent Naber (name) Irrigation Manager (relationship)
 Water Use Correspondent Lyle Kolbeck (name) Spoutville, Ks 67876 (address) 316-385-2803 (phone number)
 Conducted by Breg Best (signature) Date 11/11/86
 Approved by [Signature] (signature), P.E. (title) Date 1/15/87 HAYS000629

49'

APPLICATION NO: 21729 NAME: Connecticut General Life Ins.

COLLINS METER TEST *Flow from well ncs w/4 pumping alone*

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

Pipe Inside Diameter (inches) 7 3/16 Flow Rate Factor 147.8

Test Pressure (psi) 6 Test RPM, Pump 1771

Description of Test Location Horizontal pipe before pivot stand

TEST DATA: Check, Initial 2.72 Reversed 2.75
 Velocity Velocity
 Meter Setting From Left Side of Pipe Right Side of Pipe
 Center of Pipe (or Front Side if (or Back Side if
 Vertical Test) Vertical Test)

Meter Setting	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 5/8</u>	<u>2.66</u> <u>2.67</u>	<u>2.75</u> <u>2.70</u>
<u>2 3/4</u>	<u>2.48</u> <u>2.48</u>	<u>2.56</u> <u>2.60</u>
<u>3 9/16</u>	<u>2.26</u> <u>2.30</u>	<u>2.38</u> <u>2.29</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 2.51

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
2.51 x .9635 = 2.419

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
2.419 x 147.8 = 358 GPM



Reviewed By:

PUMPING PLANT TESTING, INC.

[Signature]

Professional Engineer

JUN 19 1987

HAYS000630

MICROFILMED

APPLICATION NO: 21729 NAME: Connecticut General Life Ins.

COLLINS METER TEST *Flow from well NC SW 1/4 under normal conditions*

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

Pipe Inside Diameter (inches) 7 1/16 Flow Rate Factor 147.8

Test Pressure (psi) 110 Test RPM, Pump 1760

Description of Test Location Horizontal pipe before pivot stand

TEST DATA: Check, Initial 2.05 Reversed 2.06

	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)

<u>1 5/8</u>	<u>1.99</u>	<u>2.00</u>	<u>2.04</u>	<u>2.01</u>
<u>2 3/4</u>	<u>1.87</u>	<u>1.92</u>	<u>2.00</u>	<u>1.99</u>
<u>3 1/16</u>	<u>1.81</u>	<u>1.76</u>	<u>1.95</u>	<u>1.78</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 1.93

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 1.93 x .9635 = 1.856

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 1.856 x 147.8 = 274 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
Professional Engineer

JUN 19 1987

HAYS000631

MICROFILMED

APPLICATION NO: 21,729

NAME: CONNECTICUT GENERAL LIFE
INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

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

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



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PUMPING PLANT TESTING, INC.

Reviewed by:

Neil J. White

HAYS000632

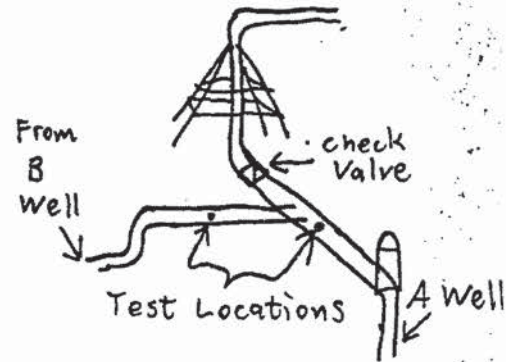
Professional Engineer

APPLICATION NO: 21729

NAME: Connecticut General Life Ins.

Flow test on wells pumping independently:

Since there was only one checkvalve for both wells (located downstream of the pipe junction), each of these wells were tested upstream of the pipe junction. (See diagram) The pressure is low on the individual test because the water is going down the well on the pump that isn't running.

Flow test under "normal" conditions:

"Normal" conditions are when both wells are pumping together into the center pivot. We tested the flow from each individually while both were pumping. The total flow into the system would be the combined flow of each well pumping under "normal" conditions. ($274 \text{ gpm} + 425 \text{ gpm} = 699 \text{ gpm}$)



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PUMPING PLANT TESTING, INC.

Reviewed by:

JUN 19 1987

Ed J. White
Professional Engineer

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

HAYS000633

MICROFILMED

FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 4 of 6 Diversion points

Application No. 21729 Date 9/30/86 Firm/Field Office Pumping Plant Testing, Inc.
Inspector Ebert/Klassen

Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance % Agri. Affiliates

Address Box 1162 North Platte NE 69103 Attn Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater (X) Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: Well NC SE 1/4 Sec. 29, T. 25, R. 19
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: Well NC SE 1/4 Sec. 29, T. 25, R. 19
Approximately 1377 ft. North and 1415 ft. West of SE corner of Sec. 29
How were distances determined? Sealed from A.S.C.S. photo

"Approved" Quantity 1000 AF "Approved" Diversion Rate 2900 g.p.m. (6.46 c.f.s.)

Priority Date Jan 2, 1974 Approval of Application Date Feb. 27, 1976

Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
29	25	19	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	3 1/4	500

LAND IRRIGATED—YEAR OF RECORD 1985

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			
29	25	19																			125

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APPLICATION OF WATER:

Year of Record 1985 Hours Pumped 1850 or Quantity 244.6 AF

Normal Operating G.P.M. 718 Equiv. c.f.s. 1.60

Maximum Operating G.P.M. _____ Equiv. c.f.s. _____

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time requested: Yes _____ No ✓

Total No. of Hours on land covered by this application 1850

Ac. Ft. Applied = $1850 \text{ hrs.} \times 718 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 245 \text{ AF}$

Acres of "Approved" Land irrigated 125

Ac. Ft. on "Approved" Land 245 (0.49 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 245

Proration Calculations 125 acres irrigated x 1.5 A.F. per acre = 188 AF

Perfected Rate 720 g.p.m. Perfected Quantity 188 AF



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GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure

Manufacturer Olsen Model 103 PL Serial No. 3999

Drive Electric Length of Pivot Arm _____

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

End Gun? yes End Gun Rating _____ g.p.m. Toro

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info. _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP _____

Serial No. 11669 K-26-TG Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Johnston Model No. _____ Rated RPM _____

Serial No. CF21229 Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. 580

Serial No. 87993 Drive Right Angle Ratio 5:4

WELL INFORMATION:

Date Drilled prior to Jan 1974 Original Depth 33 ft. Static Water Level When Drilled 4 ft.

Tape Down Possible? No Water Level Measurement Tube? no

Measuring Point _____ ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is Meter Installed Properly? _____

Chemical Injection System? yes Check Valve? no Low Pressure Drain? no

Vacuum Breaker? no Are these anti-pollution devices installed properly? _____

HAYS000635

If chemicals are injected into system, please attach sketch of system.

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

N
↑
Scale
1" = ____ ft.

TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
Location of test In horizontal pipe between pump and pivot
Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2210
R.P.M. PUMP UNIT 1768
Pressure at Pump 53 psi

Test No. 2—Maximum Conditions

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

Jacuzzi Meter Test

Meter Identification No. _____

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

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

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

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

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

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

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Other Flow Meter

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

HAYS000636

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds

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

Other Fuels Type Natural Gas Supplier Kansas-Nebraska

Rate = $\frac{Volume (test)}{time}$ = _____
 How was the test volume determined? Not Determined Engine not on individual meter

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1260	1000		125
1976				
1977	701	1000		130
1978				
1979	1224	780		123
1980	1416	780		123
1981	1152	780		123
1982				
1983	2200 ^F	800 ^F		123 ^F
1984	1700 ^F	850 ^F		125 ^F
* 1985	1850 ^F	718 [*]		125 ^F
1986		718 [*]		

* obtained from test on 9/30/86

F obtained from WUR sent to us from Jerry Weaver

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

Crops Irrigated: this year Alfalfa Year of record Alfalfa

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

Person present at test Kent Naber Irrigation Manager
(name) (relationship)

Water Use Correspondent Lyle Kelbeck Spearville, Ks 67826 316-385-2803
(name) (address) (phone number)

Conducted by Greg Ebert Date 10/11/86
(signature)

Approved by W. J. Watt, P.E. Date 1/15/87
(signature) (title)

HAYS000637

APPLICATION NO: 21729 NAME: Connecticut General Life Insurance
INC SE 1/4

COLLINS METER TEST

Collins Meter No. 1-83 Meter Calibration Factor .9559
 Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4
 Test Pressure (psi) 53 Test RPM, Pump 1768
 Description of Test Location In horizontal pipe between
pump and pivot

TEST DATA: Check, Initial 5.70 Reversed 5.68
 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 1/16</u>	<u>5.44</u>	<u>5.67</u>
<u>2 3/4</u>	<u>5.37</u>	<u>5.50</u>
<u>3 9/16</u>	<u>4.55</u>	<u>4.47</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.17

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
5.17 x .9559 = 4.94

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
4.94 x 145.4 = 718 GPM



PUMPING PLANT TESTING, INC.

Reviewed BY: [Signature]

Professional Engineer

JUN 19 1987

HAYS000638

APPLICATION NO: 21,729

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

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

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



RECEIVED

PUMPING PLANT TESTING, INC.

Reviewed by:

Neil J. W. [Signature]

HAYS000639

Professional Engineer

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

To: Files

Date: March 17, 1987

From: Douglas E. Bush

Re: Appropriation of Water
File No. 21,729

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, Inc. has been reviewed. It meets the requirement specified in the scope of work.

The quantity perfected under the above referenced File No. was fully perfected in accordance to the acres irrigated. That is 500 acres irrigated x 1.5 acre-feet per acre = 750 acre-feet or 752 acre-feet because of the rounding of quantity.

The combined tested rates for the two wells located in the Northwest Quarter (NW $\frac{1}{4}$) of Section 29, Township 25 South, Range 19 West, Edwards County, Kansas, did not equal the rate when the wells were tested pumping by themselves and then added together. Pumping Plant Testing was contacted on March 17, 1987. It was learned that because of air being in the system, the rates were lower when tested by themselves. Therefore the rates for the two wells were prorated up to the combined rate as such: 263 gallons per minute + 313 gallons per minute = 576 gallons per minute. 263 gallons per minute divided by 576 gallons per minute = 0.46 x 599 (combined rate) = 273 gallons per minute [near the center of the Northwest Quarter (NW $\frac{1}{4}$)]. 313 gallons per minute divided by 576 gallons per minute = 0.54 x 599 gallons per minute (combined rate) = 325 gallons per minute [in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$)].

The quantities for the wells located near the center of the Northwest Quarter (NW $\frac{1}{4}$) and in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) were prorated by rate so the total quantity did not exceed a reasonable quantity for the land irrigated. The quantities were prorated as such: 263 gallons per minute + 313 gallons per minute = 576 gallons per minute. 263 gallons per minute divided by 576 gallons per minute = 0.46 x 188 acre-feet (maximum allowed for irrigating 125 acres at 1.5 acre-feet per acre) = 86 acre-feet [near the center of the Northwest Quarter (NW $\frac{1}{4}$)], 313 gallons per minute divided by 576 gallons per minute = 0.54 x 188 acre-feet (maximum allowed for irrigating 125 acres at 1.5 acre-feet per acre) = 102 acre-feet [Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$)].

The quantities for the wells located near the center of the Southwest Quarter (SW $\frac{1}{4}$) and in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) were prorated by rate so the total quantity did not exceed a reasonable quantity for the land irrigated. The quantities were prorated as such: 274 gallons per minute + 425 gallons per minute = 699 gallons per minute. 274 gallons per minute divided by 699 gallons per minute = 0.39 x 188 acre-feet (maximum allowed for irrigating 125 acres at 1.5 acre-feet per

HAYS000679

MICROFILMED

Memo
 page two
 File No. 21,729
 March 17, 1987

gallons per minute divided by 699 gallons per minute = 0.61 x 188 acre-feet
 (maximum allowed for irrigating 125 acres at 1.5 acre-feet per acre) = 114 acre-feet.

The acres shown to be irrigated by some pivots were over the 125 approved acres. The actual acres irrigated under all pivot irrigation systems is probably close to 125 acres as shown by the ASCS aerial photograph. Therefore, no prorating of quantity was done for irrigating unapproved land.

The WUC shown on the Field Inspection Report was changed to show Agri Affiliates as correspondent. This information was obtained in a March 25, 1987 phone call from Larry Sheets, Division of Water Resources, to Jerry Weaver of Agri Affiliates.

A limitation was needed on the combined rate, for the well located in the Southwest Quarter (SW $\frac{1}{4}$) of said section and the well located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said section. This limitation limits the combined rate of these two wells to 700 gallons per minute when the wells are run simultaneously.

A limitation was needed on the total rate when all wells are being run simultaneously. The limitation limits the rate to 2,900 gallons per minute, the maximum approved rate.

Douglas E. Bush

Douglas E. Bush
 Hydrologist

DEB:jt

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JUN 19 1987

MICROFILMED

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

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

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

Date: November 5, 1986

History: Effective November 5, 1986

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

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

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.	
		<u>1,244</u> (allow 1,245 g.p.m.)	

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

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

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.

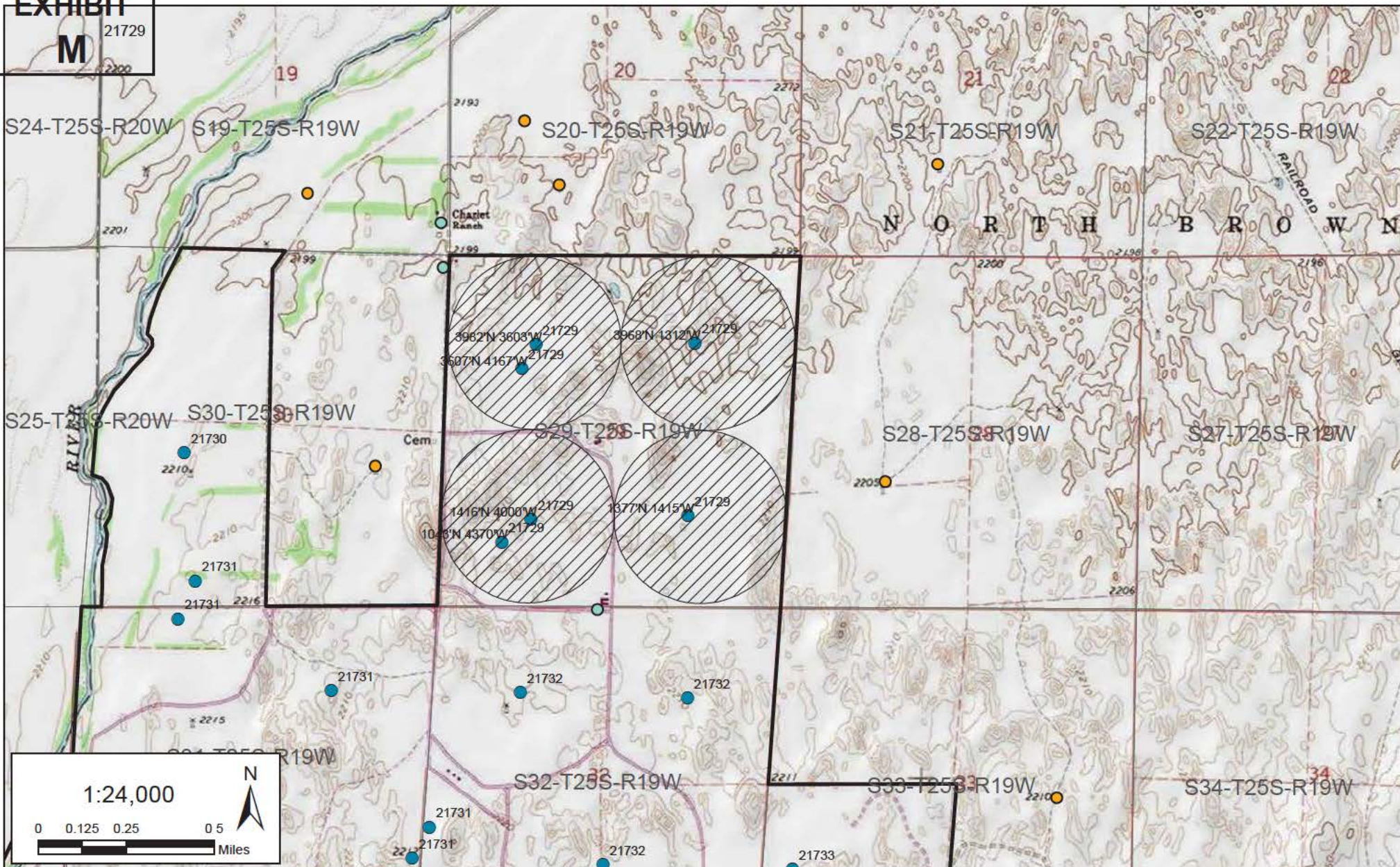
A further limiting factor to maximum allowable quantity is the availability of water from the proposed source of supply. If the source of supply is incapable of yielding a reasonably, sustainable (computed) quantity during the irrigation season in that area of the state, then the source becomes a further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

EXHIBIT

M

21729



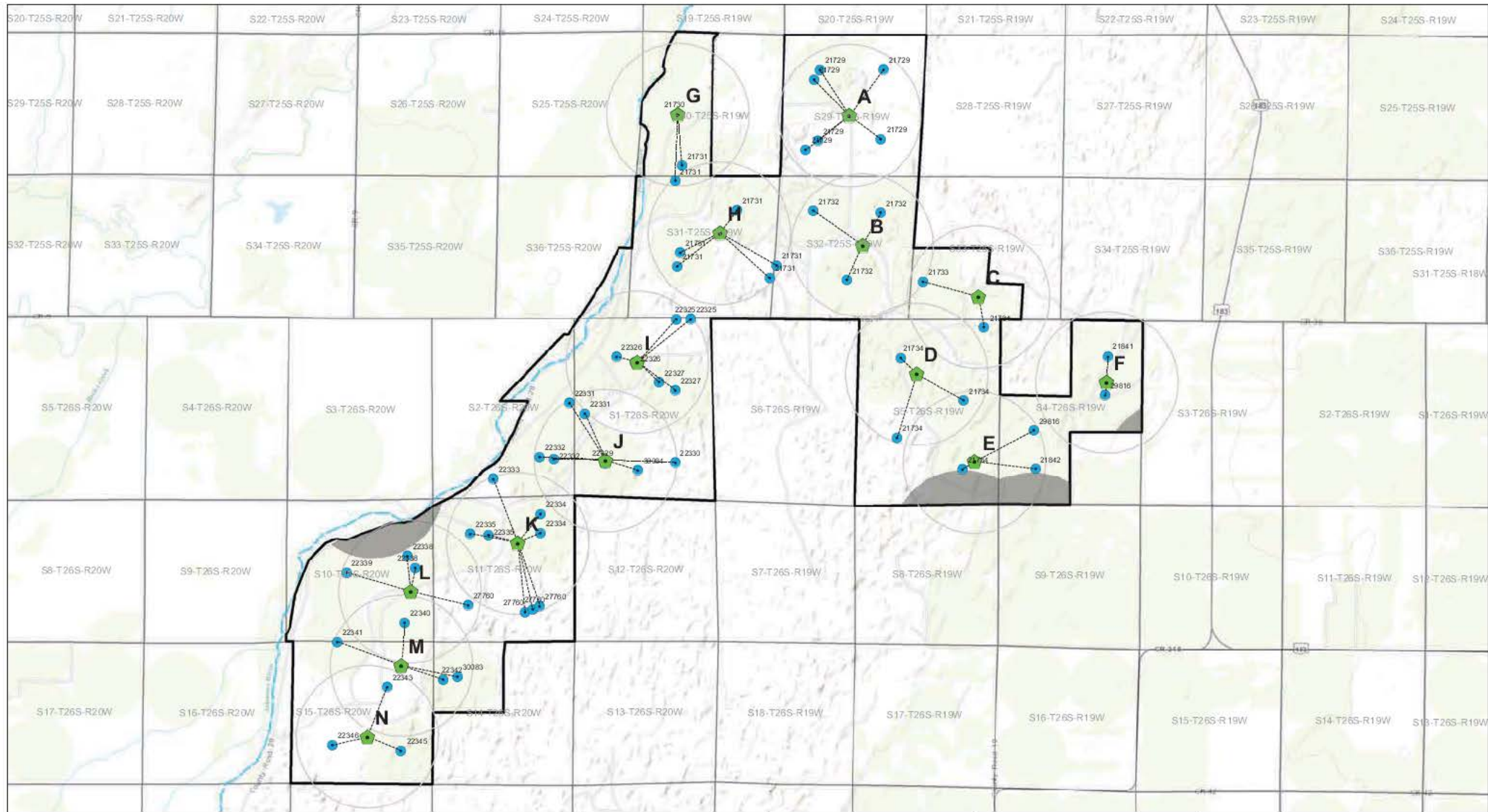
Legend

- 21729 Existing Point(s) of Diversion
- 21729 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- ▭ PLSS Sections 21729
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



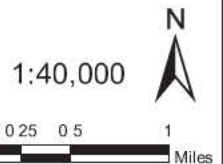
CHANGE APPLICATION 21729
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION

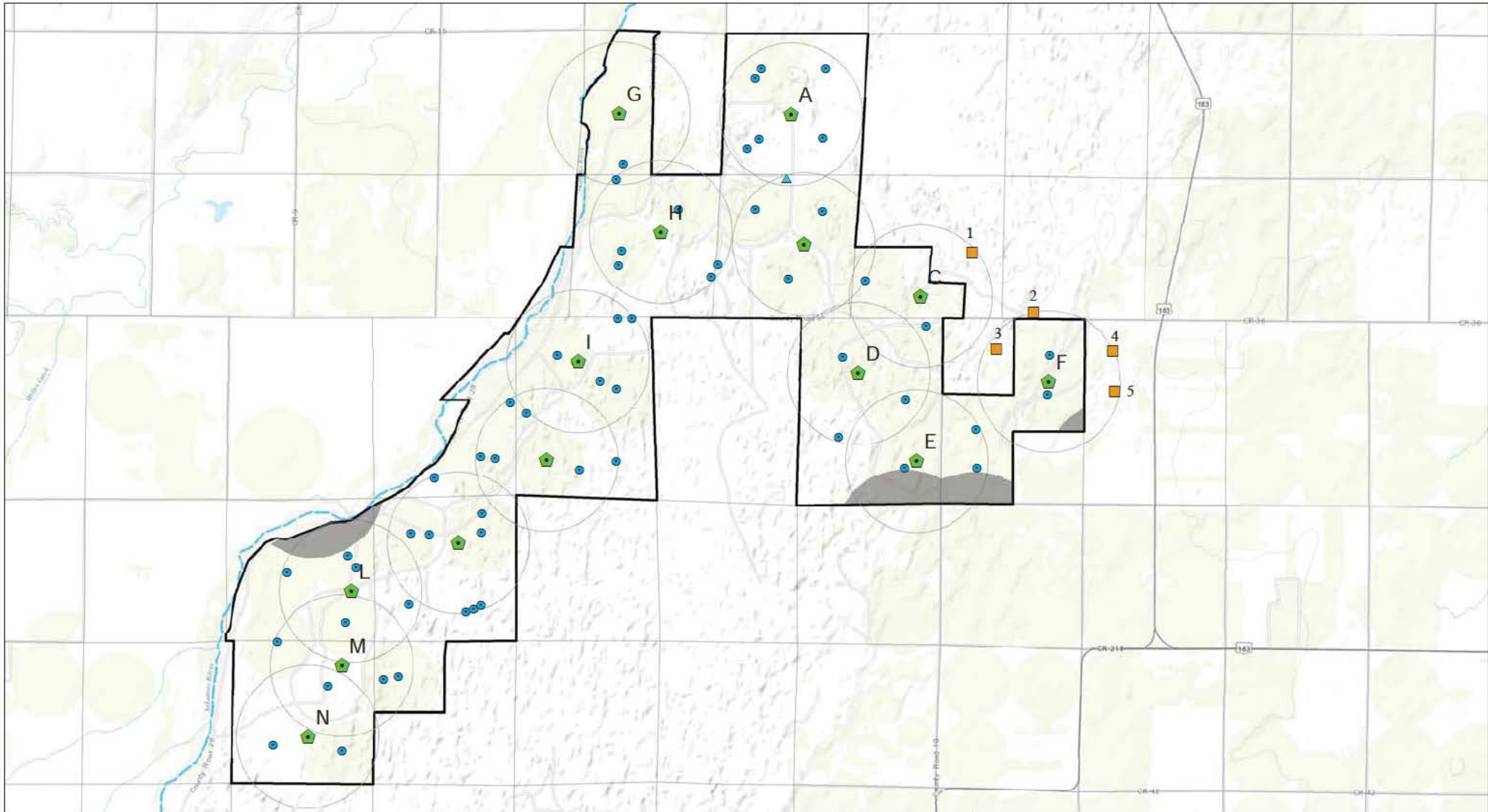
EXHIBIT N ²¹⁷²⁹



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





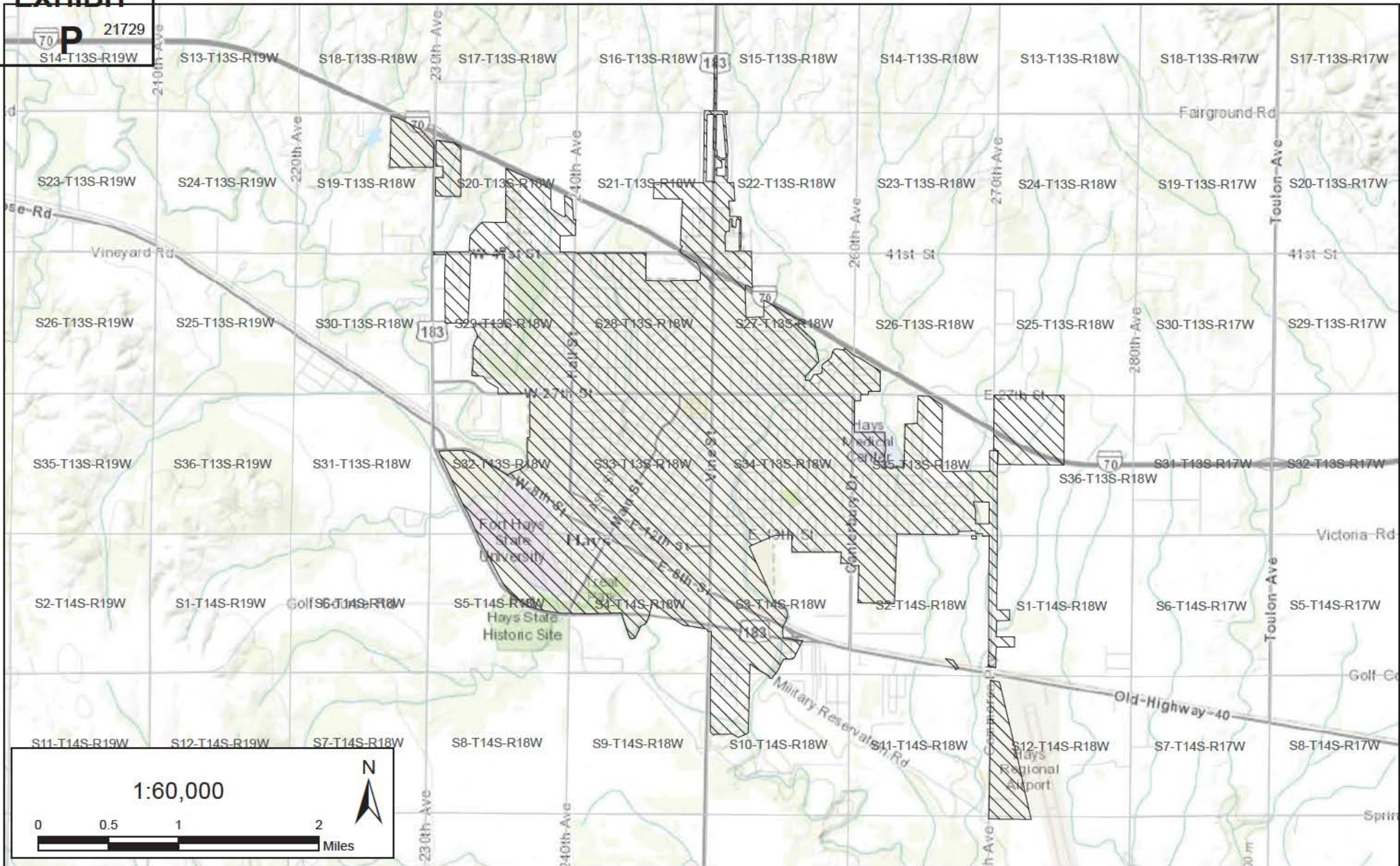
Legend

- o o e i i l e l l N
- i i o i o i e i o
- i l e e o o o e e l l
- e i o
- e i e F o o o e e l l
- o e o
- o e i e l l N o e i e
- o e l l N o e i e



EXHIBIT

P 21729
S14-T13S-R19W

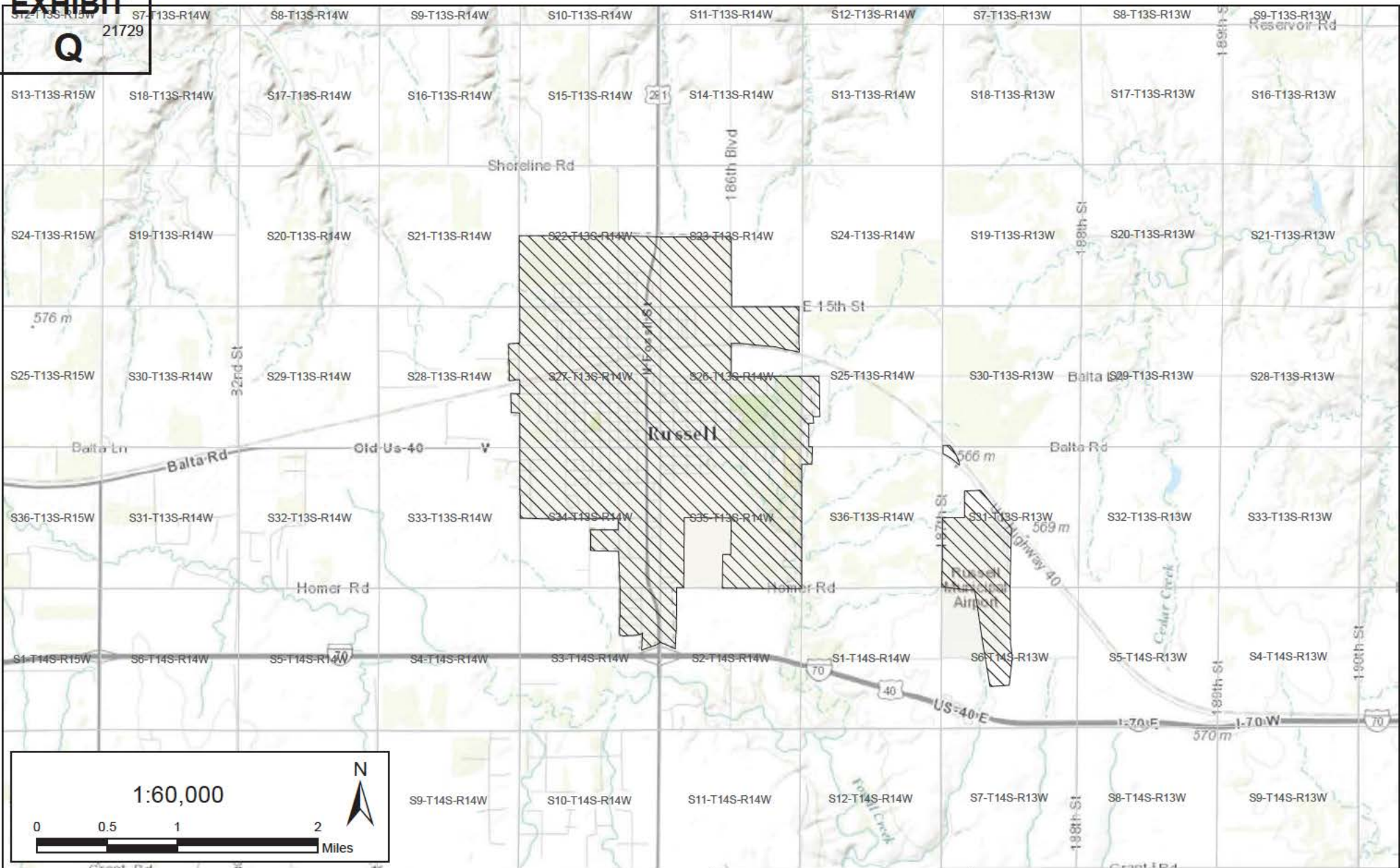


Proposed Place of Use City of Hays



PLSS Sections





Proposed Place of Use - City of Russell



PLSS Sections



21729
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

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

SECTION 6: AREA TO BE SERVED

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

You may attach additional information you believe will assist in informing the Division of the Page 77 of 79 request.

MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET

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

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

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

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

UNACCOUNTED FOR WATER

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

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

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
S**

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

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago	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

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

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



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

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

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

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

File No. 21,730 Circle 1

2. Name of applicant: City of Hays, Kansas and City of Russell, Kansas (See paragraph 2 of the cover letter.)

Address: c/o Foulston Siefkin LLP, 1551 N. Waterfront Parkway, Suite 100

City, State and Zip: Wichita, Kansas 67206

Phone Number: (316) 291-9725 E-mail address: dtraster@foulston.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. Hays and Russell are co-owners of the authorized place of use on the R9 Ranch in Edwards County.

Name of water use correspondent: City of Hays, Kansas

Address: P. O. Box 490, 1507 Main Street

City, State and Zip: Hays, Kansas 67601

Phone Number: (785) 628-7320 E-mail address: tdougherty@haysusa.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____
See Paragraph 3 of the cover letter filed concurrently with this application. The cover letter is
incorporated herein by reference.

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

For Office Use Only:							
F.O. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
30-T25S-R19W								Lot 2 23	22	34	Lot 3 34.75	Lot 4 2	1					116.75	

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

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

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

Owner of Land — NAME: City of Hays, Kansas

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

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

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the SW Quarter of Section 30, Township 25 South, Range 19 (~~E/W~~), in Edwards County, Kansas, 2,330 feet North 3,937 feet West of Southeast corner of section. Authorized Rate 795 gpm Authorized Quantity 176 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the NE Quarter of the SW Quarter of Section 30, Township 25 South, Range 19 (~~E/W~~), in Edwards County, Kansas, 2,282 feet North 3,870 feet West of Southeast corner of section. Proposed Rate 795 gpm Proposed Quantity 203.77 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 21,731

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

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

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

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

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

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

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

[Signature] (Owner) _____ (Spouse) _____

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

_____ (Owner) _____ (Spouse)

_____ (Please Print) _____ (Please Print)

_____ (Owner) _____ (Spouse)

_____ (Please Print) _____ (Please Print)

State of Kansas }
County of Russell } SS



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

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

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)

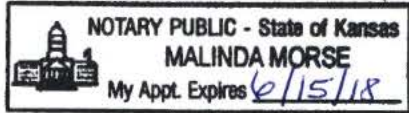
(Owner) _____ (Spouse)

(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.

8. Rate and Quantity

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

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

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

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

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

Quantity authorized and perfected

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

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

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

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

¹ K.A.R. 5-5-9(a) and (a)(1).

² K.A.R. 5-5-12, NIR Requirements.

³ K.A.R. 5-5-9(b).

⁴ Permit, HAYS000767, Ex. A.

⁵ Application, HAYS000758, Ex. B.

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

⁷ FIR, HAYS000746, Ex. D.

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

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

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

NIR for Alfalfa

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

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

An alternative approach

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

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

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

⁹ FIR, HAYS000749, Ex. G.

¹⁰ See K.A.R. 5-5-9(a)(4).

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

THE STATE OF KANSAS



STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application No. 21,730 of the applicant

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

for a permit to appropriate water to beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

- 1. That the priority date assigned to such application is January 2, 1974.
- 2. That the water sought to be appropriated shall be used for irrigation on the land described in the application.

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

- 4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of

1250 gallons per minute (2.79 c.f.s.)

and to a quantity of not to exceed

224 acre-feet

for any calendar year.

(OVER)

RECEIVED
MICROFILMED
MAR 8 1976
HAYS 000767
C. H. H.

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

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

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

8. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified or any authorized extension thereof.

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

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

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

12. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Dated this 27th day of February 1976



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

HAYS000768



THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

Rec'd check #50⁰⁰ 1-2-74
Ck from: Wilson & Frame
ra

NUMBER 21,730

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

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

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

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

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

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

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

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

2. The location of the proposed wells or other works for diversion of water is in the SW/4 quarter of the SW/4 quarter of the SW/4 quarter of section 30, township 25, range 19, in Edwards County, Kansas, and in the NW/4 of NE/4 of SW/4 of said section. (Near the center of West 1/2 of S30 SW)

3. The water is intended to be appropriated for:

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



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



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RECEIVED JUL 15 1974

MAR 8 1976 DIVISION OF WATER RESOURCES STAFFORD

* Guy Ellis
9-2-75
Page 11 of 38

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.

6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or

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

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

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

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
30	25	19						23	22	34	35	2	1					117	
								25	27	33	27							112	

JE

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

Owner of Land—NAME: _____

ADDRESS: _____

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

Owner of Land—NAME: _____

ADDRESS: _____

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

* Bu. HAYS 000759
9-9-75

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

7. The works for diversion of water will consist of ~~irrigation system whose pivot is 500 yds~~⁵⁷ southwest of the well in Section 31.

(wells, pumps, etc.)

and will be completed by already completed

(Date)

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

(Date)

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

The plat or aerial photograph should show

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

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

None

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

(Owner, agent or otherwise)

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

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

KINSLEY JOINT VENTURE

(Applicant)

By D. Allen Frame
D. Allen Frame, ^(Agent or Officer) Attorney

Note:

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

M1-538



5-72-10M SEYS

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MAR 8 1976

JUL 15 1974

HAYS000760

FIELD OFFICE
DIVISION OF WATER RESOURCES,
STAFFORD

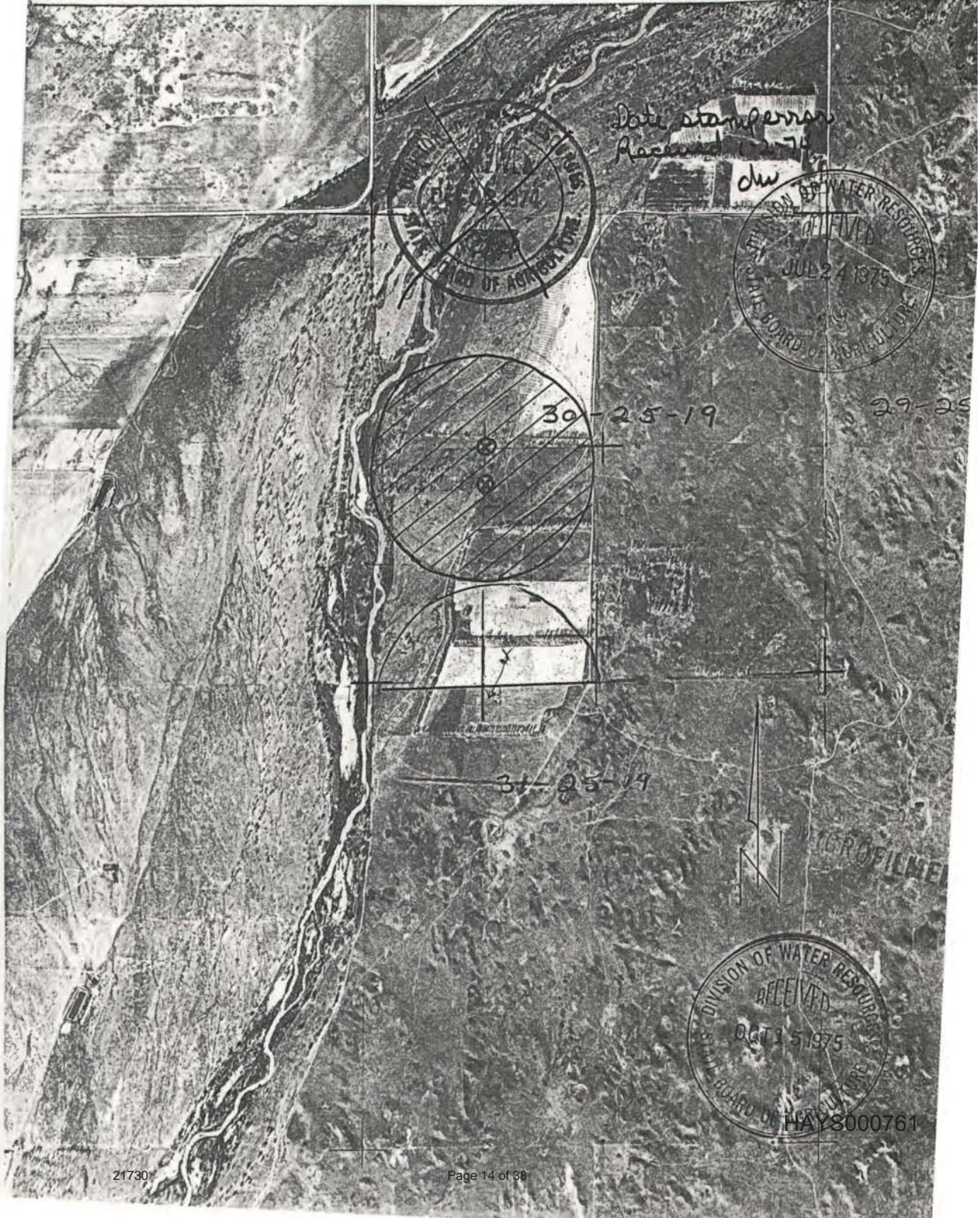
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

v

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



Date stamp error
 Received 1-2-74
 dw



E-N²

February 27, 1976

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

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

Gentlemen:

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

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

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

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

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:ee1

Encs.

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MAR 8 1976

HAYS000766
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EXHIBIT

21730

D

DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE

FIELD INSPECTION REPORT

(RE-SUBMITTAL)

JUN 30 1987

- Partial
- Full
- Re-Test

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

Test 1 of 2 Diversion points County Edwards

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

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

Address Box 1162 North Platte, NE 69103 Attn Jerry Weaver

Additional landowners and addresses identified in remarks section.

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

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

Authorized Point of Diversion: NW 1/4 NE 1/4 SW 1/4 of Sec. 30, T. 25, R. 19, ID
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: NE N 1/2, N 1/2, SW 1/4 Sec. 30, T. 25, R. 19
 Approximately 2330 ft. North and 3937 ft. West of SE corner of Sec. 30

How were distances determined? Scaled from photo

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

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

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

LAND TO BE INCLUDED ON CERTIFICATE:

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

LAND IRRIGATED—YEAR OF RECORD 1985 See Attached sheet

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

TESTED DIVERSION RATES

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

FOR D.W.R. USE ONLY

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

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

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

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

117 × 1.5 = 176 **RECEIVED**

SEP 14 1987

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

Completed by Larry 7-8-87

HAYS000746

GENERAL INFORMATION ON IRRIGATION SYSTEM:

 Center PivotManufacturer Zimmatic Model 310 Serial No. 3222Drive: Water Electric Length of Pivot Arm — acres irr. 119Design 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 () noEnd Gun Model teso Rating — g.p.m. Orifice size — Gravity Irrigation

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

Description — Other Type —Manufacturer — Model — Serial No. —unusual condition/other information —

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP —Serial No. 08947 E-23-TL Fuel Natural Gas Rated RPM —

PUMP INFORMATION:

Manufacturer Johnston Model No. — Rated RPM —Serial No. CF21241 Type Vertical Turbine No. stages —

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. 560Serial No. 88424 Drive Right Angle Ratio 5:4

WELL INFORMATION:

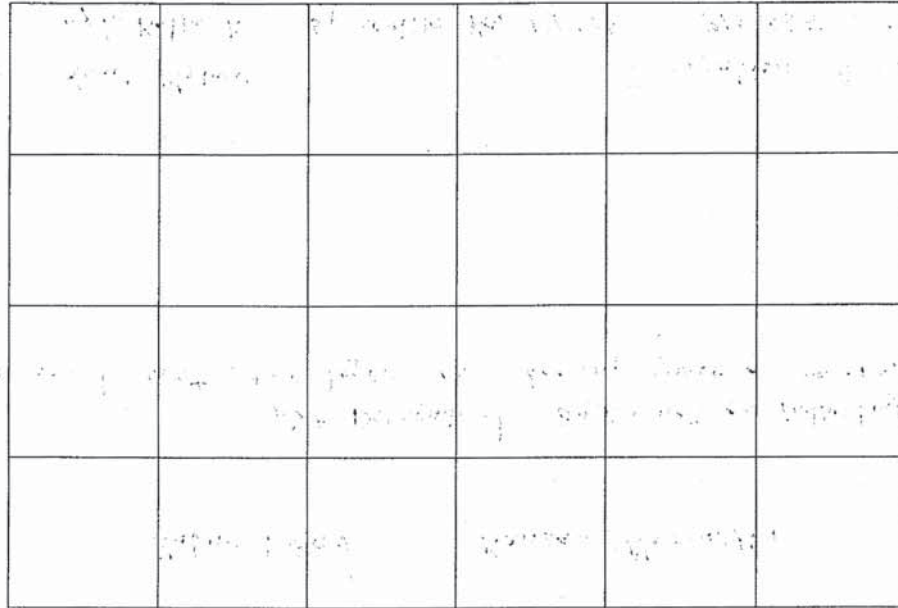
Date Drilled Jan. 1974 Original Depth — ft. Static Water Level When Drilled — ft.Length of time well has () operated rested prior to measurement 60 approx. days () hrsIs measurement tube required? () yes no Is measurement tube present () yes noDepth to water 8' ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes no Make of Meter —Meter Model No. — Serial No. — Size —Is the meter installed properly? () yes () no Check Valve Present? yes () noInjection port present? yes () no Operating an injection system? yes () noLow Pressure Drain? yes () no Vacuum Breaker? yes () noPlant Health Chemigation Report completed? yes () no

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

N
↑
Scale
1" = ___ ft.



TEST OF DIVERSION RATE:

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

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions

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

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

Jacuzzi Meter Test Meter Identification No. _____

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

Velocity (fps)

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____

Total _____
Avg. _____
G.P.M. _____

Velocity (fps)

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____

Total _____
Avg. _____
G.P.M. _____

Propeller Meter Test Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

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

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

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

HAYS000748

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

TABULATION OF WATER USE:

21730

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

* obtained from test on 10/1/86
 ** obtained from WUR sent to us from Jerry Weaver

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

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

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds

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

Other Fuels Type Natural Gas Supplier Kansas-Nebraska

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

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

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

Person present at test Kent Naber Irrigation Manager
 Water Use Correspondent Lyle Kolbeck Spearville, Ks. 67876 316-385-2803
 Conducted by Greg Ebert Date 10/8/86 HAYS000749
 Approved by [Signature] Date 6/29/87



APPLICATION NO: 21730

NAME: Connecticut General Life Ins.

POINTS OF DIVERSION AND SECTION CORNERS

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

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

PUMPING PLANT TESTING, INC.

RECEIVED
Reviewed by:

Professional Engineer HAYS000751

SEP 14 1987



APPLICATION NO: 21,730

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

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

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



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PUMPING PLANT TESTING, INC.

SEP 14 1987 Reviewed by:

Neil J. W...
Professional Engineer

HAYS000752

APPLICATION NO: 21730 NAME: Connecticut General Life Insurance

COLLINS METER TEST

Collins Meter No. 1-83 Meter Calibration Factor .9559
 Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4
 Test Pressure (psi) 70 Test RPM, Pump 1762
 Description of Test Location In horizontal pipe between pump and pivot

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

<u>1 1/6</u>	<u>5.89</u>	<u>5.82</u>	<u>5.88</u>	<u>5.85</u>
<u>2 3/4</u>	<u>5.84</u>	<u>5.81</u>	<u>5.80</u>	<u>5.75</u>
<u>3 9/16</u>	<u>5.61</u>	<u>5.31</u>	<u>5.18</u>	<u>5.54</u>

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

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

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



Reviewed By:

PUMPING PLANT TESTING, INC.

[Signature]
Professional Engineer

HAYS000753

MICROFILMED

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

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

WATER RIGHT, File No. 21,730

PRIORITY DATE January 2, 1974

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

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

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

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

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SEP 14 1987

DIVISION OF WATER RESOURCES
STAFFORD

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HAYS000776

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

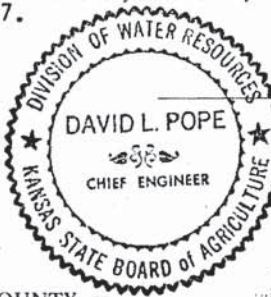
The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

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

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

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

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



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

STATE OF KANSAS, Shawnee COUNTY, ss.

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



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

My appointment expires March 1, 1990

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

**WATER APPROPRIATION
CERTIFICATE**

No. 16,465

STATE OF KANSAS

Water Right, File No. 21,730

STATE OF KANSAS, _____ COUNTY, ss.

Filed for record this _____ day of _____, 19____

at _____ o'clock _____ m. and

recorded in Book _____ Page _____

Fee \$ _____

Register of Deeds.

HAYS000777

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: July 9, 1987

FROM: Larry M. Sheets

RE: Appropriation of Water
File No. 21,730

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

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

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

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

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

RECEIVED *Larry M. Sheets*Larry M. Sheets
SEP 14 1987 Hydrologist

LMS:rk

MICROFILMED
HAR 3090771

21730

TABULATION OF WATER USE:

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

* obtained from test on 10/1/86
 ** obtained from WUR sent to us from Jerry Weaver

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

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

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Natural Gas Supplier Kansas-Nebraska
 Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

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

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

Person present at test Kent Naber (name) Irrigation Manager (relationship)
 Water Use Correspondent Lyle Kolbeck (name) Spearville, Ks. 67876 (address) 316-385-2803 (phone number)
 Conducted by Greg Ebert Date 10/8/86 HAYS000749
 Approved by [Signature] (signature) P.E. (title) Date 6/29/87

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

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

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

Date: November 5, 1986

History: Effective November 5, 1986

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

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

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.

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.

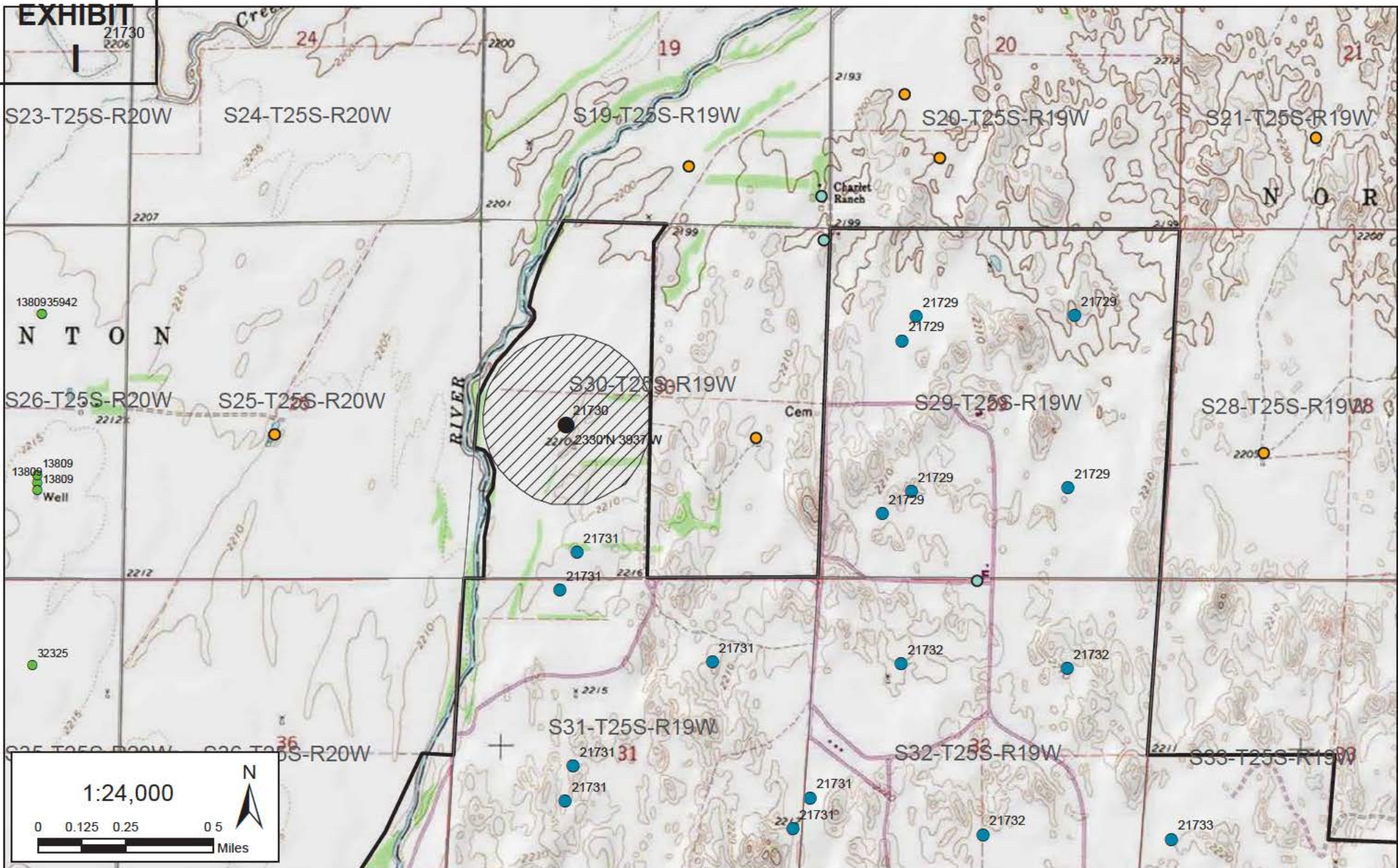
In that area of Kansas located between the Range 20 West/Range 21 West line and the Kansas/Colorado border, the maximum allowable quantity shall not exceed an average of 2.00 acre-feet per acre irrigated.

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.

EXHIBIT

21730
2206

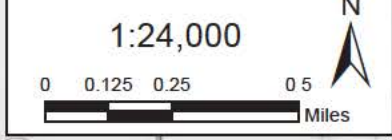


1380935942
N T O N

13809
13809
Well

32325

S25-T25S-R20W S26-T25S-R20W S27-T25S-R20W S28-T25S-R19W S29-T25S-R19W S30-T25S-R19W S31-T25S-R19W S32-T25S-R19W S33-T25S-R19W



Legend

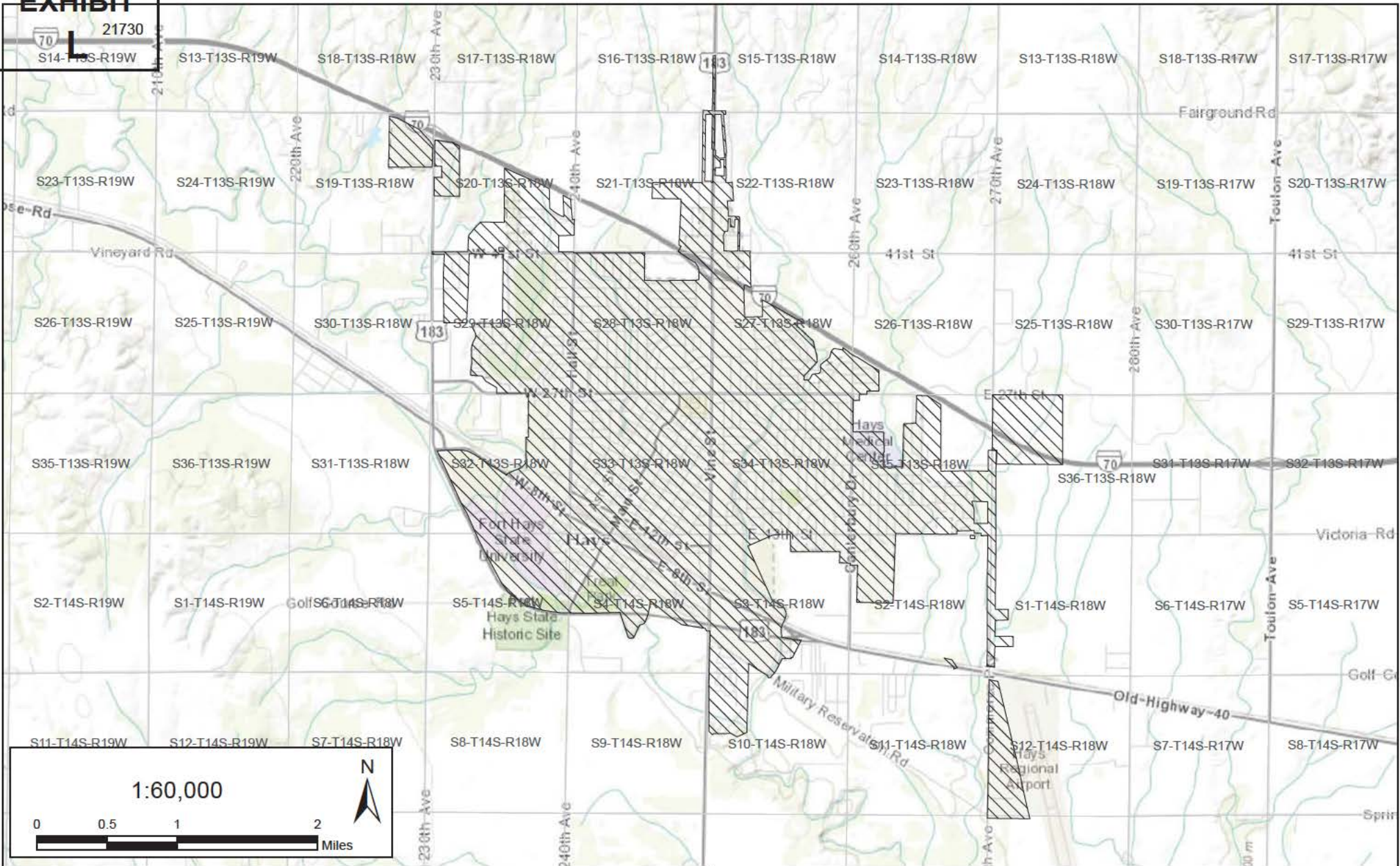
- 21730 Existing Point(s) of Diversion
- ▨ 21730 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 21730
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



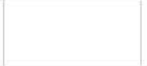
**CHANGE APPLICATION 21730
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION**

EXHIBIT

21730

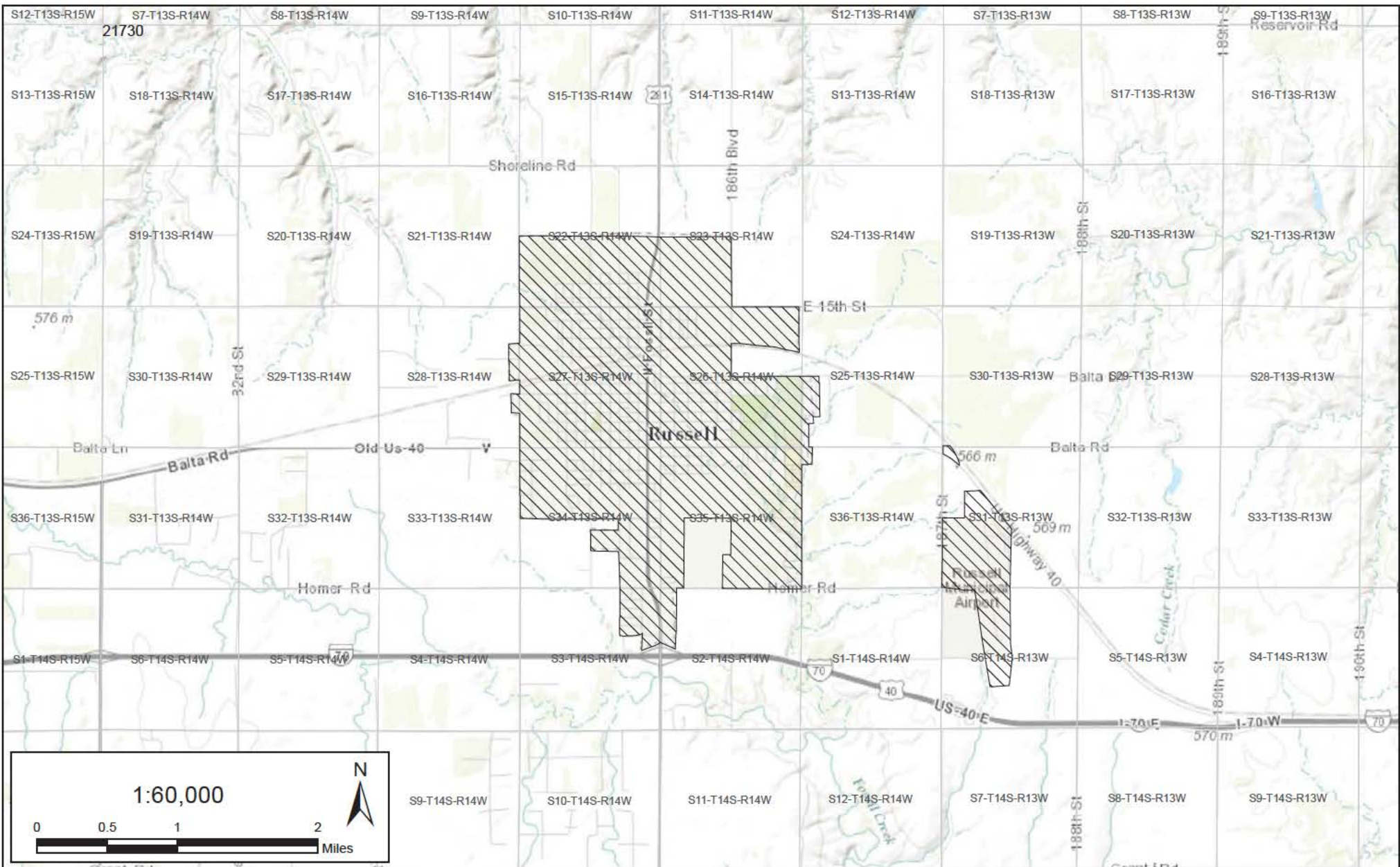


Proposed Place of Use City of Hays



PLSS Sections





Proposed Place of Use - City of Russell



PLSS Sections



**EXHIBIT
M**

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

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

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

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

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

UNACCOUNTED FOR WATER

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

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

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
N**

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

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago	592,323,000			5,029,000	469,314,000	5,155,000	112,825,000
15 years ago	780,527,000			10,619,000	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

Applicant's Name City of Russell
(Please Print)

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

Application File Number

(assigned by DWR)

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

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
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
O

**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

21730
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

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

SECTION 6: AREA TO BE SERVED

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

You may attach additional information you believe will assist in informing the Division of the ~~Page 28 of 26~~ request.

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

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



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

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

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

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

File No. 21,731 Circles 2, 3, 4, & 5.

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. Code	GMD	Meets K.A.R. 5-5-1 (YES / NO)	Use	Source	G / S County	By	Date
		Fee \$	TR #	Receipt Date		Check #	

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
30-T25S-R19W												Lot 4 30	40					70.00	
31-T25S-R19W			40	33	40	33	33	Lot 1 29	Lot 2 24	38	40	Lot 3 39.77	Lot 4 2	7	40	40	40	40	518.77
32-T25S-R19W											12	12						24.00	
36-T25S-R20W																	Lot 6 3	3.00	

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

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

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

Owner of Land — NAME: City of Hays, Kansas

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

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

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the SE Quarter of the SW Quarter of Section 30, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 380 feet North 3,785 feet West of Southeast corner of section. Authorized Rate 450 gpm Authorized Quantity 80 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the NE Quarter of the SW Quarter of Section 30, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 2,282 feet North 3,870 feet West of Southeast corner of section. Proposed Rate 1,075 gpm Proposed Quantity 222.93 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 21,730

9. **Presently authorized point of diversion:**
 One in the near the center Quarter of the _____ Quarter of the NE Quarter of Section 31, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 3,975 feet North 1,270 feet West of Southeast corner of section. Authorized Rate 605 gpm Authorized Quantity 162 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 SW Quarter of the SW Quarter of the NE Quarter of Section 31, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 3,142 feet North 2,099 feet West of Southeast corner of section. Proposed Rate 2,490 gpm Proposed Quantity 768.07 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the SW Quarter of Section 31, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 2,460 feet North 3,660 feet West of Southeast corner of section. Authorized Rate 735 gpm Authorized Quantity 177 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 SW Quarter of the SW Quarter of the NE Quarter of Section 31, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 3,142 feet North 2,099 feet West of Southeast corner of section. Proposed Rate 2,490 gpm Proposed Quantity 768.07 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 W/2 Quarter of the NE of the SE Quarter of Section 31, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 1,925 feet North 3,810 feet West of Southeast corner of section. Authorized Rate 525 gpm Authorized Quantity 126 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 SW Quarter of the SW Quarter of the NE Quarter of Section 31, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 3,142 feet North 2,099 feet West of Southeast corner of section. Proposed Rate 2,490 gpm Proposed Quantity 768.07 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the SE Quarter of Section 31, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 1,899 feet North 54 feet West of Southeast corner of section. Authorized Rate 380 gpm Authorized Quantity 87 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 SW Quarter of the SW Quarter of the NE Quarter of Section 31, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 3,142 feet North 2,099 feet West of Southeast corner of section. Proposed Rate 2,490 gpm Proposed Quantity 768.07 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the SE Quarter of Section 31, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 1,440 feet North 405 feet West of Southeast corner of section. Authorized Rate 245 gpm Authorized Quantity 56 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 SW Quarter of the SW Quarter of the NE Quarter of Section 31, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 3,142 feet North 2,099 feet West of Southeast corner of section. Proposed Rate 2,490 gpm Proposed Quantity 768.07 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the NW Quarter of Section 31, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 5,125 feet North 3,920 feet West of Southeast corner of section. Authorized Rate 625 gpm Authorized Quantity 192 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the NE Quarter of the SW Quarter of Section 30, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 2,282 feet North 3,870 feet West of Southeast corner of section. Proposed Rate 1,075 gpm Proposed Quantity 222.93 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 21,730 & 37,462

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

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.

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

(Owner) (Spouse)

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

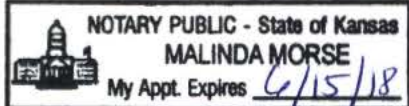
(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Russell } SS



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

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

Proposed Rate and Quantity

The Cities are requesting a total of 991 acre-feet and 3,285 gallons per minute from the seven wells associated with this water right, which will be divided among new points of diversion G and H, as shown on Exhibit S. The two existing wells in the southwest quarter of section 30 and the northwest quarter of section 31 total 222.93 acre-feet and 1,075 gallons per minute to be diverted from new point of diversion G; and the remaining existing wells total 768.07 acre-feet and 2,490 gallons per minute to be diverted from new point of diversion H. When combined with existing wells from other water rights, new point of diversion G will have a cumulative total of 426.7 acre-feet and 1,870 gallons per minute and new point of diversion H will have a total of 768.07 acre-feet and 2,490 gallons per minute.

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

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

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows the conversion of 614.52 acre-feet for municipal use.¹ As discussed below, 569 approved acres were irrigated during the perfection period; 569 acres multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 614.52 acre-feet.²

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

Quantity authorized and perfected

The permit was issued on February 27, 1976, granting the applicant the right to divert up to 1,090 acre-feet annually at a rate of up to 3,900 gallons per minute for irrigation use⁴ on 621 acres in Sections 30, 31, and 32-T25S-R19W and Section 36-T25S-R20W,⁵ or 1.755 acre-feet per acre. The certificate further limited the quantity for the well located in the southwest quarter of the southwest quarter of section 30 and the well located in the northwest quarter of the northeast quarter of the northwest quarter of section 31 to 192 acre-feet when the wells were operated simultaneously.⁶

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.”⁷

The Field Inspection Reports indicate that 998.73 of the 1,090 acre-feet authorized by the permit were lawfully perfected. A total of 1,118 acre feet were applied to authorized acres.

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, HAYS001010-11, Ex. A.

⁵ Application, HAYS001002, Ex. B.

⁶ Certificate, HAYS001034, Ex. C.

⁷ February 27, 1976, letter, HAYS001009, Ex. D (emphasis added).

- 230 acre-feet⁸ and 118 acre feet⁹ (348 acre-feet) were applied to 128 approved acres.
- 159 acre-feet¹⁰ and 223 acre-feet¹¹ (382 acre-feet) were applied to 211 approved acres.
- 56 acre-feet¹² and 87 acre-feet¹³ (143 acre-feet) were applied to 122 approved acres.
- 245 acre-feet were applied to 108 approved acres.¹⁴
- The permit authorized the perfection of 1,090 acre-feet on 621 acres, or 1.755 acre-feet per acre, but only 569 authorized acres were irrigated during the perfection period, resulting in perfection of 998.73 acre feet

While the certificate limits the total quantity to 880 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.¹⁵

Since the perfection period has expired, the "authorized quantity" for this water right is the 998.73 acre-feet actually perfected even though it exceeds the certified quantity.

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

NIR for Alfalfa

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

Since alfalfa was grown on the authorized place of use during the year of record,¹⁶ it is reasonable to use the NIR for alfalfa, which yields a total quantity of 991.01 acre-feet consumed. While this quantity is greater than the quantity set out in the certificate, it is less than the 998.73 perfected acre-feet, the "maximum annual quantity authorized by the water right."¹⁷

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.¹⁸ 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.

⁸ FIR, HAYS000986, Ex. E, and HAYS000997, Ex. F.

⁹ FIR, HAYS000980, Ex. G.

¹⁰ FIR, HAYS000944, Ex. H.

¹¹ FIR, HAYS000950, Ex. I.

¹² FIR, HAYS000961, Ex. J.

¹³ FIR, HAYS000968, Ex. K.

¹⁴ FIR, HAYS000975, Ex. L.

¹⁵ Certificate, HAYS001034-1035, Ex. C; Doug Bush Memo dated March 20, 1995, HAYS001024-1025, Ex. M; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

¹⁶ FIRs, HAYS000947 (Ex. H), 953 (Ex. I), 964 (Ex. J), 971 (Ex. K), 978 (Ex. L), and 1000 (Ex. F). See also 1977WUR, HAYS000892, Ex. N, and HAYS004448-4453 (Ex. O).

¹⁷ See K.A.R. 5-5-9(a)(4).

¹⁸ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. P, 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 March 17, 1987, HAYS000679-70, Ex. Q.

If 28% of the 998.73 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 719.08 acre-feet, should be available for conversion to municipal use. While this quantity is greater than the quantity set out in the certificate, it is less than the 998.73 perfected acre-feet, the “maximum annual quantity authorized by the water right.”

The applicants request that DWR approve a total of 991.01 acre-feet for municipal use.

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application No. 21,731 of the applicant

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

for a permit to appropriate water to beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is January 2, 1974.
2. That the water sought to be appropriated shall be used for irrigation on the land described in the application.

3. That the source from which the appropriation is made shall be from

(See Paragraph No. 13)

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of

3900 gallons per minute (8.69 c.f.s.)

and to a quantity of not to exceed

1090 acre-feet

for any calendar year.

(OVER)

circles 2, 3, 4, 5

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MICROFILMED
MAR 8 1976
1010

5. That installation of works for diversion of water shall be completed on or before December 31, 1977. The applicant shall notify the Chief Engineer of the Division of Water Resources when construction of the works has been completed.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 1981.
7. That the applicant shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer as soon as practicable after the close of each calendar year.
8. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified or any authorized extension thereof.
9. That the use of water herein authorized shall not impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
10. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
11. That this permit does not constitute authority under K. S. A. 82a-301 to 305 to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or Local Governmental authorities when necessary.
12. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
13. 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 seven (7) wells: one well in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30, one well near the center of the Northeast Quarter (NE $\frac{1}{4}$), one well in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$), one well in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), one well near the center of the West side of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) and two wells in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 31, all in Township 25 South, Range 19 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.

Dated this 27th day of February

1976



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

HAYS001011



THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

*Rec'd check \$50 12-1-74
ck from Wilson Frame
sa*

NUMBER 21731

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

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

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

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

* SEE LETTER
DATED 8-8-75
GEE.

Comes now the applicant (Miss) Kinsley Joint Venture whose post office

address is Box 208, Kinsley, KS. 67547
~~c/o Andrew J. Moore, Attorney at Law, P.O. Box 588, Woodward, Oklahoma 73801~~

and makes application to the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture, for a permit to appropriate for beneficial use such unappropriated ground water

as may be available in Arkansas River Basin in the county of Edwards

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 1090 acre feet per year, to be
(acre feet or million gallons)
diverted at a maximum rate of 3900 gals per minute
(gallons per minute or cubic feet per second)

2/ See back page
The location of the proposed wells or other works for diversion of water is in the _____ quarter of the
_____ quarter of the _____ township, range _____, in
Edwards County, Kansas.

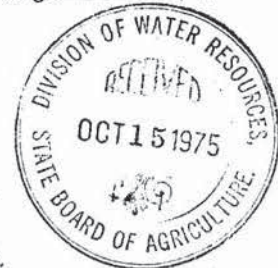
3. The wafer is intended to be appropriated for:

Amount

- (a) Domestic use () _____
- (b) Municipal use () _____
- (c) Irrigation use (x) 1090 acre ft.
3900 gals per minute
- (d) Industrial use () _____
- (e) Recreational use () _____
- Water Power use () _____



*Date stamp error
Received 1-2-74
9:07 a.m.
dw*



MICROFILMED

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

RECEIVED
* MAR 8/1976
HAYS001002
JUL 15 1974
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.

6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or

fractional portion thereof: Kinsley Joint Venture is a partnership with the following owners;

- ~~J. D. Hodges, 1921 Broadmoor, Woodward, Oklahoma~~
- ~~W. A. McQuiddy, 1210 S. Fordham, Perryton, Texas~~
- ~~Drew Ellis, 823 S. Indiana, Perryton, Texas~~
- ~~John O. Ellis Jr., P.O. Box 610, Perryton, Texas~~
- ~~H. C. Brillhart Jr., P. O. Box 576, Perryton, Texas~~
- ~~Word B. Sherrill, P. O. Box 399, Perryton, Texas~~

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

Owner of Land - NAME: Kinsley Joint Venture

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

Sec. Twp. Range	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
31 25 19	27	34	38	27	34	28	38	39	34	37	13	6	40	35	17	39	488
		5			35	26	3	5									
30 25 19											28	28			1	2	50
34 25 20				7									20			7	34

~~This acreage irrigated by pump well and irrigation system located in NW 1/4 of NE 1/4 of NW 1/4 of 31-25-19 plus auxiliary well in SE 1/4 of SE 1/4 of SW 1/4 of 30-25-19.~~

Owner of Land - NAME: SAME AS ABOVE

ADDRESS: SAME AS ABOVE

Sec. Twp. Range	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
31 25 19			2				8	10	40	40	20	23		10	5		178
32 25 19							1			25	23						49

~~Also irrigated are 12 acres of accreted land next to river on west side of this section. This acreage all irrigated by 2 pumps, 2 wells and irrigation system located in SW 1/4 of NE 1/4 of SW 1/4 of said section.~~

Owner of Land - NAME: SAME AS ABOVE

ADDRESS: SAME AS ABOVE

Sec. Twp. Range	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
* 31 25 19				6									37	8	7	36	151
* 32 25 19							5			27	25						
** 31 25 19			32	31	24	25											

* This acreage irrigated by 2 wells and 2 pumps with the center of said irrigation system located in the SE 1/4 of NE 1/4 of SE 1/4 of Section 31-25-19.

** This acreage irrigated by pump, well and center of irrigation system located in SE 1/4 of NE 1/4 of NE 1/4 of Section 31-25-19

* Guy Ellis

HAYS 003

~~2# wells and pump supplying 4 irrigation systems with another well and pump, in Section 30, supplying one of these 4 irrigation systems~~

7. The works for diversion of water will consist of _____

(wells, pumps, etc.)

and will be completed by already completed

(Date)

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

(Date)

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

The plat or aerial photograph should show

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

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

None

11. The relation of the subscriber to this application is that of Attorney
(Owner, agent or otherwise)

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

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

KINSLEY JOINT VENTURE

(Applicant)

By D. Allen Frame
(Agent or Officer)
D. Allen Frame, Attorney

NOTE:

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

MI-939  5-72-10M SETS

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MAR 8 1976

JUL 14 1974 HAYS001004

Answers for No. 2.

Location for proposed wells -

✓ NW/4 of NE/4 of NW/4

✓ NW/4 of NE/4 of SW/4

~~SW/4 of NE/4 of SW/4~~ Near ctr. of W side of NE/4 of SW/4 JRC~~NE/4 of SE/4 of SE/4~~ SE/4 NE/4 SE/4

✓ SE/4 of NE/4 of SE/4

| ~~SE/4 of NE/4 of NE/4~~ Near Ctr. of the NE/4 JRC

All in Section 31, Township 25, Range 19, Edwards County, Kansas

Sec. 30, T25S-R19W SW/4 SE 1/4 SW/4 JRC

HAYS001005

STATE BOARD OF AGRICULTURE
JUL 24 1975
Date stamp error

The circle system whose pivot is marked by point X, has one well and pump at the pivot and one well and pump 500 yds to the northeast at point Y. Points X and Y are joined by a pipe line. This irrigation system covers 112 acres and has a radius of 1250 feet.

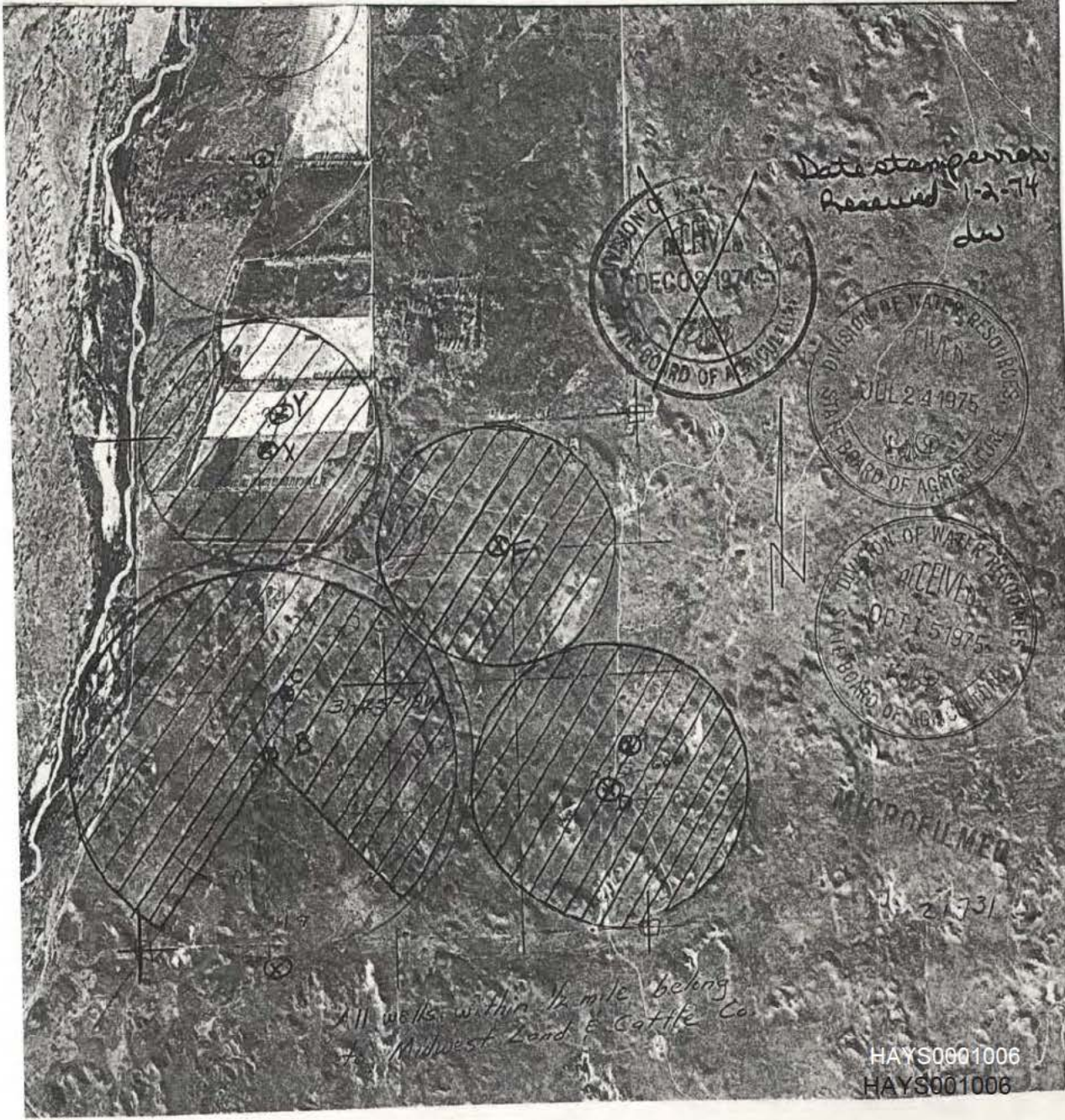
Received 1-2-74
dw

The irrigation system whose pivot is marked by point B has one well and pump at point A which is 200 feet west of point B and one well and pump at point C which is 500 yards north of point B. There is a pipe line running from A to B and a pipe line running from C to B. This system covers 170 acres and has a radius of 1575 feet.

DECO 2 1974
STATE BOARD OF AGRICULTURE

The irrigation system whose system is marked by point D has one well and pump at the pivot and another well and pump at point E which is 1/8th of a mile north of point D. This system covers 151 acres and has a radius of 1447 feet. A pipeline connects points D and E.

The system whose pivot is marked by point F has one well and pump at the pivot, this covers 112 acres and has a radius of 1250 feet.



Date stamp error
Received 1-2-74
dw

All wells within 1/2 mile belong to Midwest Land & Cattle Co

HAYS0001006
HAYS001006

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Alice A. Devine, Secretary of Agriculture

DUPLICATE COPY
DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

CERTIFICATE OF APPROPRIATION

FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 21,731

PRIORITY DATE January 2, 1974

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

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of seven (7) wells:

one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 380 feet North and 3,785 feet West of the Southeast corner of said section, at a diversion rate not in excess of 450 gallons per minute (1.00 c.f.s.) and a quantity not to exceed 80 acre-feet of water per calendar year;

one (1) well located near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 31, more particularly described as being near a point 3,975 feet North and 1,270 feet West of the Southeast corner of said section, at a diversion rate not in excess of 605 gallons per minute (1.35 c.f.s.) and a quantity not to exceed 162 acre-feet of water per calendar year;

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, more particularly described as being near a point 1,502 feet North and 3,920 feet West of the Southeast corner of said section, at a diversion rate

AUG 31 1995

HAYS001034

Certificate

Re: File No. 21,731

DUPLICATE COPY Page 2

not in excess of 625 gallons per minute (1.39 c.f.s.) and a quantity not to exceed 192 acre-feet of water per calendar year;

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 31, more particularly described as being near a point 2,460 feet North and 3,660 feet West of the Southeast corner of said section, at a diversion rate not in excess of 735 gallons per minute (1.64 c.f.s.) and a quantity not to exceed 177 acre-feet of water per calendar year;

one (1) well located near the center of the West side of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 31, more particularly described as being near a point 1,925 feet North and 3,810 feet West of the Southeast corner of said section, at a diversion rate not in excess of 525 gallons per minute (1.17 c.f.s.) and a quantity not to exceed 126 acre-feet of water per calendar year;

one (1) well located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 31, more particularly described as being near a point 1,899 feet North and 54 feet West of the Southeast corner of said section, at a diversion rate not in excess of 380 gallons per minute (0.85 c.f.s.) and a quantity not to exceed 87 acre-feet of water per calendar year, and

one (1) well located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 31, more particularly described as being near a point 1,440 feet North and 405 feet West of the Southeast corner of said section, at a diversion rate not in excess of 245 gallons per minute (0.55 c.f.s.) and a quantity not to exceed 56 acre-feet of water per calendar year,

all in Township 25 South, Range 19 West, Edwards County, Kansas,

for irrigation use on the following described property:

23.00 acres in Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$),
26.00 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$),
1.00 acre in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 50.00 acres in Section 30, Township 25 South,
Range 19 West,

27.00 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
34.00 acres in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$),
38.00 acres in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$),
27.00 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$),
36.00 acres in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$),
28.00 acres in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$),
38.00 acres in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$),
39.00 acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$),
34.00 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),

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MAY 31 1955

HAYS001035

DUPLICATE COPY Page 3

Re: File No. 21,731

37.00 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
 13.00 acres in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
 6.00 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),
 40.00 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
 35.00 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$),
 17.00 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),
 39.00 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 488.00 acres in Section 31, Township 25 South,
 Range 19 West,

1.00 acre in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$),
 25.00 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
 23.00 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 49.00 acres in Section 32, Township 25 South,
 Range 19 West,

7.00 acres in Lot 7,
 17.30 acres in Lot 6,
 7.00 acres in Lot 5,

a total of 31.30 acres in Lot 36, Township 25 South, Range 20 West,
 all in Edwards County, Kansas.

The quantity for the two (2) wells, one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30, more particularly described as being near a point 380 feet North and 3,785 feet West of the Southeast corner of said section, and one (1) well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, more particularly described as being near a point 5,125 feet North and 3,920 feet West of the Southeast corner of said section is further limited to 192 acre-feet of water per calendar year when the wells are operated simultaneously.

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 of each year following.

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

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

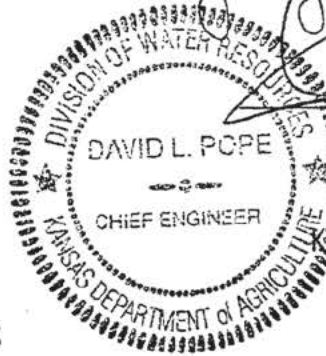
The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years. AUG 31 1995 HAYS 001036

DUPLICATE COPY

Re: File No. 21,731

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 25th day of July, 1995



[Handwritten signature of David L. Pope]

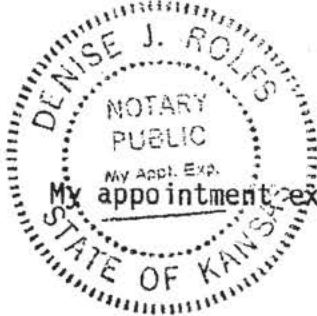
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Shawnee)

The foregoing instrument was acknowledged before me this 25th day of July, 1995 by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

[Handwritten signature of Denise J. Roles]

Notary Public



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

CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER

21731

STATE OF KANSAS

Water Right, File No. 21,731

STATE OF KANSAS,

COUNTY, ss.

Filed for record this _____ day of _____, 19____

at _____ o'clock _____ m. and _____

recorded in Book _____ Page _____

Fee \$ _____

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AUG 31 1995

FIELD OFFICE
DIVISION OF WATER RESOURCES
REGISTER

Register of Deeds

HAYS001037

MICROFILMED

E-N²

February 27, 1976

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

Re: Appropriation of Water
Application No. 21,731

ED

Gentlemen:

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

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

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

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

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:ee1

Encs.

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MAR 8 1976

MAY 20 1976
MAY 20 1976
MAY 20 1976

Part II of test started earlier by Ag. Eng.

21731
EXHIBIT
E

DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE

FIELD INSPECTION REPORT



Field Office No. 02
G.M.D. No. 05

- Full
- Partial
- Compliance Check

Test 1 of 7 diversion points. County Edwards
(Circle 2, "A" will test #2)

EVANS-BIERLY-HUTCHISON & ASSOCIATES
CONSULTING ENGINEERS

File No. 21,731 Inspection Date 2-23-95 Firm/Field Office GREAT BEND, KANSAS 67530

Current Landowner CITY OF HAYS, KS. Phone No. (913) 668-7350
Leo Wellbrock, Public Works Director

Address 16th & Main Hays, KS 67601
 Additional landowners and addresses identified in remarks section.

Water Use () Domestic () Industrial (X) Irrigation () Municipal () Hydraulic Dredging
Classification: () Recreation () Stockwatering () Water Power () Artificial Recharge () Contamination Remediation
Source: (X) Groundwater () Surface Water Basin/Stream ARKANSAS RIVER

Authorized Point of Diversion: NW 1/4 NW Sec. 31, T. 25, R. 19W, ID No. 02
Approximately ft. North and ft. West of SE corner of Sec. 31

Actual Point of Diversion: NW 1/4 NW Sec. 31, T. 25, R. 19W
Approximately 5125 ft. North and 3920 ft. West of SE corner of Sec. 31
How were distances determined? AERIAL PHOTO - FIELD INSPECTION REPORTS.

"Approved" Quantity 1090 AF "Approved" Diversion Rate 3900 g.p.m. (3.69 c.f.s.)

Priority Date 1-2-94 Approval Date 2-27-96 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	
30	25	19																1	50
31	25	19	27	34	38	27	36	28	38	39	34	37	13	6	40	35	17	39	488
32	25	19							1			25	23						49
36	25	20				7									20			7	34
																		<u>621</u>	

LAND IRRIGATED—YEAR OF RECORD 1988

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30	25	19											25	29				1	55
31	25	19		1			36	33	1	2									70
																		<u>128</u>	

TESTED DIVERSION RATES

Maximum G.P.M. (c.f.s.) Normal G.P.M. 567 (c.f.s. 1.26)

FOR D.W.R. USE ONLY

Year of Record 1993 Extension of time needed: Yes No Attached? Yes No

AF Applied = 2200 hrs. x 567 g.p.m. x $\frac{4.419}{24 \times 1000}$ = 230 AF

"Approved" land irrigated 128 acres, with 230 AF = 1.80 AF/acre

128 acres x 1.5 A.F. per acre = 192 A.F.

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HAYS000986

Perfected Rate 570 g.p.m. (1,39 c.f.s.) Perfected Quantity 192 A.F. AF

21731

DWR-101 (Rev. 03/29/91)

Completed

Page 24 of 96

-1-

MICROFILMED

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer ZIMMATIC Model Serial No. 241516

Drive: Water Electric Length of Pivot Arm Acres Irr. 128 (ASCS) + MR Ebad

Design Pressure-Pivot 158 p.s.i. Operating Pressure-Pivot 58 p.s.i.

Is there an end gun? Yes No Is end gun operating during test? Yes No

End Gun Model P85 Sprinkler 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 CSG-6491-6007-2B HP

Serial No. 371161306 Fuel Not Gas & LP Rated RPM

PUMP INFORMATION:

Manufacturer JOHNSTON Model No. Stages

Serial No. CF 21243 Size/Type 8" turbine Rated RPM

GEAR HEAD INFORMATION:

Manufacturer Randolph Model

Serial No. 2183 Drive Rt Angle Ratio 6X5

WELL INFORMATION:

Date Drilled Original Depth 46 ft. Static Water Level When Drilled 6 ft. *FROM PRIOR TEST FORM*

Length of time well has operated rested prior to inspection 7 days hours *Can only to setup this year*

Is measurement tube required? Yes No Is measurement tube present? Yes No

Depth to water ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a flow meter required? Yes No Make of flow meter Sigmat

Serial No. 902390 Size 8" Flow meter conversion factor x1000

Is the meter installed properly? Yes No 1st vertical column pipe in pivot

Distance front and back of meter: +5' Front +5' Back

Flow meter units: Acre-feet Acre-inches Gallons Other

Is check valve present? Yes No

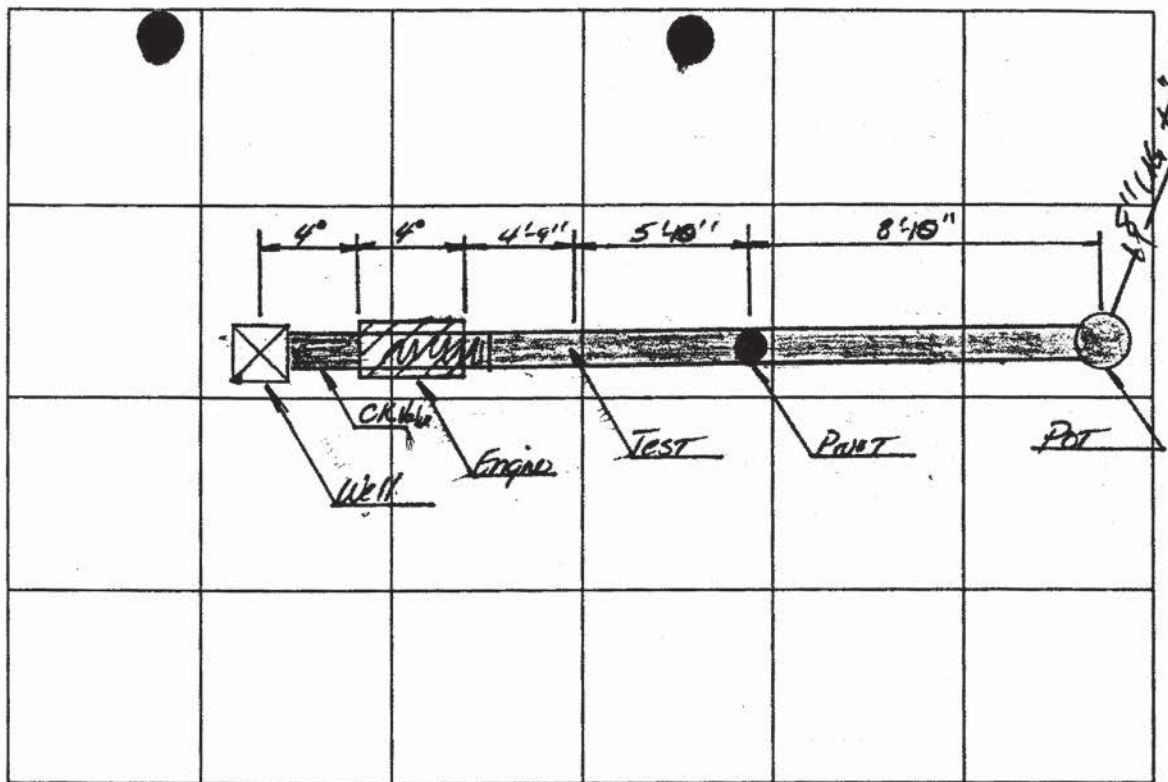
Is low pressure drain present? Yes No Is vacuum breaker present? Yes No

Is injection port present? Yes No Is injection system being operated? Yes No

Was a Plant Health Chemigation Report completed? Yes No

HAYS000987

File No. 21731



TEST OF DIVERSION RATE: Location of test ± 5' EAST OF ENGINE
 Pipe Diameter (I.D.) 8.25 inches

Test No. 1 — Normal Conditions
 R.P.M. POWER UNIT 1890 calc.
 R.P.M. PUMP UNIT 1575 measd
 Pressure at Pump 58 psi

Test No. 2 — Maximum Conditions
 R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. #3

Area Constant $K = 2.45 \times I.D.^2 =$ 166.753125

$Q \text{ (gpm)} = VK$

	Velocity (fps)	
1.	<u>2.9</u>	<u>3.2</u>
2.	<u>3.0</u>	<u>3.2</u>
3.	<u>3.3</u>	<u>3.4</u>
4.	<u>3.4</u>	<u>3.6</u>
5.	<u>3.6</u>	<u>3.7</u>
6.	<u>3.6</u>	<u>3.7</u>
7.	<u>3.6</u>	<u>3.5</u>
8.	<u>3.4</u>	<u>3.6</u>
9.	<u>3.3</u>	<u>3.5</u>
10.	<u>3.1</u>	<u>3.3</u>
Total	<u>33.2</u>	<u>34.7</u>
Avg.	<u>3.32</u>	<u>3.47</u>
G.P.M.	<u>554</u>	<u>579</u>

Average
567 GPM

Both wells Running AT TEST TIME.

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

Propeller Meter Test

Manufacturer SIGNET Model _____ Serial No. 302890
 Meter Diameter _____ inches

Ending _____ gal.	NOT ABLE TO USE OWNERS METER SEE NOTES	Ending _____ gal.
Beginning _____ gal.		Beginning _____ gal.
Difference _____ gal.		Difference _____ gal.
Time _____ min.		Time _____ min.
Rate _____ gpm		Rate _____ gpm

Other Flow Meter

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

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

21731 Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
75	1188	1100	-	507 <i>combined w/ others</i>
76	-	-	-	
77	922	500	-	639 <i>combined w/ others</i>
78	-	-	-	
79	1224	750	-	267 "
80	1416	750	-	267 "
81	1152	750	-	267 "
82	-	-	-	
* 83	2200	621	-	128
84	1750	825	-	130
85	1850	-	-	130

Indicate Year of Record with (*) Source of Information Water Use Reports / Probe test
 Crops Irrigated: this year CORN year of record Unknown

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

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = _____ kw/hr = _____ rate

Other Fuels Type _____ Supplier _____
 Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____ kw/hr

How was the test volume determined? Always reported as questionable - Mr Ebert says 128 is right.

REMARKS: Landowner change per farm manager's instruction (Mr. Craig Ebert) Owners meter is signed as indicated. Design of meter negates availability of comparing accuracy to our test. Large multiplier with no calibrating hash marks or rate of flow dial prevent timing meter. No place to begin and end time test within 5 to 10 second accuracy

Person present at test Greg Ebert (Name) farm manager (relationship)

Water Use Correspondent Same as listed (Name) _____ (Address) _____ (phone number)

Conducted by Kevin Kirkpatrick Date 2-23-95

Approved by Stuart M Hutchison, PE (Signature) _____ (Title) Date 2-27-95

HAYS000989

File No. 21731

10-

EXHIBIT F

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

- Partial
- Full
- Re-Test

Test 1 of 7 Diversion points

(Circle 2, A WELL) Firm/Field Office Pumping Plant Testing Inc.
Application No. 21731 Date 10/1/86 Inspector Klassen / Ebert

Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance Co. % Agri Affiliates

Address Box 1162 North Platte, NE 69103 ATTN JERRY WEAVER

Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater (X) Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: well NW 1/4, NE 1/4, NW 1/4 Sec. 31, T. 25, R. 19
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: well NW 1/4 NE 1/4 NW 1/4 Sec. 31, T. 25, R. 19
Approximately 5125 ft. North and 3920 ft. West of SE corner of Sec. 31

How were distances determined? By scaling off aerial photo, scale from original survey plats

"Approved" Quantity 1090 ac-ft "Approved" Diversion Rate 3900 g.p.m. (8.69 c.f.s.)

Priority Date Jan 2, 1974 Approval of Application Date Feb. 27, 1976

Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30	25	19										23	26			1		50	
31	25	19	27	34	38	27	36	28	38	39	34	37	13	6	40	35	17	39	488
32	25	19							1			25	23					49	
36	25	20				7									20		7	34	
																		621	

LAND IRRIGATED—YEAR OF RECORD 1983

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30	25	19										25	29			1		55	
31	25	19		1			36	33	1	2								73	
																		128	

APPLICATION OF WATER:

Year of Record 1983 Hours Pumped 2200 or Quantity 251.6 AF

Normal Operating G.P.M. 621 AUG 31 1985 c.f.s. 1.38

Maximum Operating G.P.M. _____ c.f.s. _____

Year of Record 1983 Extension of time requested: Yes No

Total No. of Hours on land covered by this application 2200

Ac. Ft. Applied = $\frac{2200 \text{ hrs.} \times 567 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 230 \text{ AF}$

Acres of "Approved" Land irrigated 128

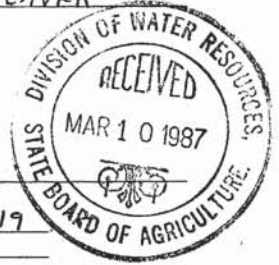
Ac. Ft. on "Approved" Land 230 (1.79 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 230

Proration Calculations 128 acres x 1.5 AF. per acre = 192 AF MICROFILMED HAYS000997

Perfected Rate 625 g.p.m. Perfected Quantity 192 AF

21731 completed by Douglas E. Buis 3-15-85



GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure

Manufacturer Zimmatic Model 310 Serial No. 3189

Drive Electric Length of Pivot Arm _____

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

End Gun? yes End Gun Rating _____ g.p.m. Rain Bird 85

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____

Serial No. 13812 T-4-TG Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Johnston Model No. - Rated RPM _____

Serial No. CF 21243 Type Vertical Turbine No. stages -

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. G 80

Serial No. 84561 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled - Original Depth *46' ft. Static Water Level When Drilled *6' ft.

Tape Down Possible? yes 12' Water Level Measurement Tube? no

Measuring Point 0 ft. above or below L.S.D. * From 1975 water Use Report

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter -

Meter Model No. - Serial No. - Size -

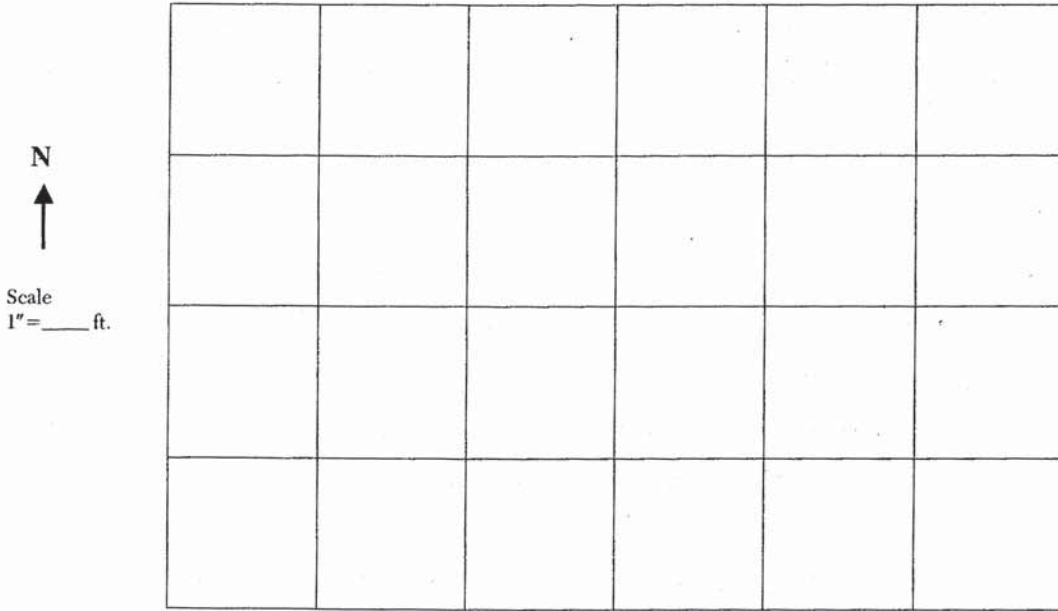
Is Meter Installed Properly? -

Chemical Injection System? yes Check Valve? yes Low Pressure Drain? yes

Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

HAYS000998

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



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test Horizontal pipe between pump and pivot
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2028
 R.P.M. PUMP UNIT 1690
 Pressure at Pump 78 psi

Test No. 2—Maximum Conditions

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

Jacuzzi Meter Test

Meter Identification No. _____

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

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

Velocity (fps)
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____

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AUG 1 1995

FIELD OFFICE
 DIVISION OF WATER RESOURCES
 STAFFORD

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

DISPOSED

HAYS000999

Other Flow Meter

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

FUEL RECORDS:

Electricity Supplier _____
Meter Manufacturer _____ Type _____ Serial No. _____

K _____ watt/rev r _____ revolutions t _____ seconds

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

Other Fuels Type Natural Gas Supplier Kansas - Nebraska

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

How was the test volume determined? Not Determined Because One Meter Used For Many Wells

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1188	1100		507
1976	NO DATA	AVAILABLE		
1977	922	500		639
1978	NO DATA	AVAILABLE		
1979	1224	750		267
1980	1416	750		267
1981	1152	750		267
1982				
* 1983	2200 ‡	621 *		128 ‡
1984	1750 ‡	825 ‡		130 ‡
1985	1850 ‡			130 ‡
1986		621 *		

* From Test

‡ From Water Use Reports Sent By Jerry Weaver of Agri Affiliates

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

Crops Irrigated: this year alfalfa Year of record Alfalfa

REMARKS:

Person present at test Kent Naber (name) Irrigation Manager (relationship)

Water Use Correspondent Lyle Kolbeck (name) Spearville, KS 67876 (address) (316) 385-2803 (phone number)

Conducted by Daniel Klassen (signature) Date 10-14-86

Approved by W. J. Menter, P.E. (signature) (title) Date 3/7/87

APPLICATION NO: 21731 NAME: Connecticut General Life Ins.

COLLINS METER TEST

Collins Meter No. 1-83 Meter Calibration Factor .9559
 Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4
 Test Pressure (psi) 78 Test RPM, Pump 1690
 Description of Test Location Horizontal pipe between pump and pivot

TEST DATA: Check, Initial 4.70 Reversed 4.69
 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 1/6</u>	<u>4.61</u>	<u>4.63</u>
<u>2 3/4</u>	<u>4.52</u>	<u>4.46</u>
<u>3 1/6</u>	<u>4.50</u>	<u>4.10</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.47

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 4.47 x .9559 = 4.27

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 4.27 x 145.4 = 621 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

RECEIVED

Professional Engineer

AUG 31 1985

HAYS001001

MICROFILMED

FIELD INSPECTION REPORT



Field Office No. 02
G.M.D. No. 05

Full
 Partial
 Compliance Check

Test 2 of 7 diversion points. County EDWARDS
(Circle 2, BUELL)

EVANS-BIERLY-HUTCHISON & ASSOCIATES
CONSULTING ENGINEERS
GREAT BEND, KANSAS 67530

File No. 21731 Inspection Date 2-23-95 Firm/Field Office _____

Current Landowner CITY OF HAYS, KS Phone No. (913) 628-7350

Address Leo Wellbrock, Public Works Director 16th & Main, Hays KS 67601

Additional landowners and addresses identified in remarks section.

Water Use () Domestic () Industrial (X) Irrigation () Municipal () Hydraulic Dredging
Classification: () Recreation () Stockwatering () Water Power () Artificial Recharge () Contamination Remediation
Source: (X) Groundwater () Surface Water Basin/Stream ARKANSAS RIVER

Authorized Point of Diversion: SW, SE, SW - 1 well Sec. 30, T. 25 R. 19W, ID No. 03
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. 30

Actual Point of Diversion: SW, SE, SW Sec. 30, T. 25 R. 19W
Approximately 380 ft. North and 3795 ft. West of SE corner of Sec. 30

How were distances determined? SCALING OFF MEASUREMENT, FIELD INSPECTION

"Approved" Quantity 1090 AF "Approved" Diversion Rate 3900 g.p.m. (8.69 c.f.s.)

Priority Date 2-2-94 Approval Date 2-27-96 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	
30	25	19W											23	26			1		50
31	25	19W	27	34	38	27	36	28	38	37	34	37	13	6	40	35	17	37	488
32	25	19W							1				25	23					49
36	25	20W				7									20			7	34
																		621	

LAND IRRIGATED—YEAR OF RECORD 1980

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30	25	19											25	29			1		55
31	25	19		1			36	33	1	2									73
																		128	

TESTED DIVERSION RATES

Maximum G.P.M. 450 (c.f.s. 1.00) Normal G.P.M. 450 (c.f.s. 1.00)

FOR D.W.R. USE ONLY

Year of Record 1980 Extension of time needed: Yes No Attached? Yes No

AF Applied = 1416 hrs. x 450 g.p.m. x $\frac{4.419}{24 \times 1000}$ = 118 AF

"Approved" land irrigated 128 acres, with 118 AF = 0.92 AF/acre

148 A.F. (well NWNE NW) + 117 A.F. (well SWSE SW) = 265 A.F.

128 x 1.5 A.F. per acre = 192 A.F.

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HAYS000980

Perfected Rate 450 g.p.m. (c.f.s. 1.00) Perfected Quantity 118 AF

21731

Completed by Douglas E. Bush

PH 33 of 98 1985

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Zimmatic Model Serial No. 241516
Drive: Water Electric Length of Pivot Arm Acres Irr. 128 (ASCS) + MR Ebb
Design Pressure-Pivot 258 p.s.i. Operating Pressure-Pivot 58 p.s.i.
Is there an end gun? Yes No Is end gun operating during test? Yes No
End Gun Model P85 single sprinkler 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 CS6-449R-6003-C HP
Serial No. 12177 K13TR Fuel Nat Gas or LP Rated RPM

PUMP INFORMATION:

Manufacturer Johnson Model No. Stages
Serial No. ~~F111~~ Size/Type 8" Turbine Rated RPM

GEAR HEAD INFORMATION:

Manufacturer Johnson Model H60
Serial No. 71521 Drive RT Angle Ratio 6x5

WELL INFORMATION:

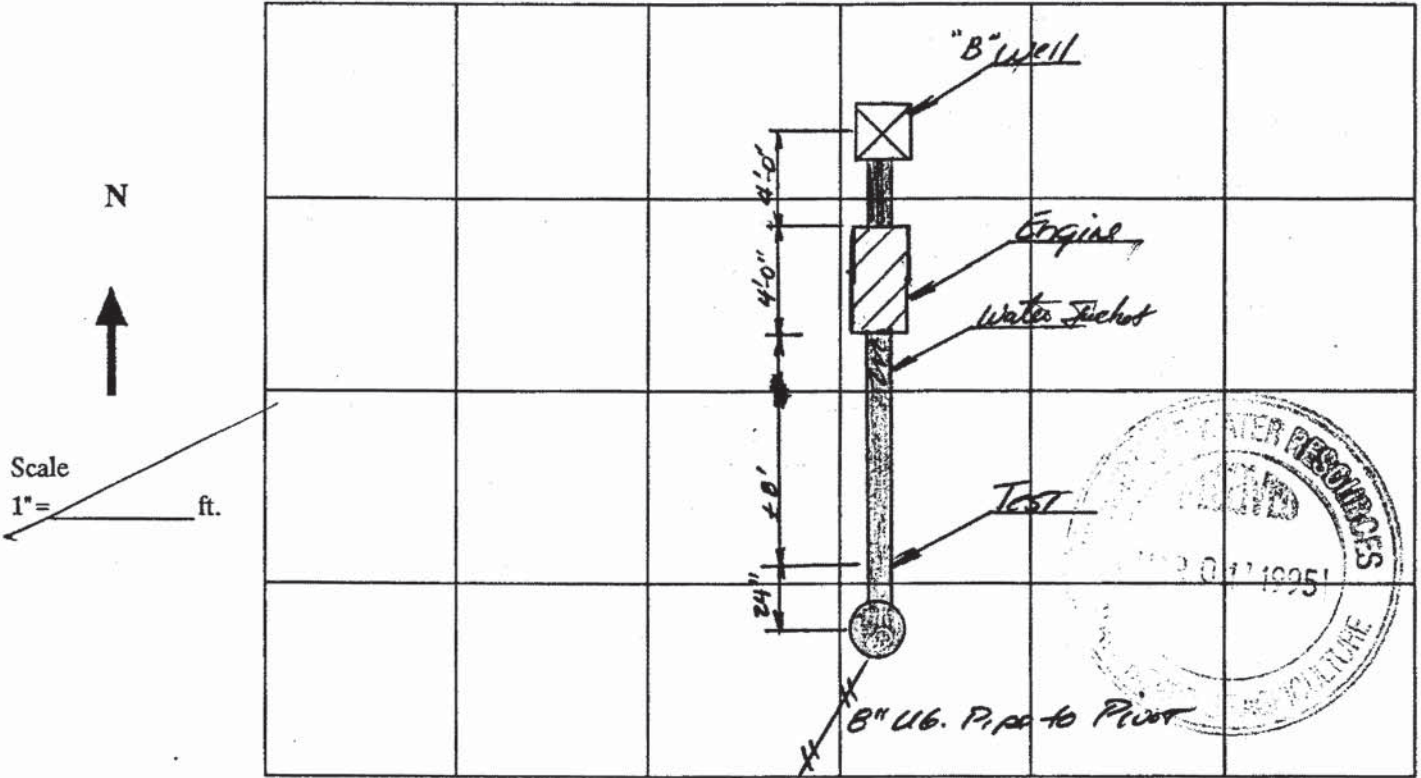
Date Drilled NA Original Depth ft. Static Water Level When Drilled ft.
Length of time well has operated rested prior to inspection 7 days hours *Run to prep for test. this year*
Is measurement tube required? Yes No Is measurement tube present? Yes No
Depth to water NA ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a flow meter required? Yes No *B46ND 5* Make of flow meter SENET
Serial No. 302390 Size 8" Flow meter conversion factor x1000
Is the meter installed properly? Yes No *In vertical column pipe of pivot*
Distance front and back of meter: ±5' front and ±5' back
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

HAYS000981

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



TEST OF DIVERSION RATE: Location of test ± 24" North of Pot
Pipe Diameter (I.D.) 8.25" inches

Test No. 1 — Normal Conditions
R.P.M. POWER UNIT 1788 calc.
R.P.M. PUMP UNIT 1490 meas'd
Pressure at Pump ± 30 psi

Test No. 2 — Maximum Conditions
R.P.M. POWER UNIT 1922 calc.
R.P.M. PUMP UNIT 1602 meas'd
Pressure at Pump ± 56 psi

Helper well set at 1575 all tests

Jacuzzi Meter Test Meter Identification No. #3
Area Constant $K = 2.45 \times I.D.^2 =$ 166.753125 $Q (gpm) = VK$

	Velocity (fps)	
1.	<u>2.2</u>	<u>2.2</u>
2.	<u>2.4</u>	<u>2.2</u>
3.	<u>2.5</u>	<u>2.6</u>
4.	<u>3.0</u>	<u>2.6</u>
5.	<u>3.0</u>	<u>2.9</u>
6.	<u>2.9</u>	<u>2.9</u>
7.	<u>2.9</u>	<u>2.9</u>
8.	<u>2.6</u>	<u>2.6</u>
9.	<u>2.6</u>	<u>2.5</u>
10.	<u>2.5</u>	<u>2.3</u>
Total	<u>26.6</u>	<u>25.9</u>
Avg.	<u>2.66</u>	<u>2.59</u>
G.P.M.	<u>444</u>	<u>432</u>

AVERAGE ALONE
438 G.P.M.

	Velocity (fps)	
1.	<u>2.2</u>	<u>2.5</u>
2.	<u>2.4</u>	<u>2.4</u>
3.	<u>2.7</u>	<u>2.7</u>
4.	<u>3.0</u>	<u>3.0</u>
5.	<u>3.1</u>	<u>3.0</u>
6.	<u>2.8</u>	<u>2.8</u>
7.	<u>2.8</u>	<u>2.8</u>
8.	<u>2.8</u>	<u>2.8</u>
9.	<u>2.7</u>	<u>2.6</u>
10.	<u>2.5</u>	<u>2.4</u>
Total	<u>27.0</u>	<u>27.0</u>
Avg.	<u>2.70</u>	<u>2.70</u>
G.P.M.	<u>450</u>	<u>450</u>

Average of Helper
450 G.P.M.

Propeller Meter Test Manufacturer Sigant Model - Serial No. 302390
Meter Diameter _____ inches

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

NOT ABLE TO USE
SEE NOTES.

RECEIVED

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

HAYS000982

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

30-25

D-10

EMAS BENT HUTTONSON & ASSOC.

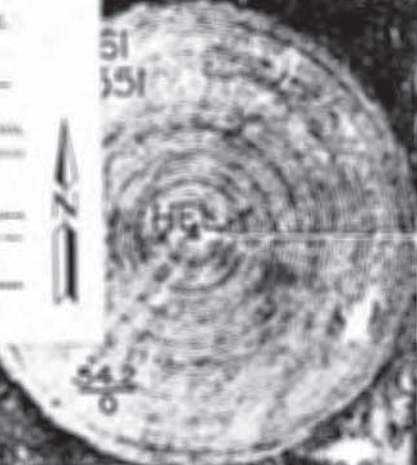
GREAT BEND - DENVER

FILE NO. 21,731

LEGEND FOR USE ON AERIAL PHOTO	
LAND APPROVED
LAND NOT APPROVED
POINT OF INTERSECTION (UNIMPROVED)	•
SURFACE WATER
UNIMPROVED POND
RAILROAD TRACKS
STRAIGHTS
RIGHT OF WAY
SECTION CORNER



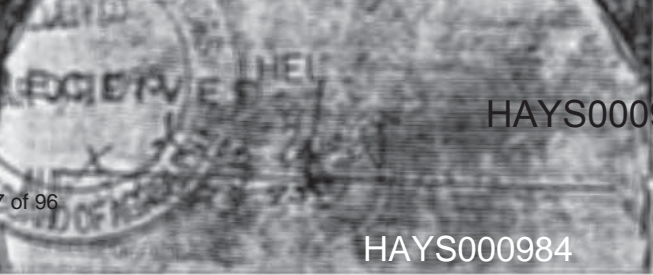
51
551



HEL

NOT TO SCALE

"NW"



HAYS0009

Date: 21731
Feb. 27, 1995

Project: FIELD INSPECTION REPORTS
File No. 21731

To: Larry Sheets
Water Rights Section
Division of Water Resources
901 S Kansas Ave. 2nd Floor
Topeka, Kansas 66612-1283

Gentlemen: We are transmitting the following:

Description:	Copies	Dated
Field Inspection Report	ID 02	2-23-95
Field Inspection Report	ID 03	2-23-95

Remarks:

This property has recently changed hands and these tests were needed to complete some of the water right certification.

Copies to: City of Hays, Leo Wellbrock
Stafford Field Office

By: *Stuart M. Hutchison*
Stuart M. Hutchison, P.E.



Sheet _____ of _____

EBH
& Associates
Consulting Engineers

RECEIVED

Evans • Bierly • Hutchison & Associates, P.A. 0000985
1105 Williams 3 7 1995 Great Bend, Kansas
(316) 793-8411 67530
(316) 793-8413 - Fax
Page 38 of 96
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

MICROFILMED

- Partial
- Full
- Re-Test

Test 3 of 7 Diversion points
 (Circle 3, A Well)
 Application No. 21731 Date 10/1/86 Firm/Field Office Pumping Plant Testing Inc.
 Inspector Klassen/Ebert

Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance Co. % Agri Affiliates

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

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater (X) Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: 1 well NE westside of NE 1/4, SW 1/4 Sec. 31, T. 25, R. 19
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well SW 1/4 NE 1/4 SW 1/4 Sec. 31, T. 25, R. 19
 Approximately 1925 ft. North and 3810 ft. West of SE corner of Sec. 31
 How were distances determined? By Scaling off Aerial Photo, Scale From Original Survey Plats

"Approved" Quantity 1090 ac-ft "Approved" Diversion Rate 3900 g.p.m. (8.69 c.f.s.)

Priority Date Jan 2, 1974 Approval of Application Date Feb. 27, 1976

Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30	25	19										23	26				1		50
31	25	19	27	34	38	27	36	28	38	39	34	37	13	6	40	35	17	39	488
32	25	19							1			25	23						49
36	25	20				7									20			7	34
																			621

LAND IRRIGATED—YEAR OF RECORD 1983

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	
31	25	19			9				30	35	40	40	27	36			25	12	254
36	25	20				1.5									10			1.5	13
																			267

APPLICATION OF WATER:

Year of Record 1983 Hours Pumped 2200 or Quantity 381.2 ac-ft

Normal Operating C.P.M. 941 ← Both wells pumping together (combined flowrate) EQUIV. C.F.S. 2.1

Maximum Operating C.P.M. 523 ← Individual EQUIV. C.F.S. 1.1

FOR D.W.R. USE ONLY

Year of Record 1983 Extension of time requested: Yes No STAFFORD

Total No. of Hours on land covered by this application 2200

Ac. Ft. Applied = $2200 \text{ hrs.} \times 392 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 159 \text{ AF}$

Acres of "Approved" Land irrigated 211

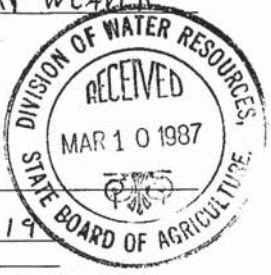
Ac. Ft. on "Approved" Land 125 (0.59 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 125

Proration Calculations 267 acres X 0.79 percent of approved HAYS000944

Perfected Rate 525 g.p.m. Perfected Quantity 125 AF

Completed by Douglas E. Bush
3-16-95



GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Zimmatic Model notag Serial No. _____
 Drive Electric Length of Pivot Arm 15 TOWERS-
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

End Gun? yes End Gun Rating _____ g.p.m. toro

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info. THIS SYSTEM HAS 15 TOWERS AND COVERS
267 ACRES - 2 TIMES THE SIZE OF A 'NORMAL'
CENTRAL PIVOT SYSTEM.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP —

Serial No. 11907 K-29-TG Fuel Natural Gas Rated RPM —

PUMP INFORMATION:

Manufacturer Jacuzzi Model No. 10MA Rated RPM —

Serial No. N2W24 232X Type Vertical Turbine No. stages 6

GEAR HEAD INFORMATION:

Manufacturer U.S. Motors Model No. N5001522

Serial No. R-955B-00-H-420 Drive Right Angle Ratio 6:5

WELL INFORMATION: NO RECORDS AVAILABLE ON WELL.

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

Tape Down Possible? No Water Level Measurement Tube? no

Measuring Point _____ ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is Meter Installed Properly? _____

Chemical Injection System? no Check Valve? yes Low Pressure Drain? yes

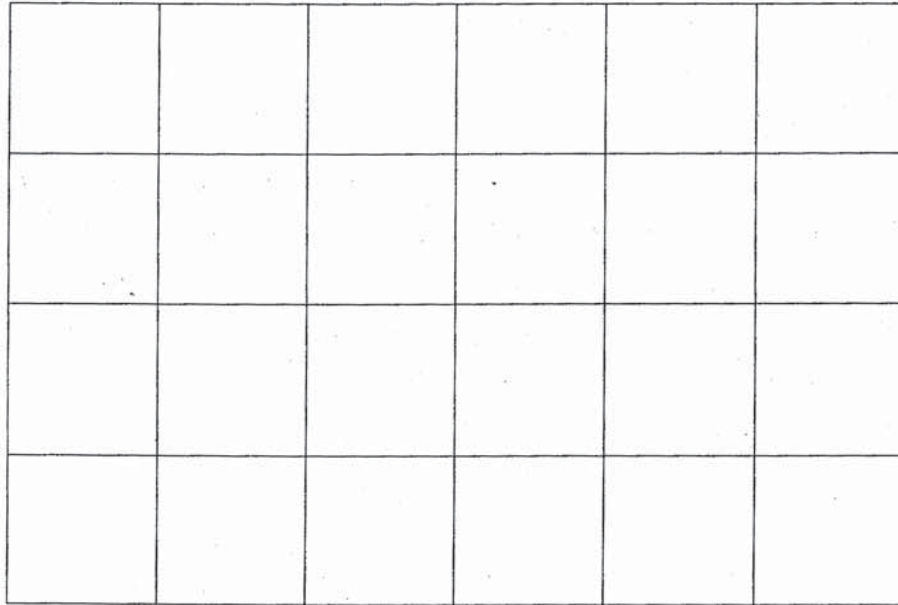
Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

HAYS000945

If chemicals are injected into system, please attach _____ of system.

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

N
 ↑
 Scale
 1" = ____ ft.



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In horizontal pipe between riser and pivot
 Pipe Diameter (I.D.) 7 1/16 inches

Test No. 1—Normal Conditions *- BOTH WELLS PUMPING INTO ONE PIVOT*
 Test No. 2 *WELL IN THIS APPLICATION - PUMPING INTO PIVOT BY ITSELF*
 R.P.M. POWER UNIT 2100 R.P.M. POWER UNIT 2114
 R.P.M. PUMP UNIT 1750 R.P.M. PUMP UNIT 1762
 Pressure at Pump 86 psi Pressure at Pump 47 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. _____

RECEIVED

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

MICROFILM

HAYS000946

Other Flow Meter

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

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Natural Gas Supplier Kansas Nebraska

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

How was the test volume determined? Not Determined Because One Meter Used For Many Wells

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	_____	_____	_____	_____
1976	_____	_____	_____	_____
1977	897	750	_____	639
1978	_____	_____	_____	_____
1979	_____	_____	_____	_____
1980	1416	400	_____	140
1981	_____	_____	_____	_____
1982	_____	_____	Not under normal conditions, only when pumping alone under low pressure	
* 1983	2200*	523*	212*	267*
1984	1750*	700	_____	267*
1985	1850*	700	_____	267*
1986	_____	523*	_____	_____

* From Test Data
 * From Water Use Reports sent By Jerry Weaver of Agri Affiliates

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

Crops Irrigated: this year wheat Year of record ALMMA

REMARKS: WE ARE UNSURE AS TO WHAT THE ACTUAL ACRES ARE ON THIS CIRCLE ON THE ORIGINAL APPLICATION. ALL WE CAN OFFER IN SUPPORT OF OUR PLOT IS DATA FROM THE STAFFORD FILES SHOWING AN OLD 'MIDWEST LAND & CATTLE CO' PLOT FROM LATE '74 OR EARLY '75.

Person present at test Kent Naber (name) Irrigation Manager (relationship)
 Water Use Correspondent Lyle Kolbeck (name) Spearville, KS 67876 (address) (316) 385-2803 (phone number)
 Conducted by Daniel Klassen (signature) Date 10-14-86
 Approved by Kid J. West (signature) P.E. Date 3/7/87 HAYS000947

APPLICATION NO: 21731 NAME: Connecticut General Life Ins.

COLLINS METER TEST ON WELL SW NE SW 31-25-19, "A" WELL ON CIRCLE 3

Collins Meter No. 1-83 Meter Calibration Factor .9559
 Pipe Inside Diameter (inches) 7 1/16 Flow Rate Factor 143.0
 Test Pressure (psi) 47 Test RPM, Pump 1765
 Description of Test Location In horizontal pipe between riser and pivot

TEST DATA: Check, Initial 3.90 Reversed 3.90
 Velocity Velocity
 Meter Setting From Left Side of Pipe Right Side of Pipe
 Center of Pipe (or Front Side if (or Back Side if
 Vertical Test) Vertical Test)

Meter Setting	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 9/16</u>	<u>3.84</u>	<u>4.02</u>
<u>2 3/4</u>	<u>3.77</u>	<u>3.99</u>
<u>3 1/2</u>	<u>3.57</u>	<u>3.61</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 3.83

Corrected Ave. Vel. = (Ave. Vel.) × (Calibration Factor) =
3.83 × .9559 = 3.66

Flow Rate = (Corrected Ave. Vel.) × (Flow Rate Factor) =
3.66 × 143.0 = 523 GPM



PUMPING PLANT TESTING, INC.

Reviewed By [Signature]
RECEIVED
 Professional Engineer

AUG 31 1995

HAYS000948

MICROFILMED

APPLICATION NO: 21731 NAME: Connecticut General Life Ins.

COLLINS METER TEST Both A and B wells (SWNE SW 31-25-19 and NWNE SW 31-25-19) Pumping Together Into Pivot 3'

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

Pipe Inside Diameter (inches) 7 1/16 Flow Rate Factor 143.0

Test Pressure (psi) 86 Test RPM, Pump 1750 1759
Awell Bwell

Description of Test Location In horizontal pipe between riser and pivot

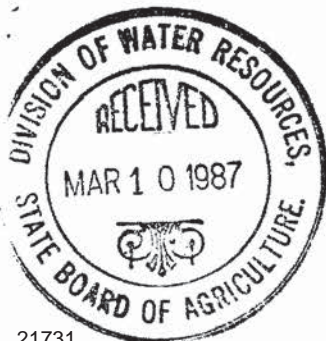
TEST DATA: Check, Initial 7.12 Reversed 7.13
Velocity Velocity
 Meter Setting From Left Side of Pipe Right Side of Pipe
Center of Pipe (or Front Side if Vertical Test) (or Back Side if Vertical Test)

<u>1 9/16</u>	<u>6.98</u>	<u>7.03</u>	<u>7.09</u>	<u>7.02</u>
<u>2 3/4</u>	<u>6.80</u>	<u>6.85</u>	<u>6.96</u>	<u>6.83</u>
<u>3 1/2</u>	<u>6.73</u>	<u>6.49</u>	<u>6.75</u>	<u>6.43</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.83

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
6.83 x .9635 = 6.58

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
6.58 x 143.0 = 941 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

[Signature]
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Professional Engineer

HAYS000949

AUG 31 1995

MICROFILMED

EXHIBIT
1,0 20781

WELL INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 4 of 7 Diversion points
 of Well, Circle 3
 Application No. 21731 Date 10/1/86 Firm/Field Office Pumping Plant Testing Inc.
 Inspector Klassen/Ebert
 Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance Co. % Agri Affiliates
 Address Box 1162 North Platte, NE 69103 ATTN Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater (X) Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: 1 well NW 1/4, NE 1/4, SW 1/4 Sec. 31, T. 25, R. 19
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well NW 1/4 NE 1/4 SW 1/4 Sec. 31, T. 25, R. 19
 Approximately 2460 ft. North and 3660 ft. West of SE corner of Sec. 31

How were distances determined? By Scaling off Aerial Photo, Scale from Original Survey Plats

"Approved" Quantity 1090 ac-ft "Approved" Diversion Rate 3900 g.p.m. (8.69 c.f.s.)

Priority Date Jan 2, 1974 Approval of Application Date Feb 27, 1976

Perfection Date Dec 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30	25	19										23	26				1		50
31	25	19	27	34	38	27	36	28	38	39	34	37	13	6	40	35	17	39	488
32	25	19							1			25	23						49
36	25	20				7									20			7	34
																			621

LAND IRRIGATED—YEAR OF RECORD 1983

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	
31	25	19			9				30	35	40	40	27	36		25	12		254
36	25	20				1.5									10			1.5	13
																			267

APPLICATION OF WATER:

Year of Record 1983 Hours Pumped 2200 or Quantity 381.2

Combined Flowrate of both wells 2
 Normal Operating G.P.M. 944 Equiv. c.f.s. 21

Maximum Operating G.P.M. 732 Equiv. c.f.s. 1.6

FOR D.W.R. USE ONLY

Year of Record 1983 Extension of time requested: Yes No AUG 31 1995

Total No. of Hours on land covered by this application 2,200

Ac. Ft. Applied = 2200 hrs. × 549 g.p.m. × $\frac{4.419}{24 \times 1000}$ = 223

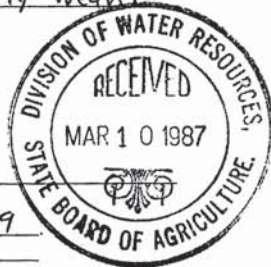
Acres of "Approved" Land irrigated 211

Ac. Ft. on "Approved" Land 177 (0.84 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 177

Proration Calculations 267 acres × 0.79 percent of approved acres irr = 211 acres

Perfected Rate 735 g.p.m. Perfected Quantity 177 AF



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FIELD OFFICE
 DIVISION OF WATER RESOURCES
 STAFFED

MICROFILMED

HAYS000950

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure

Manufacturer Zimmatic Model No tag Serial No. _____

Drive Electric Length of Pivot Arm 15 TOWERS

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

End Gun? yes End Gun Rating _____ g.p.m. Toro

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info. THIS IS AN EXCEPTIONALLY LARGE PIVOT SYSTEM - ABOUT TWICE THE PAGES OF A NORMAL PIVOT SYSTEM AT 267 TOWERS.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP. _____

Serial No. 08949 L23TL Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Jacuzzi Model No. N8C/T-703 Rated RPM _____

Serial No. 467 22145 Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. S 100

Serial No. 88239 Drive Right Angle Ratio 4:3

WELL INFORMATION: NO WELL RECORDS AVAILABLE.

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

Tape Down Possible? yes 20' Water Level Measurement Tube? no

Measuring Point 1 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

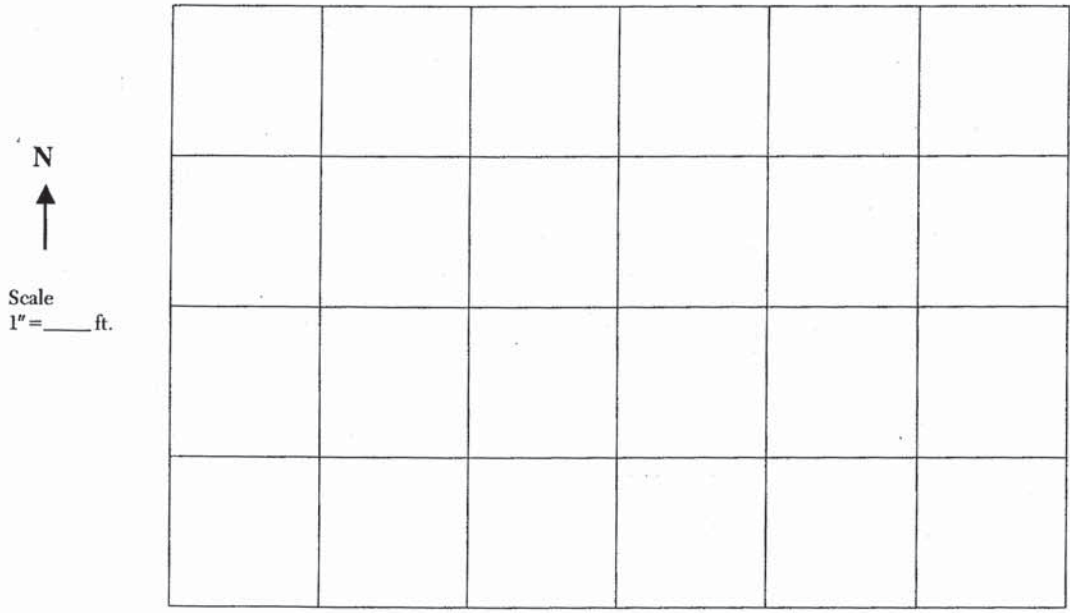
Is Meter Installed Properly? _____

Chemical Injection System? yes Check Valve? yes Low Pressure Drain? yes

Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

HAYS000951

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



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In horizontal pipe between discharge head and pressure tank.
 Pipe Diameter (I.D.) 8 3/16 inches

BOTH WELLS PUMPING INTO ONE PIVOT
 Test No. 1 - ~~Normal Conditions~~
 R.P.M. POWER UNIT 2345
 R.P.M. PUMP UNIT 1759
 Pressure at Pump 86 psi

WELL IN THIS REPORT PUMPED INTO PIVOT BY ITSELF.
 Test No. 2 - ~~Maximum Conditions~~
 R.P.M. POWER UNIT 2345
 R.P.M. PUMP UNIT 1759
 Pressure at Pump 20 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. _____
 C.P.M. _____

Velocity (fps)

1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
- Total _____
 Avg. _____
 C.P.M. _____

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AUG 31 1995

FIELD OFFICE
 DIVISION OF WATER RESOURCES
 STAFFORD

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

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

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

Other Flow Meter

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

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 HAYS000952

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

Other Fuels Type Natural Gas Supplier Kansas-Nebraska

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

How was the test volume determined? Not Determined Because Only One Meter Used For Many Wells

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	2376	1500		507
1977	897	750		639
1978				
1979	1224	650		127
1980	1416	650		127
1981	1152	650		127
1982				
* 1983	2200 †	732 * <small>Not under normal conditions, only when pumping by itself at low pressure</small>	296.5 *	267 *
1984	1750 †	800 †		267 †
1985	1850 †	800 †		267 †
1986		732 *		

* From Test Data

† From Water Use Reports Sent By Jerry Weaver of Agri Affiliates

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

Crops Irrigated: this year wheat Year of record 1986-87

REMARKS: _____

Person present at test Kent Naber (name) Irrigation Manager (relationship)

Water Use Correspondent Lyle Kolbeck (name) Spearville, KS 67876 (address) (316) 385-2803 (phone number)

Conducted by Daniel Klassen (signature) Date 10-14-86

Approved by [Signature] (signature), P.E. (title) Date 3/7/87 HAYS000953

2755

305

975

1245

FS

25-20

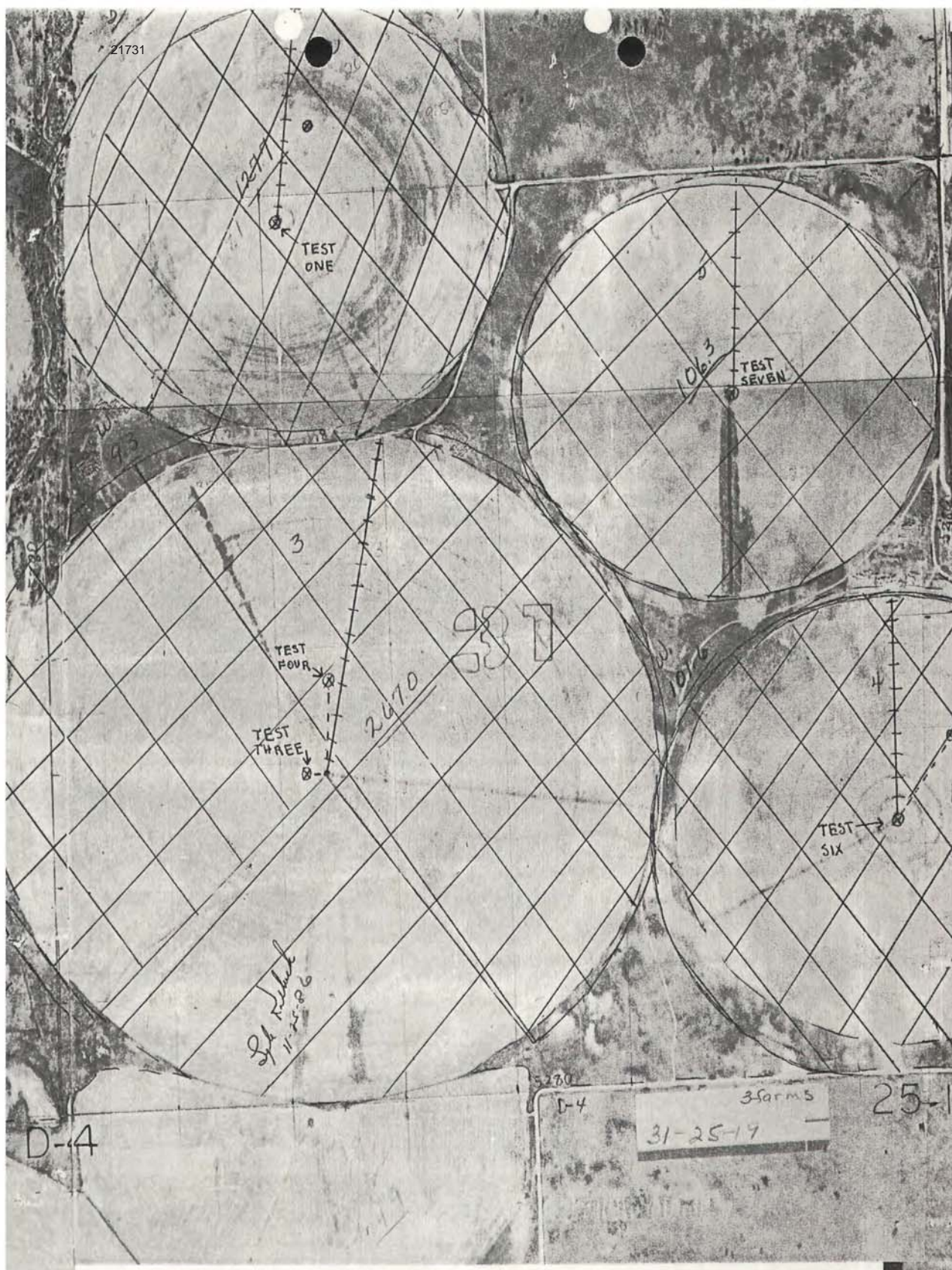
36-25-20

2 forms

0-4

D-

HAYS000954



D-4

D-4

3 forms

31-25-17

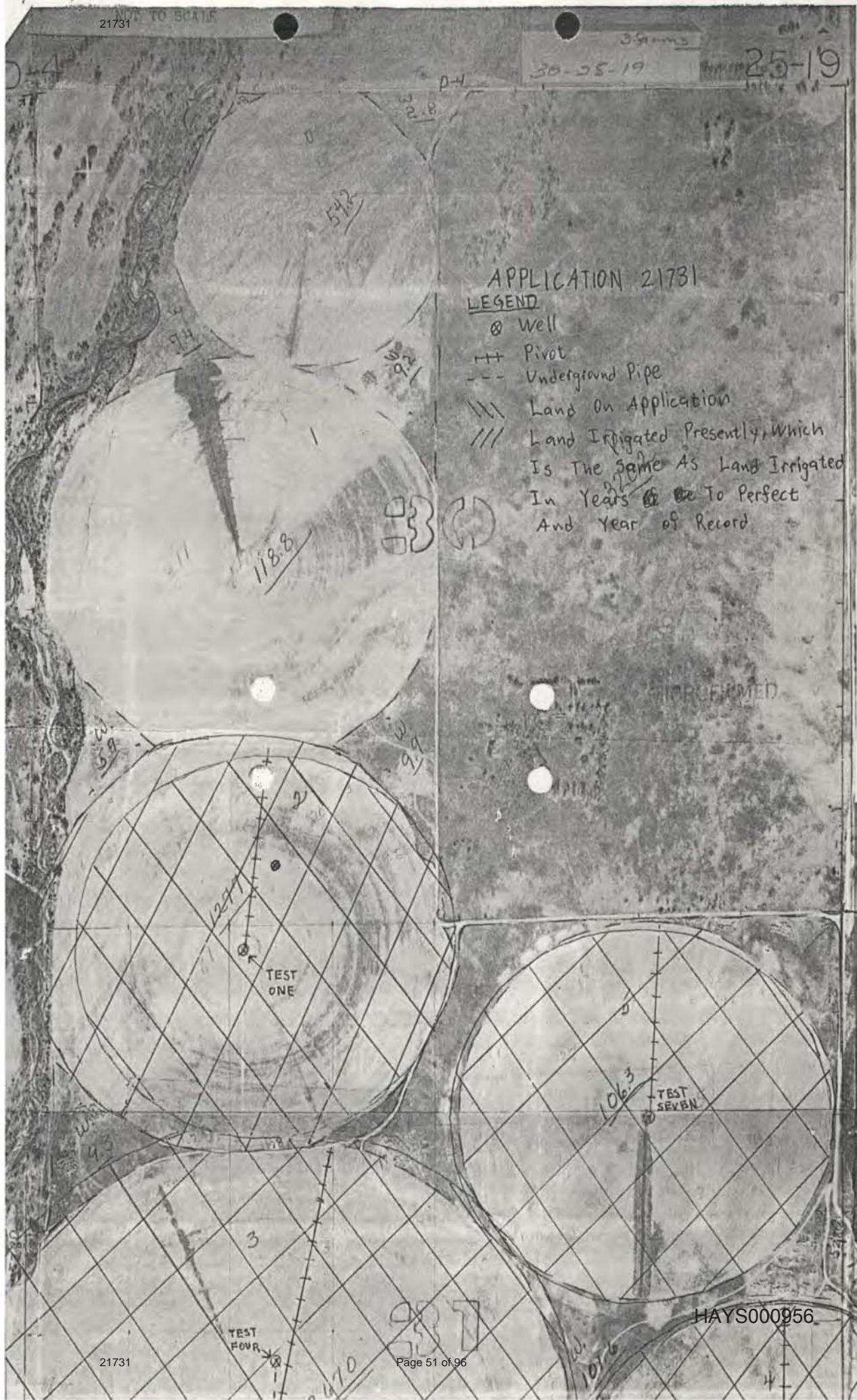
25-1

HAYS000955

39-40-19

30-25-19

25-19



APPLICATION 21731

LEGEND

- ⊙ Well
- ⊕ Pivot
- Underground Pipe
- /// Land On Application
- //// Land Irrigated Presently, Which Is The Same As Land Irrigated In Years ~~to~~ To Perfect And Year of Record

UNRECORDED

5272

612

67

11

1083

32

steel
marker 12'
north of
fence post

pivot

pivot
is 192

+ from section

1325 in
corner

10.9

25-11

steel marker marking corner 3 farms

25-19 - 32-25-19

← 1205' to road →

D-5

5298

high top marker

MICROFILMED



HAYS000957

4807

P
2862

333

120.5

P
859

D-5

D-5

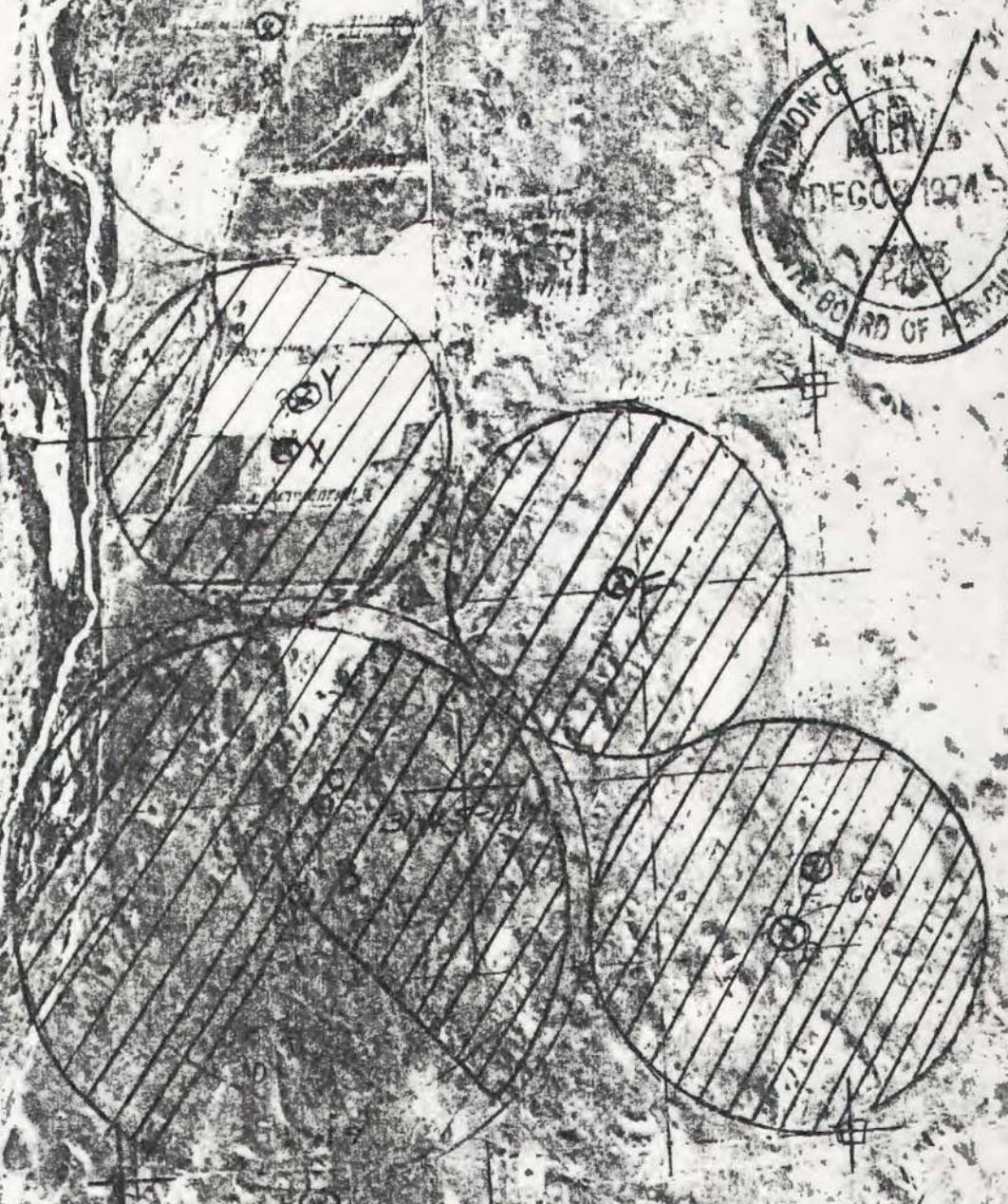
2 arms

25-19

33-25-19

HAYS000958

453 S. Webb Rd
Hartford, Ct 06107



Date stamp
Received 1-2



MICROFILM

All wells within 1/2 mile belong
to Midwest Land & Cattle Co.

ACTUAL ACRES APPLIED FOR ON OX16. APPEN:
APPLICATION 21,731

MICROFILMED

CONNECTICUT GENERAL WIRE INS. CO.
HAYS000959
PUMPING PUMPT TESTING, INC.
Hedy Webb

APPLICATION NO: 21731 NAME: Connecticut General Life Ins.

COLLINS METER TEST

Collins Meter No. 1-85 Meter Calibration Factor .9826
 Pipe Inside Diameter (inches) 8 5/16 Flow Rate Factor 167.9
 Test Pressure (psi) 20 Test RPM, Pump 1759
 Description of Test Location In horizontal pipe between discharge head and pressure tank

TEST DATA: Check, Initial 4.89 Reversed 4.88
 Velocity Velocity
 Meter Setting From Left Side of Pipe Right Side of Pipe
 Center of Pipe (or Front Side if (or Back Side if
 Vertical Test) Vertical Test)

Meter Setting	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 1/16</u>	<u>4.59</u>	<u>4.80</u>
<u>2 1/16</u>	<u>4.35</u>	<u>4.48</u>
<u>3 1/16</u>	<u>4.13</u>	<u>4.37</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.44

Corrected Ave. Vel. = (Ave. Vel.) × (Calibration Factor) =
4.44 × .9826 = 4.36

Flow Rate = (Corrected Ave. Vel.) × (Flow Rate Factor) =
4.36 × 167.9 = 732 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
RECEIVED
 Professional Engineer

HAYS000960

AUG 31 1995

MICROFILMED

FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 5 of 7 Diversion points
 (circle 4 B well)
 Application No. 21731 Date 1-28-87 Firm/Field Office Pumping Plant Testing Inc.
 Inspector Klassen/Ebert

Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance Co. % Agri Affiliates

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

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater (X) Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: 1 well SE 1/4, NE 1/4, SE 1/4 Sec. 31, T. 25, R. 19
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well SE 1/4 NE 1/4 SE 1/4 Sec. 31, T. 25, R. 19
 Approximately 190 ft. North and 65 ft. West of SE corner of Sec. 31

How were distances determined? By Scaling off Aerial Photo, Scale From Original Survey Plats

"Approved" Quantity 1090 ac-ft "Approved" Diversion Rate 3900 g.p.m. (8.69 c.f.s.)

Priority Date Jan 2, 1974 Approval of Application Date Feb 27, 1976

Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30	25	19									23	26					1	50	
31	25	19	27	34	38	27	36	28	38	39	34	37	13	6	40	35	17	34	488
32	25	19								1			25	23				49	
36	25	20				7									20			7	34
																	621		

LAND IRRIGATED—YEAR OF RECORD 1985

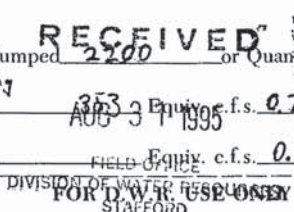
S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31	25	19				2.5									39	6.5	3.4	30.8	82.2
32	25	19							.5		23	16.3							39.8
																	122		

APPLICATION OF WATER:

Year of Record 1983 Hours Pumped 2200 or Quantity 143

combined Flowrate, both wells pumping
 Normal Operating G.P.M. into pivot 353 g.p.m. f.s. 0.79

This well pumping alone
 Maximum Operating G.P.M. 244 FIELD EQUIP. c.f.s. 0.544



Year of Record 1983 Extension of time requested: Yes No

Total No. of Hours on land covered by this application 2200

Ac. Ft. Applied = $\frac{2200 \text{ hrs.} \times 139 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 56 \text{ AF}$

Acres of "Approved" Land irrigated 122

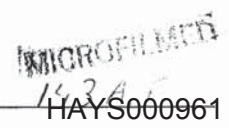
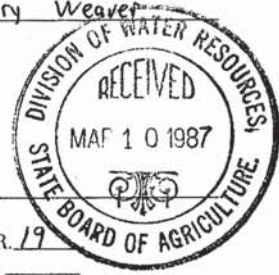
Ac. Ft. on "Approved" Land 56 (0.46 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 56

Proration Calculations 87 A.F. (well A) + 56 A.F. (Well B) = 143 AF

Perfected Rate 24.5 g.p.m. Perfected Quantity 56 AF

completed by Stafford E. Bush
 3-16-95



GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Zimmatic Model 310 Serial No. 2999
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. Toro
 Is end gun operating during test? Yes

Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.

Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
 Unusual Conditions/Other Info. _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____
 Serial No. 08946 E-23-TL Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer JOHNSTON Model No. _____ Rated RPM _____
 Serial No. CF 21237 Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer AMORILLO Model No. S-80
 Serial No. 87932 Drive Right Angle Ratio 5:4

WELL INFORMATION: NO WELL RECORDS AVAILABLE

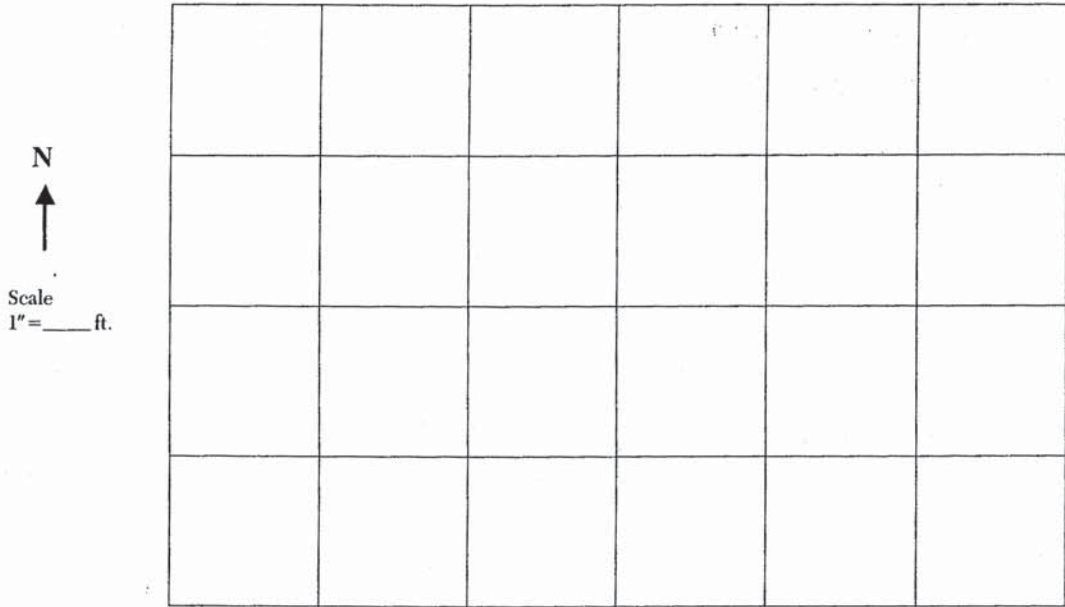
Date Drilled _____ Original Depth 38 ft. Static Water Level When Drilled 10 ft.
 Tape Down Possible? YES Water Level Measurement Tube? NO
 Measuring Point 0.5 ft. above or below L.S.D. STATIC LEVEL = 19'

ADDITIONAL REQUIREMENTS:

Meter Required? NO Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? ✓

Chemical Injection System? yes Check Valve? yes Low Pressure Drain? YES
 Vacuum Breaker? YES Are these anti-pollution devices installed properly? yes

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



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0 days
 Location of test 6' from discharge head (under driveshaft)
 Pipe Diameter (I.D.) 8 3/4 inches

POSTH WELLS PUMPAD
 Test No. 1—~~Normal~~ Normal Conditions
LOCATED INTO 1 PIVOT
 R.P.M. POWER UNIT 2168 2196
 R.P.M. PUMP UNIT 1734 1788
 Pressure at Pump 50 psi

WELL IN THIS REPORT PUMPAD ALONE
 Test No. 2—~~Maximum~~ Maximum Conditions
 R.P.M. POWER UNIT 1400
 R.P.M. PUMP UNIT 1120
 Pressure at Pump 7.8 psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant K = 2.45 × 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. _____
- Total _____
 Avg. _____
 G.P.M. AUG 31 1995

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Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

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

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

Other Flow Meter

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

MICROFILMED
HAYS000963

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Natural Gas Supplier Kansas - Nebraska

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

How was the test volume determined? Not Determined Because only one meter used for many well

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1296	900		507
1976				
1977	590	1000		639
1978				
1979	1224	400		121
1980	1416	400		121
1981	1152	400		121
1982		This wells contribution to total flow under normal conditions		
* 1983	‡ 2200	56*	22.7*	122‡
1984	‡ 1850	450‡		121‡
1985	‡ 1850	450‡		121‡
1986				
* From Test Data				
‡ From Water Use Reports Sent By Jerry Weaver of Agri Affiliates				

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

Crops Irrigated: this year Soybeans Year of record ALFALFA

REMARKS: _____

Person present at test Kent Naber (name) Irrigation Manager (relationship)
 Water Use Correspondent Lyle Kolberk (name) Spearville, KS 67876 (address) (316) 385-2803 (phone number)
 Conducted by Daniel Klassen (signature) Date 2-4-87
 Approved by Ed Wentz (signature) P.E. (title) Date 3/7/87 HAYS000964

MEMORANDUM

To: Files

From: *Terry Sheets*Re: Appropriation of Water
File No.Date: *3-30-87*

The Field Inspection Report for the above referenced file, conducted under contract by Pumpers Plant Testing, has been reviewed. It meets the requirements specified in the Scope of Work. The certificate of appropriation has not been drafted for the following reason(s):

6 of 7 wells tested

*I don't understand. How
can "6 of 7 wells tested"
meet the specifications of
the scope of work? ... unless
the untested well was meant
to be deleted @ issuance of the
certificate.
Sheets should explain
WIX
9-21-90*

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AUG 31 1995

HAYS000965

APPLICATION NO: 21731 NAME: Connecticut General Life Ins. Co.

CIRCLE 4 - SE 1/4, NE 1/4, SE 1/4

COLLINS METER TEST ON B well pumping alone. Check valve at other well leaking, allowing some water to run back into other well, resulting in low pressure

Collins Meter No. 1-83 Meter Calibration Factor 9635

Pipe Inside Diameter (inches) 8 1/4 Flow Rate Factor 165.3

Test Pressure (psi) 7.8 Test RPM, Pump 1120

Description of Test Location in horizontal pipe 6' from discharge head under drive shaft

TEST DATA: Check, Initial 1.70 Reversed 1.74
 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)

<u>1 1/16</u>	<u>1.65</u>	<u>1.60</u>	<u>1.60</u>	<u>1.68</u>
<u>2 15/16</u>	<u>1.60</u>	<u>1.50</u>	<u>1.58</u>	<u>1.55</u>
<u>3 3/4</u>	<u>1.40</u>	<u>1.35</u>	<u>1.40</u>	<u>1.50</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 1.53

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
1.53 x 9635 = 1.48

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
1.48 x 165.3 = 244 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
 Professional Engineer

HAYS000966

AUG 31 1995
 Page 61 of 96

MICROFILMED

APPLICATION NO: 21731 NAME: Connecticut General Life Ins. Co.

CIRCLE 4 - BOTH WELLS TOGETHER

COLLINS METER TEST OF combined Flowrate, both wells pumping together into pivot

Collins Meter No. 1-83 Meter Calibration Factor .9635

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

Test Pressure (psi) 50 Test RPM, Pump 1788 1734

Description of Test Location in vertical pipe inside pivot stand

TEST DATA: <input checked="" type="checkbox"/> Check, Initial <u>2.70</u> Reversed <u>2.68</u>	Velocity	Velocity
Meter Setting From Center of Pipe	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)

<u>1 9/16</u>	<u>2.63</u>	<u>2.64</u>	<u>2.69</u>	<u>2.68</u>
<u>2 3/4</u>	<u>2.48</u>	<u>2.55</u>	<u>2.61</u>	<u>2.64</u>
<u>3 9/16</u>	<u>2.37</u>	<u>2.09</u>	<u>2.42</u>	<u>2.45</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 2.52

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 2.52 x .9635 = 2.429

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 2.429 x 145.4 = 353 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
Professional Engineer

HAYS000967
MICROFILMED

Partial
 Full
 Re-Test

Test 6 of 7 Diversion points
circle #, A well
Application No. 21731 Date 1-28-87 Firm/Field Office Pumping Plant Testing Inc.
Inspector Klassen/Ebert

Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance Co. % Agri Affiliates
Address Box 1162 North Platte, NE 69103 ATTN Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater (X) Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: 1 well SE 1/4, NE 1/4, SE 1/4 Sec. 31, T. 25, R. 19
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well SE 1/4 NE 1/4 SE 1/4 Sec. 31, T. 25, R. 19
Approximately 1460 ft. North and 385 ft. West of SE corner of Sec. _____

How were distances determined? By Scaling off Aerial Photo, Scale From Original Survey Plats

"Approved" Quantity 1090 ac-ft "Approved" Diversion Rate 3900 g.p.m. (8.69 c.f.s.)

Priority Date Jan. 2, 1974 Approval of Application Date Feb. 27, 1976

Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30	25	19										23	26			1		50	
31	25	19	27	34	38	27	36	28	38	39	34	37	13	6	40	35	17	39	488
32	25	19							1			25	23						49
36	25	20				7									20			7	34
																		621	

LAND IRRIGATED—YEAR OF RECORD 1985

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	
31	25	19				2.5									39	6.5	3.4	30.8	82.2
32	25	19						.5			23	16.3							39.8
																		122	

APPLICATION OF WATER:

Year of Record 1983 Hours Pumped 2200 or Quantity 1043

combined Flowrate, Both wells pumping
Normal Operating G.P.M. into pivot 353 Equiv. c.f.s. .79

This well pumping alone
Maximum Operating G.P.M. 378 Equiv. c.f.s. .84

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Year of Record 1993 Extension of time requested: Yes _____ No ✓

AUG 31 1995

Total No. of Hours on land covered by this application 2200

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STAFFORD

Ac. Ft. Applied = $\frac{2200 \text{ hrs.} \times 215 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 87 \text{ AF}$

Acres of "Approved" Land irrigated 122

Ac. Ft. on "Approved" Land 87 (0.71 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 187

Proration Calculations 87 A.F. (well A) + 56 A.F. (well B) = 143 **MICROFILMED HAYS000968**

Perfected Rate 380 g.p.m. Perfected Quantity 87 AF

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Zimmatic Model 310 Serial No. 2999
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. Toro
 Is end gun operating during test? Yes

Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.

Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP —
 Serial No. 08941 E-23-TL Fuel Natural Gas Rated RPM —

PUMP INFORMATION:

Manufacturer FAIRBANKS-MORSE Model No. 10M Rated RPM —
 Serial No. N2X2804996X Type Vertical Turbine No. stages —

GEAR HEAD INFORMATION:

Manufacturer RANDOLPH Model No. F60
 Serial No. 2183 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled _____ Original Depth 38 ft. Static Water Level When Drilled 10 ft.
 Tape Down Possible? NO - CAN'T EXTRACT PLUG Water Level Measurement Tube? NO
 Measuring Point _____ ft. above or below L.S.D.

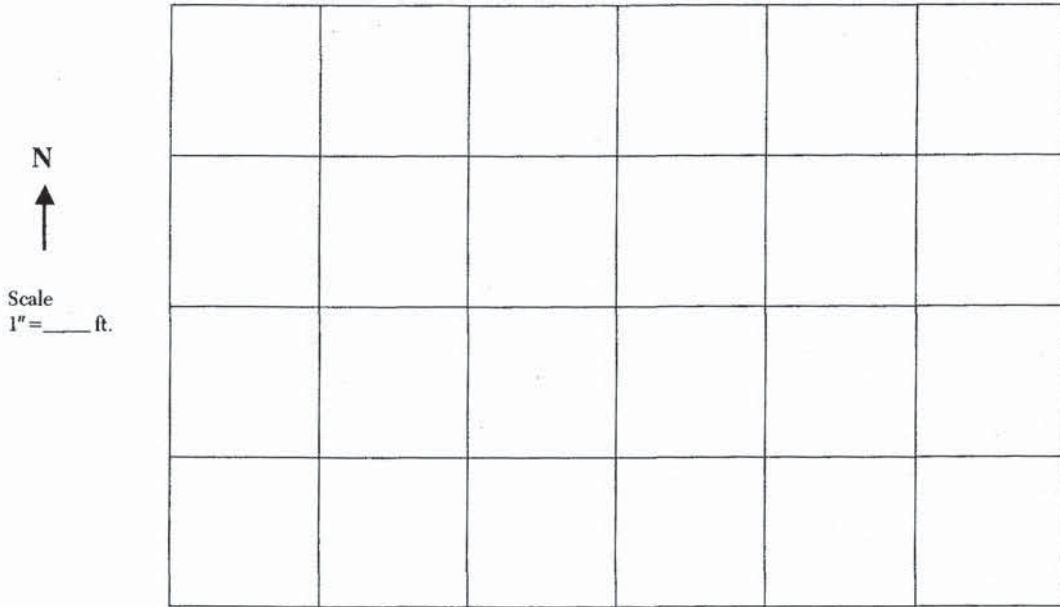
ADDITIONAL REQUIREMENTS:

Meter Required? NO Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____
 Chemical Injection System? YES Check Valve? yes Low Pressure Drain? YES
 Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

If chemicals are injected into system, please attach _____ of _____ system.

HAYS000969

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



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0 days
 Location of test 10' downstream from discharge head (under engine)
 Pipe Diameter (I.D.) 7 3/4 inches

well in this report tested

well in this report pumping none

Test No. 1—Normal Conditions
using well other well
 R.P.M. POWER UNIT 2196 — 2168
 R.P.M. PUMP UNIT 1788 — 1734
 Pressure at Pump 50 psi

Test No. 2—Maximum Conditions
 R.P.M. POWER UNIT 2113
 R.P.M. PUMP UNIT 1761
 Pressure at Pump 6.7 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. 1995

Meter Diameter _____ inches

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

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

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 STAFFORD

UNCLASIFIED
 HAYS000970

Other Flow Meter

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

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds

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

Other Fuels Type Natural Gas Supplier Kansas - Nebraska

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

How was the test volume determined? Not Determined Because Only One Meter Used For Many Wells

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1296	900		507
1976	590	1000		639
1977				
1978				
1979				
1980	1416	450		130
1981				
1982				
		This wells contribution to total flow under normal conditions		
* 1983	2200 [‡]	297 [*]	120.3 [*]	122 [‡]
1984	1850 [‡]	400		121 [‡]
1985	1850 [‡]	400		121 [‡]
1986				
	* From Test Data			
	‡ From Water Use Reports Sent By Jerry Weaver of Agri Affiliates			

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

Crops Irrigated: this year Soy beans Year of record 1986

REMARKS:

Person present at test Kent Naber Irrigation Manager

Water Use Correspondent Lyle Kolbeck Spearville, KS 67876 (316) 385-2803

Conducted by Daniel Hlassen Date 2-4-87

Approved by Kid J. Went, P.E. Date 3/6/87 HAYS000971

APPLICATION NO: 21731 NAME: Connecticut General Life Ins.

COLLINS METER TEST On A well under normal conditions before flow is combined with B well (Both wells operating and pumping into pivot)

Collins Meter No. 1-85 Meter Calibration Factor .9826

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

Test Pressure (psi) 52 Test RPM, Pump 1764

Description of Test Location in horizontal pipe 10' from discharge head under pivot

TEST DATA:	<input checked="" type="checkbox"/> Check, Initial <u>2.40</u>	Reversed <u>2.38</u>
	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)

<u>1 7/16</u>	<u>2.15</u>	<u>2.15</u>	<u>2.30</u>	<u>2.35</u>
<u>2 3/4</u>	<u>1.94</u>	<u>2.02</u>	<u>2.12</u>	<u>2.18</u>
<u>3 9/16</u>	<u>1.70</u>	<u>1.80</u>	<u>2.10</u>	<u>2.10</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 2.08

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 2.08 x .9826 = 2.04

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 2.04 x 145.4 = 296.6 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: RECEIVED [Signature]

Professional Engineer

AUG 31 1995

HAYS000972

MICROFILMED

APPLICATION NO: 21731 NAME: Connecticut General Life Ins.

COLLINS METER TEST A well pumping alone (check valve leaking, allowing some water to run back to other well, resulting in low pressure)

Collins Meter No. 1-85 Meter Calibration Factor .9826

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

Test Pressure (psi) 6.7 Test RPM, Pump 1761

Description of Test Location 10' after discharge head in vertical pipe under engine

TEST DATA: Check, Initial 3.09 Velocity Reversed 3.05 Velocity

Meter Setting From Center of Pipe Left Side of Pipe (or Front Side if Vertical Test) Right Side of Pipe (or Back Side if Vertical Test)

Meter Setting	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 9/16</u>	<u>2.75</u> <u>2.80</u>	<u>2.95</u> <u>2.82</u>
<u>2 3/4</u>	<u>2.48</u> <u>2.58</u>	<u>2.80</u> <u>2.75</u>
<u>3 9/16</u>	<u>2.35</u> <u>2.30</u>	<u>2.60</u> <u>2.65</u>

Average Velocity of Water = Sum of Vel. \div 12 = 2.6525

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 2.6525 x .9826 = 2.6

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 2.6 x 145.4 = 378 GPM



PUMPING PLANT TESTING, INC.

Reviewed BY [Signature]
Professional Engineer

AUG 31 1995

HAYS000973
MICROFILMED

APPLICATION NO: 21731 NAME: Connecticut General Life Ins. Co.

COLLINS METER TEST of combined Flowrate, both wells pumping together

Collins Meter No. 1-83 Meter Calibration Factor .9635

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

Test Pressure (psi) 50 Test RPM, Pump 1788 1734

Description of Test Location In vertical pipe inside pivot stand

TEST DATA: <input checked="" type="checkbox"/> Check, Initial	<u>2.70</u>	Reversed	<u>2.68</u>
	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)	

<u>1 3/16</u>	<u>2.63</u>	<u>2.64</u>	<u>2.69</u>	<u>2.68</u>
<u>2 3/4</u>	<u>2.48</u>	<u>2.55</u>	<u>2.61</u>	<u>2.64</u>
<u>3 9/16</u>	<u>2.37</u>	<u>2.09</u>	<u>2.42</u>	<u>2.45</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 2.52

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 2.52 x .9635 = 2.429

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 2.429 x 145.4 = 353 GPM



PUMPING PLANT TESTING, INC.

Reviewed by RECEIVED PW

Professional Engineer

HAYS000974

AUG 31 1995

- Partial
- Full
- Re-Test

Test 7 of 7 Diversion points
circle 5
Application No. 21731 Date 10/1/86 Firm/Field Office Pumping Plant Testing, Inc.
Inspector Klassen/Ebert

Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Ins. % Agri. Affiliates

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

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: NC NE 1/4 Sec. 31, T. 25, R. 19
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well NW NE 1/4 Sec. 31, T. 25, R. 19
Approximately 3975 ft. North and 1270 ft. West of SE corner of Sec. 31

How were distances determined? By Scaling off Aerial Photo, Scale From Survey Plats

"Approved" Quantity 1090 AF "Approved" Diversion Rate 3900 g.p.m. (8.69 c.f.s.)

Priority Date Jan. 2, 1974 Approval of Application Date Feb. 27, 1976

Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30	25	19											23	26			1		50
31	25	19	27	34	38	27	36	28	38	39	34	37	13	6	40	35	17	39	488
32	25	19							1			25	23						49
36	25	19				7									20			7	34
																			621

LAND IRRIGATED—YEAR OF RECORD 1983

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	
31	25	19	28	275	235	27													106

APPLICATION OF WATER:

Year of Record 1983 Hours Pumped 2200 or Quantity 244 AF

Normal Operating G.P.M. 603 Equiv. c.f.s. 1.34

Maximum Operating G.P.M. _____ Equiv. c.f.s. _____

FOR D.W.R. USE ONLY

Year of Record 1983 Extension of time requested: Yes _____ No

Total No. of Hours on land covered by this application 2200

Ac. Ft. Applied = $\frac{2200 \text{ hrs.} \times 603 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 245 \text{ AF}$ AUG 31 1995

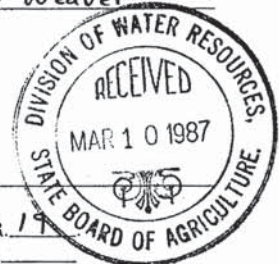
Acres of "Approved" Land irrigated 108

Ac. Ft. on "Approved" Land 245 (2.27 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 245

Proration Calculations 108 acres x 1.5 A.F. per acre = 162 AF

Perfected Rate 605 g.p.m. Perfected Quantity 162 AF



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STAFFORD

HAYS000975

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Olson Model 103 PL Serial No. 3984
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating 7050 g.p.m.
 Is end gun operating during test? yes
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
 Unusual Conditions/Other Info. _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____
 Serial No. 34843 F-13-HK Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Johnston Model No. _____ Rated RPM _____
 Serial No. CF21231 Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. S100
 Serial No. 75505 Drive Right Angle Ratio 6:5

WELL INFORMATION: NO WELL RECORDS AVAILABLE (BELOW DATA FROM WATER USE REPORT)

Date Drilled _____ Original Depth 55 ft. Static Water Level When Drilled 10 ft.
 Tape Down Possible? yes 14' Water Level Measurement Tube? no
 Measuring Point 1 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____
 Chemical Injection System? no Check Valve? yes Low Pressure Drain? yes
 Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

HAYS000976

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

N
↑

Scale
1" = ___ ft.

TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In horizontal pipe between pump and pivot
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2119
 R.P.M. PUMP UNIT 1766
 Pressure at Pump 88 psi

Test No. 2—Maximum Conditions

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

Jacuzzi Meter Test

Meter Identification No. _____

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

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

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

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

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 DIVISION OF WATER RESOURCES
 COLEPORT

Other Flow Meter

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

HAYS000977

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

Other Fuels Type Natural Gas Supplier Kansas-Nebraska
 Rate = $\frac{Volume (test)}{time}$ = _____
 How was the test volume determined? Not Determined Because Only One Meter For Many Wells

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1680	900		507
1976				
1977	821	1000		630
1978				
1979	1224	550		106
1980	1416	550		106
1981	1152	550		106
1982				
* 1983	2200†	603*	244*	106†
1984	1800†	725†		108†
1985	1900†			108†
1986		603*		

* From Test Data

† From Water Use Reports Sent By Jerry Weaver of Agri. Associates

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

REMARKS: _____

Person present at test Kent Naber (name) Irrigation Manager (relationship)
 Water Use Correspondent Lyle Kolbeck (name) Spearsville, KS 67876 (H) 385-2803 (address) (phone number)
 Conducted by Greg Ebert (signature) Date 10/16/86
 Approved by Kid J. White (signature) P.E. (title) Date 3/7/87 HAYS000978

APPLICATION NO: 21731 NAME: Connecticut General Life Ins.

COLLINS METER TEST

Collins Meter No. 1-84 Meter Calibration Factor .9635
 Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4
 Test Pressure (psi) 88 Test RPM, Pump 1766
 Description of Test Location In horizontal pipe between pump and pivot

#

TEST DATA: Check, Initial 4.73 Reversed 4.72
 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 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>4.55</u> <u>4.58</u>	<u>4.54</u> <u>4.52</u>
<u>2 3/4</u>	<u>4.32</u> <u>4.38</u>	<u>4.17</u> <u>4.30</u>
<u>3 9/16</u>	<u>3.99</u> <u>4.02</u>	<u>4.16</u> <u>4.12</u>

Average Velocity of Water = Sum of Vel. \div 12 = 4.304

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
4.304 x .9635 = 4.147

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
4.147 x 145.4 = 603 GPM



PUMPING PLANT TESTING, INC.

Reviewed by **RECEIVED** [Signature]
 Professional Engineer

AUG 31 1995

HAYS000979

MICROFILMED

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 20, 1995

FROM: Douglas E. Bush

RE: Appropriation of Water
File No. 21,731

The Certificate of Appropriation is based on field inspections conducted October 1, 1986 and February 23, 1995. The latter field inspection was conducted because one (1) of the seven (7) wells was not operable during the earlier field inspection.

The quantity for the wells located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30 and in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31 were limited to 192 acre-feet when the wells are operated together. Both wells are used together to operate a 128 acre pivot. During the year 1980 the wells when operating together perfected the maximum allowable quantity of 192 acre-feet of water. During the year 1983, the well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31 when operating by itself perfected 192 acre-feet of water. By limiting these two (2) wells, no limitation was needed for all seven (7) wells. All rates shown on the Certificate of Appropriation were from individual tested rates. The well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31 for many years pumped adequate water to run the pivot system by itself when the well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30 was out of order. The well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30 was pumped in 1988 and has been operated since.

Four (4) of the remaining wells are operated such that two (2) wells are paired together to operate two (2) pivots. The quantities were prorated by rate on the hours pumped and the combined rate. The well located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) and the well located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 31 were operated together through a 267 acre pivot. However, only 211 acres were approved to be irrigated by the pivot. Therefore, the perfected quantity was prorated to the approved acres irrigated as the maximum allowable for the irrigation of 211 acres at 1.5 acre-feet per acre was not exceeded. The quantity perfected by the two (2) wells located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 31, were calculated using the pumped quantity from each well as the maximum allowable was not exceeded.

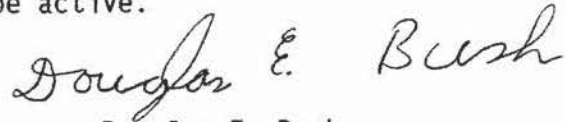
AUG 31 1995

HAYS001024

MEMO
Page 2
File No. 21,731
March 20, 1995

The ownership of the land pertaining to the above referenced file was recently changed. The ownership shown on the FIRs are therefore incorrect.

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



Douglas E. Bush
Environmental Scientist

DEB:jt

RECEIVED

AUG 31 1995

HAYS001025

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

MICROFILMED

EXHIBIT
21731
N

circles 2, 3, 4, 5
2 X

1978 WATER USE REPORT AND ASSESSMENT FORM
for
BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO. 5

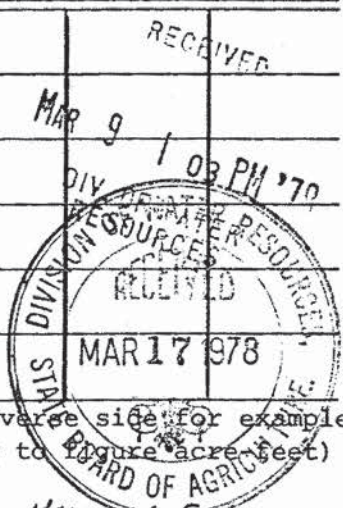
Name Paul Mann and First National Investors Water Application # 21,731
Corporation, Inc. Section 31, Township 25 South, Range 19 West
Address 453 South Webb Road City Wichita State Kansas Zip Code 67207
County Edwards Township Name Brown ^{North}

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

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

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

	Hours Pumped and Average Pumping Rate		If Water is Metered		WELL INFORMATION (if available)		
	Hours	GPM	1 Gallons	2 Acre-feet	Date Measured	Depth to Water	Depth of Well
^{id} 2 SW 1/4 SE 1/4 SW 1/4 Sec 30 T 25 R 19	922	500	85	Acre-ft			
5 NW 1/4 CR 1/4 NE 1/4 Sec 31 T 25 R 19	821	1000	150	" "			
2 NW 1/4 NE 1/4 NW 1/4 Sec 31 T 25 R 19	922	500	85	" "			
3 NW 1/4 NE 1/4 SW 1/4 Sec 31 T 25 R 19	897	750	123				
^{m. cr. w. side} 3 NW 1/4 NE 1/4 SW 1/4 Sec 31 T 25 R 19	897	750	123				
^{Two wells IN THE} 4 SE 1/4 NE 1/4 SE 1/4 Sec 31 T 25 R 19	590	1500	108				
TOTAL							



If irrigation use, total acres irrigated 639 Type of fuel for pump NATURAL GAS

Crop(s) irrigated under this right ALFALFA

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

Date 3-RECEIVED

Paul Mann
Signature of person filing this report

If tenant, who is the owner

Owner's address

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

AUG 28 1978

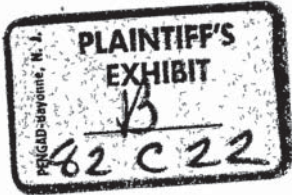
THIS FORM MUST BE FILLED OUT BY ALL WATER USERS! [Those using less than one (1) acre-foot total water usage (not per acre) need not report.]

HAYS000892

Prescribed under the authority of K.S.A. 82a-1030. Big Bend Groundwater Management District No. 5 P O Box 12731 St. John, KS 67576. Call us Page 7 of 9 need assistance. (316) 549-3891.

MICROFILMED

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

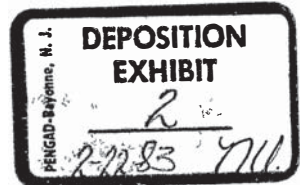


AMERICAN AGRICULTURAL INDUSTRIES, INC.

RURAL ROUTE *1

P O. BOX 187

KINSLEY, KANSAS 67547



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

TELEX NUMBER
910-740-6720

March 25, 1982

Slentz-McAllaster Inc.
P O Box 38
Lewis, Kansas 67552

CLERK DISTRICT COURT
983 NOV 16 PM 5 05
FILED

Dear Don,

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

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

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

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

Best Regards,

Pamela Meadows

Pamela Meadows

Secretary

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



HAYS004448

LUCERNE FARMS HAY
PRODUCTION

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

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

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

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

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

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

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

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

#18		
1st	23	28

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

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

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

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

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

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

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

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

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

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

#18		
1st	6	

#19		
1st	12	
2nd	11	
3rd	13	

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

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

21731

#39

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

#39

1st	4
2nd	7
3rd	8

Total Bales 10776

McAllasters 4/5's 8621

Anibypros 1/5's 2155

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

HAYS004451

21731

BLENTZ-MCALASTER INC.

ALFALFA REMOVED FROM LUCERNE FIELDS

	INITIALS	DATE	REFERENCE
PREPARED BY			
CHECKED BY			
APPROVED BY			

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

21731

HAYS004452

Kansas State Board of Agriculture
Division of Water Resources

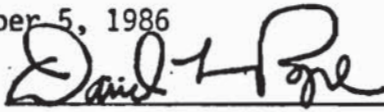
ADMINISTRATIVE POLICY
No. 86-8

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.

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.

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

To: Files

Date: March 17, 1987

From: Douglas E. Bush

Re: Appropriation of Water
File No. 21,729

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, Inc. has been reviewed. It meets the requirement specified in the scope of work.

The quantity perfected under the above referenced File No. was fully perfected in accordance to the acres irrigated. That is 500 acres irrigated x 1.5 acre-feet per acre = 750 acre-feet or 752 acre-feet because of the rounding of quantity.

The combined tested rates for the two wells located in the Northwest Quarter (NW $\frac{1}{4}$) of Section 29, Township 25 South, Range 19 West, Edwards County, Kansas, did not equal the rate when the wells were tested pumping by themselves and then added together. Pumping Plant Testing was contacted on March 17, 1987. It was learned that because of air being in the system, the rates were lower when tested by themselves. Therefore the rates for the two wells were prorated up to the combined rate as such: 263 gallons per minute + 313 gallons per minute = 576 gallons per minute. 263 gallons per minute divided by 576 gallons per minute = 0.46 x 599 (combined rate) = 273 gallons per minute [near the center of the Northwest Quarter (NW $\frac{1}{4}$)]. 313 gallons per minute divided by 576 gallons per minute = 0.54 x 599 gallons per minute (combined rate) = 325 gallons per minute [in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$)].

The quantities for the wells located near the center of the Northwest Quarter (NW $\frac{1}{4}$) and in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) were prorated by rate so the total quantity did not exceed a reasonable quantity for the land irrigated. The quantities were prorated as such: 263 gallons per minute + 313 gallons per minute = 576 gallons per minute. 263 gallons per minute divided by 576 gallons per minute = 0.46 x 188 acre-feet (maximum allowed for irrigating 125 acres at 1.5 acre-feet per acre) = 86 acre-feet [near the center of the Northwest Quarter (NW $\frac{1}{4}$)], 313 gallons per minute divided by 576 gallons per minute = 0.54 x 188 acre-feet (maximum allowed for irrigating 125 acres at 1.5 acre-feet per acre) = 102 acre-feet [Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$)].

The quantities for the wells located near the center of the Southwest Quarter (SW $\frac{1}{4}$) and in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) were prorated by rate so the total quantity did not exceed a reasonable quantity for the land irrigated. The quantities were prorated as such: 274 gallons per minute + 425 gallons per minute = 699 gallons per minute. 274 gallons per minute divided by 699 gallons per minute = 0.39 x 188 acre-feet (maximum allowed for irrigating 125 acres at 1.5 acre-feet per

HAYS000679

MICROFILMED

Memo
 page two
 File No. 21,729
 March 17, 1987

gallons per minute divided by 699 gallons per minute = 0.61 x 188 acre-feet
 (maximum allowed for irrigating 125 acres at 1.5 acre-feet per acre) = 114 acre-feet.

The acres shown to be irrigated by some pivots were over the 125 approved acres. The actual acres irrigated under all pivot irrigation systems is probably close to 125 acres as shown by the ASCS aerial photograph. Therefore, no prorating of quantity was done for irrigating unapproved land.

The WUC shown on the Field Inspection Report was changed to show Agri Affiliates as correspondent. This information was obtained in a March 25, 1987 phone call from Larry Sheets, Division of Water Resources, to Jerry Weaver of Agri Affiliates.

A limitation was needed on the combined rate, for the well located in the Southwest Quarter (SW $\frac{1}{4}$) of said section and the well located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said section. This limitation limits the combined rate of these two wells to 700 gallons per minute when the wells are run simultaneously.

A limitation was needed on the total rate when all wells are being run simultaneously. The limitation limits the rate to 2,900 gallons per minute, the maximum approved rate.

Douglas E. Bush

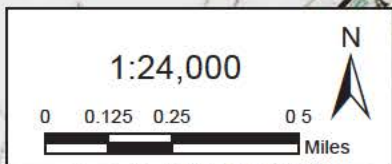
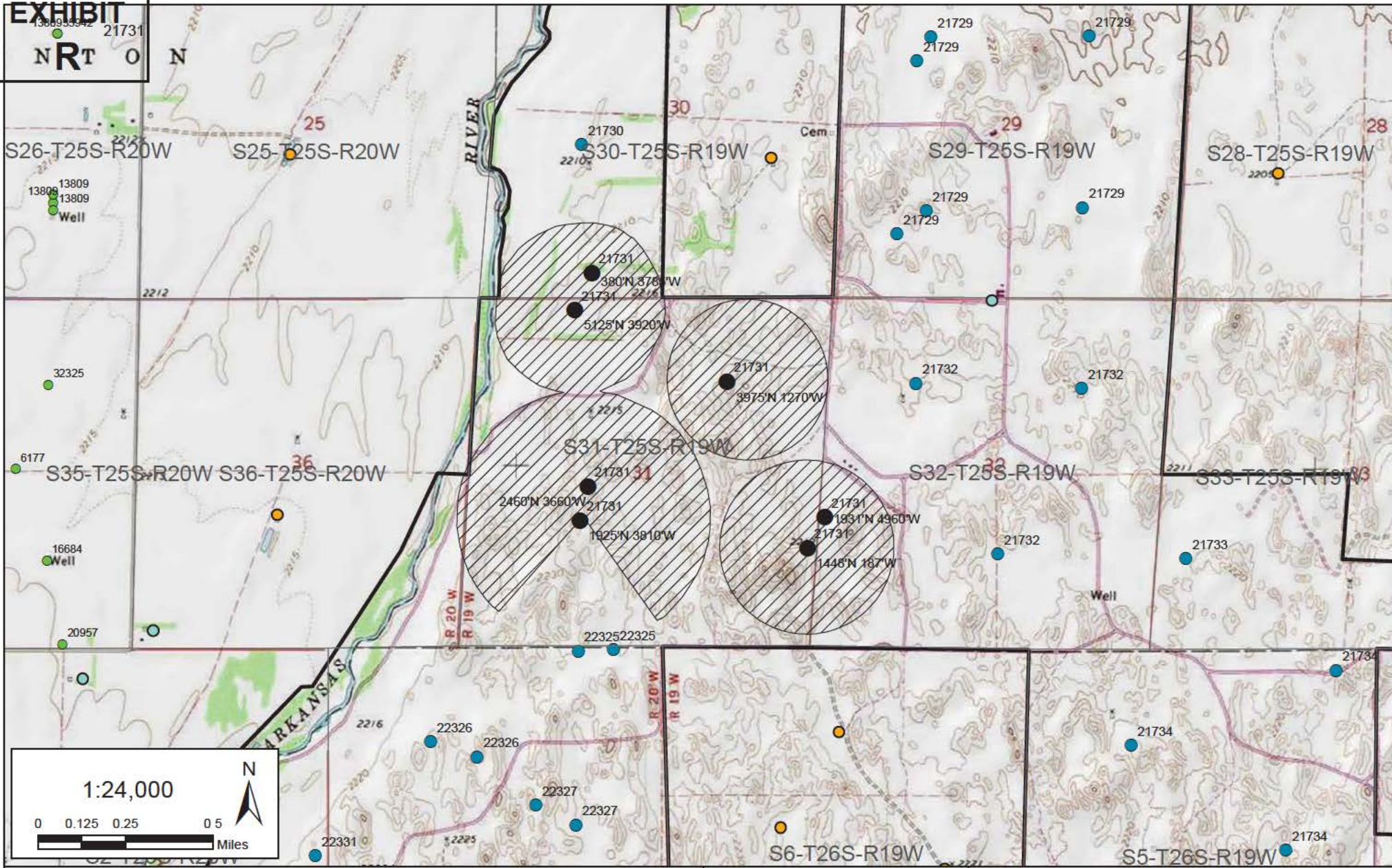
Douglas E. Bush
 Hydrologist

DEB:jt

RECEIVED

JUN 19 1987

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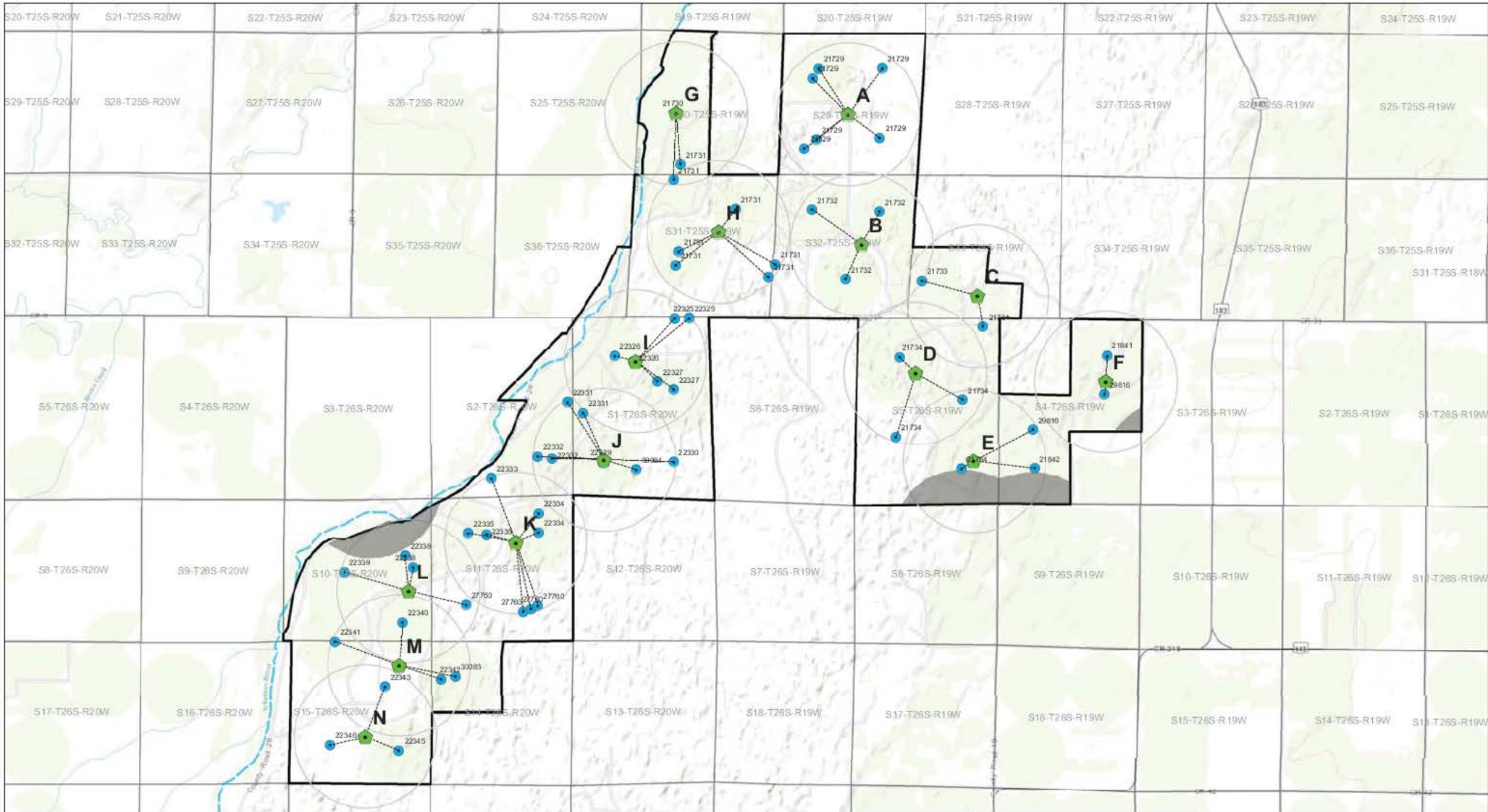
Legend

- 21731 Existing Point(s) of Diversion
- ▨ 21731 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 21731
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



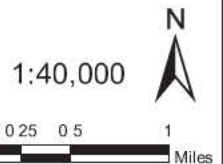
CHANGE APPLICATION 21731
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION

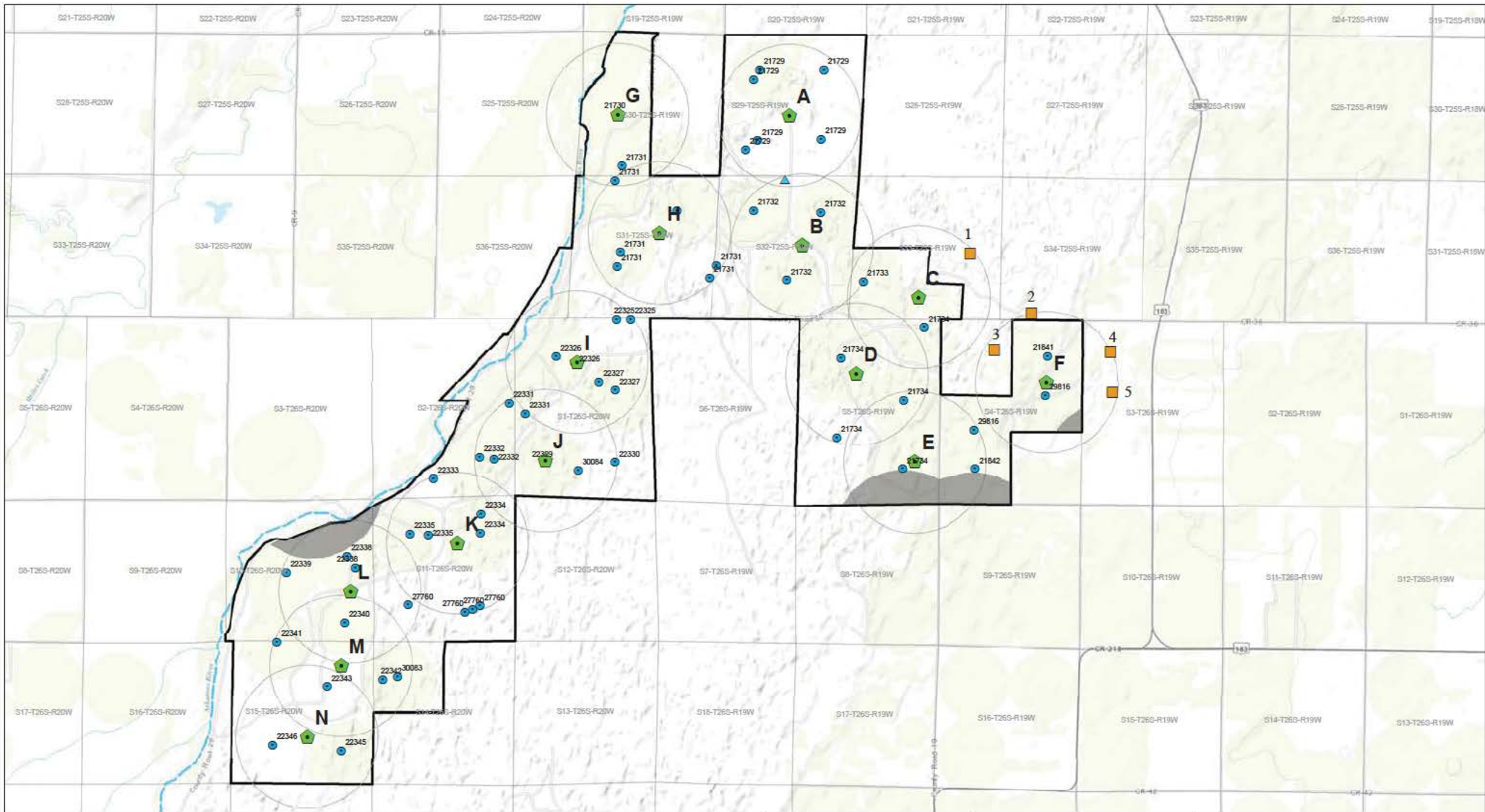
EXHIBIT S 21731











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





Legend

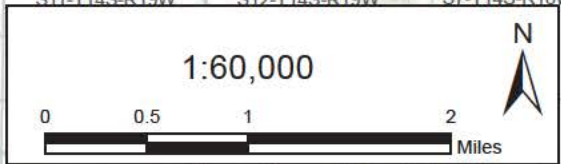
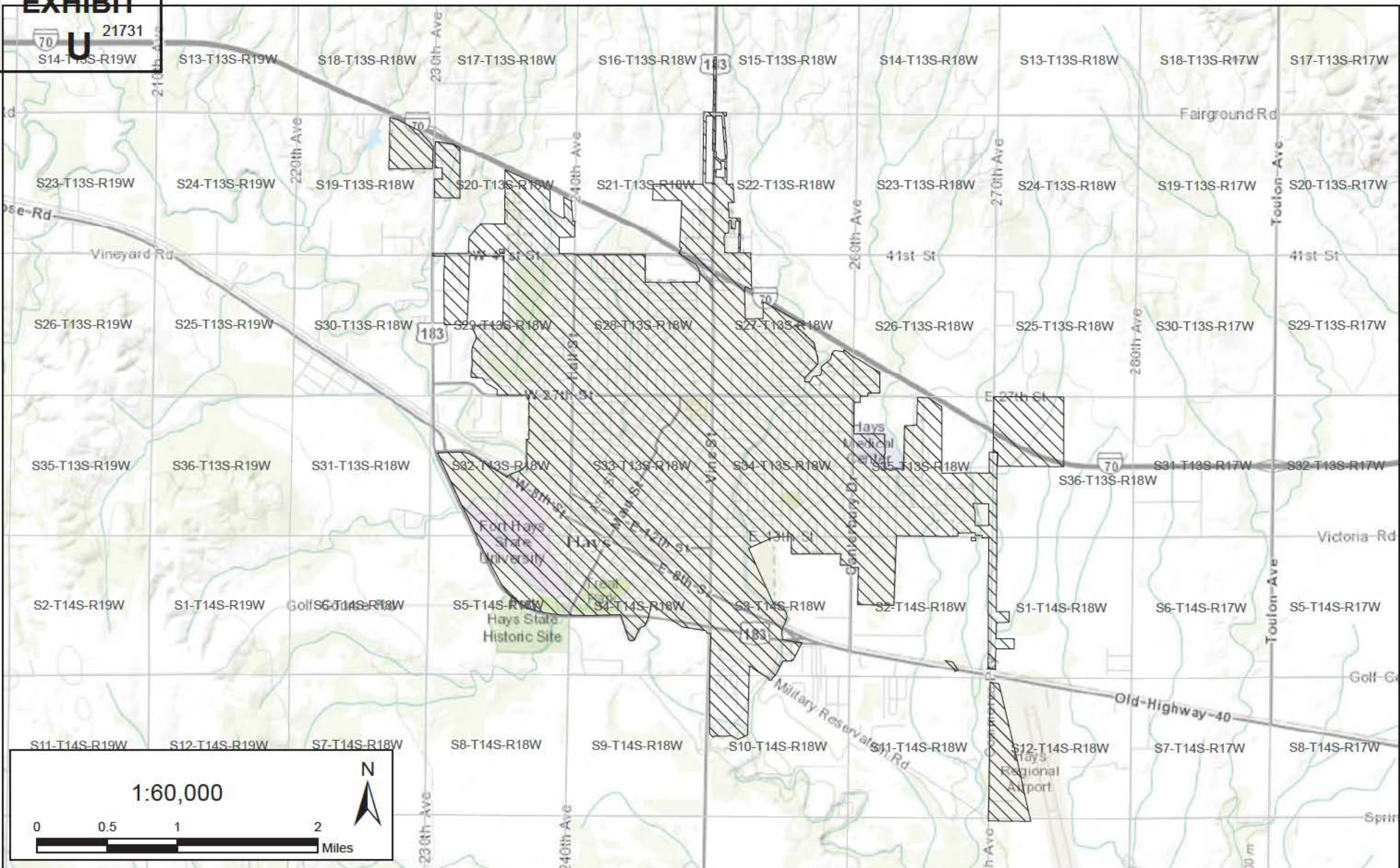
-  Proposed Municipal Wells (A-N)
-  Existing R9 Ranch Points of Diversion
-  1/2 Mile Buffer Around Proposed Wells
-  PLSS Sections
-  Area Excluded From Proposed Wells
-  R9 Ranch Property Boundary
-  Domestic Well (Non-Permitted)
-  Stock Well (Non-Permitted)

1:40,000



EXHIBIT

21731



1:60,000

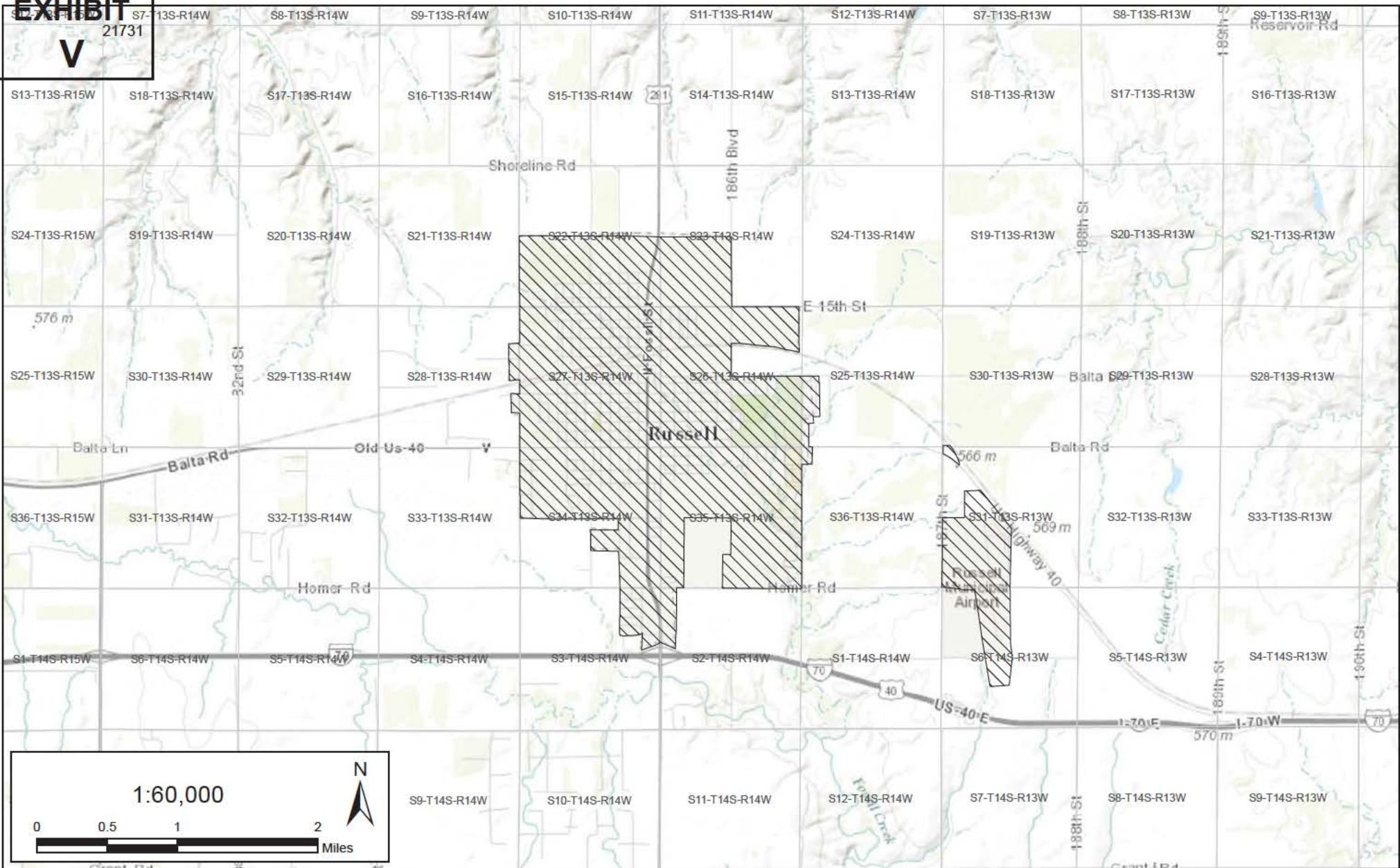


Proposed Place of Use City of Hays



PLSS Sections





Proposed Place of Use - City of Russell



PLSS Sections



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

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

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

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

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

UNACCOUNTED FOR WATER

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

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

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
W**

**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

Applicant's Name City of Russell
(Please Print)

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

Application File Number

(assigned by DWR)

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

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
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
X**

**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

21731
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

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

SECTION 6: AREA TO BE SERVED

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

You may attach additional information you believe will assist in informing the Division of the Page 96 of 96 request.

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

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



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

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

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

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

File No. 21,732 Circles 6, 11, & 12.

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. Code	GMD	Meets K.A.R. 5-5-1 (YES / NO)	Use	Source	G / S County	By	Date
	Fee \$	TR #	Receipt Date	Check #			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
32-25S-19W			31.25	31.25	38.25	31.25	31.25	31.25	37.25	38	2	1	33	4	39	35	2	417	

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

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

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

Owner of Land — NAME: City of Hays, Kansas

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

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

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 _____ Quarter of the NE Quarter
 of Section 32, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 4,019 feet North 1,358 feet West of Southeast corner of section.
 Authorized Rate 780 gpm Authorized Quantity 165 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 SE Quarter of the SW Quarter of the NE Quarter
 of Section 32, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 2,724 feet North 1,916 feet West of Southeast corner of section.
 Proposed Rate 2,380 gpm Proposed Quantity 687.96 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the near the center Quarter of the _____ Quarter of the NW Quarter
 of Section 32, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 4,026 feet North 3,966 feet West of Southeast corner of section.
 Authorized Rate 715 gpm Authorized Quantity 188 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 SE Quarter of the SW Quarter of the NE Quarter
 of Section 32, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 2,724 feet North 1,916 feet West of Southeast corner of section.
 Proposed Rate 2,380 gpm Proposed Quantity 687.96 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the near the center Quarter of the _____ Quarter of the S/2 Quarter
 of Section 32, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 1,441 feet North 2,632 feet West of Southeast corner of section.
 Authorized Rate 885 gpm Authorized Quantity 240 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 SE Quarter of the SW Quarter of the NE Quarter
 of Section 32, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 2,724 feet North 1,916 feet West of Southeast corner of section.
 Proposed Rate 2,380 gpm Proposed Quantity 687.96 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

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) _____

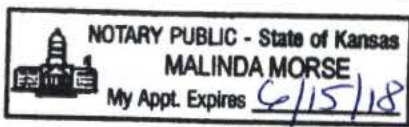
_____ (Owner) _____ (Spouse)

_____ (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.

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

(Owner) (Spouse)

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

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Russell } SS



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

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

Proposed Rate and Quantity

The Cities are requesting a total of 687.96 acre-feet and 2,380 gallons per minute from the three wells associated with this water right, all of which will be diverted from new point of diversion B, as shown on Exhibit L. New point of diversion B will have a cumulative total of 687.96 acre-feet and 2,380 gallons per minute.

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

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

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows the conversion of 426.6 acre-feet for municipal use.¹ As discussed below, 395 approved acres were irrigated during the perfection period; 395 acres multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 426.6 acre-feet.²

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

Quantity authorized and perfected

The permit was issued on February 27, 1976, granting the applicant the right to divert up to 834 acre-feet annually at a rate of up to 2,400 gallons per minute for irrigation use,⁴ on 417 acres in Section 32-T25S-R19W,⁵ or 2.0 acre-feet per acre. The certificate limited the rate to 2,380 gallons per minute.

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

DWR’s Field Inspection Reports indicate that 818 of the 834 acre-feet authorized by the permit were lawfully perfected.

- 265 acre-feet were applied to 110 approved acres in the NE/4 of Section 32 T25S-R19W.⁷
- 243 acre-feet were applied to 125 approved acres in the NW/4 of Section 32 T25S-R19W.⁸

¹ K.A.R. 5-5-9(a) and (a)(1).

² K.A.R. 5-5-12, NIR Requirements.

³ K.A.R. 5-5-9(b).

⁴ Permit, HAYS001328, Ex. A.

⁵ Application, HAYS001322, Ex. B.

⁶ February 27, 1976, letter (emphasis added), HAYS001327, Ex. C.

⁷ FIR, HAYS001300, Ex. D.

⁸ FIR, HAYS001308, Ex. E.

- 310 acre-feet were applied to 160 approved acres in the S/2 of Section 32 T25S-R19W.⁹
- The permit authorized perfection of 834 acre-feet on 417 acres, or 2.0 acre-feet per acre, but only 395 authorized acres were irrigated during the perfection period resulting in perfection of 790 acre-feet.

While the certificate limits the total quantity to 593 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.¹⁰

Since the perfection period has expired, the "authorized quantity" for this water right is the 790.00 acre-feet actually perfected even though it exceeds the certified quantity.

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

NIR for Alfalfa

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

Since alfalfa was grown on the authorized place of use during the year of record,¹¹ it is reasonable to use the NIR for alfalfa, which yields a total quantity of 687.96 acre-feet consumed. While this quantity is greater than the quantity set out in the certificate, it is less than 790 perfected acre-feet, the "maximum annual quantity authorized by the water right."¹²

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.¹³ 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 790 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 568.80 acre-feet, should be available for conversion to municipal use. While this quantity is greater than the quantity set out in the certificate, it is less than 790 perfected acre-feet, the "maximum annual quantity authorized by the water right."

The City requests that DWR approve a total of 687.96 acre-feet for municipal use.

⁹ FIR, HAYS0001314, Ex. F.

¹⁰ Certificate, HAYS001336, Ex. G; Doug Bush Memo dated March 19, 1987, HAYS001332, Ex. H; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

¹¹ HAYS001303 (Ex. D), HAYS001311 (Ex. E), HAYS001317 (Ex. F). *See also* HAYS004448-4453, Ex. I.

¹² *See* K.A.R. 5-5-9(a)(4).

¹³ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. J, 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 March 19, 1987, HAYS001332, Ex. H.

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application No. 21,732 of the applicant

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

for a permit to appropriate water to beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is January 2, 1974.
2. That the water sought to be appropriated shall be used for irrigation on the land described in the application.

3. That the source from which the appropriation is made shall be from ground water in the drainage basin of the Arkansas River to be withdrawn by means of three (3) wells: one well near the center of the Northeast Quarter (NE $\frac{1}{4}$), one well near the center of the Northwest Quarter (NW $\frac{1}{4}$) and one well near the center of the South Half (S $\frac{1}{2}$) of Section 32, Township 25 South, Range 19 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of
2400 gallons per minute (5.35 c.f.s.)
and to a quantity of not to exceed 834 acre-feet for any calendar year.

(OVER)

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HAYS001328

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FIELD OFFICE
DIVISION OF WATER RESOURCES

W. J. RU

March 6, 11, 12

5. That installation of works for diversion of water shall be completed on or before December 31, 1977. The applicant shall notify the Chief Engineer of the Division of Water Resources when construction of the works has been completed.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 1981.
7. That the applicant shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer as soon as practicable after the close of each calendar year.
8. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified or any authorized extension thereof.
9. That the use of water herein authorized shall not impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
10. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
11. That this permit does not constitute authority under K. S. A. 82a-301 to 305 to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or Local Governmental authorities when necessary.
12. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Dated this 27th day of February 1976



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

HAYS001329



THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE

Roy Freeland, Secretary

DIVISION OF WATER RESOURCES

Cuy E. Gibson, Chief Engineer

Rec'd check \$50 1-2-74
Ch from: Wilson & Grame
sa

NUMBER 21732

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture: * SEE LETTER DATE 8-8-75 GEE
(Mr.) MIDWEST LAND & CATTLE COMPANY
(Mrs.) C/O JOHN CARSON, MANAGER
Comes now the applicant (Miss) ~~Kinsley Joint Venture~~ whose post office address is ~~Box 208, Kinsley, Kansas 67547~~
~~c/o Andrew J. Moore, Attorney at Law, P.O. Box 588, Woodward, Oklahoma 73801~~

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

- 1. The quantity of water desired is in the amount of 834 acre feet per year, to be diverted at a maximum rate of 2400 gals per minute (gallons per minute or cubic feet per second) (3 wells) NEAR center of the NE/4 and the center of the NW/4 and in the ~~SW/4~~ of the ~~SW/4~~ quarter of the ~~SW/4~~ quarter of section 32, township 25, range 19, in Edwards County, Kansas.

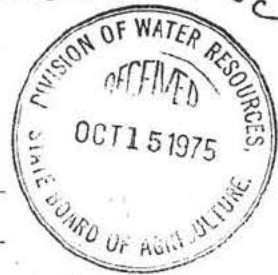
3. The water is intended to be appropriated for:

	Amount
(a) Domestic use ()	_____
(b) Municipal use ()	_____
(c) Irrigation use (x)	<u>834 acre ft</u> 2400 gals per minute
(d) Industrial use ()	_____
(e) Recreational use ()	_____
(f) Water Power use ()	_____

Date stamp error
Received 1-2-74
9:08 a.m.
dw



MAR 8 1976
Cuy Ellis
Page 11 of 57
9-9-75
DIVISION OF WATER RESOURCES
STAFFORD



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JUL 15 1974
HAYS001322
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.

6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or

fractional portion thereof: Kinsley Joint Venture is a partnership with the following owners

~~J. D. Hodges, 1921 Broadmoor, Woodward, Oklahoma~~
~~W. A. McQuiddy, 1210 S. Fordham, Perryton, Texas~~
~~Drew Ellis, 823 S. Indiana, Perryton, Texas~~
~~John O. Ellis Jr., P. O. Box 610, Perryton, Texas~~
~~H. C. Brillhart Jr., P. O. Box 576, Perryton, Texas~~
~~Word B. Sherrill, P. O. Box 399, Perryton, Texas~~

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

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

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

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
32 25 19					31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$									125
" " "	31 $\frac{1}{4}$	31 $\frac{1}{4}$	38 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	31 $\frac{1}{4}$	37 $\frac{1}{4}$	38	2	1	33	4	39	35	2	417 R

This acreage is irrigated by pump, well and system whose pivot is at the center of NW $\frac{1}{4}$ of said section

Owner of Land—NAME: Same as above

ADDRESS: same as above

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
32 25 19	31$\frac{1}{4}$	31$\frac{1}{4}$	31$\frac{1}{4}$	31$\frac{1}{4}$													125

This acreage is irrigated by pump, well and system whose pivot is at the center of NE $\frac{1}{4}$ of said section

Owner of Land—NAME: same as above

ADDRESS: same as above

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
32 25 19			8					6 33					31 5	38	36	6	167

This acreage is irrigated by pump, well and irrigation system whose pivot is in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said section. HAYS001323

This acreage is only that acreage irrigated by irrigation system whose pivots are in this section, other acreage in this section is irrigated by systems whose pivots are outsi this section.

* Guy Ellis

9 9-75

7. The works for diversion of water will consist of three wells, three pumps, and
three irrigation systems.
(wells, pumps, etc.)
and will be completed by already completed
(Date)

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

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

The plat or aerial photograph should show

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

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

None

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

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

KINSLEY JOINT VENTURE
(Applicant)

By D. Allen Frame
(Agent or Officer)

D. Allen Frame, Attorney

NOTE:

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

HI-558  5-72-10M SETS

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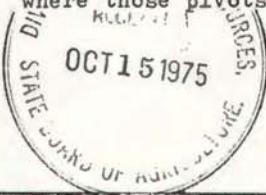
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MAR 8 1976

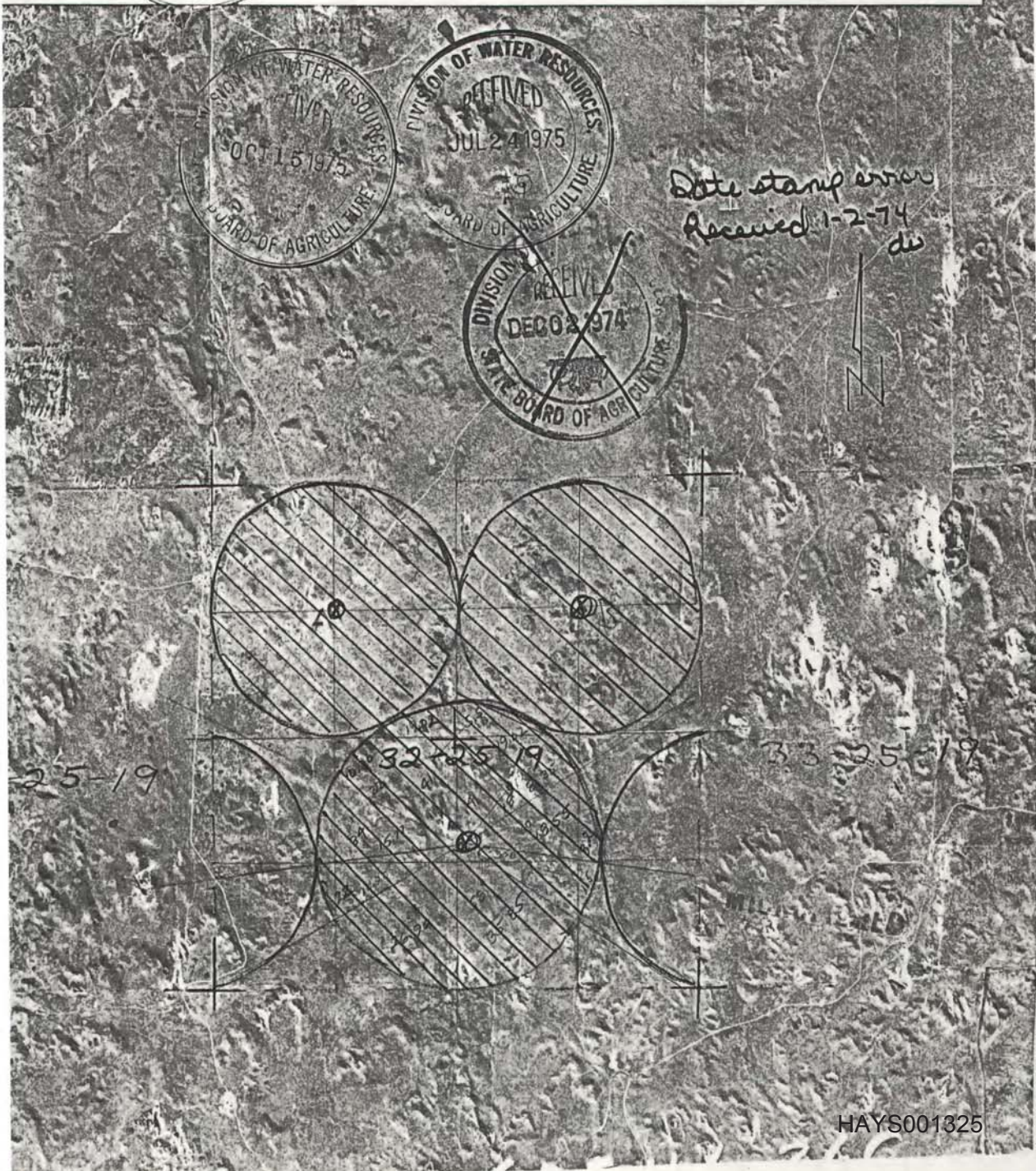
JUL 15 1974 HAYS001324

The system whose pivot is marked by point A covers 125 acres and has a radius of 1320 feet. The system whose pivot is marked by point B is the same. The system whose pivot is marked by point C covers 167 acres and has a radius of 1522 feet. All three systems are served by one well and pump at the pivot.

Also shown are some areas covered by irrigation systems whose pivots are outside this section. The pivots, wells and pumps are listed on those maps showing the sections where those pivots are located.



Date stamp error
Received 1-2-74
dw



HAYS001325

E-N²

February 27, 1976

Midwest Land and Cattle Company
c/o John Carson, Manager
Box 203
Kinsley, Kansas 67547

Re: Appropriation of Water
Application No. 21,732

Gentlemen:

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

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

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

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

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:ee1

Encs.

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MAR 8 1976
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EXHIBIT
D

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

- Partial
- Full
- Re-Test

Test 1 of 3 Diversion points
 Application No. 21,732 Date 9/30/86 Firm/Field Office Pumping Plant Testing, Inc
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Insurance Co Agri. Affiliates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.
 Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()
 Groundwater (X) Drainage Basin Arkansas River
 Surface Water () Stream _____
 Authorized Point of Diversion: NC NE 1/4 Sec. 32, T. 25, R. 19
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____
 Actual Point of Diversion: NC NE 1/4 Sec. 32, T. 25, R. 19
 Approximately 4019 ft. North and 1358 ft. West of SE corner of Sec. 32
 How were distances determined? Scaled from ASCS photo
 "Approved" Quantity 834 AF "Approved" Diversion Rate 2400 g.p.m. (5.35 c.f.s.)
 Priority Date Jan. 2, 1974 Approval of Application Date Feb. 27, 1976
 Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32	25	19	31 1/4	31 1/4	38 1/4	31 1/4	31 1/4	31 1/4	31 1/4	37 1/4	38	2	1	33	4	39	35	2	417

LAND IRRIGATED—YEAR OF RECORD 1985 SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32	25	19	29	32	27	22	(WELL NR NE 1/4 ONLY)												110

APPLICATION OF WATER: SEE ATTACHED SHEET
 Year of Record 1985 Hours Pumped 1850 or Quantity 264 AF
 Normal Operating G.P.M. 776 Equiv. c.f.s. 1.73
 Maximum Operating G.P.M. _____ Equiv. c.f.s. _____



FOR D.W.R. USE ONLY
 Year of Record 1985 Extension of time requested: Yes _____ No

Total No. of Hours on land covered by this application 1850
 Ac. Ft. Applied = $1850 \text{ hrs.} \times 776 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 265 \text{ AF}$
 Acres of "Approved" Land irrigated 110
 Ac. Ft. on "Approved" Land 265 (0.64 Ac. Ft./Ac.)
 Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 265
 Proration Calculations Wetlands irrigated x 1.5 A.F. per HAYS001300
 Perfected Rate 780 g.p.m. Perfected Quantity 165 AF

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure

Manufacturer Valley Model Not tag Serial No. _____

Drive Electric Length of Pivot Arm _____

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

End Gun? yes End Gun Rating _____ g.p.m. 7000

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP _____

Serial No. 11664 R-26-70 Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Western Land Roller Model No. no tag Rated RPM _____

Serial No. _____ Type _____ No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. G80

Serial No. 84559 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled prior to Jan. 1974 Original Depth 43 ft. Static Water Level When Drilled 10 ft.

Tape Down Possible? no Water Level Measurement Tube? no

Measuring Point _____ ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is Meter Installed Properly? _____

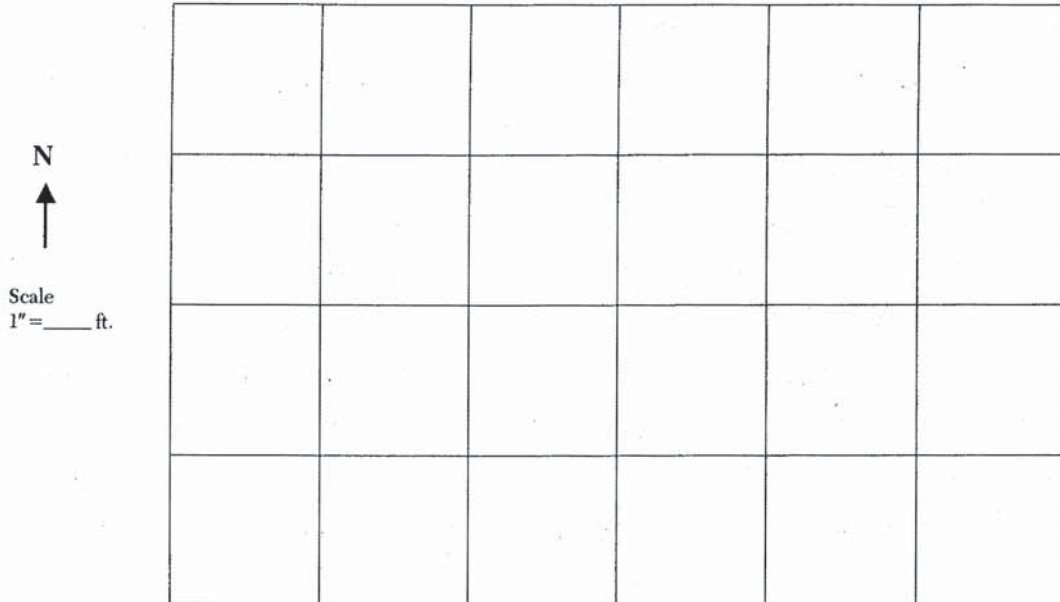
Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no

Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

If chemicals are injected into system, please attach sketch of system.

HAYS001301

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



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In vertical pipe inside pivot stand
 Pipe Diameter (I.D.) 7 1/8 inches

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 2117
 R.P.M. PUMP UNIT 1764
 Pressure at Pump 52 psi

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

Jacuzzi Meter Test

Meter Identification No. _____

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

Velocity (fps)

Velocity (fps)

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

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

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

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

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

Other Flow Meter

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

UNFILMED

HAYS001302

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

Other Fuels Type Natural Gas Supplier Kansas-Nebraska

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

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

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1974	1752	1000		
1975				
1976				
1977	786	1000		
1978				
1979	1224	650		108
1980	1416	650		108
1981	1152	900		108
1982				
1983	2200 **	900 **		108 **
1984	1750 **	850 **		110 **
* 1985	1850 **	776 *		110 **
1986		776 *		

* obtained from test on 9/30/86

** obtained from WUR sent to us from Jerry Weaver

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

Crops Irrigated: this year wheat Year of record Alfalfa

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

Person present at test Kent Naber (name) Irrigation Manager (relationship)

Water Use Correspondent Lyle Kalbeck (name) Spearsville, Ks 67876 (address) 316-385-2803 (phone number)

Conducted by Greg Ebert (signature) Date 10/8/86

Approved by WJW (signature), P.E. (title) Date 1/15/87

APPLICATION NO: 21732 NAME: Connecticut General Life Insurance

COLLINS METER TEST NO NE 1/4

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 7 13/16 Flow Rate Factor 147.8

Test Pressure (psi) 52 Test RPM, Pump 1764

Description of Test Location In vertical pipe inside pivot stand

TEST DATA: Check, Initial 5.82 Reversed 5.84
 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 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 5/8</u>	<u>5.96</u> <u>5.96</u>	<u>5.39</u> <u>5.41</u>
<u>2 3/4</u>	<u>5.87</u> <u>5.88</u>	<u>5.05</u> <u>5.09</u>
<u>3 9/16</u>	<u>5.40</u> <u>5.19</u>	<u>4.64</u> <u>4.31</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.346

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 5.346 x .9826 = 5.253

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 5.253 x 147.8 = 776 GPM

PUMPING PLANT TESTING, INC.

Reviewed By: 

Professional Engineer

JUN 19 1987

HAYS001304

APPLICATION NO: 21,732

NAME: CONNECTICUT GENERAL LIFE
INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

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

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



RECEIVED

PUMPING PLANT TESTING, INC.

Reviewed by:
JUN 19 1987

W. J. W.
Professional Engineer

HAYS001305

APPLICATION NO: 21732

NAME: Connecticut General Life Ins.

POINTS OF DIVERSION AND SECTION CORNERS

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

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

PUMPING PLANT TESTING, INC.

Reviewed by:



Professional Engineer

HAYS001306

APPLICATION NO: 21732

NAME: Connecticut General Life Ins. Co.

APPLICATION OF WATER

	NC NW	NC NE	NC S½	Total
Normal Operating Flow Rate (GPM)	712	776	885	2373
Hours of Operation on "Approved" Land	1850	1850	1900	
Ac-Ft Applied on "Approved" Land	242.5	264	309.6	816.1
Acres of "Approved" Land Irrigated	124.5	109.25	159.5	393.25
Ac-Ft per Acre Irrigated				2,075 *
Ac-Ft Applied at "Approved" Rate or Less				816.1

* Subject to limitation of 1.5 ac-ft per ac of approved land irrigated.



PUMPING PLANT TESTING, INC.

Reviewed by: *M.J. M...*
Professional Engineer

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JUN 19 1987

MICROFILM HAYS001307

EXHIBIT E

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

- Partial
- Full
- Re-Test

Test 2 of 3 Diversion points
 Application No. 21732 Date 9-30-86 Firm/Field Office Pumping Plant Testing, Inc
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance % Agri. Affiliates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater Drainage Basin Arkansas River
 Surface Water () Stream _____

Authorized Point of Diversion: NC NW 1/4 Sec. 32, T. 25, R. 19
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: NC NW 1/4 Sec. 32, T. 25, R. 19
 Approximately 4026 ft. North and 3766 ft. West of SE corner of Sec. 32
 How were distances determined? Scaled from ASCS photo.

"Approved" Quantity 834 AF "Approved" Diversion Rate 2400 g.p.m. (5.35 c.f.s.)

Priority Date Jan. 2, 1974 Approval of Application Date Feb. 27, 1976

Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32	25	19	31 1/4	31 1/4	38 1/4	31 1/4	31 1/4	31 1/4	31 1/4	37 1/4	38	2	1	33	4	39	35	2	417

LAND IRRIGATED—YEAR OF RECORD 1985 SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32	25	19					30.5	31.5	31.5	31.5	(When we NW 1/4 only)								125

APPLICATION OF WATER: **SEE ATTACHED SHEET**
 Year of Record 1985 Hours Pumped 1850 or Quantity 242.5 AF
 Normal Operating G.P.M. 712 Equiv. c.f.s. 1.59
 Maximum Operating G.P.M. _____ Equiv. c.f.s. _____



FOR D.W.R. USE ONLY
 Year of Record 1985 Extension of time requested: Yes _____ No _____

Total No. of Hours on land covered by this application 1850
 Ac. Ft. Applied = $\frac{1850 \text{ hrs.} \times 712 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 243 \text{ AF}$
 Acres of "Approved" Land irrigated 125 **VED**
 Ac. Ft. on "Approved" Land 243 (0.58 Ac. Ft./Ac.)
 Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 243

Proration Calculations $\frac{125 \text{ acres of irrigation} \times 15 \text{ AF per acre}}{243} = 109 \text{ AF}$
 Perfected Rate 715 g.p.m. Perfected Quantity 188 AF
 Completed by Doug E. Bush 3-19-87

GENERAL INFORMATION ON IRRIGATION SYSTEM: NW 1/4 Sec. 32, 25-19

Center Pivot High Pressure Low Pressure
Manufacturer Olson Model 103 PL Serial No. 3977

Drive Electric Length of Pivot Arm _____

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

End Gun? yes End Gun Rating _____ g.p.m. Toro

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____

Serial No. 11896-K-29-T0 Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Jacuzzi Model No. LSC/T-622 Rated RPM _____

Serial No. 6C7 22160 Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. notag

Serial No. _____ Drive _____ Ratio _____

WELL INFORMATION: Records of well not available to owner's representative.

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

Tape Down Possible? yes 18' Water Level Measurement Tube? _____

Measuring Point 1 ft. above ~~or below~~ L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

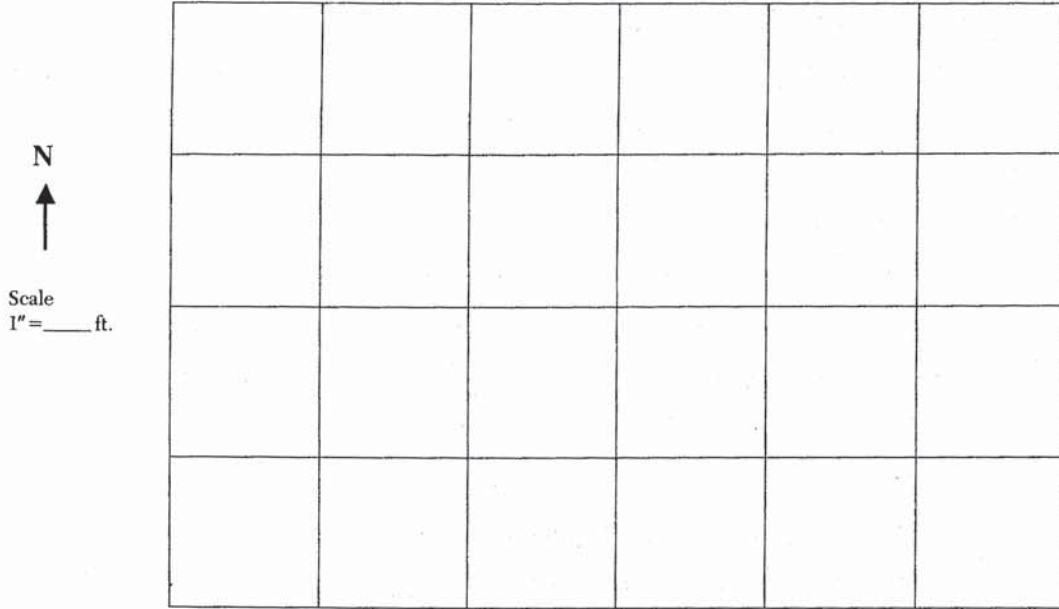
Is Meter Installed Properly? _____

Chemical Injection System? yes Check Valve? yes Low Pressure Drain? yes

Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes HAYS001309

If chemicals are injected into system, please attach sketch of system.

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



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In vertical pipe inside pivot stand
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT 1718
 Pressure at Pump 53 psi

Test No. 2—Maximum Conditions

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

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____

$Q \text{ (gpm)} = VK$

Velocity (fps)

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

Velocity (fps)

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

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DIVISION

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

RECORDED

Other Flow Meter

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

HAYS001310

FUEL RECORDS:

Electricity Supplier _____

Meter Manufacturer _____ Type _____ Serial No. _____

K _____ watt/rev r _____ revolutions t _____ seconds

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

Other Fuels Type Natural Gas Supplier Kansas - Nebraska

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

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

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1974	1128	1000		
1975				
1976				
1977	386	1000		
1978				
1979	1224	650		122
1980	1416	650		122
1981	1152	650		108
1982				
1983	2200 **	750 **		123 **
1984	1750 **	800 **		125 **
* 1985	1850 **	712 **		125 **
1986		712 *		

* obtained from test on 9/30/86

** obtained from WUR sent to us from Jerry Weaver

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

Crops Irrigated: this year wheat Year of record Alfalfa

REMARKS: See attached sheet for logic in determining year of record.

Person present at test Kent Naber Irrigation Manager

Water Use Correspondent Lyle Kolbeck Spearville, Ks 67876 316-385-2803

Conducted by Greg Ebert Date 10/8/86

Approved by [Signature], I.E. Date 1/15/87 HAYS001311

APPLICATION NO: 21732 NAME: Connecticut General

COLLINS METER TEST NC NW 1/4

Collins Meter No. 1-83 Meter Calibration Factor .9559
 Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4
 Test Pressure (psi) 53 Test RPM, Pump 1718
 Description of Test Location In vertical pipe inside pivot stand

TEST DATA: Check, Initial 5.59 Reversed 5.61
 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 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>4.88</u> <u>4.86</u>	<u>6.07</u> <u>6.04</u>
<u>2 3/4</u>	<u>4.63</u> <u>4.70</u>	<u>6.09</u> <u>6.06</u>
<u>3 9/16</u>	<u>2.95</u> <u>3.82</u>	<u>5.58</u> <u>5.78</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.12

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
5.12 x .9559 = 4.896

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
4.896 x 145.4 = 712 GPM



Reviewed By:

PUMPING PLANT TESTING, INC.

Neil J. White
 Professional Engineer

HAYS001312

APPLICATION NO: 21,732

NAME: CONNECTICUT GENERAL LIFE
INSURANCE CO, INC.NOTES ON CHOOSING A YEAR OF RECORD

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

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



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PUMPING PLANT TESTING, INC.

Reviewed JUN 19 1987 *J. W. [Signature]* HAYS001313

Professional Engineer MICROFILMED

Partial
 Full
 Re-Test

Test 3 of 3 Diversion points
Application No. 21732 Date 9/30/86 Firm/Field Office Pumping Plant Testing, Inc.
Inspector Ebert/Klassen
Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance % Agri. Affiliates
Address Box 1162 North Platte, NE, 69103 Attn Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater (X) Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: NC 5 1/2 Sec. 32, T. 25, R. 19
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: NC 5 1/2 Sec. 32, T. 25, R. 19
Approximately 1441 ft. North and 2632 ft. West of SE corner of Sec. 32
How were distances determined? Scaled from ASCS photo

"Approved" Quantity 834 AF "Approved" Diversion Rate 2400 g.p.m. (5.35 c.f.s.)

Priority Date Jan 2, 1974 Approval of Application Date Feb 27, 1976

Perfection Date Dec. 31, 1981

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>32</u>	<u>25</u>	<u>19</u>	<u>31 1/4</u>	<u>31 1/4</u>	<u>38 1/4</u>	<u>31 1/4</u>	<u>31 1/4</u>	<u>31 1/4</u>	<u>37 1/4</u>	<u>38</u>	<u>2</u>	<u>1</u>	<u>33</u>	<u>4</u>	<u>39</u>	<u>35</u>	<u>2</u>	<u>417</u>	

LAND IRRIGATED—YEAR OF RECORD 1985

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>32</u>	<u>25</u>	<u>19</u>			<u>5</u>					<u>4.5</u>	<u>38.5</u>	<u>2</u>	<u>1</u>	<u>32.5</u>	<u>2.5</u>	<u>39</u>	<u>34</u>	<u>1</u>	<u>160</u>

APPLICATION OF WATER:

Year of Record 1985 Hours Pumped 1900 or Quantity 309.6 AF

Normal Operating G.P.M. 885 Equiv. c.f.s. 1.97

Maximum Operating G.P.M. JUN 19 1987 Equiv. c.f.s. _____

Year of Record 1985 Extension of time requested: Yes No

Total No. of Hours on land covered by this application 1,900

Ac. Ft. Applied = $\frac{1900 \text{ hrs.} \times 885 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 310 \text{ AF}$

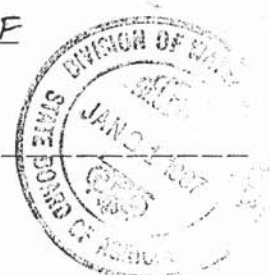
Acres of "Approved" Land irrigated 160

Ac. Ft. on "Approved" Land 310 (0.74 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 310

Proration Calculations 160 acres irrigated x 1.5 A.F. per acre = 240 A.F. HAYS001314

Perfected Rate 885 g.p.m. Perfected Quantity 240 AF



MICROFILMED

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
Manufacturer Olson Model 103 Serial No. 3809

Drive Electric Length of Pivot Arm _____

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

End Gun? yes End Gun Rating _____ g.p.m. Toro

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP _____

Serial No. _____ Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Johnston Model No. _____ Rated RPM _____

Serial No. CF21233 Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. 580

Serial No. 87937 Drive Right Angle Ratio 5:4

WELL INFORMATION: No records available from Owner's Representative

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

Tape Down Possible? yes 23' Water Level Measurement Tube? no

Measuring Point 1 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is Meter Installed Properly? _____

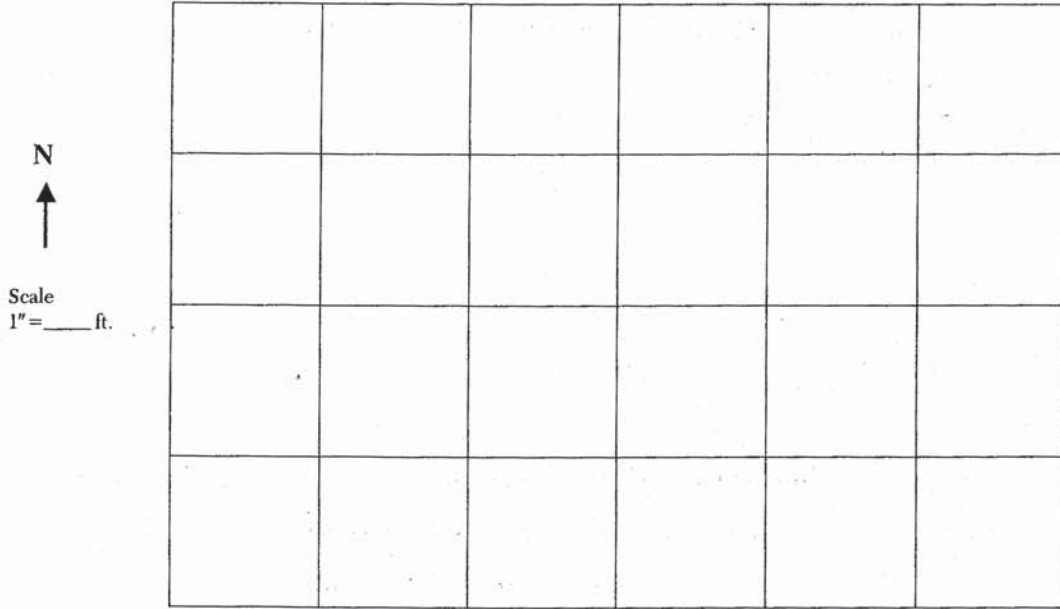
Chemical Injection System? yes Check Valve? yes Low Pressure Drain? yes

Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

HAYS001315

If chemicals are injected into system, please attach sketch of system.

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



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In horizontal pipe between pump and pivot
 Pipe Diameter (I.D.) 8 1/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2190
 R.P.M. PUMP UNIT 1752
 Pressure at Pump 61 psi

Test No. 2—Maximum Conditions

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

Jacuzzi Meter Test

Meter Identification No. _____

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

Velocity (fps)
 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

RECORDED/FILMED

Other Flow Meter

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

HAYS001316

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Natural Gas Supplier Kansas-Nebraska
 Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____
 How was the test volume determined? Not Determined Engine not on individual meter.

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
03 1974	2328	1000		
1975				
1976				
1977	651	1500		
1978				
1979	1224	900		157
1980	1416	900		157
1981	1152	900		157
1982				
1983	2200**	900**		158**
1984	1800**	950**		160**
* 1985	1900**	885*		160**
1986		885*		

* obtained from test on 9/20/86
 ** obtained from WUR sent to us from Jerry Weaver

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

Crops Irrigated: this year Soybeans Year of record Alfalfa

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

Person present at test Kent Naber (name) Irrigation Manager (relationship)
 Water Use Correspondent Lyle Kolbeck (name) Spearville, Ks 67876 (address) 316-385-2803 (phone number)
 Conducted by [Signature] (signature) Date 10/8/86
 Approved by [Signature] (signature) P.E. (title) Date 1/15/87

HAYS001317

APPLICATION NO: 21732 NAME: Connecticut General Life Insurance

COLLINS METER TEST NC 5 1/2

Collins Meter No. 1-85 Meter Calibration Factor .9826
 Pipe Inside Diameter (inches) 8 1/4 Flow Rate Factor 165.3
 Test Pressure (psi) 61 Test RPM, Pump 1752
 Description of Test Location In horizontal pipe between
pump and pivot

TEST DATA: Check, Initial 6.03 Reversed 6.02
 Meter Setting From Center of Pipe Velocity Left Side of Pipe Velocity Right Side of Pipe
 (or Front Side if Vertical Test) (or Back Side if Vertical Test)

Meter Setting From Center of Pipe	Velocity Left Side of Pipe (or Front Side if Vertical Test)	Velocity Right Side of Pipe (or Back Side if Vertical Test)
<u>1 1/16</u>	<u>5.95</u>	<u>5.86</u>
<u>2 15/16</u>	<u>5.52</u>	<u>5.45</u>
<u>3 3/4</u>	<u>5.12</u>	<u>4.92</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.45

Corrected Ave. Vel. = (Ave. Vel.) × (Calibration Factor) = 5.45 × .9826 = 5.355

Flow Rate = (Corrected Ave. Vel.) × (Flow Rate Factor) = 5.355 × 165.3 = 885 GPM



Reviewed By:

PUMPING PLANT TESTING, INC.

Handwritten signature

Professional Engineer

JUN 10 1987

HAYS001318

APPLICATION NO: 21,732

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

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

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



PUMPING PLANT TESTING, INC.

Reviewed by:

W. J. W. HAYS001319
Professional Engineer



Application 11913
21732

Legend

- /// Land covered on original application
- \\ Land covered year of record and present
- x wells
- + center pivot

25-19

3 farms
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JUN 1987

D-5
Lyle K. Kellum
11-25-86

SE Corner .015" off
Edge of photo
(Survey year, post)
HAY 6001320

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

~~Mark E. Farris, Secretary~~
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES

David L. Pope, Chief Engineer-Director

CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER
WATER RIGHT, File No. 21,732
PRIORITY DATE January 2, 1974

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

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of three (3) wells: one (1) well located near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 32, more particularly described as being near a point 4,019 feet North and 1,358 feet West of the Southeast corner of said section, at a diversion rate not in excess of 780 gallons per minute (1.74 c.f.s.) and in a quantity not to exceed 165 acre-feet per calendar year; one (1) well located near the center of the Northwest Quarter (NW $\frac{1}{4}$) of Section 32, more particularly described as being near a point 4,026 feet North and 3,966 feet West of the Southeast corner of said section, at a diversion rate not in excess of 715 gallons per minute (1.59 c.f.s.) and in a quantity not to exceed 188 acre-feet per calendar year; and one (1) well located near the center of the

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MICROFILMED 001336

Re: File No. 21,732

South Half ($S\frac{1}{2}$) of Section 32, more particularly described as being near a point 1,441 feet North and 2,632 feet West of the Southeast corner of said section, at a diversion rate not in excess of 885 gallons per minute (1.97 c.f.s.) and in a quantity not to exceed 240 acre-feet per calendar year, all in Township 25 South, Range 19 West, Edwards County, Kansas, for irrigation use on the following described property:

31.25 acres in the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$),
 31.25 acres in the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4} NE\frac{1}{4}$),
 38.25 acres in the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4} NE\frac{1}{4}$),
 31.25 acres in the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4}$),
 31.25 acres in the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4}$),
 31.25 acres in the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4} NW\frac{1}{4}$),
 31.25 acres in the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4}$),
 37.25 acres in the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} NW\frac{1}{4}$),
 38.00 acres in the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4} SW\frac{1}{4}$),
 2.00 acres in the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4} SW\frac{1}{4}$),
 1.00 acre in the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$),
 33.00 acres in the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$),
 4.00 acres in the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4} SE\frac{1}{4}$),
 39.00 acres in the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$),
 35.00 acres in the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4} SE\frac{1}{4}$),
 2.00 acres in the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$),

a total of 417.00 acres in Section 32, Township 25 South,
 Range 19 West, Edwards County, Kansas.

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 of each year following.

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

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

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

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static

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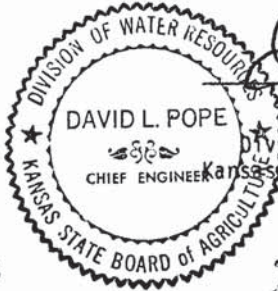
MICROFILMED

JUN 19 1987

HAYS001337

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 5th day of June, 1987.



David L. Pope
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
State Board of Agriculture

State of Kansas)
County of Shawnee) SS

The foregoing instrument was acknowledged before me this 5th day of June, 1987, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Denise J. Waters
Notary Public

My appointment expires: March 1, 1990

RECEIVED

JUN 19 1987

DIVISION OF WATER RESOURCES
CANNON

MICROFILMED

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

2 732

WATER APPROPRIATION
CERTIFICATE
No. 16,035
STATE OF KANSAS

Water Right, File No. 21,732

State of Kansas, _____ County, ss.

Filed for record this _____ day of _____ 198__

at _____ o'clock _____ m. and
recorded in Book _____ Page _____

Fee \$ _____

Register of Deeds

HAYS001338

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

To: Files

Date: March 19, 1987

From: Douglas E. Bush

Re: Appropriation of Water
File No. 21,732

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


The quantities for wells covered by the above referenced file were calculated as such:

Well near the center of the Northeast Quarter (NE $\frac{1}{4}$), 1,850 hours x 776 gallons per minute x 0.0001841 = 265 acre-feet. 110 acres irrigated x 1.5 acre-feet per acre = 165 acre-feet.

Well near the center of the Northwest Quarter (NW $\frac{1}{4}$), 1,850 hours x 712 gallons per minute x 0.0001841 = 243 acre-feet. 125 acres irrigated x 1.5 acre-feet per acre = 188 acre-feet.

Well near the center of the South Half (S $\frac{1}{2}$), 1,850 hours x 885 gallons per minute x 0.0001841 = 310 acre-feet. 160 acres irrigated x 1.5 acre-feet per acre = 240 acre-feet.

The WUC shown on the Field Inspection Report was changed to show Agri Affiliates as correspondent. This information was obtained in a March 25, 1987 phone call from Larry Sheets, Division of Water Resources, to Jerry Weaver of Agri Affiliates.



Douglas E. Bush
Hydrologist

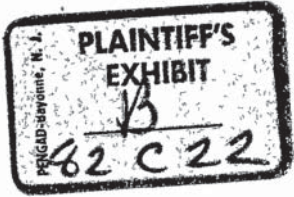
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JUN 19 1987

MICROFILMED

HAYS001332

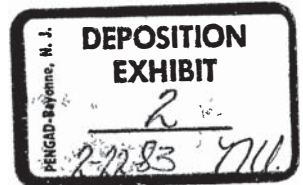


AMERICAN AGRICULTURAL INDUSTRIES, INC.

RURAL ROUTE *1

P O. BOX 187

KINSLEY, KANSAS 67547



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

TELEX NUMBER
910-740-6720

March 25, 1982

Slentz-McAllaster Inc.
P O Box 38
Lewis, Kansas 67552

CLERK DISTRICT COURT
983 NOV 16 PM 5 05
FILED

Dear Don,

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

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

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

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

Best Regards,

Pamela Meadows

Pamela Meadows

Secretary

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



HAYS004448

LUCERNE FARMS HAY
PRODUCTION

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

HAYS004449

#9			#9	
1st	119	149	1st	30
2nd	194	243	2nd	49
3rd	167	209	3rd	42
4th	82	102	4th	20
#10			#10	
1st	77	96	1st	19
2nd	261	326	2nd	65
3rd	201	251	3rd	42
4th	118	148	4th	30
#11			#11	
1st	116	145	1st	29
2nd	208	260	2nd	52
3rd	162	202	3rd	40
4th	42	52	4th	10
#12			#12	
1st	130	162	1st	32
2nd	302	377	2nd	75
3rd	257	321	3rd	64
4th	110	137	4th	27
#13			#13	
1st	75	94	1st	19
2nd	122	153	2nd	31
3rd	121	151	3rd	30
4th	13	16	4th	4
#16			#16	
1st	70	88	1st	18
2nd	144	180	2nd	36
3rd	86	108	3rd	22
4th	15	19	4th	4
#17			#17	
1st	107	134	1st	27
2nd	218	273	2nd	55
3rd	122	152	3rd	30
4th	42	53	4th	11
#18			#18	
1st	23	28	1st	6
#19			#19	
1st	47	59	1st	12
2nd	42	53	2nd	11
3rd	50	63	3rd	13
#30			#30	
1st	126	158	1st	32
2nd	157	196	2nd	39
3rd	90	113	3rd	23
4th	18	23	4th	5

#38			#38	
1st	98	122	1st	24
2nd	162	202	2nd	40
3rd	95	119	3rd	24
4th	52	65	4th	13

21732

#39

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

#39

1st	4
2nd	7
3rd	8

Total Bales 10776

McAllasters 4/5's 8621

Anibypros 1/5's 2155

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

HAYS004451

21732

BLENTZ-MCALASTER INC.

ALFALFA REMOVED FROM LUCERNE FIELDS

	INITIALS	DATE	REFERENCE
PREPARED BY			
CHECKED BY			
APPROVED BY			

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

21732

HAYS004452

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

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

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

Date: November 5, 1986

History: Effective November 5, 1986

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

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

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.

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.

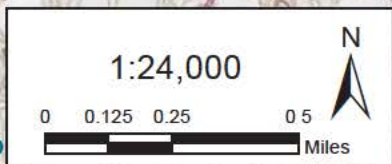
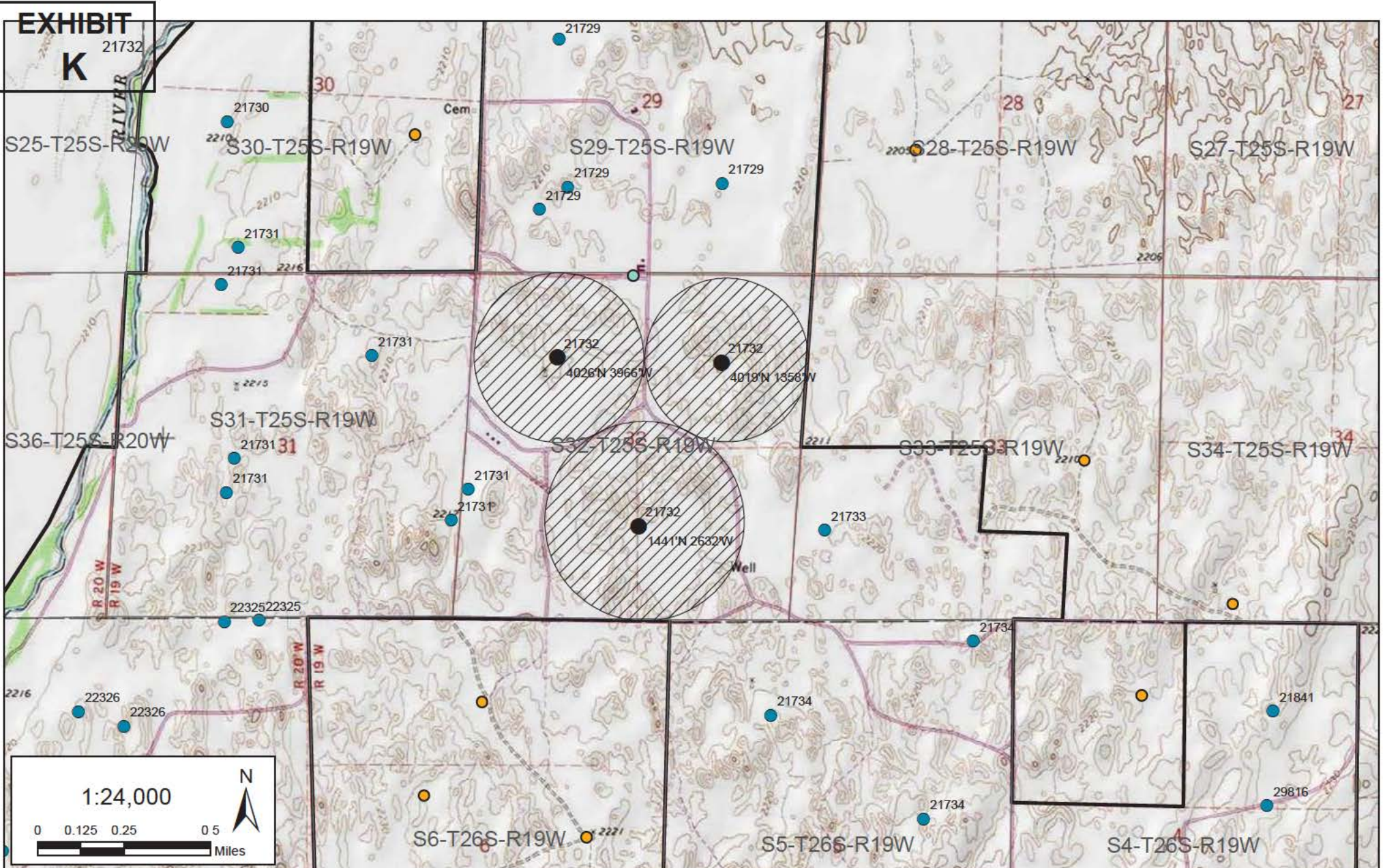
In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.

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.

**EXHIBIT
K**

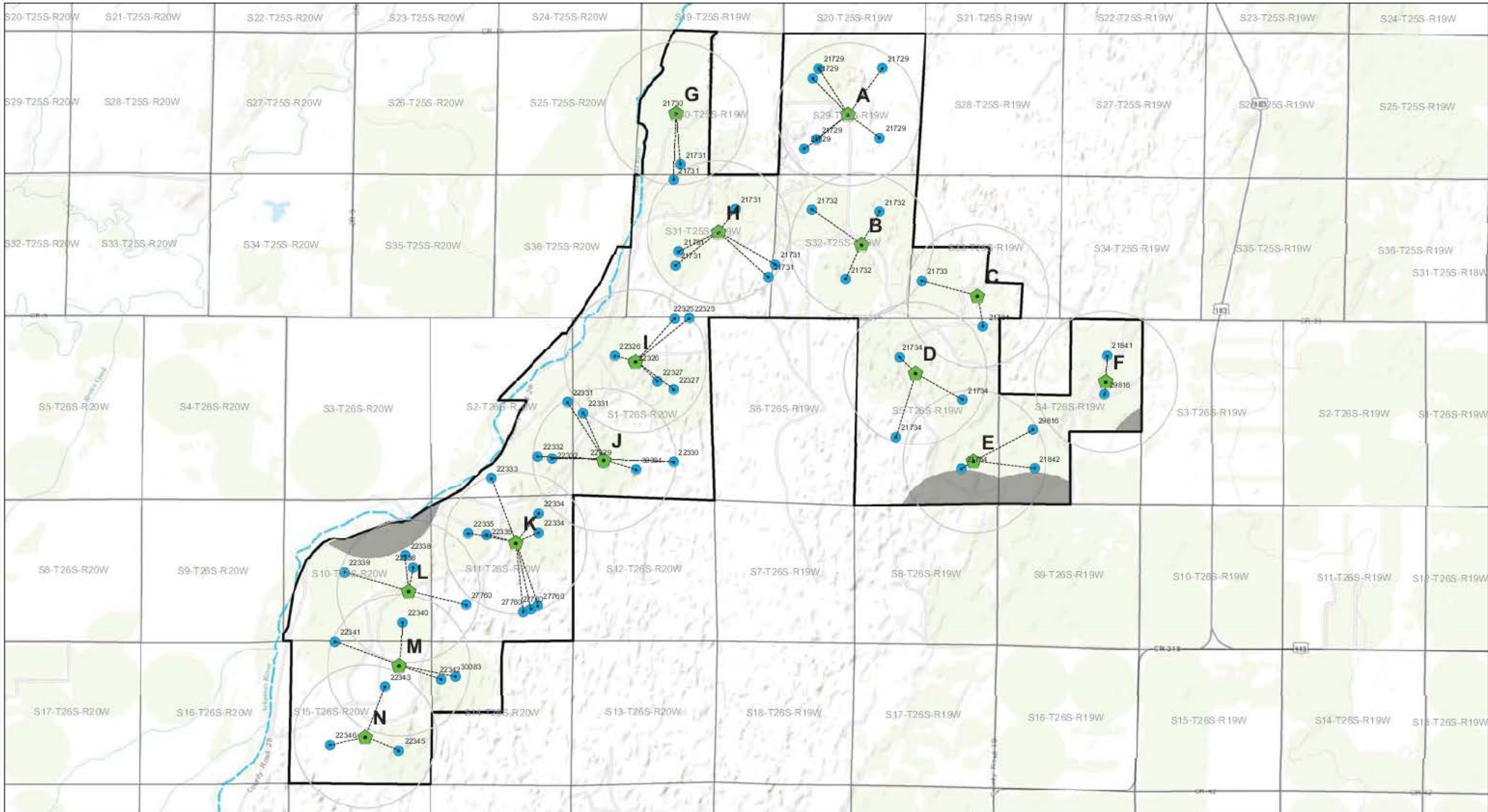


Legend

- 21732 Existing Point(s) of Diversion
- ▨ 21732 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 21732
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



**CHANGE APPLICATION 21732
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION**



Legend

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

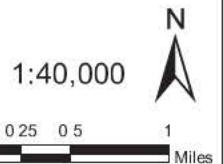
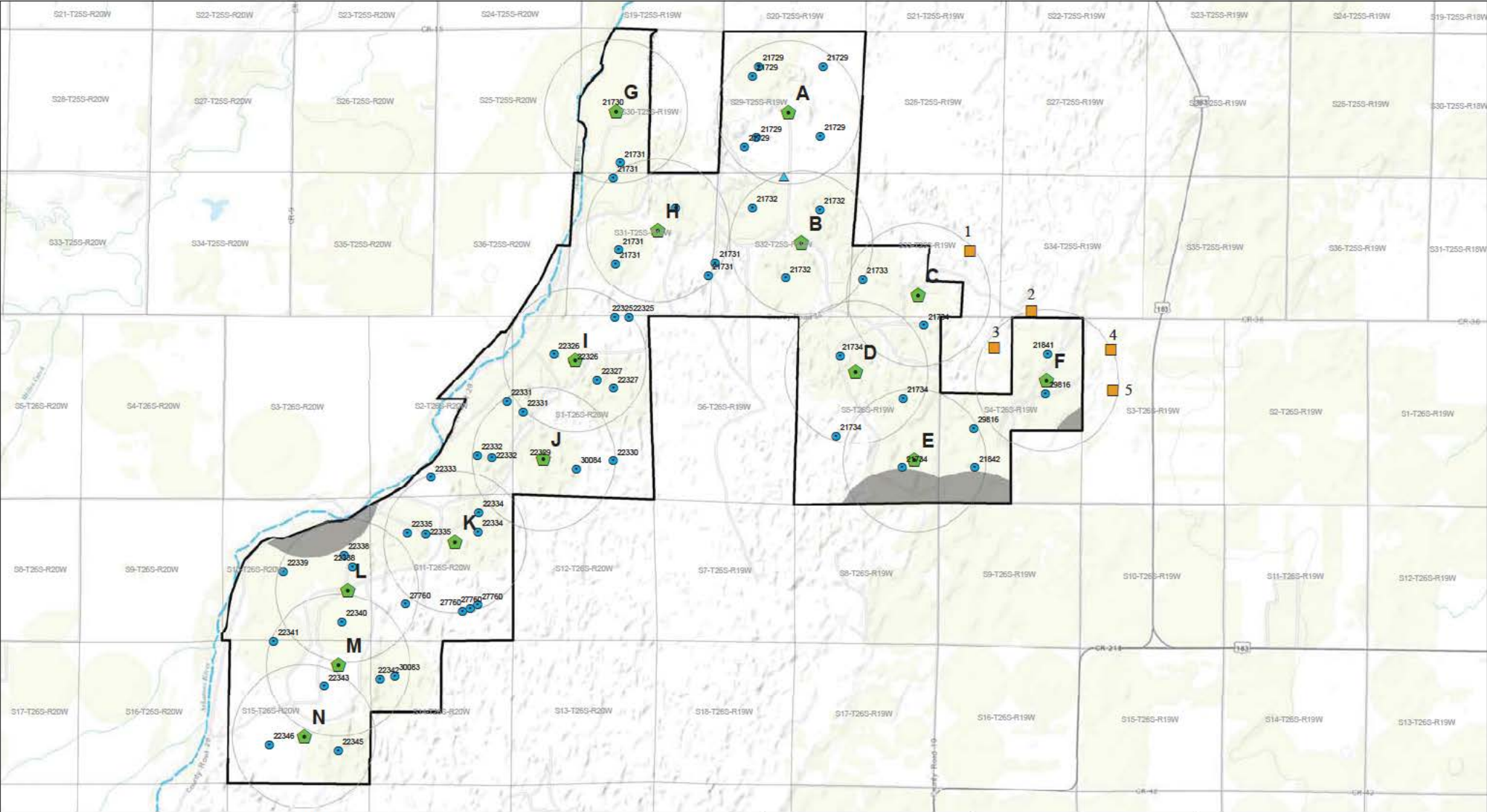
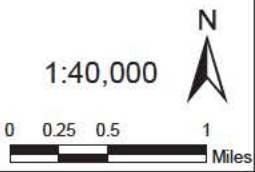


EXHIBIT
21732
M



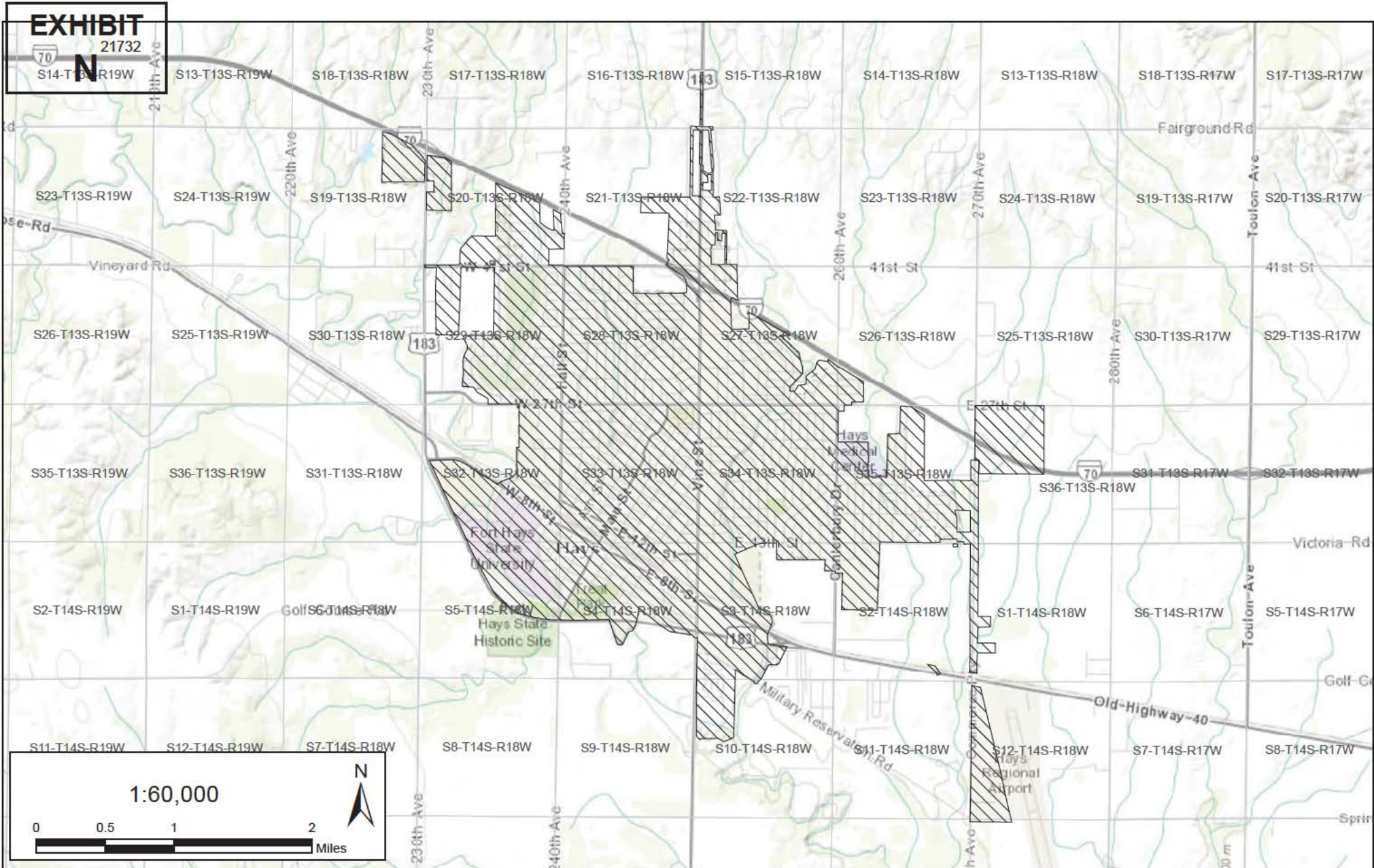
Legend

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



EXHIBIT

21732

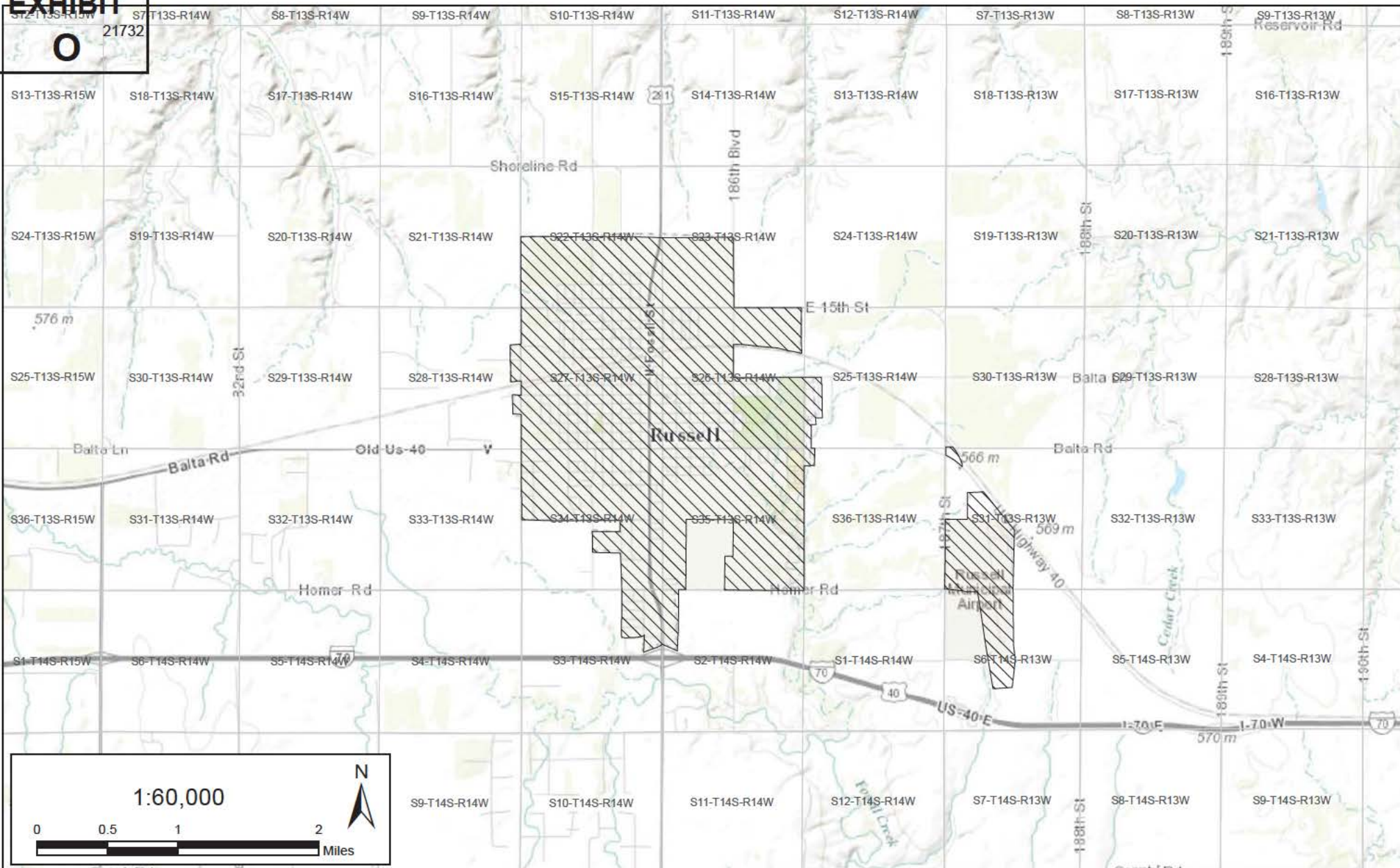


Proposed Place of Use City of Hays



PLSS Sections





Proposed Place of Use - City of Russell



PLSS Sections



**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
P**

**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

21732
SECTION 3: PROJECTED FUTURE WATER NEEDS

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

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

SECTION 4: POPULATION AND SERVICE CONNECTIONS

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

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

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

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

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

Provide number of current active service connections:

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

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

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

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

SECTION 6: AREA TO BE SERVED

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

You may attach additional information you believe will assist in informing the Division of the Page 87 of 97 request.

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

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



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

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

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

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

File No. 21,733 Circle 13.

2. Name of applicant: City of Hays, Kansas and City of Russell, Kansas (See paragraph 2 of the cover letter.)

Address: c/o Foulston Siefkin LLP, 1551 N. Waterfront Parkway, Suite 100

City, State and Zip: Wichita, Kansas 67206

Phone Number: (316) 291-9725 E-mail address: dtraster@foulston.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. Hays and Russell are co-owners of the authorized place of use on the R9 Ranch in Edwards County.

Name of water use correspondent: City of Hays, Kansas

Address: P. O. Box 490, 1507 Main Street

City, State and Zip: Hays, Kansas 67601

Phone Number: (785) 628-7320 E-mail address: tdougherty@haysusa.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____
See Paragraph 3 of the cover letter filed concurrently with this application. The cover letter is
incorporated herein by reference.

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

For Office Use Only:							
F.O. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES					
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼						
		32-25S-19W																	23				23	46
		33-25S-19W									3	37	37	3										80

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

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

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

Owner of Land — NAME: City of Hays, Kansas

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

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

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the SW Quarter of Section 33, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 1,356 feet North 5,021 feet West of Southeast corner of section. Authorized Rate 915 gpm Authorized Quantity 189 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the SE Quarter of the SW Quarter of Section 33, Township 25 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 824 feet North 3,036 feet West of Southeast corner of section. Proposed Rate 915 Proposed Quantity 219.45 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 21,734

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

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

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

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

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

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

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

[Handwritten signature]
(Owner)

(Spouse)

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

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



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

[Handwritten signature: Malinda Morse]
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

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.

(Owner)

(Spouse)

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

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



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

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

Proposed Rate and Quantity

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

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

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

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows the use of up to 136.08 acre-feet from this water right for municipal use.¹ As discussed below, 126 approved acres were irrigated during the perfection period; 126 acres multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 136.08 acre-feet.²

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

Quantity authorized and perfected

The permit was issued on February 27, 1976, granting the applicant the right to divert up to 250 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use,⁴ on 126 acres in Sections 32 and 33-T25S-R19W⁵, or 1.98 acre-feet per acre. The certificate limited the rate to 915 gallons per minute.

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

The Field Inspection Reports indicate that all of the 250 acre-feet authorized by the permit were lawfully perfected.

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

While the certificate limits the total quantity to 189 acre-feet based on DWR’s after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.⁸

¹ K.A.R. 5-5-9(a) and (a)(1).

² K.A.R. 5-5-12, NIR Requirements.

³ K.A.R. 5-5-9(b).

⁴ Permit, HAYS001491, Ex. A.

⁵ Application, HAYS001485, Ex. B.

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

⁷ FIR, HAYS001477, Ex. D.

⁸ Certificate, HAYS001499, Ex. E; Doug Bush Memo dated September 24, 1987, HAYS001494, Ex. F; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

Since the perfection period has expired, the “authorized quantity” for this water right is the 250 acre-feet actually perfected even though it exceeds the certified quantity.

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

NIR for Alfalfa

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

Since alfalfa was grown on the authorized place of use during the perfection period,⁹ it is reasonable to use the NIR for alfalfa, which yields a total quantity of 219.45 acre-feet consumed. While this quantity is greater than the quantity set out in the certificate, it is less than the 250 perfected acre-feet, the “maximum annual quantity authorized by the water right.”¹⁰

An alternative approach

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

If 28% of the 250 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 180.00 acre-feet, should be available for conversion to municipal use. While this quantity is greater than the quantity set out in the certificate, it is less than the 250 perfected acre-feet, the “maximum annual quantity authorized by the water right.”

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

⁹ *American Ag Industries v. Slentz McAlister* Trial Exhibits, HAYS004448-4453, Ex. G.

¹⁰ See K.A.R. 5-5-9(a)(4).

¹¹ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. H, stating that: “In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.” See also, K.A.R. 5-3-24 and Doug Bush Memo dated September 24, 1987, HAYS001494, Ex. F.

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application No. 21,733 of the applicant

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

for a permit to appropriate water to beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **January 2, 1974.**
2. That the water sought to be appropriated shall be used for **irrigation on the land described in the application.**

3. That the source from which the appropriation is made shall be from **ground water in the drainage basin of the Arkansas River to be withdrawn by means of one (1) well in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, Township 25 South, Range 19 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.**

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of
1000 gallons per minute (2.23 c.f.s.)
and to a quantity of not to exceed **250 acre-feet** for any calendar year.

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(OVER)

MAR 8 1976

HAYS001491

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

circle 13

5. That installation of works for diversion of water shall be completed on or before December 31, 1977. The applicant shall notify the Chief Engineer of the Division of Water Resources when construction of the works has been completed.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 1981.
7. That the applicant shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer as soon as practicable after the close of each calendar year.
8. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified or any authorized extension thereof.
9. That the use of water herein authorized shall not impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
10. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
11. That this permit does not constitute authority under K. S. A. 82a-301 to 305 to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or Local Governmental authorities when necessary.
12. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Dated this 27th day of February 19 76



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

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

Roy Freeland, Secretary

DIVISION OF WATER RESOURCES

Cuy E. Gibson, Chief Engineer

Rec'd ck \$50.00 1-2-74
ck from: Wilson & G. S. Mc
ca

NUMBER 21,733

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

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

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

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

Comes now the applicant (Miss) ~~Kinsley Joint Venture~~ whose post office
address is ~~c/o Andrew J. Moore, Attorney at Law, P.O. Box 588, Woodward, Oklahoma~~
BOX 208, KINSLEY, KS 67547 75807

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

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

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

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

3. The water is intended to be appropriated for:

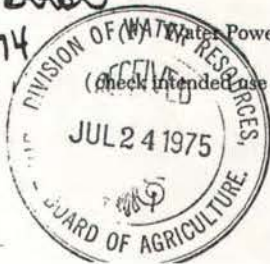


Amount

- (a) Domestic use () _____
- (b) Municipal use () _____
- (c) Irrigation use (x) 250 acre ft
~~1000 gals per minute~~
- (d) Industrial use () _____
- (e) Recreational use () _____
- (f) Power use () _____



Date stamp error
Received 1-2-74
9:09 a.m.
dw



RECEIVED RECEIVED

* Guy MAR 8 1976

JUL HAYS001485

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.

6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or

fractional portion thereof: Kinsley Joint Venture is a partnership with the following owners:

- J. D. Hedges, 1921 Broadmoor, Woodward, Oklahoma
- W. A. McQuiddy, 1210 S. Fordham, Perryton, Texas
- Drew Ellis, 823 S. Indiana, Perryton, Texas
- John O. Ellis Jr., P. O. Box 610, Perryton, Texas
- H. C. Brillhart Jr., P. O. Box 576, Perryton, Texas
- Word B. Sherrill, P. O. Box 399, Perryton, Texas

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

Owner of Land—NAME: Kinsley Joint Venture

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

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
33	25	19								3									126
										8	37	37	8						125
32	25	19														23		23	
																29		28	

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

Owner of Land—NAME: Same as above

ADDRESS: Same as above

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

Owner of Land—NAME: _____

ADDRESS: _____

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

* Guy Ellis
 HAYS001486
 9-9-75

7. The works for diversion of water will consist of Will consist of one well and pump and one circle irrigation system
(wells, pumps, etc.)
and will be completed by already completed
(Date)

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

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

The plat or aerial photograph should show

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

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

None

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

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

KINSLEY JOINT VENTURE

(Applicant)

By D. Allen Frame
(Agent or Officer)

D. Allen Frame, Attorney

NOTE:

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

M1-228



5-72-10M SETS

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MAR 8 1976

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

RECEIVED

JUL 15 1974

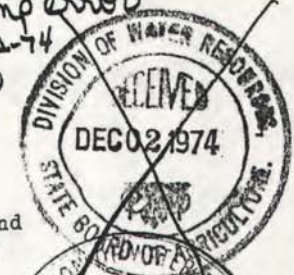
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

MICROFILM

HAYS001487

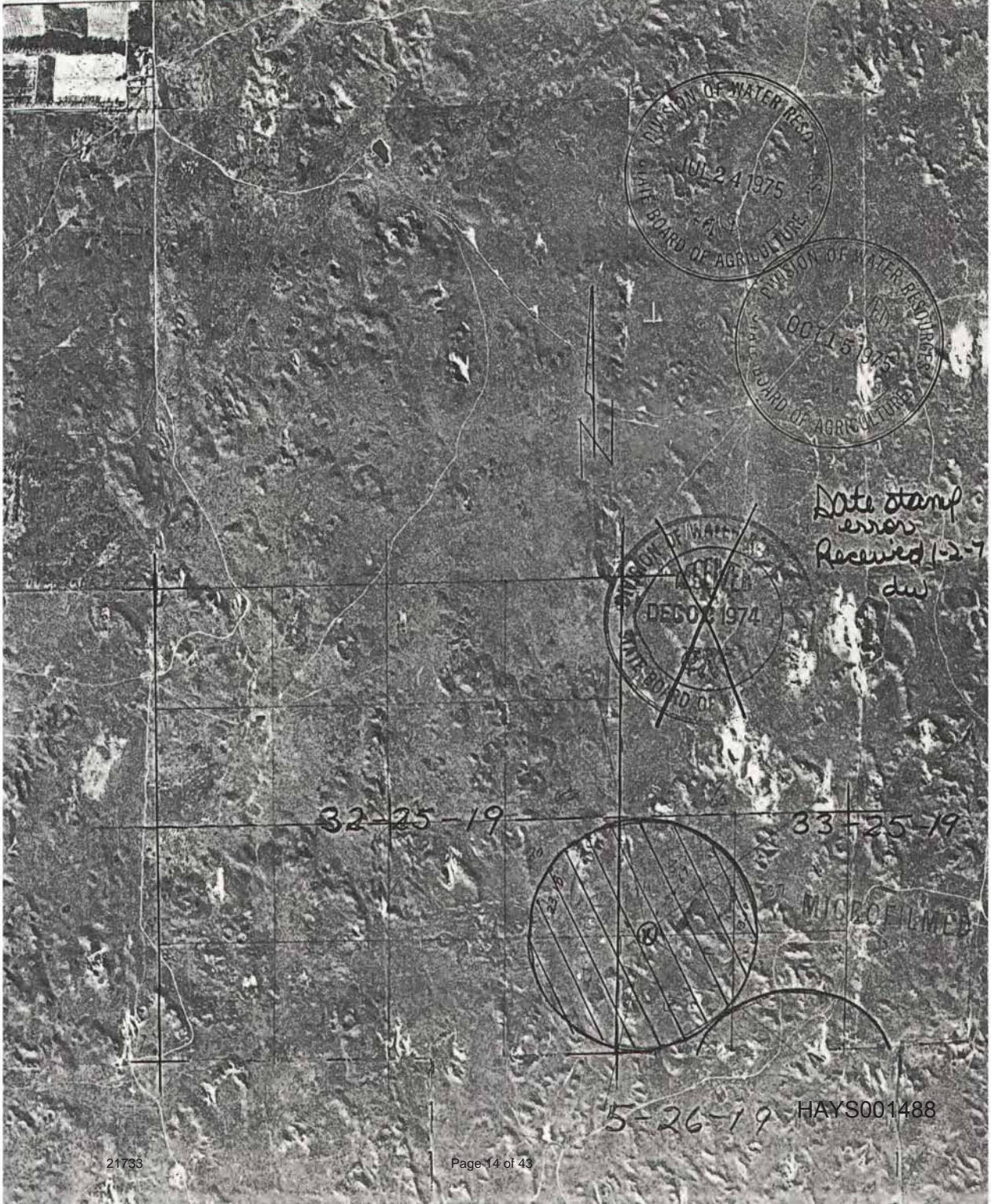


*Date stamp error
Received 1-2-74
dw*



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

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



*Date stamp error
Received 1-2-74
dw*

E-N²

February 27, 1976

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

Re: Appropriation of Water
Application No. 21,733

Gentlemen:

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

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

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

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

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:ee1

Encs.

RECEIVED

MAR 8 1976
MAYSON 1460



Partial
 Full
 Re-Test

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

Test 1 of 1 Diversion points County Edwards

Application No. 21733 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc
Current Landowner Connecticut General Life Ins. Co. Jerry Weaver Phone No. (308) 534-9240
Address P.O. Box 1162 North Platte, NE 69103
 Additional landowners and addresses identified in remarks section.

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

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

Authorized Point of Diversion: SW 1/4, NW 1/4, SW 1/4 Sec. 33, T. 25, R. 19, ID No. —
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

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

"Approved" Quantity 250 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

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

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>33</u>	<u>25</u>	<u>19</u>									<u>3</u>	<u>37</u>	<u>37</u>	<u>3</u>					<u>80</u>
<u>32</u>	<u>25</u>	<u>19</u>													<u>23</u>			<u>23</u>	<u>46</u>
																			<u>126</u>

LAND IRRIGATED—YEAR OF RECORD 1984 SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>33</u>	<u>25</u>	<u>19</u>									<u>5</u>	<u>37</u>	<u>37</u>	<u>4</u>					<u>83</u>
<u>32</u>	<u>25</u>	<u>19</u>													<u>24</u>			<u>23</u>	<u>47</u>
																			<u>130</u>

TESTED DIVERSION RATES

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

FOR D.W.R. USE ONLY

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

Ac. Ft. Applied = 1,750 hrs. × 911 g.p.m. × $\frac{4.419}{24 \times 1000}$ = 294 AF

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

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

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

MICROFILMED

Perfected Rate 915 g.p.m. (2.04 c.f.s.) Perfected Quantity 189 AF

21733
GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Olson Model 103P Serial No. 3991

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

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

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

End Gun Model Nelson 100 Rating _____ g.p.m. Orifice size _____

Gravity Irrigation

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

Description _____

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP _____

Serial No. _____ Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Johnston Model No. NA Rated RPM _____

Serial No. CFa1224 Type Vertical Turbine No. stages NA

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. No tag

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

WELL INFORMATION:

* UNKNOWN - NO DATA AVAILABLE ** BY ACTUAL MEASUREMENT OF ENGINE RPM

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

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

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

Depth to water _____ ft. below LSD.

ADDITIONAL REQUIREMENTS:

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

Meter Model No. _____ Serial No. _____ Size _____

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

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

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

Plant Health Chemigation Report completed? yes () no

HAYS001478

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

N
 ↑
 Scale
 1" = ____ ft.

TEST OF DIVERSION RATE:

Location of test Horizontal pipe between pump and pivot
 Pipe Diameter (I.D.) 8 5/16 inches

Test No. 1—Normal Conditions

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

Test No. 2—Maximum Conditions

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

Jacuzzi Meter Test

Meter Identification No. _____

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

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

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

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

MICROFILMED

Other Flow Meter

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

HAYS001479

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

TABULATION OF WATER USE:

21733

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

** obtained from test data

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

Crops Irrigated: this year Soybeans + Watermelon Year of record UNKNOWN

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

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

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

REMARKS: _____

Person present at test Kent Naber employee of tenant

Water Use Correspondent Jerry Weaver (Agri Affiliates) Box 1162 North Platte NE 69103 308-534-9240

Conducted by Greg Ebert Date 8/6/87 HAYS001480

Approved by Lily J. Weaver, P.E. Date 8/25/87

74928

25-19 - 32-25-19
S Farms

D-5

D-5

D-5
33-25-19
2 Farms
25-19

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Family Property
8-17-87

332

333

APPLICATION 21733
LEGEND
o Well
++ Pivot system
/// Land on Application
/// Land Irrigated Presently

428.1

286.2

APPLICATION NO: 21,733

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CLOSING A YEAR OF RECORD

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

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



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PUMPING PLANT TESTING, INC.

Reviewed by:

[Signature]

HAYS001482

DEC 13 1987

Professional Engineer

MICROFILMED

APPLICATION NO: 21, 733

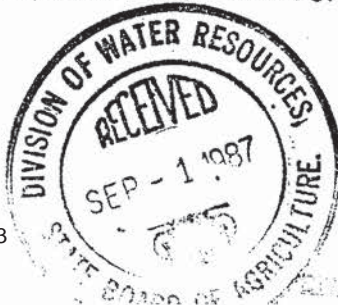
NAME: Connecticut General Life Ins.

POINTS OF DIVERSION AND SECTION CORNERS

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

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

PUMPING PLANT TESTING, INC.



Reviewed by:

Professional Engineer

HAYS001483

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MICROFIL

APPLICATION NO: 21733 NAME: Connecticut General Life Ins.

COLLINS METER TEST

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

TEST DATA: Check, Initial 6.49 Reversed 6.48
 Meter Setting From Center of Pipe Velocity Left Side of Pipe (or Front Side if Vertical Test) Velocity Right Side of Pipe (or Back Side if Vertical Test)

Meter Setting	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 1/16</u>	<u>6.14</u>	<u>6.13</u>
<u>2 15/16</u>	<u>5.42</u>	<u>5.46</u>
<u>3 13/16</u>	<u>4.93</u>	<u>4.70</u>

Average Velocity of Water = Sum of Vel. \div 12 = 5.63

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

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



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
 RECEIVED
 Professional Engineer

HAYS001484

MICROFILMED



STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

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

WATER RIGHT, File No. 21,733
PRIORITY DATE January 2, 1974

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

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of a well located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 1,356 feet North and 5,021 feet West of the Southeast corner of said Section, in Township 25 South, Range 19 West, Edwards County, Kansas, at a diversion rate not in excess of 915 gallons per minute (2.04 c.f.s.) and in a quantity not to exceed 189 acre-feet per calendar year for irrigation use on the following described property:

23 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
23 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 46 acres in Section 32,

3 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
37 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
37 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
3 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 80 acres in Section 33,

all in Township 25 South, Range 19 West, Edwards County, Kansas.

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DEC 13 1987

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HAYS001499

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

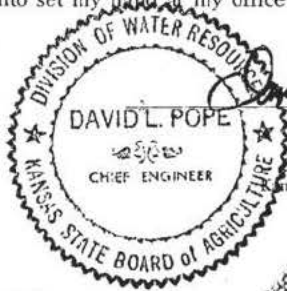
The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

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

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

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

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



David L. Pope

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

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 30th day of November 1987, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*

Denise J. Waters, Notary Public

My appointment expires March 1, 1990

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

**WATER APPROPRIATION
CERTIFICATE**

No. 16,701

STATE OF KANSAS

Water Right, File No. 21,733

STATE OF KANSAS, _____ COUNTY, ss.

Filed for record this _____ day of _____, 19____

at _____ o'clock _____ m. and _____

recorded in Book _____ Page _____

Fee \$ _____

Register of Deeds.

HAYS001500

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

To: Files

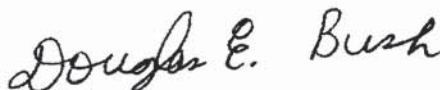
Date: September 24, 1987

From: Douglas E. Bush

Re: Appropriation of Water
File No. 21,733

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

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

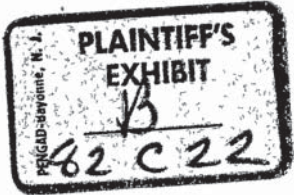
Douglas E. Bush
Hydrologist

DEB:jt

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DEC 1987

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HAYS001494

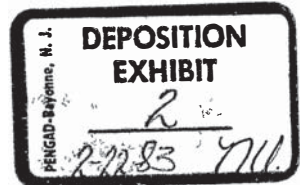


AMERICAN AGRICULTURAL INDUSTRIES, INC.

RURAL ROUTE *1

P O. BOX 187

KINSLEY, KANSAS 67547



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

TELEX NUMBER
910-740-6720

March 25, 1982

Slentz-McAllaster Inc.
P O Box 38
Lewis, Kansas 67552

CLERK DISTRICT COURT
983 NOV 16 PM 5 05
FILED

Dear Don,

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

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

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

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

Best Regards,

Pamela Meadows

Pamela Meadows

Secretary

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



HAYS004448

LUCERNE FARMS HAY
PRODUCTION

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

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

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

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

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

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

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

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

#18			
1st	23	28	

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

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

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

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

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

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

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

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

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

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

#18			
1st	6		

#19			
1st	12		
2nd	11		
3rd	13		

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

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

21733

#39

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

#39

1st	4
2nd	7
3rd	8

Total Bales 10776

McAllasters 4/5's 8621

Anibypros 1/5's 2155

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

HAYS004451

21733

BLENTZ-MCALASTER INC.

ALFALFA REMOVED FROM LUCERNE FIELDS

	INITIALS	DATE	REFERENCE
PREPARED BY			
CHECKED BY			
APPROVED BY			

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

21733

HAYS004452

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

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

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

Date: November 5, 1986

History: Effective November 5, 1986

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

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

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.

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.

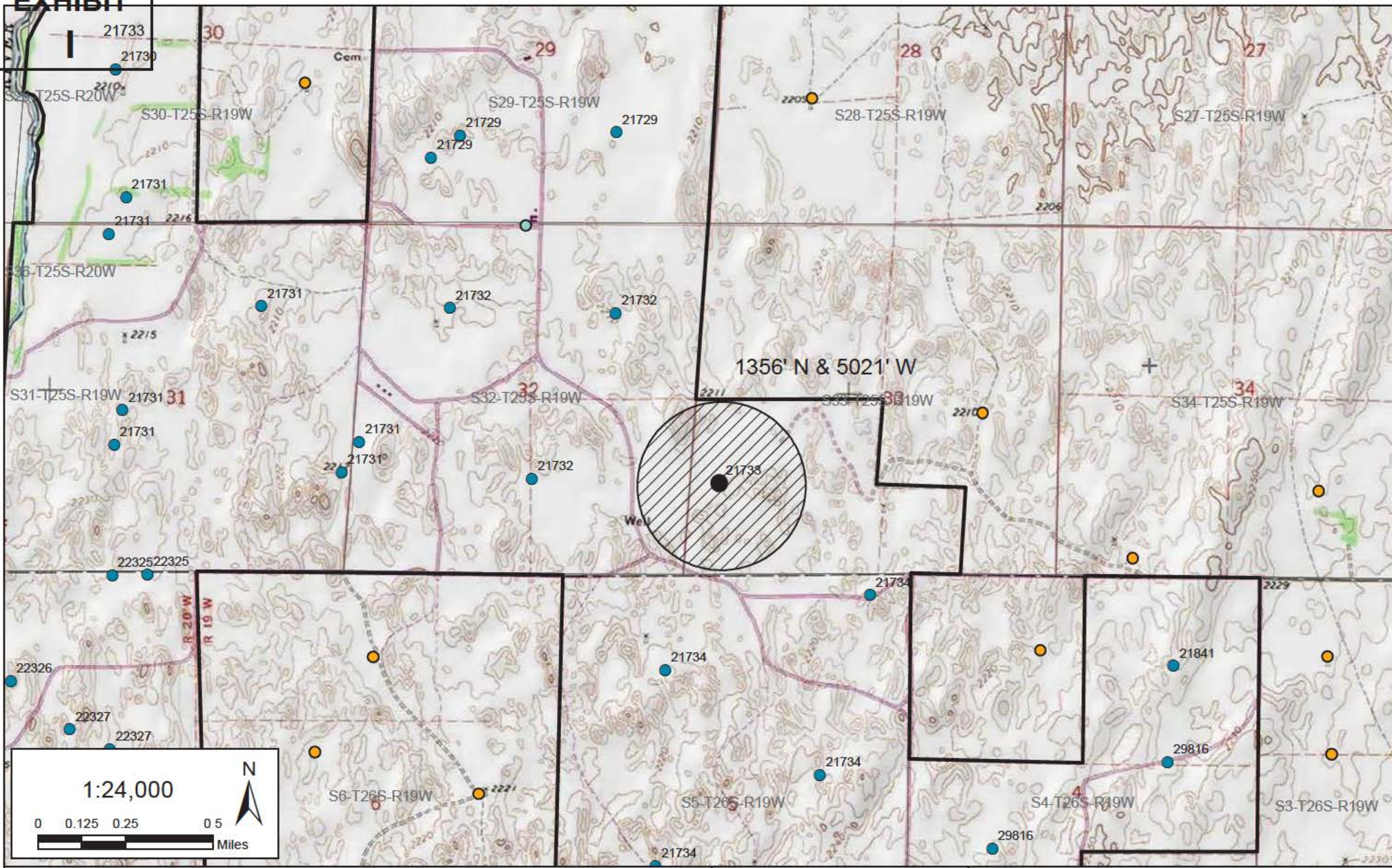
In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.

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.

EXHIBIT



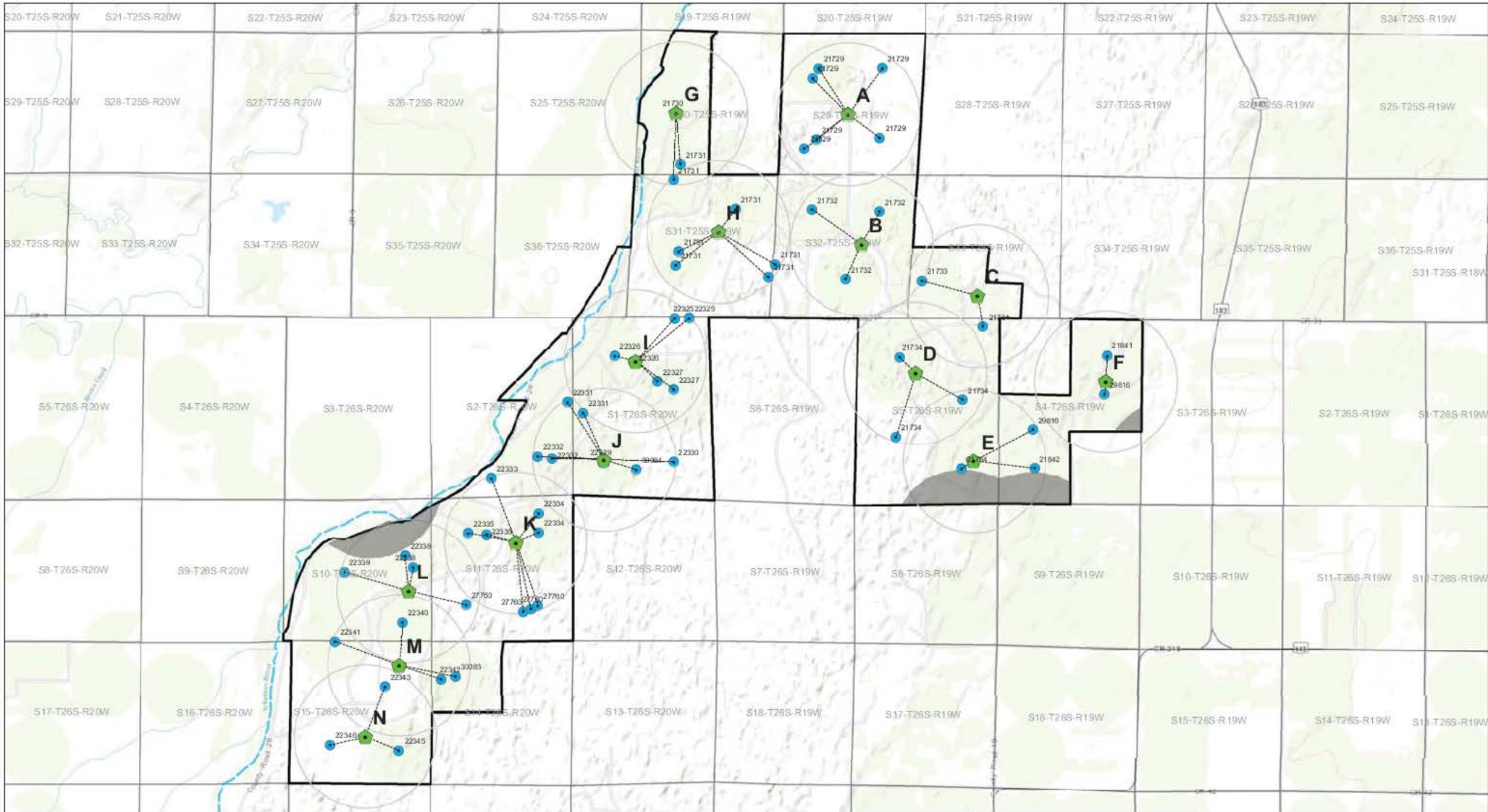
Legend

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



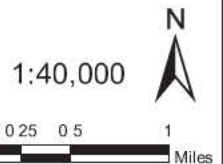
CHANGE APPLICATION 21733
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION

EXHIBIT J 21733



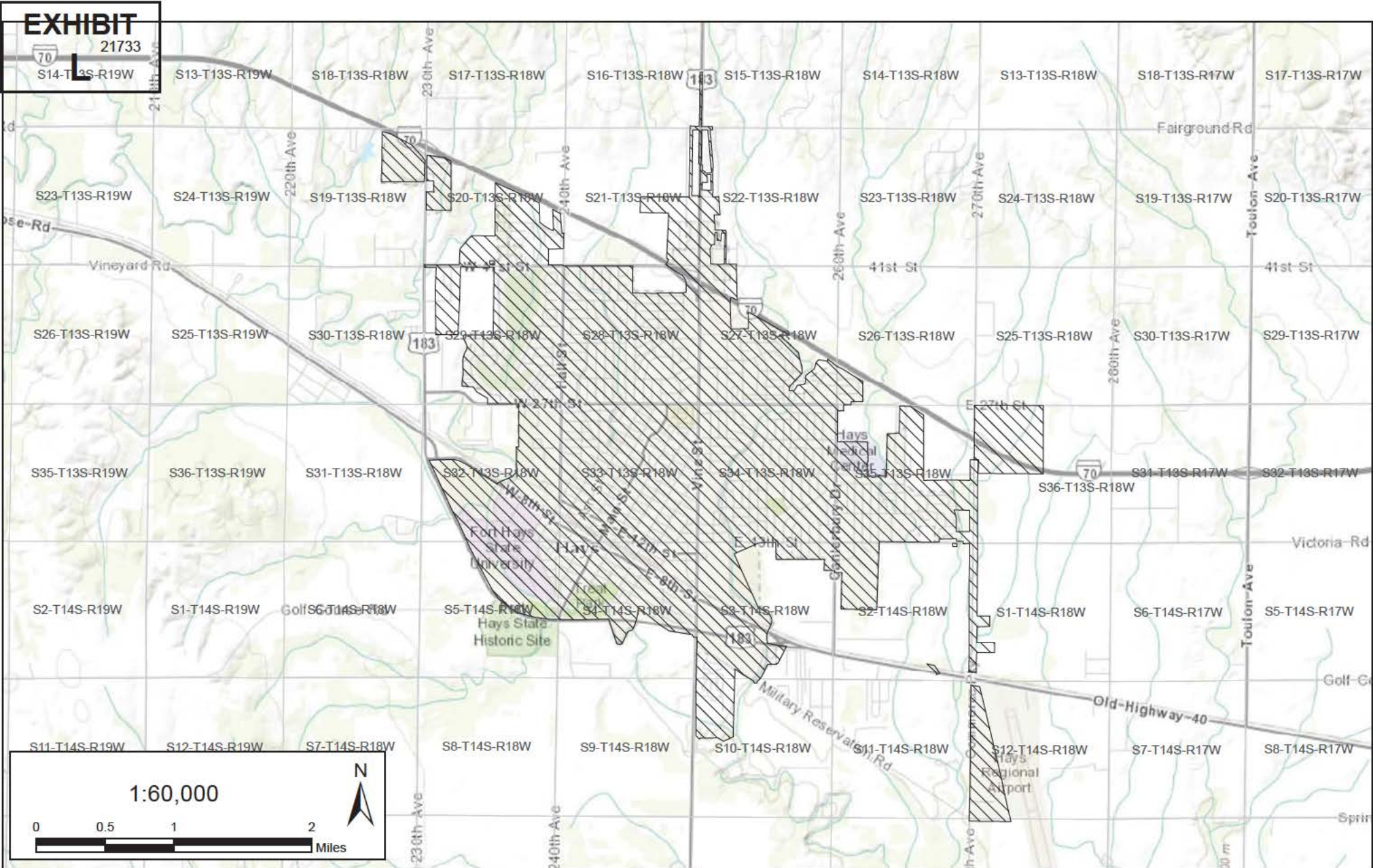
Legend

- 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
- R9 Ranch Property Boundary
- PLSS Sections

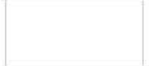


EXHIBIT

21733



Proposed Place of Use City of Hays

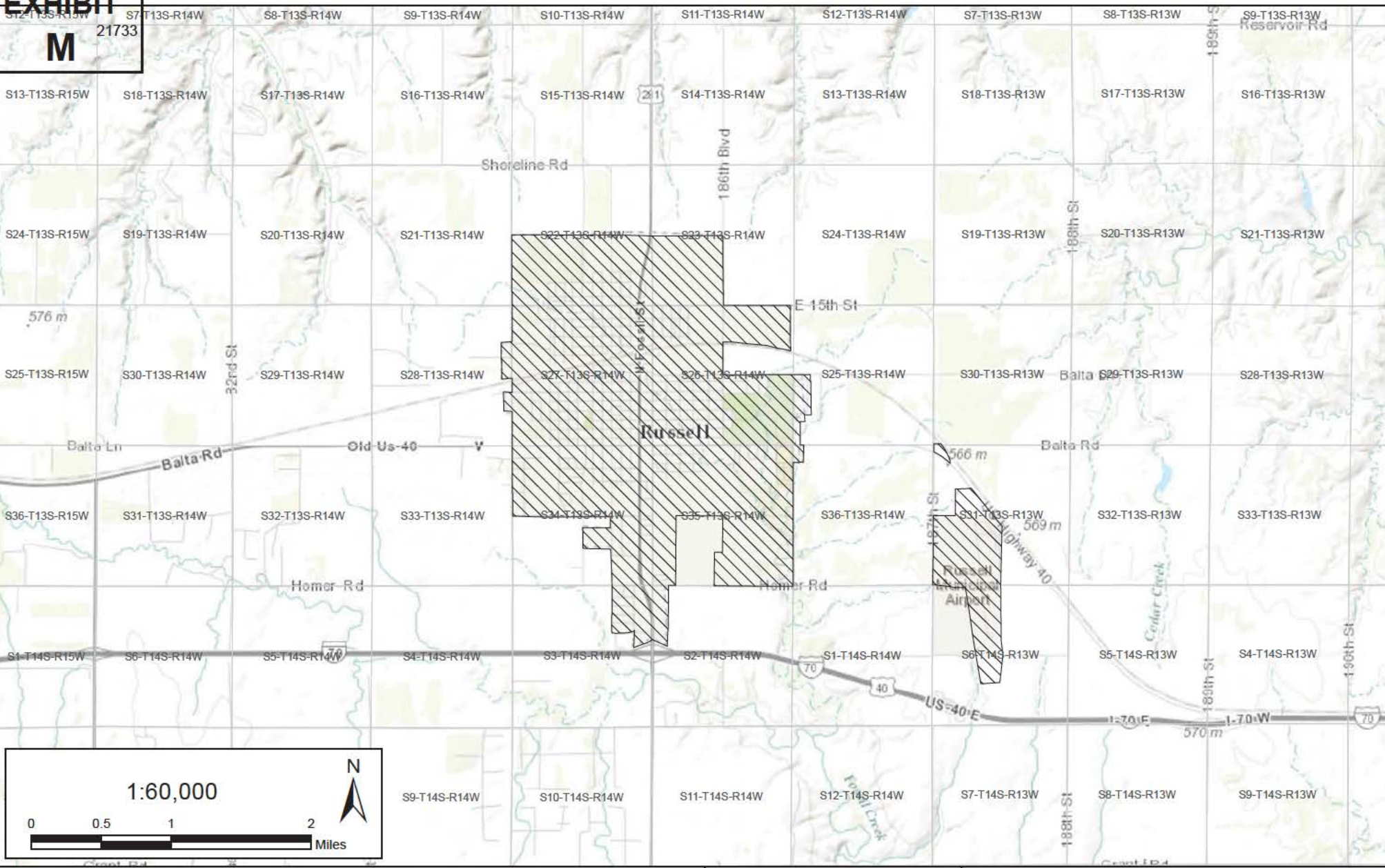


PLSS Sections



EXHIBIT
M

21733



Proposed Place of Use - City of Russell



PLSS Sections



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

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

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

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

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

UNACCOUNTED FOR WATER

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

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

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
N**

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

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago	592,323,000			5,029,000	469,314,000	5,155,000	112,825,000
15 years ago	780,527,000			10,619,000	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

21733
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

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

SECTION 6: AREA TO BE SERVED

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

You may attach additional information you believe will assist in informing the Division of the Page 43 of 46 request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 21,734 Circles 14, 15, 16, 17, & 18.

2. Name of applicant: City of Hays, Kansas and City of Russell, Kansas (See paragraph 2 of the cover letter.)

Address: c/o Foulston Siefkin LLP, 1551 N. Waterfront Parkway, Suite 100

City, State and Zip: Wichita, Kansas 67206

Phone Number: (316) 291-9725 E-mail address: dtraster@foulston.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. Hays and Russell are co-owners of the authorized place of use on the R9 Ranch in Edwards County.

Name of water use correspondent: City of Hays, Kansas

Address: P. O. Box 490, 1507 Main Street

City, State and Zip: Hays, Kansas 67601

Phone Number: (785) 628-7320 E-mail address: tdougherty@haysusa.com

3. The change(s) proposed herein are desired for the following reasons (please be specific):
See Paragraph 3 of the cover letter filed concurrently with this application. The cover letter is incorporated herein by reference.

The change(s) (~~was~~) (will be) completed by See Paragraph 3 of the cover letter
(Date)

For Office Use Only:							
F.O. Code	GMD	Meets K.A.R. 5-5-1 (YES / NO)	Use	Source	G / S County	By	Date
		Fee \$	TR #	Receipt Date		Check #	

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
33-T25S-R19W													24			18		42	
5-T25S-R19W			Lot 1 68	Lot 2 58	37	33	Lot 3 86	Lot 4 69	31	34	39	38	6	11	29	37	31	28	635

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Same as above																			

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Lot 1 Quarter of the _____ Quarter of the _____ Quarter
 of Section 5, Township 26 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 6,538 feet North 525 feet West of Southeast corner of section.
 Authorized Rate 935 gpm Authorized Quantity 310 a/f
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the SE Quarter of the SW Quarter
 of Section 33, Township 25 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 824 feet North 3,036 feet West of Southeast corner of section.
 Proposed Rate 777.82 gpm Proposed Quantity 148.04 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 21,733

9. **Presently authorized point of diversion:**
 One in the Lot 3 Quarter of the _____ Quarter of the _____ Quarter
 of Section 5, Township 26 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 5,394 feet North 3,640 feet West of Southeast corner of section.
 Authorized Rate 1,250 gpm Authorized Quantity 399 a/f
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the SE Quarter of the NW Quarter
 of Section 5, Township 26 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 4,867 feet North 3,107 feet West of Southeast corner of section.
 Proposed Rate 3,161.18 gpm Proposed Quantity 522.5 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the Lot 2 Quarter of the _____ Quarter of the _____ Quarter
 of Section 5, Township 26 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 3,776 feet North 1,306 feet West of Southeast corner of section.
 Authorized Rate 1,050 gpm Authorized Quantity 367 a/f
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the SE Quarter of the NW Quarter
 of Section 5, Township 26 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 4,867 feet North 3,107 feet West of Southeast corner of section.
 Proposed Rate 3,161.18 gpm Proposed Quantity 522.5 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
 See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the SW Quarter of Section 5, Township 26 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 2,348 feet North 3,773 feet West of Southeast corner of section. Authorized Rate 1,500 gpm Authorized Quantity 218 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the SE Quarter of the NW Quarter of Section 5, Township 26 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 4,867 feet North 3,107 feet West of Southeast corner of section. Proposed Rate 3,161.18 gpm Proposed Quantity 522.5 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the NE Quarter of the SW Quarter of the SE Quarter of Section 5, Township 26 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 1,264 feet North 1,340 feet West of Southeast corner of section. Authorized Rate 1,035 gpm Authorized Quantity 334 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SE Quarter of the SE Quarter of Section 5, Township 26 South, Range 19 (~~E~~/W), in Edwards County, Kansas, 1,577 feet North 901 feet West of Southeast corner of section. Proposed Rate 861 gpm Proposed Quantity 226.41 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 29,816 & 21,842

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
 See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for irrigation purposes.
It is proposed that the use be changed to municipal purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
See the attached discussion regarding the quantity of water to be changed to municipal use and paragraph 13 of the cover letter.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to not applicable (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to not applicable gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). 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

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)

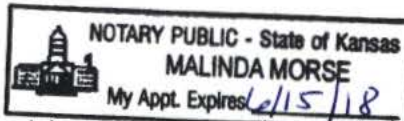
(Owner)

(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.

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.

(Owner) (Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

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- (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.

Proposed Rate and Quantity

The Cities are requesting a total of 896.95 acre-feet and 4,800 gpm from the five wells associated with this water right, which will be divided among new points of diversion C, D, and E, as shown on attached Exhibit N. The single well moving to new point of diversion C totals 148.04 acre-feet and 777.82 gpm. The three existing wells moving to new point of diversion D total 522.5 acre-feet and 3,161.18 gpm. The single well moving to new point of diversion E totals 226.41 acre-feet and 861 gpm.

When combined with existing wells from other water rights, new point of diversion C will have a cumulative total of 367.49 acre-feet and 1,692 gpm. New point of diversion D will have a cumulative quantity of 522.5 acre-feet and 3,161.18 gpm. And when combined with existing wells from other water rights, new point of diversion E will have a cumulative total of 518.92 acre-feet and 2,561 gpm.

The proposed rate was capped at the overall limitation of 4,800 gpm by dividing the maximum rate for each of the five wells by the total rate for all of the wells (5,770 gpm) to determine the relative percentage of each well's rate. The 4,800 gpm rate was then allocated using the resulting percentages.

13. If changing the place of use and the use made of water, describe how the consumptive use will not be increased:

The following discussion is subject to paragraph 13 of the cover letter regarding consumptive use.

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows the use of up to 725.76 acre-feet from this water right for municipal use.¹ As discussed below, 672 approved acres were irrigated during the perfection period; 672 acres multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 725.76 acre-feet.²

That same regulation goes on to allow the City to request that the change be based on the net consumptive use actually made during the perfection period.³

Quantity authorized and perfected

The permit was issued on February 27, 1976, granting the applicant the right to divert up to 1,352 acre-feet annually at a rate not to exceed 4,800 gallons per minute for irrigation use⁴ on 677 acres in Sections 5 and 33-T26S-R19W.⁵ The certificate further limited the quantity to 1,040 acre-feet and a rate of 4,800 gallons per minute.⁶

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

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, HAYS001884, Ex. A.

⁵ Application, HAYS001879, Ex. B.

⁶ Certificate, HAYS001608, Ex. C.

observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”⁷

As discussed below, the Field Inspection Reports indicate that a total of 540 acres were irrigated during the perfection period. However, K.A.R. 5-5-9 refers to “the maximum acreage legally irrigated under the authority of the water right in *any* one calendar year during the perfection period.”⁸ The map attached to the application clearly shows that the system was in place on all five circles⁹ and the 1975 and 1977 water use reports¹⁰ show that water was used on all five circles.¹¹

The Field Inspection Reports indicate that 515 acres were lawfully irrigated on Circles 14, 16, 17, and 18:

- 399 acre-feet were applied to 170 approved acres in the N/2 of Section 5 and the SE/4 of Section 32-T26S-R19W.¹²
- 274 acre-feet were applied to 130 approved acres in the SE/4 of Section 5-T26S-R19W.¹³
- 298 acre-feet were applied to 130 approved acres in the NE/4 of Section 5-T26S-R19W.¹⁴
- 237 acre-feet were applied to 85 approved acres in the NE/4 of Section 5 and the S/2 of Section 33-T26S-R19W.¹⁵

Because all five circles were irrigated in 1977, for change application purposes, the maximum acreage legally irrigated during *any* one calendar year during the perfection period must be the 515 acres irrigated plus the total acres irrigated in Circle 15. This adds an additional 157 acres to the total.¹⁶ Thus, the maximum legally irrigated acres for this water right is 672 acres.

There are at least two alternative approaches to calculating consumptive use.

NIR for Alfalfa

According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County is 13 inches (1.083333 feet) for corn and 20.9 (1.741666 feet) inches for alfalfa.

⁷ The cover letter for this permit was not provided by DWR but there was a cover letter with this language. The cover letter is a standard form letter and was included with the permits for the five other water rights issued to the owners of the property on the same day, February 27, 1976. HAYS000670, HAYS000766, HAYS001009, HAYS001327, and HAYS001490. Moreover, the same language was used to transmit the permits issued in May of 1975 (See, e.g.: HAYS02022 and HAYS02101.) and in March of 1976 (See, e.g.: HAYS002210, HAYS 002321, HAYS002419.). Ex. D

⁸ K.A.R. 5-5-9(a)(1) (emphasis added). See also §§ (a)(2)(A) and (B): “the maximum acreage legally irrigated in *any* one calendar year during the perfection period” (emphasis added).

⁹ HAYS001882, Ex. B.

¹⁰ HAYS001765-1766, Ex. E.

¹¹ While the 1977WUR states that only 105 acres were irrigated, that number is clearly incorrect.

¹² FIR, HAYS001850, Ex. F.

¹³ FIR, HAYS001857, Ex. G.

¹⁴ FIR, HAYS001862, Ex. H.

¹⁵ FIR, HAYS0001867, Ex. I.

¹⁶ FIR, HAYS001877, Ex. J.

Since alfalfa was grown on Circles 14, 16, 17, and 18 in at least one year during the perfection period,¹⁷ it is reasonable to use the NIR for alfalfa, which yields a total quantity of 896.95 acre-feet consumed.

An alternative approach

DWR's use of the NIR of 1.08 feet of water for corn is based on its maximum gross irrigation requirement of 1.5 acre-feet per acre.¹⁸ The regulation allows the conversion of 72% of the maximum quantity to a new use; in other words, it assumes that 28% of the quantity diverted returns to the aquifer.

If 28% of the 1,040 acre-feet set out in the certificate percolates back to the aquifer, then 72%, or 748.80 acre-feet, should be available for conversion to municipal use.¹⁹ This is less than the 1,208 acre-feet authorized so the limitation in K.A.R. 5-5-9(a)(4) is not implicated.

The City requests that DWR approve a total of 896.95 acre-feet for municipal use.

¹⁷ Circle 14, HAYS001853, Ex. F; Circles 16, 17, and 18, *American Agricultural Industries, Inc. v. Slentz McAlister* trial exhibits, HAYS004448-4453, Ex. K. Circle 15 is not included in this calculation because there is no evidence that alfalfa was grown on that Circle.

¹⁸ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. L, stating that: "In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated." See also, K.A.R. 5-3-24.

¹⁹ DWR calculates the perfected quantity for water rights with multiple places of use based on a single year of record even when the total quantity used on multiple places of use is higher if multiple years of record were allowed. Since change applications are also based on use in "any one calendar year" (see footnote 7, supra), this alternative method must be based on the quantity actually perfected in a single year.

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application No. 21,734 of the applicant

Midwest Land and Cattle Company
c/o John Carson, Manager
Box 208
Kinsley, Kansas 67547

for a permit to appropriate water to beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **January 2, 1974.**
2. That the water sought to be appropriated shall be used for **irrigation on the land described in the application.**

3. That the source from which the appropriation is made shall be from **ground water in the drainage basin of the Arkansas River to be withdrawn by means of five (5) wells: one well approximately 140 feet East and 460 feet South of the Northwest corner of Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), one well in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$), one well near the center of the West Half (W $\frac{1}{2}$) of Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), one well in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) and one well in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 5, Township 26 South, Range 19 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.**

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of

4800 gallons per minute (10.70 c.f.s.)

MICROFILMED

and to a quantity of not to exceed

1352 acre-feet

for any calendar year.

(OVER)

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MAR 8 1974 HAYS001884

21784 That installation of works for diversion of water shall be completed on or before December 31, 1977. The applicant shall notify the Chief Engineer of the Division of Water Resources when construction of the works has been completed.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 1981.

7. That the applicant shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer as soon as practicable after the close of each calendar year.

8. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified or any authorized extension thereof.

9. That the use of water herein authorized shall not impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

10. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

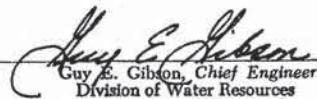
11. That this permit does not constitute authority under K. S. A. 82a-301 to 305 to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or Local Governmental authorities when necessary.

12. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Dated this 27th day of February

1976




Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

HAYS001885

Evans
2

THE STATE OF KANSAS



STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES

Roy Freeland, Secretary

Cuy E. Gibson, Chief Engineer

Woodchuck #50 1-2-74
Ck from Wilson's frame
sa

NUMBER 21734

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.) MIDWEST LAND & CATTLE COMPANY * SEE LETTER
(Mrs.) c/o JOHN CARSON, MANAGER DATED 8-8-75
GEE

Comes now the applicant (Miss) ~~Kinsley Joint Ventures~~ whose post office address is ~~c/o Andrew J. Moore, Attorney at Law, P. O. Box 588, Woodward, Oklahoma 73801~~
Box 208 KINSLEY, KS. 67547

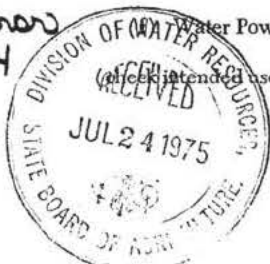
and makes application to the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture, for a permit to appropriate for beneficial use such unappropriated ground water (surface water or groundwater) as may be available in Arkansas River Basin in the county of Edwards (name of stream or drainage basin) state of Kansas, to the extent and in accordance with the particulars hereinafter described:

- The quantity of water desired is in the amount of 1352 acre feet per year, to be diverted at a maximum rate of 4800 gals per minute (acre feet or million gallons) (gallons per minute or cubic feet per second) See back page
- The location of the proposed wells or other works for diversion of water is in the 1 quarter of the 1 quarter of the 1 quarter of section 1, township 1, range 1 in Edwards County, Kansas.
- The water is intended to be appropriated for:



	Amount
(a) Domestic use ()	_____
(b) Municipal use ()	_____
(c) Irrigation use (x)	<u>1352 Acre ft</u> 4800 gals per minute
(d) Industrial use ()	_____
(e) Recreational use ()	_____
(f) Water Power use ()	_____

Date stamp on
Received 1-2-74
9:10 a.m.
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MAR 8 1976

JUL 15 1974

* BUYER'S
HAYS001879
9-9-75

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.

6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or

fractional portion thereof: Kinsley Joint Venture is a partnership with the following owners:
~~J. D. Hodges, 1921 Broadmoor, Woodward, Oklahoma~~ *MIDWEST LAND & CATTLE CO.*
~~W. A. McQuiddy, 1210 S. Fordham, Perryton, Texas~~ *C/O JOHN CARSON, MGR.*
~~Drew Ellis, 823 S. Indiana, Perryton, Texas~~ *KINSLEY, KS. 67547*
~~John O. Ellis Jr., P. O. Box 610, Perryton, Texas~~ ** SEE LETTER*
~~H. C. Brillhart Jr., P. O. Box 576, Perryton, Texas~~ *DATED 8-8-75*
~~Word B. Sherrill, P. O. Box 399, Perryton, Texas~~ *GEE*

Owner of Land—NAME: Kinsley Joint Venture

ADDRESS: c/o Andrew J. Moore, Attorney, P.O. Box 588, Woodward, Oklahoma 73801

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$				
5	26	19	71 61	78 63	38	33	37	35 25	66 78	25	33	23	40	37	28	12	28	31	33	27	33	650
33	25	19													2	20				5		21 50
33	25	19																		5		677

Owner of Land—NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$				

Owner of Land—NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$				

HAYS001880
 7-9-75

7. The works for diversion of water will consist of 5 wells and pumps and five circle irrigation systems with wells and pumps being located at the pivot of each system
(wells, pumps, etc.)
and will be completed by already completed
(Date)

8. The first actual application of water for the beneficial use proposed was or is estimated to be already used - use begun with 1973 growing season
~~3/4/73~~
(Date)

9. The application must be accompanied either by a detailed plat prepared from an actual survey or by an aerial photograph of the area.

The plat or aerial photograph should show

- (a) Location of the proposed point or points of diversion
- (b) Location of the pipe lines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use
- (c) If for irrigation, show the location of the land proposed to be irrigated
- (d) If for industrial or other use, show the location of the land where water will be used.

10. List and describe other applications filed or vested rights held by applicant:

None

11. The relation of the subscriber to this application is that of Proprietor
(Owner, agent or otherwise)
and he is authorized to make this application in behalf of the interest affected.

Dated at Kinsley, Kansas, this 15 day of Dec, 1973

KINSLEY JOINT VENTURE
(Applicant)

By D. Allen Frame
(Agent or Officer)
D. Allen Frame, Attorney

Note:
1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.
1 million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.
1 acre foot = 43,560 cubic feet = 325,851 gallons.

M1-539  5-72-10M SETS

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MAR 8 1976 JUL 15 1974
FIELD OFFICE HAYS001881
DIVISION OF WATER RESOURCES DIVISION OF WATER RESOURCES
STAFFORD STAFFORD

Location of wells are as follows:

- Near the center of the W $\frac{1}{2}$ of lot 3 in section 5-26-19* *RC*
- * Approximately the middle on the western edge of Lot 3 in Section 5-26-19
 NW/4 of NE/4 of SW/4 in said section
 NW/4 of SE/4 of SE/4 in said section
~~NW/4 of SE/4 of NW/4 in said section~~ - *NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ in said section* *RC*
 - * Approximately the middle of the upper half of Lot 2 in said section
APPROX. 140' east & 460' south of NW corner of lot 1 in said section *RC*
 - * Section 5-26-19 is an "over sized" section because it lies just south of a survey correction line. Therefore, instead of having four northern descriptive 40 acres such as the NW/4 of NW/4, the NE/4 of NE/4 etc., it has Lots 1, 2, 3 and 4 which are each approximately 87 acres. *RC*

HAYS001882

32-25-19

33-25-19



*Date stamp error
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dw*

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MICROFILMED
dw*

The irrigation systems whose pivots are at points A and B cover 167 acres and have a radius of 1522 feet. The system whose pivot is at point C covers 112 acres and has a radius of 1250 feet. The system whose pivot is at point D covers 125 acres and has a radius of 1320 feet. The system whose pivot is at point E covers 105 acres and has a radius of 1205. All five of these systems are served by one well and pump at the pivot.

There is a windmill and small pond at point W



HAYS001883



KANSAS DEPARTMENT OF AGRICULTURE
Adrian J. Polansky, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

**CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER**

WATER RIGHT, File No. 21,734

PRIORITY DATE **January 2, 1974**

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater to be withdrawn by means of five (5) wells;

one (1) well (identified by the City of Hays as Well # 18) located in Lot 1 of Section 5, more particularly described as being near a point 6,538 feet North and 525 feet West of the Southeast corner of said section, at a diversion rate not in excess of **935 gallons per minute (2.08 c.f.s.)** and a quantity not to exceed **310 acre-feet** of water per calendar year,

one (1) well (identified by the City of Hays as Well # 14) located in Lot 3 of Section 5, more particularly described as being near a point 5,394 feet North and 3,640 feet West of the Southeast corner of said section, at a diversion rate not in excess of **1,250 gallons per minute (2.78 c.f.s.)** and a quantity not to exceed **399 acre-feet** of water per calendar year,

one (1) well (identified by the City of Hays as Well # 17) located in Lot 2 of Section 5, more particularly described as being near a point 3,776 feet North and 1,306 feet West of the Southeast corner of said section, at a diversion rate not in excess of **1,050 gallons per minute (2.34 c.f.s.)** and a quantity not to exceed **367 acre-feet** of water per calendar year,

one (1) well (identified by the City of Hays as Well # 15) located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW¼ NE¼ SW¼) of Section 5, more particularly described as being near a point 2,348 feet North and 3,773 feet West of the Southeast corner of said section, at a diversion rate not in excess of **1,500 gallons per minute (3.34 c.f.s.)** and a quantity not to exceed **218 acre-feet** of water per calendar year,

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FEB 16 2006
STAFFORD FIELD OFFICE
DIVISION OF WATER RESOURCES
MICROFILMED HAYS001608

one (1) well (identified by the City of Hays as Well # 16) located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 5, more particularly described as being near a point 1,264 feet North and 1,340 feet West of the Southeast corner of said section, at a diversion rate not in excess of **1,035 gallons per minute (2.31 c.f.s.)** and a quantity not to exceed **334 acre-feet** of water per calendar year,

all in Township 26 South, Range 19 West, Edwards County, Kansas,

for irrigation use on the following described property:

24 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),
18 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 42 acres in Section 33, Township 25 South,

68 acres in Lot 1 (E $\frac{1}{2}$ NE $\frac{1}{4}$),
58 acres in Lot 2 (W $\frac{1}{2}$ NE $\frac{1}{4}$),
37 acres in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$),
33 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$),
86 acres in Lot 3 (E $\frac{1}{2}$ NW $\frac{1}{4}$),
69 acres in Lot 4 (W $\frac{1}{2}$ NW $\frac{1}{4}$),
31 acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$),
34 acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$),
39 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
38 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
6 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
11 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),
29 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
37 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$),
31 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),
28 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 635 acres in Section 5, Township 26 South,

all in Range 19 West, Edwards County, Kansas.

The maximum authorized acres that were lawfully irrigated in any one calendar year during the perfection period were 540 acres.

This appropriation right is further limited to a diversion rate which when the wells operate simultaneously will provide a maximum diversion rate not in excess of **4,800 gallons per minute (10.7 c.f.s.)** for irrigation use on the property described herein.

This appropriation right is further limited to a total quantity of water not to exceed **1,040 acre-feet** of water per calendar year for irrigation use on the land described herein.

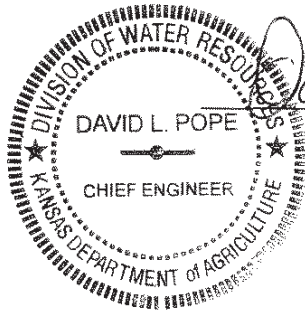
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STAFFORD FIELD OFFICE
DIVISION OF WATER RESOURCES

MICROFILMED
HAYS001609

All terms, conditions and limitation applicable to the Appropriation of Water not expressly changed or removed by the issuance of the Certificate of Appropriation remain in full force and effect. Failure to comply with those terms, conditions and limitations, and those added or amended by this Certificate, will result in the suspension of this appropriation right or revocation and dismissal of this appropriation right.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 19th day of January, 2006.



David L. Pope

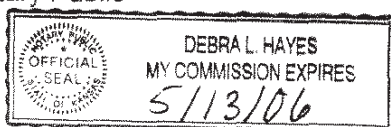
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Shawnee)

The foregoing instrument was acknowledged before me this 19th day of January, 2006, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Debra L. Hayes

Notary Public



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FEB 16 2006

STAFFORD FIELD OFFICE
DIVISION OF WATER RESOURCES

MICROFILMED HAYS001610

E-N²

February 27, 1976

2/27/76

Midwest Land and Cattle Company
c/o John Carson, Manager
Box 208
Kinsley, Kansas 67547

Re: Appropriation of Water
Application No. 21,729

ED

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:ee1

Encs.

RECEIVED

MAR 8 1976

MICROFILMED
HAYS000670

E-N²

February 27, 1976

Midwest Land and Cattle Company
 c/o John Carson, Manager
 Box 208
 Kinsley, Kansas 67547

Re: Appropriation of Water
 Application No. 21,730
 ED

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

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Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
 Hydrologist

RMD:ee1

Encs.

RECEIVED

MAR 8 1976

HAYS000766
 MICROFILMED

E-N²

February 27, 1976

Midwest Land and Cattle Company
 c/o John Carson, Manager
 Box 208
 Kinsley, Kansas 67547

Re: Appropriation of Water
 Application No. 21,731

ED

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

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Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
 Hydrologist

RMD:ee1

Encs.

RECEIVED

MAR 8 1976

MAY 20 1976
 MAY 20 1976
 MAY 20 1976

E-N²

February 27, 1976

Midwest Land and Cattle Company
c/o John Carson, Manager
Box 203
Kinsley, Kansas 67547

Re: Appropriation of Water
Application No. 21,732

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

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Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:ee1

Encs.

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MAR 8 1976
MICROFILMED
HAYS 50011727

E-N²

February 27, 1976

Midwest Land and Cattle Company
 c/o John Carson, Manager
 Box 208
 Kinsley, Kansas 67547

Re: Appropriation of Water
 Application No. 21,733

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

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There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
 Hydrologist

RMD:ee1

Encs.

RECEIVED

MAR 8 1976
 MICROFILMED
 AYS00-1490

May 29, 1975

Mr. Clarence A. Wilson
2610 North Van Buren
Hutchinson, Kansas 67501

Re: Appropriation of Water
Application No. 21,841

ED

Dear Mr. Wilson:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

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Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:eel
Encs.
cc: Full Service Insurance, Inc.

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JUN 10 1975 HAYS002022
MICROFILMED

May 29, 1975

Mr. Clarence A. Wilson
2610 North Van Buren
Hutchinson, Kansas 67501

Re: Appropriation of Water
Application No. 21,842

ED

Dear Mr. Wilson:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

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Very truly yours,

Riley M. Dixon
Hydrologist

RMD:ee1
Encs.
cc: Full Service Insurance, Inc.

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HAYS002101

JUN 9 1975
MICROFILMED
FIELD OFFICE
DIVISION OF WATER RESOURCES
STATE OF KANSAS

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 N

March 19, 1976

Midwest Land and Cattle Co.
 Box 208
 Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
 Application No. 22,325
 ED

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

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Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
 Hydrologist

RMD:GEE:ee1

Encs.

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MAR 29 1976 HAYS002210

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 FILED OFFICE
 DIVISION OF WATER RESOURCES
 STAFFORD

2
E-N

March 19, 1976

Midwest Land and Cattle Co.
Cox 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,326

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

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Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

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MAR 29 1976
MICROFILMED HAYS002321
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

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E-N

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,327

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

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Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

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RMD:GEE:ee1

Encs.

MAR 29 1976

HAYS002419

FIELD OFFICE

DIVISION OF WATER RESOURCES
STAFFORD

MICROFILMED

185
174
14

EXHIBIT
21734
E

REPORT FOR IRRIGATION WATER USE
FOR 1975

2

If you have disposed of your interest in this water right, will you please forward this form to the present holder of the right, or notify us as to whom we should contact regarding the water right.

This report applies to: (check one only)

() A vested right (X) Appropriation right, Application No. 21734

Place of use is in Edwards County, Kansas

Reporting on: (X) Wells () Stream bank pumping plants

Location of each well battery of wells, or stream-bank pumping plant	Hours Pumped and Average Pumping Rate		If Water is Metered 1 <u> </u> Gallons 2 <u> </u> Acre Feet (Check Units Used)	If Source is Groundwater WELL INFORMATION		
	Hours	GPM		Date Measured	Depth	Depth
					to	of
				Water	Well	
<i>nr. Ch. of the well side</i> #10 <u>3 1/4 NW 1/4</u> Sec <u>5 T26 R19w</u>	1128	1300				
<i>nr. Ch. of the</i> #15 <u>N 1/2 N 1/2 SW 1/4</u> Sec <u>5 T26 R19w</u>	1080	1300				
#16 <u>NE 1/4 CTR 1/4 SE 1/4</u> Sec <u>5 T 26R 19w</u>	1632	1000				
#17 <u>1/4 Ch 1/4 NE 1/4</u> Sec <u>5 T 26R 19w</u>	1812	1000				
<i>nr. Ch. north side between</i> #18 <u>1/2 1/2 in NE 1/4</u> Sec <u>5 T26R19w</u>	1428	1000				
<u>1/4 1/4 1/4</u> Sec <u> T R</u>						
<u>1/4 1/4 1/4</u> Sec <u> T R</u>						
<u>1/4 1/4 1/4</u> Sec <u> T R</u>						
<u>1/4 1/4 1/4</u> Sec <u> T R</u>						
<u>1/4 1/4 1/4</u> Sec <u> T R</u>						
<u>1/4 1/4 1/4</u> Sec <u> T R</u>						
<u>1/4 1/4 1/4</u> Sec <u> T R</u>						

Show number of acres irrigated under this right during ~~1974~~ ¹⁹⁷⁵ 460

Signature *Larry Kimmel* Date 1-25-75
Mailing Address MIDWEST LAND & CATTLE CO.
R. R. 1 BOX 82E
KINSLEY, KANSAS 67547

RECEIVED

DIVISION OF WATER RESOURCES
STATE OF KANSAS
HAYS001765
JAN 28 1975
MICROFILMED

WATER USE REPORT AND ASSESSMENT FORM
for
BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO. 5

2 X

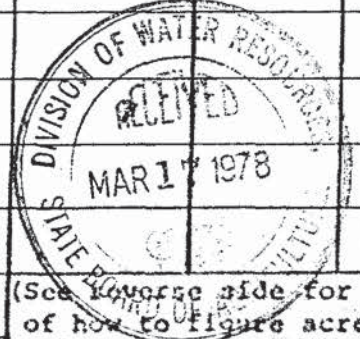
Name Paul Mann and First National Investors Corporation, Inc. Water Application # 21,734
Address 453 South Webb Road City Wichita State Kans Zip Code 67207
County Edwards Township Name South Brown

Fill out a separate report for each vested right and each appropriation right or permit. Identify each by vested right code or application number above.

This report applies to: (X only 1) A vested right Appropriation right

Purpose of use: Irrigation; Municipal*; Industrial*; Recreational*

	Hours Pumped and Average Pumping Rate	If Water is Metered	WELL INFORMATION (if available)				
			1 Gallons	2 Acre-feet	Date Measured	Depth to Water	Depth of Well
13 ^{LOT 1} <u>NE 1/4 NE 1/4 Sec 5 T 26 R 19</u>	577	1200	127	Ac ft			
14 ^{LOT 3} <u>NE 1/4 NW 1/4 Sec " T " R "</u>	596	1500	164	Ac ft			
15 <u>NW 1/4 NE 1/4 SW 1/4 Sec " T " R "</u>	789	1500	217	Ac ft			
16 <u>NW 1/4 SE 1/4 SE 1/4 Sec " T " R "</u>	853	1000	156	Ac ft			
17 <u>NE 1/4 SW 1/4 NE 1/4 Sec " T " R "</u>	913	1200	201	Ac ft			
<u>1/4 1/4 1/4 Sec T R</u>							
TOTAL							



If irrigation use, total acres irrigated REYS Type of fuel for pump NATURAL GAS

Crop(s) irrigated under this right WILD

I hereby affirm that the statement of water use on this form contains a full and true amount of such water use by me, to the best of my knowledge and belief.

Date 3-7-78

Paul Mann
Signature of person filling this report

AUG 28 1978

If tenant, who is the owner

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

Owner's address

THIS FORM MUST BE FILLED OUT BY ALL WATER USERS! [Those using less than one (1) acre-foot total water usage (not per acre) need not report.]

HAYS001766
MICROFILMED

*ALL MUNICIPAL, INDUSTRIAL, AND RECREATIONAL USERS MUST FILL OUT THE REVERSE SIDE OF THIS FORM.

FIELD INSPECTION REPORT



- Partial
- Full
- Re-Test

Field Office No. 2
G.M.D. No. 5

Test 1 of 5 Diversion points County Edwards
#14

Inspection
Application No. 21,734 Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc
Eberly/Steinmetz

Current Landowner Connecticut General Life Insurance Co. Phone No. (308) 534-9240
% Jerry Weaver

Address PO, Box 1162, North Platte, NE 69103
 Additional landowners and addresses identified in remarks section.

Water Use Classification: () Domestic () Industrial (x) Irrigation () Municipal
() Recreation () Stockwatering () Water Power

Source:
(x) Groundwater () Surface Water Basin/Stream Rattlesnake Creek

Authorized Point of Diversion: NC W 1/2 of Lot 3 Sec. 5, T. 26, R. 19, IID No. 02
Approximately - ft. North and - ft. West of SE corner of Sec. -

Actual Point of Diversion: NC W 1/2 of Lot 3 Sec. 5, T. 26, R. 19
Approximately 5424 ft. North and 3735 ft. West of SE corner of Sec. 5
How were distances determined? Scalped from AISC aerial photo.

"Approved" Quantity 1352 AF "Approved" Diversion Rate 4800 g.p.m. (10.7 c.f.s.)

Priority Date Jan. 2, 1974 Approval Date Feb. 27, 1976 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
<u>5</u>	<u>26</u>	<u>19</u>	<u>71</u>	<u>78</u>	<u>38</u>	<u>33</u>	<u>85</u>	<u>66</u>	<u>25</u>	<u>33</u>	<u>40</u>	<u>37</u>	<u>8</u>	<u>12</u>	<u>31</u>	<u>33</u>	<u>27</u>	<u>33</u>	<u>650</u>	
<u>33</u>	<u>25</u>	<u>19</u>												<u>2</u>	<u>20</u>		<u>5</u>		<u>27</u>	
																				<u>677</u>

LAND IRRIGATED—YEAR OF RECORD 1986

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
<u>5</u>	<u>26</u>	<u>19</u>		<u>11</u>	<u>6</u>		<u>84</u>	<u>60</u>												<u>161</u>
<u>32</u>	<u>25</u>	<u>19</u>															<u>4</u>	<u>5</u>		<u>9</u>
																				<u>170</u>

TESTED DIVERSION RATES **RECEIVED**

Maximum G.P.M. _____ (c.f.s. _____) Normal G.P.M. 1247 (c.f.s. 2.78)

DEC 20 1993

FOR D.W.R. USE ONLY

Year of Record 1986 DIVISION OF WATER RESOURCES STAFFORD
Extension of time needed: Yes (x) No () Attached? yes () no (x)

Ac. Ft. Applied = 1737 hrs. x 1247 g.p.m. x $\frac{4.419}{24 \times 1000}$ = 399 AF

"Approved" Land irrigated 170 acres, with 399 AF = 2.25 AF/acre

Total AF (including overlapping Files) 399 (2.25 AF/acre)

170 acres x 2.0 A.F. per acre = 340 A.F.

MICROFILMED

Perfected Rate 1250 g.p.m. (2.79 c.f.s.) Perfected Quantity 310 AF

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Valley Model 4871 Serial No. 48563

Drive: Water Electric Length of Pivot Arm 11 towers⁺ acres irr. 170

Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

Is there an End Gun? (x) yes () no Is end gun operating during Test (x) yes () no

End Gun Model Nelson 100 Rating _____ g.p.m. Orifice size _____

Gravity Irrigation

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

Other

Type _____

Manufacturer _____ Model _____ Serial No. _____

Center pivot has a low-pressure water pattern.
unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP _____

Serial No. LSG-875R-6003-C Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Johnston Model No. NA Rated RPM _____

Serial No. CF21236 Type Vertical Turbine No. stages 1A

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. 580

Serial No. 87989 Drive Right Angle Ratio 5:4

WELL INFORMATION: NO INFORMATION AVAILABLE EXCEPT NOTE IN PLANS THAT STATES WELL HAD BEEN COMPLETED PRIOR TO JANUARY 1973.

Date Drilled _____ Original Depth _____ ft. Static Water Level When Drilled _____ ft.

Length of time well has (x) operated: () rested prior to measurement 4 (x) days () hrs

Is measurement tube required? () yes (x) no Is measurement tube present () yes (x) no

Depth to water not possible ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes (x) no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is the meter installed properly? () yes () no Check Valve Present? (x) yes () no

Injection port present? () yes (x) no Operating an injection system? () yes (x) no

Low Pressure Drain? (x) yes () no Vacuum Breaker? (x) yes () no

Plant Health Chemigation Report completed? (x) yes () no

HAYS001851

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORK, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Location of test Horizontal pipe between pump + pivot
 Pipe Diameter (I.D.) 7 1/16 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2028
 R.P.M. PUMP UNIT 1622
 Pressure at Pump 43 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)	Velocity (fps)
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____
7. _____	7. _____
8. _____	8. _____
9. _____	9. _____
10. _____	10. _____
Total _____	Total _____
Avg. _____	Avg. _____
G.P.M. _____	G.P.M. _____

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FIELD OFFICE
 DIVISION OF WATER RESOURCES
 STAFFORD

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.	Ending _____ gal.
Beginning _____ gal.	Beginning _____ gal.
Difference _____ gal.	Difference _____ gal.
Time _____ min.	Time _____ min.
Rate _____ gpm	Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS001852

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1128	1300		
1976				
1977	596	1500		
1978				
1979				
1980				
1981				
1982				
1983	0			
1984	0			
1985	689	1200		170
* 1986	1737	1247**		170
1987		1247**		
** obtained from test data				

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year Alfalfa Year of record Alfalfa

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

Other Fuels Type _____ Supplier _____
 Rate = $\frac{Volume (test)}{time}$ = _____
 How was the test volume determined? _____

REMARKS: _____

Person present at test Roy Williams employee of tenant
(name) (relationship)
 Water Use Correspondent Agri Associates % Jerry Weaver Box 1162 North Platte NE 69103 308-534-9240
(name) (address) (phone number)
 Conducted by Greg Ebert Date 8/19/87 HAYS001853
 Approved by Kill J. W... Date 8/28/87
(signature) (initials)

APPLICATION NO: 21, 734

NAME: Connecticut General Life Ins.

POINTS OF DIVERSION AND SECTION CORNERS

The actual section corners of the land applied for and the land irrigated have never been clearly marked. (If it was marked at some time, we, nor the present owners and managers could find any marks or records.) It appears the land described on the applications was based on visible marks, but we don't know for sure. It might have been surveyed and be more accurate than our method of identifying section corners. Our procedure of finding the section corners consisted of several steps. First, we used copies of the original survey plats to find the dimension of each section. Second, we laid out each section on the large small-scale photos in the ASCS office. For this, we used not only survey 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.

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Reviewed by: SEP 20 1993

W.J. Wurd
Professional Engineer



FIELD C. 100
DIVISION OF WATER RESOURCES
STAFFORD

MICROFILMED

APPLICATION NO: 21,734

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CLOSING A YEAR OF RECORD

THIS DEVELOPMENT UNIT HAS SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES, A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTEGRATED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CLOSING A YEAR OF RECORD.



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DIVISION OF WATER RESOURCES
STAFFORD

Reviewed by:

PUMPING PLANT TESTING, INC.

Ed J. West

Professional Engineer MICROFILMED

APPLICATION NO: 21734 NAME: Connecticut General Life Ins

COLLINS METER TEST

Collins Meter No. 1-84 Meter Calibration Factor .9635
 Pipe Inside Diameter (inches) 7 1/16 Flow Rate Factor 143
 Test Pressure (psi) 43 Test RPM, Pump 1622
 Description of Test Location Horizontal pipe between
pump and pivot

TEST DATA: Check, Initial 9.27 Reversed 9.25
 Meter Setting From Velocity Velocity
 Center of Pipe Left Side of Pipe Right Side of Pipe
 (or Front Side if (or Back Side if
 Vertical Test) Vertical Test)

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)	Initial	Reversed
<u>1 7/16</u>	<u>9.78</u>	<u>9.81</u>	<u>9.27</u>	<u>9.25</u>
<u>2 3/4</u>	<u>9.54</u>	<u>9.62</u>		
<u>3 1/2</u>	<u>9.12</u>	<u>8.92</u>		

Average Velocity of Water = Sum of Vel. ÷ 12 = 9.05

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
9.05 x .9635 = 8.72

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
8.72 x 143 = 1247 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
RECEIVED

Professional Engineer

DEC 20 1993

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 DIVISION OF WATER RESOURCES
 STAFFORD

MICROFILMED

HAYS001856

EXHIBIT
21734
G

DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE

FIELD INSPECTION REPORT



- Partial
- Full
- Re-Test

Field Office No. 2
G.M.D. No. 5

Test 2 of 5 Diversion points County Edwards
#16

Application No. 21734 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing Inc
Ebert/Steigman

Current Landowner Connecticut General Life Ins. Co. Agri Affiliates Phone No. (308) 534-9240
Attn. Jerry Weaver

Address P.O. Box 1162 North Platte, NE 69103
 Additional landowners and addresses identified in remarks section.

Water Use Classification: () Domestic () Industrial () Irrigation () Municipal
() Recreation () Stockwatering () Water Power

Source:
 Groundwater () Surface Water Basin/Stream Rattlesnake Creek

Authorized Point of Diversion: NW 1/4, SE 1/4, SE 1/4 Sec. 5, T. 26, R. 19, ID No. 05
Approximately 5 ft. North and ft. West of SE corner of Sec.

Actual Point of Diversion: NW 1/4, SE 1/4, SE 1/4 Sec. 5, T. 26, R. 19
Approximately 1260 ft. North and 1332 ft. West of SE corner of Sec. 5
How were distances determined? Sealed from ASCS aerial photo.

"Approved" Quantity 1352 AF "Approved" Diversion Rate 4800 g.p.m. (10.7 c.f.s.)

Priority Date Jan. 2, 1974 Approval Date Feb. 27, 1976 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>5</u>	<u>26</u>	<u>19</u>	<u>71</u>	<u>78</u>	<u>38</u>	<u>33</u>	<u>85</u>	<u>66</u>	<u>25</u>	<u>33</u>	<u>40</u>	<u>37</u>	<u>8</u>	<u>12</u>	<u>31</u>	<u>33</u>	<u>27</u>	<u>33</u>	<u>650</u>
<u>33</u>	<u>25</u>	<u>19</u>												<u>2</u>	<u>20</u>		<u>5</u>		<u>27</u>
																			<u>677</u>

LAND IRRIGATED—YEAR OF RECORD 1986

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>5</u>	<u>26</u>	<u>19</u>													<u>34</u>	<u>32</u>	<u>30</u>	<u>34</u>	<u>120</u>

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TESTED DIVERSION RATES

Maximum C.P.M. DEC 20 1993 (c.f.s.) Normal C.P.M. 1034 (c.f.s. 2.30)

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

Year of Record 1985 Extension of time needed: Yes () No () Attached? yes () no ()

Ae. Ft. Applied = 1438 hrs. x 1034 g.p.m. x $\frac{4.419}{24 \times 1000}$ = 274 AF

"Approved" Land irrigated 130 acres, with 274 AF = 2.11 AF/acre

Total AF (including overlapping Files) 274 (2.11 AF/acre)

130 acres x 2.0 A.F. per acre = 260 A.F.

MICROFILMED

Perfected Rate 1035 g.p.m. (2.31 c.f.s.) Perfected Quantity 260 AF

HAYS001857

21734
GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Olson Model 103P Serial No. 4015

Drive: Water Electric Length of Pivot Arm _____ acres irr. 130

Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

Is there an End Gun? (yes () no) Is end gun operating during Test (yes () no)

End Gun Model 2 Rain Bird 855 Rating _____ g.p.m. Orifice size _____

Gravity Irrigation

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Low pressure spray water pattern on center pivot.
unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP _____

Serial No. _____ Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Simmons Model No. No Tag Rated RPM _____

Serial No. NA Type Vertical Turbine No. stages NA

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. G80

Serial No. 84218 Drive Right Angle Ratio 6:5

WELL INFORMATION: NO INFORMATION AVAILABLE

Date Drilled _____ Original Depth _____ ft. Static Water Level When Drilled _____ ft.

Length of time well has () operated (rested prior to measurement) 2 (days () hrs

Is measurement tube required? () yes (no) Is measurement tube present () yes (no)

Depth to water 47 ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes (no) Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is the meter installed properly? () yes () no Check Valve Present? (yes () no)

Injection port present? (yes () no) Operating an injection system? () yes (no)

Low Pressure Drain? (yes () no) Vacuum Breaker? (yes () no)

Plant Health Chemigation Report completed? (yes () no)

HAYS001858

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORK, AND DISTRIBUTION SYSTEM.
 (Indicate distribution-system layout at time of field test).

N
 ↑
 Scale
 1" = _____ ft.

TEST OF DIVERSION RATE:

Location of test Horizontal pipe between pump and pivot
 Pipe Diameter (I.D.) 7 1/4 inches

Test No. 1—Normal Conditions	Test No. 2—Maximum Conditions
R.P.M. POWER UNIT <u>1962</u>	R.P.M. POWER UNIT _____
R.P.M. PUMP UNIT <u>1635</u>	R.P.M. PUMP UNIT _____
Pressure at Pump <u>40</u> psi	Pressure at Pump _____ psi

Jacuzzi Meter Test Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)	Velocity (fps)
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____
7. _____	7. _____
8. _____	8. _____
9. _____	9. _____
10. _____	10. _____
Total _____ gal	
Avg. _____	
G.P.M. _____	

RECEIVED
 DEC 20 1993
 FIELD OFFICE
 DIVISION OF WATER RESOURCES
 STAFFORD

Propeller Meter Test Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.	Ending _____ gal.
Beginning _____ gal.	Beginning _____ gal.
Difference _____ gal.	Difference _____ gal.
Time _____ min.	Time _____ min.
Rate _____ gpm	Rate _____ gpm

MICROFILMED

Other Flow Meter Use Supplemental Sheet (include meter identification, data and calculations).

HAYS001859

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1632	1000		
1976				
1977	853	1000		
1978				
1979	1224	700		115
1980	1500	700		120
1981	1152	700		115
1982				
1983	849	900		115
1984	1750	750		130
1985	1438	890		130
* 1986	921	1034**		130
1987		1034**		

** obtained from test data

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year Soybeans Year of record _____

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

Other Fuels Type _____ Supplier _____
 Rate = $\frac{Volume (test)}{time}$ = _____
 How was the test volume determined? _____

REMARKS: SEE NOTES ON TEST REPORT FOR WORK LOGS REGARDING SELECTION OF YEAR OF RECORD.

Person present at test Kent Naber employee of tenant

Water Use Correspondent Asi Associates 20 Jessy Weaver Box 1162 North Platte, NE 69103 308-534-9240

Conducted by Breg Ebert Date 8/19/87 HAYS001860

Approved by Bill J. Wentz, P.E. Date 8/28/87

EXHIBIT
21734
H

DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF WATER RESOURCES
FIELD INSPECTION REPORT



- Partial
- Full
- Re-Test

Field Office No. 2
G.M.D. No. 5
17

Test 3 of 5 Diversion points County Edwards

Application No. 21734 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc

Current Landowner Connecticut General Life Ins Co Affiliates Phone No. (308) 534-9240
Attn. Jerry Weaver

Address P.O. Box 1162 North Platte, NE 69103
 Additional landowners and addresses identified in remarks section.

Water Use Classification: () Domestic () Industrial () Irrigation () Municipal
() Recreation () Stockwatering () Water Power

Source:
() Groundwater () Surface Water Basin/Stream Rattlesnake Creek

Authorized Point of Diversion: NE 1/4, SW 1/4, NE 1/4 Sec. 5, T. 26 R. 19, ID No. 03
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: NE 1/4, SW 1/4, NE 1/4 Sec. 5, T. 26, R. 19
Approximately 4000 ft. North and 1333 ft. West of SE corner of Sec. 5
How were distances determined? Scaled from ASCS aerial photo.

"Approved" Quantity 1352 AF "Approved" Diversion Rate 4800 g.p.m. (10.7 c.f.s.)

Priority Date Jan. 2, 1974 Approval Date Feb. 27, 1976 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>5</u>	<u>26</u>	<u>19</u>	<u>71</u>	<u>78</u>	<u>38</u>	<u>33</u>	<u>85</u>	<u>66</u>	<u>25</u>	<u>33</u>	<u>40</u>	<u>37</u>	<u>8</u>	<u>12</u>	<u>31</u>	<u>33</u>	<u>27</u>	<u>33</u>	<u>650</u>
<u>33</u>	<u>25</u>	<u>19</u>											<u>2</u>	<u>20</u>			<u>5</u>		<u>27</u>
																			<u>677</u>

LAND IRRIGATED—YEAR OF RECORD 1986

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>5</u>	<u>26</u>	<u>19</u>	<u>32</u>	<u>28</u>	<u>35</u>	<u>35</u>													<u>130</u>

TESTED DIVERSION RATES **RECEIVED**

Maximum G.P.M. _____ (c.f.s. _____) Normal G.P.M. 1047 (c.f.s. 2.33)

DEC 20 1993
FOR D.W.R. USE ONLY

Year of Record 1985 DIVISION OF WATER RESOURCES ESTABLISHED time needed: Yes () No () Attached? yes () no ()

Ac. Ft. Applied = 1543 hrs. x 1047 g.p.m. x $\frac{4.419}{24 \times 1000}$ = 299 AF

"Approved" Land irrigated 130 acres, with 299 AF = 2.29 AF/acre

Total AF (including overlapping Files) 299 (2.29 AF/acre)

130 acres x 2.0 AF. per acre = 260 A.F.
MICROFILMED

Perfected Rate 1050 g.p.m. (2.34 c.f.s.) Perfected Quantity 260 AF

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Olson Model 103P Serial No. 4020

Drive: Water Electric Length of Pivot Arm _____ acres irr. 130

Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

Is there an End Gun? (yes () no Is end gun operating during Test (yes () no

End Gun Model 2 1/2 in Bird 85's Rating _____ g.p.m. Orifice size _____

Gravity Irrigation

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

Other Type LOW PRESSURE WATER

Manufacturer _____ Model _____ Serial No. _____

Low pressure water pattern on center pivot.
unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP _____

Serial No. _____ Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Johnston Model No. _____ Rated RPM _____

Serial No. CF21223 Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. 580

Serial No. 87985 Drive Right Angle Ratio 5:14

WELL INFORMATION: NO INFORMATION AVAILABLE

Date Drilled _____ Original Depth _____ ft. Static Water Level When Drilled _____ ft.

Length of time well has () operated () rested prior to measurement 3 days () hrs

Is measurement tube required? () yes () no Is measurement tube present () yes () no

Depth to water _____ ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes () no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is the meter installed properly? () yes () no Check Valve Present? () yes () no

Injection port present? () yes () no Operating an injection system? () yes () no

Low Pressure Drain? () yes () no Vacuum Breaker? () yes () no

Plant Health Chemigation Report completed? () yes () no

HAYS001863

SKETCH OF ACTUAL PLACE, USE, LOCATION OF DIVERSION WORK, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).

N
 ↑
 Scale
 1" = _____ ft.

TEST OF DIVERSION RATE:

Location of test Horizontal pipe between pump and pivot
 Pipe Diameter (I.D.) 8 1/8 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2204
 R.P.M. PUMP UNIT 1837
 Pressure at Pump 43 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q (gpm) = VK$

Velocity (fps)
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____

Velocity (fps)
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____

Total _____
 Avg. _____
 G.P.M. _____

Total _____
 Avg. _____
 G.P.M. _____

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS001864

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1812	1000		
1976				
1977	913	1200		
1978				
1979	1224	750		120
1980	1900	800		130
1981	1152	750		120
1982				
1983	849			121
1984	1750			130
1985	1543			130
* 1986	1186			130
1987				

← This is wrong - should be 894
 ** obtained from test data

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year Soybeans Year of record Corn

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type _____ Supplier _____
 Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____
 How was the test volume determined? _____

REMARKS: NOTES ON SECTION 802000000'S & SELECTING A YEAR OF RECORD ARE IN THE REPORT FOR WELL 1 OF 5.

Person present at test Kent Naber employee of tenant
(name) (relationship)
 Water Use Correspondent Agri Affiliates % Jessy Weaver Box 1162 North Platte NE 69103 308-534-9240
(name) (address) (phone number)
 Conducted by Brag Ebert Date 8/19/87 HAYS001865
 Approved by Ned J. Went, P.E. Date 8/28/87
(signature)

APPLICATION NO: 21734 NAME: Connecticut General Life Ins

COLLINS METER TEST

Collins Meter No. 1-84 Meter Calibration Factor .9635
 Pipe Inside Diameter (inches) 8 1/8 Flow Rate Factor 160.2
 Test Pressure (psi) 43 Test RPM, Pump 18.37
 Description of Test Location Horizontal pipe between
pump and pivot

TEST DATA: Check, Initial 7.69 Reversed 7.68
 Meter Setting From Center of Pipe Velocity Left Side of Pipe Velocity Right Side of Pipe
 (or Front Side if (or Back Side if
 Vertical Test) Vertical Test)

Meter Setting From Center of Pipe	Velocity Left Side of Pipe (or Front Side if Vertical Test)	Velocity Right Side of Pipe (or Back Side if Vertical Test)
<u>1 1/16</u>	<u>7.53</u>	<u>7.32</u>
<u>2 7/8</u>	<u>7.10</u>	<u>6.49</u>
<u>3 1/16</u>	<u>6.48</u>	<u>5.88</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.785

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 6.785 x .9635 = 6.54

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 6.54 x 160.2 = 1047 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
RECEIVED Professional Engineer

DEC 20 1993

FIELD OFFICE
 DIVISION OF WATER RESOURCES
 STAFFORD

MICROFILMED

HAYS001866

FIELD INSPECTION RECEIVED



- Partial
Full
Re-Test

Field Office No. 2
G.M.D. No: 5

Test 4 of 5 Diversion points County Edwards
#18

Application No. 21734 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc
Current Landowner Connecticut General Life Ins. Co. Agri. Affiliates Ebert/Stegman
Address P.O. Box 1162 North Platte, NE 69103

Water Use Classification: () Domestic () Industrial (X) Irrigation () Municipal
() Recreation () Stockwatering () Water Power

Source: (X) Groundwater () Surface Water Basin/Stream Rattlesnake Creek

Authorized Point of Diversion: NE 1/4, NE 1/4 Sec. 5, T. 26, R. 19, ID No. 01

Actual Point of Diversion: NE 1/4, NE 1/4, NE 1/4 Sec. 5, T. 26, R. 19
Approximately 646 ft. North and 535 ft. West of SE corner of Sec. 5

"Approved" Quantity 1352 AF "Approved" Diversion Rate 4800 g.p.m. (10.7 c.f.s.)

Priority Date Jan 2, 1974 Approval Date Feb. 27, 1976 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None

LAND TO BE INCLUDED ON CERTIFICATE:

Table with columns S, T, R, NE 1/4, NW 1/4, SW 1/4, SE 1/4, TOTAL ACRES. Contains handwritten acreage data for sections 5 and 33.

LAND IRRIGATED—YEAR OF RECORD 1986

Table with columns S, T, R, NE 1/4, NW 1/4, SW 1/4, SE 1/4, TOTAL ACRES. Contains handwritten acreage data for sections 5 and 33.

RECEIVED

TESTED DIVERSION RATES

Maximum G.P.M. (c.f.s. DEC 20 1993 Normal G.P.M. 933 (c.f.s. 208)

FIELD OFFICE FOR D.W.R. USE ONLY STAFFORD

Year of Record 1986 Extension of time needed: Yes (X) No () Attached? yes () no (X)

Ac. Ft. Applied = 1376 hrs. x 933 g.p.m. x 4.419 / (24 x 1000) = 237 AF

"Approved" Land irrigated 85 acres, with 237 AF = 2.79 AF/acre

Total AF (including overlapping Files) 237 (2.79 AF/acre)

85 acres x 2.0 A.F. per acre = 170 A.F.

MICROFILMED

Perfected Rate 935 g.p.m. (2.08 c.f.s.) Perfected Quantity 170 AF HAYS001867

Center Pivot

Manufacturer Valley Model NA Serial No. NA
Drive: Water Electric Length of Pivot Arm _____ acres irr. 85
Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
Is there an End Gun? yes () no Is end gun operating during Test yes () no
End Gun Model Nelson 100 Rating _____ g.p.m. Orifice size _____

Gravity Irrigation

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

Other

Type _____
Manufacturer _____ Model _____ Serial No. _____

No serial number tag could be found on center pivot.
unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP _____
Serial No. _____ Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Johnston Model No. NA Rated RPM _____
Serial No. CF21226 Type Vertical Turbine No. stages NA

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. 2BC-90
Serial No. 70524 Drive Right Angle Ratio 6:5

WELL INFORMATION: NO INFORMATION AVAILABLE.

Date Drilled _____ Original Depth _____ ft. Static Water Level When Drilled _____ ft.
Length of time well has operated () rested prior to measurement 2 days () hrs
Is measurement tube required? () yes no Is measurement tube present () yes no
Depth to water _____ ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes no Make of Meter _____
Meter Model No. _____ Serial No. _____ Size _____
Is the meter installed properly? () yes () no Check Valve Present? yes () no
Injection port present? () yes no Operating an injection system? () yes no
Low Pressure Drain? yes () no Vacuum Breaker? yes () no
Plant Health Chemigation Report completed? yes () no

HAYS001868

SKETCH OF ACTUAL PLACE OF JET LOCATION OF DIVERSION WORK, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



Scale
 1" = _____ ft.

TEST OF DIVERSION RATE:

Location of test Vertical pipe inside pivot stand
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 2064
 R.P.M. PUMP UNIT 1720
 Pressure at Pump 66 psi

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

- Velocity (fps)
1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____

- Velocity (fps)
1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____

Total _____
 Avg. _____
 G.P.M. _____

Total _____
 Avg. _____
 G.P.M. _____

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS001869

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1428	1000		
1976				
1977	577	1200		
1978				
1979				
1980	600	650		98
1981				
1982				
1983	0			
1984	1750	750		100
1985	1481	900		85
* 1986	1376	933**		85
1987		933**		

** obtained from test data

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year Alfalfa Year of record Alfalfa

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

Other Fuels Type _____ Supplier _____
 Rate = $\frac{Volume (test)}{time}$ = _____
 How was the test volume determined? _____

REMARKS: NOTES ON CHOOSING A YEAR OF RECORD & SECTION BOUNDARIES ARE CONTAINED WITH REPORT OF #1 WELL OUT OF 5.

Person present at test Roy Williams employee of tenant
(name) (relationship)
 Water Use Correspondent Jerry Weaver (Agri A Affiliates) Box 1162 North Platte NE 69103 308-534-9244
(name) (address) (phone number)
 Conducted by Breg Ebert Date 8/19/87 HAYS001870
 Approved by Kill J. Wentz, P.E. Date 8/28/87
(signature) (title)

APPLICATION NO: 21734 NAME: Connecticut General Life Ins

COLLINS METER TEST

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 66 Test RPM, Pump 1720

Description of Test Location Vertical pipe inside pivot stand

TEST DATA: Check, Initial 7.07 Reversed 7.10
 Velocity Velocity
 Meter Setting From Left Side of Pipe Right Side of Pipe
 Center of Pipe (or Front Side if (or Back Side if
 Vertical Test) Vertical Test)

Meter Setting	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 9/16</u>	<u>6.32</u> <u>6.35</u>	<u>7.61</u> <u>7.56</u>
<u>2 3/4</u>	<u>5.88</u> <u>5.80</u>	<u>7.50</u> <u>7.44</u>
<u>3 9/16</u>	<u>5.41</u> <u>5.52</u>	<u>7.18</u> <u>7.32</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.662

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
6.662 x .9635 = 6.42

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
6.42 x 145.4 = 933 GPM



PUMPING PLANT TESTING, INC.

RECEIVED BY:

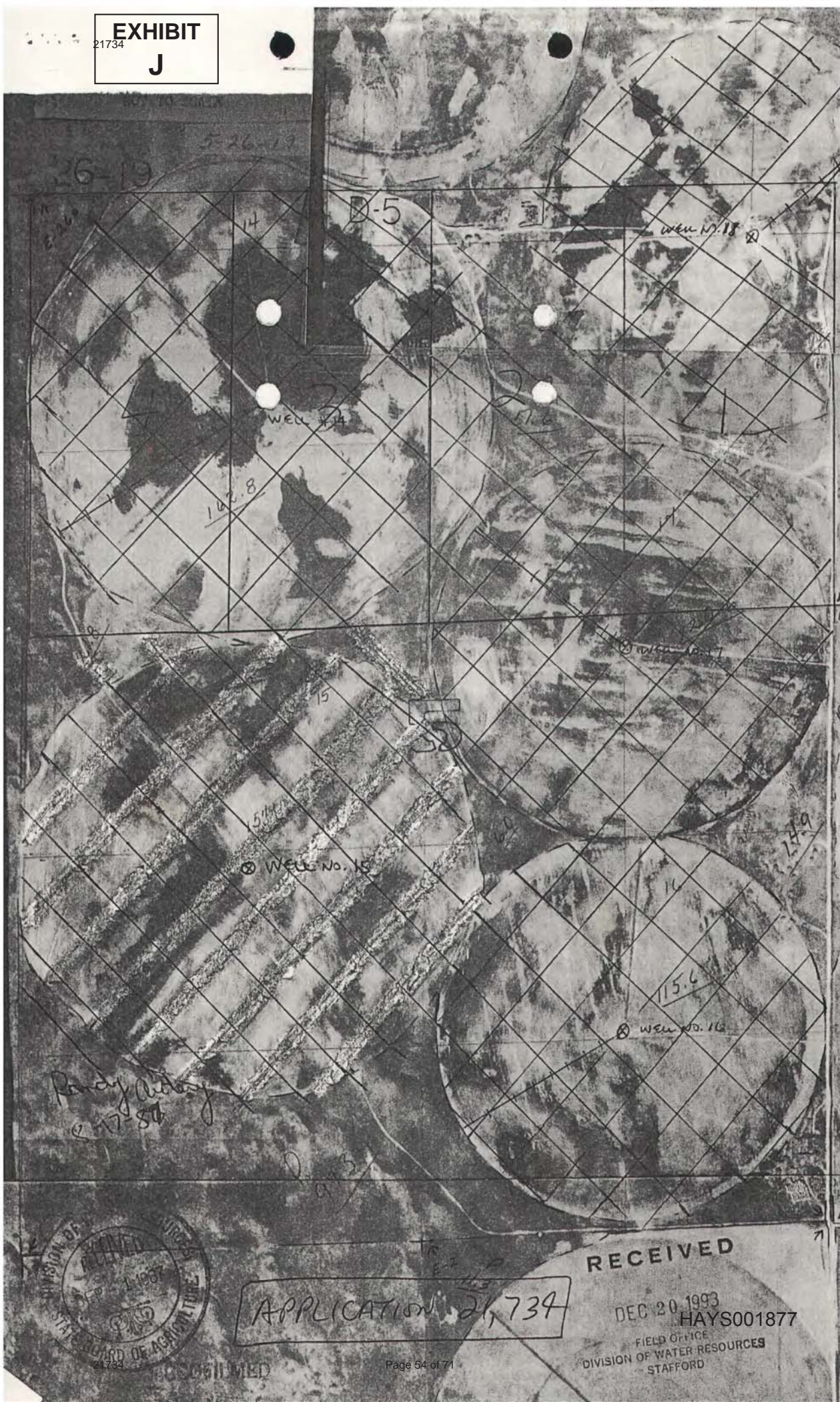
Neil J. Wentz
 Professional Engineer

DEC 20 1993

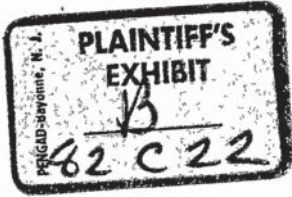
FIELD OFFICE
 DIVISION OF WATER RESOURCES
 STAFFORD

MICROFILMED

HAYS001871



APPLICATION 21,734

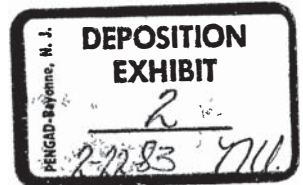


AMERICAN AGRICULTURAL INDUSTRIES, INC.

RURAL ROUTE *1

P O. BOX 187

KINSLEY, KANSAS 67547



TELEPHONES
AREA CODE 316
659-2668
659-2772
659-3711

TELEX NUMBER
910-740-6720

March 25, 1982

Slentz-McAllaster Inc.
P O Box 38
Lewis, Kansas 67552

CLERK DISTRICT COURT
983 NOV 16 PM 5 05
FILED

Dear Don,

This letter is in reference to our conversation concerning the alfalfa insurance on the alfalfa located at the Lucerne Farms in Kinsley, Kansas.

As of today, we will no longer be responsible for the insurance on the alfalfa that you have paid us for but have not removed from the farm.

Our records show that you have paid us \$ 416,000.00 (this includes the March payment of \$ 52,000.00) for alfalfa. At \$65.00 per ton this figures that you have paid for 6,400 ton of hay. We show that you have removed 2278 bales at 1800 lbs average weight. That is 2050.2 Tons removed. So there is 4,349.80 tons of alfalfa on this farm that you have paid for but you have not removed.

If you have any question on how I have arrived at these figures please contact me.

Best Regards,

Pamela Meadows
Pamela Meadows
Secretary

*Note: This figure of 2278 removed doesn't include the 54 bales taken this week.

HAYS004448



LUCERNE FARMS HAY
PRODUCTION

McALLASTERS 4/5		TOTAL BALES	ANIBYPRO 1/5	
#0			#0	
1st	13	16	1st	4
2nd	52	65	2nd	13
3rd	83	104	3rd	21
4th	31	39	4th	8
#1			#1	
1st	73	91	1st	18
2nd	113	141	2nd	28
3rd	127	159	3rd	32
4th	46	58	4th	12
#2			#2	
1st	54	68	1st	14
2nd	106	133	2nd	27
3rd	144	180	3rd	36
4th	48	60	4th	12
#3			#3	
1st	153	191	1st	38
2nd	164	205	2nd	41
3rd	373	466	3rd	93
4th	121	152	4th	31
#4			#4	
1st	82	103	1st	21
2nd	85	106	2nd	21
3rd	170	212	3rd	42
4th	32	40	4th	8
#5			#5	
1st	44	55	1st	11
2nd	155	194	2nd	39
3rd	135	169	3rd	34
4th	38	47	4th	9
#6			#6	
1st	41	51	1st	10
2nd	82	103	2nd	21
3rd	164	205	3rd	41
4th	82	102	4th	20
#7			#7	
1st	141	176	1st	35
2nd	170	212	2nd	42
3rd	206	258	3rd	52
4th	96	120	4th	24
#8			#8	
1st	82	103	1st	21
2nd	122	153	2nd	31
3rd	177	221	3rd	44
4th	99	124	4th	25

#9
 1st 119 149
 2nd 194 243
 3rd 167 209
 4th 82 102

#10
 1st 77 96
 2nd 261 326
 3rd 201 251
 4th 118 148

#11
 1st 116 145
 2nd 208 260
 3rd 162 202
 4th 42 52

#12
 1st 130 162
 2nd 302 377
 3rd 257 321
 4th 110 137

#13
 1st 75 94
 2nd 122 153
 3rd 121 151
 4th 13 16

#16
 1st 70 88
 2nd 144 180
 3rd 86 108
 4th 15 19

#17
 1st 107 134
 2nd 218 273
 3rd 122 152
 4th 42 53

#18
 1st 23 28

#19
 1st 47 59
 2nd 42 53
 3rd 50 63

#30
 1st 126 158
 2nd 157 196
 3rd 90 113
 4th 18 23

#38
 1st 98 122
 2nd 162 202
 3rd 95 119
 4th 52 65

#9
 1st 30
 2nd 49
 3rd 42
 4th 20

#10
 1st 19
 2nd 65
 3rd 42
 4th 30

#11
 1st 29
 2nd 52
 3rd 40
 4th 10

#12
 1st 32
 2nd 75
 3rd 64
 4th 27

#13
 1st 19
 2nd 31
 3rd 30
 4th 4

#16
 1st 18
 2nd 36
 3rd 22
 4th 4

#17
 1st 27
 2nd 55
 3rd 30
 4th 11

#18
 1st 6

#19
 1st 12
 2nd 11
 3rd 13

#30
 1st 32
 2nd 39
 3rd 23
 4th 5

#38 HAYS004450
 1st 24
 2nd 40
 3rd 24
 4th 13

21734

#39

1st	16	20
2nd	26	33
3rd	31	39

#39

1st	4
2nd	7
3rd	8

Total Bales 10776

McAllasters 4/5's 8621

Anibypros 1/5's 2155

*Note In order to come up to 8.000 Tons it will take 8.889 bales of 1800lbs.
This will leave Anibypro 1887 bales

HAYS004451

21734

BLENTZ-MCALASTER INC.

ALFALFA REMOVED FROM LUCERNE FIELDS

	INITIALS	DATE	REFERENCE
PREPARED BY			
CHECKED BY			
APPROVED BY			

DATE	CIRCLE #	CUTTING	AMOUNT OF BALES TAKEN	TONS PER SCALE TICKETS
8-30	7	3rd	52	45.58
	10	3rd	50	43.2
9-7	7	3rd	108	94.34
	12	3rd	104	86.92
9-14	12	3rd	78	66.05
	5	3rd	113	93.85
	10	3rd	116	92.39
	11	2nd	30	18.38
	4	3rd	138	128.08
	12	3rd	30	26.24
9-21	30	3rd	69	57.46
	38	3rd	79	60.97
10-5	6	4th	21	21.97
10-12	8	4th	83	89.20
10-19	7	4th	52	55.89
10-26	9	4th	42	38.54
11-2	10	4th	78	68.8
	12	4th	56	58.83
11-9	9	4th	52	48.76
11-16	2	4th	22	22.82
	9	4th	3	3.00
	8	4th	41	42.36
	10	3rd	20	16.47
	6	4th	26	26.54
	7	4th	34	36.74
11-23	2	4th	22	22.73
	11	4th	26	24.55
	38	4th	52	52.02
12-7	30	4th	22	21.51
	38	4th	4	3.91
12-21	7	3rd	47	41.31
	9	4th	8	7.30
1-4	7	2nd	28	20.98
	7	3rd	11	9.14
	7	4th	15	12.17
1-17	3	4th	60	61.2
1-19	3	4th	28	26.39
	12	4th	56	43.63
1-29	12	3rd	28	18.78
1-30	12	3rd	2	1.75
	12	1st	78	70.52
2-2	5	4th	28	23.51
	12	1st	26	23.17
2-4	7	1st	7	5.44
	7	2nd	8	6.21
	7	3rd	7	5.44
2-11	7	1st	12	10.61
	7	2nd	14	12.38
2-22	30	2nd	52	44.21

21734

HAYS004452

L

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.

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.

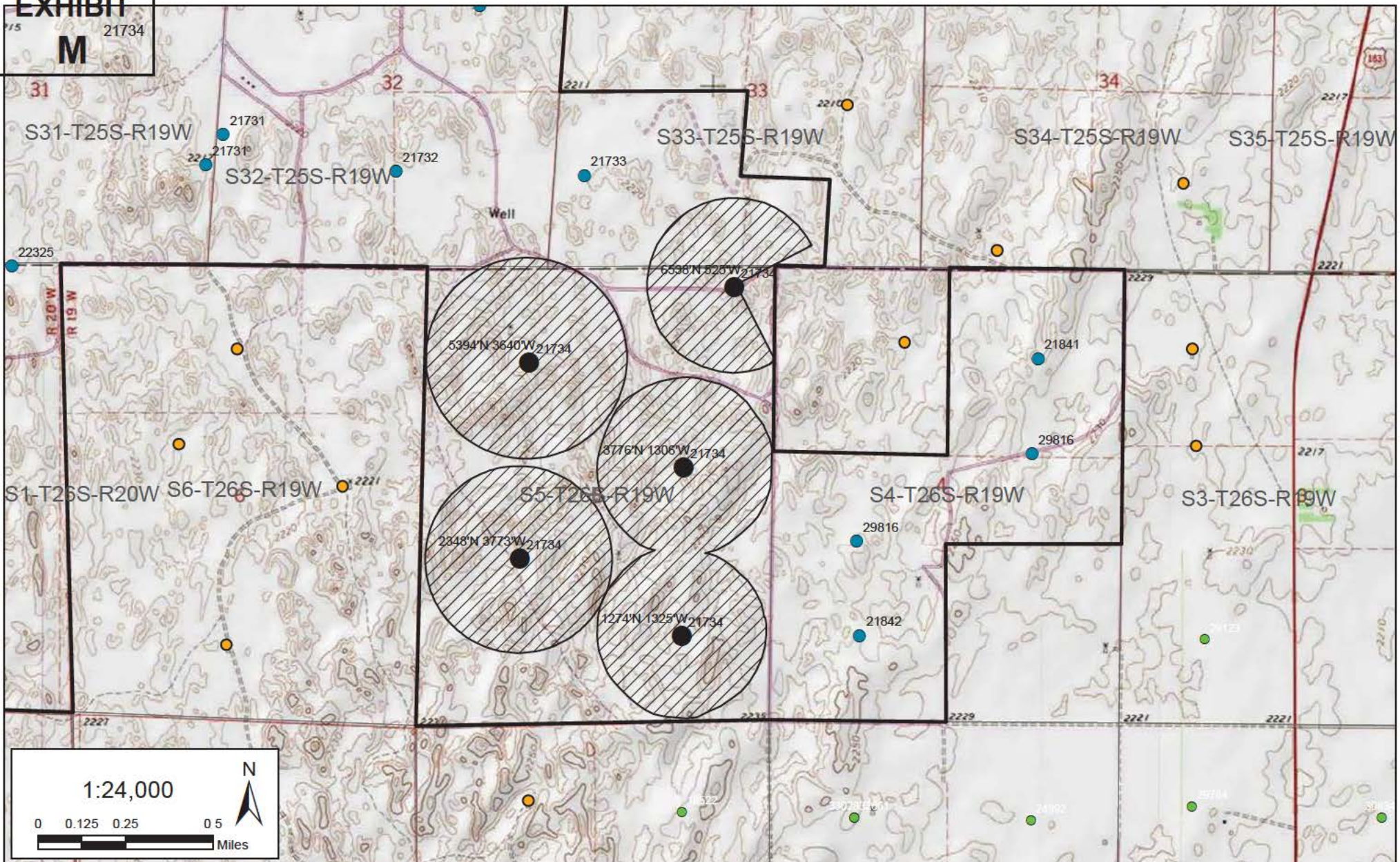
In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.

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.

EXHIBIT
M



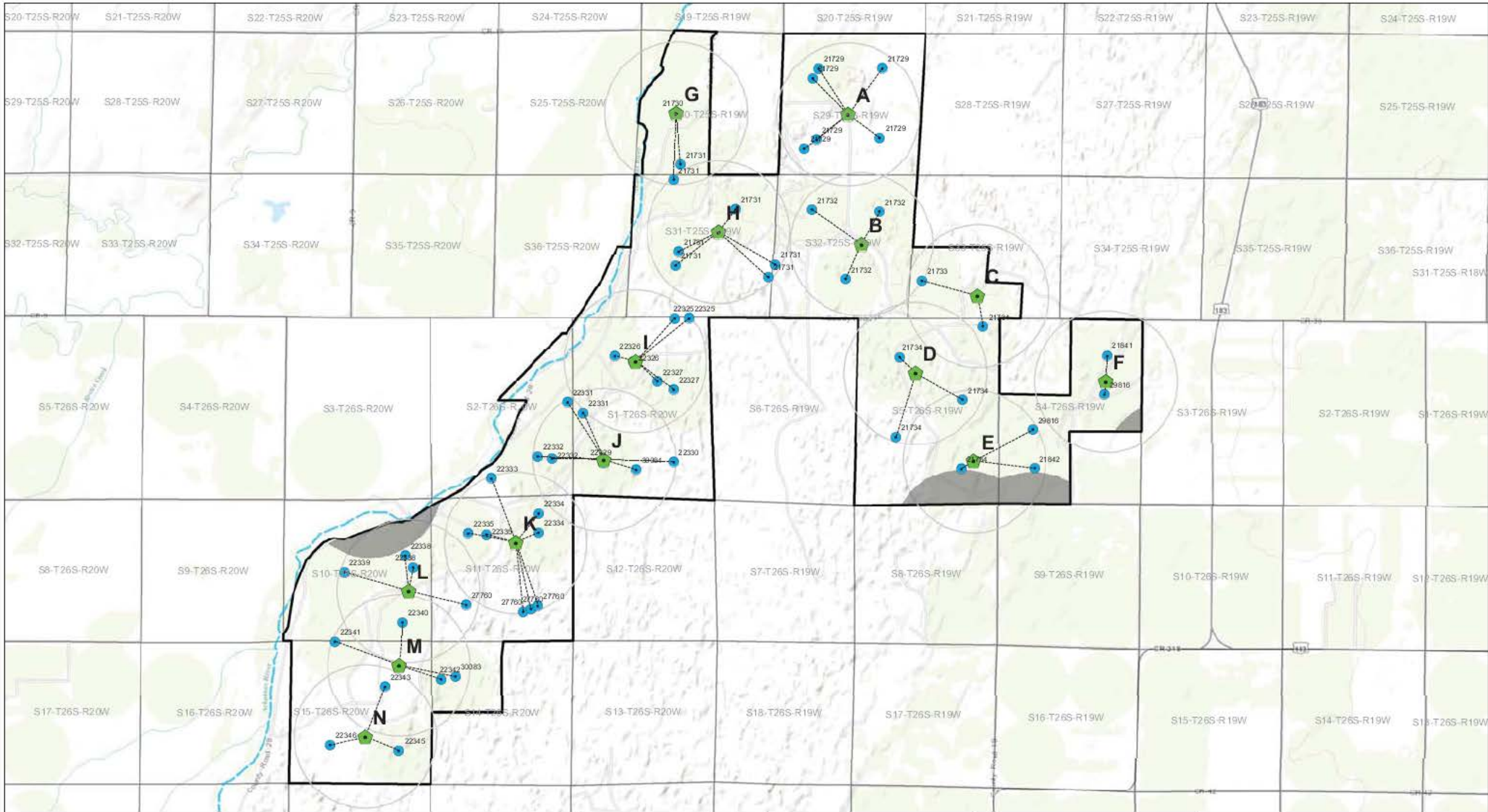
Legend

- 21734 Existing Point(s) of Diversion
- 21734 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 21734
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



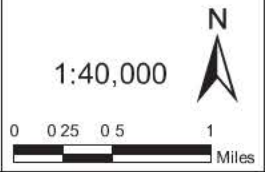
**CHANGE APPLICATION 21734
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION**

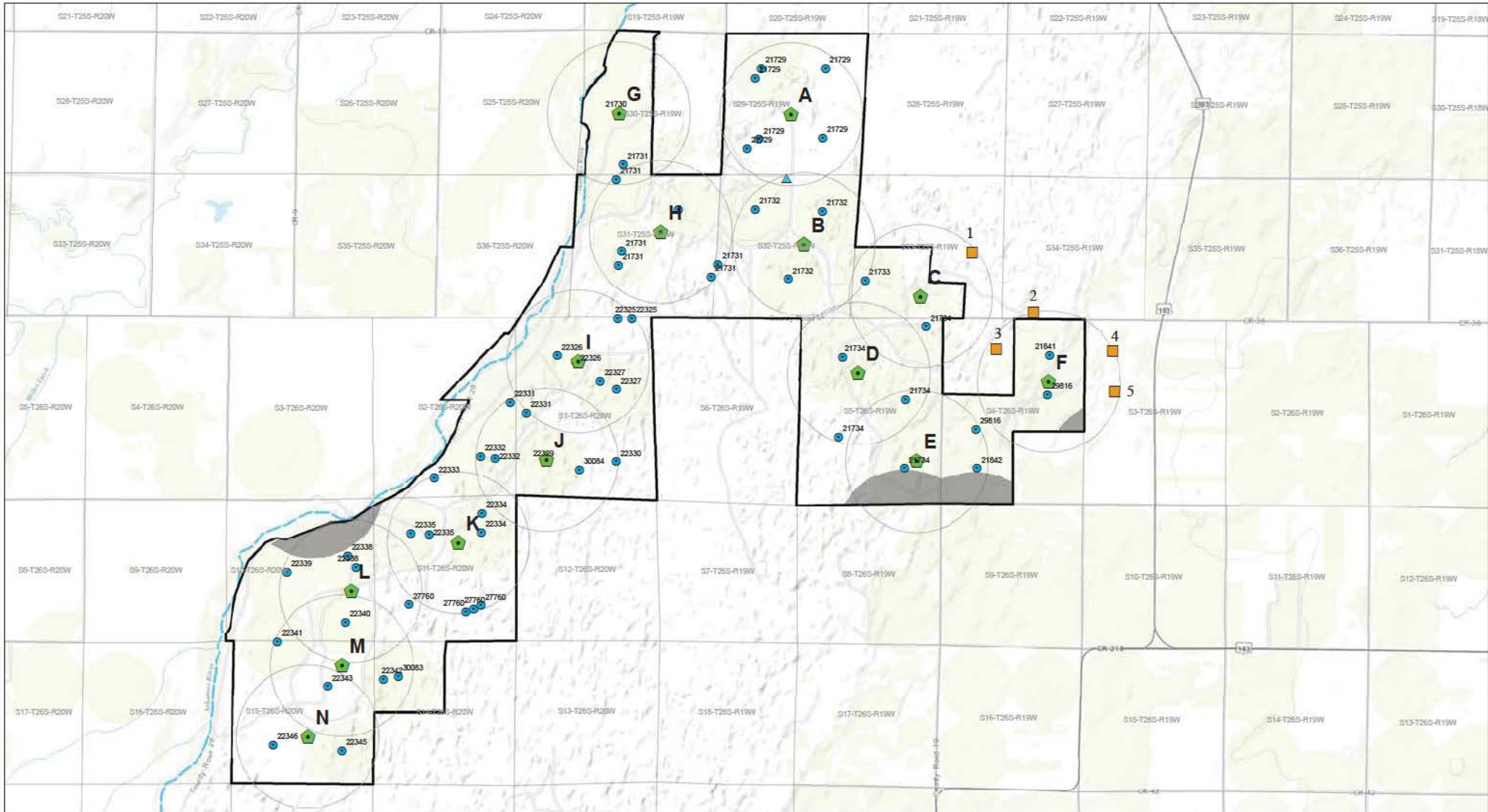
EXHIBIT 21734 N



Legend

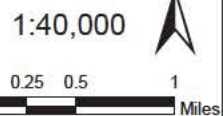
- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- R9 Ranch Property Boundary
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- PLSS Sections



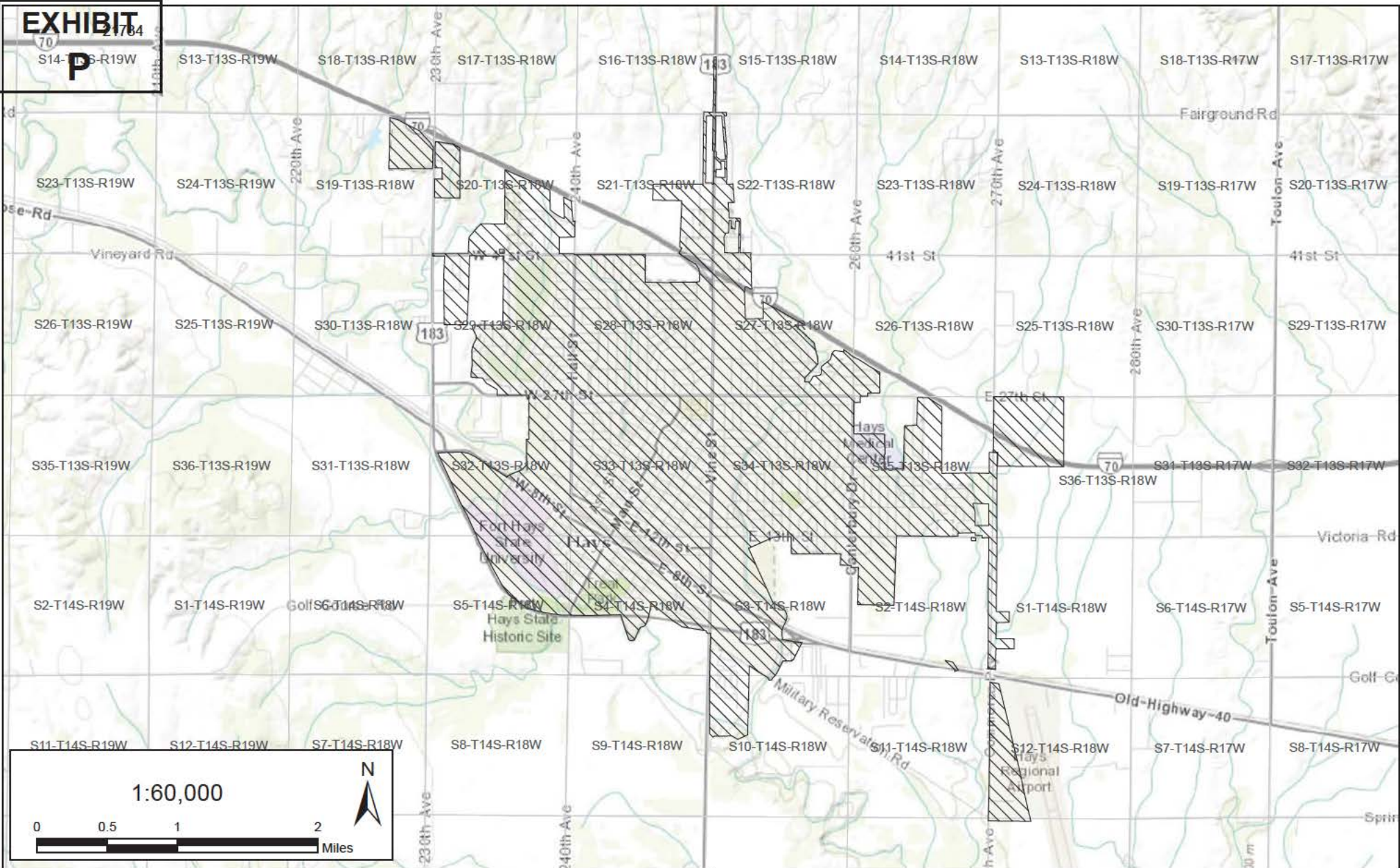


Legend

- 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)



P

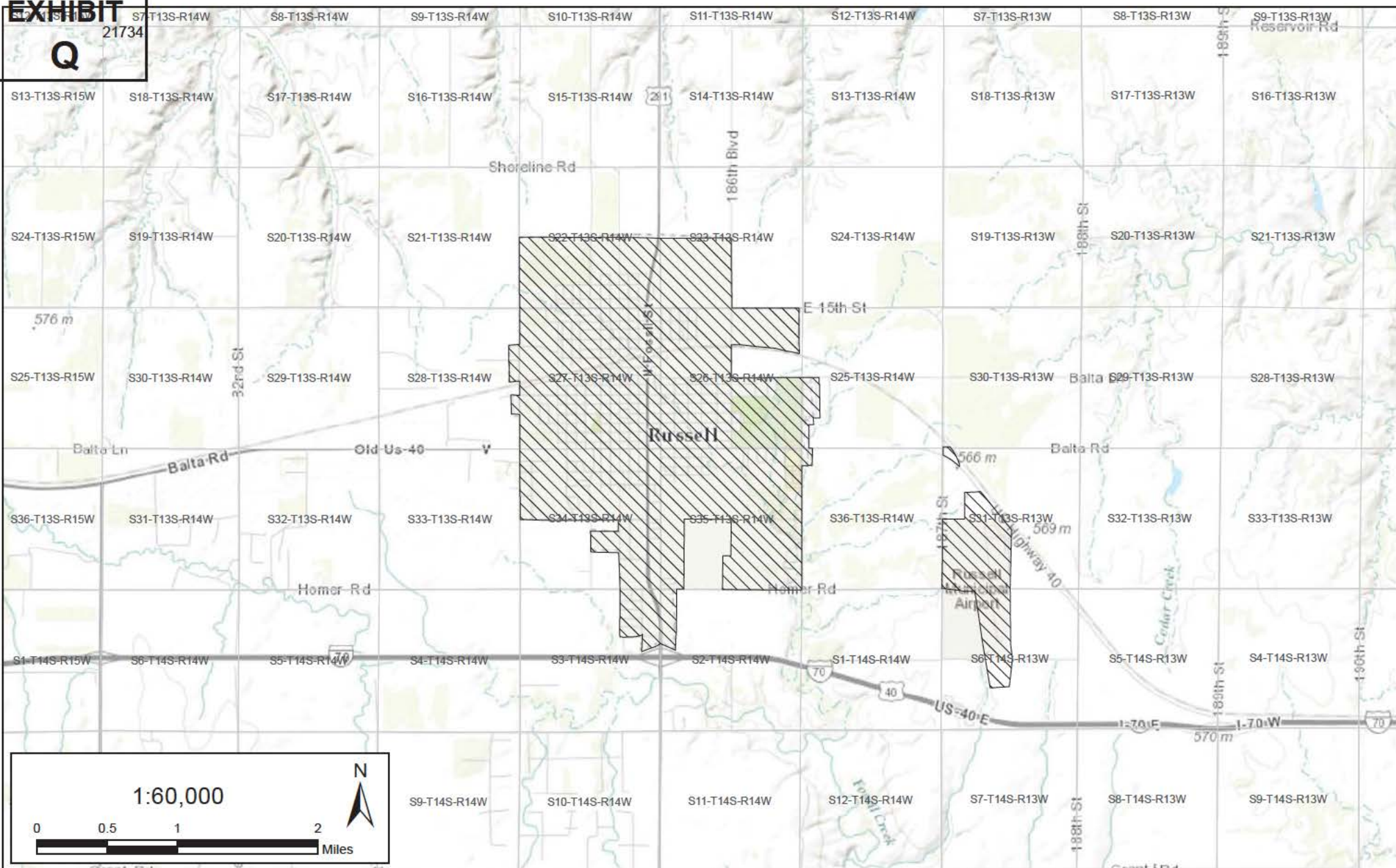


Proposed Place of Use City of Hays



PLSS Sections





Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
R**

**SECTION 2: PAST WATER USE
 COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago	592,323,000			5,029,000	469,314,000	5,155,000	112,825,000
15 years ago	780,527,000			10,619,000	587,965,000	10,470,000	171,473,000
10 years ago	706,926,000			7,103,000	639,222,000	20,861,000	39,740,000
5 years ago	693,966,000			13,537,000	581,900,000	19,362,000	114,383,000
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
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
S**

**SECTION 2: PAST WATER USE
COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago							
15 years ago	373,757,000	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

21734
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

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the Page 7 of 7 your request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 21,841 Circle 8A.

2. Name of applicant: City of Hays, Kansas and City of Russell, Kansas (See paragraph 2 of the cover letter.)

Address: c/o Foulston Siefkin LLP, 1551 N. Waterfront Parkway, Suite 100

City, State and Zip: Wichita, Kansas 67206

Phone Number: (316) 291-9725 E-mail address: dtraster@foulston.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. Hays and Russell are co-owners of the authorized place of use on the R9 Ranch in Edwards County.

Name of water use correspondent: City of Hays, Kansas

Address: P. O. Box 490, 1507 Main Street

City, State and Zip: Hays, Kansas 67601

Phone Number: (785) 628-7320 E-mail address: tdougherty@haysusa.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____
See Paragraph 3 of the cover letter filed concurrently with this application. The cover letter is
incorporated herein by reference.

The change(s) (~~was~~) (will be) completed by See Paragraph 3 of the cover letter
(Date)

For Office Use Only:							
F.O. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4-T26S-R19W			Lot 1 86.11	Lot 2 86.35															172.46

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Same as above																			

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Lot 1 Quarter of the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 of Section 4, Township 26 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 5,378 feet North 1,340 feet West of Southeast corner of section.
 Authorized Rate 890 gpm Authorized Quantity 195 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SE Quarter of the NE Quarter of the _____
 of Section 4, Township 26 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 4,545 feet North 1,311 feet West of Southeast corner of section.
 Proposed Rate 890 Proposed Quantity 195 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 29,816.

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 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 the _____
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 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 the _____
 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

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

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.

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

(Owner)

(Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

Proposed Rate and Quantity

The Cities are requesting a total of 195 acre-feet and 890 gpm from the well associated with this water right, all of which will be diverted from new point of diversion F, as shown on Exhibit H. When combined with existing wells from other water rights, new point of diversion F will have a cumulative total of 285 acre-feet and 1,640 gpm.

13. If changing the place of use and the use made of water, describe how the consumptive use will not be increased:

The following discussion is subject to paragraph 13 of the cover letter regarding consumptive use.

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows the conversion of 140.40 acre-feet from this water right for municipal use.¹ As discussed below, 130 approved acres were irrigated during the perfection period; 130 acres multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 140.40 acre-feet.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 May 29, 1975, granting the applicant the right to divert up to 255 acre-feet annually at a rate of up to 1,000 gallons per minute for irrigation use⁴, on 170 acres in Section 4-T26S-R19W.⁵ The certificate limited the rate to 890 gallons per minute.

In the cover letter transmitting the permit, DWR made findings of fact stating that “the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”⁶

The Field Inspection Reports indicate that only 195 of the 255 acre-feet authorized by the permit were lawfully perfected.

- 259 acre-feet were applied to 130 approved acres in the NE/4 of Section 4 T26S-R19W.⁷
- The permit authorized the perfection of 255 acre-feet on 170 acres, or 1.5 acre-feet per acre, but only 130 of the authorized acres were irrigated during the perfection period, resulting in the perfection of 195 acre-feet.

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, HAYS002023, Ex. A.

⁵ Application, HAYS002016, Ex. B.

⁶ May 29, 1975 letter (emphasis added), HAYS002022, Ex. C.

⁷ FIR, HAYS002009, Ex. D.

However, the certificate limits the total quantity to 195 acre-feet the permitted quantity of 1.5 acre-feet per acre.⁸

NIR for Alfalfa – an alternative approach

According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County is 13 inches (1.083333 feet) for corn and 20.9 (1.741666 feet) inches for alfalfa.

Since alfalfa was grown on the authorized place of use in at least one year during the perfection period,⁹ it is reasonable to use the NIR for alfalfa, which yields a total quantity of 226.42 acre-feet. This quantity is greater than the authorized quantity of 1.5 acre-feet per acre.¹⁰

The alternative approach discussed in other applications yields the same quantity as the default approach, or 140.40 acre-feet.

The City requests that DWR approve a total of 195 acre-feet for municipal use.

⁸ Certificate, HAYS002031, Ex. E; March 4, 1988 Memo, HAYS002027, Ex. F.

⁹ HAYS002012, Ex. D.

¹⁰ See K.A.R 5-5-9(a)(4).



STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application No. 21,841 of the applicant

Mr. Clarence A. Wilson
2610 North Van Buren
Hutchinson, Kansas 67501

for a permit to appropriate water to beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is January 22, 1974.
2. That the water sought to be appropriated shall be used for irrigation on the land described in the application.

3. That the source from which the appropriation is made shall be from ground water in the drainage basin of the Arkansas River to be withdrawn by means of one (1) well near the center of Lots 1 and 2, more particularly described as near the mid-point of the line common to Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, Township 26 South, Range 19 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of

1000 gallons per minute (2.23 c.f.s.)

and to a quantity of not to exceed

255 acre-feet

for any calendar year.

(OVER)

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JUN 9 1975 HAYS002023

5. That installation of works for diversion of water shall be completed on or before December 31, 1976 . The applicant shall notify the Chief Engineer of the Division of Water Resources when construction of the works has been completed.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 1980 .
7. That the applicant shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer as soon as practicable after the close of each calendar year.
8. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified or any authorized extension thereof.
9. That the use of water herein authorized shall not impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
10. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
11. That this permit does not constitute authority under K. S. A. 82a-301 to 305 to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or Local Governmental authorities when necessary.
12. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Dated this 29th day of May 19 75.



Guy E. Gibson
 Guy E. Gibson, Chief Engineer
 Division of Water Resources
 Kansas State Board of Agriculture

HAYS002024

THE STATE OF KANSAS



STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES

Roy Freeland, Secretary

Guy E. Gibson, Chief Engineer

Handwritten notes: bid check \$500 1/23/74

NUMBER 21841

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
~~(Mrs.)~~
Comes now the applicant ~~(Mrs.)~~ CLARENCE A. WILSON whose post office address is 2610 N. VanBuren Hutchinson, Kansas 67501

and makes application to the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture, for a permit to appropriate for beneficial use such unappropriated groundwater (surface water or groundwater) as may be available in Arkansas River Valley (name of stream or drainage basin) in the county of Edwards state of Kansas, to the extent and in accordance with the particulars hereinafter described:

1. The quantity of water desired is in the amount of 255 acre-feet (acre feet or million gallons) per year, to be diverted at a maximum rate of 1,000 gallons per minute (gallons per minute or cubic feet per second) near the center

2. The location of the proposed wells or other works for diversion of water is ~~in the~~ quarter of the of Lots 1 and 2 ~~corner of the~~ number of section 4, township 26s, range 19w, in Edwards County, Kansas.

3. The water is intended to be appropriated for:

		Amount
(a) Domestic use	()	_____
(b) Municipal use	()	_____
(c) Irrigation use	(X)	<u>255 acre feet</u>
(d) Industrial use	()	_____
(e) Recreational use	()	_____
(f) Water Power use	()	_____

(check intended use or uses and show intended quantity for each use)



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JUN 9 1975 HAYS002016

FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.

6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Owner of Land—NAME: Full Service Insurance, Inc.

ADDRESS: Box J LaCrosse, Kansas 67548

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4-26s-19w	Lot 1 85		Lot 2 85														170

Owner of Land—NAME: _____

ADDRESS: _____

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Owner of Land—NAME: _____

ADDRESS: _____

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

HAYS002017

7. The works for diversion of water will consist of a well, pump, motor, and center pivot sprinkler system,
(wells, pumps, etc.)
and will be completed by July 1, 1974
(Date)

8. The first actual application of water for the beneficial use proposed was or is estimated to be June 1, 1974
(Date)

9. The application must be accompanied either by a detailed plat prepared from an actual survey or by an aerial photograph of the area.


The plat or aerial photograph should show

- (a) Location of the proposed point or points of diversion
- (b) Location of the pipe lines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use
- (c) If for irrigation, show the location of the land proposed to be irrigated
- (d) If for industrial or other use, show the location of the land where water will be used.

10. List and describe other applications filed or vested rights held by applicant:
none

11. The relation of the subscriber to this application is that of President of Full Service Ins., Inc
(Owner, agent or otherwise)
and he is authorized to make this application in behalf of the interest affected.

Dated at LaCrosse, Kansas, this 17th day of January, 19 74



(Applicant)
Clarence A. Wilson

By _____
(Agent or Officer)

NOTE:

- 1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.
- 1 million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.
- 1 acre foot = 43,560 cubic feet = 325,851 gallons.

MI-539  5-72-10M SETS

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JUN 9 1975 HAYS002018

T
25
S

Livestock V.
Kawwath Sr.
Greensburg

Livestock Well
* ERNEST BOWERS
Kinsley, Kans. 67547

Livestock Well
* Glen Bidleman
Kinsley, Kansas
67547

Lot 2 Lot 1
NEW

T
26
S

* Appleton's Well
Livestock

* Livestock Well
Glen Bidleman
Kinsley, Kansas
67547

Livestock Well
Pearle Roberts
Kinsley, KS
67547

* Livestock Well
ANNA E. THORNE
Kinsley, Kansas
67547

R 19 W



17-76
P.M.S.

A.P.P. 21841



HAYS002019

33

3.4

T
25
S

21734

T
26
S

Livestock Well
* ERNEST BARNES
KINSLAY, KANS. 67547

Livestock Well
Keweenaw Smith
Greensburg, Kansas

Lot 2 Lot 1
WELL

* Livestock Well
Glen Bidleman
Kinslay, Kansas 67547

* Application
Livestock

* Livestock Well
Glen Bidleman
Kinslay, Kansas 67547

Livestock Well
Pearle Roberts
Kinslay, Kansas 67547

* Livestock Well
ANNA E. THORNE
Kinslay, Kansas 67547

HAYS002020

DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE

Re: Appropriation of Water, Application No. 21841

It is my judgment that

1. The application (was) (~~was not~~) made in good faith.
2. The application (is) (~~is not~~) in proper form.
3. The proposed use of water (is) (~~is not~~) for a beneficial purpose.
4. The proposed rate of diversion (is) (~~is not~~) within reasonable limitations for the proposed use.
5. The proposed quantity (is) (~~is not~~) within reasonable limitations for the proposed use.
6. The proposed use (~~will~~) (will not) impair a use under an existing water right.
7. The proposed use (~~will~~) (will not) prejudicially and unreasonably affect the public interest.

Comments _____

Recommendations Approve it.

Date 5-14-75

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[Signature]
Water Commissioner

JUN 9 1975

HAYS002021

MICROFILMED

May 29, 1975

Mr. Clarence A. Wilson
2610 North Van Buren
Hutchinson, Kansas 67501

Re: Appropriation of Water
Application No. 21,841

ED

Dear Mr. Wilson:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:eel
Encs.
cc: Full Service Insurance, Inc.

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JUN 1 1975 HAYS002022
MICROFILMED

May 29, 1975

Mr. Clarence A. Wilson
2610 North Van Buren
Hutchinson, Kansas 67501

Re: Appropriation of Water
Application No. 21,841

ED

Dear Mr. Wilson:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:eel
Encs.
cc: Full Service Insurance, Inc.

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- Partial
- Full
- Re-Test

Field Office No. 2
G.M.D. No. 5

Test 1 of 1 Diversion points County Edwards

Application No. 21,841 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc. Ebert/Stogman

Current Landowner Connecticut General Life Ins % Agri. Affiliates Phone No. (308) 534-9240

Address Box 1162 North Platte, Nebraska, 69103 Attn: Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: () Domestic () Industrial (X) Irrigation () Municipal
() Recreation () Stockwatering () Water Power

Source:
(X) Groundwater () Surface Water Basin/Stream Rattlesnake Creek

Authorized Point of Diversion: NC of Lot 1 + 2 Sec. 4, T. 26, R. 19, ID No. 01
Approximately — ft. North and — ft. West of SE corner of Sec. —

Actual Point of Diversion: NC of Lot 1 + 2 Sec. 4, T. 26, R. 19
Approximately 5378 ft. North and 1340 ft. West of SE corner of Sec. 4
How were distances determined? Scaled from ASCS aerial photo

"Approved" Quantity 255 AF "Approved" Diversion Rate 1000 g.p.m. (223 c.f.s.)

Priority Date Jan 22, 1974 Approval Date May 29, 1975 Perfection Date Dec. 31, 1980

Other applications covering land and/or point of diversion None
(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	26	19	85	85															170

LAND IRRIGATED—YEAR OF RECORD 1984

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	26	19	65	65															130

TESTED DIVERSION RATES

Maximum G.P.M. _____ (c.f.s. _____) Normal G.P.M. 889 (c.f.s. 1.98)

FOR D.W.R. USE ONLY

Year of Record 1984 Extension of time needed: Yes (X) No () Attached? yes () no (X)

Ac. Ft. Applied = $1581 \text{ hrs.} \times 889 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 259 \text{ AF}$

"Approved" Land irrigated 130 acres, with 259 AF = 1.99 AF/acre

Total AF (including overlapping files) 259 (1.99 AF/acre)

130 (acres irrigated) 1.5 (A.F. per acre) = 195 A.F.

MAY 20 1988

Perfected Rate 890 g.p.m. (c.f.s. 1.98) Perfected Quantity 195 AF
Completed by Douglas E. Bush 3-4-88
DIVISION OF WATER RESOURCES, STAFFORD
HAYS002009
MICROFILMED
Revised January 1987

21841
GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Valley Model 4071 Serial No. 13264

Drive: Water Electric Length of Pivot Arm 10 towers acres irr. 130

Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

Is there an End Gun? (x) yes () no Is end gun operating during Test (x) yes () no

End Gun Model Toro Rating _____ g.p.m. Orifice size _____

Gravity Irrigation

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Low pressure spray nozzles with pressure regulators on center pivot.
unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP _____

Serial No. _____ Fuel Nat. Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Western Land Roller Model No. 12CH Rated RPM _____

Serial No. F73278 Type Vertical Turbine No. stages 4

GEAR HEAD INFORMATION:

Manufacturer Amasillo Model No. 5100

Serial No. 91665 Drive Right Angle Ratio 1:1

WELL INFORMATION:

Date Drilled May 1974 Original Depth 128 ft. Static Water Level When Drilled _____ ft.

Length of time well has (x) operated () rested prior to measurement 14 (x) days () hrs

Is measurement tube required? () yes (x) no Is measurement tube present () yes (x) no

Depth to water 60 ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes (x) no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

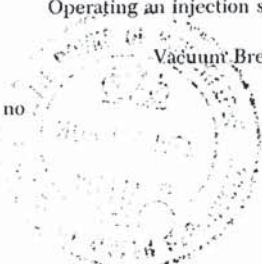
Is the meter installed properly? () yes () no Check Valve Present? (x) yes () no

Injection port present? () yes (x) no Operating an injection system? () yes (x) no

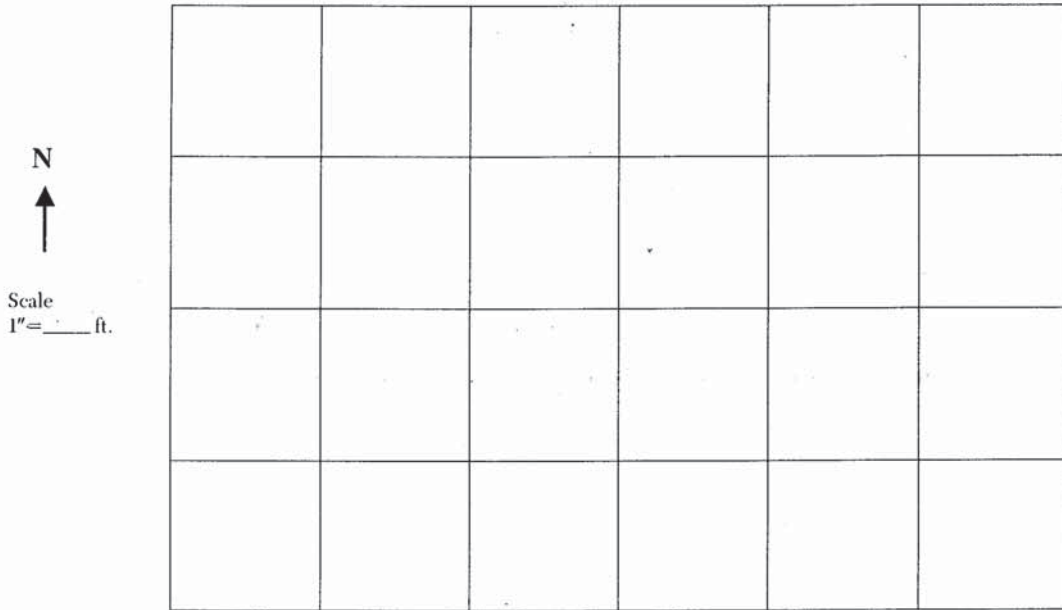
Low Pressure Drain? (x) yes () no Vacuum Breaker? (x) yes () no

Plant Health Chemigation Report completed? (x) yes () no

HAYS002010



21841 SKETCH OF ACTUAL PLACE, SIZE, LOCATION OF DIVERSION WORK AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Location of test Vertical pipe at center of pivot
 Pipe Diameter (I.D.) 7 1/16 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 1809
 R.P.M. PUMP UNIT 1809
 Pressure at Pump 25 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q (gpm) = VK$

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. Ending _____ gal.
 Beginning _____ gal. Beginning _____ gal.
 Difference _____ gal. Difference _____ gal.
 Time _____ min. Time _____ min.
 Rate _____ gpm Rate _____ gpm

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Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations)

HAYS002011

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1450			
1976				
1977				
1978	950			130
1979				
1980				
1981				
1982				
1983				
* 1984	1581	889**		130
1985	1173	930		130
1986	907	930		130
1987		889**		
** obtained from test data				

Indicate Year of Record with (*) Source of Information Stafford File
 Crops Irrigated: this year Alfalfa Year of record Alfalfa

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type _____ Supplier _____
 Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____
 How was the test volume determined? _____

REMARKS: Landowner obtained from Reg of Deeds, See attached sheet for notes on choosing a year of record.

Person present at test Roy Williams Employee
(name) (relationship)
 Water Use Correspondent Jerry Weaver Agri Affiliates Box 1160 Nett Platte NE 69103 308-534-9240
(name) (address) (phone number)
 Conducted by LeRay Stegman Date 8/13/87 HAYS002012
 Approved by Nick J. Wenzel, P.E. Date 11/15/87
(signature)



STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

**CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER**

WATER RIGHT, File No. 21,841
PRIORITY DATE January 22, 1974

DUPLICATE COPY

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas,

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of Rattlesnake Creek to be withdrawn by means of a well located near a point on a boundary line common to Lot 1 and Lot 2 of Section 4, more particularly described as being near a point 5,378 feet North and 1,340 feet West of the Southeast corner of said section, in Township 26 South, Range 19 West, Edwards County, Kansas, at a diversion rate not in excess of 890 gallons per minute (1.98 c.f.s.) and in a quantity not to exceed 195 acre-feet per calendar year for irrigation use on the following described property:

86.11 acres in Lot 1 (E½ NE¼),
86.35 acres in Lot 2 (W½ NE¼),

a total of 172.46 acres in Section 4, Township 26 South,
Range 19 West, Edwards County, Kansas.

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MAY 20 1988

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

MICROFILMED

HAYS002031

DUPLICATE COPY

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 10th day of May, 1988.



David L. Pope
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 10th day of May, 1988 by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

My appointment expires March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**WATER APPROPRIATION
CERTIFICATE**

No. 17,208

STATE OF KANSAS

Water Right, File No. 21,841

STATE OF KANSAS, _____ COUNTY, ss.

Filed for record this _____ day of _____, 19____

at _____ o'clock _____ m. and _____

recorded in Book _____ Page _____

Fee \$ _____

Register of Deeds.

HAYS002032

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

MEMORANDUM

To: Files

Date: March 4, 1988

From: Douglas E. Bush

Re: Appropriation of Water
File No. 21,841

No recommendation on file. The certificate is based on a Field Inspection Report conducted under contract by Pumping Plant Testing, Inc.

The description for the point of diversion was changed from being described as near the center of Lots 1 and 2, more particularly described as near the mid-point of the line common to Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, Township 26 South, Range 19 West, Edwards County, Kansas, to be described as being located near a point on a boundary line common to Lot 1 and Lot 2 of Section 4. The latter description more clearly describes the actual location of the well. Also the well has not moved and is still in its original location.

The quantity shown on the certificate was calculated as follows:

$1,581 \text{ hours} \times 889 \text{ gallons per minute} \times 0.0001841 = 259 \text{ acre-feet}$
maximum allowable = 130 acres irrigated \times 1.5 acre-feet per acre = 195 acre-feet.

Douglas E. Bush

Douglas E. Bush
Hydrologist

DEB:jt

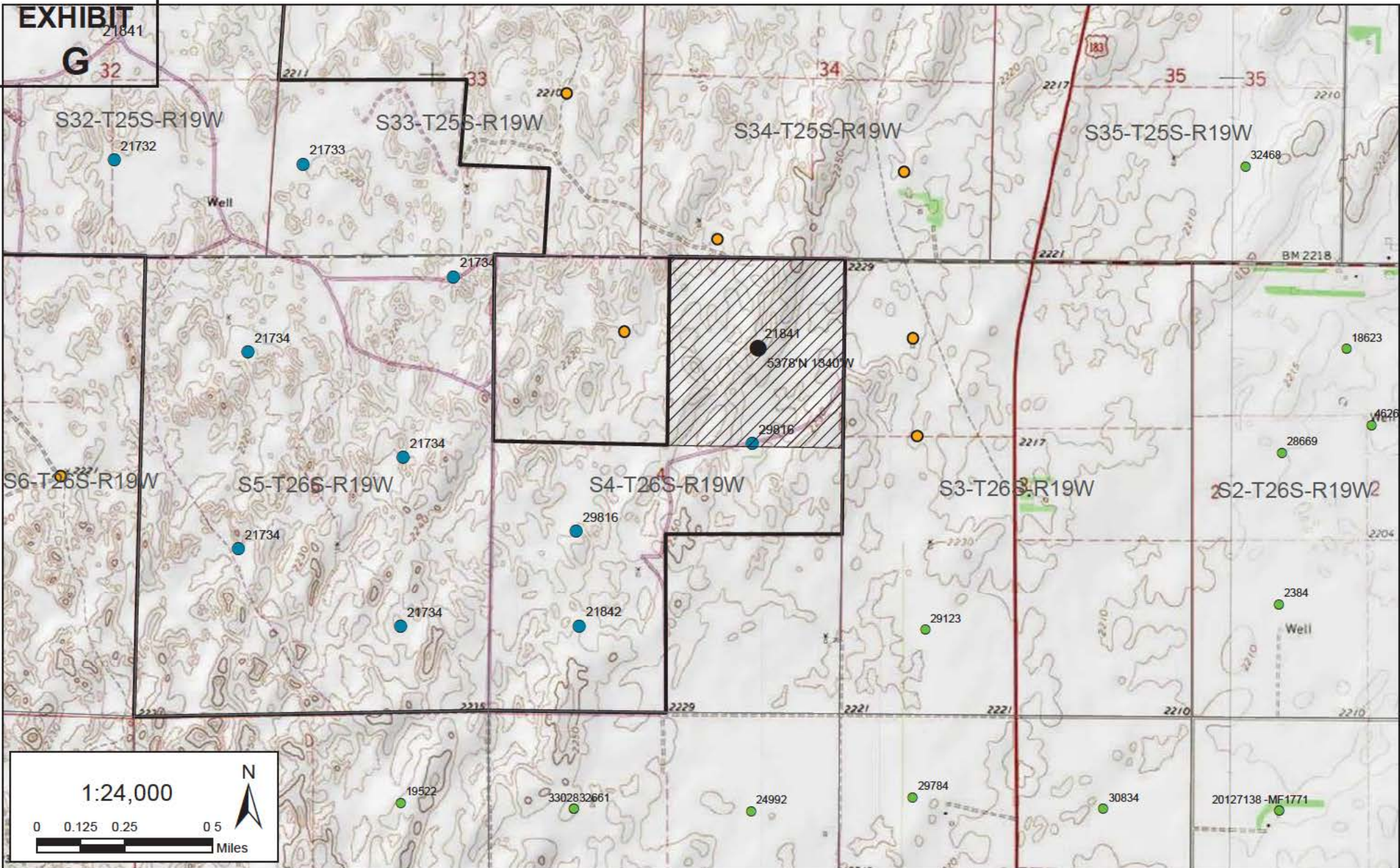
APR 13 1988

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HAYS002027

EXHIBIT G
21841



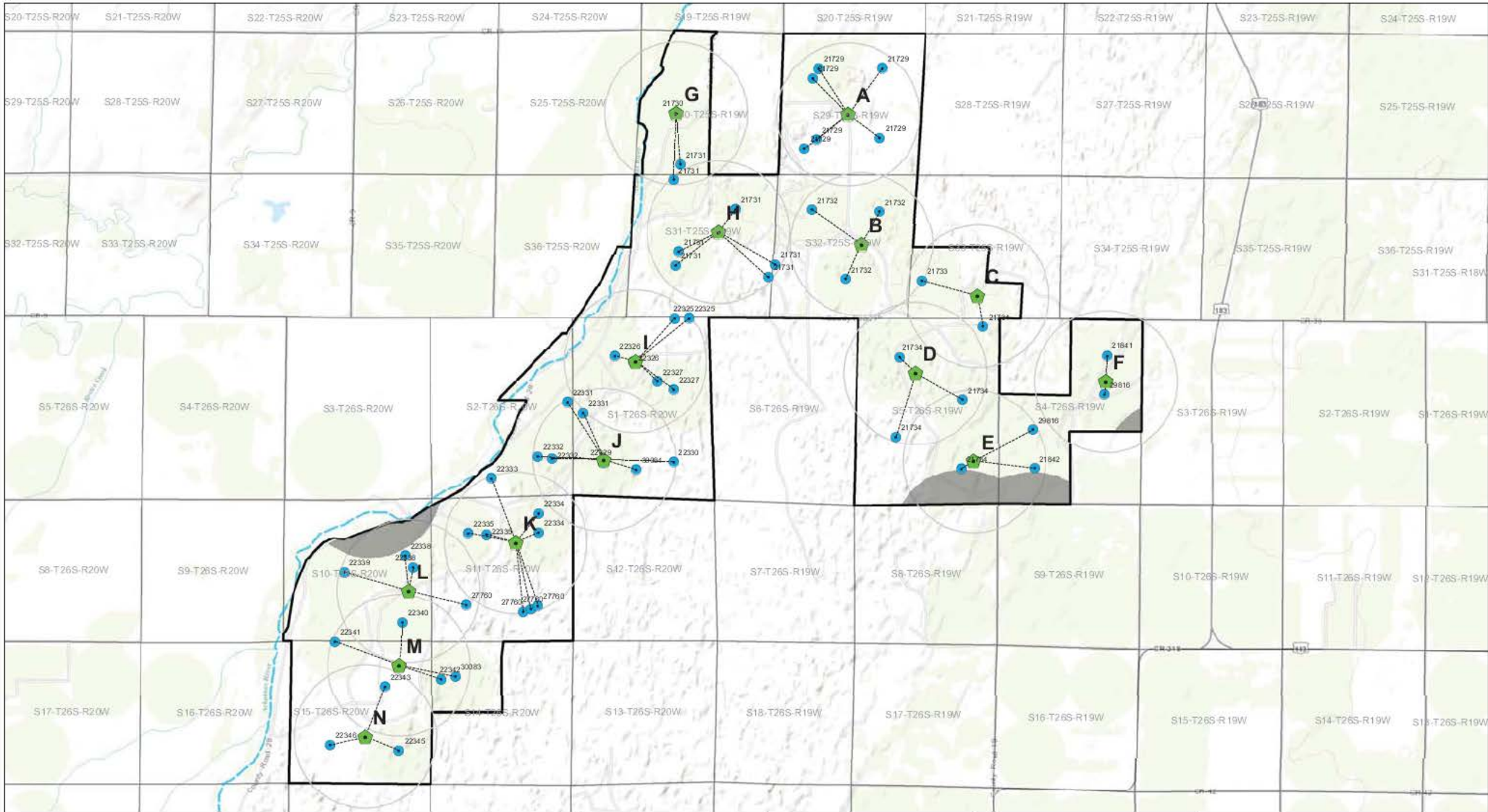
Legend

- 21841 Existing Point(s) of Diversion
- 21841 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 21841
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



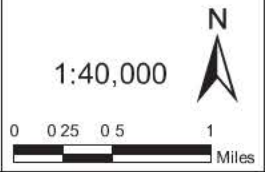
**CHANGE APPLICATION 21841
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION**

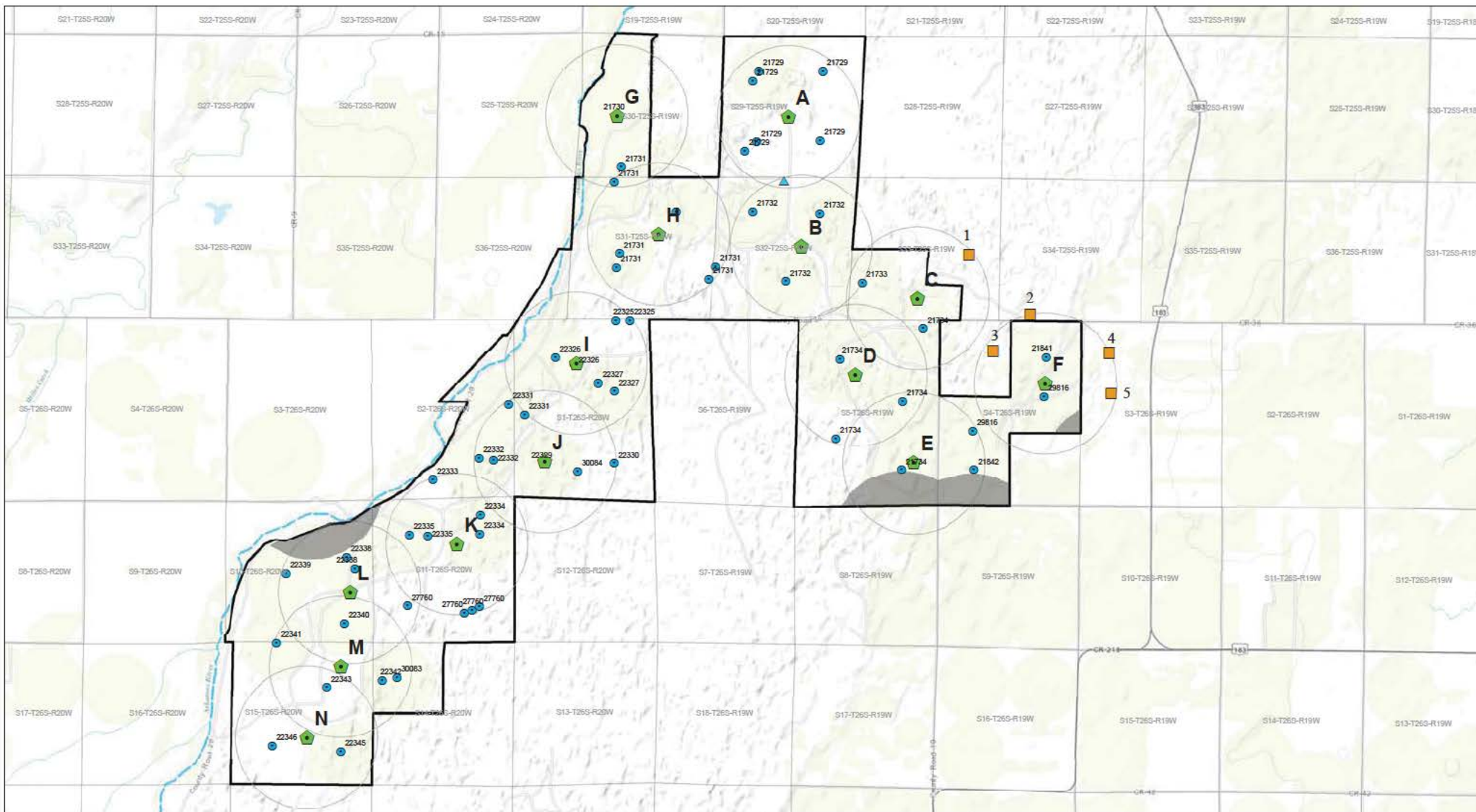
EXHIBIT 21841 H











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





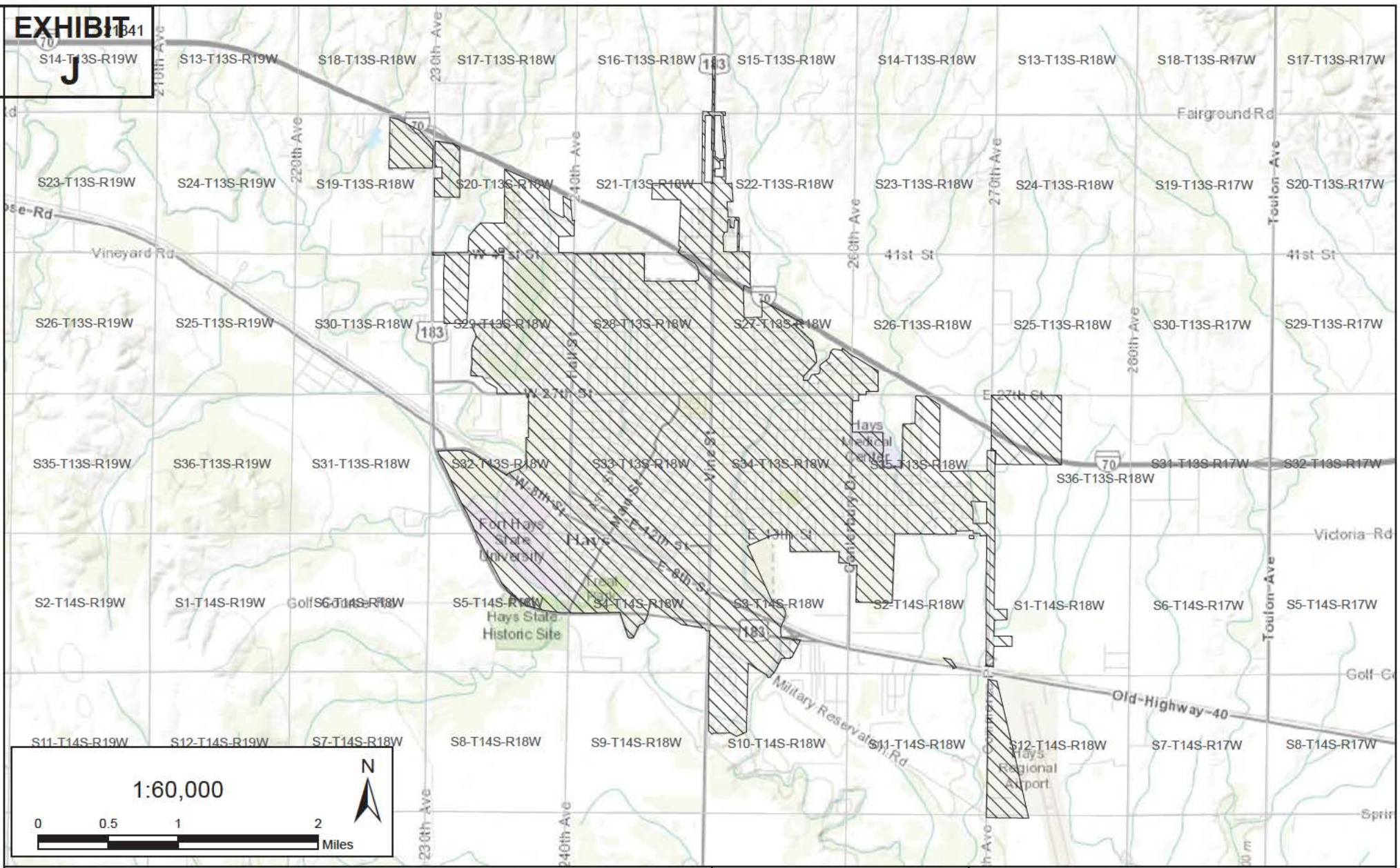
Legend

-  Proposed Municipal Wells (A-N)
-  Existing R9 Ranch Points of Diversion
-  1/2 Mile Buffer Around Proposed Wells
-  PLSS Sections
-  Area Excluded From Proposed Wells
-  R9 Ranch Property Boundary
-  Domestic Well (Non-Permitted)
-  Stock Well (Non-Permitted)

1:40,000



EXHIBIT
J
 21841




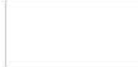
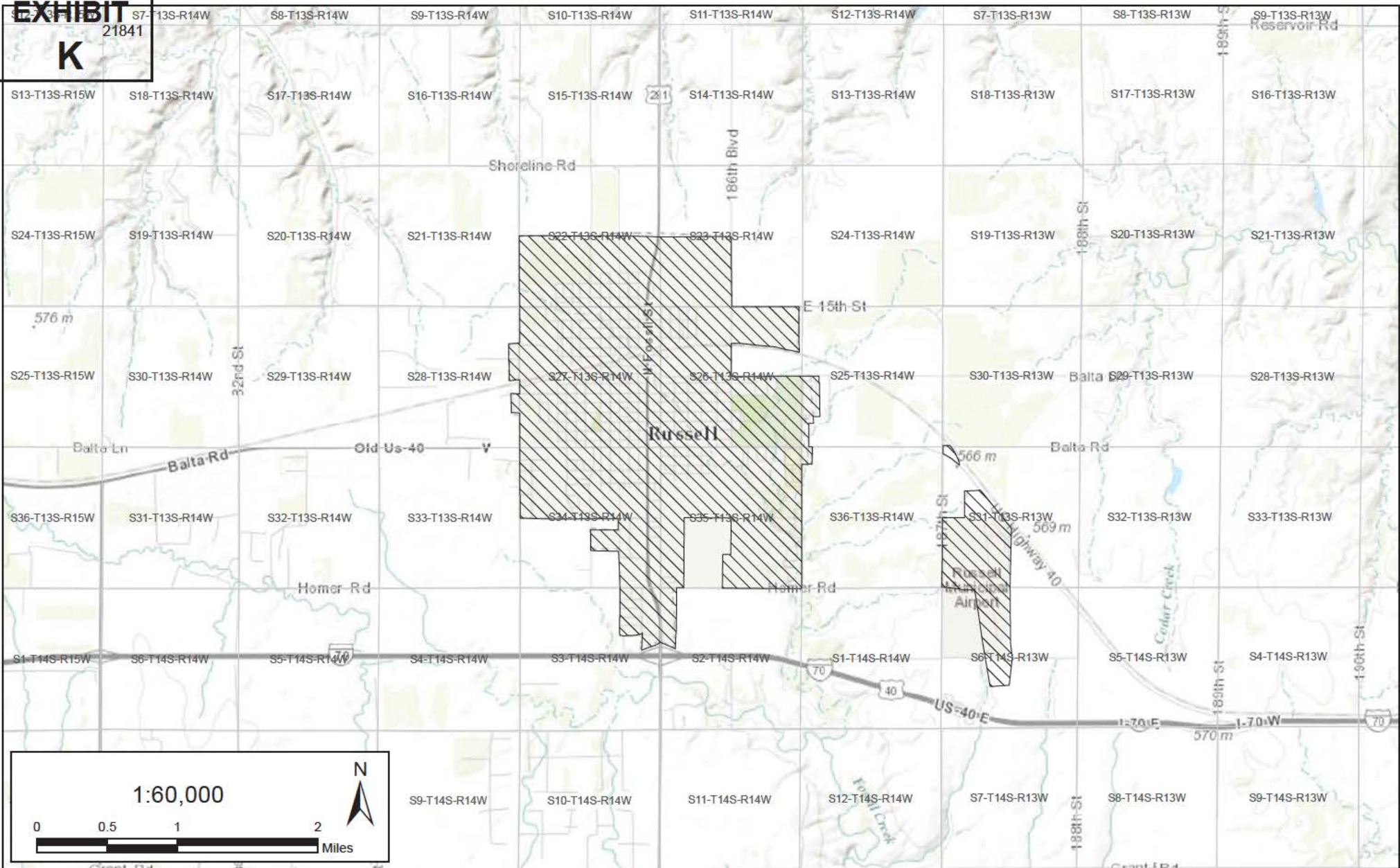
 Proposed Place of Use City of Hays
 PLSS Sections



EXHIBIT
21841
K



Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
L**

**SECTION 2: PAST WATER USE
 COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago	592,323,000			5,029,000	469,314,000	5,155,000	112,825,000
15 years ago	780,527,000			10,619,000	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

21841
SECTION 3: PROJECTED FUTURE WATER NEEDS

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Explanation on other side)
Year 5	386,346,512	0	0	177,719,396	119,767,419	15,453,861	73,405,836
Year 10	405,513,682	0	0	186,536,377	125,709,241	16,220,547	77,047,517
Year 15	426,310,852	0	0	196,102,992	132,156,364	17,052,434	80,999,062
Year 20	443,848,022	0	0	204,170,090	137,592,887	17,753,921	84,331,124
TOTAL WATER = Columns 1 + 2			ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
(CENSUS BUREAU INFORMATION)

LAST 20 YEARS	POPULATION
20 years ago	
15 years ago	4,710
10 years ago	4,696
5 years ago	4,506
Last Year	4,475

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	4,596
Year 10	4,605
Year 15	4,651
Year 20	4,698

Provide number of current active service connections:

2,049 Residential 9 Industrial 30 Other (specify) Free Service
 360 Commercial 0 Pasture/ Stockwater/ Feedlot 2448 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 ÷ Population ÷ 365 Days/Year = Gallons per Person per Day

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the Page 24 of 24 request.

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**



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

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 21,842 Circle 11A.

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. Code	GMD	Meets K.A.R. 5-5-1 (YES/NO)	Use	Source	G/S County	By	Date
	Fee \$	TR #	Receipt Date	Check #			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4-T26S-R19W										40	40	40	40					160	

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			Same as above																

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 _____ Quarter of the SW Quarter
 of Section 4, Township 26 South, Range 19 (E/W),
 in Edwards County, Kansas, 1,301 feet North 3,910 feet West of Southeast corner of section.
 Authorized Rate 900 gpm Authorized Quantity 195 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SE Quarter of the SE Quarter
 of Section 5, Township 26 South, Range 19 (E/W),
 in Edwards County, Kansas, 1,577 feet North 901 feet West of Southeast corner of section.
 Proposed Rate 900 gpm Proposed Quantity 195 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 29,816 & 21,734

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
See paragraph 11 of the cover letter

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

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.**

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.

(Owner) (Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Proposed Rate and Quantity

The Cities are requesting a total of 195 acre-feet and 900 gpm from the well associated with this water right, which will be diverted from new point of diversion E, as shown on Exhibit H. When combined with existing wells from other water rights, new point of diversion E will have a cumulative total of 518.92 acre-feet and 2,561 gpm.

13. If changing the place of use and the use made of water, describe how the consumptive use will not be increased:

The following discussion is subject to paragraph 13 of the cover letter regarding consumptive use.

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows the conversion of 140.40 acre-feet for municipal use.¹ As discussed below, 130 approved acres were irrigated during the perfection period; 130 acres multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 140.40 acre-feet.²

That same regulation goes on to allow the City to request that the change be based on the net consumptive use actually made during the perfection period.³

Quantity authorized and perfected

The permit was issued on May 29, 1975, granting the applicant the right to divert up to 240 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴, on 160 acres in Section 2-T26S-R19W, or 1.5 acre-feet per acre.⁵ The certificate limited the quantity to 900 gallons per minute.

In the cover letter transmitting the permit, DWR made findings of fact stating that “the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”⁶

The Field Inspection Report indicates that 269 acre-feet were applied to 130 acres during the year of record.⁷ The permit authorized the perfection of 240 acre-feet on 160 acres, or 1.5 acre-feet per acre, but only 130 of the authorized acres were irrigated during the perfection period, resulting in perfection of 195 acre-feet.

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, HAYS002099, Ex. A.

⁵ Application, HAYS002095, Ex. B.

⁶ May 29, 1975, letter (emphasis added), HAYS002101, Ex. C.

⁷ FIR, HAYS002087, Ex. D, and *American Ag Industries v. Slentz McAlister* Trial Exhibits, HAYS004448-4453, Ex. E.

NIR for Alfalfa

Alfalfa was grown on this circle during the perfection period.⁸ 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 226.42 acre-feet. This quantity is greater than the authorized quantity of 1.5 acre-feet per acre.⁹

The alternative approach discussed in other applications yields the same quantity as the default approach, or 140.40 acre-feet.

The City requests that DWR approve a total of 195 acre-feet for municipal use.

⁸ FIR, HAYS002090, Ex. D.

⁹ See K.A.R. 5-5-9(a)(4).

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application No. 21,842 of the applicant

Mr. Clarence A. Wilson
2610 North Van Buren
Hutchinson, Kansas 67501

for a permit to appropriate water to beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is January 22, 1974.
2. That the water sought to be appropriated shall be used for irrigation on the land described in the application.

3. That the source from which the appropriation is made shall be from ground water in the drainage basin of the Arkansas River to be withdrawn by means of one (1) well near the center of the Southwest Quarter (SW $\frac{1}{4}$) of Section 4, Township 26 South, Range 19 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of

1000 gallons per minute (2.23 c.f.s.)

and to a quantity of not to exceed

240 acre-feet

for any calendar year.

(OVER)

RECEIVED

JUN 9 1975 MED HAYS002099

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

5. That installation of works for diversion of water shall be completed on or before December 31, 1976. The applicant shall notify the Chief Engineer of the Division of Water Resources when construction of the works has been completed.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 1980.

7. That the applicant shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer as soon as practicable after the close of each calendar year.

8. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified or any authorized extension thereof.

9. That the use of water herein authorized shall not impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

10. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

11. That this permit does not constitute authority under K. S. A. 82a-301 to 305 to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or Local Governmental authorities when necessary.

12. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Dated this 29th day of May 19 75.



Guy E. Gibson
Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

HAYS002100

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

Roy Freeland, Secretary

Received 1-22-74
RC

DIVISION OF WATER RESOURCES

Cuy E. Gibson, Chief Engineer

NUMBER 21842

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.)
(Miss)
Comes now the applicant CLARENCE A. WILSON whose post office address is 2610 N. VanBuren Hutchinson, Kansas 67501

and makes application to the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture, for a permit to appropriate for beneficial use such unappropriated groundwater (surface water or groundwater) as may be available in Arkansas River Valley in the county of Edwards (name of stream or drainage basin) state of Kansas, to the extent and in accordance with the particulars hereinafter described:

- The quantity of water desired is in the amount of 240 acre-feet per year, to be diverted at a maximum rate of 1,000 gallons per minute (acre feet or million gallons) (gallons per minute or cubic feet per second)
- The location of the proposed wells or other works for diversion of water is near the center in the quarter of the SW quarter of section 4, township 26s, range 19w, in Edwards County, Kansas.
- The water is intended to be appropriated for:



		Amount
(a) Domestic use	()	_____
(b) Municipal use	()	_____
(c) Irrigation use	(x)	<u>240 acre feet</u>
(d) Industrial use	()	_____
(e) Recreational use	()	_____
(f) Water Power use	()	_____

MICROFILMED

(check intended use or uses and show intended quantity for each use)

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JUN 9 1975 HAYS002094

APPROVED

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.

6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Owner of Land—NAME: FULL SERVICE INSURANCE, INC.

ADDRESS: Box J LaCrosse, Kansas 67548

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4-26s-19w									40	40	40	40					160

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 $\frac{1}{4}$	

HAYS002095

7. The works for diversion of water will consist of a well, pump, sprinkler system, motor,
and center-pivot sprinkler system,
(wells, pumps, etc.)
and will be completed by July 1, 1974
(Date)

8. The first actual application of water for the beneficial use proposed was or is estimated to be
June 1, 1974
(Date)

9. The application must be accompanied either by a detailed plat prepared from an actual survey or by
an aerial photograph of the area.


The plat or aerial photograph should show

- (a) Location of the proposed point or points of diversion
- (b) Location of the pipe lines, canals, reservoirs or other facilities for conveying water from the
point of diversion to the place of use
- (c) If for irrigation, show the location of the land proposed to be irrigated
- (d) If for industrial or other use, show the location of the land where water will be used.

10. List and describe other applications filed or vested rights held by applicant:
none

11. The relation of the subscriber to this application is that of President of Full Service Ins., Inc., In
(Owner, agent or otherwise)
and he is authorized to make this application in behalf of the interest affected.

Dated at LaCrosse, Kansas, Kansas, this 18th day of January, 19 74


(Applicant)
Clarence A. Wilson

By _____
(Agent or Officer)

NOTE:

1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.
1 million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.
1 acre foot = 43,560 cubic feet = 325,851 gallons.

MI-539  5-72-10M SETS

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JUN 9 1974 HAYS002096

* ERNEST DOWERS
KINSLEY, KS

* GLEN BIDLEMAN
KINSLEY, KS

2,841

N

T
26
S

Joint Venture
Kinsley Joint Venture
21734

* Applicants
Livestock well

* GLEN P. BIDLEMAN

Well
215842

* Livestock Well
ANN B. E. THORNE
KINSLEY KANSAS
67547

App. 4522
D.L. Bannister
Kinsley, KS
Livestock Well

R 19W
* Livestock Well
Beatha Esting in Est.
Glen Bidleman
Kinsley, Kansas
67547

9



APP 21842

MICROFILMED

HAYS002097

May 29, 1975

Mr. Clarence A. Wilson
2610 North Van Buren
Hutchinson, Kansas 67501

Re: Appropriation of Water
Application No. 21,842

ED

Dear Mr. Wilson:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:ee1
Encs.
cc: Full Service Insurance, Inc.

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HAYS002101

JUN 9 1975

MICROFILMED

FIELD OFFICE
DIVISION OF WATER RESOURCES
STATE OF KANSAS

EXHIBIT
21842
D

DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE
FIELD INSPECTION



- Partial
- Full
- Re-Test

Field Office No. 2
G.M.D. No. 5

Test 1 of 1 Diversion points County Edwards

Application No. 21,842 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc Ebert/Stegman

Current Landowner Connecticut General Life Ins. % Agrl Associates Phone No. (308) 534-9240

Address Box 1162 North Platte, Nebraska 69103 Attn: Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: () Domestic () Industrial (x) Irrigation () Municipal
() Recreation () Stockwatering () Water Power

Source:
(x) Groundwater () Surface Water Basin/Stream Rattlesnake Creek

Authorized Point of Diversion: NC SW 1/4 Sec. 4, T. 26 R. 19, ID No. 02
Approximately — ft. North and — ft. West of SE corner of Sec. —

Actual Point of Diversion: NC SW 1/4 Sec. 4, T. 26, R. 19
Approximately 1301 ft. North and 3910 ft. West of SE corner of Sec. 4
How were distances determined? Scaled from ASCS aerial photo.

"Approved" Quantity 240 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date Jan 22, 1974 Approval Date May 29, 1975 Perfection Date Dec. 31, 1980

Other applications covering land and/or point of diversion None
(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	26	19									40	40	40	40					160

LAND IRRIGATED—YEAR OF RECORD 1984

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	26	19									325	325	325	325					130

TESTED DIVERSION RATES

Maximum G.P.M. _____ (c.f.s. _____) Normal G.P.M. 896 (c.f.s. 1.996)

FOR D.W.R. USE ONLY

Year of Record 1984 Extension of time needed: Yes () No () Attached? yes () no ()

Ac. Ft. Applied = $\frac{1628 \text{ hrs.} \times 896 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 269 \text{ AF}$

"Approved" Land irrigated 130 acres, with 269 AF = 2.07 AF/acre

Total AF (including overlapping Files) 269 (2.07 AF/acre)

130 acres irrigated x 1.5 A.F. per acre = 195 A.F. MAY 20 1988

Perfected Rate 900 g.p.m. (2.01 c.f.s.) Perfected Quantity 195 AF
completed by Douglas E Bush 3-4-88
DWR-ID# 21842 Page 16 of 37 HAYS002087 AF MICROFILMED Revised January 1987

21842
GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Valley Model 4071 Serial No. 13274

Drive: Water Electric Length of Pivot Arm 10 towers acres irr. 130

Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

Is there an End Gun? (x) yes () no Is end gun operating during Test (x) yes () no

End Gun Model Toro Rating _____ g.p.m. Orifice size _____

Gravity Irrigation

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP -

Serial No. NA Fuel Natural Gas Rated RPM -

PUMP INFORMATION:

Manufacturer Western Land Roller Model No. 12C M Rated RPM _____

Serial No. E74379 Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer Amarillo Model No. S100

Serial No. 94267 Drive Right Angle Ratio 1:1

WELL INFORMATION:

Date Drilled May 1974 Original Depth 130 ft. Static Water Level When Drilled _____ ft.

Length of time well has (x) operated () rested prior to measurement 4 (x) days () hrs

Is measurement tube required? () yes (x) no Is measurement tube present () yes (x) no

Depth to water 52 ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes (x) no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is the meter installed properly? () yes () no Check Valve Present? (x) yes () no

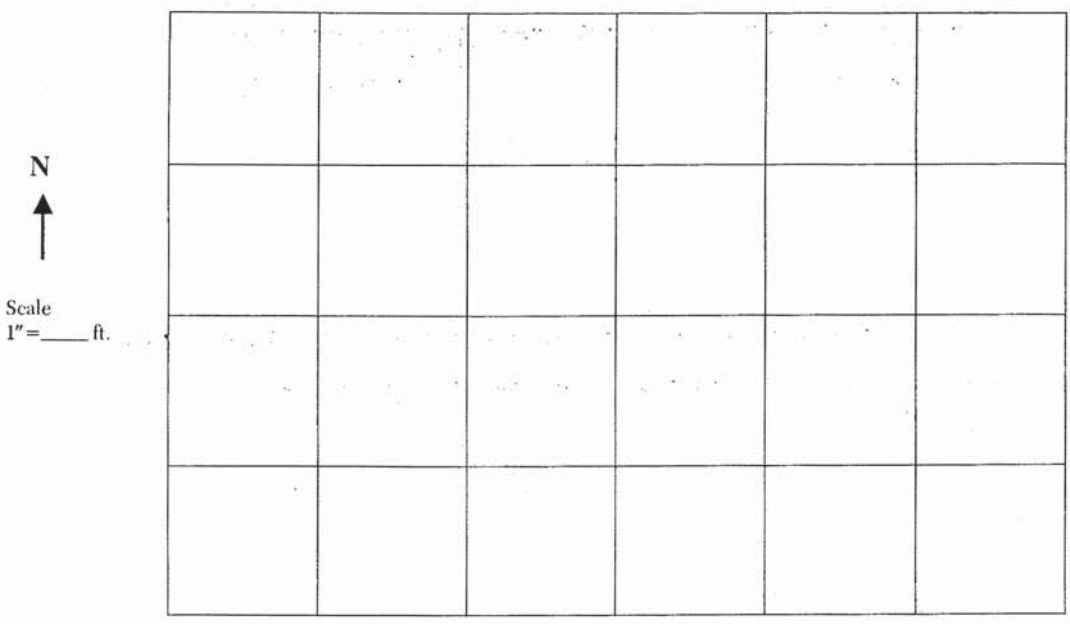
Injection port present? () yes (x) no Operating an injection system? () yes (x) no

Low Pressure Drain? (x) yes () no Vacuum Breaker? (x) yes () no

Plant Health Chemigation Report completed? (x) yes () no

HAYS002088

SKETCH OF ACTUAL PLACE, LOCATION OF DIVERSION WORK, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Location of test Vertical at center of pivot
Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2264
R.P.M. PUMP UNIT 1887
Pressure at Pump 36 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
R.P.M. PUMP UNIT _____
Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q (gpm) = VK$

- Velocity (fps)
1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____

- Velocity (fps)
1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____

Total _____
Avg. _____
G.P.M. _____

Total _____
Avg. _____
G.P.M. _____

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.
Beginning _____ gal.
Difference _____ gal.
Time _____ min.
Rate _____ gpm

Ending _____ gal.
Beginning _____ gal.
Difference _____ gal.
Time _____ min.
Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS002089

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1560	900		130
1976				
1977				
1978	950			130
1979				
1980				
1981				
1982				
1983				
* 1984	1628	896**		130
1985	1143	750		130
1986	1085	750		130
1987		896**		
		** obtained from test on 7/28/87		

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year Alfalfa Year of record Alfalfa

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type _____ Supplier _____

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? _____

REMARKS: Landowner obtained from Reg of Deeds. See attached sheet for notes on selection of a year of record.

Person present at test Ray Williams Employee
(name) (relationship)

Water Use Correspondent Jessy Weaver Assoc. Affiliates Box 1162 North Platte NE 69103 308-534-924
(name) (address) (phone number)

Conducted by Le Roy Stegman Date 8/12/87 HAYS002090

Approved by Wild J. Wainwright P-E Date 11/16/87
(signature)

APPLICATION NO: 21842

NAME: Connecticut General Life Insurance Co., Inc.

NOTES ON CHOOSING A YEAR OF RECORD

This development has had several owners since its inception in 1975. With owners from Europe & around the U.S. at various times, a state of confusion has existed in the crop production effort. All of the water use and equipment records have been either destroyed or lost, and the systems and pumping plant components have been interchanged over the years.

Since late 1983, Connecticut General has made a diligent effort to keep good records. Therefore, it would seem reasonable to use the years since 1983 in choosing a year of record.

PUMPING PLANT TESTING, INC.

Reviewed by: *W. J. White*

Professional Engineer



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MAY 20 1988

FIELD OFFICE
DIVISION OF WATER RESOURCES Page 21 of 37
STATE BOARD OF AGRICULTURE

MICROFILMED

HAYS002092

APPLICATION NO: 21,842 NAME: Cross Alfalfa

COLLINS METER TEST

Collins Meter No. 1-84 Meter Calibration Factor .9635
 Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4
 Test Pressure (psi) 36 Test RPM, Pump 1887
 Description of Test Location Vertical at center
of pivot

TEST DATA: Check, Initial 6.40 Reversed 6.42
 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 From Center of Pipe	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 9/16</u>	<u>6.98</u>	<u>6.12</u>
<u>2 3/4</u>	<u>7.22</u>	<u>5.73</u>
<u>3 9/16</u>	<u>7.00</u>	<u>5.46</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 76.72/12 = 6.39

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 6.39 x .9635 = 6.16

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 6.16 x 145.4 = 896 GPM

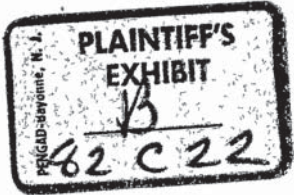


PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
 RECEIVED
 Professional Engineer

HAYS002093

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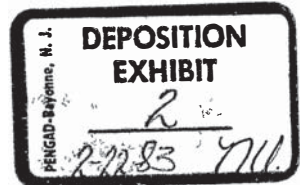


AMERICAN AGRICULTURAL INDUSTRIES, INC.

RURAL ROUTE *1

P O. BOX 187

KINSLEY, KANSAS 67547



TELEPHONES
AREA CODE 316
659-2668
659-2772
659-3711

TELEX NUMBER
910-740-6720

March 25, 1982

Slentz-McAllaster Inc.
P O Box 38
Lewis, Kansas 67552

CLERK DISTRICT COURT
983 NOV 16 PM 5 05
FILED

Dear Don,

This letter is in reference to our conversation concerning the alfalfa insurance on the alfalfa located at the Lucerne Farms in Kinsley, Kansas.

As of today, we will no longer be responsible for the insurance on the alfalfa that you have paid us for but have not removed from the farm.

Our records show that you have paid us \$ 416,000.00 (this includes the March payment of \$ 52,000.00) for alfalfa. At \$65.00 per ton this figures that you have paid for 6,400 ton of hay. We show that you have removed 2278 bales at 1800 lbs average weight. That is 2050.2 Tons removed. So there is 4,349.80 tons of alfalfa on this farm that you have paid for but you have not removed.

If you have any question on how I have arrived at these figures please contact me.

Best Regards,

Pamela Meadows

Pamela Meadows

Secretary

*Note: This figure of 2278 removed doesn't include the 54 bales taken this week.

HAYS004448



LUCERNE FARMS HAY
PRODUCTION

McALLASTERS 4/5		TOTAL BALES	ANIBYPRO 1/5	
#0			#0	
1st	13	16	1st	4
2nd	52	65	2nd	13
3rd	83	104	3rd	21
4th	31	39	4th	8
#1			#1	
1st	73	91	1st	18
2nd	113	141	2nd	28
3rd	127	159	3rd	32
4th	46	58	4th	12
#2			#2	
1st	54	68	1st	14
2nd	106	133	2nd	27
3rd	144	180	3rd	36
4th	48	60	4th	12
#3			#3	
1st	153	191	1st	38
2nd	164	205	2nd	41
3rd	373	466	3rd	93
4th	121	152	4th	31
#4			#4	
1st	82	103	1st	21
2nd	85	106	2nd	21
3rd	170	212	3rd	42
4th	32	40	4th	8
#5			#5	
1st	44	55	1st	11
2nd	155	194	2nd	39
3rd	135	169	3rd	34
4th	38	47	4th	9
#6			#6	
1st	41	51	1st	10
2nd	82	103	2nd	21
3rd	164	205	3rd	41
4th	82	102	4th	20
#7			#7	
1st	141	176	1st	35
2nd	170	212	2nd	42
3rd	206	258	3rd	52
4th	96	120	4th	24
#8			#8	
1st	82	103	1st	21
2nd	122	153	2nd	31
3rd	177	221	3rd	44
4th	99	124	4th	25

HAYS004449

#9		
1st	119	149
2nd	194	243
3rd	167	209
4th	82	102

#10		
1st	77	96
2nd	261	326
3rd	201	251
4th	118	148

#11		
1st	116	145
2nd	208	260
3rd	162	202
4th	42	52

#12		
1st	130	162
2nd	302	377
3rd	257	321
4th	110	137

#13		
1st	75	94
2nd	122	153
3rd	121	151
4th	13	16

#16		
1st	70	88
2nd	144	180
3rd	86	108
4th	15	19

#17		
1st	107	134
2nd	218	273
3rd	122	152
4th	42	53

#18		
1st	23	28

#19		
1st	47	59
2nd	42	53
3rd	50	63

#30		
1st	126	158
2nd	157	196
3rd	90	113
4th	18	23

#38		
1st	98	122
2nd	162	202
3rd	95	119
4th	52	65

#9		
1st	30	
2nd	49	
3rd	42	
4th	20	

#10		
1st	19	
2nd	65	
3rd	42	
4th	30	

#11		
1st	29	
2nd	52	
3rd	40	
4th	10	

#12		
1st	32	
2nd	75	
3rd	64	
4th	27	

#13		
1st	19	
2nd	31	
3rd	30	
4th	4	

#16		
1st	18	
2nd	36	
3rd	22	
4th	4	

#17		
1st	27	
2nd	55	
3rd	30	
4th	11	

#18		
1st	6	

#19		
1st	12	
2nd	11	
3rd	13	

#30		
1st	32	
2nd	39	
3rd	23	
4th	5	

#38		
1st	24	
2nd	40	
3rd	24	
4th	13	

21842

#39

1st	16	20
2nd	26	33
3rd	31	39

#39

1st	4
2nd	7
3rd	8

Total Bales 10776

McAllasters 4/5's 8621

Anibypros 1/5's 2155

*Note In order to come up to 8.000 Tons it will take 8.889 bales of 1800lbs.
This will leave Anibypro 1887 bales

HAYS004451

21842

BLENTZ-MCALASTER INC.

ALFALFA REMOVED FROM LUCERNE FIELDS

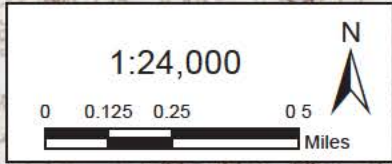
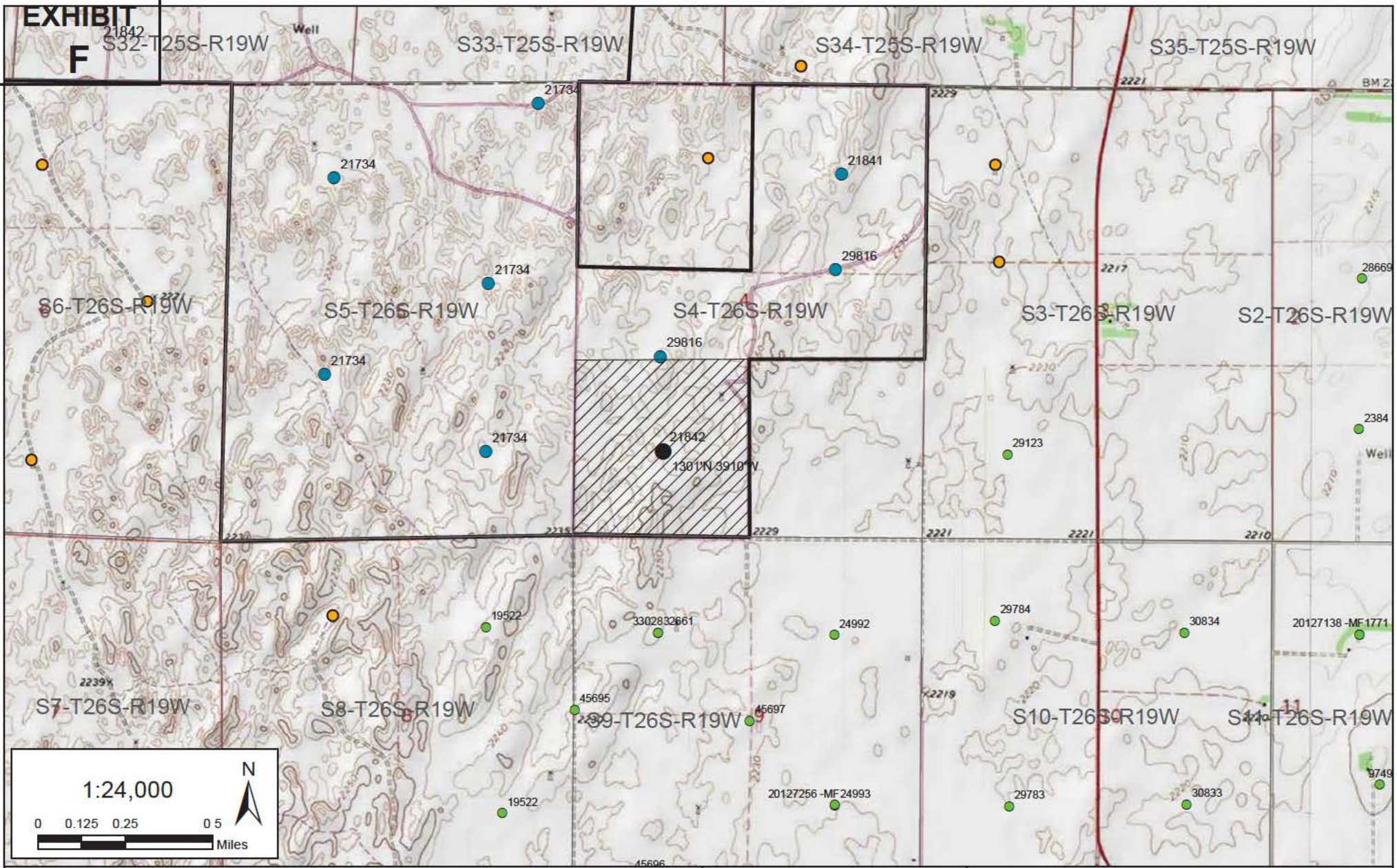
	INITIALS	DATE	REFERENCE
PREPARED BY			
CHECKED BY			
APPROVED BY			

DATE	CIRCLE #	CUTTING	AMOUNT OF BALES TAKEN	TONS PER SCALE TICKETS
8-30	7	3rd	52	45.58
	10	3rd	50	43.2
9-7	7	3rd	108	94.34
	12	3rd	104	86.92
9-14	12	3rd	78	66.05
	5	3rd	113	93.85
	10	3rd	116	92.39
	11	2nd	30	18.38
	4	3rd	138	128.08
	12	3rd	30	26.24
9-21	30	3rd	69	57.46
	38	3rd	79	60.97
10-5	6	4th	21	21.97
10-12	8	4th	83	89.20
10-19	7	4th	52	55.89
10-26	9	4th	42	38.54
11-2	10	4th	78	68.8
	12	4th	56	58.83
11-9	9	4th	52	48.76
11-16	2	4th	22	22.82
	9	4th	3	3.00
	8	4th	41	42.36
	10	3rd	20	16.47
	6	4th	26	26.54
	7	4th	34	36.74
11-23	2	4th	22	22.73
	11	4th	26	24.55
	38	4th	52	52.02
12-7	30	4th	22	21.51
	38	4th	4	3.91
12-21	7	3rd	47	41.31
	9	4th	8	7.30
1-4	7	2nd	28	20.98
	7	3rd	11	9.14
	7	4th	15	12.17
1-17	3	4th	60	61.2
1-19	3	4th	28	26.39
	12	4th	56	43.63
1-29	12	3rd	28	18.78
1-30	12	3rd	2	1.75
	12	1st	78	70.52
2-2	5	4th	28	23.51
	12	1st	26	23.17
2-4	7	1st	7	5.44
	7	2nd	8	6.21
	7	3rd	7	5.44
2-11	7	1st	12	10.61
	7	2nd	14	12.38
2-22	30	2nd	52	44.21

21842

HAYS004452

EXHIBIT F



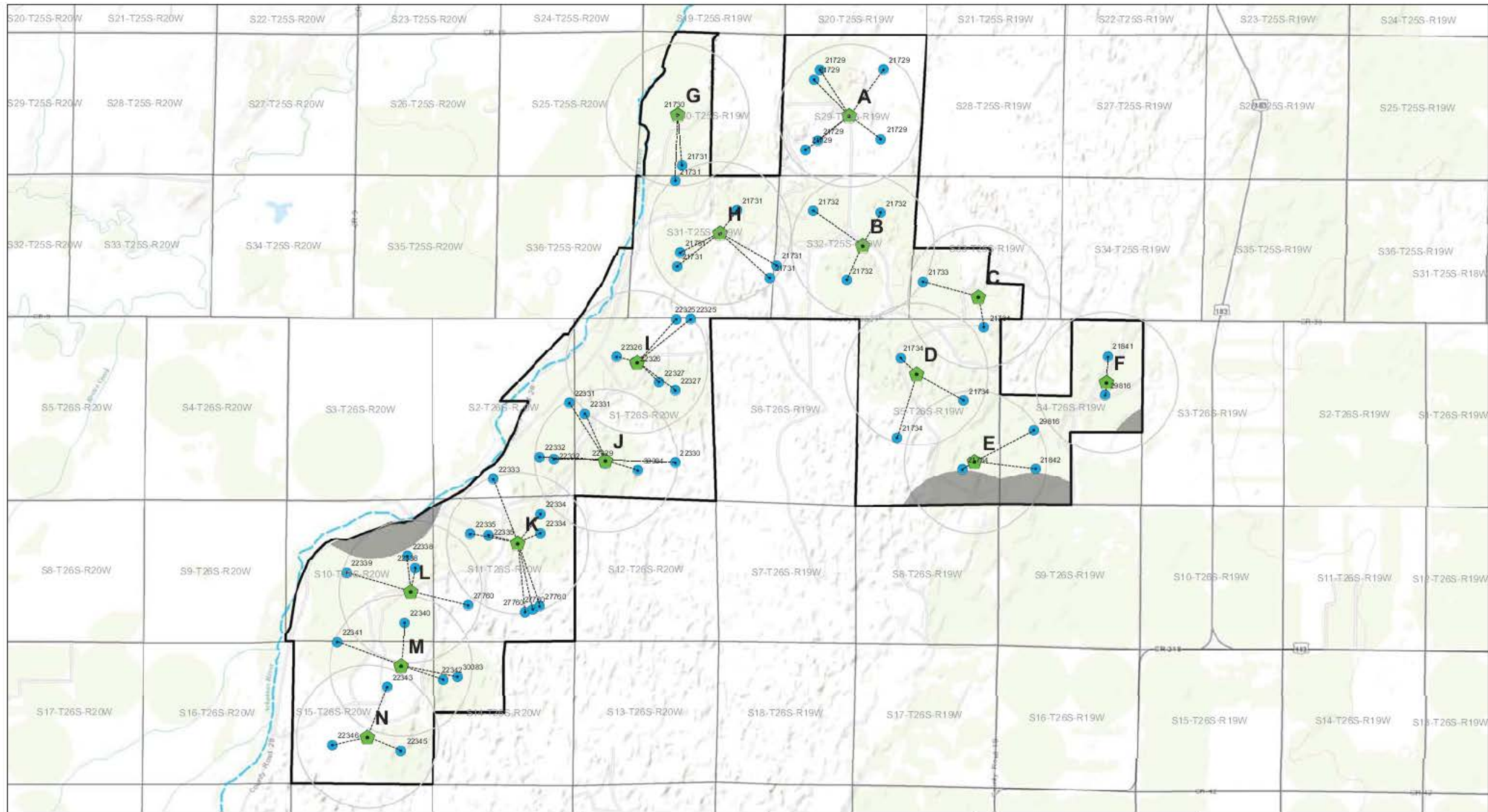
Legend

- 21842 Existing Point(s) of Diversion
- 21842 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- ▭ PLSS Sections 21842
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



CHANGE APPLICATION 21842
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION

EXHIBIT G 21842



Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections

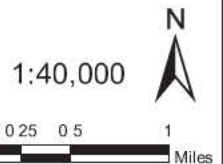
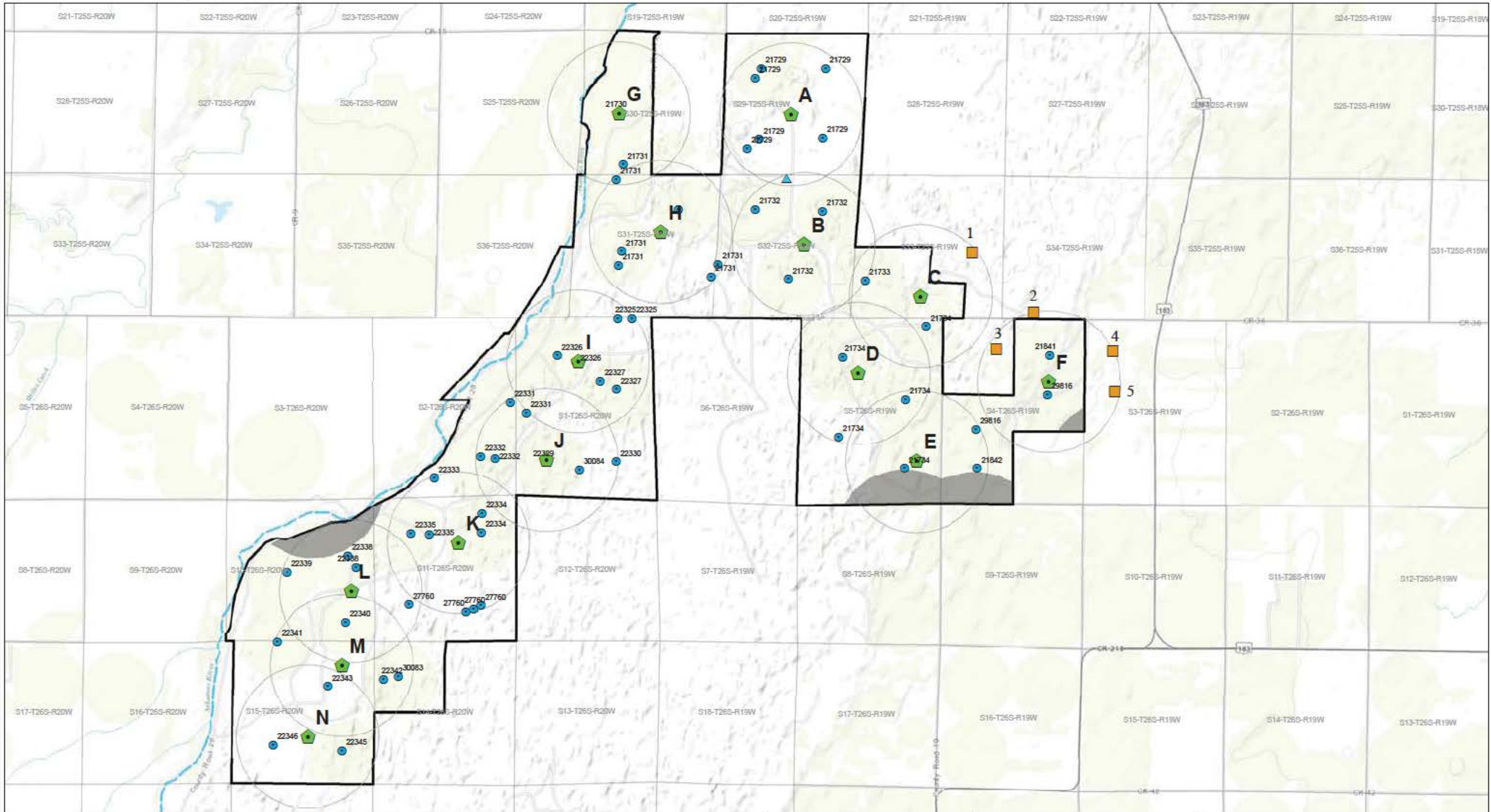
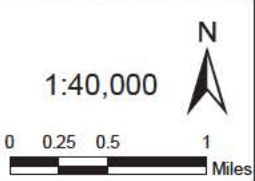


EXHIBIT 21842 H

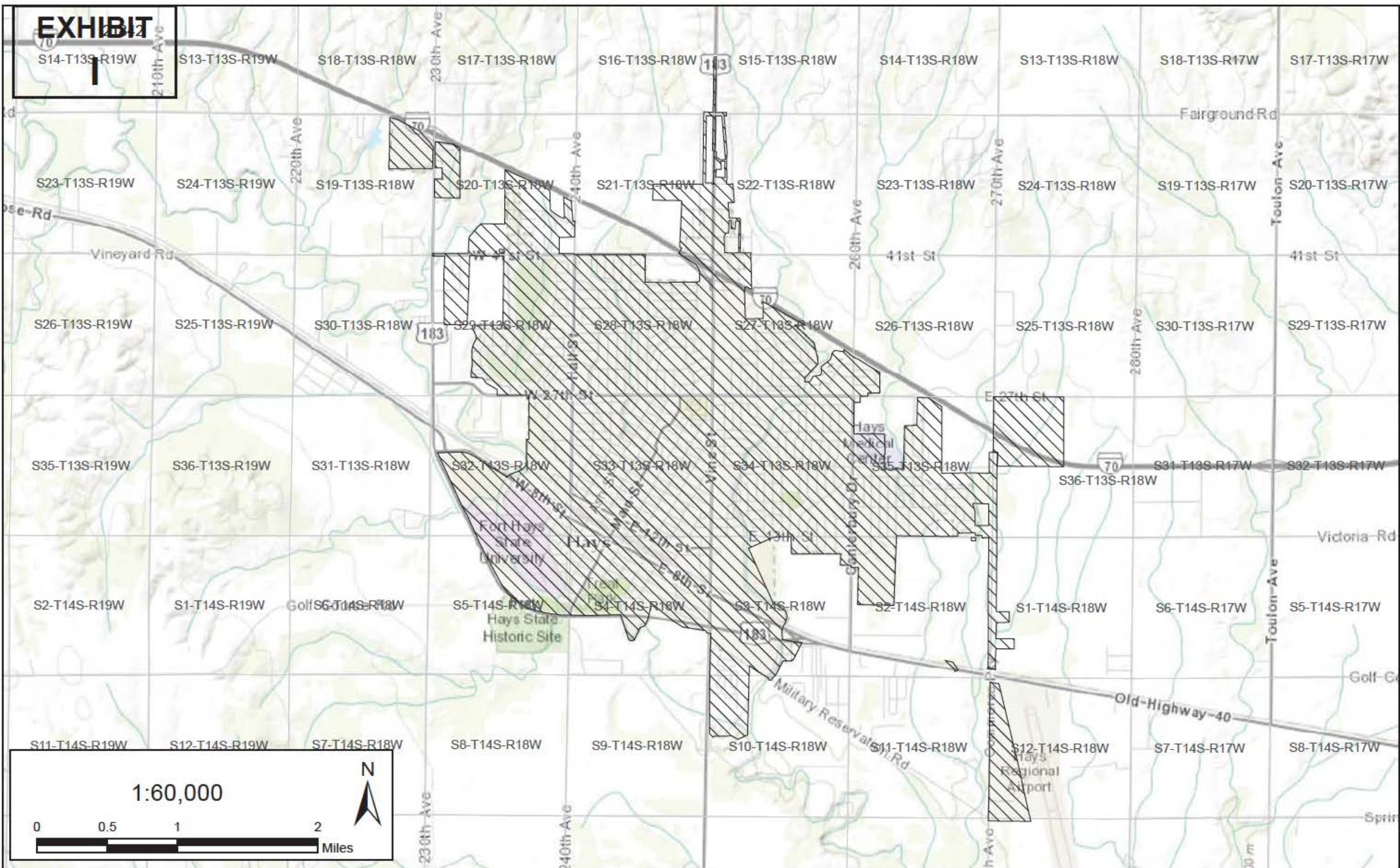


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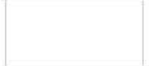
- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- ▲ Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)



EXHIBIT



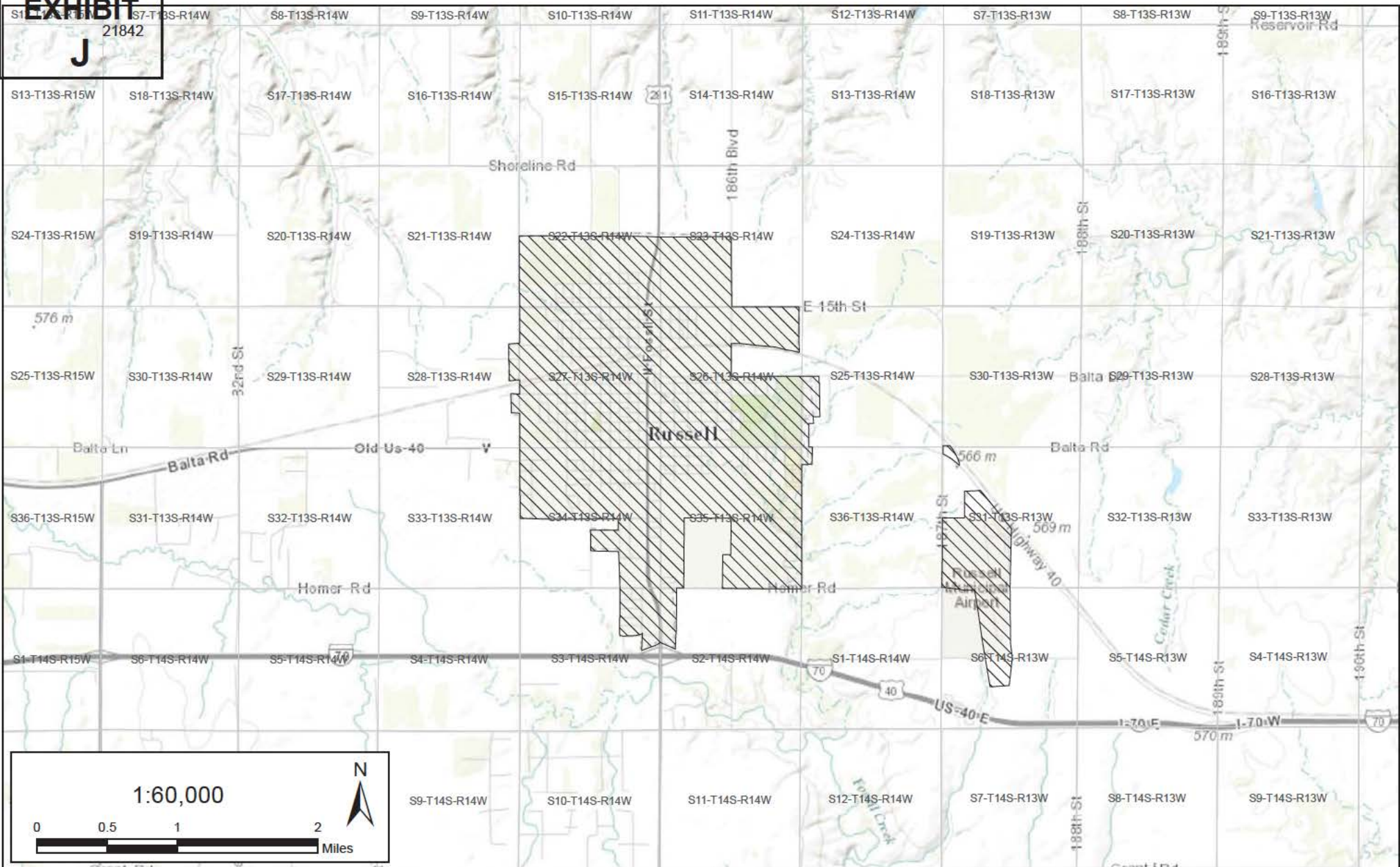
Proposed Place of Use City of Hays



PLSS Sections



EXHIBIT
21842
J



Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
K**

**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

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
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
L**

**SECTION 2: PAST WATER USE
COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago							
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

21842
SECTION 3: PROJECTED FUTURE WATER NEEDS

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Explanation on other side)
Year 5	386,346,512	0	0	177,719,396	119,767,419	15,453,861	73,405,836
Year 10	405,513,682	0	0	186,536,377	125,709,241	16,220,547	77,047,517
Year 15	426,310,852	0	0	196,102,992	132,156,364	17,052,434	80,999,062
Year 20	443,848,022	0	0	204,170,090	137,592,887	17,753,921	84,331,124
TOTAL WATER = Columns 1 + 2			ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
(CENSUS BUREAU INFORMATION)

LAST 20 YEARS	POPULATION
20 years ago	
15 years ago	4,710
10 years ago	4,696
5 years ago	4,506
Last Year	4,475

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	4,596
Year 10	4,605
Year 15	4,651
Year 20	4,698

Provide number of current active service connections:

2,049 Residential 9 Industrial 30 Other (specify) Free Service
 360 Commercial 0 Pasture/ Stockwater/ Feedlot 2448 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 ÷ Population ÷ 365 Days/Year = Gallons per Person per Day

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the Page 27 of 27 request.

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**



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

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,325 Circle 19.

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. Code	GMD	Meets K.A.R. 5-5-1 (YES/NO)	Use	Source	G/S County	By	Date
	Fee \$	TR #	Receipt Date	Check #			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
31-T25S-R19W												Lot 4 28.5	30.5					59	
1-T26S-R20W			Lot 1 26.5	Lot 2 41			Lot 3 3.5											71	

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			Same as above																

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Lot 1 Quarter of the _____ Quarter of the SW Quarter
 of Section 1, Township 26 South, Range 20 (E/W),
 in Edwards County, Kansas, 6,669 feet North 996 feet West of Southeast corner of section.
 Authorized Rate 530 gpm Authorized Quantity 78 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 SE Quarter of the NE Quarter of the NW Quarter
 of Section 1, Township 26 South, Range 20 (E/W),
 in Edwards County, Kansas, 5,034 feet North 2,790 feet West of Southeast corner of section.
 Proposed Rate 1,000 gpm Proposed Quantity 215.97 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,326-27

9. **Presently authorized point of diversion:**
 One in the Lot 2 Quarter of the _____ Quarter of the _____ Quarter
 of Section 1, Township 26 South, Range 20 (E/W),
 in Edwards County, Kansas, 6,673 feet North 1,535 feet West of Southeast corner of section.
 Authorized Rate 805 gpm Authorized Quantity 108 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 SE Quarter of the NE Quarter of the NW Quarter
 of Section 1, Township 26 South, Range 20 (E/W),
 in Edwards County, Kansas, 5,034 feet North 2,790 feet West of Southeast corner of section.
 Proposed Rate 1,000 gpm Proposed Quantity 215.97 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,326-27

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

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

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.

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.

(Owner) (Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Proposed Rate and Quantity

The Cities are requesting a total of 215.97 acre-feet and 1,000 gpm from the wells associated with this water right, all of which will be diverted from new point of diversion I, as shown on Exhibit K. When combined with existing wells from other water rights, new point of diversion I will have a cumulative total of 587.78 acre-feet and 2,950 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 conversion of 133.92 acre-feet for municipal use.¹ As discussed below, 124 approved acres were irrigated during the perfection period; 124 acres multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 133.92 acre-feet.²

That same regulation goes on to allow the City to request that the change be based on the net consumptive use actually made during the perfection period.³

Quantity authorized and perfected

The permit was issued on March 19, 1976, granting the applicant the right to divert up to 243 acre-feet annually at a rate of up to 1,000 gallons per minute for irrigation use⁴ on 124 acres in Sections 31-T25S-R19W and 1-T26S-R20W⁵, or 1.96 acre-feet per acre.

In the cover letter transmitting the permit, DWR made findings of fact stating that “the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”⁶

The Field Inspection Reports indicate that 400 acre-feet were applied to 124 acres during the year of record. Since the permit authorized a maximum of 243 acre-feet, the entire quantity was perfected.⁷

While the certificate limits the total quantity to 186 acre-feet based on DWR’s after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.⁸

¹ K.A.R. 5-5-9(a) and (a)(1).

² K.A.R. 5-5-12, NIR Requirements.

³ K.A.R. 5-5-9(b).

⁴ Permit, HAYS002211, Ex. A.

⁵ Application, HAYS002190, Ex. B.

⁶ March 19, 1976, letter (emphasis added), HAYS002210, Ex. C.

⁷ FIRs, HAYS002168, Ex. D, and HAYS002176, Ex. E.

⁸ Certificate, HAYS002218, Ex. F; Doug Bush Memo dated March 30, 1987, HAYS002214, Ex. G; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

Since the perfection period has expired, the “authorized quantity” for this water right is the 243 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

Alfalfa was grown on this circle during the perfection period.⁹ According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County is 13 inches (1.083333 feet) for corn and 20.9 (1.741666 feet) inches for alfalfa.

Since alfalfa was grown on the authorized place of use in at least one year during the perfection period, it is reasonable to use the NIR for alfalfa, which yields a total quantity of 215.97 acre-feet consumed. While this quantity is greater than the quantity set out in the certificate, it is less than the 243 perfected acre-feet, the “maximum annual quantity authorized by the water right.”¹⁰

An alternative approach

DWR’s use of the NIR of 1.08 feet of water for corn is based on its maximum gross irrigation requirement of 1.5 acre-feet per acre.¹¹ The regulation allows the conversion of 72% of the maximum quantity to a new use; in other words, it assumes that 28% of the quantity diverted returns to the aquifer.

If 28% of the 243 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 174.96 acre-feet, should be available for conversion to municipal use. While this quantity is greater than the quantity set out in the certificate, it is less than the 243 perfected acre-feet, the “maximum annual quantity authorized by the water right.”¹²

The City requests that DWR approve a total of 215.97 acre-feet for municipal use.

⁹ *American Agricultural Industries, Inc. v. Slentz McAlister* Trial Exhibits, HAYS004448-4453, Ex. H.

¹⁰ See K.A.R. 5-5-9(a)(4).

¹¹ 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 March 30, 1987, HAYS002214, Ex. G.

¹² See K.A.R. 5-5-9(a)(4).

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. 22,325 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 North side of Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and one well near the center of the North side of the East Half (E $\frac{1}{2}$) of Section 1, 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

243 acre-feet

for any calendar year.

(OVER)

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MAY 2 1976

HAYS002211

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.

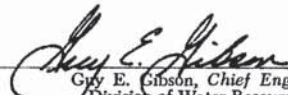
10. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

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

1976


Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

HAYS002212

EXHIBIT B

THE STATE OF KANSAS



STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

22,325
NUMBER 6

(19)

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

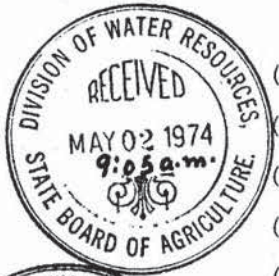
(Mr.)
(Mrs.)
Comes now the applicant (Miss) Midwest Land and Cattle Co. whose post office address is Box 208 Kinsley, Kansas 67547

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 ~~320~~ ²⁴³ ~~acre feet~~ ¹⁰⁰⁰ ~~per year~~, to be diverted at a maximum rate of 1400 gallons per minute (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the 2 wells * quarter of the NE quarter of the NE quarter of section 1, township South Brown 26 S, range 20 W, in Edwards County, Kansas.

3. The water is intended to be appropriated for:
* 1 well near the center of the east North side of the E 1/2 of Section 1.
1 well near the center of the north side of lot 1 in Section 1
Amount NE 1/4, NE 1/4

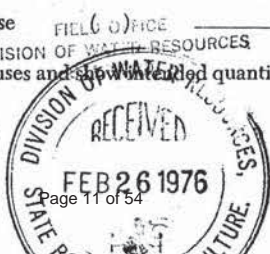
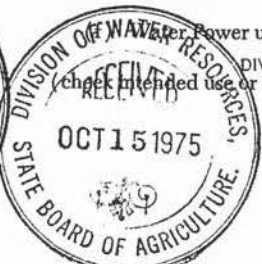
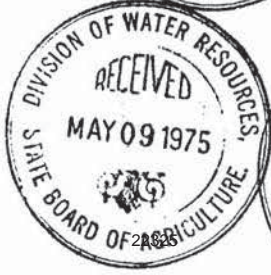


- (a) Domestic use () _____
- (b) Municipal use () _____
- (c) Irrigation use (X) ²⁴³ ~~320~~ ¹⁰⁰⁰ ~~acre ft./yr.~~ = 1400 gals./min.
- (d) Industrial use () _____
- (e) Recreational use _____



MICROFILMED

RECEIVED



FIELD OFFICE DIVISION OF WATER RESOURCES HAYS002190 DIVISION OF WATER RESOURCES STAFFORD

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.

6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Owner of Land—NAME: 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 $\frac{1}{4}$	
1	26	20	Lot 1 40 35	Lot 2 40	40	40												70	
31	25	19		35								28	35			2		65	
												13				6		135	

124
3-8-76 JSA

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 $\frac{1}{4}$	

HAYS002191

7. The works for diversion of water will consist of 2 wells with 2 pumps for one circle sprinkler irrigation system (2 motor) 2 W (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.) Permitted Application 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.

M1-538



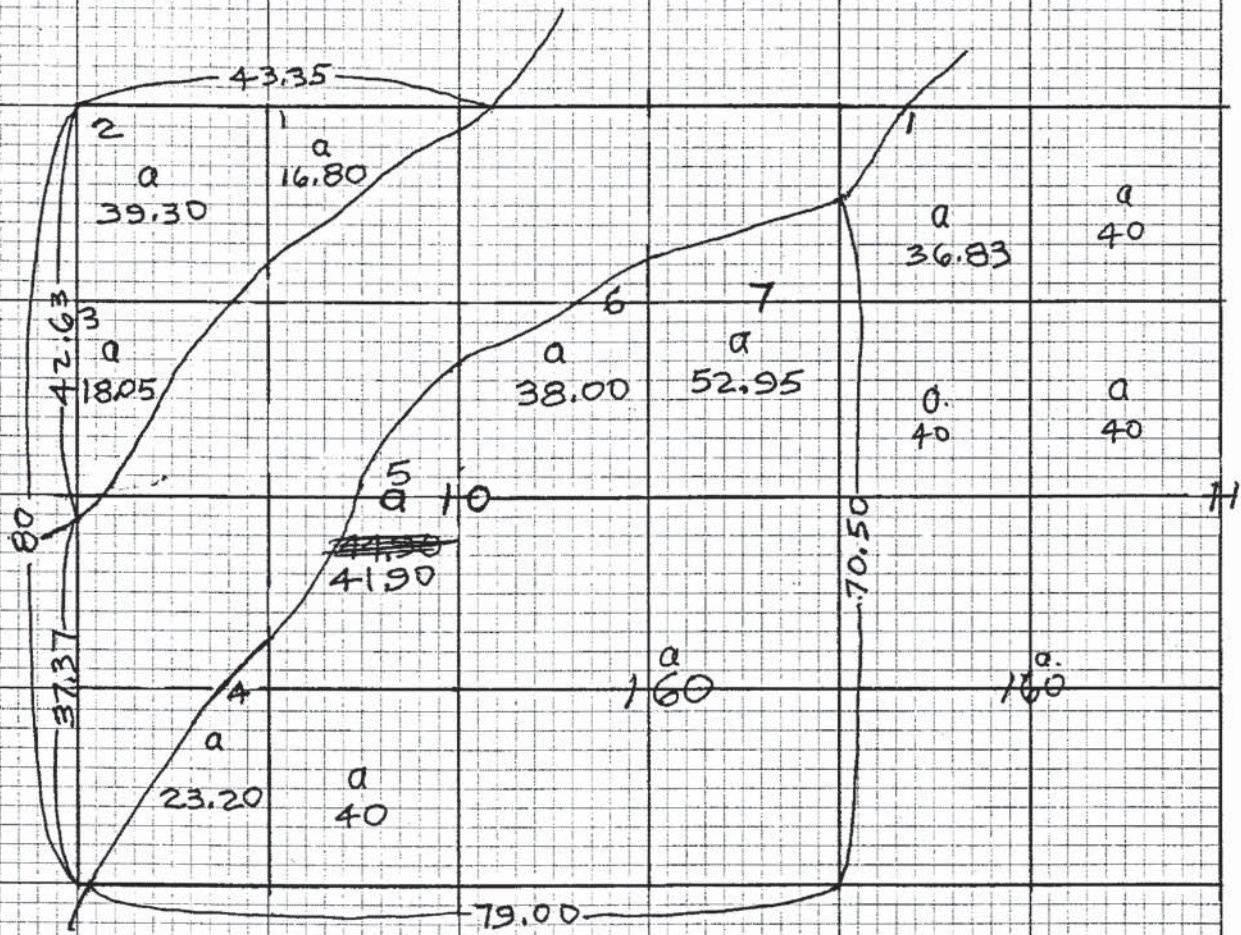
5-72-10M SETS

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FIELD OFFICE
 DIVISION OF WATER RESOURCES
 STAFFORD

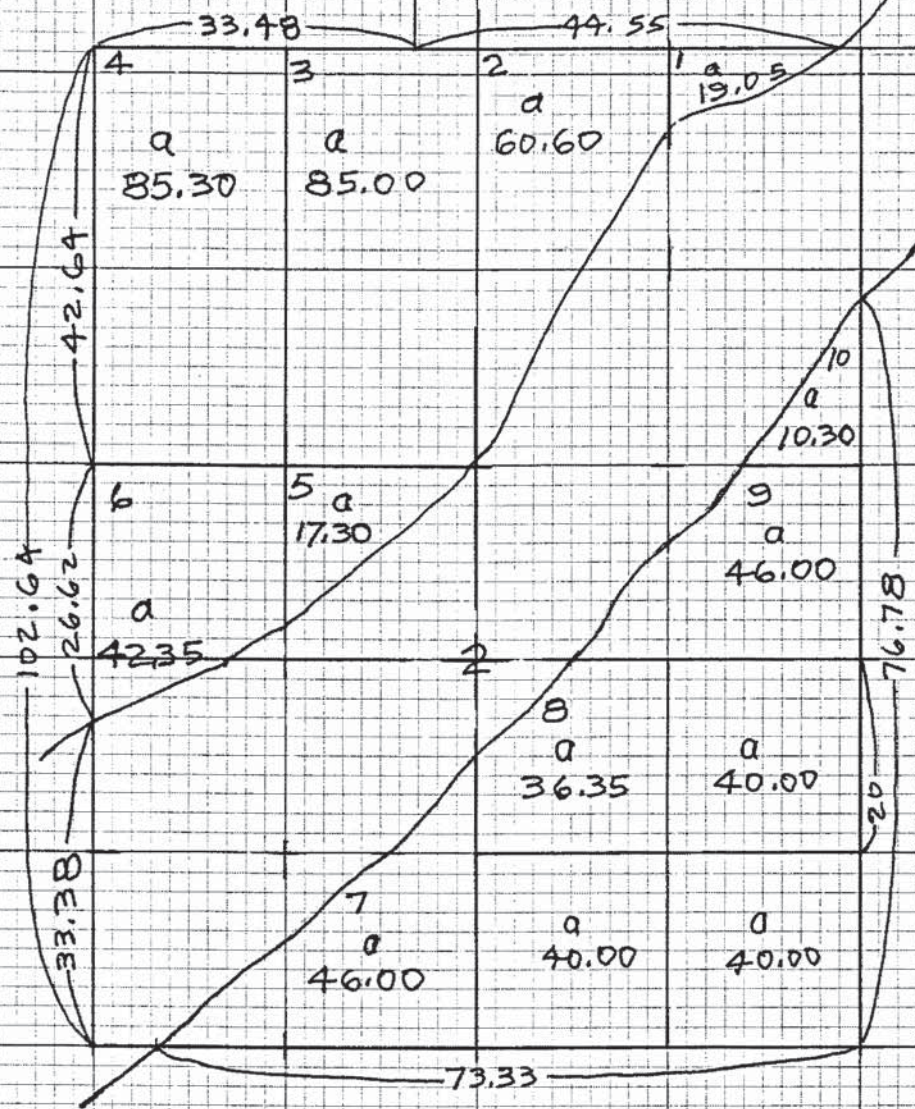
HAYS002192



TOTAL ACRES 430.20
 DISTANCES IN CHAINS

SECTIONS 10 & 11, TWP 26 SOUTH, RGE 20 WEST

MICROFILMED
 HAYS002193

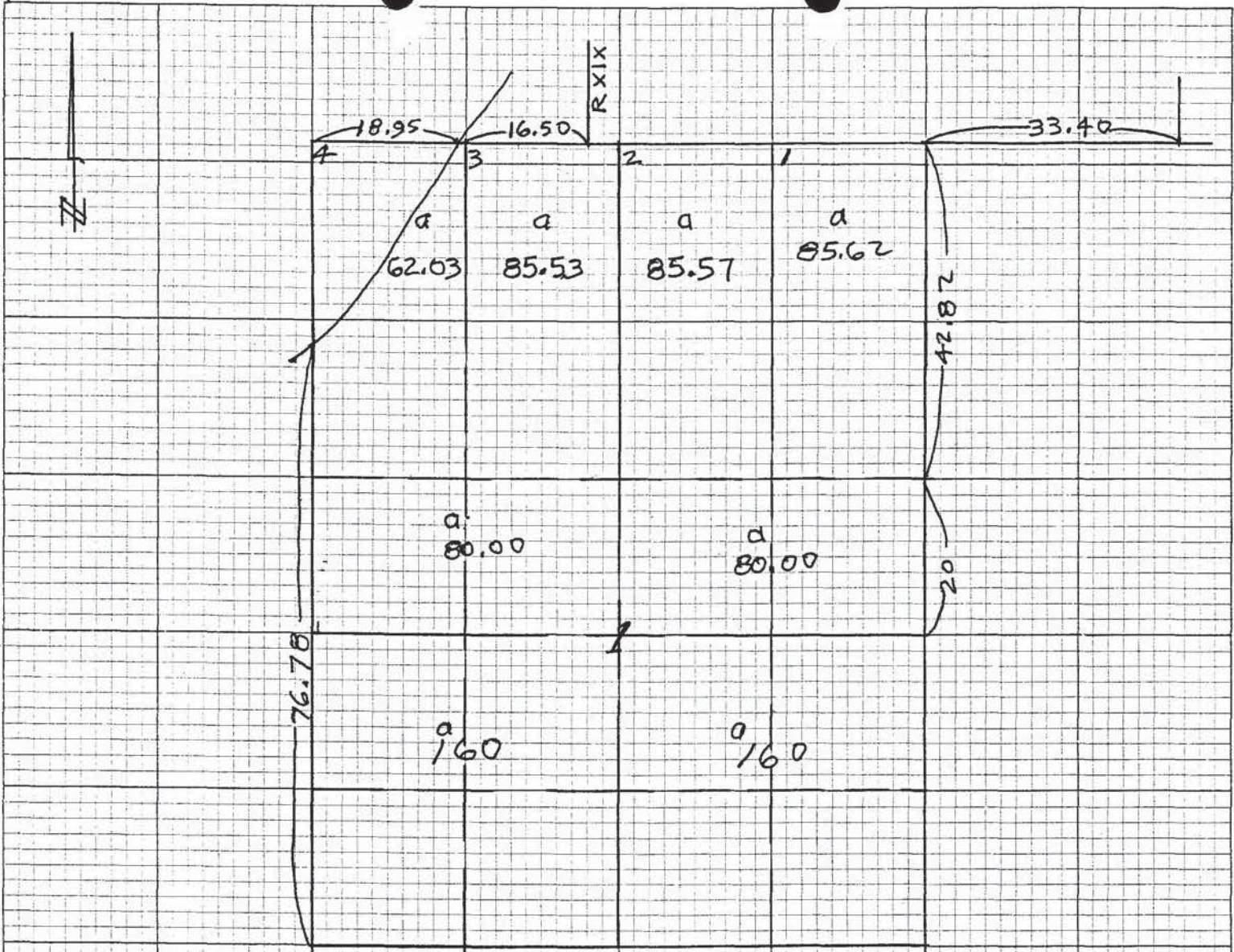


TOTAL ACRES 568.25

DISTANCES IN CHAINS

SECTION 2, TWP 26 SOUTH, RGE 20 WEST

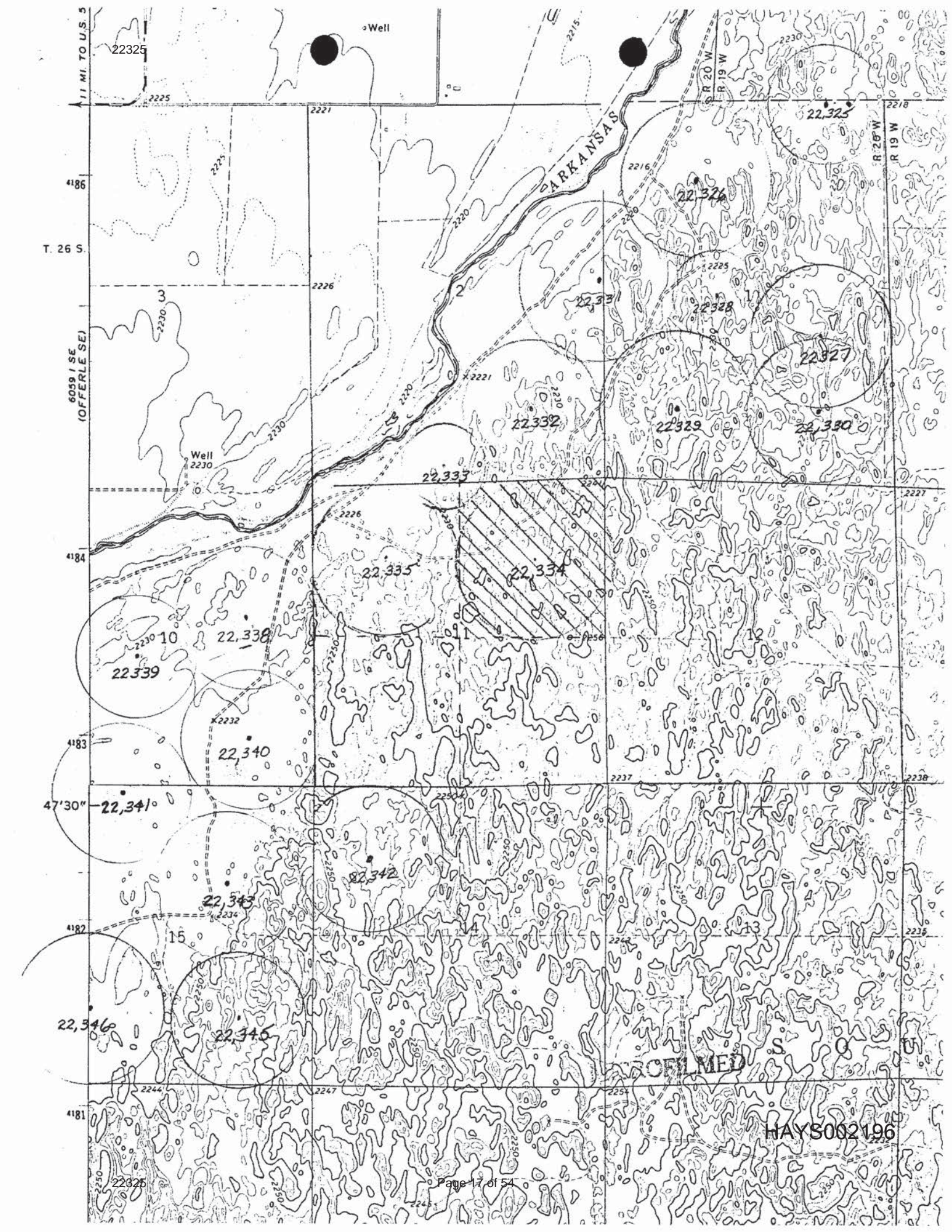
MICROFILMED HAYS002194



TOTAL ACRES 798.75
 DISTANCES IN CHAINS

SECTION 1, TWP 26 SOUTH, RGE 20 WEST

MICROFILMED HAYS002195



Well

22325

2225

2221

486

T. 26 S.

6059 / SE
(OFFERLE SE)

2225

2226

2230

Well
2230

22,338

22,339

22,340

22,341

22,343

22,346

22,345

481

22325

FILMED

HAYS002196



Only area in block ink concerns this application.

All wells within 1/4 mile of the subject wells are owned by the applicant.

DIVISION OF WATER RESOURCES
 RECEIVED
 MAY 09 1974
 STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES
 RECEIVED
 FEB 26 1976
 STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES
 RECEIVED
 MAY 09 1975
 STATE BOARD OF AGRICULTURE

HAYS002197

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,325

ED

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

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MAR 29 1976

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FILED OFFICE

DIVISION OF WATER RESOURCES
STAFFORD

- Partial
- Full
- Re-Test

Test 1 of 2 Diversion points
 Application No. 22325 Date 10/2/86 Firm/Field Office Pumping Plant Testing, Inc
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance Co Agri. Affiliates
 Address Box 1162 North Platte, Nebraska 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

10-02 Groundwater (X) Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: NC Northside of E 1/2 Sec. 1, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well NE 1/4, N 1/2 of Lot 2 Sec. 1, T. 26, R. 20
 Approximately 643 ft. North and 1565 ft. West of SE corner of Sec. 1
 How were distances determined? Scaled from HSCS photo

"Approved" Quantity 243 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date May 2, 1974 Approval of Application Date March 19, 1976

Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE: SEE REMARKS, PAGE 3 OF REPORT

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	35	35															70
31	25	19										13	35				6		54 / 124

LAND IRRIGATED—YEAR OF RECORD 1984 - SEE ATTACHED SURVEY

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	46.5	41			3.5												71
31	25	19										38.5	30.5						59 / 130

APPLICATION OF WATER: - SEE ATTACHED SURVEY
 Year of Record 1984 Hours Pumped 1700 or Quantity 330 AF
 combined flowrate with both wells pumping
 Normal Operating G.P.M. 1055 Equiv. c.f.s. 2.35
 well pumping alone
 Maximum Operating G.P.M. 803 * SEE REMARKS Equiv. c.f.s. 1.79



FOR D.W.R. USE ONLY

Year of Record 1984 Extension of time requested: Yes _____ No _____

Total No. of Hours on land covered by this application 1700

Ac. Ft. Applied = $1700 \text{ hrs.} \times 803 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 252 \text{ AF}$

Acres of "Approved" Land irrigated 124

Ac. Ft. on "Approved" Land 241 (1.94 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 124
 $614 \text{ gpm.} + 441 \text{ gpm.} = 1055 \text{ gpm.}$ $614 \text{ gpm.} \div 1055 \text{ gpm.} = 0.58$
 Proration Calculations $0.58 \times 1000 \text{ gpm.} = 580 \text{ gpm.}$ $580 \text{ gpm.} \times 1700 \text{ hrs.} = 986 \text{ AF}$
 max allowed $124 \text{ acres} \times 1.5 \text{ A.F. per acre} = 186 \text{ A.F.}$ $186 \text{ A.F.} \times 0.58 = 108 \text{ AF}$
 Perfected Rate 805 g.p.m. Perfected Quantity 108 AF

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Zimmatic Model 308 Serial No. 3536
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. 1 Rain Bird 85
 Is end gun operating during test? yes
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____
 Serial No. 08950 E 237L Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10 MA Rated RPM _____
 Serial No. N2W24231X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer U.S. Motors Model No. N-500 1197
 Serial No. 0-9473-00-406 Drive Right Angle Ratio 1:1

WELL INFORMATION:

Date Drilled Sept. 1974 Original Depth 48 ft. Static Water Level When Drilled 17 ft.
 Tape Down Possible? YES Water Level Measurement Tube? NO
 Measuring Point — ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? NO Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____
 Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no
 Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes
 If chemicals are injected into system, please attach _____ of system.

HAYS002169

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).

LAND TO BE INCLUDED ON CERTIFICATE - REFER TO ATTACHED PHOTO

N ↑ Scale 1" = _____ ft.	THE ACRES SHOWN FOR THIS KILL DO NOT ADD UP TO A FULL IRRIGATED CIRCLE IN THE SW 1/4 OF THE SW 1/4 SEC. 31, 25-19. WE HAVE PLOTTED THE "LAND APPLIED FOR IN ORIGINAL APPLICATION" TO THE BEST OF OUR KNOWLEDGE. WE DON'T REALLY KNOW, NOR IS THERE ANY INFORMATION AVAILABLE TO CLARIFY THIS UP, DUE TO THE RECORDS BEING LOST OVER THE YEARS. IT IS POSSIBLE THAT THERE WAS A MISTAKE ON THE ORIGINAL APPLICATION, AND MORE ACRES SHOULD HAVE BEEN INCLUDED IN THE SW 1/4 OF SW 1/4 SEC. 31, 25-19.				
	(Empty grid area for sketch)				

TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In horizontal pipe between pump and pivot
 Pipe Diameter (I.D.) 8 3/8 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 1812
 R.P.M. PUMP UNIT 1812
 Pressure at Pump 51 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 1762
 R.P.M. PUMP UNIT 1762
 Pressure at Pump 9 psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q (gpm) = VK$

Velocity (fps)	Velocity (fps)
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____
7. _____	7. _____
8. _____	8. _____
9. _____	9. _____
10. _____	10. _____
Total _____	Total _____
Avg. _____	Avg. _____
G.P.M. _____	G.P.M. _____

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.	Ending _____ gal.
Beginning _____ gal.	Beginning _____ gal.
Difference _____ gal.	Difference _____ gal.
Time _____ min.	Time _____ min.
Rate _____ gpm	Rate _____ gpm

NOT FILMED

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS002170

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

Other Fuels Type Natural Gas Supplier Kansas-Nebraska

Rate = $\frac{Volume (test)}{time}$ = _____

How was the test volume determined? Not Determined Engine not on individual meter

TABULATION OF WATER USE:

AC-24990
 ID-02
 CN E2 1-26-2000

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
✓ 1975	1812	1000		65
1976				
✓ 1977	1102	1000		130
1978				
1979				
1980				
1981				
1982				
1983	unused due to pivot problems**			
* 1984	1700**	803*		130**
1985	500**	850**		130**
1986		803*		

* obtained from test on 10/2/86 - SEE REMARKS.

** obtained from WUR sent to us from Jerry Weaver

Indicate Year of Record with (*) Source of Information Stuffed File

Crops Irrigated: this year wheat Year of record Milo

REMARKS: DUE TO A LOCK OF CHECK VALVE TO PREVENT WATER FROM BEING PUMPED INTO THE OTHER WELL, THE FLOW RATE OF 803 GPM REFLECTS WATER PUMPED INTO THE CENTRAL PIVOT & THE OTHER WELL. THIS SAME WELL WAS PUMPED AT 614 GPM (WITH THE SECOND WELL PUMPING ALSO) INTO THE CENTRAL PIVOT, WHICH WOULD BE 'NORMAL CONDITIONS'.

Person present at test Kent Naber (name) Irrigation Manager (relationship)

Water Use Correspondent Lyle Kolbeck (name) Spearville, KS 67876 (address) 316-385-2803 (phone number)

Conducted by Dreg Efest (signature) Date 10/8/86

Approved by D.J. White, P.E. (signature) (title) Date 12/29/86

HAYS002171

APPLICATION 22,325 - CONN. GEN. LIFE INS. CO.

SKETCH THAT ACCOMPANIED ORIGINAL APPLICATION



HAYS002172

HAYS002172

APPLICATION NO: 22325 NAME: Connecticut General Life Insurance

COLLINS METER TEST Flow from well in NE 1/4, N 1/2 of lot 2 with both wells pumping

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 8 3/8 Flow Rate Factor 170.5

Test Pressure (psi) 51 Test RPM, Pump 1812

Description of Test Location In horizontal pipe between pump and pivot

TEST DATA: Check, Initial 3,80 Reversed 3,84
 Meter Setting From Center of Pipe
 Velocity Left Side of Pipe (or Front Side if Vertical Test) Velocity Right Side of Pipe (or Back Side if Vertical Test)

<u>1 1/16</u>	<u>3,70</u>	<u>3,72</u>	<u>3,99</u>	<u>3,91</u>
<u>2 15/16</u>	<u>3,68</u>	<u>3,70</u>	<u>3,75</u>	<u>3,79</u>
<u>3 13/16</u>	<u>3,39</u>	<u>3,50</u>	<u>3,41</u>	<u>3,39</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 3,66

Corrected Ave. Vel. = (Ave. Vel.) × (Calibration Factor) = 3,66 × .9826 = 3,60

Flow Rate = (Corrected Ave. Vel.) × (Flow Rate Factor) = 3,60 × 170,5 = 614 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

RECEIVED

Professional Engineer

JUN 29 1987

HAYS002173

APPLICATION NO: 22325 NAME: Connecticut General Life Insurance

COLLINS METER TEST Flow from well in the NE 1/4, NW 1/4 of Lot 2 pumping alone

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 8 3/8 Flow Rate Factor 170.5

Test Pressure (psi) 9 Test RPM, Pump 1762

Description of Test Location In horizontal pipe between pump and pivot

TEST DATA: Check, Initial _____ Reversed _____
 Meter Setting From _____ Velocity _____ Velocity _____
 Center of Pipe Left Side of Pipe Right Side of Pipe
 (or Front Side if (or Back Side if
 Vertical Test) Vertical Test)

<u>1 1/16</u>	<u>5.12</u>	<u>5.14</u>	<u>5.00</u>	<u>4.99</u>
<u>2 15/16</u>	<u>5.01</u>	<u>5.04</u>	<u>4.67</u>	<u>4.60</u>
<u>3 13/16</u>	<u>4.69</u>	<u>4.98</u>	<u>4.17</u>	<u>4.12</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.79

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
4.79 x .9826 = 4.71

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
4.71 x 170.5 = 803 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
 Professional Engineer

HAYS002174

JUN 29 1991

APPLICATION NO: 22,325

NAME: CONNECTICUT GENERAL LIFE
INSURANCE CO, INC.NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES; A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.



PUMPING PLANT TESTING, INC.

Reviewed by:

HAYS002175

Professional Engineer

- Partial
- Full
- Re-Test

Test 2 of 2 Diversion points
 Application No. 22325 Date 10/2/86 Firm/Field Office Pumping Plant Testing, Inc.
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Insurance % Agri. Associates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater (X) Drainage Basin Arkansas River
 Surface Water () Stream _____



Authorized Point of Diversion: NE Northside of Lot 1 (NE 1/4, NE 1/4) Sec. 1, T. 26, R. 20
 Approximately 222 ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: well NW 1/4 of N 1/2 of Lot 1 Sec. 1, T. 26, R. 20
 Approximately 666 ft. North and 996 ft. West of SE corner of Sec. 1
 How were distances determined? Scaled from ASCS photo

"Approved" Quantity 243 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)
 Priority Date May 2, 1974 Approval of Application Date March 19, 1976
 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE: - SEE NOTES, P. 3, OF 1st REPORT, APPLN 22,325

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	35	35															70
31	25	19									13	35				6			54/124

LAND IRRIGATED—YEAR OF RECORD 1984 - SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	26	20	26.5	41			3.5												71
31	25	19									28.5	30.5							59/130

APPLICATION OF WATER: - SEE ATTACHED SHEET
 Year of Record 1984 Hours Pumped 1700 or Quantity 330 AF
 Normal Operating C.P.M. 1055 Equiv. c.f.s. 2.35
 Maximum Operating C.P.M. 530* Equiv. c.f.s. 1.18 * SEE REMARKS

FOR D.W.R. USE ONLY

Year of Record 1984 Extension of time requested: Yes _____ No RECEIVED

Total No. of Hours on land covered by this application 1700
 Ac. Ft. Applied = $\frac{1700 \text{ hrs.} \times 530 \text{ g.p.m.}}{24 \times 1000} \times \frac{4.419}{1000} = 126 \text{ AF}$ JUN 29 1987
 Acres of "Approved" Land irrigated 124
 Ac. Ft. on "Approved" Land 159 (1.28 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 126
 Proration Calculations $0.42 \times 1000 \text{ g.p.m.} = 420 \text{ g.p.m.}$ $420 \text{ g.p.m.} \times 1700 \text{ hrs.} = 714,000 \text{ g.p.m. hrs.}$
 max allowed = $124 \text{ acres} \times 1.5 \text{ A.F. per acre} = 186 \text{ A.F.}$ $186 \text{ A.F.} \times 0.42 = 78 \text{ A.F.}$
 Perfected Rate 530 g.p.m. Perfected Quantity 78 AF
 DWR-107 22325 Completed by Douglas Bush 3-31-81

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Zimmatic Model 308 Serial No. 3536
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. 1 Rain Bird 85
 Is end gun operating during test? yes
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
 Unusual Conditions/Other Info. _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP —
 Serial No. 18942 E 23 TL Fuel Nat. Gas Rated RPM —

PUMP INFORMATION:

Manufacturer Johnston Model No. — Rated RPM —
 Serial No. CF 21232 Type Vertical Turbine No. stages —

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F80
 Serial No. 82494 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled NOV. 1974 Original Depth 47 ft. Static Water Level When Drilled 13 ft.
 Tape Down Possible? YES Water Level Measurement Tube? NO
 Measuring Point — ft. above or below L.S.D.

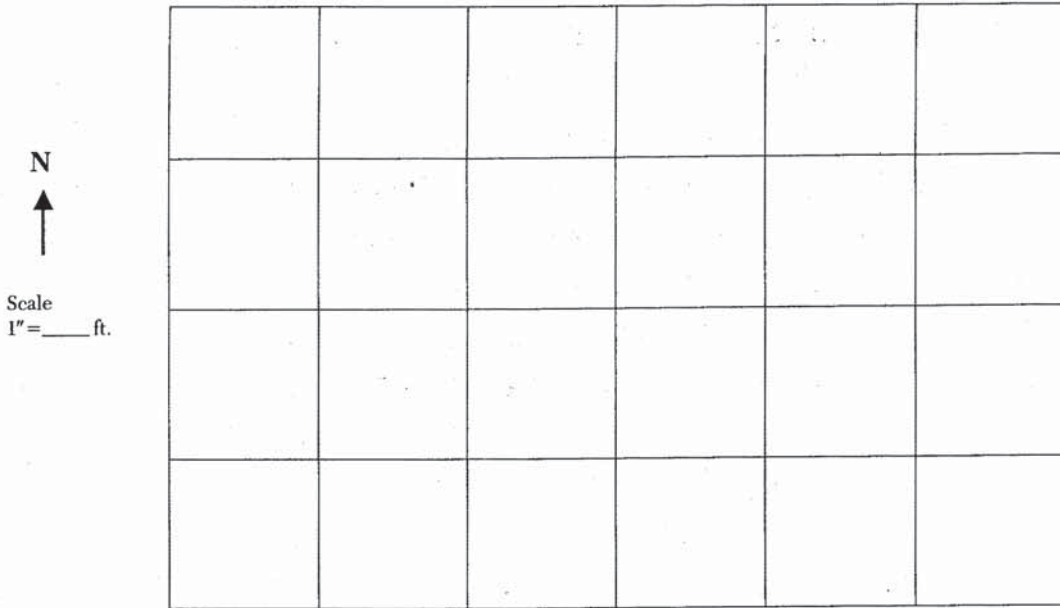
ADDITIONAL REQUIREMENTS:

Meter Required? NO Make of Meter —
 Meter Model No. — Serial No. — Size —
 Is Meter Installed Properly? —
 Chemical Injection System? yes Check Valve? yes Low Pressure Drain? NO
 Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

If chemicals are injected into system, please attach sketch of system.

HAYS002177

22325 SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test Horizontal pipe at pivot
 Pipe Diameter (I.D.) 6 3/16 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2088
 R.P.M. PUMP UNIT 1740
 Pressure at Pump 51 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 2100
 R.P.M. PUMP UNIT 1750
 Pressure at Pump 10 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

MICROFILMED

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculation) HAYS002178

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Natural Gas Supplier Kansas - Nebraska

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not Determined Engine not on individual meter

AC 2489
 IO-01
 IN NE NE-1-26-2000

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1812	1000		65
1976				
1977	1102	1000		130
1978				
1979	336	850		74
1980	720	850		74
1981	1080	850		74
1982				
1983	unused due to pivot problems**			
*1984	1700**	530*		130**
1985	500**	550**		130**
1986		530*		

* obtained from test on 10/2/86 - SEE REMARKS

** obtained from WUR sent to us from Jerry Weaver

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year wheat Year of record _____

REMARKS: THERE WAS NO CHECK VALVE TO PREVENT WATER FROM MOVING INTO OTHER WELL DURING THE FLOW RATE TEST ON WELL NW 1/4 OF N 1/2 OF LOT 1 PUMPING BANK. THEREFORE, THE 530 GPM IS A REFLECTION OF WATER BEING PUMPED INTO THE CENTER PIVOT AND INTO THE OTHER WELL. THE 441 GPM IS THE CONTRIBUTION OF THIS SAME WELL WHEN BOTH WELLS ARE BEING PUMPED.

Person present at test Kent Naber (name) Irrigation Manager (relationship)

Water Use Correspondent Lyle Kolbeck (name) Speartville, KS 67876 (address) 316-385-2803 (phone number)

Conducted by Breg Elect (signature) Date 10/8/86

Approved by Kid J. W. [Signature] (signature), P.E. (title) Date 12/29/86

HAYS002179

APPLICATION NO: 22325 NAME: Connecticut General Life Insurance

COLLINS METER TEST Flow from well NW¹/₄ of N¹/₂ of Lot 1 pumping alone

Collins Meter No. 1-84 Meter Calibration Factor .9635
 Pipe Inside Diameter (inches) 6³/₁₆ Flow Rate Factor 91.4
 Test Pressure (psi) 10 Test RPM, Pump 1750
 Description of Test Location _____

TEST DATA: Check, Initial 6.29 Reversed 6.25
 Meter Setting From _____ Velocity _____
 Center of Pipe _____ Left Side of Pipe _____ Right Side of Pipe _____
 (or Front Side if _____ (or Back Side if _____
 Vertical Test) _____ Vertical Test) _____

Meter Setting From Center of Pipe	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1¹/₄</u>	<u>6.30</u>	<u>6.30</u>
<u>2³/₁₆</u>	<u>6.05</u>	<u>5.99</u>
<u>2¹³/₁₆</u>	<u>5.50</u>	<u>5.88</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.02

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
6.02 x .9635 = 5.8

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
5.8 x 91.4 = 530 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]

Professional Engineer

JUN 29 1987

HAYS002180

APPLICATION NO: 22325 NAME: Connecticut General Life Insurance

NW 1/4 of N 1/2 of Lot 1
COLLINS METER TEST A (Bwell) Both wells pumping

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 6 3/16 Flow Rate Factor .914

Test Pressure (psi) 51 Test RPM, Pump 1740

Description of Test Location In horizontal pipe between pump and pivot

TEST DATA: <input checked="" type="checkbox"/> Check, Initial	<u>5.12</u>	Reversed	<u>5.12</u>
	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)	

<u>1 1/4</u>	<u>5.29</u>	<u>5.38</u>	<u>5.17</u>	<u>5.19</u>
<u>2 3/16</u>	<u>5.13</u>	<u>5.09</u>	<u>5.11</u>	<u>5.09</u>
<u>2 13/16</u>	<u>4.58</u>	<u>4.75</u>	<u>4.80</u>	<u>4.50</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.01

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
5.01 x .9635 = 4.83

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
4.83 x .914 = 441 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
Professional Engineer

JUN 29 1957

HAYS002181



APPLICATION NO: 22325

NAME: Connecticut General Life Ins.

POINTS OF DIVERSION AND SECTION CORNERS

The actual section corners of the land applied for and the land irrigated have never been clearly marked. (If it was marked at some time, we, nor the present owners and managers could find any marks or records) It appears the land described on the applications was based on visible marks, but we don't know for sure. It might have been surveyed and be more accurate than our method of identifying section corners. Our procedure of finding the section corners consisted of several steps. First, we used copies of the original survey plats to find the dimension of each section. Second, we laid out each section on the large small-scale photos in the ASCS office. For this, we used not only survey 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:

Professional Engineer

HAYS002182

MICROFILMED



STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

**CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER**

Cert 1

WATER RIGHT, File No. 22,325
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 in Lot 1 of Section 1, more particularly described as being near a point 5,669 feet North and 996 feet West of the Southeast corner of said section, at a diversion rate not in excess of 530 gallons per minute (1.18 c.f.s.) and in a quantity not to exceed 78 acre-feet per calendar year; and one (1) well located in Lot 2 of Section 1, more particularly described as being near a point 6,643 feet North and 1,565 feet West of the Southeast corner of said section, at a diversion rate not in excess of 805 gallons per minute (1.79 c.f.s.) and in a quantity not to exceed 108 acre-feet per calendar year; both in Township 26 South, Range 20 West, Edwards County, Kansas, for irrigation use on the following described property:

13 acres in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
35 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),
6 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),
a total of 54 acres in Section 31, Township 25 South, Range 19 West,

35 acres in Lot 1 (E $\frac{1}{2}$ NE $\frac{1}{4}$),
35 acres in Lot 2 (W $\frac{1}{2}$ NE $\frac{1}{4}$),
a total of 70 acres in Section 1, Township 26 South, Range 20 West,

all in Edwards County, Kansas.

MICROFILMED
1987
DIVISION OF WATER RESOURCES
STATE OF KANSAS

HAYS002218

22325 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.

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 11th day of June, 1987.



David L. Pope

David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 11th day of June, 1987 by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*

Denise J. Waters, Notary Public

My appointment expires March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**WATER APPROPRIATION
CERTIFICATE**

No. 16,113

STATE OF KANSAS

Water Right, File No. 22,325

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.

HAYS002219

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

To: Files

Date: March 30, 1987

From: Douglas E. Bush

Re: Appropriation of Water
File No. 22,325

No proposed certificate on file. The certificate is based on a field inspection report conducted under contract by Pumping Plant Testing, Inc.

The quantity per well reflected has been prorated proportionate to that actually diverted so that the total authorization will not exceed a reasonable quantity for the land irrigated under File No. 22,325. The quantities were prorated as such:

Maximum approved rate = 1,000 gallons per minute

Maximum approved quantity = 186 acre-feet for irrigating 124 acres at
1.5 acre-feet per acre

Well (Lot 1) 441 gallons per minute + 614 gallons per minute = 1,055 gallons per minute. 441 gallons per minute divided by 1,055 gallons per minute = 0.42 x 1,000 gallons per minute = 420 gallons per minute. 420 gallons per minute x 1,700 hours = 132 acre-feet. 0.42 x (124 acres x 1.5 acre-feet per acre) = 78 acre-feet.

Well (Lot 2) 614 gallons per minute + 441 gallons per minute = 1,055 gallons per minute. 614 gallons per minute divided by 1,055 gallons per minute = 0.58 x 1,000 gallons per minute = 580 gallons per minute. 580 gallons per minute x 1,700 hours = 182 acre-feet. 0.58 x (124 acres x 1.5 acre-feet per acre) = 108 acre-feet.

The place of use shown on the aerial photo supplied with the Field Inspection Report is not valid. The contractor has shown the place of use as he thinks it should be in regards to the section corner. The actual land irrigated is the same land that was originally approved and shown to be irrigated on the aerial photo. However, in regards to the place of use, the contractor shows 130 acres being irrigated with 124 acres being approved. Therefore, a change in place of use application is being sent with the draft certificate.

The coordinates for the two points of diversion were not changed from those found on the Field Inspection Report. It appears that the coordinates for the points of diversion were correctly measured regarding the section corners.

The WUC shown on the Field Inspection Report was changed to show Agri Affiliates as correspondent. This information was obtained in a March 25, 1987 phone call from Larry Sheets, Division of Water Resources, to Jerry Weaver of Agri Affiliates.

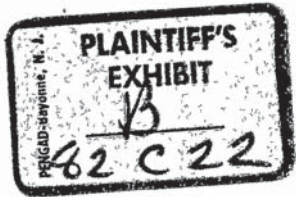
A limitation was needed on the combined rate. This limitation limits the combined rate. This limitation limits the combined rate to 1,000 gallons per minute; the maximum approved rate.

JUN 23 1987

Douglas E. Bush

Douglas E. Bush
Hydrologist

HAYS002214

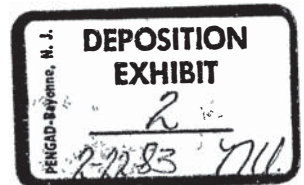


AMERICAN AGRICULTURAL INDUSTRIES, INC.

RURAL ROUTE *1

P. O. BOX 187

KINSLEY, KANSAS 67547



TELEPHONES
AREA CODE 316
659-2668
659-2772
659-3711

TELEX NUMBER
910-740-6720

March 25, 1982

Slentz-McAllaster Inc.
P O Box 38
Lewis, Kansas 67552

CLERK DISTRICT COURT
FILED
83 NOV 16 PM 5 05

Dear Don,

This letter is in reference to our conversation concerning the alfalfa insurance on the alfalfa located at the Lucerne Farms in Kinsley, Kansas.

As of today, we will no longer be responsible for the insurance on the alfalfa that you have paid us for but have not removed from the farm.

Our records show that you have paid us \$ 416,000.00 (this includes the March payment of \$ 52,000.00) for alfalfa. At \$65.00 per ton this figures that you have paid for 6,400 ton of hay. We show that you have removed 2278 bales at 1800 lbs average weight. That is 2050.2 Tons removed. So there is 4,349.80 tons of alfalfa on this farm that you have paid for but you have not removed.

If you have any question on how I have arrived at these figures please contact me.

Best Regards,

Pamela Meadows

Pamela Meadows

Secretary

*Note: This figure of 2278 removed doesn't include the 54 bales taken this week.



HAYS004448

LUCERNE FARMS HAY
PRODUCTION

McALLASTERS 4/5		TOTAL BALES	ANIBYPRO 1/5	
#0			#0	
1st	13	16	1st	4
2nd	52	65	2nd	13
3rd	83	104	3rd	21
4th	31	39	4th	8
#1			#1	
1st	73	91	1st	18
2nd	113	141	2nd	28
3rd	127	159	3rd	32
4th	46	58	4th	12
#2			#2	
1st	54	68	1st	14
2nd	106	133	2nd	27
3rd	144	180	3rd	36
4th	48	60	4th	12
#3			#3	
1st	153	191	1st	38
2nd	164	205	2nd	41
3rd	373	466	3rd	93
4th	121	152	4th	31
#4			#4	
1st	82	103	1st	21
2nd	85	106	2nd	21
3rd	170	212	3rd	42
4th	32	40	4th	8
#5			#5	
1st	44	55	1st	11
2nd	155	194	2nd	39
3rd	135	169	3rd	34
4th	38	47	4th	9
#6			#6	
1st	41	51	1st	10
2nd	82	103	2nd	21
3rd	164	205	3rd	41
4th	82	102	4th	20
#7			#7	
1st	141	176	1st	35
2nd	170	212	2nd	42
3rd	206	258	3rd	52
4th	96	120	4th	24
#8			#8	
1st	82	103	1st	21
2nd	122	153	2nd	31
3rd	177	221	3rd	44
4th	99	124	4th	25

HAYS004449

#9
 1st 119 149
 2nd 194 243
 3rd 167 209
 4th 82 102

#10
 1st 77 96
 2nd 261 326
 3rd 201 251
 4th 118 148

#11
 1st 116 145
 2nd 208 260
 3rd 162 202
 4th 42 52

#12
 1st 130 162
 2nd 302 377
 3rd 257 321
 4th 110 137

#13
 1st 75 94
 2nd 122 153
 3rd 121 151
 4th 13 16

#16
 1st 70 88
 2nd 144 180
 3rd 86 108
 4th 15 19

#17
 1st 107 134
 2nd 218 273
 3rd 122 152
 4th 42 53

#18
 1st 23 28

#19
 1st 47 59
 2nd 42 53
 3rd 50 63

#30
 1st 126 158
 2nd 157 196
 3rd 90 113
 4th 18 23

#38
 1st 98 122
 2nd 162 202
 3rd 95 119
 4th 52 65

#9
 1st 30
 2nd 49
 3rd 42
 4th 20

#10
 1st 19
 2nd 65
 3rd 42
 4th 30

#11
 1st 29
 2nd 52
 3rd 40
 4th 10

#12
 1st 32
 2nd 75
 3rd 64
 4th 27

#13
 1st 19
 2nd 31
 3rd 30
 4th 4

#16
 1st 18
 2nd 36
 3rd 22
 4th 4

#17
 1st 27
 2nd 55
 3rd 30
 4th 11

#18
 1st 6

#19
 1st 12
 2nd 11
 3rd 13

#30
 1st 32
 2nd 39
 3rd 23
 4th 5

#38 HAYS004450
 1st 24
 2nd 40
 3rd 24
 4th 13

22325

#39

1st	16	20
2nd	26	33
3rd	31	39

#39

1st	4
2nd	7
3rd	8

Total Bales 10776

McAllasters 4/5's 8621

Anibypros 1/5's 2155

*Note In order to come up to 8.000 Tons it will take 8.889 bales of 1800lbs.
This will leave Anibypro 1887 bales

HAYS004451

22325

BLENTZ-MCALASTER INC.

ALFALFA REMOVED FROM LUCERNE FIELDS

	INITIALS	DATE	REFERENCE
PREPARED BY			
CHECKED BY			
APPROVED BY			

DATE	CIRCLE #	CUTTING	AMOUNT OF BALES TAKEN	TONS PER SCALE TICKETS
8-30	7	3rd	52	45.58
	10	3rd	50	43.2
9-7	7	3rd	108	94.34
	12	3rd	104	86.92
9-14	12	3rd	78	66.05
	5	3rd	113	93.85
	10	3rd	116	92.39
	11	2nd	30	18.38
	4	3rd	138	128.08
	12	3rd	30	26.24
9-21	30	3rd	69	57.46
	38	3rd	79	60.97
10-5	6	4th	21	21.97
10-12	8	4th	83	89.20
10-19	7	4th	52	55.89
10-26	9	4th	42	38.54
11-2	10	4th	78	68.8
	12	4th	56	58.83
11-9	9	4th	52	48.76
11-16	2	4th	22	22.82
	9	4th	3	3.00
	8	4th	41	42.36
	10	3rd	20	16.47
	6	4th	26	26.54
	7	4th	34	36.74
11-23	2	4th	22	22.73
	11	4th	26	24.55
	38	4th	52	52.02
12-7	30	4th	22	21.51
	38	4th	4	3.91
12-21	7	3rd	47	41.31
	9	4th	8	7.30
1-4	7	2nd	28	20.98
	7	3rd	11	9.14
	7	4th	15	12.17
1-17	3	4th	60	61.2
1-19	3	4th	28	26.39
	12	4th	56	43.63
1-29	12	3rd	28	18.78
1-30	12	3rd	2	1.75
	12	1st	78	70.52
2-2	5	4th	28	23.51
	12	1st	26	23.17
2-4	7	1st	7	5.44
	7	2nd	8	6.21
	7	3rd	7	5.44
2-11	7	1st	12	10.61
	7	2nd	14	12.38
2-22	30	2nd	52	44.21

22325

HAYS004452

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.

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:

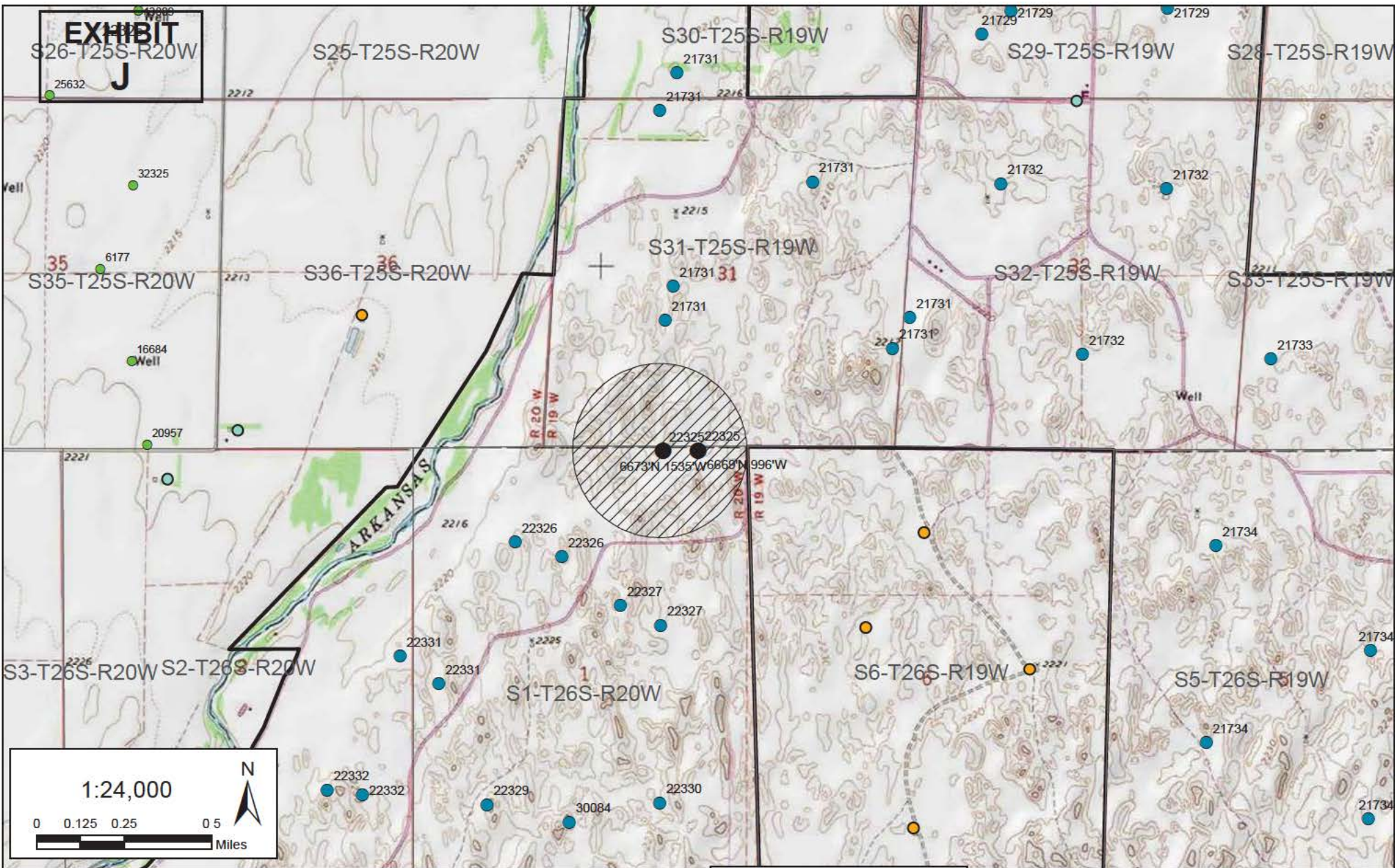
In that area of Kansas located between the Kansas/Missouri border and the Range 5 East/Range 6 East line, the maximum allowable quantity shall not exceed an average of 1.00 acre-foot per acre to be irrigated.

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.



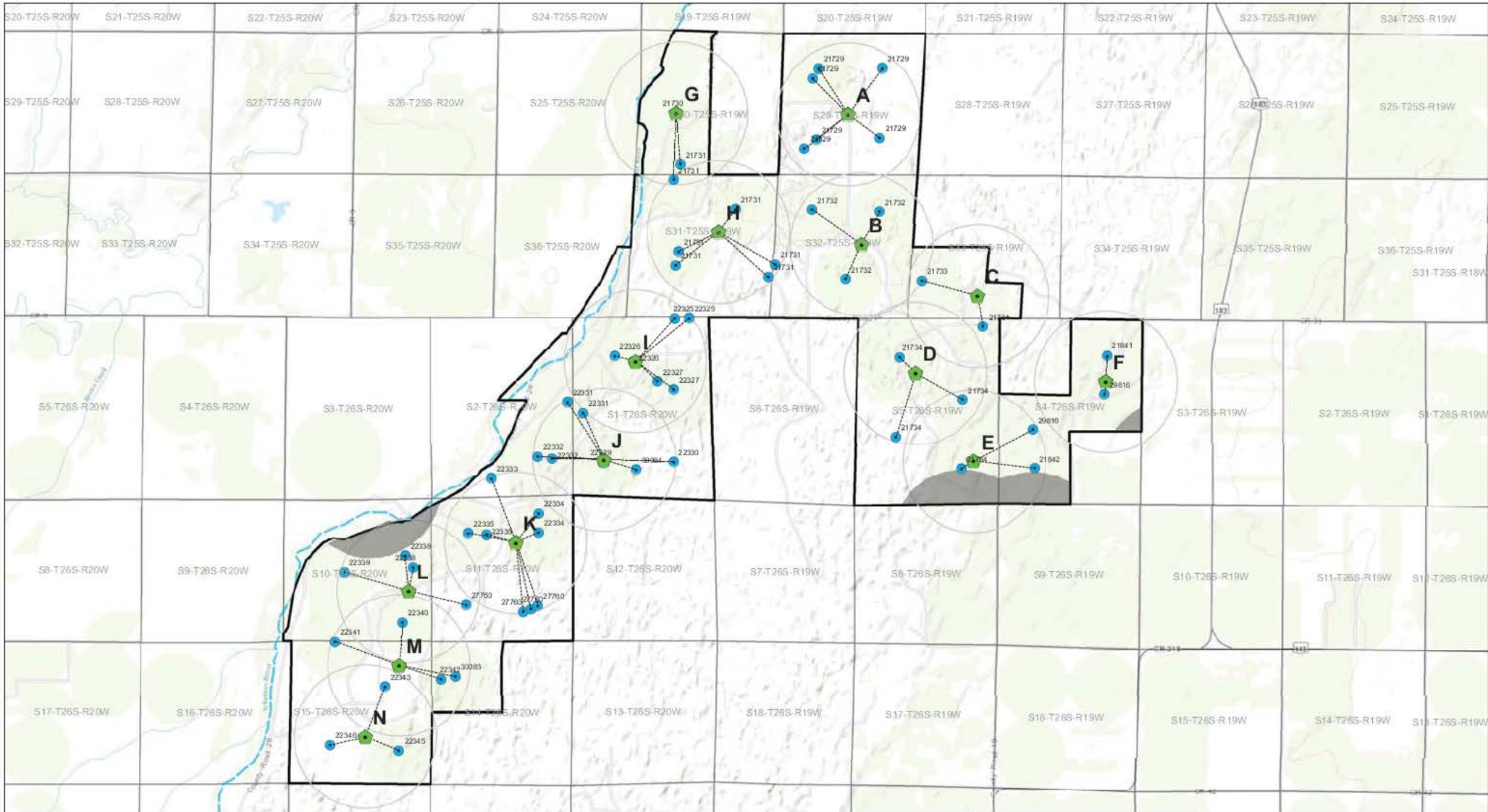
Legend

- 22325 Existing Point(s) of Diversion
- 22325 Existing Place of Use
- ▬ R9 Ranch Property Boundary
- PLSS Sections 22325
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



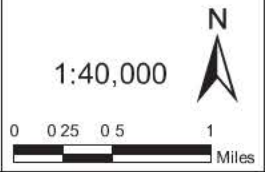
CHANGE APPLICATION 22325
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION

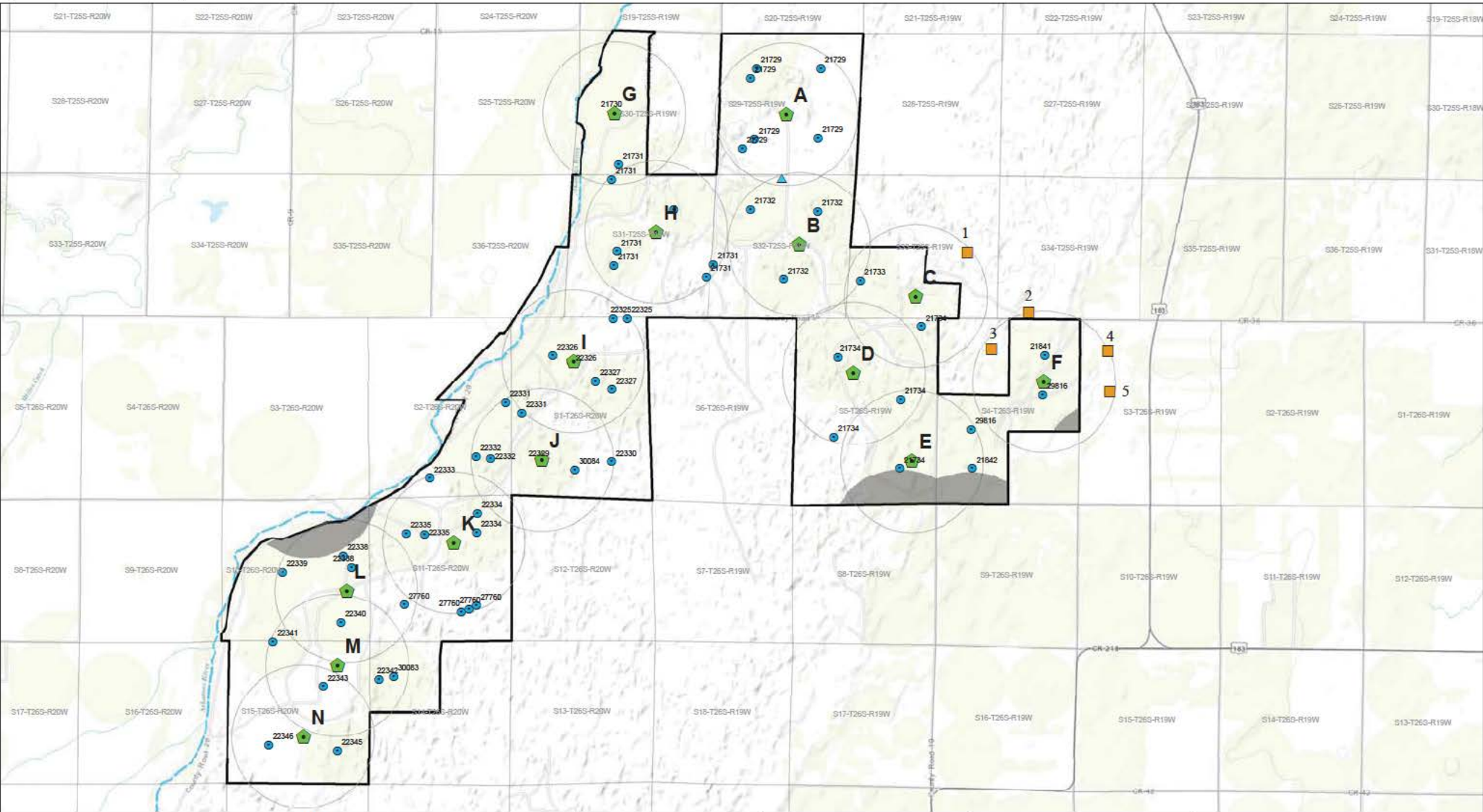
EXHIBIT K 22325



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





Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)

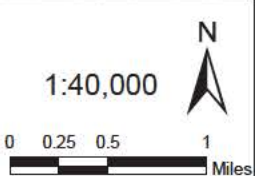
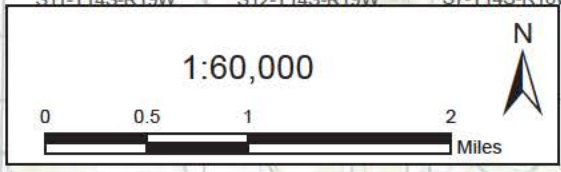
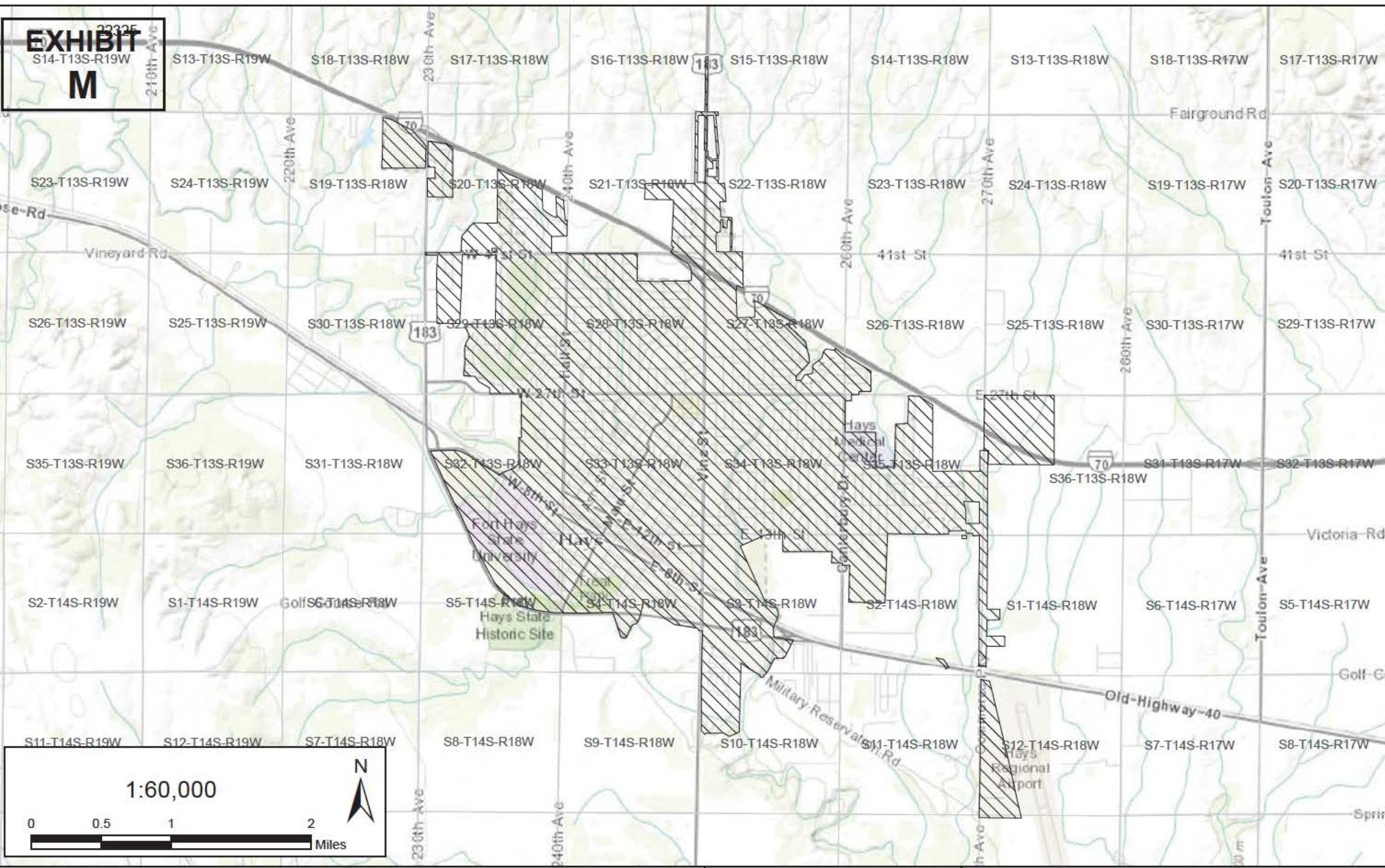


EXHIBIT M





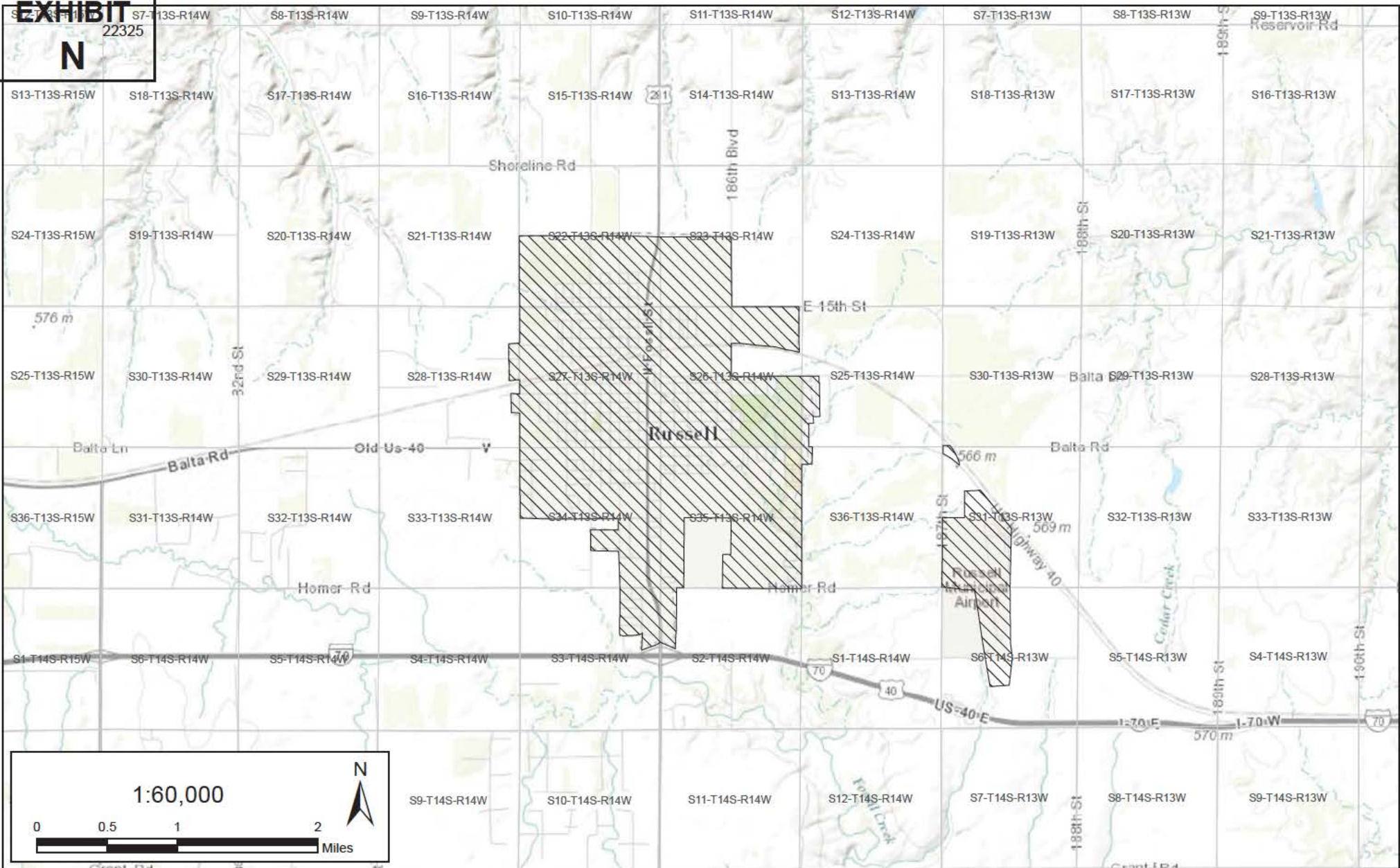
-  Proposed Place of Use City of Hays
-  PLSS Sections



EXHIBIT
22325
N



Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

EXHIBIT
O

**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

22325
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

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the Page 84 of 94 request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,326 Circle 20.

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
				Lot 2 17			Lot 3 72	Lot 4 40											129

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			Same as above																

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Lot 3 Quarter of the _____ Quarter of the SW Quarter
 of Section 1, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 5,373 feet North 3,779 feet West of Southeast corner of section.
 Authorized Rate 690 gpm Authorized Quantity 103 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 SE Quarter of the NE Quarter of the NW Quarter
 of Section 1, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 5,034 feet North 2,790 feet West of Southeast corner of section.
 Proposed Rate 1,000 gpm Proposed Quantity 196.71 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,325 & 22,327

9. **Presently authorized point of diversion:**
 One in the Lot 3 Quarter of the _____ Quarter of the _____ Quarter
 of Section 1, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 5,128 feet North 3,066 feet West of Southeast corner of section.
 Authorized Rate 565 gpm Authorized Quantity 85 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 SE Quarter of the NE Quarter of the NW Quarter
 of Section 1, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 5,034 feet North 2,790 feet West of Southeast corner of section.
 Proposed Rate 1,000 gpm Proposed Quantity 196.71 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,325 & 22,327

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

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

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Handwritten signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

[Handwritten signature: Malinda Morse]

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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.

Proposed Rate and Quantity

The Cities are requesting a total of 196.71 acre-feet and 1,000 gpm from the wells associated with this water right, all of which will be diverted from new point of diversion I, as shown on Exhibit K. When combined with existing wells from other water rights, new point of diversion I will have a cumulative total of 587.78 acre-feet and 2,950 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 up to 135.00 acre-feet for municipal use.¹ As discussed below, 125 approved acres irrigated during the perfection period multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 135.00 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, issued on March 19, 1976, granted the right to divert up to 203 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 129 acres in Section 1-T26S-R20W.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 Report indicates that 196.71 of the 203 acre-feet authorized by the permit were lawfully perfected.

- 248 acre-feet⁷ and 203 acre-feet (451 acre-feet) were applied to 125 approved acres in the N/2 of Section 1-T26S-R20W.
- The permit authorized the perfection of 203 acre-feet on 129 acres, or 1.57 acre-feet per acre. But only 125 authorized acres were irrigated during the perfection period, resulting in perfection of 196.71 acre-feet.

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, HAYS002322, Ex. A.

⁵ Application, HAYS002313, Ex. B.

⁶ Mach 19, 1976, letter (emphasis added), HAYS002321, Ex. C.

⁷ FIR, HAYS002296, Ex. D, and 2306, Ex. E. It appears that the quantities from the two wells were combined.

While the certificate limits the total quantity to 188 acre-feet based on DWR's after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.⁸

Since the perfection period has expired, the "authorized quantity" for this water right is the 196.71 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 record indicates that alfalfa was grown on the authorized place of use in at least one year during the perfection period.⁹ According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County is 13 inches (1.083333 feet) for corn and 20.9 (1.741666 feet) inches for alfalfa.

Since alfalfa was grown on the authorized place of use in at least one year during the perfection period, it is reasonable to use the NIR for alfalfa, which yields a total quantity of 217.71 acre-feet consumed. This quantity is greater than the "maximum annual quantity authorized by the water right"¹⁰ and is therefore in excess of the quantity that can be approved. The quantity should therefore be limited to 196.71 acre-feet.

An alternative approach

DWR's use of the NIR of 1.08 feet of water for corn is based on its maximum gross irrigation requirement of 1.5 acre-feet per acre.¹¹ The regulation allows the conversion of 72% of the maximum quantity to a new use; in other words, it assumes that 28% of the quantity diverted returns to the aquifer.

If 28% of the 196.71 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 141.63 acre-feet, should be available for conversion to municipal use. This is less than the 196.71 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 196.71 acre-feet for municipal use.

⁸ Certificate, HAYS002330, Ex. F; Doug Bush March 27, 1987, Memo, HAYS002325, Ex. G; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

⁹ FIRs, HAYS002299, Ex. D, and HAYS002309, Ex. E, FSA documents, HAYS004907, Ex. H.

¹⁰ See K.A.R. 5-5-9(a)(4).

¹¹ 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 March 27, 1987, Memo, HAYS002325, 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. 22,326 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 approximately 1350 feet South and 400 feet East of the Northwest corner of Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and one well approximately 1600 feet South and 960 feet East of the Northwest corner of Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 1, 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 203 acre-feet for any calendar year.

(OVER)

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MAR 29 1976
HAYS002622

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

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



Guy E. Gibson
 Guy E. Gibson, Chief Engineer
 Division of Water Resources
 Kansas State Board of Agriculture

HAYS002323



2
33
#70

STATE BOARD OF AGRICULTURE

Roy Freeland, Secretary

DIVISION OF WATER RESOURCES

Cuy E. Gibson, Chief Engineer

Red check \$50 5-2-74
or

22,326

NUMBER 7

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)
Comes now the applicant (Miss) Midwest Land and Cattle Co. 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 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 ~~203~~ ²⁰³ ~~acre feet~~ ²⁰³ ~~per year~~ ^{per year}, to be diverted at a maximum rate of ~~1000~~ ¹⁰⁰⁰ ~~gallons per minute~~ ^{gallons per minute}

2. The location of the proposed wells or other works for diversion of water is in the 2 wells quarter of the center quarter of the NW quarter of section 1, township South Brown 26 S, range 26 20 W, in Edwards County, Kansas. (Section 4 is more than 1 mile square)

3. The water is intended to be appropriated for:
* 1 well approx. 1350' S & 400' E of NW Cor. of Lot 3 and
1 well Amount approx 1600' S & 960' E of NW Cor. of Lot 3 (NE 1/4 NW 1/4)

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MAY 02 1974
9:06 a.m.
DIVISION OF WATER RESOURCES
STATE BOARD OF AGRICULTURE

- (a) Domestic use ()
- (b) Municipal use ()
- (c) Irrigation use (X)
- (d) Industrial use ()
- (e) Recreational use ()
- () Water Power use ()

203
320 & acre ft./yr. - ~~1000~~ gals./min.

RECEIVED
MAR 26 1976
RECEIVED

RECEIVED
MAY 09 1975
DIVISION OF WATER RESOURCES
STATE BOARD OF AGRICULTURE

RECEIVED
OCT 15 1975
DIVISION OF WATER RESOURCES
STATE BOARD OF AGRICULTURE

RECEIVED
FEB 26 1976
DIVISION OF WATER RESOURCES
STATE BOARD OF AGRICULTURE

RECEIVED
MAY 23 1975
FIELD OFFICE
DIVISION OF WATER RESOURCES
HAYS002313
MICROFILMED

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 $\frac{1}{4}$	
1	26	20		Lot 2 10			Lot 3 72	Lot 4 37											112
				17			40	40	40										129

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 $\frac{1}{4}$	

HAYS002314

7. The works for diversion of water will consist of two wells with two pumps
~~one well with one pump~~ 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.

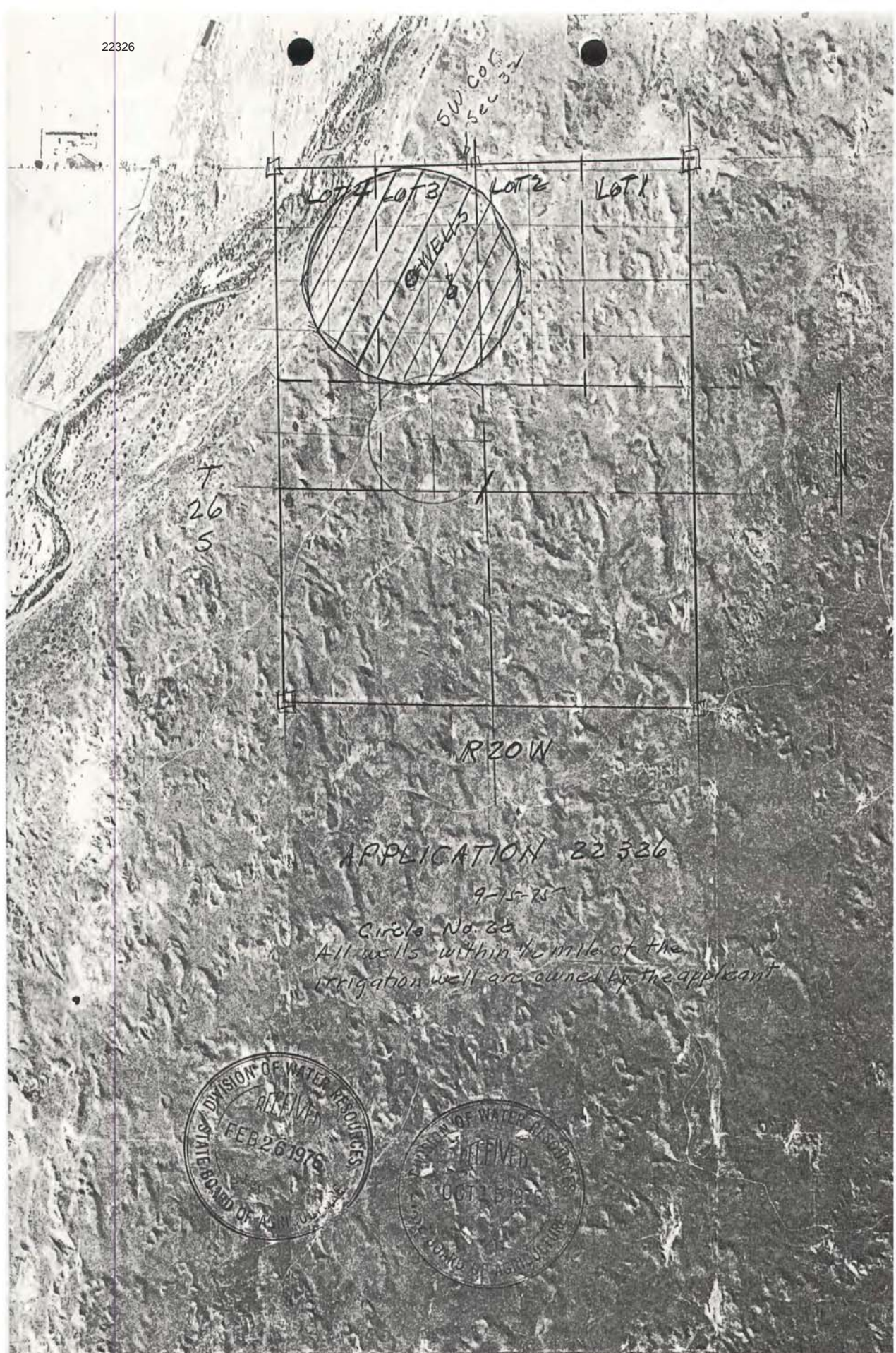
M1-539



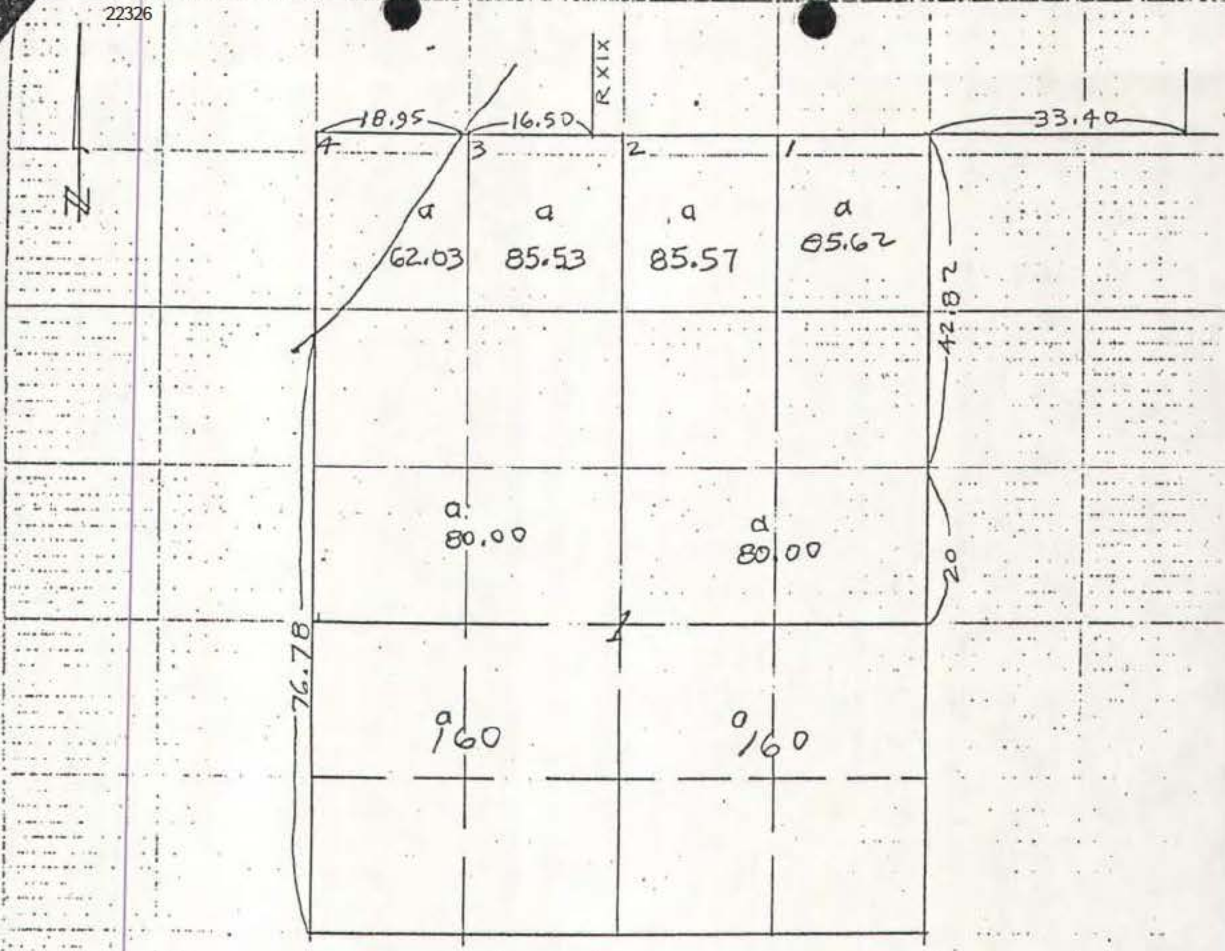
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MAR 29 1976 HAYS002315



HAYS002316



TOTAL ACRES 798.75
 DISTANCES IN CHAINS

SECTION 1, TWP 26 SOUTH, RGE 20 WEST

INFORMATION FROM THE
 KANSAS LAND SURVEYS
 PREPARED BY: H.T.W. 11/25/74

RECEIVED MICROFILMED

MAR 29 1976

HAYS002317

2

E-N

March 19, 1976

Midwest Land and Cattle Co.
Cox 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,326

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

RECEIVED

MAR 29 1976
MICROFILMED HAYS002321
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

- Partial
- Full
- Re-Test

Test 1 of 2 Diversion points
 Application No. 22326 Date 10/3/86 Firm/Field Office Pumping Plant Testing, Inc.
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance Co Agri. Associates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater (X) Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: 1350' South + 400' East of NW corner of Lot 3 Sec. 1, T.26, R.20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 mi NE W 1/2, W 1/2 of Lot 3 Sec. 1, T.26, R.20
 Approximately 5373 ft. North and 3779 ft. West of SE corner of Sec. 1
 How were distances determined? Scaled from APCS photo

"Approved" Quantity 203 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date May 2, 1974 Approval of Application Date March 19, 1976

Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	26	20		17			72	40											129

LAND IRRIGATED—YEAR OF RECORD 1985

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		2			70.5	52.5											125

APPLICATION OF WATER:

Year of Record 1985 Hours Pumped 1950 or Quantity 367 AF
 Normal Operating C.P.M. 102 Equiv. c.f.s. 2.28
 Maximum Operating C.P.M. 689 Equiv. c.f.s. 1.54



FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time requested: Yes No

Total No. of Hours on land covered by this application 1950

Ac. Ft. Applied = $1950 \text{ hrs.} \times 689 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 248 \text{ AF}$

Acres of "Approved" Land irrigated 125

Ac. Ft. on "Approved" Land 248 (1.98 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 198
 $689 \text{ gpm.} + 565 \text{ gpm.} = 1254 \text{ gpm.}$ $689 \text{ gpm.} \div 1254 \text{ gpm.} = 0.55$

Proration Calculations $0.55 \times 1000 \text{ gpm.} = 550 \text{ gpm.}$ $550 \text{ gpm.} \times 125 \text{ acres} = 194 \text{ AF.}$
 max allowed - $125 \text{ acres} \times 8 \text{ A.F.} = 1000 \text{ AF}$ $1000 \text{ AF} \times 0.55 = 550 \text{ AF}$

Perfected Rate 690 g.p.m. Perfected Quantity 103 AF

DWR-101 22326 completed by Douglas Page 17 of 62 3-27-87

MICROFILMED

HAYS002296

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Zimmatic Model 310 Serial No. 2974
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? YES End Gun Rating _____ g.p.m. Rain Bird 85's
 Is end gun operating during test? YES
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____
 Serial No. 08939 E-23-76 Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10MA Rated RPM _____
 Serial No. N2W24177X Type Vertical Turbine No. stages 4

GEAR HEAD INFORMATION:

Manufacturer U.S. Motors Model No. 0-9473-00-406
 Serial No. N-5001196 Drive Right Angle Ratio 1:1

WELL INFORMATION:

Date Drilled July 1974 Original Depth 49 ft. Static Water Level When Drilled 15 ft.
 Tape Down Possible? NO Water Level Measurement Tube? NO
 Measuring Point _____ ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? NO Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____ HAYS002297
 Chemical Injection System? YES Check Valve? YES Low Pressure Drain? NO
 Vacuum Breaker? YES Are these anti-pollution devices installed properly? YES

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).

N
↑

Scale
1" = ____ ft.

TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In vertical pipe inside pivot stand
 Pipe Diameter (I.D.) 6 5/16 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 1764
 R.P.M. PUMP UNIT 1764
 Pressure at Pump 60 psi

Well No. W 1/2 W 1/2 LOT 3 ALONE
 Test No. 2—~~Maximum~~ Conditions

R.P.M. POWER UNIT 1768
 R.P.M. PUMP UNIT 1768
 Pressure at Pump 22 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. _____

Velocity (fps)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Total _____ Avg. _____ G.P.M. _____

FIELD OFFICE
 DIVISION OF WATER RESOURCES
 STAFFORD

RECEIVED
 JUN 29 1987

Total _____ Avg. _____ G.P.M. _____

Propeller Meter Test Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.	Ending _____ gal.
Beginning _____ gal.	Beginning _____ gal.
Difference _____ gal.	Difference _____ gal.
Time _____ min.	Time _____ min.
Rate _____ gpm	Rate _____ gpm

Other Flow Meter Use Supplemental Sheet (include meter identification, data and calculations).

MICROFILMS002298

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Natural Gas Supplier Kansas-Nebraska

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not Determined Engine not on individual meter

40-21896
 IO-03
 5128N + 3066W
 1-26-20W

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
✓ 1975	1716	1000		130
1976				
✓ 1977	1001	1000		130
1978				
1979	336	800		121
1980				
1981	480	800		121
1982				
1983	unused due to pivot problems **			
1984	1800**	580**		125**
* 1985	1950*	689*		125**
1986		689*		

* obtained from test on 10/3/86

** obtained from WUR sent to us from Jerry Weaver

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year Alfalfa Year of record Alfalfa

REMARKS: _____

Person present at test Kent Naber (name) Irrigation operator (relationship)
 Water Use Correspondent Lyle Kolbeck (name) Spearville, Ks. 67876 (address) 316-385-2803 (phone number)
 Conducted by Bryg Ebert (signature) Date 10/8/86
 Approved by Neil J. W. [Signature] (signature), P.E. (title) Date 12/29/86

HAYS002299

26-19

1-36-19

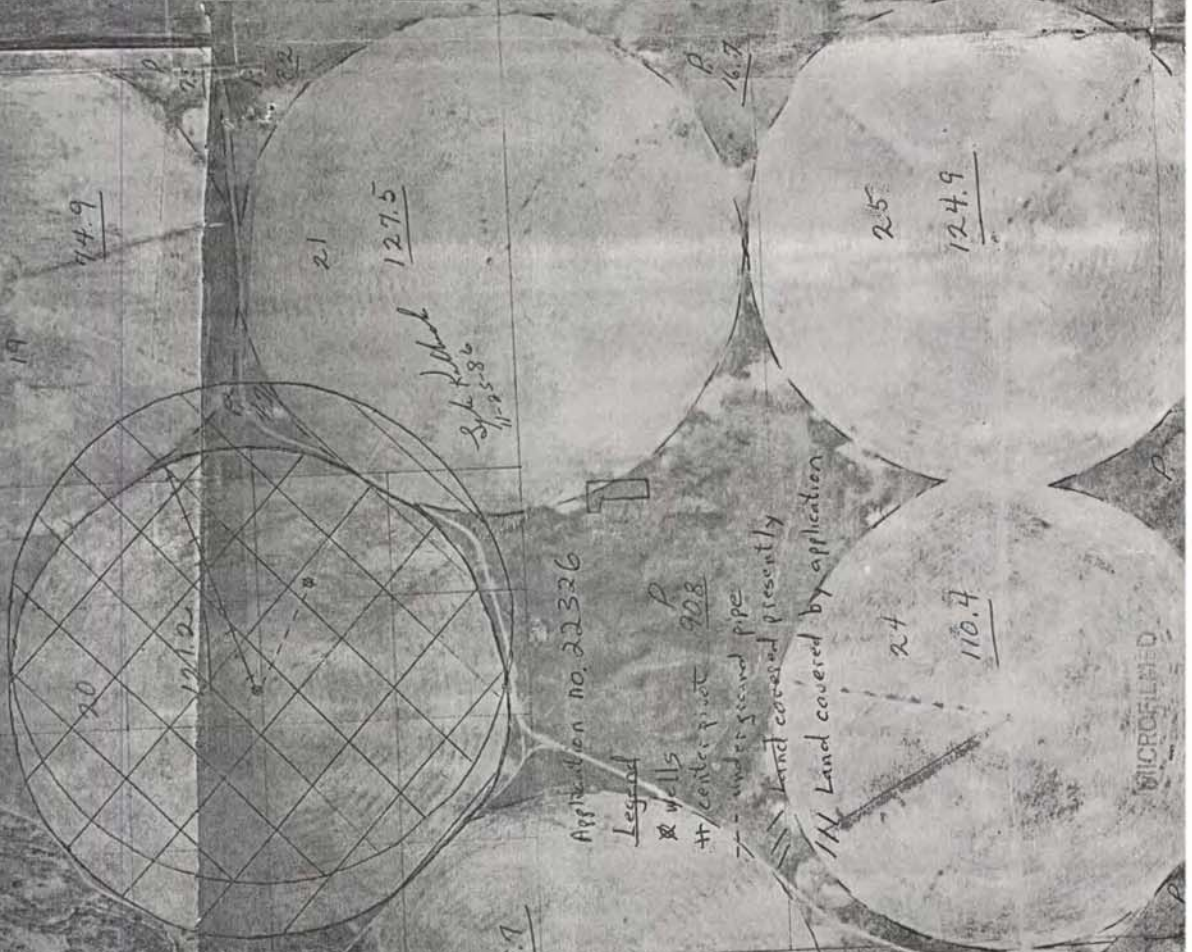
10-4



858.7
C5

MICROFILMED

C4



Storms
1-36-20

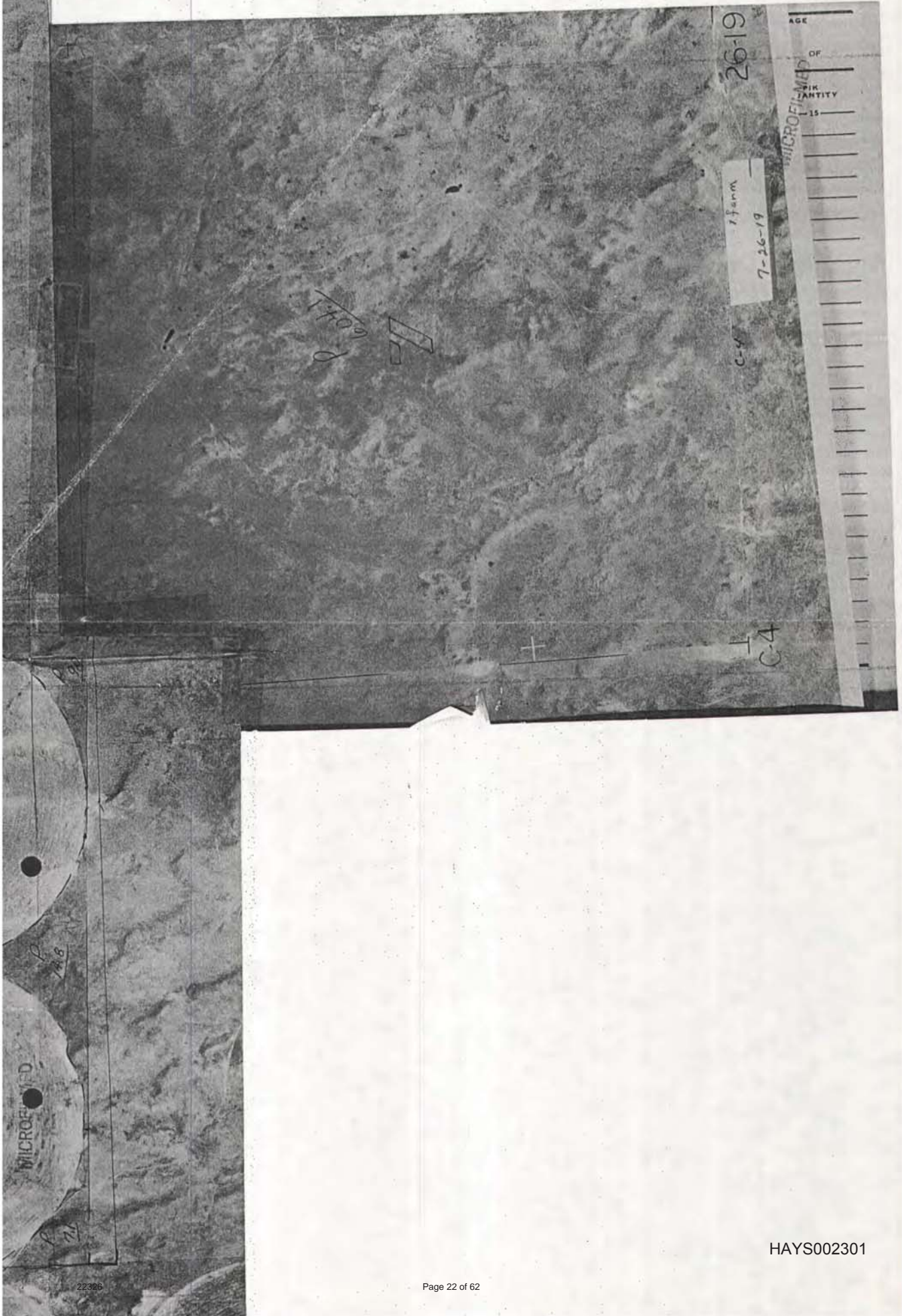
C4

2620

22

118.7

MICROFILMED



1709
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26-19

1 film
7-26-19

C-4

1
C-4

AGE
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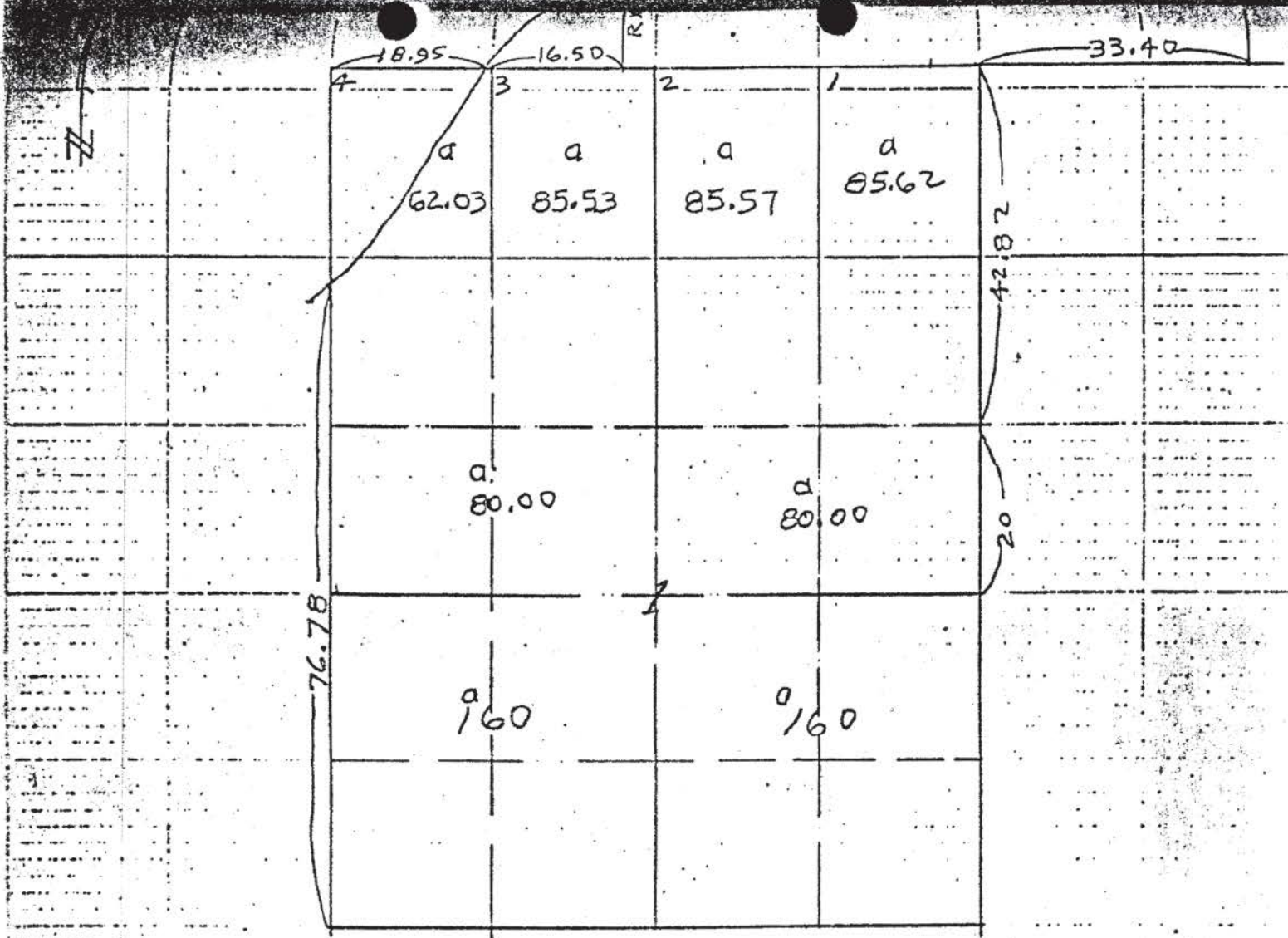
MICROFILMED



MICROFILMED

148

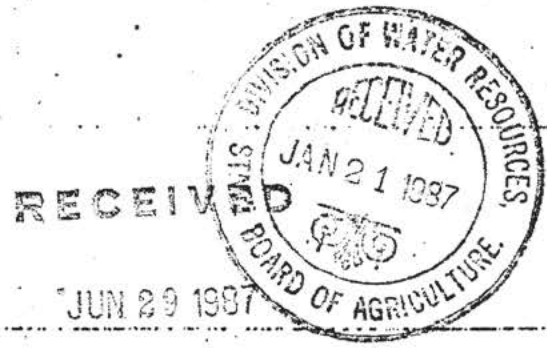
171



TOTAL ACRES 798.75
 DISTANCES IN CHAINS

SECTION 1, TWP 26 SOUTH, RGE 20 WEST

APPLICATION 22,322



INFORMATION FROM THE
 KANSAS LAND SURVEYS
 PREPARED BY: H.T.W. 11/25/74

HAYS002302

MICROFILMED

APPLICATION NO: 22326 NAME: Connecticut General Life Insurance

combined flow rate

COLLINS METER TEST

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 60 Test RPM, Pump A 1764
B 1760

Description of Test Location In vertical pipe inside pivot stand

TEST DATA: Check, Initial 7.84 Reversed 7.82
 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 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>7.42</u>	<u>7.97</u>
<u>2 3/4</u>	<u>6.76</u>	<u>7.59</u>
<u>3 9/16</u>	<u>6.43</u>	<u>6.97</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 7.16

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
7.16 x .9826 = 7.039

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
7.039 x 145.4 = 1023 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

[Signature]

Professional Engineer

RECEIVED

HAYS002303

PHOTOCOPIED

APPLICATION NO: 22326 NAME: Connecticut General Life Insurance

COLLINS METER TEST Flow from well NW 1/2, W 1/2 of Lot 3 pumping alone

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 22 Test RPM, Pump 1768

Description of Test Location In vertical pipe inside pivot stand

TEST DATA: Check, Initial Checked Previous Test Reversed _____

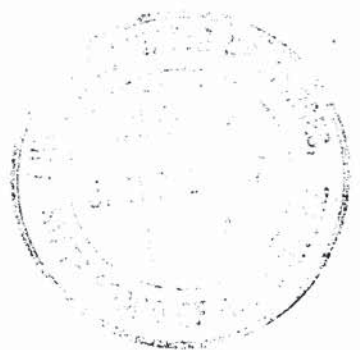
Meter Setting From Center of Pipe	Velocity Left Side of Pipe (or Front Side if Vertical Test)	Velocity Right Side of Pipe (or Back Side if Vertical Test)
-----------------------------------	---	---

<u>1 9/16</u>	<u>4.83</u>	<u>4.96</u>	<u>5.38</u>	<u>5.35</u>
<u>2 3/4</u>	<u>4.61</u>	<u>4.59</u>	<u>5.17</u>	<u>5.13</u>
<u>3 9/16</u>	<u>4.20</u>	<u>4.08</u>	<u>4.67</u>	<u>4.87</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.82

Corrected Ave. Vel. = (Ave. Vel.) × (Calibration Factor) = 4.82 × .9826 = 4.736

Flow Rate = (Corrected Ave. Vel.) × (Flow Rate Factor) = 4.736 × 145.4 = 689 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
Professional Engineer

HAYS002304

MICROFILMED

APPLICATION NO: 22,326

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES, A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.



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PUMPING PLANT TESTING, INC.

JUN 29 1987

Reviewed by:

Neil J. White

HAYS002305

Professional Engineer

- Partial
- Full
- Re-Test

Test 2 of 2 Diversion points
 Application No. 22326 Date 10/3/86 Firm/Field Office Pumping Plant Testing, Inc.
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance % Agri. Affiliates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater Drainage Basin Arkansas River
 Surface Water () Stream _____

Authorized Point of Diversion: 1600' south + 960' East of NW corner of Lot 3 Sec. 1, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well NE 1/4 of S 1/2 of Lot 3 Sec. 1, T. 26, R. 20
 Approximately 5014 ft. North and 3201 ft. West of SE corner of Sec. 1
 How were distances determined? Scaled from ASCS photo

"Approved" Quantity 203 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)
 Priority Date May 2, 1974 Approval of Application Date March 19, 1976
 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	26	20		17			72	90											129

LAND IRRIGATED—YEAR OF RECORD 1985 - SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	26	20		2			70.5	52.5											125

APPLICATION OF WATER: SEE ATTACHED SHEET
 Year of Record 1985 Hours Pumped 1950 or Quantity 367 AF (@ 1023 gpm)
 Normal Operating C.P.M. 1023 Equiv. c.f.s. 2.28
 Maximum Operating C.P.M. 565 Equiv. c.f.s. 1.26

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time requested: Yes No

Total No. of Hours on land covered by this application 1950

Ac. Ft. Applied = $1950 \text{ hrs.} \times \frac{565}{24 \times 1000} \text{ g.p.m.} = 203 \text{ AF}$

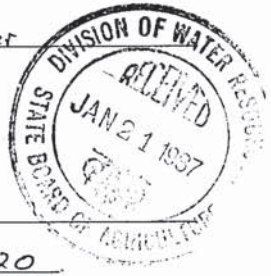
Acres of "Approved" Land irrigated 125

Ac. Ft. on "Approved" Land 203 (1.62 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 162

Proration Calculations $0.45 \times 1000 \text{ gpm.} = 450 \text{ gpm.}$ $450 \text{ gpm.} \times 1950 \text{ hrs.} = 85 \text{ AF}$
 max allowed = $125 \text{ acres} \times 1.5 \text{ AF.} = 187.5 \text{ AF.}$

Perfected Rate 565 g.p.m. Perfected Quantity 85 AF



HAYS002306
 MICROFILMED
 Revised March 1986

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Zimmatic Model 310 Serial No. 2974
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. 2 Rain Bird 85's
 Is end gun operating during test? yes
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
 Unusual Conditions/Other Info. _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____
 Serial No. 08945 E-23-TL Fuel Nat Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10MA Rated RPM _____
 Serial No. N2W24647X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F60
 Serial No. 62057 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled Aug 1974 Original Depth 52 ft. Static Water Level When Drilled 19 ft.
 Tape Down Possible? yes Water Level Measurement Tube? no
 Measuring Point _____ ft. above or below L.S.D.

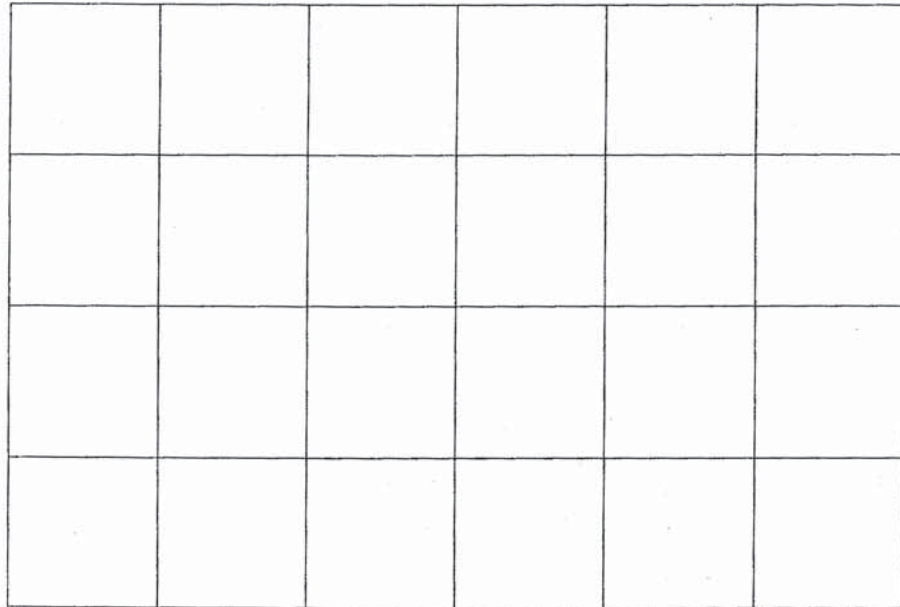
ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____
 Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no
 Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

HAYS002307

SKETCH OF ACTUAL PLACE OF WELL, LOCATION OF DIVERSION WORK AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).

N
 ↑
 Scale
 1" = _____ ft.



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In horizontal pipe at pivot before the two wells come together.
 Pipe Diameter (I.D.) 6 5/16 inches

Test No. 1—Normal Conditions - Both Wells

Test No. 2—Maximum Conditions well NE 1/4 5 1/2 45 3 block

R.P.M. POWER UNIT 2112
 R.P.M. PUMP UNIT 1760
 Pressure at Pump 60 psi

R.P.M. POWER UNIT 2112
 R.P.M. PUMP UNIT 1760
 Pressure at Pump 10 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

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations) **HAYS002308**

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Natural Gas Supplier Kansas - Nebraska
 Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____
 How was the test volume determined? Not Determined Engine not an individual meter

TABULATION OF WATER USE:

AC-2499a
 ID-04
 5374 11 + 3504w
 1-26-26w

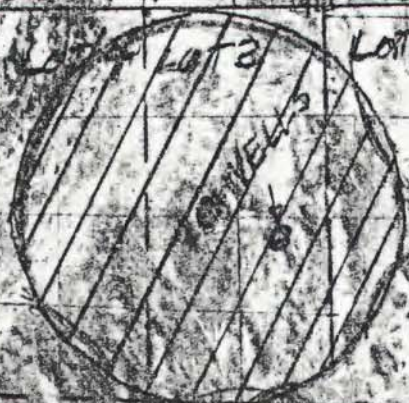
Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
✓ 1975	1716	1000		130
1976				
✓ 1977	1001	1000		130
1978				
✓ 1979	336	800		121
1980				
1981	480	800		121
1982				
1983	unused due to pivot problems**			
1984	1800**	600**		125**
* 1985	1950**	565*		125**
1986		565*		
	* obtained from test on 10/3/86			
	** obtained from WUR sent to us from Jerry Weaver			

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year Alfalfa Year of record Alfalfa

REMARKS:

Person present at test Kent Naber Irrigation operator
(name) (relationship)
 Water Use Correspondent Lyle Kolbeck Spearsville Ks 67876 316-385-2803
(name) (address) (phone number)
 Conducted by Roy Ebert Date 10/8/86
(signature)
 Approved by Kil J. White, P.E. Date 12/29/86
(signature) (title)

HAYS002309



7
26
5

PLANT

APPROX

083

HAYS002310



APPLICATION NO: 22326

NAME: Connecticut General Life Ins.

POINTS OF DIVERSIONS AND SECTION CORNERS

The actual section corners of the land applied for and the land irrigated have never been clearly marked. (If it was marked at some time, we, nor the present owners and managers could find any marks or records) It appears the land described on the applications was based on visible marks, but we don't know for sure. It might have been surveyed and be more accurate than our method of identifying section corners. Our procedure of finding the section corners consisted of several steps. First, we used copies of the original survey plats to find the dimension of each section. Second, we laid out each section on the large small-scale photos in the ASCS office. For this, we used not only survey 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.



RECEIVED
Reviewed by:

[Handwritten Signature]

JUN 29 1987

Professional Engineer HAYS002311

MICROFILMED

APPLICATION NO: 22326 NAME: Connecticut General Life Insurance

COLLINS METER TEST Flow from well NE 1/4 of S 1/2 of Lot 3 pumping alone

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 6 5/16 Flow Rate Factor 95.35

Test Pressure (psi) 10 Test RPM, Pump 1760

Description of Test Location In horizontal pipe at pivot before the two wells come together

TEST DATA: Check, Initial 6.50 Reversed 6.49
 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 From Center of Pipe	Velocity Left Side of Pipe (or Front Side if Vertical Test)	Velocity Right Side of Pipe (or Back Side if Vertical Test)
<u>1 1/4</u>	<u>6.32</u> <u>6.23</u>	<u>6.39</u> <u>6.40</u>
<u>2 1/4</u>	<u>6.04</u> <u>5.94</u>	<u>6.18</u> <u>6.18</u>
<u>2 7/8</u>	<u>6.00</u> <u>6.25</u>	<u>5.99</u> <u>5.89</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.15

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 6.15 x .9635 = 5.93

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 5.93 x 95.35 = 565 GPM



Reviewed By:

PUMPING PLANT TESTING, INC.

[Signature]
Professional Engineer

HAYS002312



STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 22,326

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 in Lot 3 of Section 1, more particularly described as being near a point 5,373 feet North and 3,779 feet West of the Southeast corner of said section, at a diversion rate not in excess of 690 gallons per minute (1.54 c.f.s.) and in a quantity not to exceed 103 acre-feet per calendar year; and one (1) well also located in Lot 3 of Section 1, more particularly described as being near a point 5,128 feet North and 3,066 feet West of the Southeast corner of said section, at a diversion rate not in excess of 565 gallons per minute (1.26 c.f.s.) and in a quantity not to exceed 85 acre-feet per calendar year; both in Township 26 South, Range 20 West, Edwards County, Kansas, for irrigation use on the following described property:

17 acres in Lot 2 ($W\frac{1}{2}$ NE $\frac{1}{4}$),
72 acres in Lot 3 ($E\frac{1}{2}$ NW $\frac{1}{4}$),
40 acres in Lot 4 ($W\frac{1}{2}$ NW $\frac{1}{4}$),

a total of 129 acres in Section 1, Township 26 South, Range 20 West, Edwards County, Kansas.

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.

RECEIVED

JUN 29 1977

MICROFILMED

HAYS002330

FIELD
DIVISION OF WATER RESOURCES
STATE OF KANSAS

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

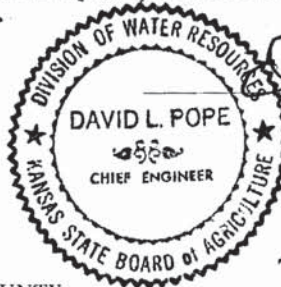
The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 11th day of June, 1987.



David L. Pope

David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 11th day of June, 1987 by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

My appointment expires March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**WATER APPROPRIATION
CERTIFICATE**

No. 16,114

STATE OF KANSAS

Water Right, File No. 22,326

STATE OF KANSAS,

COUNTY, ss.

Filed for record this _____ day of _____

at _____ o'clock _____ m. and _____ 19____

recorded in Book _____ Page _____

Fee \$ _____

Register of Deeds.

HAYS002331

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

To: Files

Date: March 27, 1987

From: Douglas E. Bush

Re: Appropriation of Water
File No. 22,326

No proposed certificate on file. The certificate is based on a field Inspection Report conducted under contract by Pumping Plant Testing, Inc.

The quantity per well reflected has been prorated proportionate to that actually diverted, so that the total authorization will not exceed a reasonable quantity for the land irrigated under File No. 22,326. The quantities were prorated as such:

Maximum approved rate = 1,000 gallons per minute

Maximum approved quantity = 188 acre-feet for irrigating 125 acres at 1.5 acre-feet per acre

Well (5,374 feet North and 3,509 feet West of Southeast corner of said section) 689 gallons per minute + 565 gallons per minute = 1,254 gallons per minute. 689 gallons per minute divided by 1,254 gallons per minute = 0.55 x 1,000 gallons per minute = 550 gallons per minute x 1,950 hours x 0.0001841 = 197 acre-feet. 0.55 x 188 acre-feet (maximum allowable) = 103 acre-feet.

Well (5,128 feet North and 3,066 feet West of Southeast corner of said section) 565 gallons per minute + 689 gallons per minute = 1,254 gallons per minute. 565 gallons per minute divided by 1,254 gallons per minute = 0.45 x 1,000 gallons per minute = 450 gallons per minute x 1,950 hours = 161 acre-feet. 0.45 x 188 acre-feet (maximum allowable) = 85 acre-feet.

A limitation was needed on the rate, limiting the rate when the wells are run simultaneously, to the maximum approved rate of 1,000 gallons per minute.

The place of use shown on the aerial photo supplied with the Field Inspection Report is not valid. The contractor has shown the place of use as he thinks it should be in regards to section corners. The actual land irrigated is the same land that was originally approved and shown to be irrigated on the aerial photograph.

The coordinates for the points of diversion were not changed to the Field Inspection Report's reported distances. When the contractor relocated the section corners he changed the coordinates somewhat which in all likelihood are bogus.

The WUC shown on the Field Inspection Report was changed to show Agri Affiliates as correspondent. This information was obtained in a March 25, 1987 phone call from Larry Sheets, Division of Water Resources, to Jerry Weaver of Agri Affiliates.

RECEIVED
JUN 29 1987

Douglas E. Bush

Douglas E. Bush
Hydrologist

MICROFILMED
HAYS002325

DEB:jt

EXHIBIT

ASCS-578 22326
(6-7-78) 6-2-10/4

REPORT OF ACREAGE

Dg. 64-2

USDA - ASCS

NOTE: Sect. 1374a, 7 U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

Form Approved - OMB No. 0560-0004

PAGE

1 OF

KEY	OPERATOR	FARM NO.	NAME AND ADDRESS	FARM LAND	CROP LAND	OPERATOR	KEY	OTHER INTERESTED PRODUCERS		ASSIGNMENT	
								NAME AND ADDRESS	OTHER FARMS	CROP	JOB
1	E	474	CONNECTICHT GENERAL 910 STEMMONS TOWER NORTH DALLAS TEXAS 75207			B-469	3				
						E-413	4				
						Morgan Co - TX	5				
2	L	00				PROGRAM YEAR	6				
						1985	7				
						OTHER					

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled in by Reporter ONLY.)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY							K	SHARE	DISPOSITION	METHOD	GROSS ACRES	DEDUCTIONS		NET ACRES	INITIAL & DATE
			Dry Wheat	Irr Wheat	Corn	Dry Milo	Irr Milo	Other	IDENT./MEAS.						ACRES			
T-1546	21	Dry IW		127.5														
	21A	Wheat-grain																
	20	alfalfa						121.2										
	1B	IW																
	22	IW		118.9														
	2A	Wheat-grain																
	23	IW		122.4														
	2B	Wheat grain																
	39	IW						33.3										
	2C	alfalfa																
	35	IW		125.9														
	15A	Wheat-grain																
	37	IW		108.6														
	15B	Wheat-grain																
	3Y	IW						105.2										
	15C	alfalfa																
	36	IW		121.5														
	14A	Wheat-grain																
TOTAL OPERATOR REPORT				1303.0	487.8			213.9	2068.5	81.8								
TOTAL REPORTER'S REPORT																		

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. Further, my signature constitutes authority for ASCS personnel to enter my farm for making any program determinations.

OPERATOR'S SIGNATURE

Kim Schlegelmilch

DATE

7/28/85

OPERATOR'S SIGNATURE

Kim Schlegelmilch

HAYS004907

8-6-85

SECTION I - FARM FIELD REPORT (Continued) (Grey Area to be Filled in by Reporter ONLY.)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY				KEY	SHARE	DISPOSITION	METHOD	GROSS ACRES	DEDUCTIONS		NET ACRES	INITIAL & DATE
												IDENTITY & MEAS.	ACRES		
1	2	3		4			5	6	7	8	9	10	11	12	13
✓ 29	IW	104.0													
✓ 10A	Wheat-grain														
✓ 28	IW	106.5													
✓ 10B	Wheat-grain														
30	IW								125.3						
10C	Alfalfa														
✓ 31	IW	111.2													
✓ 10D	Wheat-grain														
✓ 26	IW	132.1													
11A	Wheat-grain														
✓ 27	IW	124.8													
11B	Wheat-grain														
0	IW								54.2						
	Alfalfa														
1	IW								118.8						
	Alfalfa														
2	IW								127.7						
	Alfalfa														

SKETCHES OR REMARKS

* U.S. GOVERNMENT PRINTING OFFICE: 1983-607-313:1058

LAND DESIGNATED FOR ACR MEETS 2-YEAR
CROPPING REQUIREMENT OR OTHER ELIGIBILITY
REQUIREMENTS AS APPLICABLE.

R.A. 8-6-85

REPORT OF ACREAGE

NOTE: Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

KEY	OPERATOR	FARM NO.	NAME AND ADDRESS	FARM LAND	CROP LAND	OTHER FIELDS	OPERATOR	KEY	OTHER INTERESTED PRODUCERS		ASSIGNMENT		
									NAME AND ADDRESS A	OTHER FARMS B	CROP C	JOB D	
1	Connecticut General							3					
								4					
									5				
									6				
									7				
2													

SECTION I - FARM FIELD REPORT (Note: Grey Shaded Area For County Office Use Only) (Section I Continued on Reverse)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY				KEY	SH-ARE	DISPOSITION	GROSS ACRES	DEDUCTIONS		NET ACRES	INIT. & DATE
			4	5	6	7					IDENT./MEAS.	ACRES		
1	2	3												
	3	TW Alfalfa												
	4	TW Alfalfa												
	5	TW Alfalfa												
	6	TW Alfalfa												
	7	TW Alfalfa												
	8	TW Alfalfa												
	9	TW Alfalfa												
	10	TW Alfalfa												
	11	TW Alfalfa												

13. TOTAL OPERATOR REPORT

14. TOTAL DETERMINED ACREAGE

A. OPERATOR'S SIGNATURE
22326

DATE

B. OPERATOR'S SIGNATURE

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

C. OPERATOR'S SIGNATURE

HAYS004909

DATE

SECTION I - FARM FIELD REPORT (Continued) (Grey Area for County Office Use Only)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY				KEY	SH-ARE	DISPOSITION	GROSS ACRES	DEDUCTIONS		NET ACRES	INIT. & DATE
			1	2	3	4					5	6		
	12	TW alfalfa												
		10 Barley/corn												
	24	TW Corn-grain			110.4									
	25	TW Corn-grain			124.9									
	32	TW Corn-grain			125.3									
	33	TW Corn-grain			127.2									
	34	TW Mil. C.H.												
	38	TW alfalfa												

W 5-28-85
1700b

213.7
7-1-85

SKETCHES OR REMARKS

REPORT OF ACREAGE

NOTE: Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

KEY	OPERATOR	FARM NO.	NAME AND ADDRESS	FARM LAND	CROP LAND	OPERATOR	OTHER INTERESTED PRODUCERS			
							KEY	NAME AND ADDRESS	OTHER FARMS	ASSIGNMENT
							A	B	C	D
1	OPERATOR	477	Connecticut General			OWNER				
2	OWNER									
						PROGRAM YEAR				
						OTHER				

SECTION I - FARM FIELD REPORT (Note: Grey Shaded Area For County Office Use Only) (Section I Continued on Reverse)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY				KEY	SH-ARE	DISPOSITION	GROSS ACRES	DEDUCTIONS		NET ACRES	INIT. & DATE
			1	2	3	4					5	6		
T1546	15B1	IW milo H.H. Funks 522				120.6								
	14A	IW milo Funks 522 DC. Funks 550				132.1								
	15BA	IW milo H.H. Funks 522				116.0								
	15BA	IW milo Dist. ACR no dry milo				4.6								
		no dry corn Total of all other crops = 0												
	1A	IW ACR 84 milo												

13. TOTAL OPERATOR REPORT

14. TOTAL DETERMINED ACREAGE

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

A. OPERATOR'S SIGNATURE
22326

DATE

B. OPERATOR'S SIGNATURE
Page 4 of 6

C. OPERATOR'S SIGNATURE

DATE

HAYS004911

1985

CIRCLE K RANCH

HAY NOW
TO BE
PLANTED
TO MILCO

3 miles
2070

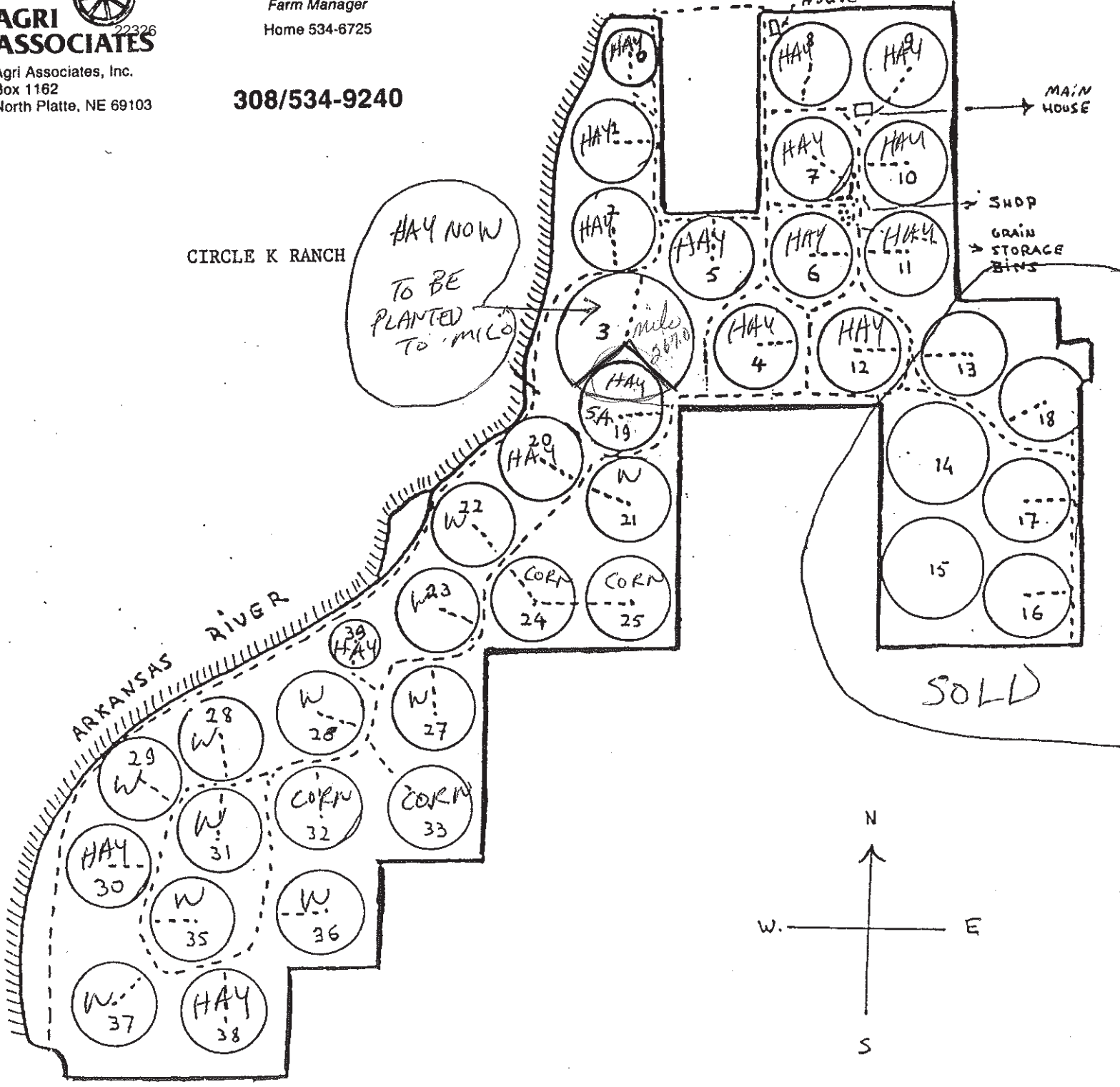
Second House

MAIN HOUSE

SHOP
GRAIN
STORAGE
BINS

SOLD

ARKANSAS RIVER



3139
706.7 487.8 78.0
22326

NOT TO SCALE

125.3

26-20

15-26-20

2 farms

8.3

B-3

18.3

125.9

Wheat 15A

35

P.

223.3

15

P.
24.6

37

Wheat

15B

108.6

15B.1

milo

120.6

4.6 milo crop

4.6 acres 15B.2

off

15C

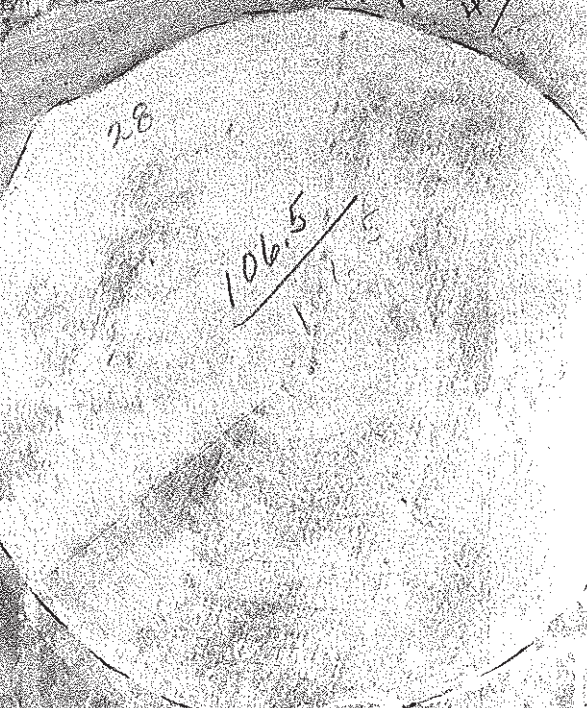
105.2

38

P.
25

29
ACR 10A

42.7



216



C-3



26-20

3 farms
1-26-20

C-4

19

20

74.9

121.2

off 10

49

P
7.5

P
8.2

21

127.5

Wheat 1A

~~22~~

~~118.7~~

1

P
90.8

P
16.7

24
corn

110.4

25
corn

124.9

26

132.1
wheat
11A

P. 16.5

P. 17.3

27

124.8
wheat
11B

11

P. 52.1

P. 20.2

32
corn
125.3

33
corn
127.2

15.4

P. 6.8

C-3

C-3

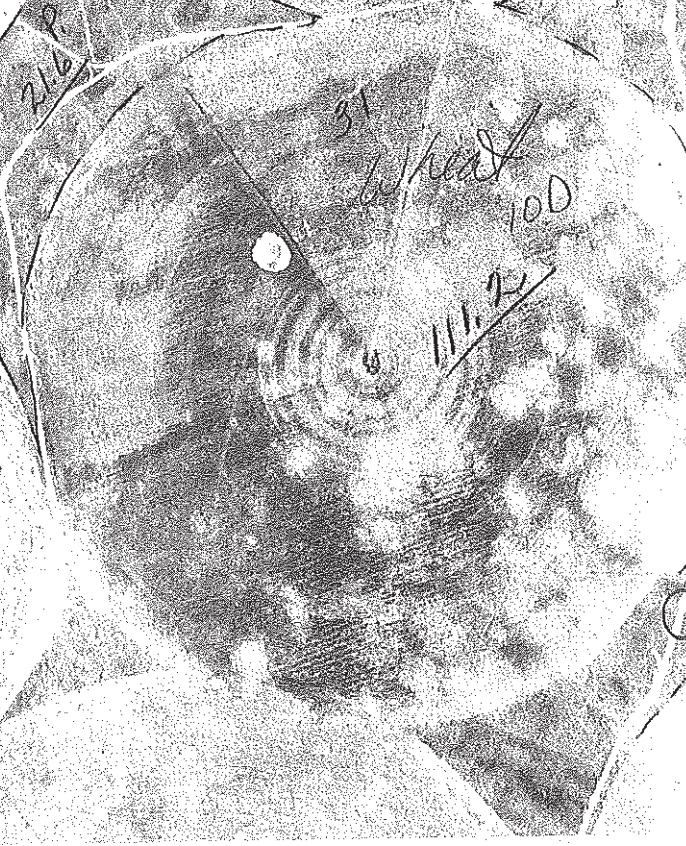
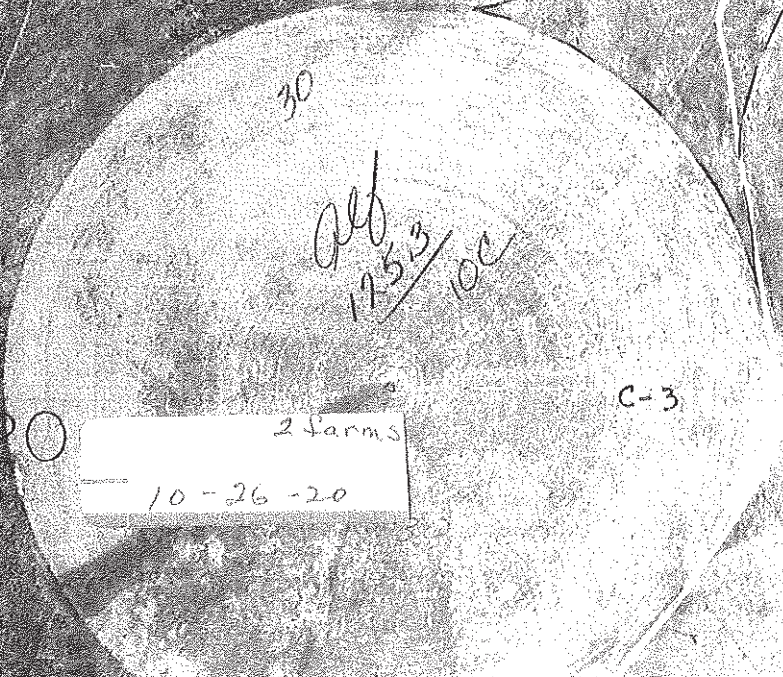
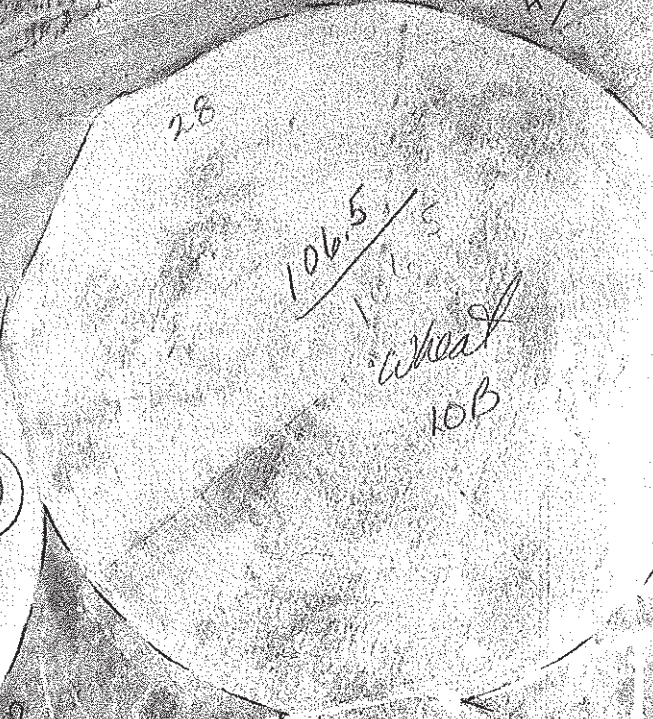
3 farms
11-26-20

26-20

22326

104.9

42.7



10-26-20

C-3

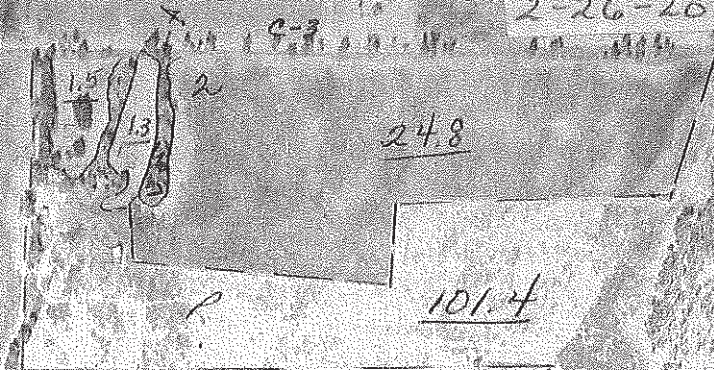
22326

3 farms

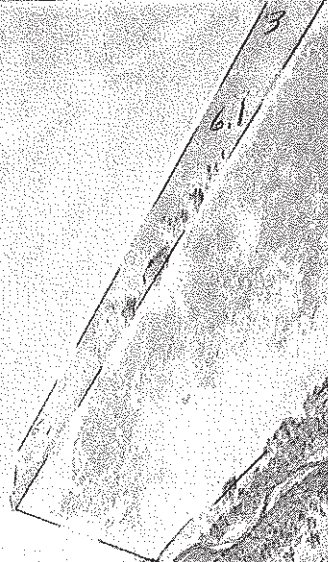
2-26-20

26-20

C-3
C-107



201.8



Wheat
2A

118.7

12.2

Wheat
2B

122.2

P. 35

33.3

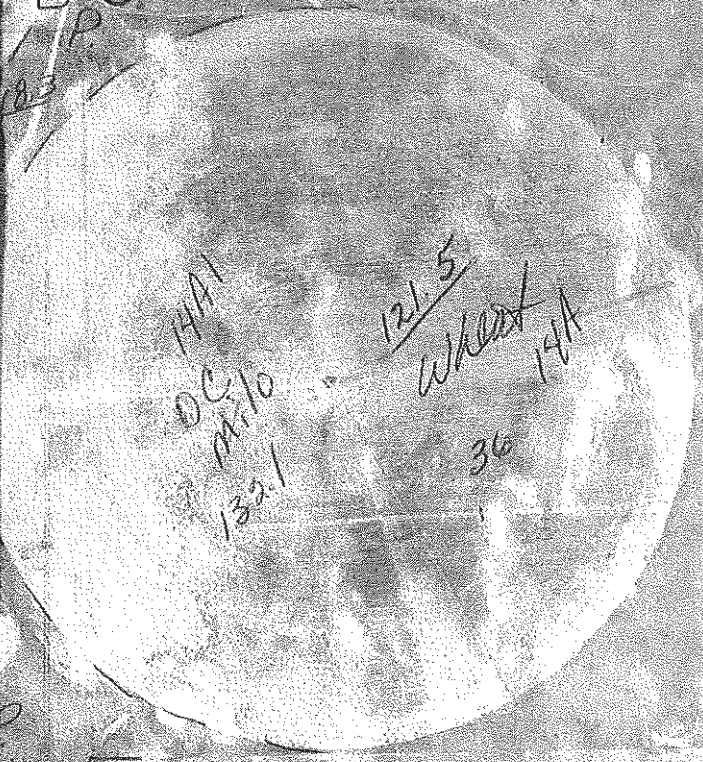
NOT TO SCALE

B-3

B-3

2-5am
14-26-20

26-20



14A

DC

M-10
132.1

121.5

Wheat

19A

36

74
481.7

E-428

P
23

22

23

22326

1277

106.3

W
93

3

31

DC
Mulo
213.9
3A

alb
2640

W
1076

4

Monroe Rd
7-24-85

1A ACR

77.2

3B

alb
531

D-4

1A

ACR

6-26-20

D-4

3 farms

25-

31-25-19

22326

22326

1277

1063

93

3

31

2670
adj

1076

4

D-4

D-4

3 farms

25-

31-25-19

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.

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.

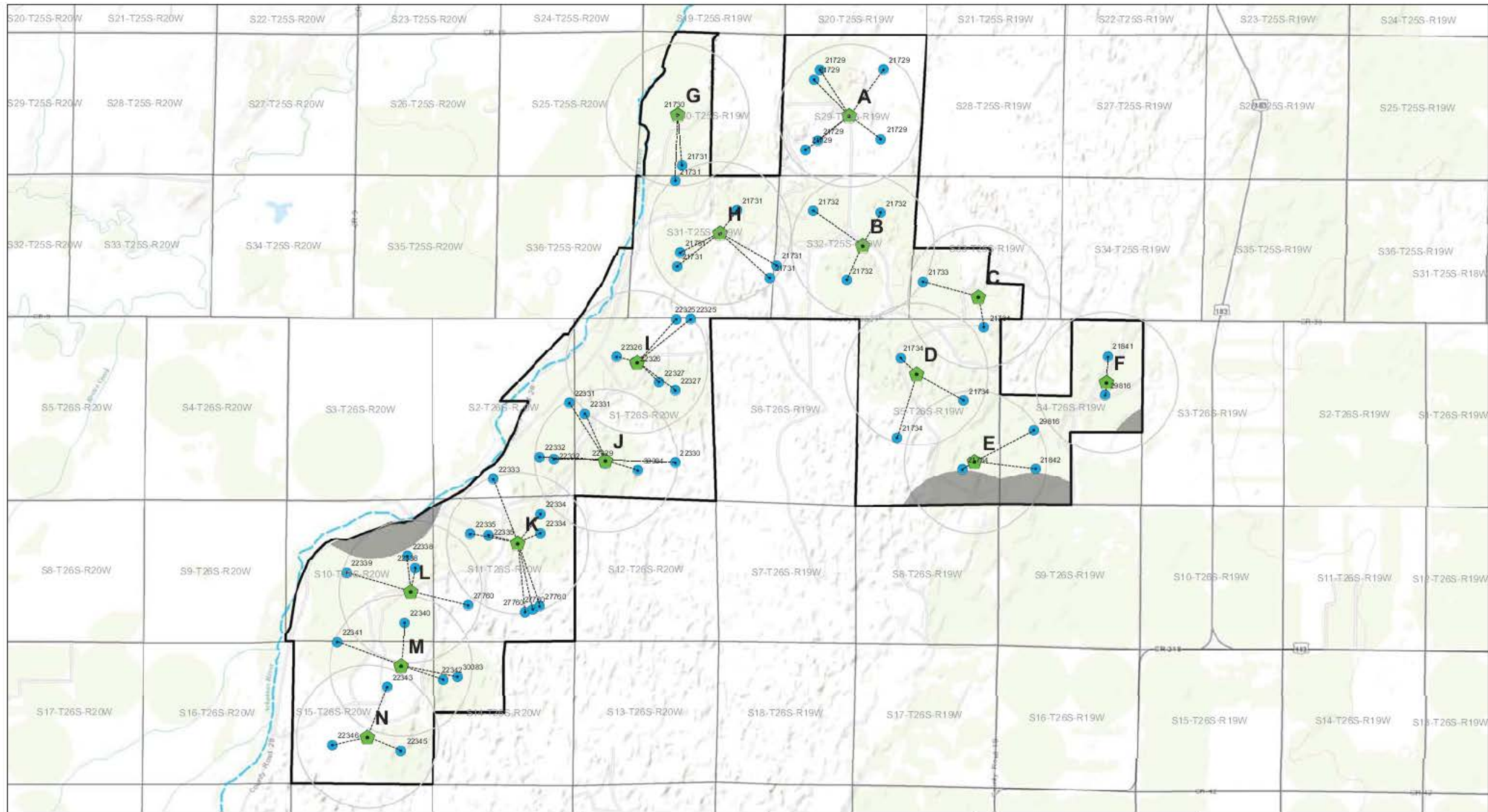
In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.

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.

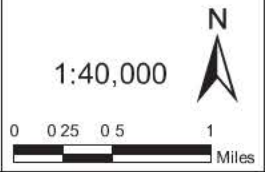
That if an applicant can show that his or her system design is reasonable for the use intended and approval of the proposed rate and/or maximum annual quantity will not impair any senior water right or prejudicially and unreasonably affect the public interest, the Chief Engineer may waive the above guidelines. Documentation shall be placed in the file clearly demonstrating any exceptions to the above policy.

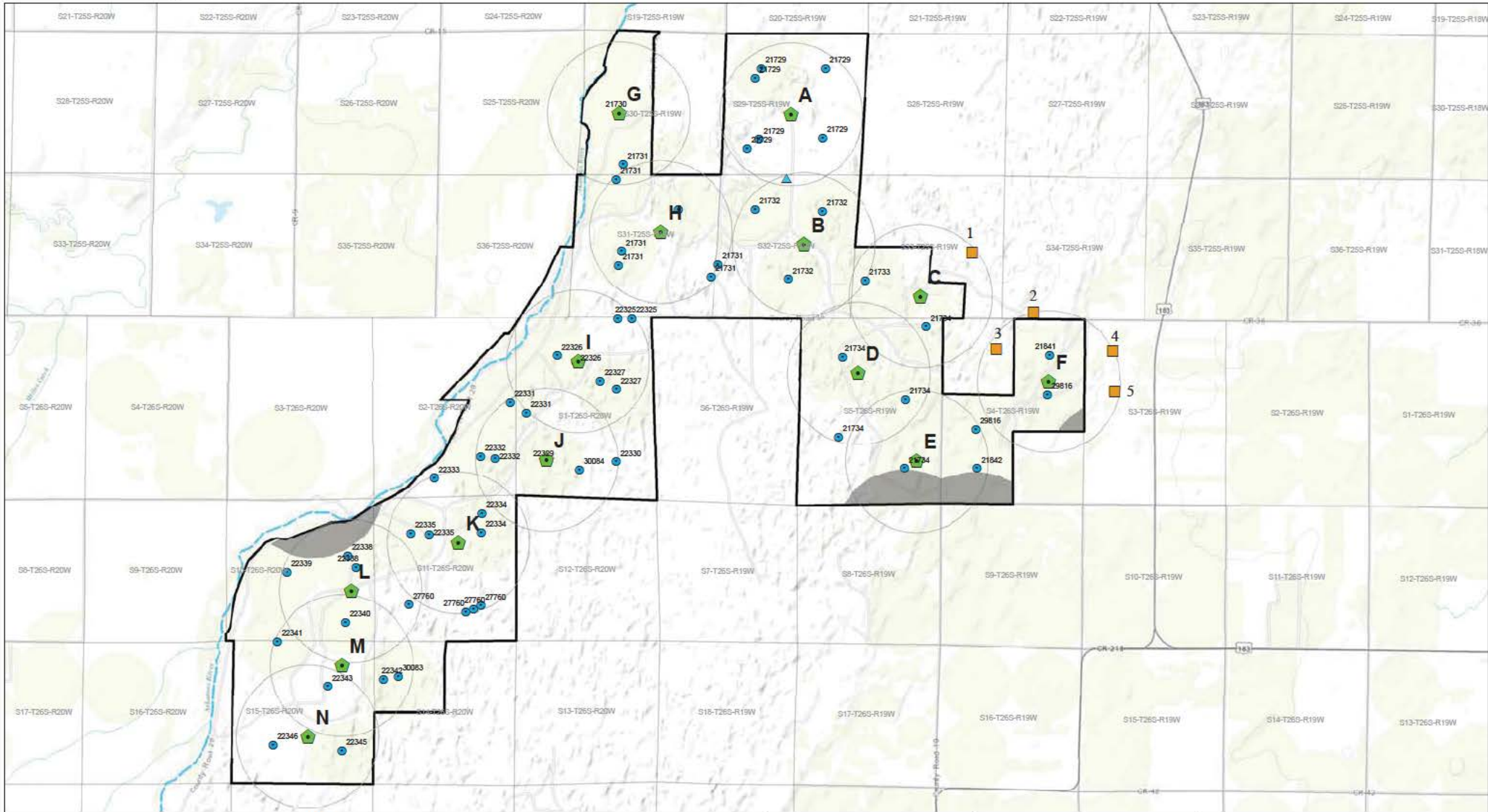
EXHIBIT K ²²³²⁶











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

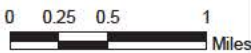




Legend

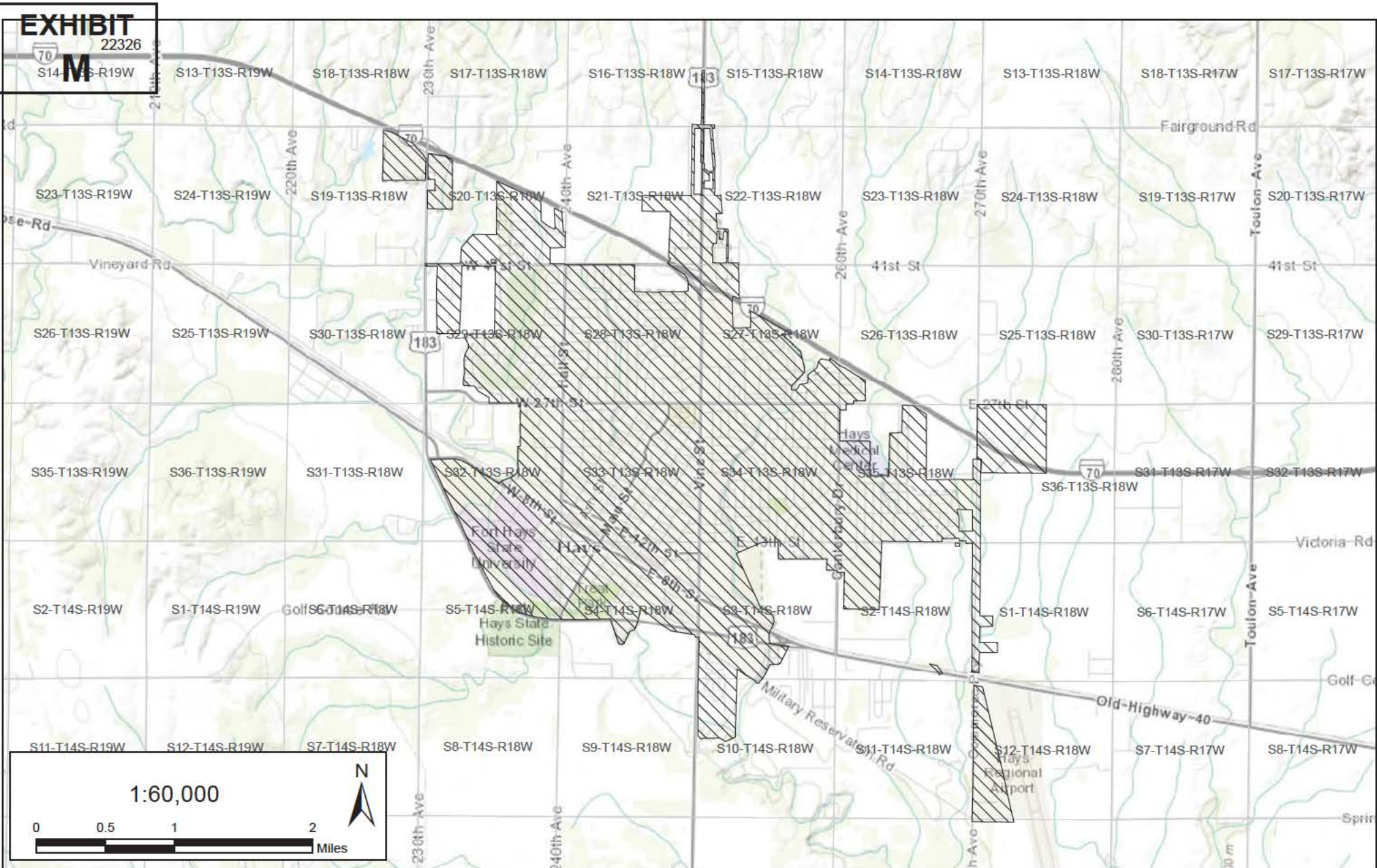
-  Proposed Municipal Wells (A-N)
-  Existing R9 Ranch Points of Diversion
-  1/2 Mile Buffer Around Proposed Wells
-  PLSS Sections
-  Area Excluded From Proposed Wells
-  R9 Ranch Property Boundary
-  Domestic Well (Non-Permitted)
-  Stock Well (Non-Permitted)

1:40,000



EXHIBIT

22326



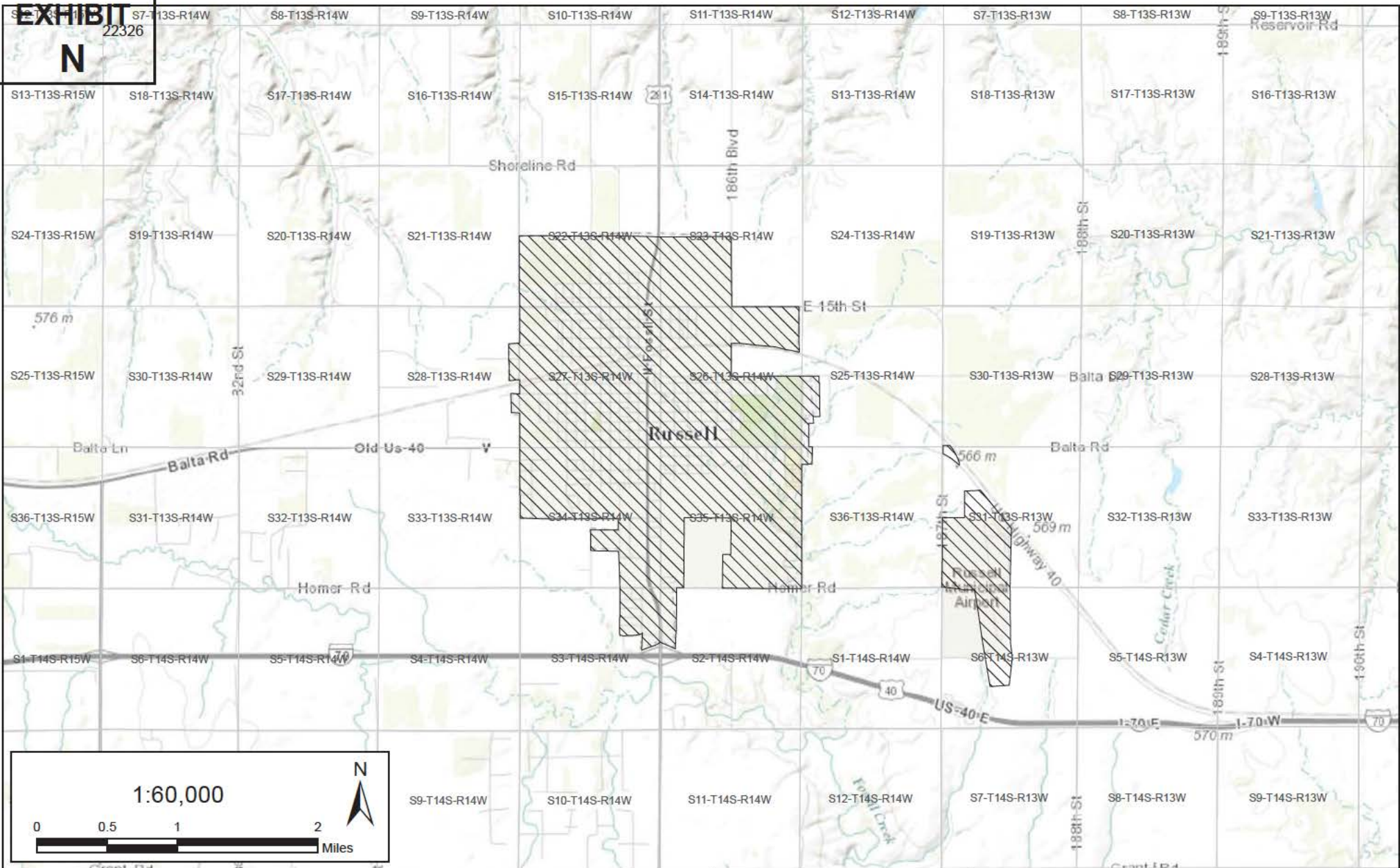
Proposed Place of Use City of Hays



PLSS Sections



EXHIBIT N
22326



Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

EXHIBIT
O

**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

22326
SECTION 3: PROJECTED FUTURE WATER NEEDS

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Explanation on other side)
Year 5	386,346,512	0	0	177,719,396	119,767,419	15,453,861	73,405,836
Year 10	405,513,682	0	0	186,536,377	125,709,241	16,220,547	77,047,517
Year 15	426,310,852	0	0	196,102,992	132,156,364	17,052,434	80,999,062
Year 20	443,848,022	0	0	204,170,090	137,592,887	17,753,921	84,331,124
TOTAL WATER = Columns 1 + 2			ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
(CENSUS BUREAU INFORMATION)

LAST 20 YEARS	POPULATION
20 years ago	
15 years ago	4,710
10 years ago	4,696
5 years ago	4,506
Last Year	4,475

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	4,596
Year 10	4,605
Year 15	4,651
Year 20	4,698

Provide number of current active service connections:

2,049 Residential 9 Industrial 30 Other (specify) Free Service
 360 Commercial 0 Pasture/ Stockwater/ Feedlot 2448 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 ÷ Population ÷ 365 Days/Year = Gallons per Person per Day

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,327 Circle 21.

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. Code	GMD	Meets K.A.R. 5-5-1 (YES/NO)	Use	Source	G/S County	By	Date
	Fee \$	TR #	Receipt Date	Check #			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1-T26S-R20W			Lot 1 34	Lot 2 34	34	34													136

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Same as above																			

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 _____ Quarter of the NE Quarter of Section 1, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 4,062 feet North 1,539 feet West of Southeast corner of section. Authorized Rate 490 gpm Authorized Quantity 103 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 SE Quarter of the NE Quarter of the NW Quarter of Section 1, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 5,034 feet North 2,790 feet West of Southeast corner of section. Proposed Rate 950 gpm Proposed Quantity 175.1 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,325 & 22,326

9. **Presently authorized point of diversion:**
 One in the Lot 2 Quarter of the _____ Quarter of the _____ Quarter of Section 1, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 4,372 feet North 2,154 feet West of Southeast corner of section. Authorized Rate 475 gpm Authorized Quantity 100 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 SE Quarter of the NE Quarter of the NW Quarter of Section 1, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 5,034 feet North 2,790 feet West of Southeast corner of section. Proposed Rate 950 gpm Proposed Quantity 175.1 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,325 & 22,326

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

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

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.

[Handwritten Signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 20 15.

[Handwritten Signature: Malinda Morse]

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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.

(Owner) (Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Proposed Rate and Quantity

The Cities are requesting a total of 175.1 acre-feet and 950 gpm from the well associated with this water right, all of which will be diverted from new point of diversion I, as shown on Exhibit K. When combined with existing wells from other water rights, new point of diversion I will have a cumulative total of 587.78 acre-feet and 2,950 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.

That same regulation goes on to allow the change to be based on the net consumptive use actually made during the perfection period allows the conversion of 145.80 acre-feet to municipal use.¹ As discussed below, 135 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 145.80 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 245 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 136 acres in the NE/4 of Section 1-T26S-R20W, or 1.80 acre-feet per acre.⁵ The certificate further limited the rate of the wells to 950 gallons per minute when operated simultaneously.⁶

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.”⁷

DWR’s Field Inspection Reports indicate that 243.20 of the 245 acre-feet authorized by the permit were lawfully perfected.

- 169 acre-feet⁸ and 164 acre-feet⁹ (333 acre-feet) were applied to 135 approved acres in the NE/4 of Section 1-T26S-R20W.

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, HAYS002420, Ex. A.

⁵ Application, HAYS002416, Ex. B.

⁶ Certificate, HAYS002429, Ex. C.

⁷ March 19, 1976, letter (emphasis added), HAYS002419, Ex. D.

⁸ FIR, HAYS002398, Ex. E.

⁹ FIR, HAYS002406, Ex. F.

- The permit authorized the perfection of 1.80 acre-feet per acre but only 135 acres were irrigated during the perfection period, resulting in perfection of 243.20 acre-feet.¹⁰

While the certificate limits the total quantity to 203 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.¹¹

Since the perfection period has expired, the "authorized quantity" for this water right is the 243.20 acre-feet actually perfected even though it exceeds the certified quantity.

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 243.20 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 175.1 acre-feet, should be available for conversion to municipal use. While this quantity is greater than the quantity set out in the certificate, it is less than the 243.20 perfected acre-feet, the "maximum annual quantity authorized by the water right."

The Applicants request that DWR approve a total of 175.1 acre-feet for municipal use.

¹⁰ FIRs, HAYS002398, Ex. E, and HAYS002406, Ex. F.

¹¹ Certificate, HAYS002429, Ex. C; Doug Bush Memo dated March 19, 1987, HAYS002424, Ex. G; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

¹² Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. H, stating that: "In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated." *See also*, K.A.R. 5-3-24 and Doug Bush Memo, 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. 22,327 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 approximately 375 feet North and 375 feet West of the Southeast corner of Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and one well near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 1, 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

245 acre-feet

for any calendar year.

(OVER)

RECORDED *encl 21*

RECEIVED

MAR 29 1976

HAYS002420

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

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



Guy E. Gibson
 Guy E. Gibson, Chief Engineer
 Division of Water Resources
 Kansas State Board of Agriculture

HAYS002421

THE STATE OF KANSAS



well # 21

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

Per check \$50.00
22327
or

22,327
NUMBER 8

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

[REDACTED]

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)

Comes now the applicant (Miss) Midwest Land and Cattle Co. 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 ~~XXXXXXXXXX~~ ^{245,320} ~~300~~ ^{acre feet} ~~acre feet~~ per year, to be diverted at a maximum rate of ¹⁰⁰⁰ ~~1400~~ ^{gallons per minute} (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the SE quarter of the SE quarter of section 1, township South Brown 26 S, range R20 W, in Edwards County, Kansas. (Section 1 is more than a mile long)

1 well approx 1200' N & 1300' E of the center of Sec 1 SE 1/4 SW 1/4 NE 1/4
1 well approx 100' N & 700' E of the center of Sec 1
APPROX 375' N, E 375' W. OF SE CORNER LOT 2 (NW 1/4, NE 1/4)

3. The water is intended to be appropriated for:

- (a) Domestic use ()
- (b) Municipal use ()
- (c) Irrigation use ()
- (d) Industrial use ()
- (e) Recreational use ()
- (f) Water Power use ()

~~300~~ ²⁴⁵ ~~2~~ ^{acre ft./yr.} - ~~1400~~ ^{gals./min.}

DIVISION OF WATER RESOURCES RECEIVED MAY 02 1974 9:07 a.m. STATE BOARD OF AGRICULTURE
DIVISION OF WATER RESOURCES RECEIVED MAY 09 1975 STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES RECEIVED OCT 15 1975 STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES RECEIVED FEB 26 1976 FIELD OFFICE DIVISION OF WATER RESOURCES STANFORD HAYS002415
Page 11 of 44

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 $\frac{1}{4}$ of NE $\frac{1}{4}$				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 $\frac{1}{4}$		
	Part of Lot 1	Part of Lot 2																
1 26 20	34	35	33	34									34	34	40	40	40	136 160
	34	34																3876

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 $\frac{1}{4}$		

HAYS002416

7. The works for diversion of water will consist of 2 ~~one~~ well with 2 ~~one~~ pump for one circle sprinkl irrigation system (2 ~~One~~ Motor) _____
(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 X 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.

MI-938  9-72-10M SETS

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MAR 29 1976

HAYS002417



APPLICATION 22327

9-15-75

Circle No. 21

All wells within 1/2 mile of the
irrigation well are owned by
the applicant



HAYS002418



STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 22,327

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 Northeast Quarter (NE $\frac{1}{4}$) of Section 1, more particularly described as being near a point 4,062 feet North and 1,539 feet West of the Southeast corner of said section, at a diversion rate not in excess of 490 gallons per minute (1.09 c.f.s.) and in a quantity not to exceed 103 acre-feet per calendar year; and one (1) well located in Lot 2 of Section 1, more particularly described as being near a point 4,372 feet North and 2,154 feet West of the Southeast corner of said section, at a diversion rate not in excess of 475 gallons per minute (1.06 c.f.s.) and in a quantity not to exceed 100 acre-feet per calendar year; both in Township 26 South, Range 20 West, Edwards County, Kansas, for irrigation use on the following described property:

- 34 acres in Lot 1 (E $\frac{1}{2}$ NE $\frac{1}{4}$)
- 34 acres in Lot 2 (W $\frac{1}{2}$ NE $\frac{1}{4}$)
- 34 acres in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
- 34 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$)

a total of 136 acres in Section 1, Township 26 South, Range 20 West, Edwards County, Kansas.

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 950 gallons per minute (2.12 c.f.s.) for irrigation use on the property described herein.

RECEIVED

JUL 06 1987

MICROFILMED
HAYS002429

DIVISION OF WATER RESOURCES
STATE OF KANSAS

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

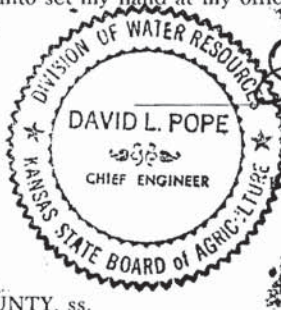
The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at Topeka, Kansas, this 17th day of June, 1987.



David L. Pope
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 17th day of June, 1987 by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

My appointment expires March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

WATER APPROPRIATION
CERTIFICATE

No. 16,162

STATE OF KANSAS

Water Right, File No. 22,327

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.

HAYS002430

2

E-N

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,327

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RECEIVED

RMD:GEE:ee1

Encs.

MAR 29 1976

HAYS002419
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

MICROFILMED

FIELD INSPECTION REPORT

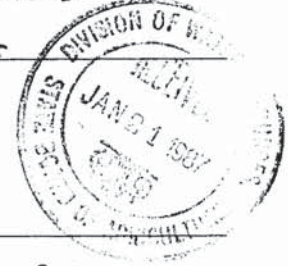
- Partial
- Full
- Re-Test

Test 1 of 2 Diversion points
 Application No. 22327 Date 10/2/86 Firm/Field Office Pumping Plant Testing, Inc.
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance Co Agri. Affiliates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater Drainage Basin Arkansas River
 Surface Water () Stream _____



Authorized Point of Diversion: NC NE 1/4 Sec. 1, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: NE NE 1/4 Sec. 1, T. 26, R. 20
 Approximately 4062 ft. North and 1539 ft. West of SE corner of Sec. 1
 How were distances determined? Scaled from ASCS photo

"Approved" Quantity 245 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)
 Priority Date May 2, 1974 Approval of Application Date March 19, 1976
 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	26	20	34	34	34	34													136

LAND IRRIGATED—YEAR OF RECORD 1985 - SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	26	20	30	41.5	34.5	23.5	3.5												135

APPLICATION OF WATER: - SEE ATTACHED SHEET
 Year of Record 1985 Hours Pumped 1900 or Quantity 332.4 AF
 Normal Operating G.P.M. 950 Equiv. c.f.s. 2.12
 Maximum Operating G.P.M. 488 Equiv. c.f.s. 1.09

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time requested: Yes _____ No

Total No. of Hours on land covered by this application 1900
 Ac. Ft. Applied = $1900 \text{ hrs.} \times 488 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 16.9 \text{ AF}$

Acres of "Approved" Land irrigated 135
 Ac. Ft. on "Approved" Land 16.9 (Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 16.9
 Proration Calculations: $488 \text{ g.p.m.} + 474 \text{ g.p.m.} = 962 \text{ g.p.m.}$ $488 \text{ g.p.m.} \div 962 \text{ g.p.m.} = 0.507$
 $0.507 \times 203 \text{ AF (Maximum allowable)} = 103 \text{ AF}$

Perfected Rate 490 g.p.m. Perfected Quantity 103 AF

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Zimmatic Model 310 Serial No. 3153
 Drive Electric Length of Pivot Arm 1292
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot 78 (Both Wells) p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. 2 Rain Bird 85's
 Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.

Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
 Unusual Conditions/Other Info. _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____
 Serial No. _____ Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10 MA Rated RPM _____
 Serial No. N2W2355X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer U.S. Motors Model No. ID# R-9556-00-H-410
 Serial No. 05001525 Drive Right Angle Ratio 6:5

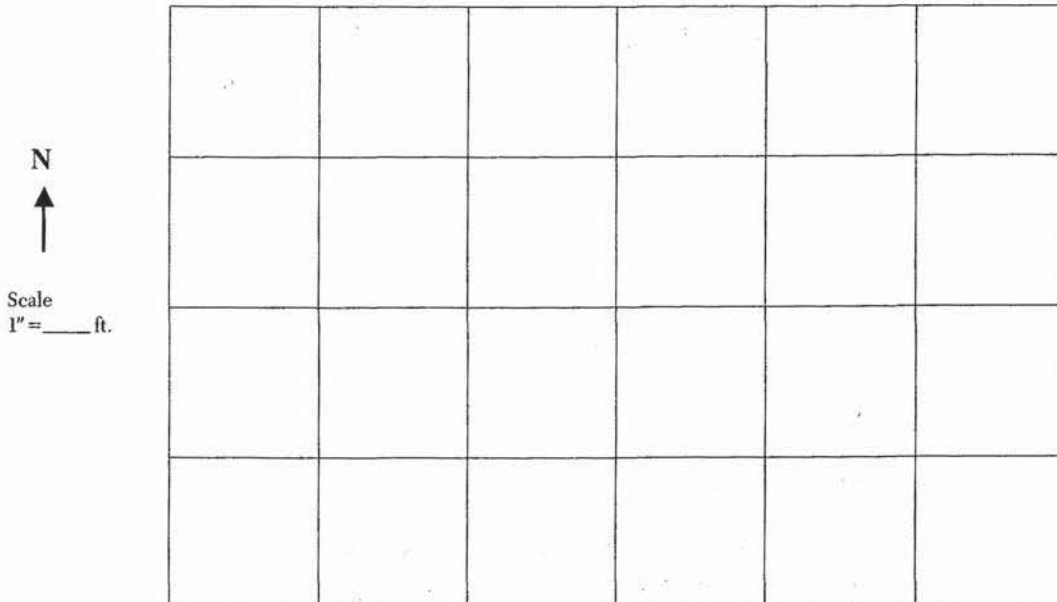
WELL INFORMATION:

Date Drilled 8-29-74 Original Depth 44 ft. Static Water Level When Drilled 13 ft.
 Tape Down Possible? yes Water Level Measurement Tube? no
 Measuring Point — ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____
 Chemical Injection System? yes Check Valve? yes Low Pressure Drain? yes
 Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In vertical pipe inside pivot stand
 Pipe Diameter (I.D.) 7 1/4 inches

Test No. 1—Normal Conditions — <u>NCNE 1/4 PLONE</u>	Test No. 2—Maximum Conditions — <u>Both Wells Pumped Simultaneously</u>
R.P.M. POWER UNIT <u>1830</u>	R.P.M. POWER UNIT <u>2116</u>
R.P.M. PUMP UNIT <u>1525</u>	R.P.M. PUMP UNIT <u>1763</u>
Pressure at Pump <u>23</u> psi	Pressure at Pump <u>51</u> psi

Jacuzzi Meter Test Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)	Velocity (fps)
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____
7. _____	7. _____
8. _____	8. _____
9. _____	9. _____
10. _____	10. _____
Total _____	Total _____
Avg. _____	Avg. _____
G.P.M. _____	G.P.M. _____

Propeller Meter Test Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.	Ending _____ gal.
Beginning _____ gal.	Beginning _____ gal.
Difference _____ gal.	Difference _____ gal.
Time _____ min.	Time _____ min.
Rate _____ gpm	Rate _____ gpm

Other Flow Meter Use Supplemental Sheet (include meter identification, data and calculations).

HAYS002400

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

Other Fuels Type Natural Gas Supplier Kansas - Nebraska

Rate = $\frac{Volume (test)}{time}$ = _____

How was the test volume determined? Not Determined, One Meter is used for many wells.

TABULATION OF WATER USE:

2/17/80
3/28/80

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1800	1000		130
1976				
1977	986	1000		130
1978				
1979	336	900		127
1980				
1981	840	900		127
1982				
1983	unused due to PIK program †			
1984	1800 †	550 †		135 †
* 1985	1900 †	488 *		135 †
1986		488 *		

† DATA SUPPLIED BY RGM- AFFILIATES
 * RESULTS OF 10/2/86 TEST

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year A15a/fq Year of record wheat

REMARKS: _____

Person present at test Kent Naber (name) Irrigation Manager (relationship)
 Water Use Correspondent Lyle Kolbeck (name) Spearville, ks. 67876 (address) 316-385-2803 (phone number)
 Conducted by Dreg Ebert (signature) Date 10/9/86
 Approved by Kid J. White, P.E. (signature) (title) Date 12/29/86

HAYS002401

APPLICATION NO: 22327

NAME: Connecticut General Life Ins.

POINTS OF DIVERSIONS AND SECTION CORNERS

The actual section corners of the land applied for and the land irrigated have never been clearly marked. (If it was marked at some time, we, nor the present owners and managers could find any marks or records.) It appears the land described on the applications was based on visible marks, but we don't know for sure. It might have been surveyed and be more accurate than our method of identifying section corners. Our procedure of finding the section corners consisted of several steps. First, we used copies of the original survey plats to find the dimension of each section. Second, we laid out each section on the large small-scale photos in the ASCS office. For this, we used not only survey 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.

RECEIVED
Reviewed by:

JUL 06 1987

Professional Engineer HAYS002402

APPLICATION NO: 22327 NAME: Connecticut General Life Insurance

COLLINS METER TEST Well NO NE¹/₄ Pumping Alone

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 7¹/₁₆ Flow Rate Factor 143.0

Test Pressure (psi) 23 Test RPM, Pump 1525

Description of Test Location In vertical pipe inside pivot stand

TEST DATA: Check, Initial 3.30 Reversed 3.31
 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>1⁹/₁₆</u>	<u>3.55</u> <u>3.50</u>	<u>3.59</u> <u>3.64</u>
<u>2³/₄</u>	<u>3.32</u> <u>3.29</u>	<u>3.55</u> <u>3.51</u>
<u>3¹/₂</u>	<u>3.33</u> <u>3.40</u>	<u>3.60</u> <u>3.42</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 3.475

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 3.475 x .9826 = 3.415

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 3.415 x 143 = 488 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]

Professional Engineer

JUL 08 1987

HAYS002403

APPLICATION NO: 22327 NAME: Connecticut General Life Insurance

COLLINS METER TEST Both wells combined

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 7 1/16 Flow Rate Factor 143.0

Test Pressure (psi) 51 Test RPM, Pump A 1763
B 1760

Description of Test Location In vertical pipe at pivot

TEST DATA: Check, Initial 7.05 Reversed 7.05
 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>6.80</u>	<u>6.77</u>	<u>7.04</u>	<u>7.03</u>
<u>2 3/4</u>	<u>6.44</u>	<u>6.41</u>	<u>6.97</u>	<u>6.95</u>
<u>3 1/2</u>	<u>6.33</u>	<u>6.56</u>	<u>7.08</u>	<u>6.67</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.754

Corrected Ave. Vel. = (Ave. Vel.) × (Calibration Factor) =
6.754 × .9826 = 6.64

Flow Rate = (Corrected Ave. Vel.) × (Flow Rate Factor) =
6.64 × 143.0 = 950 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

[Signature]

Professional Engineer

HAYS002404

APPLICATION NO: 22,327

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES, A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.



RECEIVED

PUMPING PLANT TESTING, INC.

JUL 06 1987

Reviewed by:

Neil J. White

HAYS002405

Professional Engineer

DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE
ELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 2 of 2 Diversion points

Application No. 22327 Date 10/2/86 Firm/Field Office Pumping Plant Testing, Inc.
Inspector Ebert/Klassen

Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance

Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: well 375'N and 375'W of SE corner of Lot 2 Sec. 1, T. 26, R. 20
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: well NE 5/4 of Lot 2 Sec. 1, T. 26, R. 20
Approximately 4372 ft. North and 2154 ft. West of SE corner of Sec. 1
How were distances determined? Scaled from ASCS photo

"Approved" Quantity 245 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date May 2, 1974 Approval of Application Date March 19, 1976

Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE Lot 1	NW Lot 2	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	26	20	34	34	34	34													136

LAND IRRIGATED—YEAR OF RECORD 1985 - SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE Lot 1	NW Lot 2	SW	SE	NE Lot 3	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	26	20	30	41.5	34.5	23.5	3.5												135

APPLICATION OF WATER: - SEE ATTACHED SHEET

Year of Record 1985 Hours Pumped 1900 or Quantity 332.4 AF

Normal Operating C.P.M. 950 Equiv. c.f.s. 2.12

Maximum Operating C.P.M. 474 Equiv. c.f.s. 1.06

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time requested: Yes No

Total No. of Hours on land covered by this application 1,900

Ac. Ft. Applied = $1900 \text{ hrs.} \times 46.8 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 164 \text{ AF}$

Acres of "Approved" Land irrigated 135

Ac. Ft. on "Approved" Land 164 (1.21) (Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 164
Proration Calculations $0.493 \times 203 \text{ A.F. (maximum allowable)} = 100 \text{ AF}$

Perfected Rate 475 g.p.m. Perfected Quantity 100 AF



JUL 06 1987

HAYS002406

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Zimmatic Model 310 Serial No. 3153

Drive Electric Length of Pivot Arm 1282

Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

End Gun? yes End Gun Rating _____ g.p.m. 2 Rain Bird 85's

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP —

Serial No. — Fuel Natural Gas Rated RPM —

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. — Rated RPM —

Serial No. N2W24355X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer U.S. Motors Model No. ID# 0-9473-00-406

Serial No. N-5001195 Drive Right Angle Ratio 1:1

WELL INFORMATION:

Date Drilled 11-22-74 Original Depth 59 ft. Static Water Level When Drilled 21 ft.

Tape Down Possible? yes - 26' Water Level Measurement Tube? no

Measuring Point 1 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter —

Meter Model No. — Serial No. — Size —

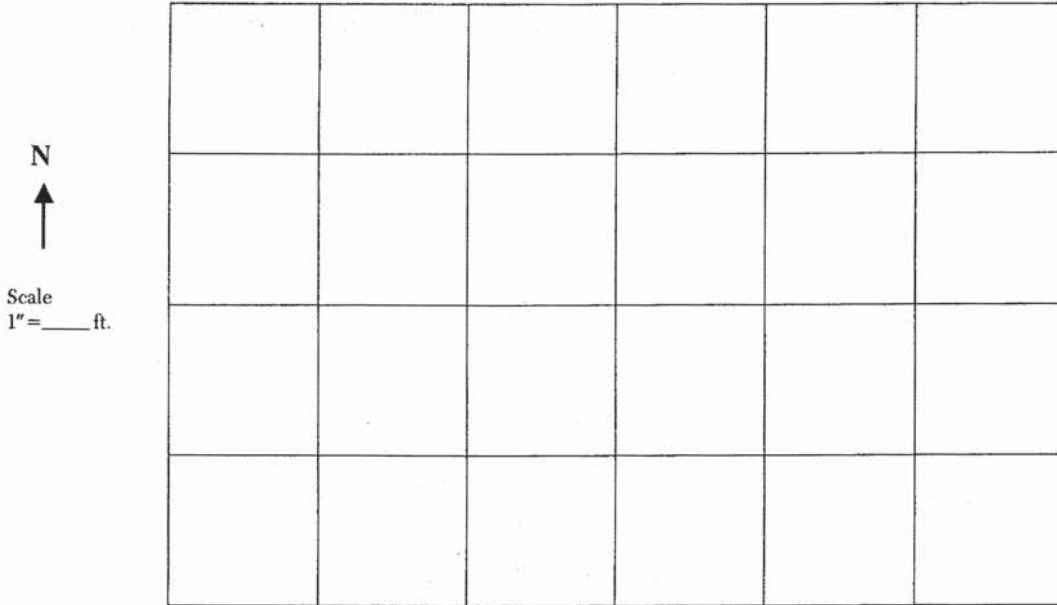
Is Meter Installed Properly? —

Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no

Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes HAYS002407

If chemicals are injected into s _____ m, please attach sketch of system.

SKETCH OF ACTUAL PLACE OF WELL, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In horizontal pipe between riser and pipe adjoining other well
 Pipe Diameter (I.D.) 6 5/8 inches

Test No. 1—Normal Conditions - Well alone

R.P.M. POWER UNIT 1760
 R.P.M. PUMP UNIT 1760
 Pressure at Pump 12 psi

Test No. 2—Maximum Conditions - Both Wells Pumped Simultaneously

R.P.M. POWER UNIT 1760
 R.P.M. PUMP UNIT 1760
 Pressure at Pump 51 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

MICROFILMED

HAYS002408

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Natural Gas Supplier Kansas-Nebraska

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not Determined Because One Meter Is used for many engines

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1800	1000		130
1976				
1977	986	1000		130
1978				
1979	336	900		127
1980				
1981	840	900		127
1982				
1983	Unused due to PIK program ^F			
1984	1800 ^F	425 ^F		135 ^F
* 1985	1900 ^F	474 [*]		135 ^F
1986		474 [*]		

^F INFORMATION FROM BGM-DEPLIATES
^{*} RESULTS OF 10/2/86 TEST

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year Alfalfa Year of record wheat

REMARKS: _____

Person present at test Kent Naber Irrigation Manager
(name) (relationship)
 Water Use Correspondent Lyle Kalbeck Spearsville, Ks 67876 316-385-2803
(name) (address) (phone number)
 Conducted by Dreg Elbert Date 10/9/86
(signature)
 Approved by Kid J. W. [Signature] P.E. Date 12/29/86 HAYS002409
(signature) (title)

3 farms

1-26-20

2-4

19

20

14.9

Application no. 22327

Legend

12.2

\\ Land on original application

/// Land irrigated presently

⊗ well

+ center pivot

-- underground pipe

P
1.5

P
8.2

21

127.5

P
908

P
6.7

STATE BOARD OF IRRIGATION

24

110.4

Syle Kalkbrenner
11-25-86

25

124.9

P
7.1

P
14.8

P
9.0

MICROFILMED

HAYS002410

c-4

6-26-19



P
7.5

P
8.2

P
6.7

1.9

P
9.0

P
852.7

G

HAYS002411

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.

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.

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

To: Files

Date: March 27, 1987

From: Douglas E. Bush

Re: Appropriation of Water
File No. 22,326

No proposed certificate on file. The certificate is based on a field Inspection Report conducted under contract by Pumping Plant Testing, Inc.

The quantity per well reflected has been prorated proportionate to that actually diverted, so that the total authorization will not exceed a reasonable quantity for the land irrigated under File No. 22,326. The quantities were prorated as such:

Maximum approved rate = 1,000 gallons per minute

Maximum approved quantity = 188 acre-feet for irrigating 125 acres at 1.5 acre-feet per acre

Well (5,374 feet North and 3,509 feet West of Southeast corner of said section) 689 gallons per minute + 565 gallons per minute = 1,254 gallons per minute. 689 gallons per minute divided by 1,254 gallons per minute = 0.55 x 1,000 gallons per minute = 550 gallons per minute x 1,950 hours x 0.0001841 = 197 acre-feet. 0.55 x 188 acre-feet (maximum allowable) = 103 acre-feet.

Well (5,128 feet North and 3,066 feet West of Southeast corner of said section) 565 gallons per minute + 689 gallons per minute = 1,254 gallons per minute. 565 gallons per minute divided by 1,254 gallons per minute = 0.45 x 1,000 gallons per minute = 450 gallons per minute x 1,950 hours = 161 acre-feet. 0.45 x 188 acre-feet (maximum allowable) = 85 acre-feet.

A limitation was needed on the rate, limiting the rate when the wells are run simultaneously, to the maximum approved rate of 1,000 gallons per minute.

The place of use shown on the aerial photo supplied with the Field Inspection Report is not valid. The contractor has shown the place of use as he thinks it should be in regards to section corners. The actual land irrigated is the same land that was originally approved and shown to be irrigated on the aerial photograph.

The coordinates for the points of diversion were not changed to the Field Inspection Report's reported distances. When the contractor relocated the section corners he changed the coordinates somewhat which in all likelihood are bogus.

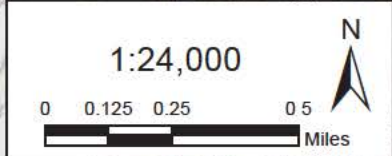
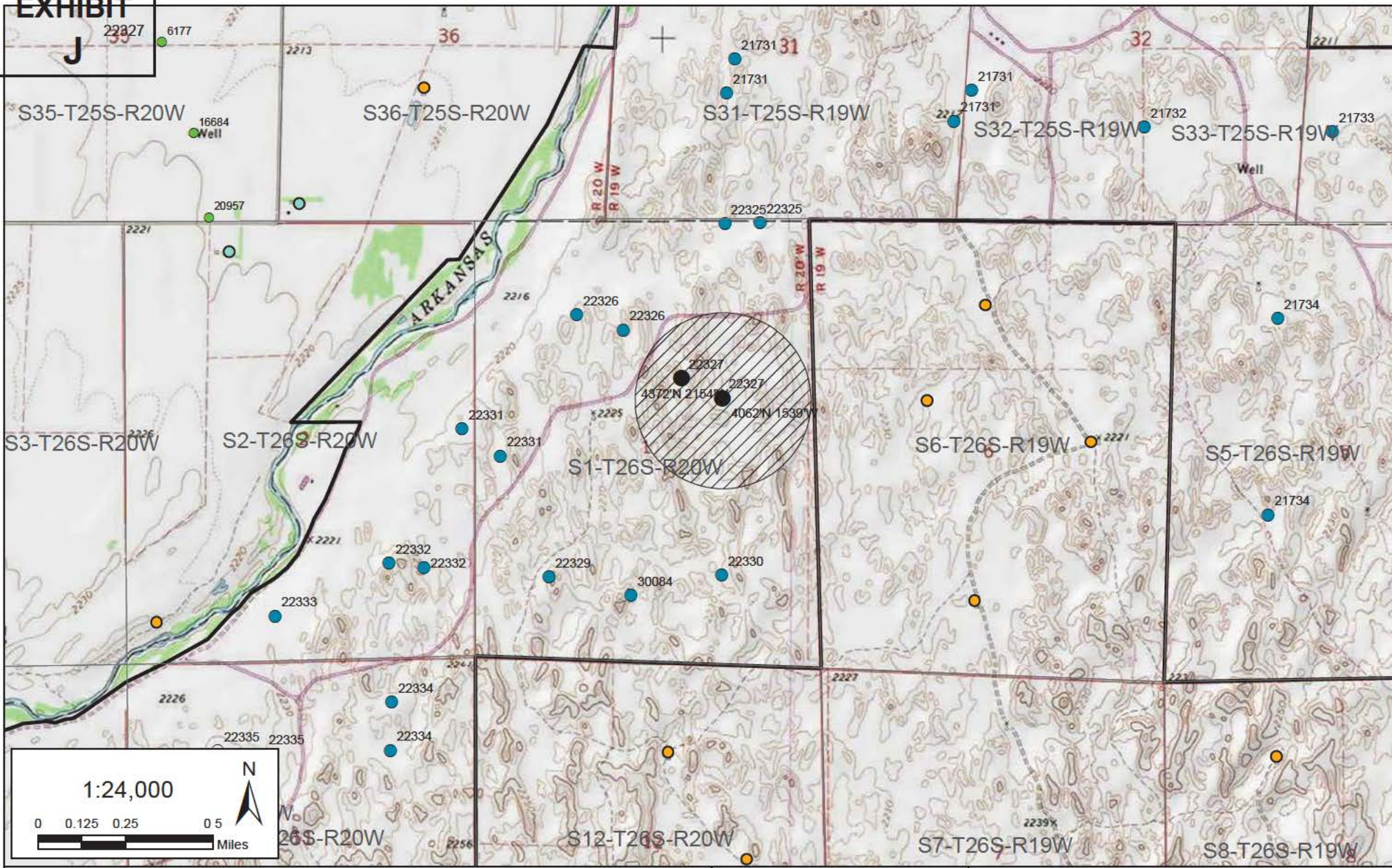
The WUC shown on the Field Inspection Report was changed to show Agri Affiliates as correspondent. This information was obtained in a March 25, 1987 phone call from Larry Sheets, Division of Water Resources, to Jerry Weaver of Agri Affiliates.

RECEIVED
JUN 29 1987*Douglas E. Bush*Douglas E. Bush
HydrologistMICROFILMED
HAYS002325

DEB:jt

EXHIBIT

J



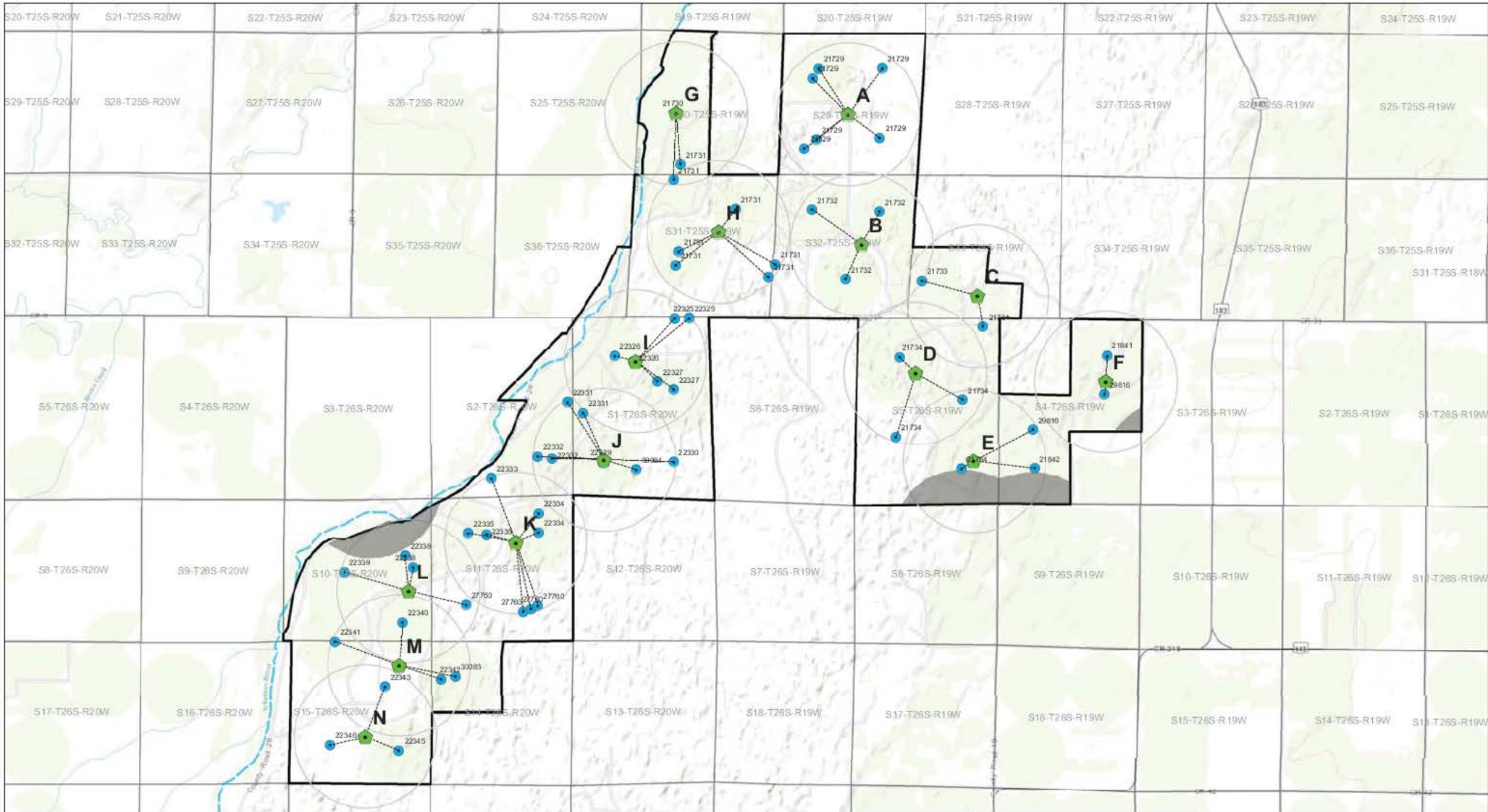
Legend

- 22327 Existing Point(s) of Diversion
- ▨ 22327 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 22327
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



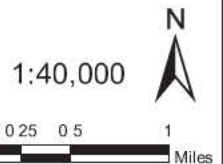
**CHANGE APPLICATION 22327
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION**

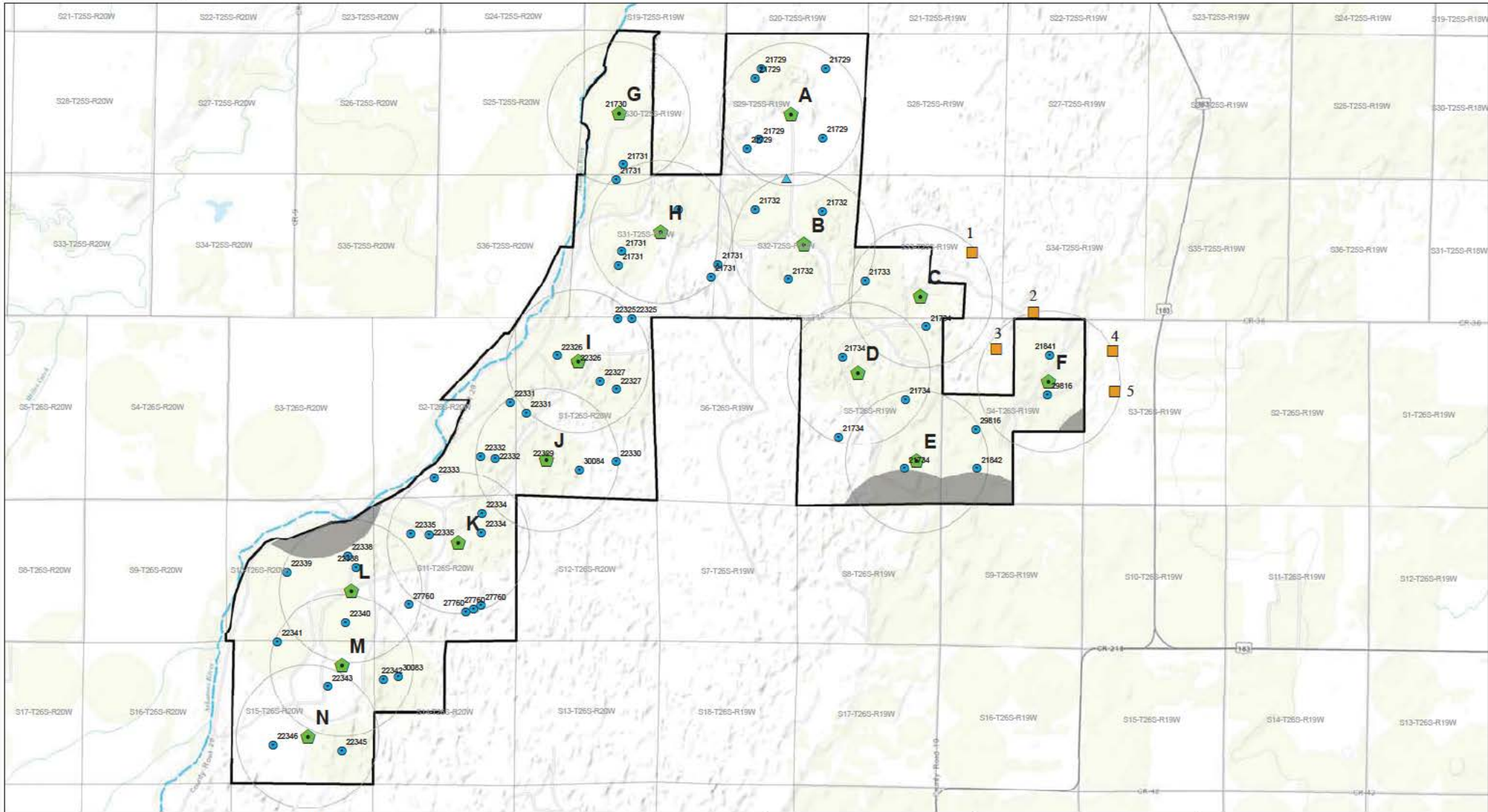
EXHIBIT K 22327



Legend

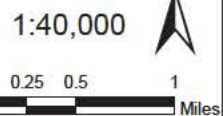
- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections





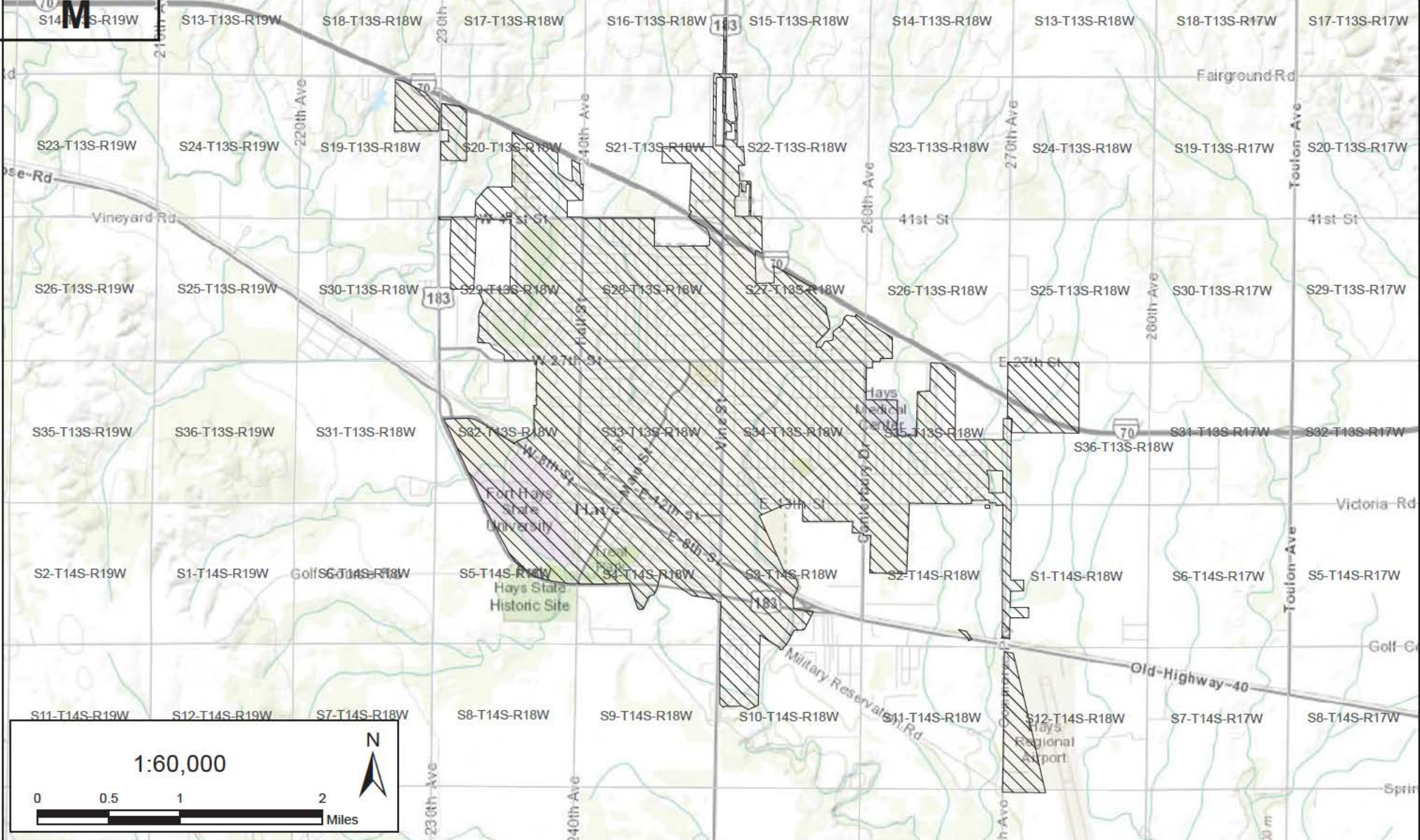
Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)



EXHIBIT

22327



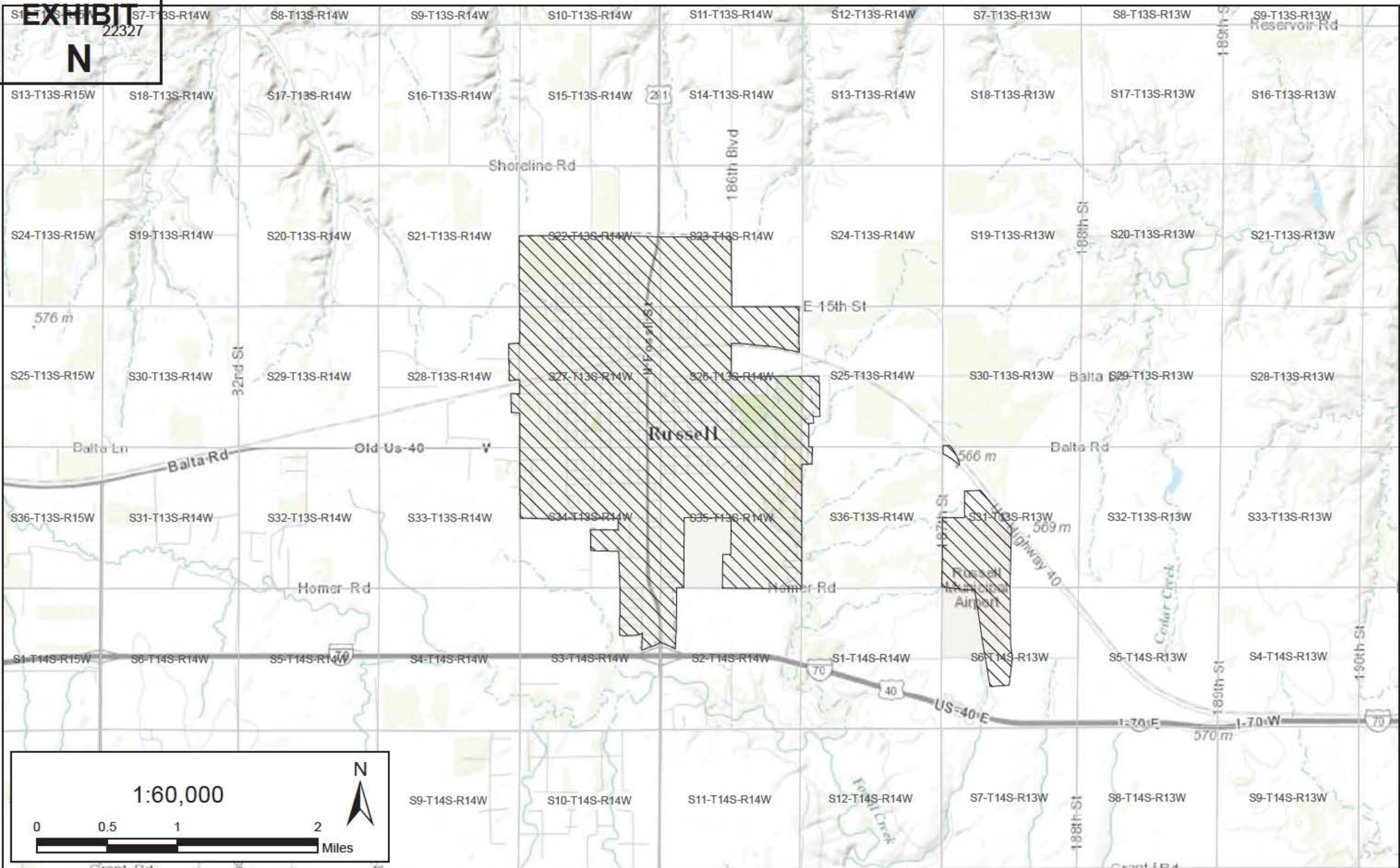
Proposed Place of Use City of Hays



PLSS Sections



EXHIBIT N
22327



Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

EXHIBIT
O

**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

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
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
P**

**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

22327
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

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,329 Circle 24.

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
		1-T26S-R20W										27	29	36	30					122

List any other water rights that cover this place of use: File No. 30,084

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
			Same as above																	

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 _____ Quarter of the SW Quarter of Section 1, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 1,380 feet North 4,090 feet West of Southeast corner of section. Authorized Rate 570 gpm Authorized Quantity 108 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 570 gpm Proposed Quantity 150.48 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,330-32; 30,084

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
 See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

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.

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.

(Owner) (Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Proposed Rate and Quantity

The Cities are requesting a total of 150.48 acre-feet and 570 gpm from the well associated with this water right, which will be diverted from new point of diversion J, as shown on Exhibit I. 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 131.76 acre-feet to municipal use.¹ As discussed below, 122 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 131.76 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 right to divert up to 220 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 122 acres in the SW/4 of Section 1-T26S-R20W, or 1.80 acre-feet per acre.⁵ The certificate limited the rate to 570 gallons per minute.

In the cover letter transmitting the permit, DWR made findings of fact stating that “the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”⁶

DWR’s Field Inspection Reports indicate that 209 of the 220 acre-feet authorized by the permit were lawfully perfected.

- 209 acre-feet were applied to 122 approved acres in the SW/4 of Section 1-T26S-R20W.⁷

The certificate limits the total quantity to 108 acre-feet based on the proration of the quantity perfected and the quantity perfected under File No. 30,084 and on DWR’s after-the-fact

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, HAYS002500, Ex. A.

⁵ Application, HAYS002495, Ex. B.

⁶ March 16, 1976, letter (emphasis added), HAYS002499, Ex. C.

⁷ FIR, HAYS002484, Ex. D.

determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use. DWR did not have jurisdiction to make the latter reduction.⁸

Since the perfection period has expired, the “authorized quantity” for this water right is the 209 acre-feet actually perfected even though it exceeds the certified quantity.

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.⁹ 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 209 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 150.48 acre-feet, should be available for conversion to municipal use. This is less than the 209 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 150.48 acre-feet for municipal use.

⁸ Certificate, HAYS002508, Ex. E; Larry Sheets Memo dated April 3, 1987, HAYS002503, Ex. F; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

⁹ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. G, stating that: “In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.” *See also*, K.A.R. 5-3-24 and Larry Sheets Memo dated April 3, 1987, HAYS002503, Ex. F.

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. 22,329 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 one (1) well near the center of the Southwest Quarter (SW $\frac{1}{4}$) of Section 1, 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 **220 acre-feet** for any calendar year.

(OVER) MICROFILMED RECEIVED

MAR 29 1976
HAYSON 2500

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

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



Guy E. Gibson
Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

HAYS002501

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

Roy Freeland, Secretary

DIVISION OF WATER RESOURCES

Guy E. Gibson, Chief Engineer

Read about 100 5-2-74

22,329
10

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.)

Comes now the applicant (Miss) Midwest Land and Cattle Co. 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 220 acre feet per year, to be diverted at a maximum rate of 1400 gallons per minute (acre feet or million gallons) (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the SW quarter of the SW quarter of section 1, township South Brown 26, range 2620 W, in Edwards County, Kansas. (Section 1 is more than 1 mile long)

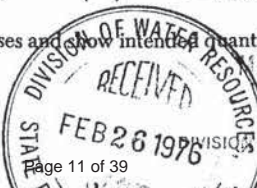
3. The water is intended to be appropriated for:

Amount

- (a) Domestic use () _____
- (b) Municipal use () 220 _____
- (c) Irrigation use (X) 220 220 acre ft./yr. - 1400 gals./min.
- (d) Industrial use () _____
- (e) Recreational use () _____
- (f) Water Power use () _____

MICROFILMED

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(check intended use or uses and show intended quantity for each use)

MAR 29 1976

MAY 20 1975

HAYS002494

FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.

6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Owner of Land—NAME: Midwest Land & Cattle Co.

ADDRESS: P.O. Box 208 Kinsley, Kansas 67547

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$ 40				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 $\frac{1}{4}$	
1 26 20									27 40	29 40	30 40	30 40					122 160

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 $\frac{1}{4}$	

HAYS002495

7. The works for diversion of water will consist of ~~one~~^{2/} well with ~~one~~^{2/} pump for one circle sprinkler irrigation system (one motor)

(wells, pumps, etc.)
and will be completed by ~~July of 1974~~ SEPT 1976
(Date)

8. The first actual application of water for the beneficial use proposed was or is estimated to be ~~July of 1974~~ SEPT 1976
(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 have been filed for the water rights

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:

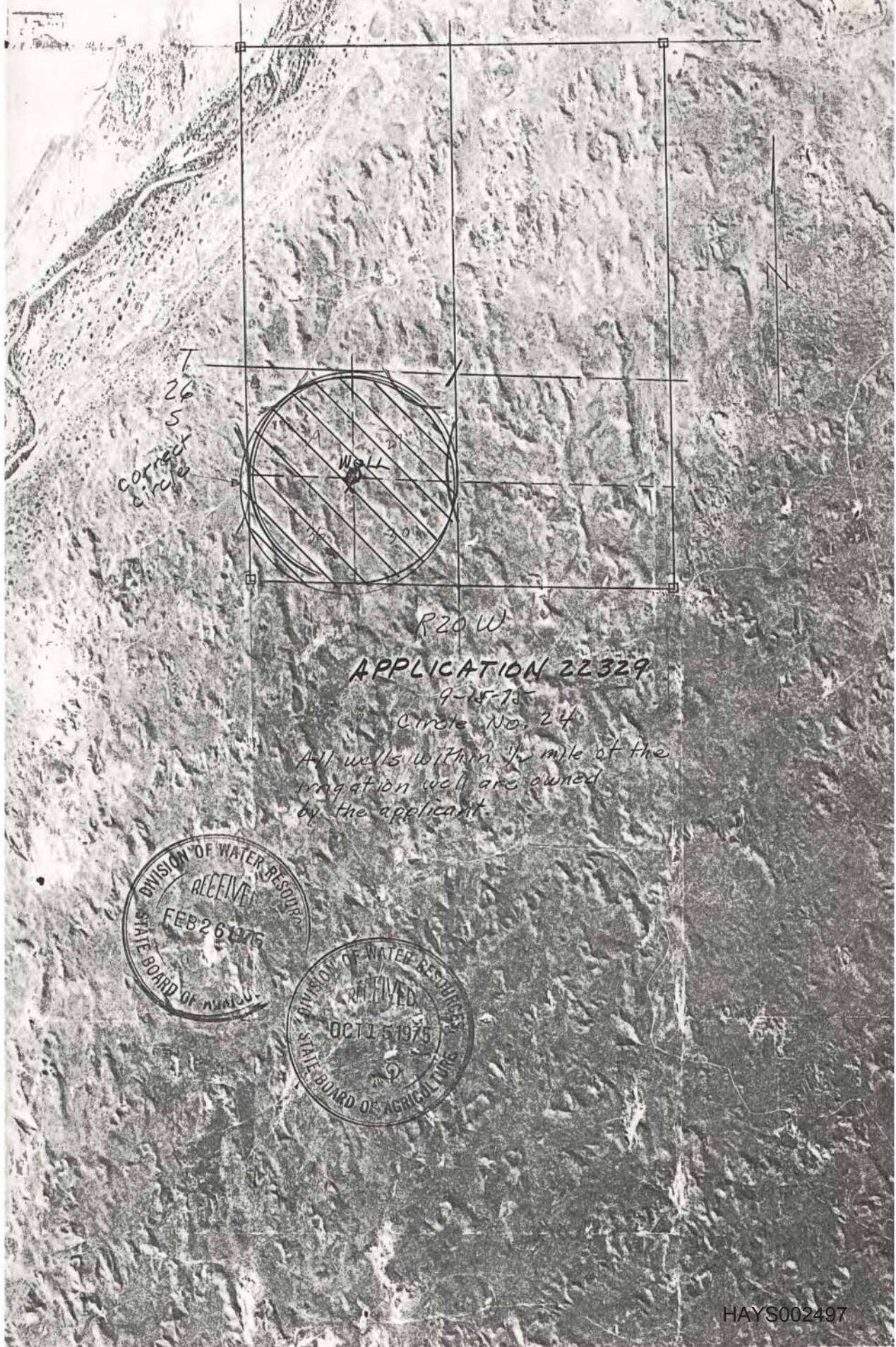
- 1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.
- 1 million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.
- 1 acre foot = 43,560 cubic feet = 325,851 gallons.

M1-539  S-72-10M SETS

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MAR 29 1976

HAYS002496



T
26
S
correct
circle

R 20 W
APPLICATION 22329
9-15-75
Circle No. 24

All wells within 1/2 mile of the
irrigation well are owned
by the applicant.

DIVISION OF WATER RESOURCES
RECEIVED
FEB 26 1976
STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES
RECEIVED
OCT 15 1975
STATE BOARD OF AGRICULTURE

HAYS002497

2

E-N

March 16, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,329

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

RECEIVED

MAR 29 1976
MICROFILMED
HAYS002499
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 1 of 1 Diversion points
 well #24
 Application No. 22329 Date 10/22/86 Firm/Field Office Pumping Plant Testing Inc
 Inspector Klassen/Ebert
 Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance & Agri Affiliates
 Address Box 1162 North Platte, NE 69103 ATTN JERRY WEAVER
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater (X) Drainage Basin Arkansas River
 Surface Water () Stream _____

Authorized Point of Diversion: 1 well NE SW 1/4 Sec. 1, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well NE SW 1/4 Sec. 1, T. 26, R. 20
 Approximately 1380 ft. North and 4090 ft. West of SE corner of Sec. 1
 How were distances determined? By Scaling off Aerial Photo, Scale From Original Survey Plats.

"Approved" Quantity 220 ac-ft "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date May 2, 1974 Approval of Application Date 1000

Perfection Date 12/31/81

Other applications covering land and/or point of diversion _____, 30084 SEE IRRIGATION SYSTEM EXPLANATION
 (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										27	29	36	30					122

LAND IRRIGATED—YEAR OF RECORD: 1985 - SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
1	26	20										28.5	34.5	32	26					121
12	26	25	<i>was error in judgement attempting to define place of well</i>																1	
			<i>Telephone call 3-18-87 KWL</i>																122	

APPLICATION OF WATER: SEE ATTACHED SHEET

Year of Record 1985 Hours Pumped 2050 or Quantity 214.4 AF
 Flow from well under normal conditions
 Normal Operating G.P.M. 568 Equiv. c.f.s. 1.27 * See remarks.
 well NE SW 1/4 pumping alone
 Maximum Operating G.P.M. 509 Equiv. c.f.s. 1.13

FOR D.W.R. USE ONLY
 JUN 29 1987

Year of Record 1984 Extension of time requested: Yes No

Total No. of Hours on land covered by this application 2000

Ac. Ft. Applied = 2000 hrs. x 568 g.p.m. x $\frac{4.419}{24 \times 1000}$ = 209 AF

Acres of "Approved" Land irrigated 122 or 1.71 ac-ft per acre

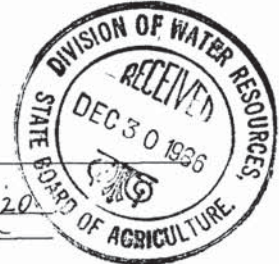
Ac. Ft. on "Approved" Land _____ (_____ Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less reasonable quantity for 122 acres x 1.5 = 183

Proration Calculations $\frac{569}{459} \times 183 = 108$

Perfected Rate 570 (1.27 cfs) g.p.m. Perfected Quantity 108 AF

DWR-101 22329 Completed by Larry M Sheets 4-3-87



HAYS002484

MICROFILMED

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Valley Model 4071 Serial No. 41288
 Drive Electric Length of Pivot Arm -
 Design Pressure-Pivot - p.s.i. Operating Pressure-Pivot - p.s.i.
 End Gun? yes End Gun Rating g.p.m. 2 RainBird 85's
 Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info. Water from the well on this application flows into this system. Because this well didn't supply enough water, an additional well (applic. 30084) was drilled to supplement it. Part of the water from 30084 flows onto land on this application, and part of the water is diverted to applic. 22330. Application 30084 is a land overlap, which overlaps the 27 acres in the NE 1/4 and 30 in the SE 1/4, both of the SW 1/4 of 1-26-20

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP -
 Serial No. 08935 E-23-TL Fuel Natural Gas Rated RPM -

PUMP INFORMATION:

Manufacturer Goulds Model No. 10 JMC Rated RPM -
 Serial No. K-3858 Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. 660
 Serial No. G06840160P Drive Rt 4 Ratio 4:3

WELL INFORMATION:

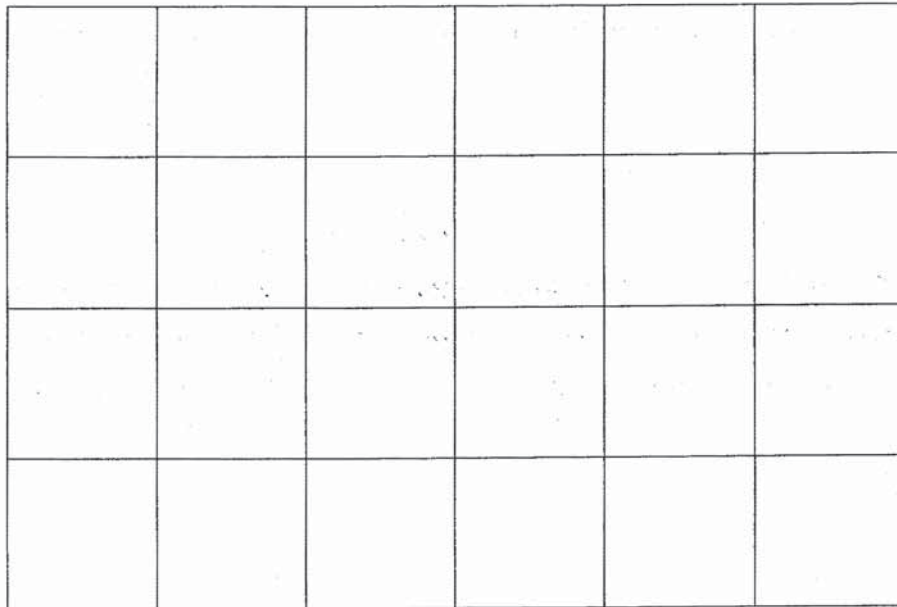
Date Drilled June, 1976 Original Depth - ft. Static Water Level When Drilled - ft.
 Tape Down Possible? Yes (33') Water Level Measurement Tube? No
 Measuring Point 1 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? No Make of Meter None
 Meter Model No. - Serial No. - Size -
 Is Meter Installed Properly? -
 Chemical Injection System? Not Presently Check Valve? Yes Low Pressure Drain? Yes
 Vacuum Breaker? Yes Are these anti-pollution devices installed properly? Yes HAYS002485
 If chemicals are injected into system, please attach sketch of system.

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORK, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).

N
↑
Scale
1" = ____ ft.



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
Location of test Vertical Pipe Inside Pivot Stand
Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions *This well* *30.0 well* Test No. 2—~~Maximum Conditions~~ *Well in Appln. by itself.*
R.P.M. POWER UNIT 2280 R.P.M. POWER UNIT 1800
R.P.M. PUMP UNIT 1710 1750 R.P.M. PUMP UNIT 1350
Pressure at Pump 42 psi 42 Pressure at Pump 14 psi

Jacuzzi Meter Test Meter Identification No. _____

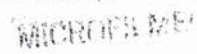
Area Constant K = 2.45 × I.D.² = _____ Q (gpm) = VK

Velocity (fps) Velocity (fps)
1. _____ 1. _____
2. _____ 2. _____
3. _____ 3. _____
4. _____ 4. _____
5. _____ 5. _____
6. _____ 6. _____
7. _____ 7. _____
8. _____ 8. _____
9. _____ 9. _____
10. _____ 10. _____
Total _____ Total _____
Avg. _____ Avg. _____
G.P.M. _____ G.P.M. _____

Propeller Meter Test Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches
Ending _____ gal. Ending _____ gal.
Beginning _____ gal. Beginning _____ gal.
Difference _____ gal. Difference _____ gal.
Time _____ min. Time _____ min.
Rate _____ gpm Rate _____ gpm

Other Flow Meter Use Supplemental Sheet (include meter identification, data and calculations) HAYS002486



FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

Other Fuels Type Natural Gas Supplier Kansas - Nebraska

Rate = $\frac{Volume (test)}{time}$ = _____

How was the test volume determined? Rate Not Determined Because Many Wells use One Meter

TABULATION OF WATER USE:

24890
 NC SW
 1-26-20W
 07

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1977	510	500		130
1978				
1979	336	750		110
1980				
1981				
1982				
1983	* Unused Due To Redevelopment			
1984	2000	650		122
* 1985	2050	509*		122
1986		509*		
* Data From Test				
† From Water Use Reports sent By Jerry Weaver of Agri Affiliates				

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year CORN Year of record CORN

REMARKS: THIS FLOW RATE WAS DETERMINED BY SUBTRACTING THE CONTRIBUTION OF THE 'MIDDLE WELL' (APPLN 30084) FROM THE TOTAL FLOW RATE INTO THE PIVOT WHEN BOTH WELLS ARE BEING PUMPED; I.E. 959 GPM - 391 GPM = 568 GPM

Person present at test Steve Chadd Bill Chadd Randy Ardrey 316-723-3052
(name) (name) (relationship)
 Water Use Correspondent Agri Affiliates Box 1162 North Platte, NE 69103 (308) 534-9240
(name) (address) (phone number)
 Conducted by Brag Ebert Date 9/24/86
(signature)
 Approved by W.J.W. P.E. Date 12/26/86
(signature) (title)

HAYS002487

APPLICATION NO: 22329 NAME: Connecticut General Life Ins

COLLINS METER TEST *Normal conditions all three wells pumping
Flow in pivot on SW 1/4*

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 42 Test RPM, Pump 1710 ^{NC SW 1/4} 1750 ^{middle well}

Description of Test Location In Vertical pipe inside pivot stand.

TEST DATA:	<input checked="" type="checkbox"/> Check, Initial <u>7.51</u>	Reversed <u>7.51</u>
	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)

<u>1 9/16</u>	<u>7.00</u>	<u>7.07</u>	<u>7.60</u>	<u>7.57</u>
<u>2 3/4</u>	<u>6.46</u>	<u>6.50</u>	<u>7.25</u>	<u>7.27</u>
<u>3 9/16</u>	<u>6.19</u>	<u>5.79</u>	<u>6.52</u>	<u>6.91</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.84

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
6.84 x .9635 = 6.59

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
6.59 x 145.4 = 959 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: *[Signature]*

Professional Engineer

JUN 29 1987

HAYS002488

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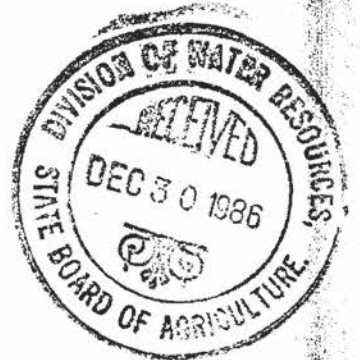
APPLICATION NO: 22,329

NAME: CONNECTICUT GENERAL LIFE
INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES, A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.



RECEIVED

PUMPING PLANT TESTING, INC.

Reviewed by:

Neil J. White

HAYS002489

Professional Engineer

MICROFILMED

APPLICATION NO: 22329 NAME: Connecticut General Life Ins.

Normal operating conditions
 COLLINS METER TEST Flow from middle well onto SW $\frac{1}{4}$ (well in 30,084)
 Collins Meter No. 1-85 Meter Calibration Factor .9826
 Pipe Inside Diameter (inches) 7 $\frac{7}{8}$ Flow Rate Factor 150.3
 Test Pressure (psi) 42 Test RPM, Pump 1750
 Description of Test Location In horizontal pipe between pressure tank NC SW $\frac{1}{4}$ and pipe from well NC SW $\frac{1}{4}$

TEST DATA: Check, Initial 2.72 Reversed 2.70
 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)

<u>1$\frac{5}{8}$</u>	<u>2.82</u>	<u>2.81</u>	<u>2.60</u>	<u>2.62</u>
<u>2$\frac{13}{16}$</u>	<u>2.85</u>	<u>2.74</u>	<u>2.54</u>	<u>2.52</u>
<u>3$\frac{5}{8}$</u>	<u>2.70</u>	<u>2.69</u>	<u>2.50</u>	<u>2.42</u>

Average Velocity of Water = Sum of Vel. \div 12 = 2.65

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
2.65 x .9826 = 2.605

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
2.605 x 150.3 = 391 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

Professional Engineer

HAYS002490

JUN 29 1987

APPLICATION NO: 22329 NAME: Connecticut General Life Ins.

COLLINS METER TEST NC SW 1/4 pumping alone in pivot on SW 1/4

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 14 Test RPM, Pump 1350

Description of Test Location In vertical pipe inside pivot stand

TEST DATA: Check, Initial 3.90 Reversed 3.88
 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>3.80</u>	<u>3.78</u>	<u>3.79</u>	<u>3.81</u>
<u>2 3/4</u>	<u>3.71</u>	<u>3.66</u>	<u>3.69</u>	<u>3.72</u>
<u>3 9/16</u>	<u>3.38</u>	<u>3.51</u>	<u>3.50</u>	<u>3.29</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 3.637

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
3.637 x .9635 = 3.504

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
3.504 x 145.4 = 509 GPM



Reviewed By:

PUMPING PLANT TESTING, INC.

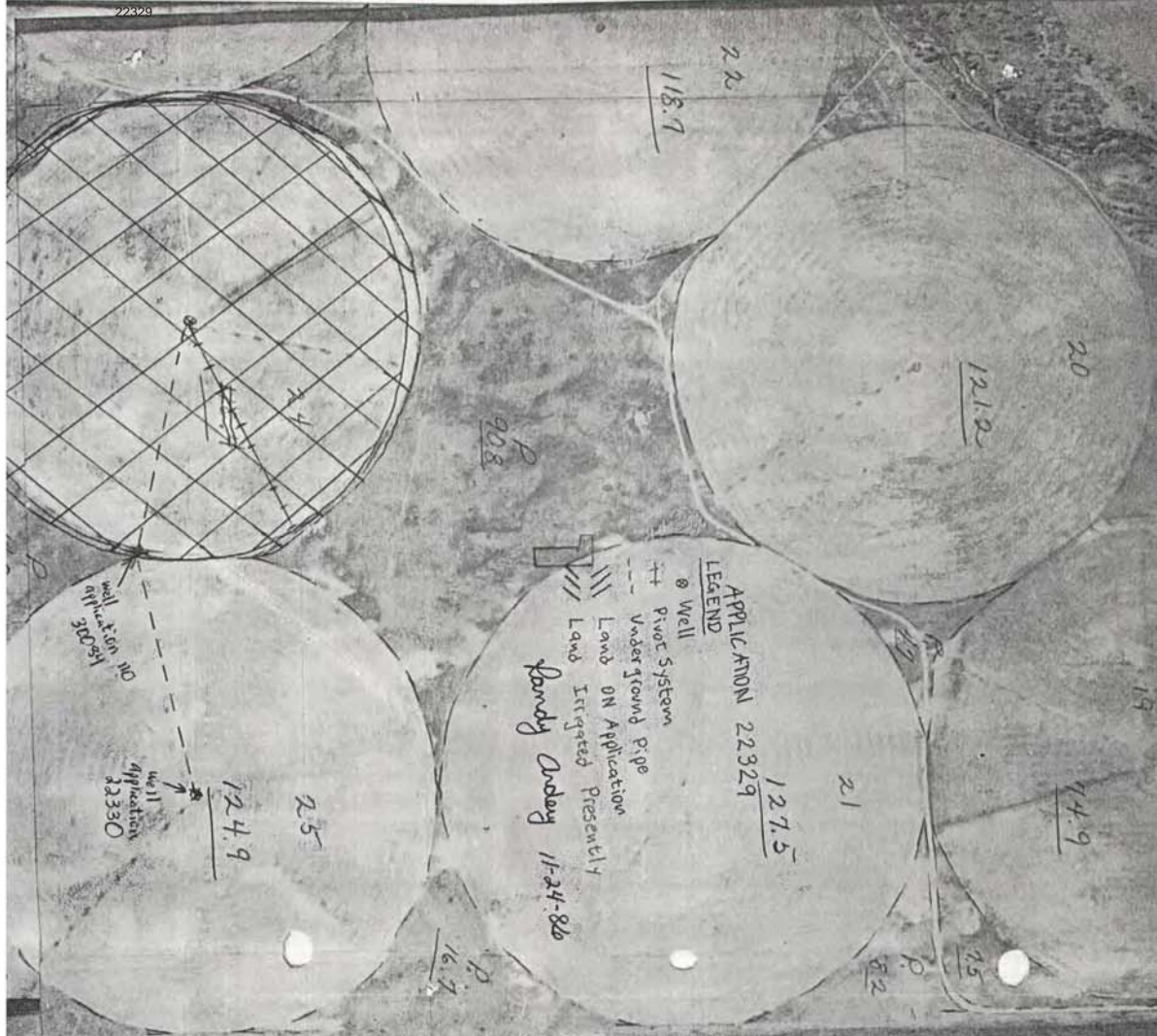
[Signature]

Professional Engineer

HAYS002491

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3/20/20



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LEGEND

- Well
- Pivot System
- Underground Pipe
- Land ON Application
- Land Irrigated Presently

Handy Andy 11-24-86

CS

85.7

1-36-19

20-19

HAYS002492



26-19

farm
7-26-19

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THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, *Secretary*

DIVISION OF WATER RESOURCES
David L. Pope, *Chief Engineer*

**CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER**

WATER RIGHT, File No. 22,329
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 a well located near the center of the Southwest Quarter (SW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 1,380 feet North and 4,090 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas, at a diversion rate not in excess of 570 gallons per minute (1.27 c.f.s.) and in a quantity not to exceed 108 acre-feet per calendar year for irrigation use on the following described property:

- 27 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
- 29 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
- 36 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
- 30 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 122 acres in Section 1, Township 26 South, Range 20 West, Edwards County, Kansas.

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JUN 29 1987
DIVISION OF WATER RESOURCES

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HAYS002508

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

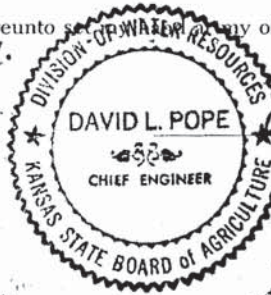
The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in my office at Topeka, Kansas, this 11th day of June, 1987.



David L. Pope
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 11th day of June, 1987, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**WATER APPROPRIATION
CERTIFICATE**

No. 16,115

STATE OF KANSAS

Water Right, File No. 22,329

STATE OF KANSAS,

COUNTY, ss.

Filed for record this _____ day of _____

at _____ o'clock _____ m. and _____ 19____

recorded in Book _____ Page _____

Fee \$ _____

Register of Deeds.

HAYS002509

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

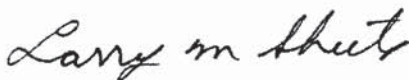
DATE: April 3, 1987

FROM: Larry M. Sheets

RE: Appropriation of Water
File No. 22,329

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, has been reviewed. It meets the requirements specified in the Scope of Work. Based on the 1984 Water Use Report, 2,000 hours of pumping the well located near the center of the Southwest Quarter (SW $\frac{1}{4}$) of Section 1, Township 26 South, Range 20 West, Edwards County, Kansas, provided 209 acre-feet of water for irrigating 122 acres or 1.73 acre-feet per acre. The Certificate of Appropriation has been drafted for the tested pumping rate rounded up to 570 gallons per minute and a reasonable quantity for land irrigated by the pivot system on the Southwest Quarter (SW $\frac{1}{4}$).

A later file (No. 30,084) provides a portion of the water to the pivot system. The reasonable quantity for the pivot system has been prorated according to determined pumping rates.

Larry M. Sheets
Hydrologist

LMS:aru

MICROFILMED

HAYS002503

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.

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:

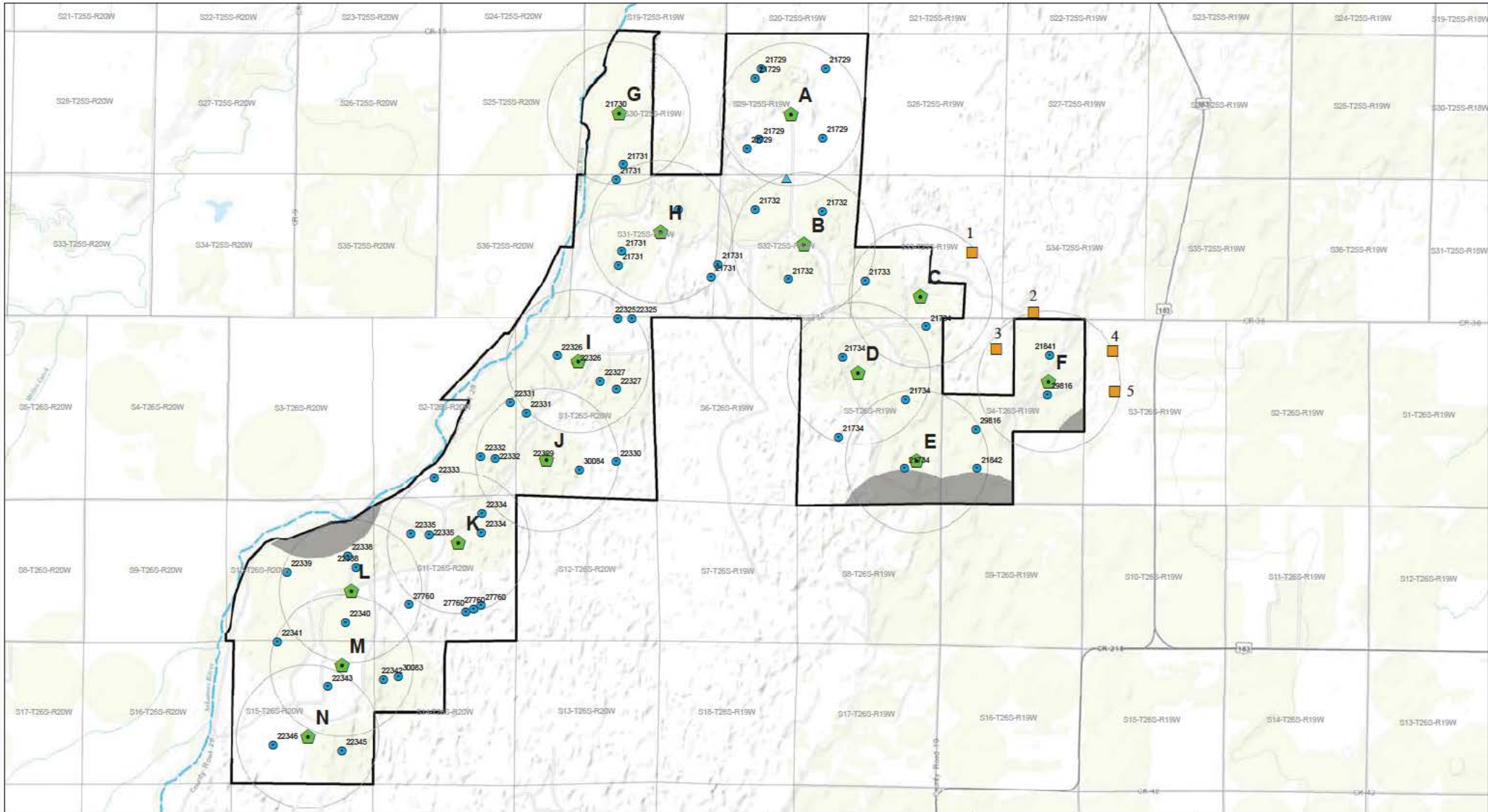
In that area of Kansas located between the Kansas/Missouri border and the Range 5 East/Range 6 East line, the maximum allowable quantity shall not exceed an average of 1.00 acre-foot per acre to be irrigated.

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.



Legend

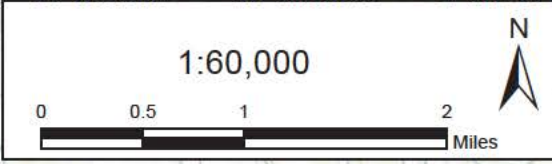
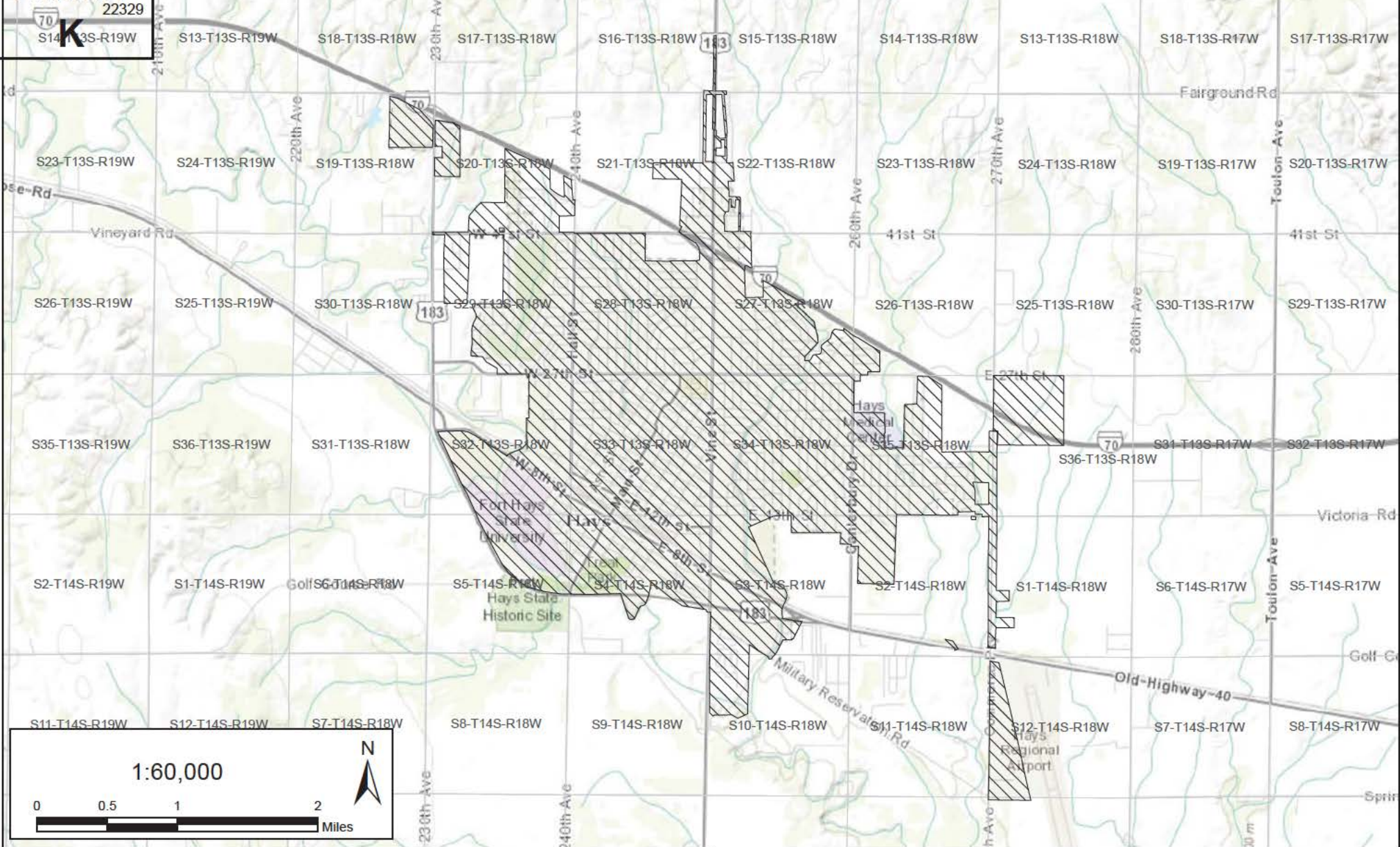
- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)



1:40,000



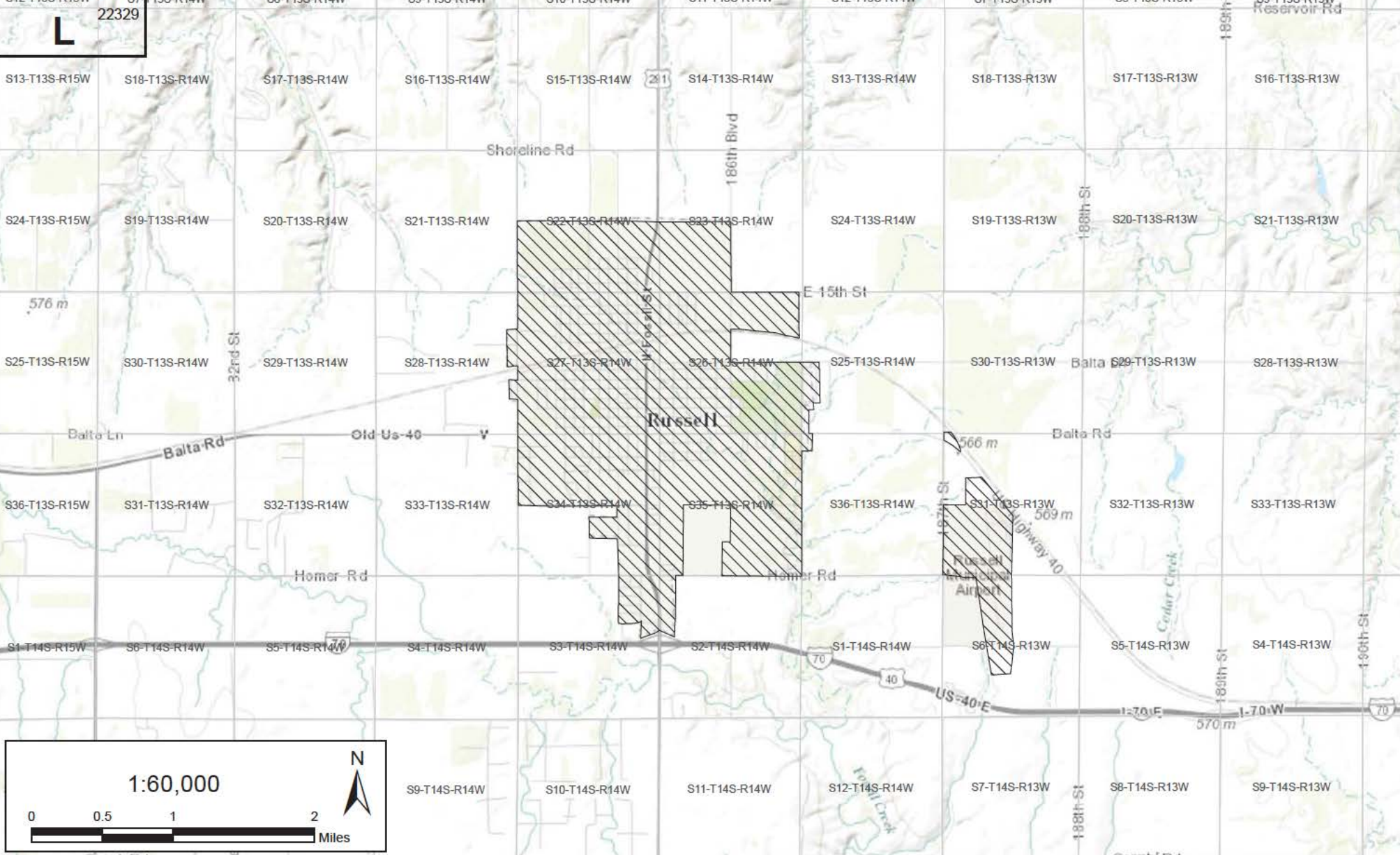
EXHIBIT

22329



-  Proposed Place of Use City of Hays
-  PLSS Sections





Proposed Place of Use - City of Russell



PLSS Sections



MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET

SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
M**

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

22329
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

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the needs of your request.

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**



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

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,330 Circle 25.

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
		1-T26S-R20W										1			2	31	36	38	30	138

List any other water rights that cover this place of use: File No. 30,084

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
			Same as above																	

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 _____ Quarter of the SE Quarter of Section 1, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 1,376 feet North 1,536 feet West of Southeast corner of section. Authorized Rate 620 gpm Authorized Quantity 117 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 620 gpm Proposed Quantity 152.64 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 _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 20 15.

[Signature]

(Owner) _____ (Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print) _____ (Please Print)

(Owner) _____ (Spouse)

(Please Print) _____ (Please Print)

(Owner) _____ (Spouse)

(Please Print) _____ (Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 20 15.

Malinda Morse

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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.

(Owner) (Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture**.

Proposed Rate and Quantity

The Cities are requesting a total of 152.64 acre-feet and 620 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 I. 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 136.08 acre-feet to municipal use.¹ As discussed below, 126 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 136.08 acre-feet.²

That same regulation goes on to allow the 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 248 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 138 acres in Section 1-T26S-R20W, or 1.80 acre-feet per acre.⁵ The certificate limited the rate to 620 gallons per minute.

In the cover letter transmitting the permit, DWR made findings of fact stating that “the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”⁶

The Field Inspection Reports indicate that 212 of the 248 acre-feet authorized by the permit were lawfully perfected.

- 212 acre-feet were applied to 126 approved acres in the S/2 of Section 1T26S-R20W.⁷

While the certificate limits the total quantity to 117 acre-feet based on the proration of the quantity perfected and the quantity perfected under File No. 30,084 and on DWR’s after-the-fact

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, HAYS002592, Ex. A.

⁵ Application, HAYS002587, Ex. B.

⁶ March 19, 1976, letter (emphasis added), HAYS002591, Ex. C.

⁷ FIR, HAYS002576, Ex. D.

determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use.⁸ DWR did not have jurisdiction to make the latter reduction.⁹

Since the perfection period has expired, the “authorized quantity” for this water right is the 212 acre-feet actually perfected even though it exceeds the certified quantity.

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.¹⁰ 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 212 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 152.64 acre-feet, should be available for conversion to municipal use. This is less than the 212 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 152.64 acre-feet for municipal use.

⁸ Certificate, HAYS002600, Ex. E, and Larry Sheets Memo dated April 3, 1987, HAYS002595, Ex. F.

⁹ *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

¹⁰ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. G, stating that: “In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.” *See also*, K.A.R. 5-3-24 and Larry Sheets Memo dated April 3, 1987, HAYS002595, Ex. F.

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. 22,330 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 one (1) well near the center of the Southeast Quarter (SE $\frac{1}{4}$) of Section 1, 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

248 acre-feet

for any calendar year.

RECEIVED

(OVER)

MICROFILMED MAR 29 1976 HAYS00259215
Curt

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

1976



Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

HAYS002593

EXHIBIT
B

THE STATE OF KANSAS



2

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

*Read check for \$52.74
ra*

22,330
NUMBER 11

#25

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)
Comes now the applicant (Miss) Midwest Land and Cattle Co. 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:

- The quantity of water desired is in the amount of ~~XXXXXX~~ ²⁴⁸ ~~320~~ ¹⁰⁰⁰ ~~acre feet~~ per year, to be diverted at a maximum rate of ~~4000~~ ¹⁰⁰⁰ gallons per minute (gallons per minute or cubic feet per second) near the center of
- The location of the proposed wells or other works for diversion of water is ~~in the~~ South quarter of the ~~SE~~ Brown quarter of section 1, township 26, range 20W, in Edwards County, Kansas. (Section 1 is more than 1 mile long)

3. The water is intended to be appropriated for:

	Amount
(a) Domestic use	() _____
(b) Municipal use	() ²⁴⁸ _____ ¹⁰⁰⁰
(c) Irrigation use	(X) 320 ²⁴⁸ acre ft./yr. - 1000 ¹⁴⁰⁰ gals./min.
(d) Industrial use	() _____
(e) Recreational use	() _____
(f) Water Power use	() _____

(check intended uses and show intended quantity for each use)

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RECEIVED MAY 02 1974 9:10 a.m.

RECEIVED MAY 09 1975

RECEIVED OCT 15 1975

RECEIVED FEB 26 1976

RECEIVED MAR 29 1976

FIELD OFFICE DIVISION OF WATER RESOURCES HAYS002586

Page 11 of 39

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 $\frac{1}{4}$		
1 26 20									1				2	40	40	40	40	160
														31	36	38	22	138

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 $\frac{1}{4}$		

HAYS002587

7. The works for diversion of water will consist of one well with one pump for one circle sprinkler irrigation system (one motor)
(wells, pumps, etc.)
and will be completed by July of 1974 Fall 1976
(Date) *fu*

8. The first actual application of water for the beneficial use proposed was or is estimated to be July of 1974 Fall 1976
(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.

M1-539  5-72-10M SETS

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MAR 29 1976 HAYS002588

26 corner

T
26
S



R20 W

APPLICATION 22330

9-15-75
Circle No 25

All wells within 1/2 mile of the
irrigation well are owned by Applicant.



HAYS002589

2

E-N

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,330

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

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MAR 29 1976

RMD:GEE:ee1

Encs.

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD
MICROFILMED
HAYS002591

Partial
 Full
 Re-Test

Test 1 of 1 Diversion points
Application No. 22330 Date 10/22/86 Firm/Field Office Pumping Plant Testing, Inc
Inspector Ebert/Klassen
Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Ins. 70 Agri. Associates

Address Box 1162 North Platte NE 69103 attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: Well NW SE 1/4 Sec. 1, T. 26, R. 20
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: Well SE 1/4, NW 1/4, SE 1/4 Sec. 1, T. 26, R. 20
Approximately 1376 ft. North and 1536 ft. West of SE corner of Sec. 1
How were distances determined? Scaled from ASES photo

"Approved" Quantity 248 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date May 2, 1974 Approval of Application Date March 19, 1976

Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion 30,084
(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>1</u>				<u>2</u>	<u>31</u>	<u>36</u>	<u>38</u>	<u>30</u>	<u>138</u>

LAND IRRIGATED—YEAR OF RECORD 1985 - SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
<u>1</u>	<u>26</u>	<u>20</u>									<u>2.5</u>				<u>2</u>	<u>27.5</u>	<u>37</u>	<u>34.5</u>	<u>22.5</u>	<u>126</u>

APPLICATION OF WATER: - SEE ATTACHED SHEET

Year of Record 1985 Hours Pumped 2050 or Quantity 217.8 AF
Flow from well under normal conditions
Normal Operating G.P.M. 577 * Equiv. c.f.s. 1.29 * SEE REMARKS
Flow from well pumping alone
Maximum Operating G.P.M. 619 Equiv. c.f.s. 1.38

FOR USER ONLY

Year of Record 1984 Extension of time requested: Yes No

Total No. of Hours on land covered by this application: 2000

Ac. Ft. Applied = 2000 hrs. × 577 g.p.m. × $\frac{4.419}{24 \times 1000}$ = 212 AF

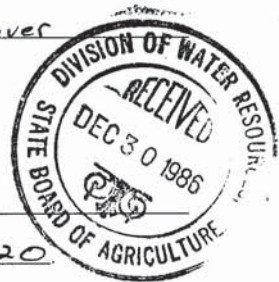
Acres of "Approved" Land irrigated 126 from ASES measurement on photo (24.9) 1979 data

Ac. Ft. on "Approved" Land $\frac{212}{126} = 1.68$ Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at Reasonable Quantity $126 \times 1.5 = 189$ "Approved" Rate or Less _____

Proration Calculations based on rate $\frac{577}{433} \times 189 = 117$ ac ft

Perfected Rate 620 g.p.m. Perfected Quantity 117 AF



$\frac{577}{433} \times 189 = 117$
 $\frac{356}{433} \times 189 = 72$

MICROFILMED

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Valley Model 4071 Serial No. 41289
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. 2 Rain Bird 85's
 Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info. Water from the well on this application flows into this system. Because this well didn't supply enough water an additional well (applic. 30084) was drilled to supplement it. Part of the water from 30084 flows onto land on this application and part of the water is diverted to applic 22329. Application 30084 is a land overlap, which overlaps 1 acres in the NE 1/4 and 2 in the SE 1/4, both of SW 1/4 and 37 acres in the NW 1/4 and 34.5 in the SW 1/4 both of the SE 1/4. All overlaps in 1-26-20.

POWER UNIT INFORMATION:

Manufacturer Forel Model No. 300 HP _____
 Serial No. 08980 Fuel Natural Gas Rated RPM _____

PUMP INFORMATION:

Manufacturer Goulds Model No. 12JLC Rated RPM _____
 Serial No. K-3860 Type Vertical Turbine No. stages 3

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. G60
 Serial No. G06840092P Drive Right Angle Ratio 4:3

WELL INFORMATION:

Date Drilled June 1976 Original Depth unknown ft. Static Water Level When Drilled unknown ft.
 Tape Down Possible? yes 19' Water Level Measurement Tube? no
 Measuring Point 1 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____

Is Meter Installed Properly? —

Chemical Injection System? yes Check Valve? yes Low Pressure Drain? yes

Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes HAYS002577

If chemicals are injected into system, please attach label of system.

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In Vertical Pipe Inside Pivot Stand
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions
Both wells *30,089 well*
 R.P.M. POWER UNIT 2335 2133
 R.P.M. PUMP UNIT 1757 1600
 Pressure at Pump 47 psi 47

Test No. 2—~~Maximum Conditions~~ *Well in application by itself.*
 R.P.M. POWER UNIT 2152
 R.P.M. PUMP UNIT 1614
 Pressure at Pump 21 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

Other Flow Meter Use Supplemental Sheet (include meter identification, data and calculations).

HAYS002578

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Natural Gas Supplier Kansas-Nebraska

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not Determined Engine not on individual meter

TABULATION OF WATER USE:

24790
 MC-1
 1-21-2010
 DL

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975				
1976				
1977	409	1000		130
1978				
1979				
1980				
1981				
1982				
1983	unused due to redevelopment*			
1984	2000*	750 ^F		126**
* 1985	2050*	619*		126**
1986				
	* from test on 10/22/86			
	† from WUR sent by Jerry Weaver of Agri. Affiliates			
	** obtained from tenant			

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year Corn Year of record CORN

REMARKS: THE KWV FROM THIS APPLICATION WAS UNDER "NORMAL" CONDITIONS WAS FOUND BY SUBTRACTING THE CONTRIBUTION OF THE 30,084 APPLN. WELL TO THE PIVOT IN THE SE 1/4 FROM THE TOTAL KWV NOTE INTO THE PIVOT WITH BOTH WELLS PUMPING; I.E. 933 GPM - 356 = 577 GPM

Person present at test Steve Chadd Bill Chadd employee of tenant
(name) (relationship)

Water Use Correspondent Agri. Affiliates Box 1162 North Platte, NE, 69103 308-534-9240
(name) (address) (phone number)

Conducted by Greg Efest Date 11/14/86
(signature)

Approved by W. J. M. P.R. Date 12/26/86 HAYS002579
(signature) (title)

APPLICATION NO: 22330 NAME: Connecticut General Life Ins.

COLLINS METER TEST *Normal operating conditions*
Flow from well NC S¹/₂ into pivot on SE¹/₄ (Appln 30,084)

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 7¹/₁₆ Flow Rate Factor 143.0

Test Pressure (psi) 42 Test RPM, Pump 1704 1751 1600
NC S¹/₂ NC SE¹/₄ NC S¹/₂

Description of Test Location In horizontal pipe between pressure tank NC SE¹/₄ and pipe from well NC SE¹/₄

TEST DATA: Check, Initial 2.69 Reversed 2.67
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)

<u>1⁹/₁₆</u>	<u>2.52</u>	<u>2.40</u>	<u>2.79</u>	<u>2.81</u>
<u>2³/₄</u>	<u>2.55</u>	<u>2.34</u>	<u>2.60</u>	<u>2.75</u>
<u>3¹/₂</u>	<u>2.38</u>	<u>2.05</u>	<u>2.65</u>	<u>2.60</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 2.54

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
2.54 x .9826 = 2.49

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
2.49 x 143 = 356 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
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Professional Engineer HAYS002580

JUN 29 1987

APPLICATION NO: 22330 NAME: Connecticut General Life Ins.

COLLINS METER TEST *Flow from well in SE 1/4 pumping alone in pivot on SE 1/4*

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 21 Test RPM, Pump 1614

Description of Test Location In Vertical Pipe Inside Pivot Stand

TEST DATA: Check, Initial 4.75 Reversed 4.74
 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>4.55</u>	<u>4.68</u>
<u>2 3/4</u>	<u>4.38</u>	<u>4.50</u>
<u>3 9/16</u>	<u>4.25</u>	<u>4.32</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.42

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 4.42 x .9635 = 4.26

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 4.26 x 145.4 = 619 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
Professional Engineer

JUN 29 1987

HAYS002581

APPLICATION NO: 22330 NAME: Connecticut General Life Ins.

Normal Conditions all three wells pumping
COLLINS METER TEST Flow in pivot on SE 1/4

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 47 Test RPM, Pump 1751 1704 1600
NCSE 1/4 NC SW 1/4

Description of Test Location In vertical pipe inside pivot stand

TEST DATA: Check, Initial 7.07 Reversed 7.08
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)

<u>1 1/16</u>	<u>7.18</u>	<u>7.13</u>	<u>6.71</u>	<u>6.74</u>
<u>2 3/4</u>	<u>6.97</u>	<u>7.02</u>	<u>6.48</u>	<u>6.50</u>
<u>3 9/16</u>	<u>6.56</u>	<u>6.35</u>	<u>5.96</u>	<u>6.31</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.659

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
6.659 x .9635 = 6.42

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
6.42 x 145.4 = 933 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: D. [Signature]

Professional Engineer

DEC 29 1987

HAYS002582

MICROFILMED

APPLICATION NO: 22,330

NAME: CONNECTICUT GENERAL LIFE
INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES, A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.



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PUMPING PLANT TESTING, INC.

Reviewed by: *[Signature]* HAYS002583
Professional Engineer

26-19

C-4 26-19



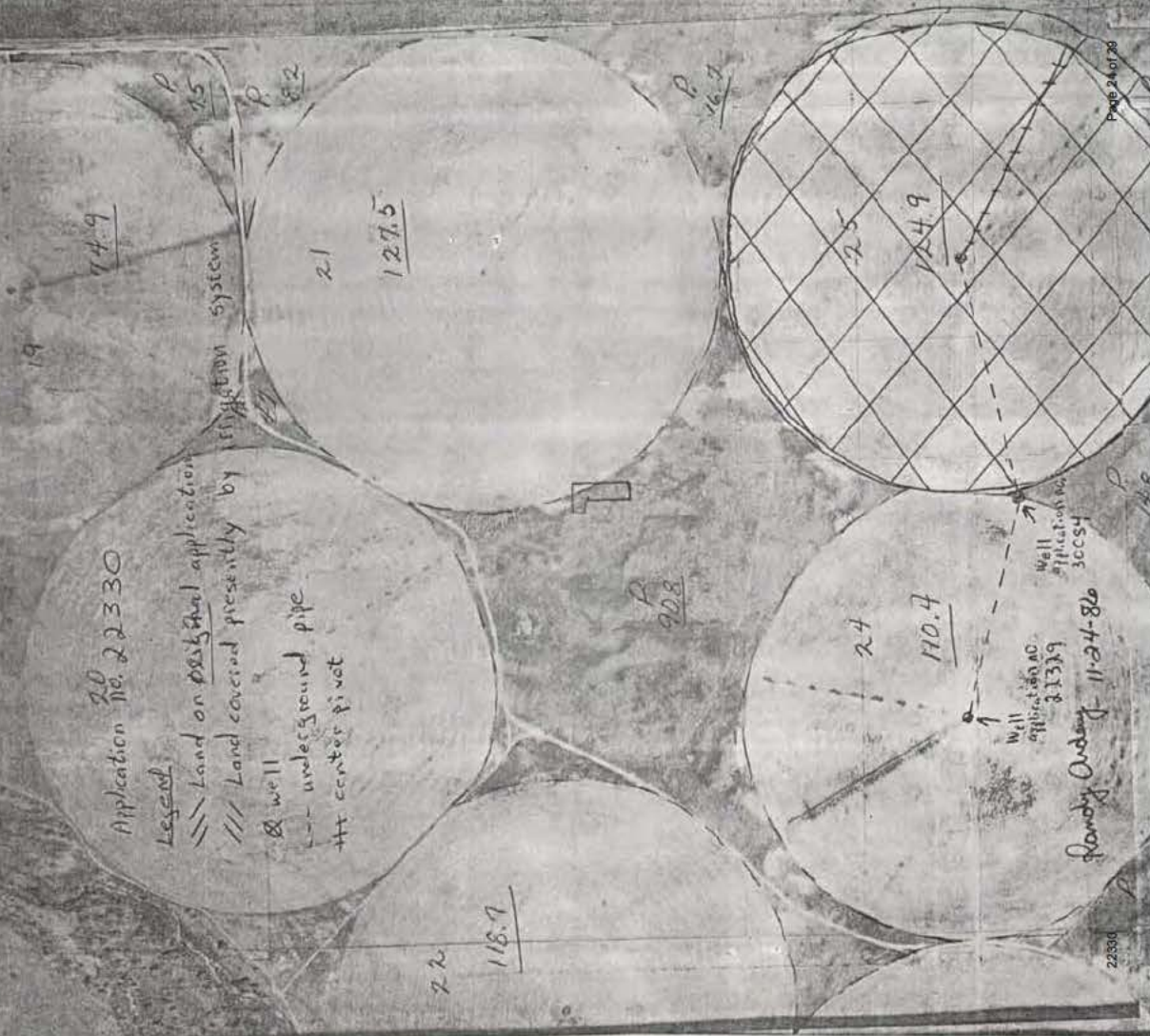
HAYS002584

8537
CS

22330
2620
1-26-20

Application No. 22330

- Legend
- Land on dist and application
 - Land covered presently by irrigation system
 - Well
 - underground pipe
 - center pivot



Page 24 of 28

22330

Handy Order 11-24-86

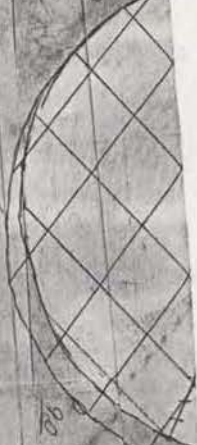
3339

30054

21

12.8

90



C-4

C-4

7-26-19

174mm

26-19

P
16041



STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

**CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER**

WATER RIGHT, File No. 22,330

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 a well located near the center of the Southeast Quarter (SE $\frac{1}{4}$) of Section 1, more particularly described as being near a point 1,376 feet North and 1,536 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas, at a diversion rate not in excess of 620 gallons per minute (1.39 c.f.s.) and in a quantity not to exceed 117 acre-feet per calendar year for irrigation use on the following described property:

- 1 acre in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
- 2 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),
- 31 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
- 36 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$),
- 38 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),
- 30 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 138 acres in Section 1, Township 26 South, Range 20 West, Edwards County, Kansas.

RECEIVED

JUN 29 1987

FIELD OFFICE
DIVISION OF WATER RESOURCES

MICROFILMED

HAYS002600

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

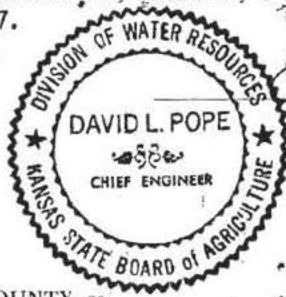
The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 11th day of June, 1987.



David L. Pope

David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 11th day of June, 1987 by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*

Denise J. Waters, Notary Public

March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**WATER APPROPRIATION
CERTIFICATE**

No. 16,116

STATE OF KANSAS

Water Right, File No. 22,330

STATE OF KANSAS,

COUNTY, ss.

Filed for record this _____ day of _____, 19____

at _____ o'clock _____ m. and _____

recorded in Book _____ Page _____

Fee \$ _____

HAYS00260

Register of Deeds.

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 3, 1987

FROM: Larry M. Sheets

RE: Appropriation of Water
File No. 22,330

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, has been reviewed. It meets the requirements specified in the Scope of Work. Based on the 1984 Water Use Report, 2,000 hours of pumping the well located near the center of the Southeast Quarter (SE $\frac{1}{4}$) of Section 1, Township 26 South, Range 20 West, Edwards County, Kansas, provided 212 acre-feet of water for irrigating 126 acres or 1.68 acre-feet per acre. The Certificate of Appropriation has been drafted for the tested pumping rate rounded up to 620 g.p.m. and a reasonable quantity for land irrigated by the pivot system on the Southeast Quarter.

A later File (No. 30,084) provides a portion of the water to the pivot system. The reasonable quantity for the pivot system has been prorated according to the determined pumping rates.



Larry M. Sheets
Hydrologist

LMS:aru

RECEIVED

MICROFILMED

HAYS002595

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.	
		<u>1,244</u> (allow 1,245 g.p.m.)	

A further limiting factor of this procedure is the availability of water from the proposed source of supply. In those instances whereby the source of supply is incapable of yielding a reasonably, sustainable (computed) rate, then the source becomes a further limiting factor.

A further limiting factor is well design and equipment, which shall be reasonable to divert the requested rate.

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:

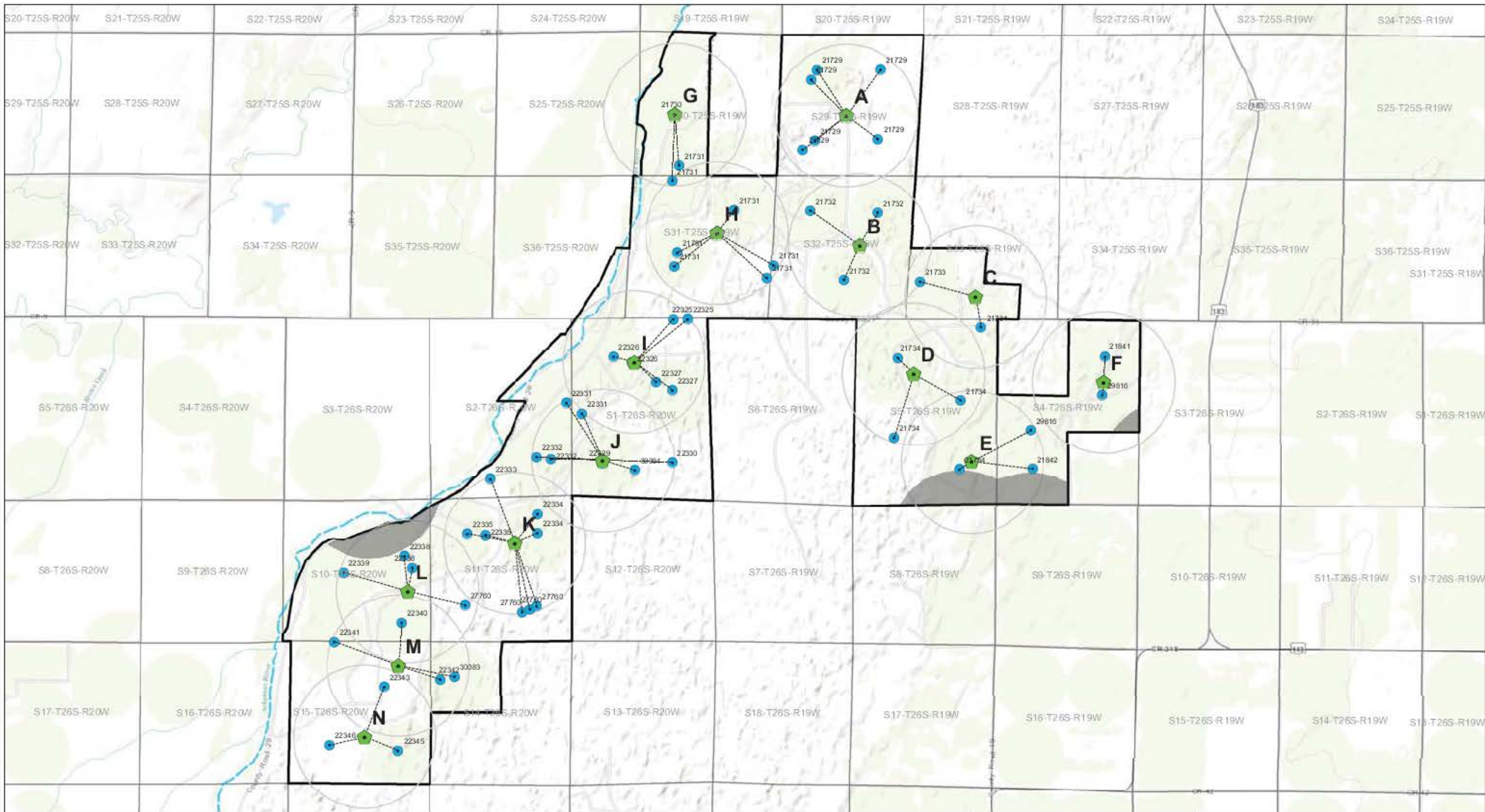
In that area of Kansas located between the Kansas/Missouri border and the Range 5 East/Range 6 East line, the maximum allowable quantity shall not exceed an average of 1.00 acre-foot per acre to be irrigated.

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.

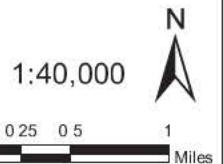
A further limiting factor to maximum allowable quantity is the availability of water from the proposed source of supply. If the source of supply is incapable of yielding a reasonably, sustainable (computed) quantity during the irrigation season in that area of the state, then the source becomes a further limiting factor.

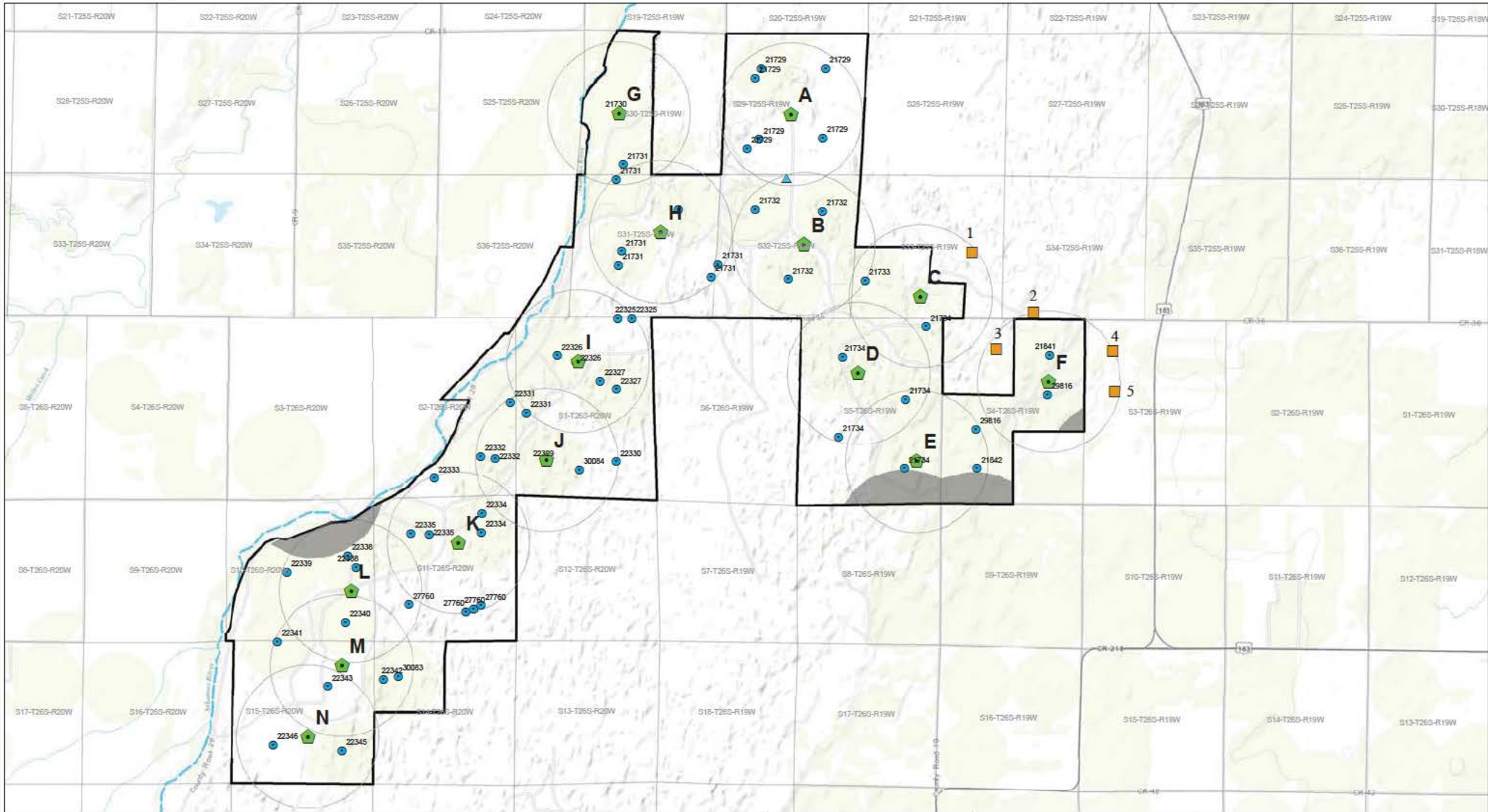
That if an applicant can show that his or her system design is reasonable for the use intended and approval of the proposed rate and/or maximum annual quantity will not impair any senior water right or prejudicially and unreasonably affect the public interest, the Chief Engineer may waive the above guidelines. Documentation shall be placed in the file clearly demonstrating any exceptions to the above policy.



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



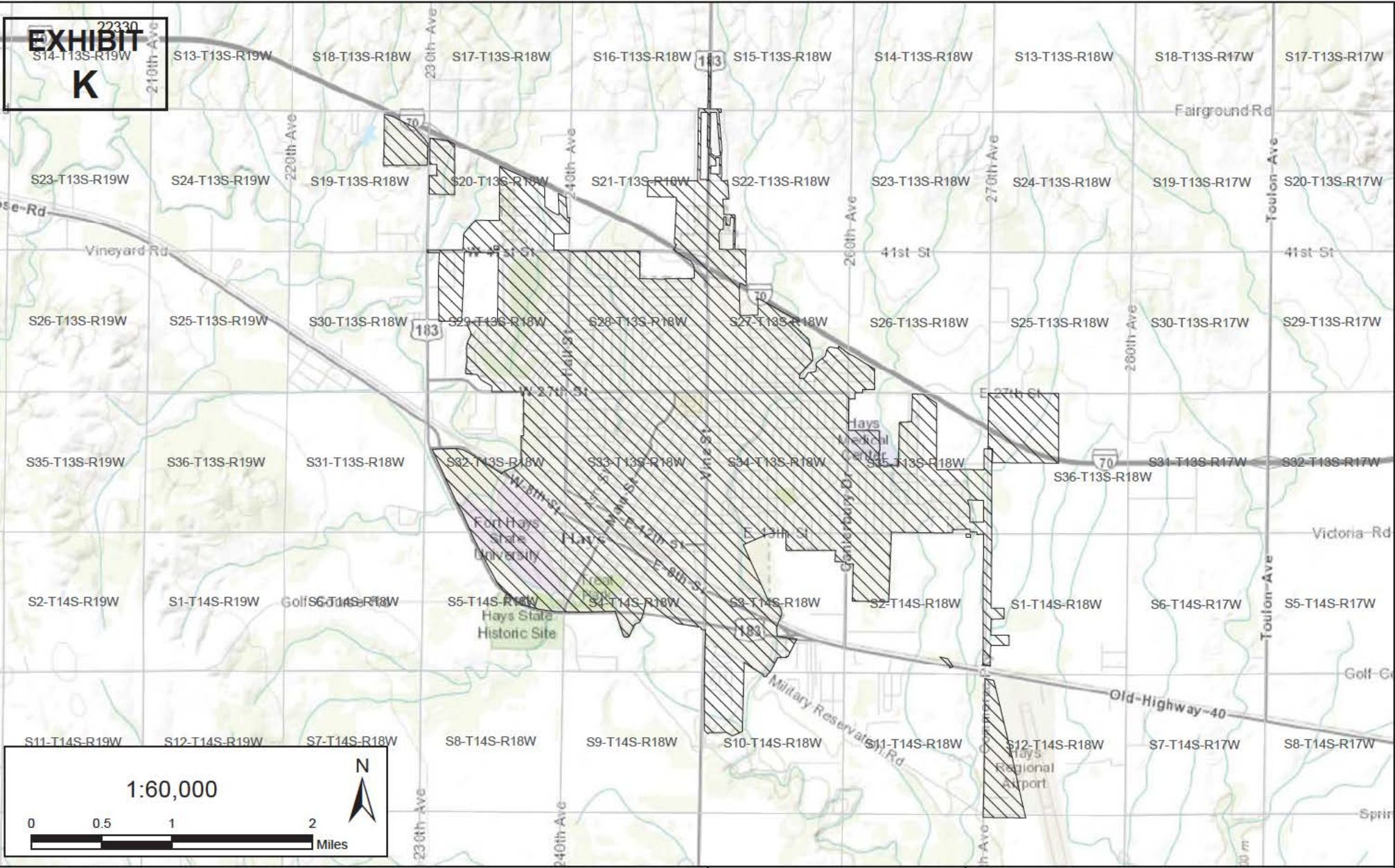



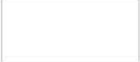
Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)

1:40,000

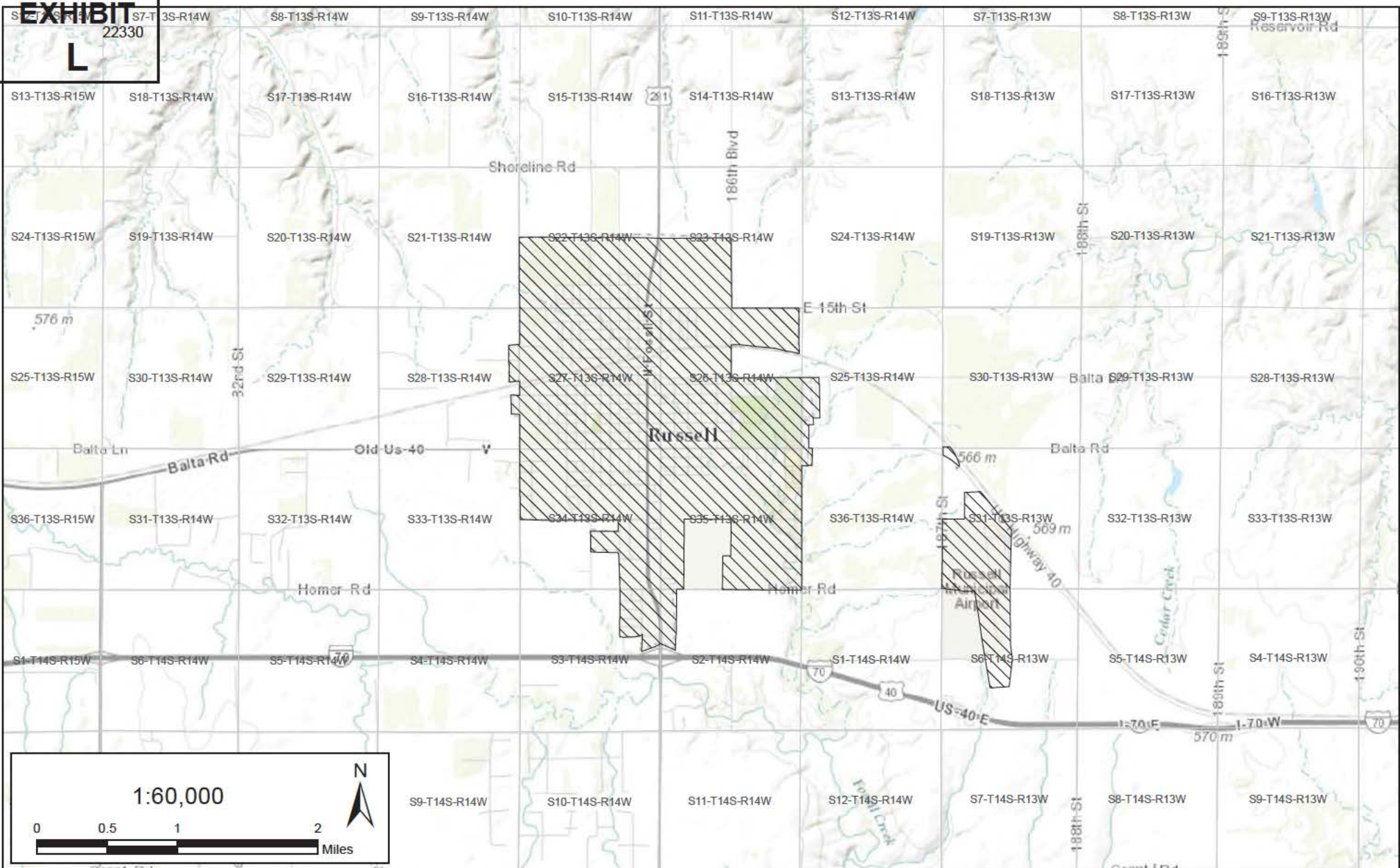




 Proposed Place of Use City of Hays
 PLSS Sections



L



Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
M**

**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

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$
 If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
N**

**SECTION 2: PAST WATER USE
COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago							
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

22330
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

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the needs of your request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1-T26S-R20W							Lot 4 19	34			5							58	
2-T26S-R20W			17											6				62	

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Same as above																			

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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

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

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Handwritten Signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

[Handwritten Signature: Malinda Morse]

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Signature]

(Owner)

(Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

[Signature]
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.

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 $\frac{1}{2}$ NE $\frac{1}{2}$) 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.

(OVER)

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MAR 25 1976 002691

encl 22

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

- 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



Guy E. Gibson

 Guy E. Gibson, Chief Engineer
 Division of Water Resources
 Kansas State Board of Agriculture

HAYS002692

THE STATE OF KANSAS



#22

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

Indefinite \$50.00
22

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:

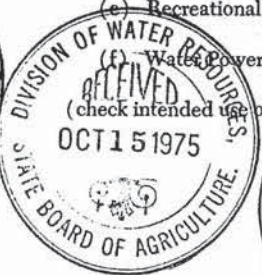
1. The quantity of water desired is in the amount of ~~XXXXXX~~ ²¹⁴ 320 acre feet per year, to be
(acre feet or million gallons)
diverted at a maximum rate of 1000 gallons per minute
(gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the South quarter of the South quarter of section 26, township Brown 26, range 20W, 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 20+9 Section 2 and
Amount
1 well near the center of the SW 1/4 of
the NW 1/4 of Section 1

- (a) Domestic use ()
- (b) Municipal use ()
- (c) Irrigation use (X) 214 320 2 acre ft./yr. - 1000 gals./min.
- (d) Industrial use ()
- (e) Recreational use ()
- (f) Water Power use ()



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MAR 29 1976
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD, DIVISION OF WATER RESOURCES
STAFFORD

HAYS002680

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*		40	40												86	63 64 62
1 26 20					Lot 4 15											6	56 61 58
					19											5	
																	119 125

* Lot 10 + accretions
** Lot 9 + accretions

1-23-75
90
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 $\frac{1}{4}$	

HAYS002681

two wells with two pumps

7. The works for diversion of water will consist of ~~XXXXXXXXXXXXXXXXXXXX~~ 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.

M1-639

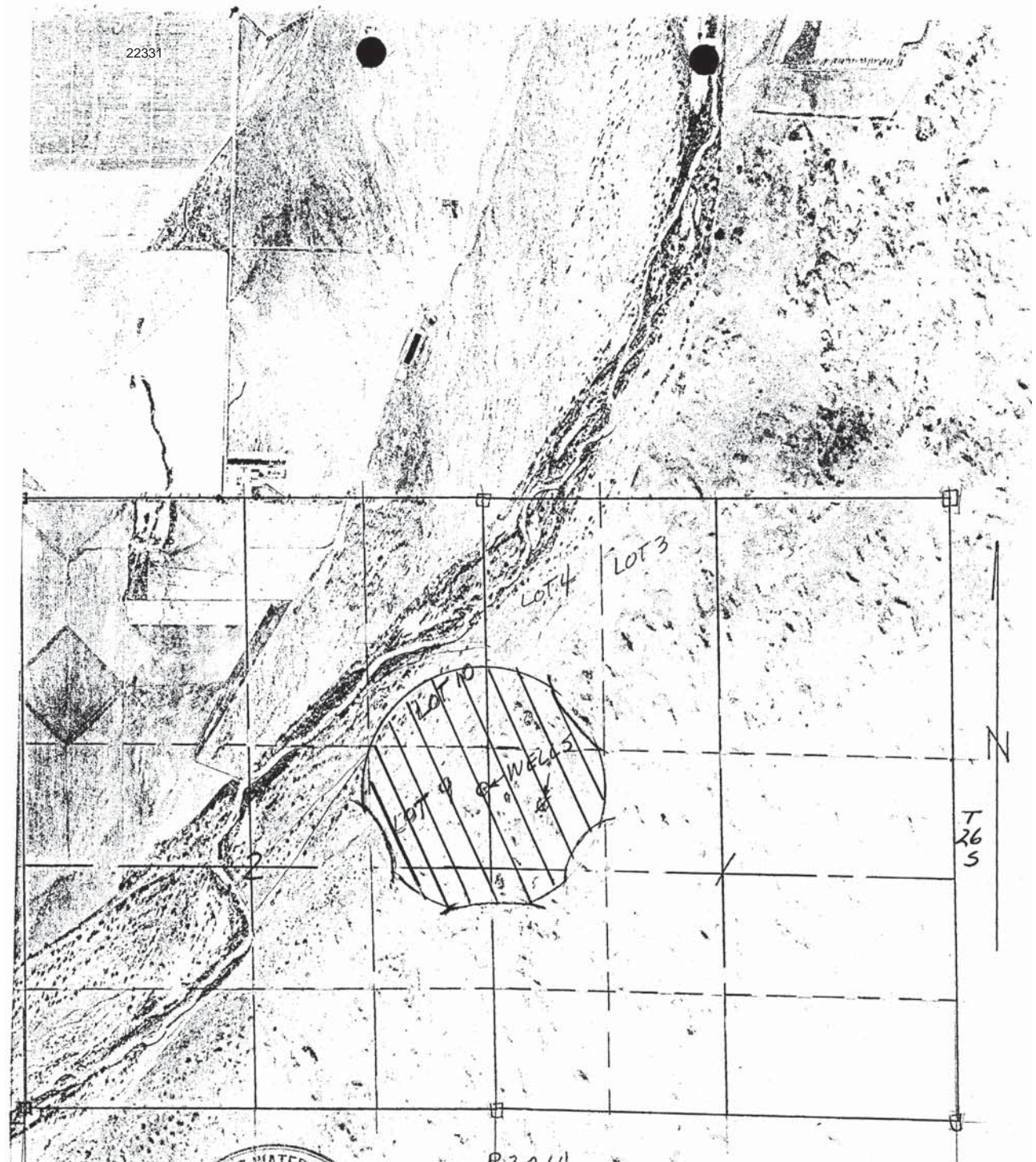


5-72-10M SETS

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MAR 29 1976

HAYS002682



R20W

APPLICATION 22331

9-15-75

All wells within 1/2 mile of the irrigation well are owned by applicant



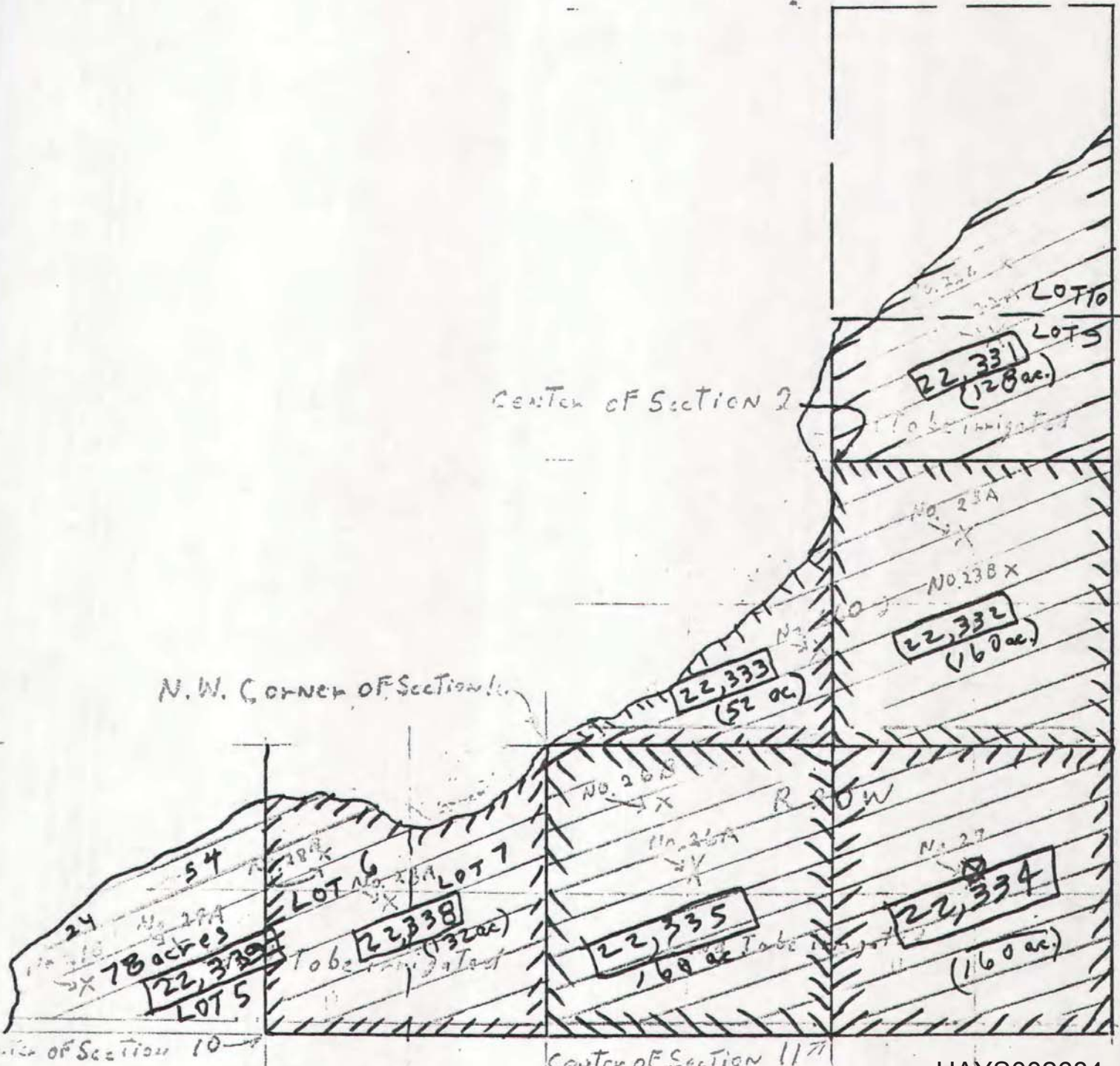
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HAYS002683

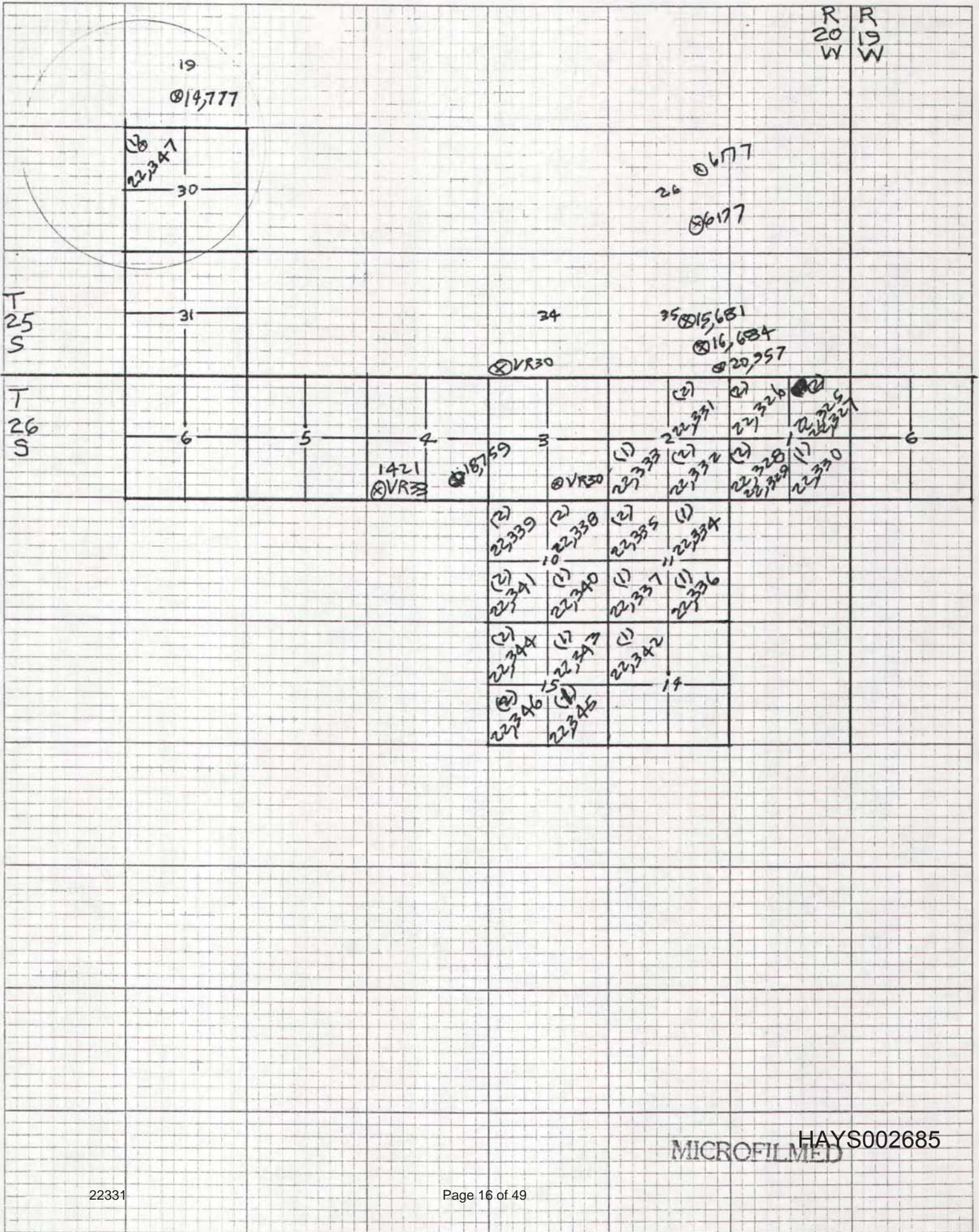
N.W. CORNER OF SECTION 2

Center of Section 2

N.W. CORNER OF SECTION 11



HAYS002684



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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,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

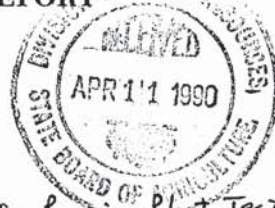
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MAR 20 1976 HAYS002690

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FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

FIELD INSPECTION REPORT



- N & P
- Full
- Partial

Field Office No. 2
G.M.D. No. 5

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 9/8 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 (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													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				1.5						46	
2	26	20	25	1	4.5	39.5									4			74.1	
																		120	

TESTED DIVERSION RATES

Maximum G.P.M. 640 (c.f.s. 1.43) *well pumping alone*
Normal G.P.M. 1005 (c.f.s. 2.24) *both wells pumping together*

FEB 21 1995 FOR D.W.R. USE ONLY

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Year of Record 1984 Extension of time needed: Yes () No () Attached? yes () no (X)

Ac. Ft. Applied = $\frac{1700 \text{ hrs.} \times 640 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 201 \text{ AF}$

"Approved" Land irrigated 120 acres, with 201 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 640 g.p.m. (1.43 c.f.s.) Perfected Quantity 90 AF

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Zimmatic 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 855 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-9556-00-H-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

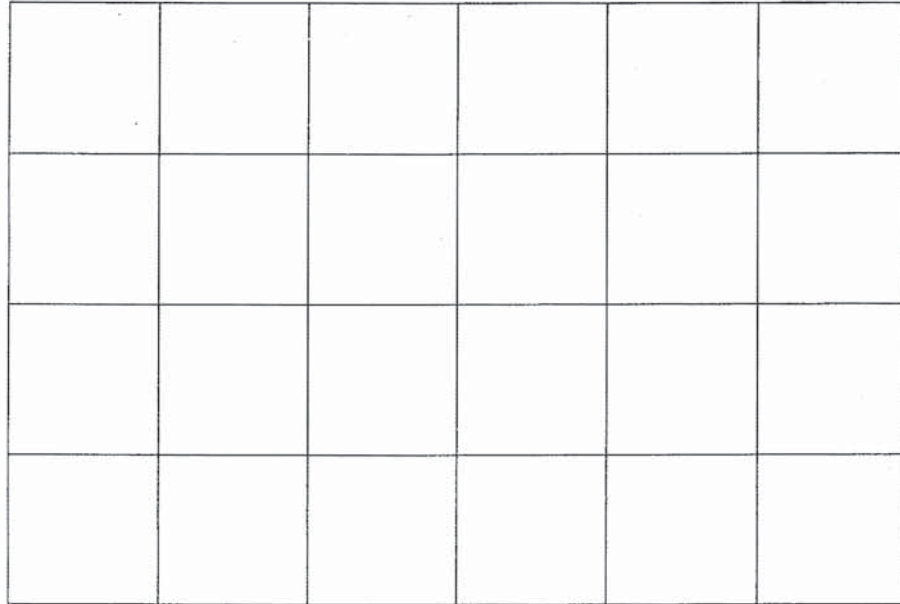
Is check valve present? yes () no

Is low pressure drain present? yes () no Is vacuum breaker present? yes () no

Is injection port present: yes () no Is injection system being operated

SKETCH OF ACTUAL PLACE OF PUMP, LOCATION OF DIVERSION WORK, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).

N
↑
Scale
1" = _____ ft.



TEST OF DIVERSION RATE:

Location of test Horizontal pipe between pump and pivot
Pipe Diameter (I.D.) 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 × 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

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS002665

22331
 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 ^f			
1987	0 ^f			
1988	400			119
1989	801			120
1990		1005**		

Indicate Year of Record with (*) *obtained from test (both wells operating) Source of Information *obtained from tenant set aside acres Sta & Sard 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".

Person present at test Kent Naber (name) operator (relationship)

Water Use Correspondent Don Goldman (name) (see owner) (address) _____ (phone number)

Conducted by Brag Ebert Date 2/12/90

Approved by Kild J. Ward (signature) P.E. (title) Date 4/6/90

APPLICATION NO: 22331NAME: 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:



Professional Engineer

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FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

MICROFILMED



HAYS002667

APPLICATION NO: 22331NAME: 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.~~ Don Goldman 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:

Led J. Wentz
Professional Engineer

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FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD



WAYS002668

MICROFILMED

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) 7 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

PUMPING PLANT TESTING, INC.

Reviewed By: Neil J. West

Professional Engineer

FEB 21 1995

FIELD OFFICE
 DIVISION OF WATER RESOURCES
 STAFFORD



MICROFILMED

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
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 From Center of Pipe	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 9/16</u>	<u>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

PUMPING PLANT TESTING, INC.

Reviewed By:

Richard J. Water

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Professional Engineer

FEB 21 1995

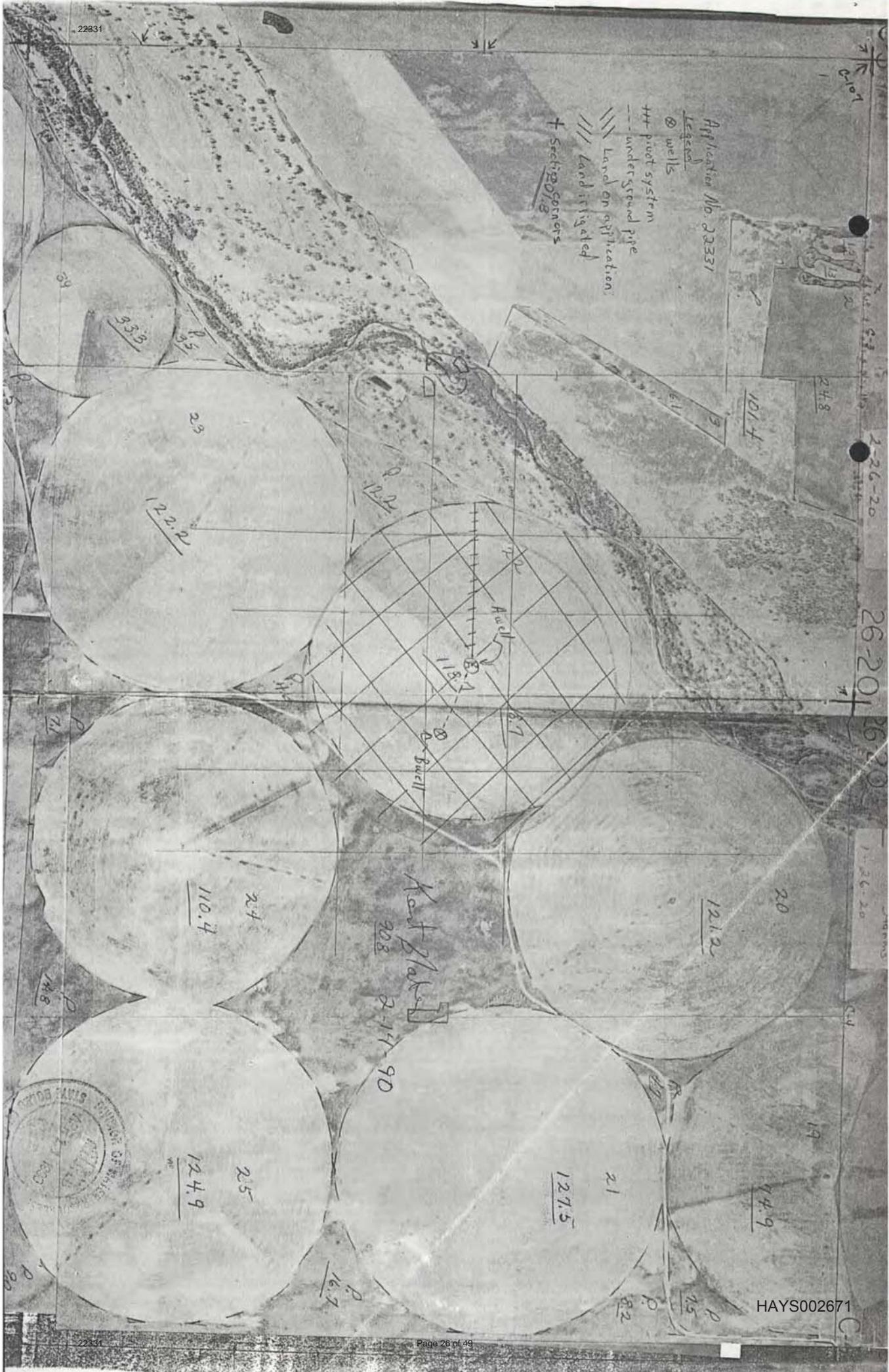


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Application No. 23331

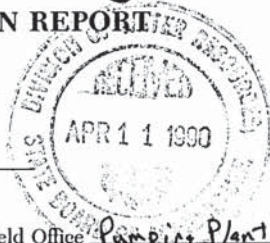
Legend

- ⊙ wells
- +++ pivot system
- underground pipe
- /// Land on application
- /// Land irrigated
- + Section corners



HAYS002671

FIELD INSPECTION REPORT



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 Don Goldman % KING VALLEY DEVELOPMENT Phone No. (416) 841-9262

Address ROUTE 3, KING CITY, ONTARIO, CANADA L0G1K0
 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 4875 ft. West of SE corner of Sec. 1
How were distances determined? Scaled 65 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	
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	29			1.5							46	
2	26	20	25	1	4.5	39.5								4				74	
																		120	

TESTED DIVERSION RATES

Maximum G.P.M. 643 (c.f.s. 1.43) Well pumping alone Normal G.P.M. 1005 (c.f.s. 2.24) 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 = $\frac{1700}{24} \text{ hrs.} \times 643 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 202 \text{ AF}$

"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

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Zimmatic 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. N2W24647X 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

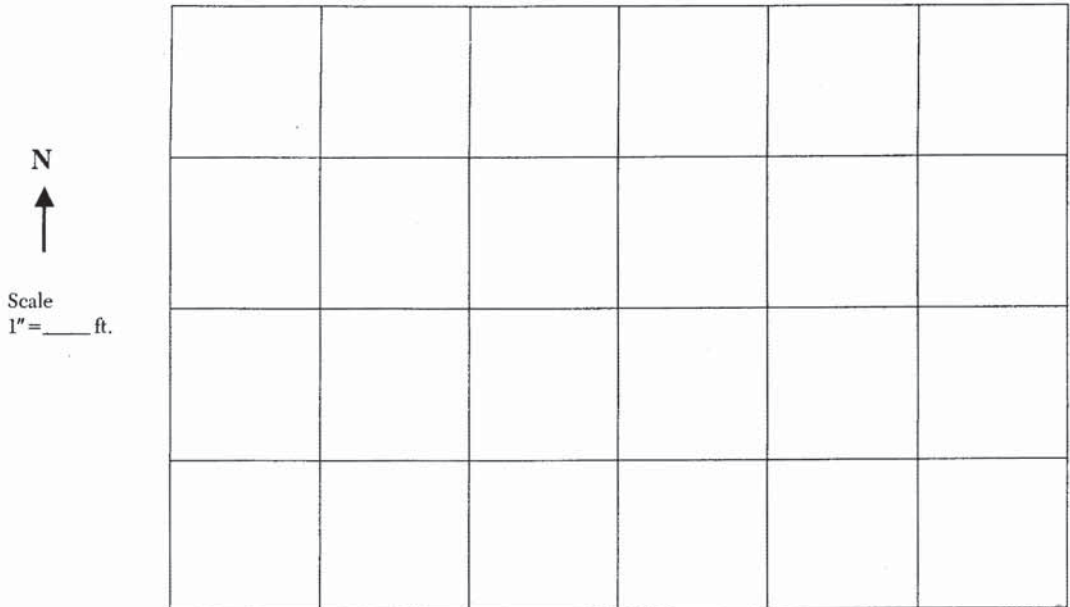
Is low pressure drain present? () yes no Is vacuum breaker present? () yes no

Is injection port present: yes () no Is injection system being operated: () yes no

Was a Plant Health Chemigation Report completed? yes () no

HAYS002673

22331
SKETCH OF ACTUAL PLACE, SE, 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 $K = 2.45 \times I.D.^2 =$ _____ $Q (gpm) = VK$

Velocity (fps)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Total _____
 Avg. _____
 G.P.M. _____

Velocity (fps)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Total _____
 Avg. _____
 G.P.M. _____

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

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 a/f/a/fq

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____

Meter Manufacturer _____ Type _____ Serial No. _____

K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type _____ Supplier _____

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? _____

REMARKS: This irrigated circle is known by the Owner as "CIRCLE # 22"

Person present at test Kent Naber (name) operator (relationship)

Water Use Correspondent _____ (name) Don Goldman (address) (see owner) (phone number)

Conducted by Greg Ebert Date 2/12/90

Approved by Kent Naber, P.E. (signature) (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
 Velocity Velocity
 Meter Setting From Left Side of Pipe Right Side of Pipe
 Center of Pipe (or Front Side if (or Back Side if
 Vertical Test) Vertical Test)

Meter Setting	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1/4</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

Reviewed By: [Signature]
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PUMPING PLANT TESTING, INC.

Professional Engineer

FEB 21 1995



HAYS002676

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) 7/4 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: <input checked="" type="checkbox"/> Check, Initial	<u>7.78</u>	Reversed	<u>7.80</u>
	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)	

<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

PUMPING PLANT TESTING, INC.

Reviewed By:

RECEIVED Professional Engineer

FEB 21 1965



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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.~~ ^{Don Goldman} 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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FEB 21 1995

FIELD OFFICE
DIVISION OF WATER RESOURCES

MICROFILMED



HAYS002678


APPLICATION NO: 22331NAME: 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:


Professional Engineer

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FIELD OFFICE
STATE OF TEXAS
Page 34 of 49

HAYS002679

MICROFILMED



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 $\frac{1}{4}$),
- 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.

FEB 21 1995

HAYS002702

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

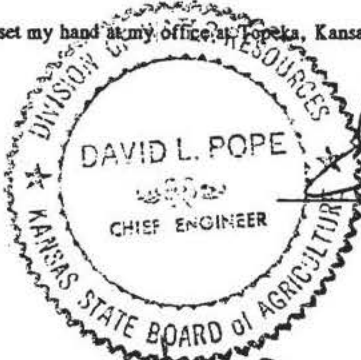
The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance likely to cause pollution of the water supply.

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, Topeka, Kansas, this 7th day of Dec., 19 94.



Handwritten signature of 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: Denise J Rolfs, Notary Public

Form with fields for: 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, HAYS002703

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

RECEIVED

FEB 21 1995

HAYS002695



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
Larry M. Sheets
Environmental Scientist
Water Rights Section

LMS:jt
Enc.

pc: Stafford Field Office
Groundwater Management District No. 5
R 9 Ranch Bet Farms

RECEIVED

MICROFILMED
HAYS002699

FIELD OFFICE
DIVISION OF WATER RESOURCES
Page 38 of 49

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.	
		<u>1,244</u> (allow 1,245 g.p.m.)	

A further limiting factor of this procedure is the availability of water from the proposed source of supply. In those instances whereby the source of supply is incapable of yielding a reasonably, sustainable (computed) rate, then the source becomes a further limiting factor.

A further limiting factor is well design and equipment, which shall be reasonable to divert the requested rate.

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.

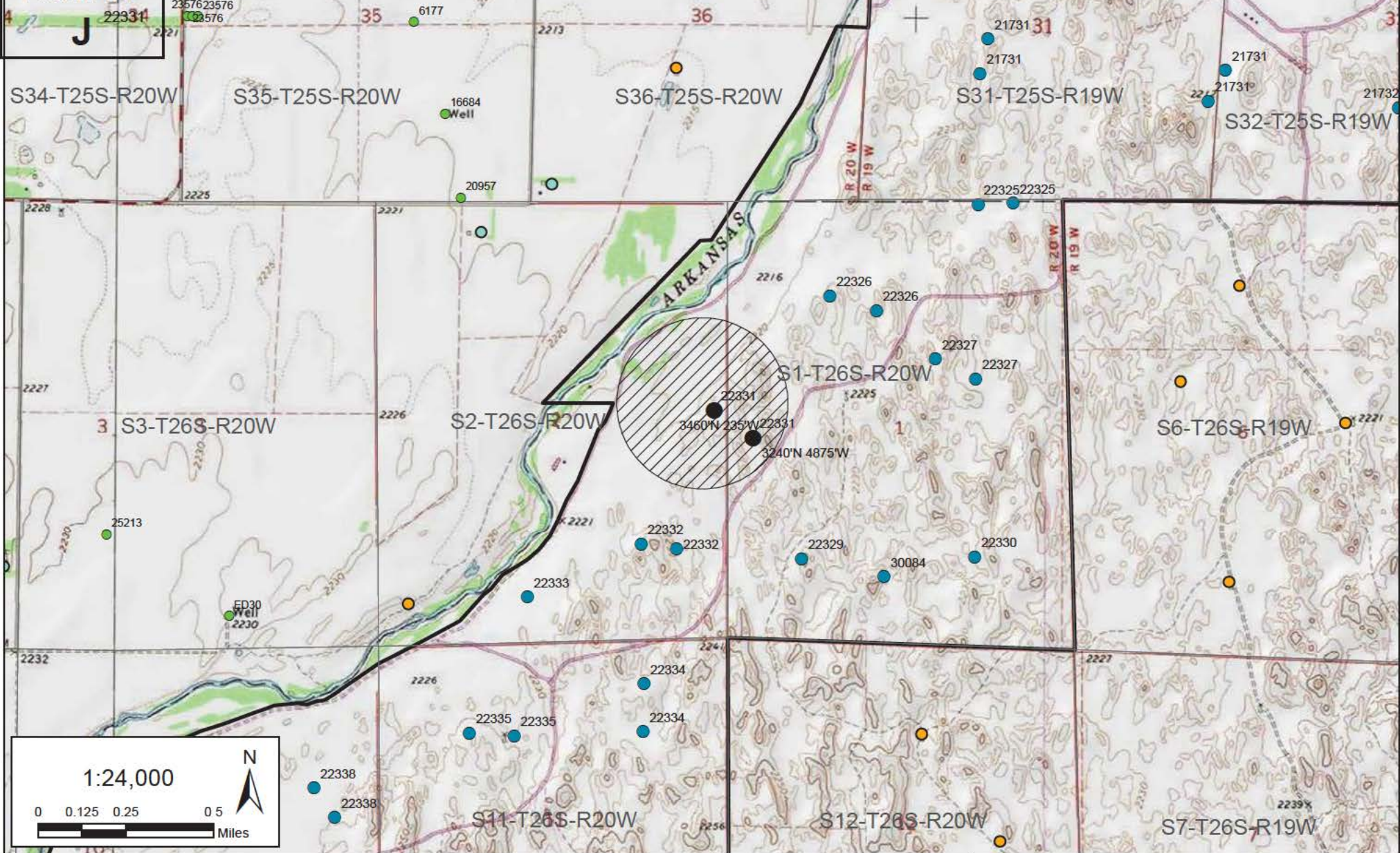
In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.

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.

EXHIBIT



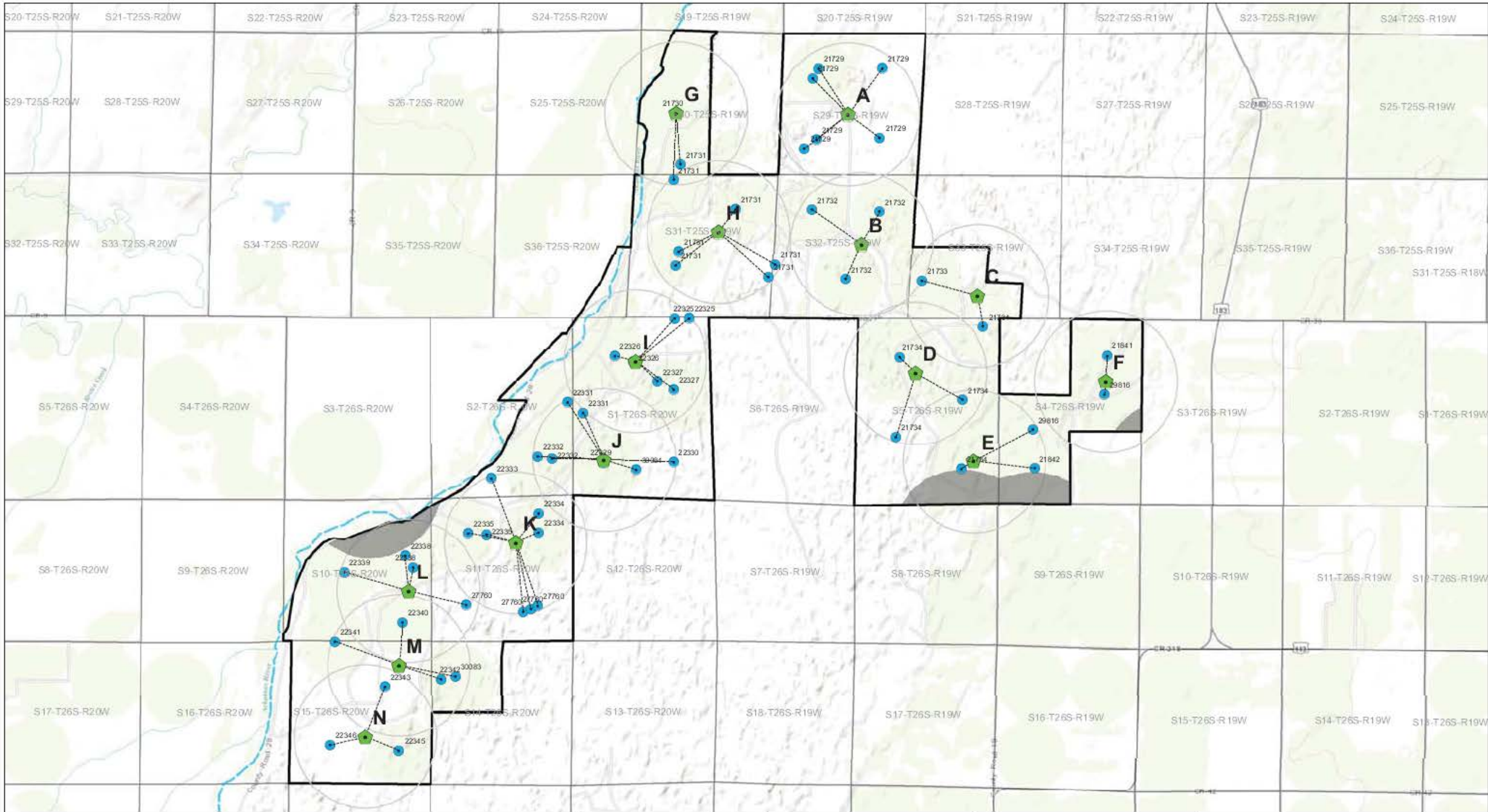
Legend

- 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



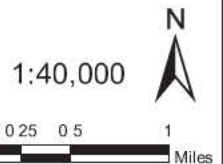
**CHANGE APPLICATION 22331
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION**

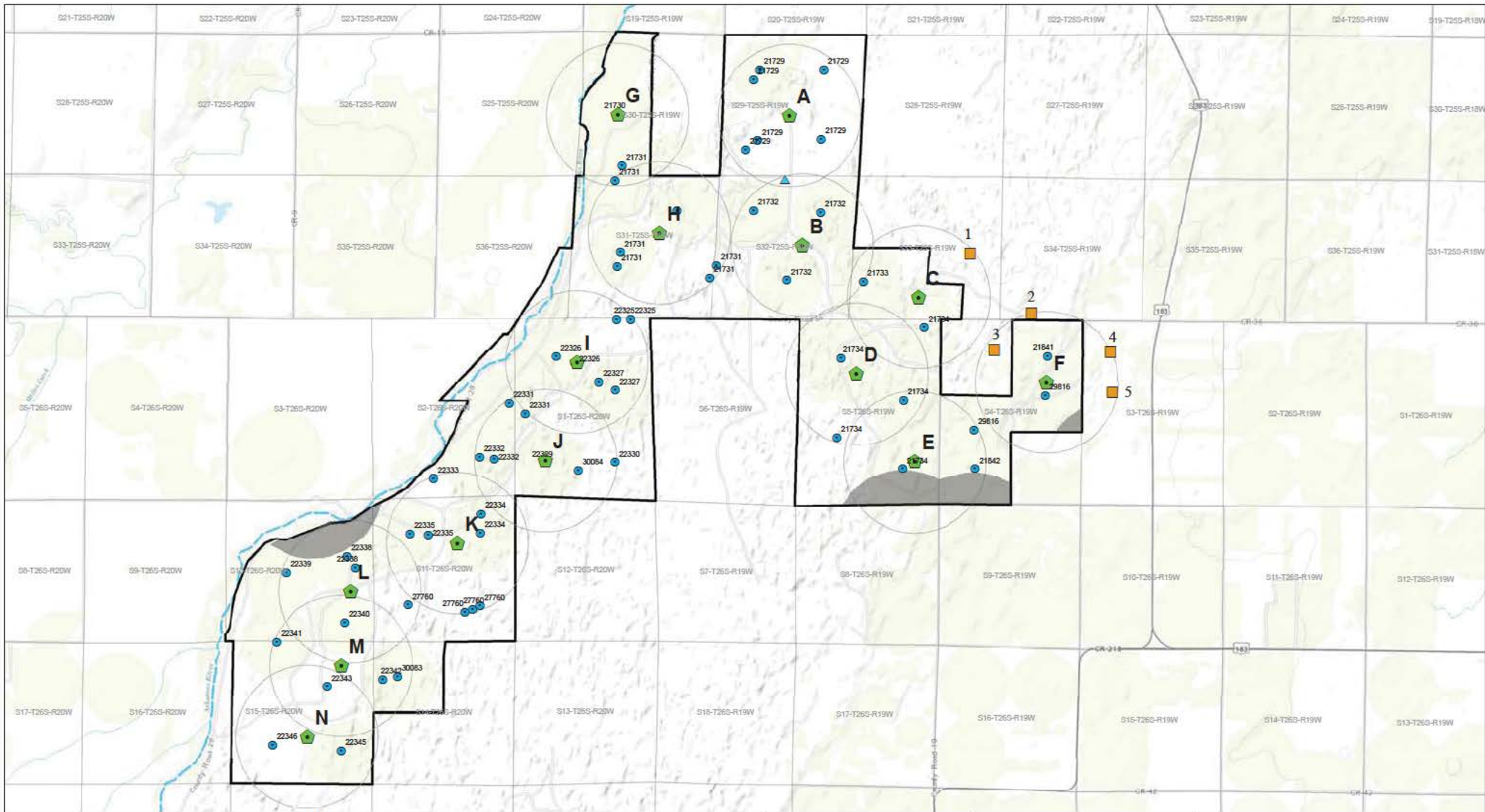
EXHIBIT
22331
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



Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- - - Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- PLSS Sections





Legend

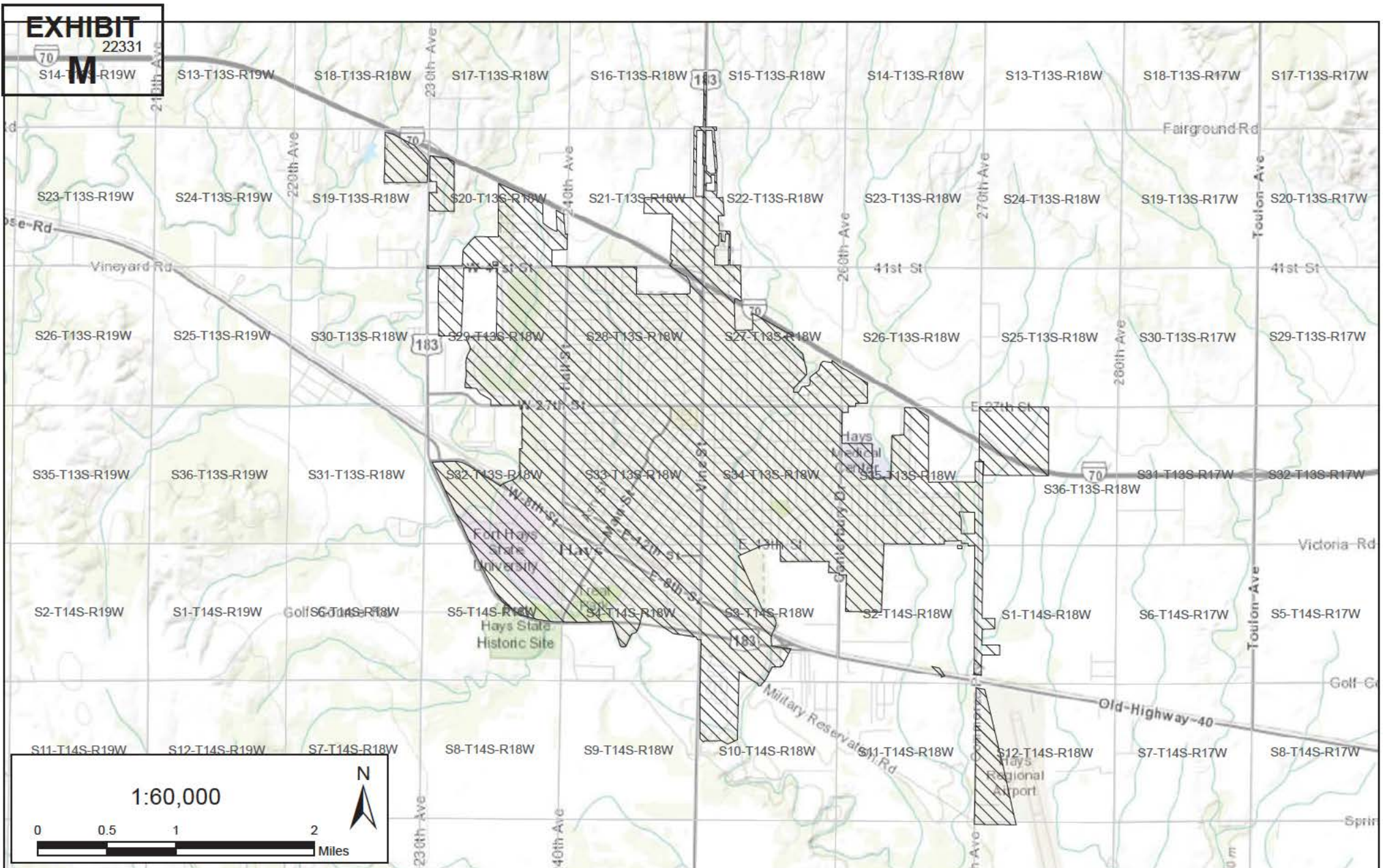
-  Proposed Municipal Wells (A-N)
-  Existing R9 Ranch Points of Diversion
-  1/2 Mile Buffer Around Proposed Wells
-  PLSS Sections
-  Area Excluded From Proposed Wells
-  R9 Ranch Property Boundary
-  Domestic Well (Non-Permitted)
-  Stock Well (Non-Permitted)

1:40,000



EXHIBIT

22331





Proposed Place of Use City of Hays



PLSS Sections





-  Proposed Place of Use - City of Russell
-  PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

EXHIBIT
O

**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

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
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
P**

**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

22331
SECTION 3: PROJECTED FUTURE WATER NEEDS

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Explanation on other side)
Year 5	386,346,512	0	0	177,719,396	119,767,419	15,453,861	73,405,836
Year 10	405,513,682	0	0	186,536,377	125,709,241	16,220,547	77,047,517
Year 15	426,310,852	0	0	196,102,992	132,156,364	17,052,434	80,999,062
Year 20	443,848,022	0	0	204,170,090	137,592,887	17,753,921	84,331,124
TOTAL WATER = Columns 1 + 2			ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
(CENSUS BUREAU INFORMATION)

LAST 20 YEARS	POPULATION
20 years ago	
15 years ago	4,710
10 years ago	4,696
5 years ago	4,506
Last Year	4,475

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	4,596
Year 10	4,605
Year 15	4,651
Year 20	4,698

Provide number of current active service connections:

2,049 Residential 9 Industrial 30 Other (specify) Free Service
 360 Commercial 0 Pasture/ Stockwater/ Feedlot 2448 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 ÷ Population ÷ 365 Days/Year = Gallons per Person per Day

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,332 Circle 23.

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
		2-T26S-R20W																30	Lot 8 32	32	31	125

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
			Same as above																			

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
			The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
			The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 _____ Quarter of the SE Quarter
 of Section 2, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 1,407 feet North 1,330 feet West of Southeast corner of section.
 Authorized Rate 655 gpm Authorized Quantity 111 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 980 gpm Proposed Quantity 166.32 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 near the center Quarter of the E/2 Quarter of the SE Quarter
 of Section 2, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 1,342 feet North 797 feet West of Southeast corner of section.
 Authorized Rate 460 gpm Authorized Quantity 77 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 980 gpm Proposed Quantity 166.32 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

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

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Handwritten signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

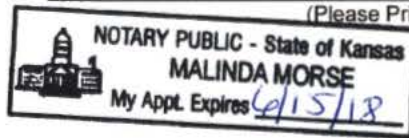
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

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.**

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015

[Signature]

(Owner)

(Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas)
County of Russell) SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23 day of June, 2015.

[Signature]
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.

Proposed Rate and Quantity

The Cities are requesting a total of 166.32 acre-feet and 980 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 J. 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 135.00 acre-feet for municipal use.¹ As discussed below, 125 approved acres irrigated during the perfection period multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 135.00 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, issued on March 19, 1976, granted the right to divert up to 231 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 125 acres in the SE/4 of Section 2-T26S-R20W, or 1.85 acre-feet per acre.⁵ The certificate further limited the rate of the wells to 980 gallons per minute when operated simultaneously.⁶

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.”⁷

The Field Inspection Reports indicate that all of the 231 acre-feet authorized by the permit were lawfully perfected.

- 205 acre-feet⁸ and 144 acre-feet⁹ (349 acre-feet) were applied to 125 approved acres in the SE/4 of Section 2-T26S-R20W.

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, HAYS002782, Ex. A.

⁵ Application, HAYS002775, Ex. B.

⁶ Certificate, HAYS002790, Ex. C.

⁷ March 19, 1976, letter (emphasis added), HAYS002781, Ex. D.

⁸ FIR, HAYS002759, Ex. E.

⁹ FIR, HAYS002768, Ex. F.

While the certificate limits the total quantity to 188 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.¹⁰

Since the perfection period has expired, the "authorized quantity" for this water right is the 231 acre-feet actually perfected even though it exceeds the certified quantity.

An alternative approach

DWR's use of the NIR of 1.08 feet of water for corn is based on its maximum gross irrigation requirement of 1.5 acre-feet per acre.¹¹ The regulation allows the conversion of 72% of the maximum quantity to a new use; in other words, it assumes that 28% of the quantity diverted returns to the aquifer.

If 28% of the 231 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 166.32 acre-feet, should be available for conversion to municipal use. This is less than the 231 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 166.32 acre-feet for municipal use.

¹⁰ Certificate, HAYS002790, Ex. C; Doug Bush April 10, 1987, Memo, HAYS002785, Ex. G; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

¹¹ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. H, stating that: "In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated." See also, K.A.R. 5-3-24 and Doug Bush April 10, 1987, Memo, HAYS002785, 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. 22,332 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 Southeast Quarter (SE $\frac{1}{4}$) and one well in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 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 **231 acre-feet** for any calendar year.

(OVER)

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MICROFILMED

MAR 29 1976
HAYS002782

circle 23

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

1976



Guy E. Gibson
 Guy E. Gibson, Chief Engineer
 Division of Water Resources
 Kansas State Board of Agriculture

HAYS002783

2

THE STATE OF KANSAS



STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

*Read with ch 150 2-5-74
pa*

22,332
NUMBER 13

23

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)

Comes now the applicant (Miss) Midwest Land and Cattle Co. 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 as may be available in the Arkansas River basin in the county of Edwards 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 ~~320~~ ²³¹ acre feet per year, to be diverted at a maximum rate of 1000 gallons per minute

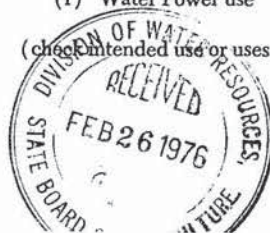
2. The location of the proposed wells or other works for diversion of water is in the South quarter of the SE quarter of section 2, township Brown 26, range 20 W, in Edwards County, Kansas.

Location of second well can not be determined until test well is drilled

3. The water is intended to be appropriated for:

*1 well near the center of the SE 1/4 &
1 well in the NW 1/4 of the SE 1/4 of the SE 1/4*

- (a) Domestic use () _____
- (b) Municipal use () _____
- (c) Irrigation use (X) ²³¹ 320 acre ft./yr. - 1000 gals./min.
- (d) Industrial use () _____
- (e) Recreational use () _____
- (f) Water Power use () _____



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MAR 29 1976

HAYS002774

PLANNED
DEVELOPMENT
BY THE CITY OF

UNAPPLIED

UNAPPLIED

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													30 40	32 40	32 40	31 40	125 160

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 $\frac{1}{4}$	

HAYS002775

two wells with two pumps

7. The works for diversion of water will consist of ~~two wells with two pumps~~ for one circle sprinkle irrigation system (two motors)

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 by 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.

M1-539



5-72-10M SETS

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MAR 29 1976

HAYS002776



N.W. CORNER OF SECTION 2

Appl. 22332

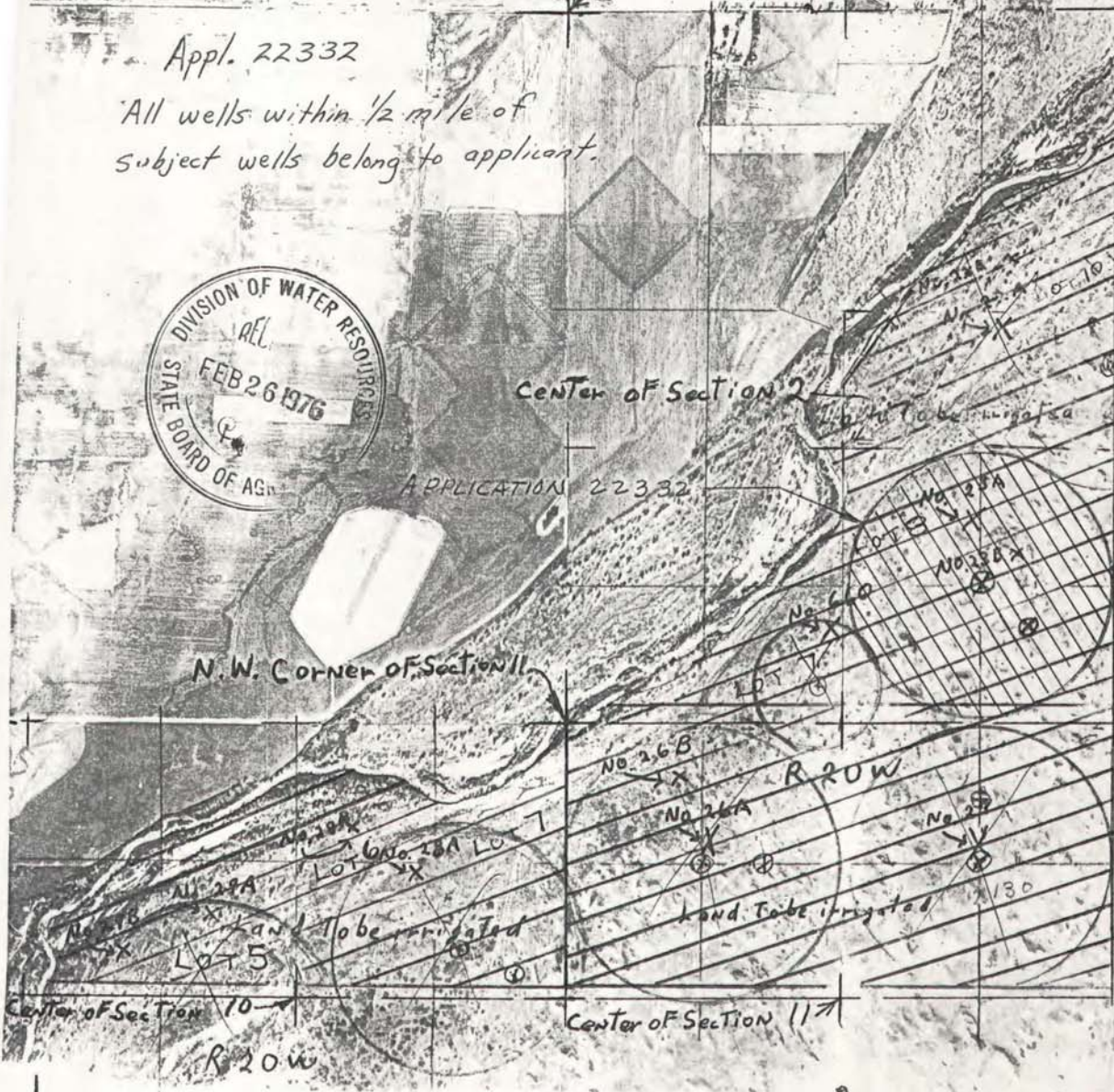
All wells within 1/2 mile of subject wells belong to applicant.



Center of Section 2

APPLICATION 22332

N.W. CORNER OF SECTION 11



HAYS002777

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, *Secretary*

DIVISION OF WATER RESOURCES
David L. Pope, *Chief Engineer*

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 22,332

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 Southeast Quarter (SE $\frac{1}{4}$) of Section 2, more particularly described as being near a point 1,407 feet North and 1,330 feet West of the Southeast corner of said section, at a diversion rate not in excess of 655 gallons per minute (1.46 c.f.s.) and in a quantity not to exceed 111 acre-feet per calendar year; and one (1) well located near the center of the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 2, more particularly described as being near a point 1,342 feet North and 797 feet West of the Southeast corner of said section, at a diversion rate not in excess of 460 gallons per minute (1.02 c.f.s.) and in a quantity not to exceed 77 acre-feet per calendar year; both in Township 26 South, Range 20 West, Edwards County, Kansas, for irrigation use on the following described property:

30 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
32 acres in Lot 8 (NW $\frac{1}{4}$ SE $\frac{1}{4}$),
32 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),
31 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 125 acres in Section 2, Township 26 South, Range 20 West, Edwards County, Kansas.

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 980 gallons per minute (2.18 c.f.s.) for irrigation use on the property described herein.

JUN 29 1987

HAYS002790

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 11th day of June, 1987.



David L. Pope
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 11th day of June, 1987, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**WATER APPROPRIATION
CERTIFICATE**

No. 16,117

STATE OF KANSAS

Water Right, File No. 22,332

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.

HAYS002791

2
E-N

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,332

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

RECEIVED

MAR 29 1976

HAYS002781

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD
MICROFILMED

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure

Manufacturer Zimmatic Model 310 Serial No. 3068

Drive Electric Length of Pivot Arm _____

Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

End Gun? yes End Gun Rating _____ g.p.m. 2 Rain Bird 85's

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 G HP -

Serial No. - Fuel propane Rated RPM -

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10MA Rated RPM _____

Serial No. N2W24231X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F60

Serial No. 62056 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled 8-27-74 Original Depth 45 ft. Static Water Level When Drilled 14 ft.

Tape Down Possible? No Water Level Measurement Tube? no

Measuring Point - ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter -

Meter Model No. - Serial No. - Size _____

Is Meter Installed Properly? -

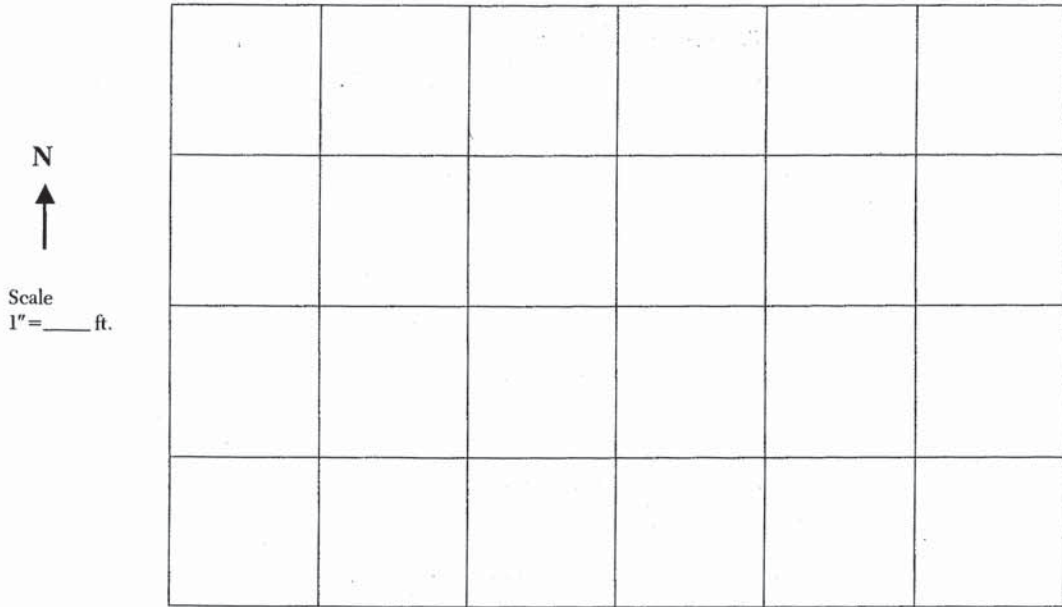
Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no

Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

HAYS002760

If chemicals are injected into system, please attach label of system.

22332
SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In horizontal pipe before pump and pivot
 Pipe Diameter (I.D.) 8 3/8 inches

Test No. 1—Normal Conditions BOTH WELLS Test No. 2 WELL IN CENTER OF SE 1/4 MOVE
~~Maximum Conditions~~

R.P.M. POWER UNIT <u>2136</u>	R.P.M. POWER UNIT <u>2102</u>
R.P.M. PUMP UNIT <u>1790</u>	R.P.M. PUMP UNIT <u>1752</u>
Pressure at Pump <u>68</u> psi	Pressure at Pump <u>26</u> psi

Jacuzzi Meter Test Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)	Velocity (fps)
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____
7. _____	7. _____
8. _____	8. _____
9. _____	9. _____
10. _____	10. _____
Total _____	Total _____
Avg. _____	Avg. _____
G.P.M. _____	G.P.M. _____

Propeller Meter Test Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.	Ending _____ gal.
Beginning _____ gal.	Beginning _____ gal.
Difference _____ gal.	Difference _____ gal.
Time _____ min.	Time _____ min.
Rate _____ gpm	Rate _____ gpm

Other Flow Meter Use Supplemental Sheet (include meter identification, data and calculations).

FUEL RECORDS:

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 Propane Supplier Mid-Continent

Rate = $\frac{Volume (test)}{time}$ = _____

How was the test volume determined? Not Determined representative didn't know

TABULATION OF WATER USE:

110-24890
 ID-02
 1407N + 1330W
 2-26-2000

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1668	1000		130
1976				
1977	798	1000		130
1978				
1979	336	800		122
1980	0			
1981	840	800		122
1982				
1983	unused due to PEK program**			
* 1984	1700**	653*		125**
1985	1600**	700**		125**
1986		653*		

* obtained from test on 9/30/86

** obtained from WUR sent to us from Jerry Weaver

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year CORN Year of record _____

REMARKS: _____

Person present at test Clint Jones employee
(name) (relationship)

Water Use Correspondent Agri. Affiliates, Inc. Box 1162 North Platte, NE 69103 308-531-9240
(name) (address) (phone number)

Conducted by Greg Ebert Date 10/8/86
(signature)

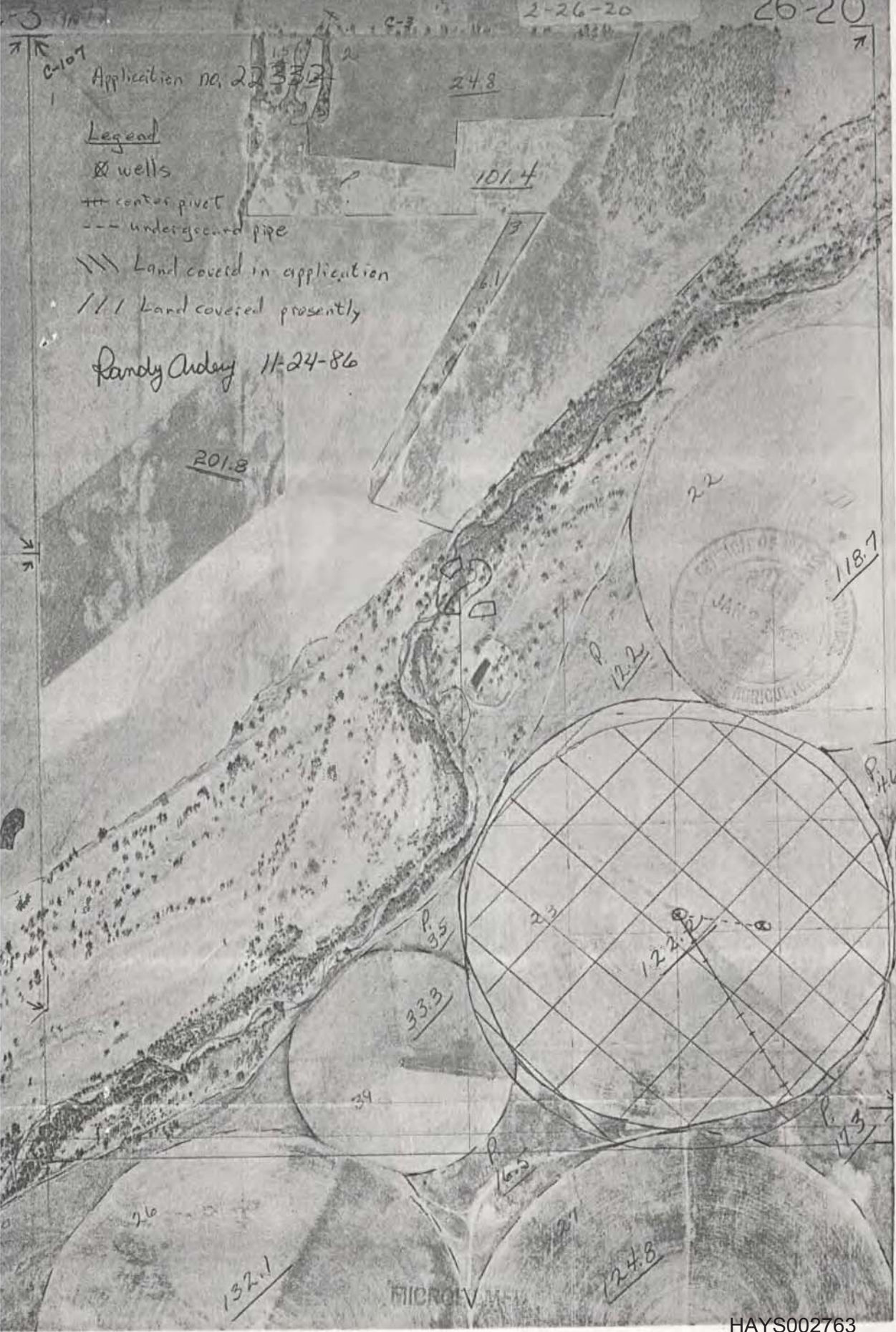
Approved by Bill Walters, P.E. Date 12/29/86
(signature) (title)

HAYS002762

3 farms

2-26-20

26-20



Legend

⊗ wells

⊕ center pivot

--- underground pipe

\\ \\ Land covered in application

/// Land covered presently

Randy Audrey 11-24-86



HAYS002763

APPLICATION NO: 22,332

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES, A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERMIXED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.



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PUMPING PLANT TESTING, INC.

JUN 29 1987 Reviewed by:

Neil J. White
Professional Engineer

HAYS002764
MICROFILMED

APPLICATION NO: 22332 NAME: Connecticut General Life Insurance

COLLINS METER TEST BOTH WELLS COMBINED

Collins Meter No. 1-83 Meter Calibration Factor .9559

Pipe Inside Diameter (inches) 8 3/8 Flow Rate Factor 170.5

Test Pressure (psi) 68 Test RPM, Pump 1780 (NW 1/4, SE 1/4, SE 1/4)
1837 (NW 1/4, SE 1/4, SE 1/4)

Description of Test Location In horizontal pipe between
pump and pivot

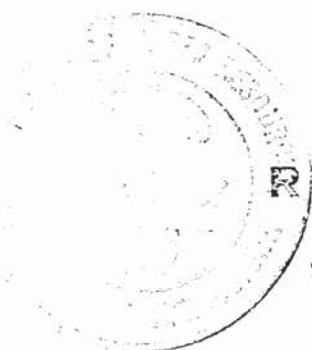
TEST DATA: Check, Initial 6.54 Reversed 6.55
Velocity Velocity
Meter Setting From Left Side of Pipe Right Side of Pipe
Center of Pipe (or Front Side if (or Back Side if
Vertical Test) Vertical Test)

<u>1 11/16</u>	<u>6.56</u>	<u>6.57</u>	<u>6.31</u>	<u>6.19</u>
<u>2 15/16</u>	<u>6.36</u>	<u>6.32</u>	<u>5.79</u>	<u>5.84</u>
<u>3 13/16</u>	<u>5.81</u>	<u>5.83</u>	<u>5.18</u>	<u>5.14</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.99

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
5.99 x .9559 = 5.73

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
5.73 x 170.5 = 977 GPM



Reviewed By: [Signature]
RECEIVED

PUMPING PLANT TESTING, INC.

Professional Engineer

HAYS002765
MICROFILMED

APPLICATION NO: 22332 NAME: Connecticut General Life Insurance

COLLINS METER TEST WELL NC SE 1/4

Collins Meter No. 1-83 Meter Calibration Factor .9559

Pipe Inside Diameter (inches) 8 3/8 Flow Rate Factor 170.5

Test Pressure (psi) 26 Test RPM, Pump 1752

Description of Test Location In horizontal pipe between pump and pivot

TEST DATA: Check, Initial 4.45 Reversed 4.45
 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 From Center of Pipe	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 1/16</u>	<u>4.56</u> <u>4.58</u>	<u>4.12</u> <u>4.11</u>
<u>2 15/16</u>	<u>4.39</u> <u>4.44</u>	<u>3.67</u> <u>3.69</u>
<u>3 13/16</u>	<u>3.97</u> <u>3.82</u>	<u>3.48</u> <u>3.21</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.003

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
4.003 x .9559 = 3.83

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
3.83 x 170.5 = 653 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

Handwritten Signature
 Professional Engineer

RECEIVED

HAYS002766
 MICROFILMED

APPLICATION NO: 22 332

NAME: Connecticut General Life Ins.

POINTS OF DIVERSION AND SECTION CORNERS

The actual section corners of the land applied for and the land irrigated have never been clearly marked. (If it was marked at some time, we, nor the present owners and managers could find any marks or records) It appears the land described on the applications was based on visible marks, but we don't know for sure. It might have been surveyed and be more accurate than our method of identifying section corners. Our procedure of finding the section corners consisted of several steps. First, we used copies of the original survey plats to find the dimension of each section. Second, we laid out each section on the large small-scale photos in the ASCS office. For this, we used not only survey plat dimensions, but also by drawing lines across several miles from identifiable boundaries. However, sometimes these points made a section so "out-of-square" that we shifted the boundaries until they were reasonably tolerable. Because some of these marks were based on our judgement, we can not be sure they would be the same if the land was surveyed. These points were then transferred to the large-scale photos included.

The point of diversion location on the photo is correct. The photos were taken at a time when the diversion points were visible. The problem is in our ability to correctly describe the diversion points in relation to section corners.

PUMPING PLANT TESTING, INC.

Reviewed by: 

Professional Engineer HAYS002767

JUN 20 1987

MICROFILMED



DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE
FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 2 of 2 Diversion points
 Application No. 22332 Date 9-30-86 Firm/Field Office Pumping Plant Testing, Inc.
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Insurance % Agri. Associates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.
 Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()
 Groundwater (X) Drainage Basin Arkansas River
 Surface Water () Stream _____
 Authorized Point of Diversion: 1 well NW 1/4, SE 1/4, SE 1/4 Sec. 2, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____
 Actual Point of Diversion: NW 1/4, E 1/2 of SE 1/4 Sec. 2, T. 26, R. 20
 Approximately 1342 ft. North and 797 ft. West of SE corner of Sec. 2
 How were distances determined? Sealed from ASCS photo
 "Approved" Quantity 231 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)
 Priority Date May 2, 1974 Approval of Application Date March 19, 1976
 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
<u>2</u>	<u>26</u>	<u>20</u>																<u>30</u>	<u>32</u>	<u>32</u>	<u>31</u>	<u>125</u>

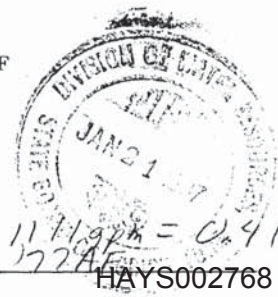
LAND IRRIGATED—YEAR OF RECORD 1984 SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
<u>2</u>	<u>26</u>	<u>20</u>			<u>.5</u>	<u>.5</u>												<u>34</u>	<u>34</u>	<u>28</u>	<u>28</u>	<u>125</u>

APPLICATION OF WATER, SEE ATTACHED SHEET
 Year of Record 1984 Hours Pumped 1700 or Quantity 305.8 AF (@977 G.P.M.)
 Normal Operating C.P.M. 977 Equiv. c.f.s. 2.17
 Maximum Operating C.P.M. 4987 Equiv. c.f.s. 1.02

FOR D.W.R. USE ONLY

Year of Record 1984 Extension of time requested: Yes _____ No
 Total No. of Hours on land covered by this application 1700
 Ac. Ft. Applied = $\frac{1700 \text{ hrs.} \times 458 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 144 \text{ AF}$
 Acres of "Approved" Land irrigated 125
 Ac. Ft. on "Approved" Land 144 (1.15 Ac. Ft./Ac.)
 Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 144
 Proration Calculations $0.41 \times 125 \text{ acres} \times 15 \text{ AF per acre} = 774 \text{ AF}$
 $458 \text{ gpm} + 653 \text{ gpm} = 1111 \text{ gpm}$
 $458 \text{ gpm} \div 1111 \text{ gpm} = 0.41$
 Perfected Rate 460 g.p.m. Perfected Quantity 77 AF



GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure

Manufacturer Zimmatic Model 310 Serial No. 3068

Drive Electric Length of Pivot Arm _____

Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

End Gun? yes End Gun Rating _____ g.p.m. 2 Rain Bird 85's

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300G HP _____

Serial No. 34842-F-13-HK Fuel propane Rated RPM _____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10MA Rated RPM _____

Serial No. N2W24647X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer U.S. Motors Model No. Type GP

Serial No. Q-9473-00-406 Drive Right Angle Ratio 1:1

WELL INFORMATION:

Date Drilled 11-18-74 Original Depth 50 ft. Static Water Level When Drilled 21 ft.

Tape Down Possible? yes Water Level Measurement Tube? no

Measuring Point _____ ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

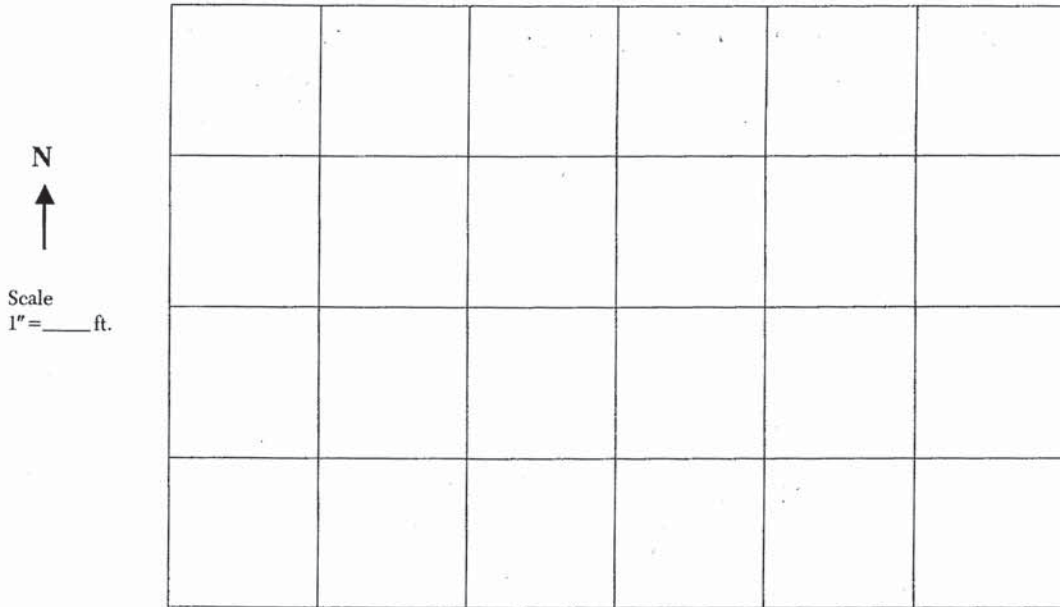
Is Meter Installed Properly? _____

Chemical Injection System? yes Check Valve? no Low Pressure Drain? no

Vacuum Breaker? no Are these anti-pollution devices installed properly? _____

If chemicals are injected into system, please attach page 2 of system.

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In horizontal pipe between pump and pivot
 Pipe Diameter (I.D.) 6 5/16 inches

Test No. 1—Normal Conditions 1574 WELLS

Test No. 2—~~Maximum Conditions~~ WELL NC E 1/2 SE 1/4 BLONE

R.P.M. POWER UNIT 1837
 R.P.M. PUMP UNIT 1837
 Pressure at Pump 6.8 psi

R.P.M. POWER UNIT 1900
 R.P.M. PUMP UNIT 1800
 Pressure at Pump 10 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

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS002770

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type propane Supplier Mid-Contentment
 Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____
 How was the test volume determined? Not Determined representative didn't know

TABULATION OF WATER USE:

AC 24996
 134211 + 79720
 TD-03
 2-26-2003

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
✓ 1975	1668	1000		130
1976				
✓ 1977	798	1000		130
1978				
1979				
✓ 1980	2100	225		130
1981				
1982				
1983	unused due to PIK program **			
* 1984	1700**	458*		125**
1985	1600**	475**		125**
1986		458*		

* obtained from test on 9/30/86

** obtained from WUR sent to us from Jerry Weaver

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year corn Year of record _____

REMARKS: _____

Person present at test Clint Jones employee
(name) (relationship)
 Water Use Correspondent Agri, Associates Inc. Box 1162 North Platt, NE 69103 308-534-9240
(name) (address) (phone number)
 Conducted by Greg Ebert Date 10/8/86
(signature)
 Approved by Al J. White, P.E. Date 12/29/86
(signature) (title)

HAYS002771

APPLICATION NO: 22332 NAME: Connecticut General Life Insurance

COLLINS METER TEST WELL NW SE SE

Collins Meter No. 1-83 Meter Calibration Factor 1,9559

Pipe Inside Diameter (inches) 6 5/16 Flow Rate Factor 95,35

Test Pressure (psi) 10 Test RPM, Pump 1800

Description of Test Location In horizontal pipe between pump and pivot

TEST DATA: Check, Initial 5,41 Reversed 5,40
 Velocity Velocity
 Meter Setting From Left Side of Pipe Right Side of Pipe
 Center of Pipe (or Front Side if (or Back Side if
 Vertical Test) Vertical Test)

Meter Setting	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1/4</u>	<u>5,20</u>	<u>5,40</u>
<u>2/4</u>	<u>4,89</u>	<u>5,17</u>
<u>2 7/8</u>	<u>4,28</u>	<u>5,10</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 5,02

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
5,02 x 1,9559 = 4,80

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
4,80 x 95,35 = 458 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: RECEIVED

Red J. White
 Professional Engineer

JUN 29 1987

HAYS002772

MICROFILMED

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 10, 1987

FROM: Douglas E. Bush

RE: Appropriation of Water
File No. 22,332

No proposed certificate on file. The certificate is based on a Field Inspection Report conducted under contract by Pumping Plant Testing Inc.

The quantities for the wells were prorated by rate so they would not exceed the maximum quantity for irrigating 125 acres or 188 A.F.

The wells were prorated as such:

Well (NC SE $\frac{1}{4}$) 653 g.p.m. + 458 g.p.m. = 1,111 g.p.m. 653 g.p.m.
÷ 1,111 g.p.m. = 0.59 x (125 acres x 1.5 A.F. per acre) = 111 A.F.

Well (NC E $\frac{1}{2}$ SE $\frac{1}{4}$) 458 g.p.m. + 653 g.p.m. = 1,111 g.p.m. 458 g.p.m.
÷ 1,111 g.p.m. = 0.41 x (125 acres x 1.5 A.F. per acre) = 77 A.F.

The rates shown on the certificate are those of when the wells were tested individually. A limitation was needed on the combined rate since the combined rate exceeded the total rate of the two wells when ran simultaneously.

The Field Inspection Report (F.I.R.) showed the possibility of unapproved land being irrigated. Because of this land being in an area where section corners are hard to locate, making the actual place of use hard to pinpoint, no action is being taken.

The F.I.R. shows one well possibly to be located in an unapproved location. By adjusting the coordinates, because of the sections not being square, the actual location of this well is less than 300 feet from where it was approved. The description for this well was changed to better describe this well. The description was changed from the NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said section to near the center of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of said section. The latter description better describes a well with coordinates of 1,342 feet North and 797 feet West of the Southeast corner of said section.

REC'D *Douglas E. Bush*

Douglas E. Bush
Hydrologist

MICROFILMED
HAYS002785

DEB :rk

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.

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.

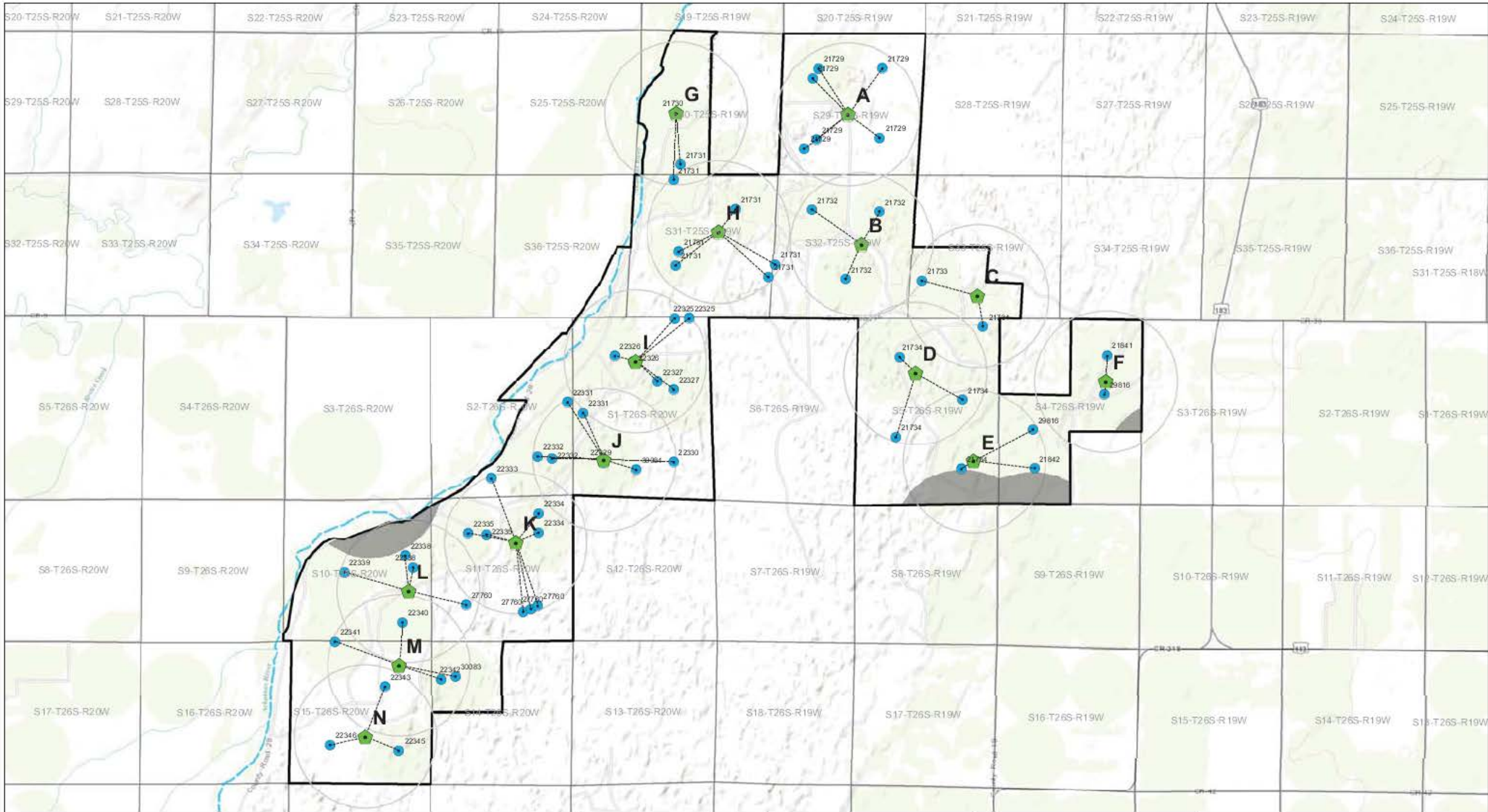
In that area of Kansas located between the Range 20 West/Range 21 West line and the Kansas/Colorado border, the maximum allowable quantity shall not exceed an average of 2.00 acre-feet per acre irrigated.

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.

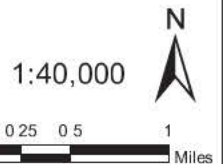
EXHIBIT J

22332



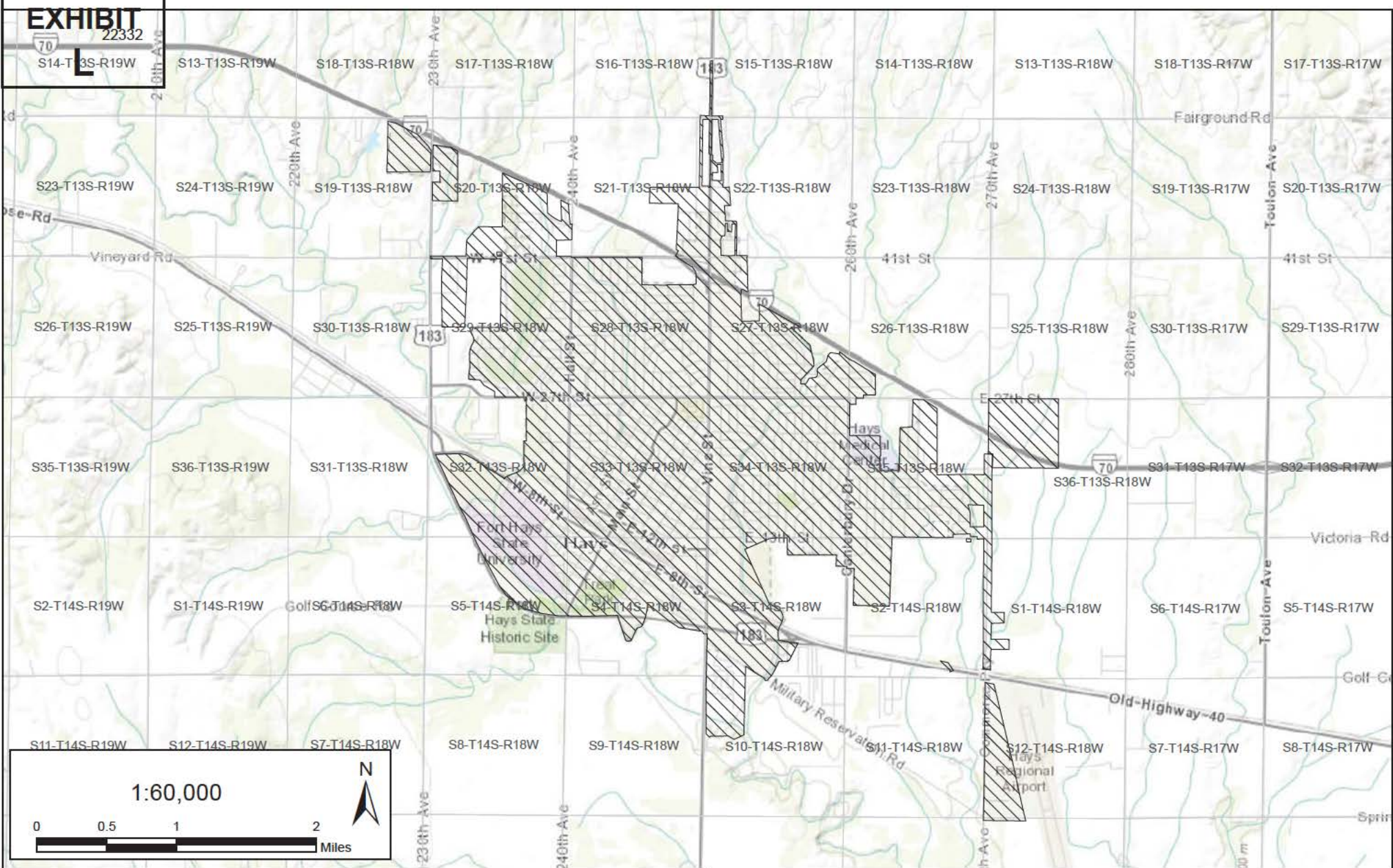
Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections

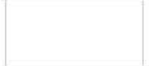


EXHIBIT

22332



Proposed Place of Use City of Hays

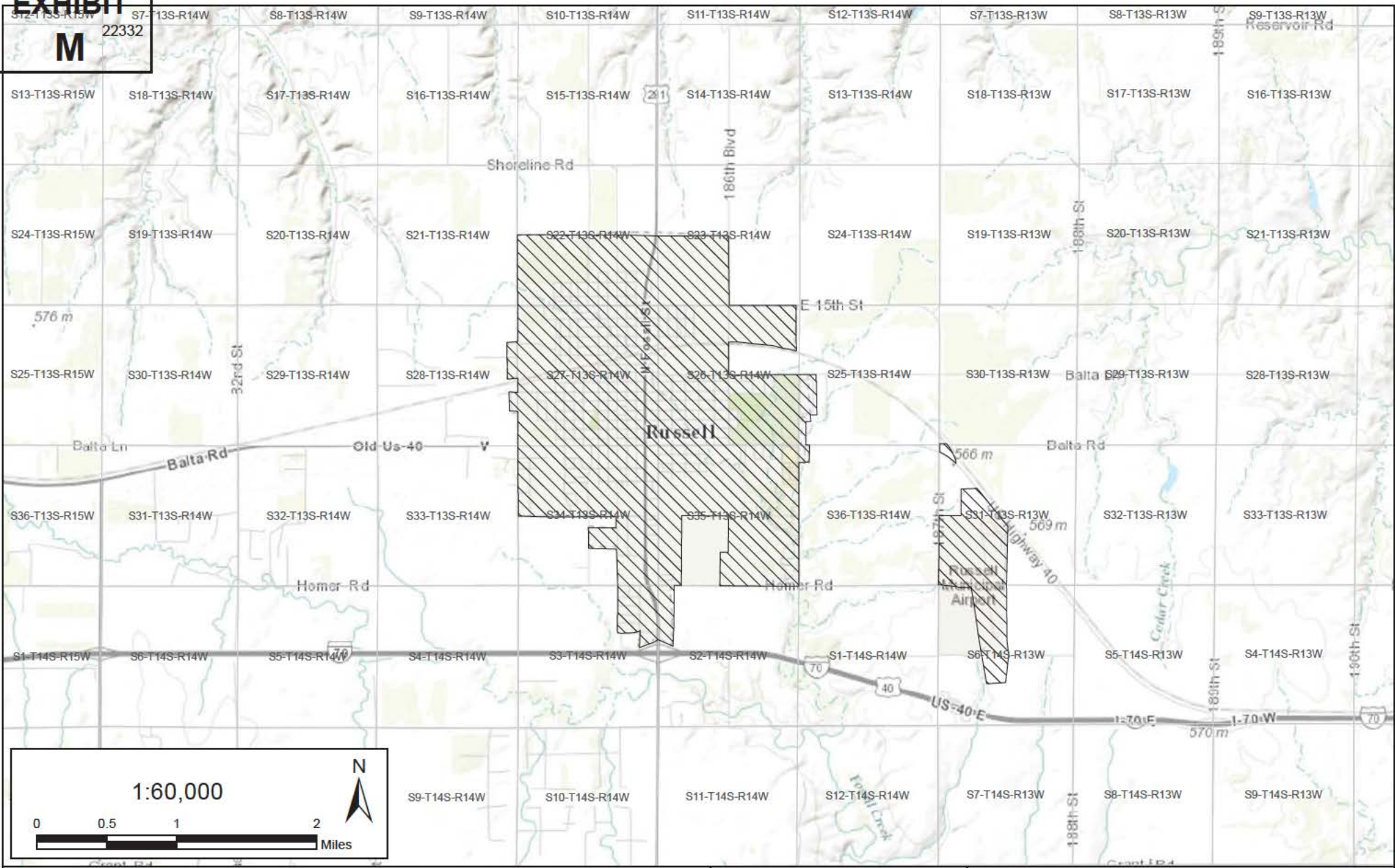


PLSS Sections



**EXHIBIT
M**

22332



Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
 N**

**SECTION 2: PAST WATER USE
 COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago	592,323,000			5,029,000	469,314,000	5,155,000	112,825,000
15 years ago	780,527,000			10,619,000	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

22332
SECTION 3: PROJECTED FUTURE WATER NEEDS

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Explanation on other side)
Year 5	386,346,512	0	0	177,719,396	119,767,419	15,453,861	73,405,836
Year 10	405,513,682	0	0	186,536,377	125,709,241	16,220,547	77,047,517
Year 15	426,310,852	0	0	196,102,992	132,156,364	17,052,434	80,999,062
Year 20	443,848,022	0	0	204,170,090	137,592,887	17,753,921	84,331,124
TOTAL WATER = Columns 1 + 2			ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
(CENSUS BUREAU INFORMATION)

LAST 20 YEARS	POPULATION
20 years ago	
15 years ago	4,710
10 years ago	4,696
5 years ago	4,506
Last Year	4,475

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	4,596
Year 10	4,605
Year 15	4,651
Year 20	4,698

Provide number of current active service connections:

2,049 Residential 9 Industrial 30 Other (specify) Free Service
 360 Commercial 0 Pasture/ Stockwater/ Feedlot 2448 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 ÷ Population ÷ 365 Days/Year = Gallons per Person per Day

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the Page 43 of 46 request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,333 Circle 39.

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

- 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 SE Quarter of the SE Quarter of the SW Quarter of Section 2, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 590 feet North 3,053 feet West of Southeast corner of section. Authorized Rate 520 gpm Authorized Quantity 50 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 11, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 3,646 feet North 2,143 feet West of Southeast corner of section. Proposed Rate 520 gpm Proposed Quantity 57.47 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,333-35; 27,760

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E/W~~), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E/W~~), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

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.

[Handwritten signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 20 15.

[Handwritten signature: Malinda Morse]

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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 4/15/18

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.

Proposed Rate and Quantity

The Cities are requesting a total of 57.47 acre-feet and 520 gpm from the well associated with this water right, all of which will be diverted from new point of diversion K, as shown on Exhibit L. When combined with existing wells from other water rights, new point of diversion K will have a cumulative total of 533.2 acre-feet and 3,380 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 up to 35.64 acre-feet for municipal use.¹ As discussed below, 33 approved acres irrigated during the perfection period multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 35.64 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, issued on March 19, 1976, granted the right to divert up to 63 acre-feet annually at a rate not to exceed 840 gallons per minute for irrigation use⁴ on 36 acres in the Sections 2 and 11-T26S-R20W.⁵ The certificate further limited the rate to 520 gallons per minute.

In the cover letter transmitting the permit, DWR made findings of fact stating that “the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”⁶

The Field Inspection Report indicates that 57.75 of the 63 acre-feet authorized by the permit were lawfully perfected.

- 133 acre-feet⁷ were applied to 33 approved acres in Sections 2 and 11-T26S-R20W.
- The permit authorized the perfection of 63 acre-feet on 36 acres, or 1.75 acre-feet per acre, but only 33 authorized acres were irrigated during the perfection period, resulting in perfection of 57.75 acre-feet.

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, HAYS002951, Ex. A.

⁵ Application, HAYS002944, Ex. B.

⁶ March 19, 1976, letter (emphasis added), HAYS002950, Ex. C.

⁷ FIR, HAYS002937, Ex. D.

While the certificate limits the total quantity to 50 acre-feet based on DWR's after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.⁸

Since the perfection period has expired, the "authorized quantity" for this water right is the 57.75 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

Alfalfa was grown on the authorized place of use in at least one year during the perfection period.⁹ According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County is 13 inches (1.083333 feet) for corn and 20.9 (1.741666 feet) inches for alfalfa.

Since alfalfa was grown on the authorized place of use in at least one year during the perfection period, it is reasonable to use the NIR for alfalfa, which yields a total quantity of 57.47 acre-feet consumed. While this quantity is greater than the quantity set out in the certificate, it is less than the 57.75 perfected acre-feet, the "maximum annual quantity authorized by the water right."¹⁰

An alternative approach

DWR's use of the NIR of 1.08 feet of water for corn is based on its maximum gross irrigation requirement of 1.5 acre-feet per acre.¹¹ The regulation allows the conversion of 72% of the maximum quantity to a new use; in other words, it assumes that 28% of the quantity diverted returns to the aquifer.

If 28% of the 57.75 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 41.58 acre-feet, should be available for conversion to municipal use. While this quantity is greater than the quantity set out in the certificate, it is less than the 57.75 perfected acre-feet, the "maximum annual quantity authorized by the water right."

The Applicants request that DWR approve a total of 57.47 acre-feet for municipal use.

⁸ Certificate, HAYS002959, Ex. E; Larry Sheets March 20, 1987, Memo, HAYS002954, Ex. F; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

⁹ FIR, HAYS002940, Ex. D. See also 1981 Water Use Report from File 21,729, Circle 39, HAYS000605, Ex. G; FSA Reports HAYS004449, Ex. H, and 4922, Ex. I.

¹⁰ See K.A.R. 5-5-9(a)(4).

¹¹ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. J, stating that: "In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated." See also, K.A.R. 5-3-24 and Larry Sheets March 20, 1987, Memo, HAYS002954, Ex. F.

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. 22,333 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 one (1) well in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) 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 **840 gallons per minute (1.87 c.f.s.)** and to a quantity of not to exceed **63 acre-feet** for any calendar year.

(OVER)

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MAR 29 1976
HAYS 0029519
arch

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



Guy E. Gibson
Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

HAYS002952



#39

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

Read back \$50.00 5-2-71
SA

22,333

NUMBER 14

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)
Comes now the applicant (Miss) Midwest Land and Cattle Co. 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 ~~4000~~ ⁶³ acre feet per year, to be diverted at a maximum rate of ~~1000~~ ⁸¹⁰ gallons per minute (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the SE quarter of the ~~SE~~ SW quarter of section 2, township South Brown 26, range 20 W, in Edwards County, Kansas.

3. The water is intended to be appropriated for:

	Amount
(a) Domestic use ()	_____
(b) Municipal use ()	_____
(c) Irrigation use (X) ⁶³ 40 <u>acre ft./yr. - 1000 gals./min.</u>	
(d) Industrial use ()	_____
(e) Recreational use ()	_____
(f) Water power use ()	_____

(check intended use or uses and show intended quantity for each use)

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MAY 02 1974 9:13 a.m.

MAY 09 1975

OCT 15 1975

FEB 26 1976

MAR 29 1976

HAYS002943

FIELD OFFICE DIVISION OF WATER RESOURCES SIAWARD

Page 11 of 52

UNRECORDED

RECORDED

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								21	40	40	70	2/40			8	70	160.25
11 26 20		2			5												7
																	36

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 $\frac{1}{4}$	

HAYS002944

7. The works for diversion of water will consist of one well with one pump for one circle sprinkle irrigation system (one motor)
(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 ~~MMW&X~~ 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:

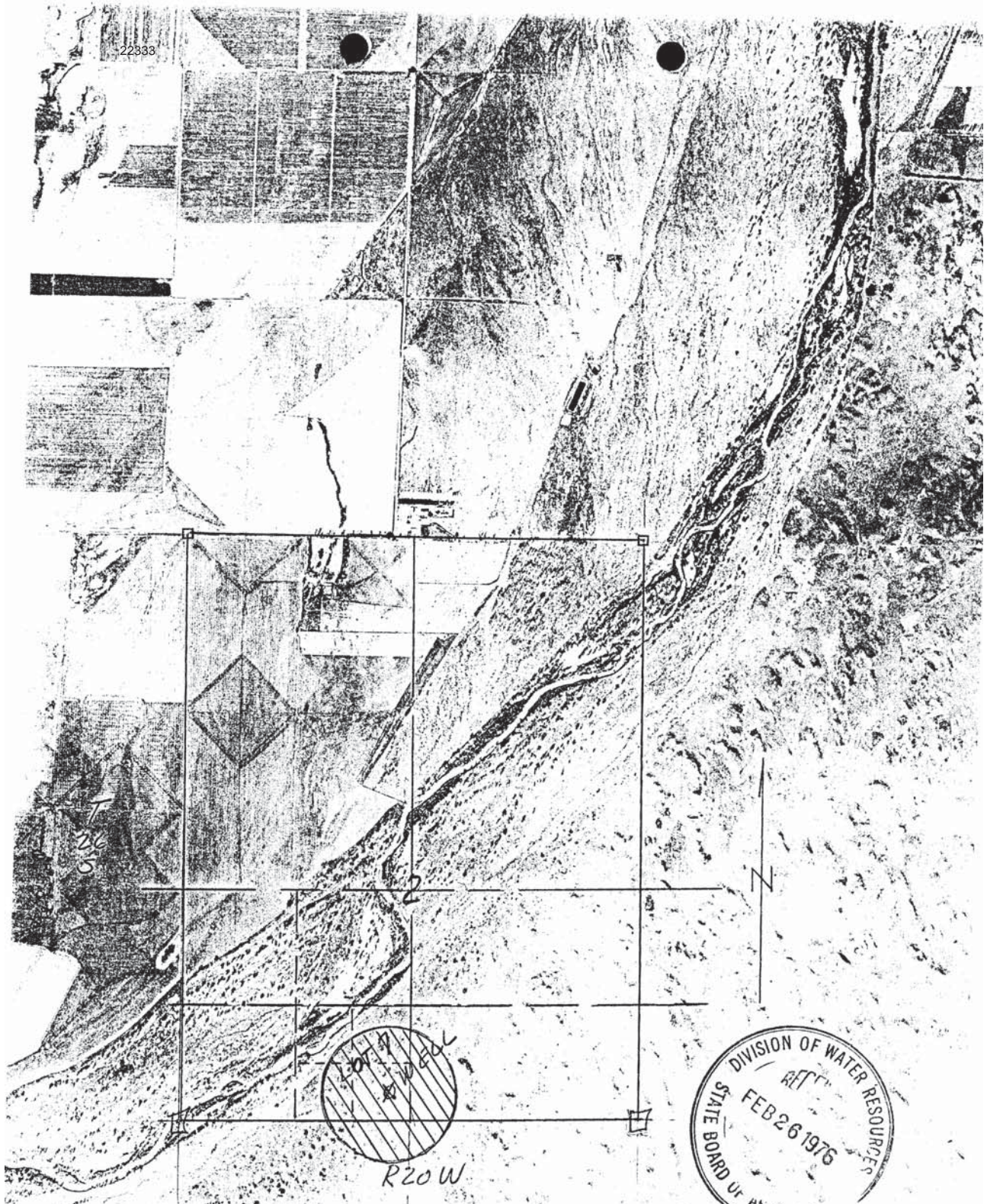
1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.
1 million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.
1 acre foot = 43,560 cubic feet = 325,851 gallons.

MI-539  5-72-10M SETS

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MAR 29 1976 HAYS002945

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD



APPLICATION 22333

9-15-75

All wells within 1/4 mile of the irrigation well are owned by the applicant.

No. 39



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HAYS002946

2

E-N

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,333

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

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MAR 21 1976 002950

Partial
 Full
 Re-Test

Test 1 of 1 Diversion points
 Application No. 22333 Date 10-3-86 Firm/Field Office Pumping Plant Testing, Inc
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Insurance Co Agri. Associates Inc.
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.
 Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()
 Groundwater (X) Drainage Basin Arkansas River
 Surface Water () Stream _____
 Authorized Point of Diversion: 1 well in the SE 1/4, SE 1/4, SW 1/4 Sec. 2, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____
 Actual Point of Diversion: 1 well in the SE 1/4 SE 1/4 SW 1/4 Sec. 2, T. 26, R. 20
 Approximately 590 ft. North and 3053 ft. West of SE corner of Sec. 2
 How were distances determined? By Scaling off Large Scale Aerial Photo
 "Approved" Quantity 63 AF "Approved" Diversion Rate 840 g.p.m. (1.87 c.f.s.)
 Priority Date May 2, 1974 Approval of Application Date March 19, 1976
 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>2</u>	<u>26</u>	<u>20</u>												<u>21</u>				<u>8</u>	<u>29</u>
<u>11</u>	<u>26</u>	<u>20</u>	<u>2</u>				<u>5</u>												<u>7</u>
																			<u>36</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>2</u>	<u>26</u>	<u>20</u>												<u>25</u>				<u>7</u>	<u>32</u>
<u>11</u>	<u>26</u>	<u>20</u>					<u>1</u>												<u>1</u>
																			<u>33</u>

APPLICATION OF WATER:
 Year of Record 1984 Hours Pumped 1750 or Quantity 167 ac-ft
 Normal Operating G.P.M. 519 Equiv. c.f.s. 1.16
 Maximum Operating G.P.M. _____ Equiv. c.f.s. _____
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 MAY 18 1987

FOR D.W.R. USE ONLY

Year of Record 1983 Extension of time requested: Yes No _____
 Total No. of Hours on land covered by this application 1400
 Ac. Ft. Applied = $1400 \text{ hrs.} \times 519 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 133 \text{ AF}$
 Acres of "Approved" Land irrigated 33 4.05 acft per ac.
 Ac. Ft. on "Approved" Land 133 (_____ Ac. Ft./Ac.)
 Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less _____
 * 63 ac more than 1.5 acft per acre for 33 acres
 Proration Calculations Limited by approval to 63 acft.
charge to 50 acft 3-25-87
 Perfected Rate 520 g.p.m. Perfected Quantity 63 AF
 HAYS002937



GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Olson Model 103 P Serial No. 4019
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? Yes End Gun Rating 2 Rainbird 85 g.p.m.
 Is end gun operating during test? Yes
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____
 Serial No. 11836 K-29-TG Fuel Propane Rated RPM _____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10 MA Rated RPM _____
 Serial No. N2x2804976X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer U.S. Model No. Q003146 T
 Serial No. 955600-D-571 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled 2-14-75 Original Depth 40 ft. Static Water Level When Drilled 9 ft.
 Tape Down Possible? yes Water Level Measurement Tube? no
 Measuring Point — ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter —
 Meter Model No. — Serial No. — Size —
 Is Meter Installed Properly? —
 Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no
 Vacuum Breaker? no Are these anti-pollution devices installed properly? yes

If chemicals are injected into system, please attach page 7 of 62 system.

HAYS002938

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).

N
↑
Scale
1" = ____ ft.

TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
Location of test In Vertical pipe inside pivot stand
Pipe Diameter (I.D.) 7 3/16 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2118
R.P.M. PUMP UNIT 1765
Pressure at Pump 42 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
R.P.M. PUMP UNIT _____
Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant K = 2.45 × 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. _____

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DIVISION OF WATER RESOURCES
STAFFORD

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal. Ending _____ gal.
Beginning _____ gal. Beginning _____ gal.
Difference _____ gal. Difference _____ gal.
Time _____ min. Time _____ min.
Rate _____ gpm Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS002939

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type propane Supplier Mid-Continent

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not Determined, Representative. Didn't know Rate either.

TABULATION OF WATER USE:

24290
SE-SESW
2-26-20 W

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	552	700		40
1976				
1977	55	700		36
1978				
1979	336	450		33
1980	720	450		33
1981	1080	450		33
1982				
1983	1400*	800		33
1984	1750	519*	167*	36†
1985	1700‡	800‡		36†
1986		519*		33 (from Kent Naber)

* From Data collected during Test
 † Obtained from water use reports sent to use from Jerry Weaver

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year alfalfa Year of record Alfalfa

REMARKS: THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975. ALL OF THE RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS & PUMPING PLANTS HAVE BEEN CHANGED OVER THE YEARS. CONNECTICUT GENERAL, SINCE 1983, HAS MADE A GOOD EFFORT TO KEEP GOOD RECORDS & THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.

Person present at test Kent Naber (name) Irrigation Manager (relationship)

Water Use Correspondent Lyle Kolbeck (name) Spearville, KS 67876 (address) (316) 385-2803 (phone number)

Conducted by [Signature] (signature) Date 10/6/86

Approved by [Signature] (signature) P.E. (title) Date 12/21/86

HAYS002940

APPLICATION NO: 22 333 NAME: Connecticut General Life Insurance

COLLINS METER TEST

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 7 13/16 Flow Rate Factor 147.8

Test Pressure (psi) 42 Test RPM, Pump 1765

Description of Test Location In vertical pipe inside pivot stand

TEST DATA: Check, Initial 3.82 Reversed 3.81
 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 5/8</u>	<u>4.27</u>	<u>4.35</u>	<u>3.38</u>	<u>3.35</u>
<u>2 3/4</u>	<u>4.38</u>	<u>4.35</u>	<u>3.40</u>	<u>3.28</u>
<u>3 9/16</u>	<u>3.96</u>	<u>3.90</u>	<u>2.32</u>	<u>2.83</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 3.65

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 3.65 x .9635 = 3.51

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 3.51 x 147.8 = 519 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

Rick J. Mendenhall

Professional Engineer

HAYS002941

MICROFILMED

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 22,333

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 a well located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, more particularly described as being near a point 590 feet North and 3,053 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas, at a diversion rate not in excess of 520 gallons per minute (1.16 c.f.s.) and in a quantity not to exceed 50 acre-feet per calendar year for irrigation use on the following described property:**

- 21 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),
- 8 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),
- a total of 29 acres in Section 2,

- 2 acres in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$),
- 5 acres in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$),
- a total of 7 acres in Section 11,

- all in Township 26 South, Range 20 West, Edwards County, Kansas.

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DIVISION OF WATER RESOURCES
STAFFORD

HAYS002959

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The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

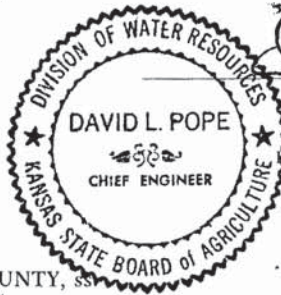
The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 7th day of May, 1987.



David L. Pope
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 7th day of May, 1987, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**WATER APPROPRIATION
CERTIFICATE**

No. 15,886

STATE OF KANSAS

Water Right, File No. 22,333

COUNTY, ss.

Filed for record this _____ day of _____, 19____

at _____ o'clock _____ m. and _____

recorded in Book _____ Page _____

Fee \$ _____

Register of Deeds.

HAYS002960

M E M O R A N D U M

To: Files

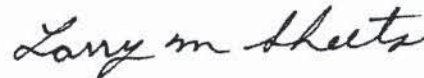
From: Larry M. Sheets

Re: Appropriation of Water
File No. 22,333

Date: March 20, 1987

The Field Inspection Report of the above referenced file, conducted under contract by Pumping Plant Testing, has been reviewed. It meets the requirements specified in the Scope of Work. Based on the 1983 Water Use Report, 1,400 hours of pumping the well in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, Township 26 South, Range 20 West, Edwards County, Kansas, provided 133 acre-feet of water for irrigating 33 acres or 4.04 acre-feet per acre. The certificate of appropriation has been drafted for the tested pumping rate rounded up to 520 g.p.m. and the approved quantity of 63 acre-feet.

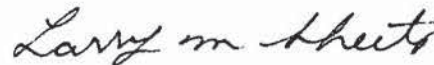
An extension of time to perfect for two years or through 1983, has been granted.

Larry M. Sheets
Hydrologist

LMS:aw

Addendum: March 25, 1987

Proir to sending the draft certificate (during review) it was noticed that 63 acre-feet is greater than 1.5 acre-feet per acre for the acres irrigated by the small pivot system. The certificate of appropriation was revised to reflect a reasonable quantity for the acres irrigated (33 x 1.5 = 49.5 or 50 acre-feet).

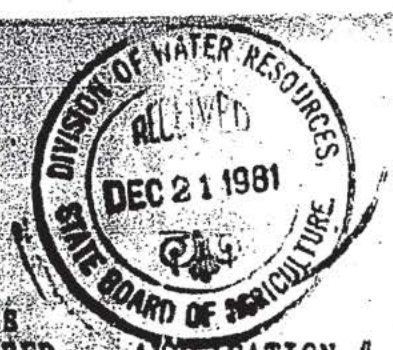
Larry M. Sheets
Hydrologist

LMS:aw

HAYS002954

AMERICAN AGRICULTURAL INDUSTRIES INC.

1981 WATER USE REPORT



CIRCLE	LEGALS	HOURS	GPM	ACRE-FEET	ACRES WATERED	APPLICATION #
# 0	NE $\frac{1}{4}$ 30-25-19	1152	550	116	54.2	21,730
# 1	SW $\frac{1}{4}$ 30-25-19	1152	650	137	118.8	
# 2	SW $\frac{1}{4}$ 31-25-19-5	1152	650	137	127.7	21,731
# 3	NW $\frac{1}{4}$ 31-25-19	1152	750	159	267.	
# 4	SE $\frac{1}{4}$ 31-25-19	1152	400	84	121.1	
# 5	NE $\frac{1}{4}$ 31-25-19	1152	550	117	106.3	
# 6	NW $\frac{1}{4}$ 32-25-19	1152	650	137	112.5	21,732
# 11	NE $\frac{1}{4}$ 32-25-19	1152	650	137	108.	
# 12	SW $\frac{1}{4}$ 32-25-19	1152	900	191	157.2	
# 7	SW $\frac{1}{4}$ 29-25-19	1152	650	137	126.9	21,729
# 8	NW $\frac{1}{4}$ 29-25-19	1152	743	157	125.9	
# 9	NE $\frac{1}{4}$ 29-25-19	1152	600	127	124.6	
# 10	SE $\frac{1}{4}$ 29-25-19	1152	780	65	123.	
# 13	SE $\frac{1}{4}$ 32 SW $\frac{1}{4}$ 33-25-19	1152	650	137	120.5	21,733
# 16	SE $\frac{1}{4}$ 5-26-19	1152	700	148	115.6	21,734
# 17	NE $\frac{1}{4}$ 5-26-19	1152	750	159	120.6	
# 19	$\frac{1}{2}$ NE $\frac{1}{4}$ 1-26-20	1080	850	169	74.9	22,325
# 20	NW $\frac{1}{4}$ 1-26-20	480	800	70	121.2	22,326 sudan grass
# 21	NE $\frac{1}{4}$ & SE $\frac{1}{4}$ 1-26-20	840	900	139	127.5	22,327 milo
# 22	NE $\frac{1}{4}$ & SE $\frac{1}{4}$ 2-26-20	840	850	131	118.7	22,331 milo
# 23	SE $\frac{1}{4}$ 2-26-20	840	800	123	122.2	22,332 milo
# 26	NW $\frac{1}{4}$ 11-26-20	840	900	139	132.1	22,335 milo
# 27	NE $\frac{1}{4}$ 11-26-20	840	900	139	124.8	22,334 milo
# 28	NE $\frac{1}{4}$ 10-26-20	840	850	131	106.5	22,338 milo
# 29	NW $\frac{1}{4}$ 10-26-20	840	800	123	104.	22,329 milo
# 30	SW $\frac{1}{4}$ & SE $\frac{1}{4}$ 10-26-20 NW $\frac{1}{4}$ 15-26-20	1080	785	156	125.3	22,341 alfalfa
# 31	SE $\frac{1}{4}$ 10-26-20	840	800	123	111.2	22,340 milo

RECEIVED

22,341 alfalfa

DEC 22 1980 HAYS000604

300420

This document was not found in DWR's records in Stafford. It was referred to in a letter from Pam Meadows dated November 3, 1981 found in File No. 21,730. It was subsequently obtained from DWR in Topeka using an open record request.

AMERICAN AGRICULTURE INDUSTRIES, INC.

1981 Water Use Report

CIRCLE	LEGALS	HOURS	GPM	ACRE-FEET	ACRES WATERED	APPLICATION #
#35	NE $\frac{1}{4}$ 15-26-20	840	800	123	125.9	22,343 milo
#36	NW $\frac{1}{4}$ 14-26-20	840	800	123	126.5	22,342 milo
#37	SW $\frac{1}{4}$ 15-26-20	840	800	123	108.6	22,346 soy be
2, #38	SW $\frac{1}{4}$ 15-26-20	1080	836	166	103.2	22,345 alfalfa
#39	SW $\frac{1}{4}$ 2-26-20	1080	450	89	33.3	22,333 alfalfa

Circles #13, #15, and #18 did not run due to the lack of stand in view of the pending foreclosure.

Circles #24, #25, #32, and #33 did not run this year due to the removing of systems, engines, and pumps by First Leasing Corporation of Omaha, Nebraska.



RECEIVED

DEC 18 1980

FIVE

HAYS000605

300421

EXHIBIT

22333

H

LUCERNE FARMS HAY

PRODUCTION

McALLASTERS 4/5		TOTAL BALES	ANIBYPRO 1/5	
#0			#0	
1st	13	16	1st	4
2nd	52	65	2nd	13
3rd	83	104	3rd	21
4th	31	39	4th	8
#1			#1	
1st	73	91	1st	18
2nd	113	141	2nd	28
3rd	127	159	3rd	32
4th	46	58	4th	12
#2			#2	
1st	54	68	1st	14
2nd	106	133	2nd	27
3rd	144	180	3rd	36
4th	48	60	4th	12
#3			#3	
1st	153	191	1st	38
2nd	164	205	2nd	41
3rd	373	466	3rd	93
4th	121	152	4th	31
#4			#4	
1st	82	103	1st	21
2nd	85	106	2nd	21
3rd	170	212	3rd	42
4th	32	40	4th	8
#5			#5	
1st	44	55	1st	11
2nd	155	194	2nd	39
3rd	135	169	3rd	34
4th	38	47	4th	9
#6			#6	
1st	41	51	1st	10
2nd	82	103	2nd	21
3rd	164	205	3rd	41
4th	82	102	4th	20
#7			#7	
1st	141	176	1st	35
2nd	170	212	2nd	42
3rd	206	258	3rd	52
4th	96	120	4th	24
#8			#8	
1st	82	103	1st	21
2nd	122	153	2nd	31
3rd	177	221	3rd	44
4th	99	124	4th	25

#9			#9	
1st	119	149	1st	30
2nd	194	243	2nd	49
3rd	167	209	3rd	42
4th	82	102	4th	20
#10			#10	
1st	77	96	1st	19
2nd	261	326	2nd	65
3rd	201	251	3rd	42
4th	118	148	4th	30
#11			#11	
1st	116	145	1st	29
2nd	208	260	2nd	52
3rd	162	202	3rd	40
4th	42	52	4th	10
#12			#12	
1st	130	162	1st	32
2nd	302	377	2nd	75
3rd	257	321	3rd	64
4th	110	137	4th	27
#13			#13	
1st	75	94	1st	19
2nd	122	153	2nd	31
3rd	121	151	3rd	30
4th	13	16	4th	4
#16			#16	
1st	70	88	1st	18
2nd	144	180	2nd	36
3rd	86	108	3rd	22
4th	15	19	4th	4
#17			#17	
1st	107	134	1st	27
2nd	218	273	2nd	55
3rd	122	152	3rd	30
4th	42	53	4th	11
#18			#18	
1st	23	28	1st	6
#19			#19	
1st	47	59	1st	12
2nd	42	53	2nd	11
3rd	50	63	3rd	13
#30			#30	
1st	126	158	1st	32
2nd	157	196	2nd	39
3rd	90	113	3rd	23
4th	18	23	4th	5

#38			#38	
1st	98	122	1st	24
2nd	162	202	2nd	40
3rd	95	119	3rd	24
4th	52	65	4th	13

22333

#39

1st	16	20
2nd	26	33
3rd	31	39

#39

1st	4
2nd	7
3rd	8

Total Bales 10776

McAllasters 4/5's 8621

Anibypros 1/5's 2155

*Note In order to come up to 8.000 Tons it will take 8.889 bales of 1800lbs.
This will leave Anibypro 1887 bales

HAYS004451

EXHIBIT

ASCS-578 22333
(6-7-78)

REPORT OF ACREAGE *4/1*

213191
USDA/ASCS

NOTE: Sect. 1374a, 7U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

Form Approved - OMB No. 0560-0004

PAGE

1 OF 2

KEY	OPERATOR	FARM NO.	NAME AND ADDRESS	FARM-LAND	CROP-LAND	OPERATOR	OTHER INTERESTED PRODUCERS			ASSIGNMENT	
							KEY	NAME AND ADDRESS	OTHER FARMS	CROP	JOB
1	OPERATOR	477 440	CECIL OFFERLE	1302	1302	<i>Field Co</i>	3				
2	OWNER	E OP	OFFERLE KS 67563			<i>TX - Moore Co.</i>	4				
			<i>Conneticut General</i>				5				
						PROGRAM YEAR 1984	6				
						OTHER	7				

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled in by Reporter ONLY.)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY								KEY	SHARE	DISPOSITION	METHOD	GROSS ACRES	DEDUCTIONS		NET ACRES	INITIAL & DATE
			DRY WHEAT	IRR. WHEAT	BARLEY	CORN	DRY MILO	IRR. MILO	OTHER	IDENT./MEAS.						ACRES			
11-26-20	1	<i>cc - cc</i> Wht grain		132.1															
	2	<i>cc - cc</i> Wht grain		124.8															
15-26-20	35	<i>cc - cc</i> Wht grain		125.9															
	2	<i>cc - cc</i> Wht grain		108.6															
14-26-20	1	<i>cc - cc</i> Wht grain		121.5															
10-26-20	29	<i>cc - cc</i> Wht grain		104.0															
	28	<i>cc - cc</i> Wht grain		106.5															
	31	<i>cc - cc</i> Wht grain		111.2															
2-26-20	22	<i>cc - cc</i> Wht grain		118.7															
TOTAL OPERATOR REPORT				7434.1		4879		176.4	73.8										
TOTAL REPORTER'S REPORT				701		1729													

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. Further, my signature constitutes authority for ASCS personnel to enter my farm for making any program determinations.

OPERATOR'S SIGNATURE

Cecil Offerle

DATE

5-23-84

OPERATOR'S SIGNATURE

Kim Schaefer HAYS004922

REPORT OF ACREAGE

USDA - ASCS

NOTE: Sect. 1374a, 7 U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

KEY	OPERATOR	FARM NO.	NAME AND ADDRESS	FARM LAND	CROP LAND	OPERATOR	KEY	ASSIGNMENT			
								OTHER INTERESTED PRODUCERS	OTHER FARMS	CROP	JOB
1		477	Connecticut General				3				
		E					4				
		00					5				
							6				
							7				

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled in by Reporter ONLY.)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY			KEY	SHARE	DISPOSITION	METHOD	GROSS ACRES	DEDUCTIONS			NET ACRES	INITIAL & DATE
			CORN	Dry Milo	IRP						IDENT./MEAS.	ACRES			
33	Circle	IRR			101.5										
25-19	18	Milo-grain			74.9										
	Circle	IRR													
	19	Milo-grain													
11	Circle	IRR			125.3										
26-20	32	CORN													
	Circle	" "			127.3										
	33	" "													
	Circle	" "			110.4										
1	24	" "													
26-26	Circle	" "			124.9										
	25	" "													
	Circle	wht. dest back to nat. cover				73.8									
	14	ACR-													
		No Soybeans No sunflowers All Crops Reported													

TOTAL OPERATOR REPORT
TOTAL REPORTER'S REPORT

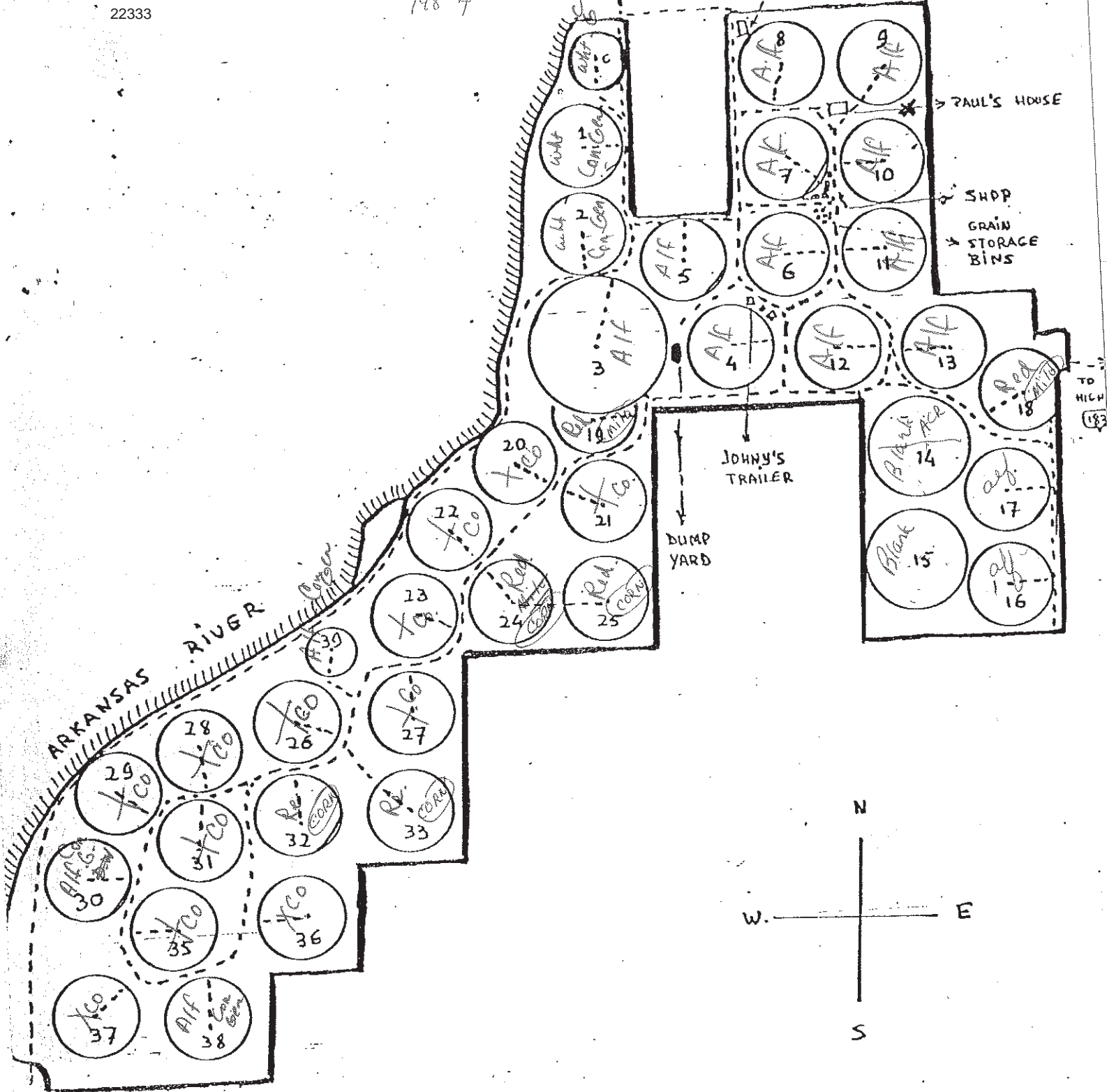
SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. Further, my signature constitutes authority for ASCS personnel to enter my farm for making any program determinations.

OPERATOR'S SIGNATURE: *Kim Schlegelmilch* DATE: _____ OPERATOR'S SIGNATURE: HAYS004924 DATE: _____

MACHOS

GEORGE'S HOUSE



LUCERNE FARMS

KINSLEY, KS

PH. OFFICE 659-2668
SHOP 659-3711

5-26-19

26-19

C-5

C-5

11/15

E 260

14

Dist

W/C

ACR 173.8

back to natural COVER

162.8

Melo

101.5

P
51.6

21.8

20.6

15

55

151.6

6.0

14.9

16

115.6

NOT TO SCALE

1349

427

29
 104.0
 wht 10

28
 2
 106.5
 wht

30
 af
 175.3
 C-3

31
 3
 111.2

26 20

P. 17.3

P. 16.5

152.1

Wht
1

124.8

Wht
.2

11

P. 52.1

P. 20.2

32

125.3

Corn

33

127.2

Corn

15.4

P. 6.8

C-3

C-3

36-ns

26-20

11-26-20

480.7

T

P
286.2

333

13

170.5

P
85.9

19 Miles

D-5

D-5

286.2

25-19

33-25-19

26-20

3 farms
1-26-20

C-4

19

Melo
74.9

Wht 20
121.2

P
7.5

P
4.1

P
8.2

22

118.7

21
V
127.5

Wht

P
90.8

P
16.7

24

25

NOT TO SCALE

125.3

26-20

of farms
15-26-20

B-3

B-3

31

16.3

P
210

P
223.3

125.9

W h t
35

15

P
24.6

E-A

37

2 168.6
W h t

alf.

105.2

38

P
73

NOT TO SCALE

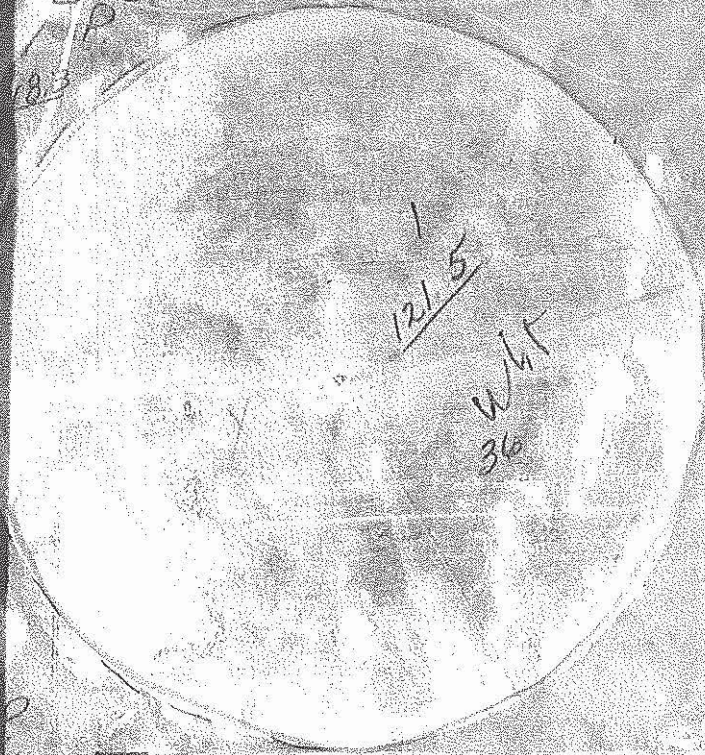
B-3

B-3

2.5arm

14-26-20

26-20



E-428

746
481.7

73

22

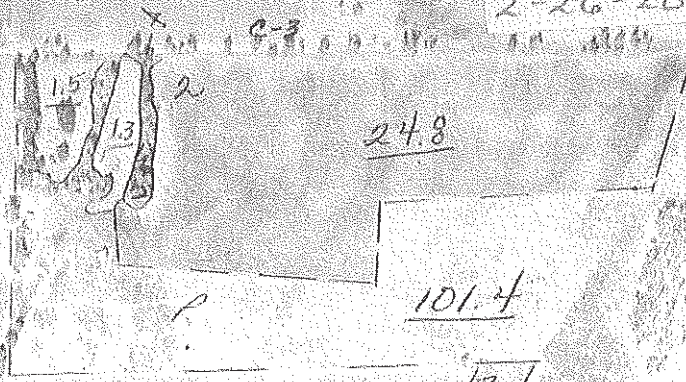
25

3 farms

2-26-20

26-20

C-3
C-107



201.8



22 w h t

118.7

22

12.2

23 w h t

122.2

3.5

cal 33.3

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.	
		<u>1,244</u> (allow 1,245 g.p.m.)	

A further limiting factor of this procedure is the availability of water from the proposed source of supply. In those instances whereby the source of supply is incapable of yielding a reasonably, sustainable (computed) rate, then the source becomes a further limiting factor.

A further limiting factor is well design and equipment, which shall be reasonable to divert the requested rate.

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.

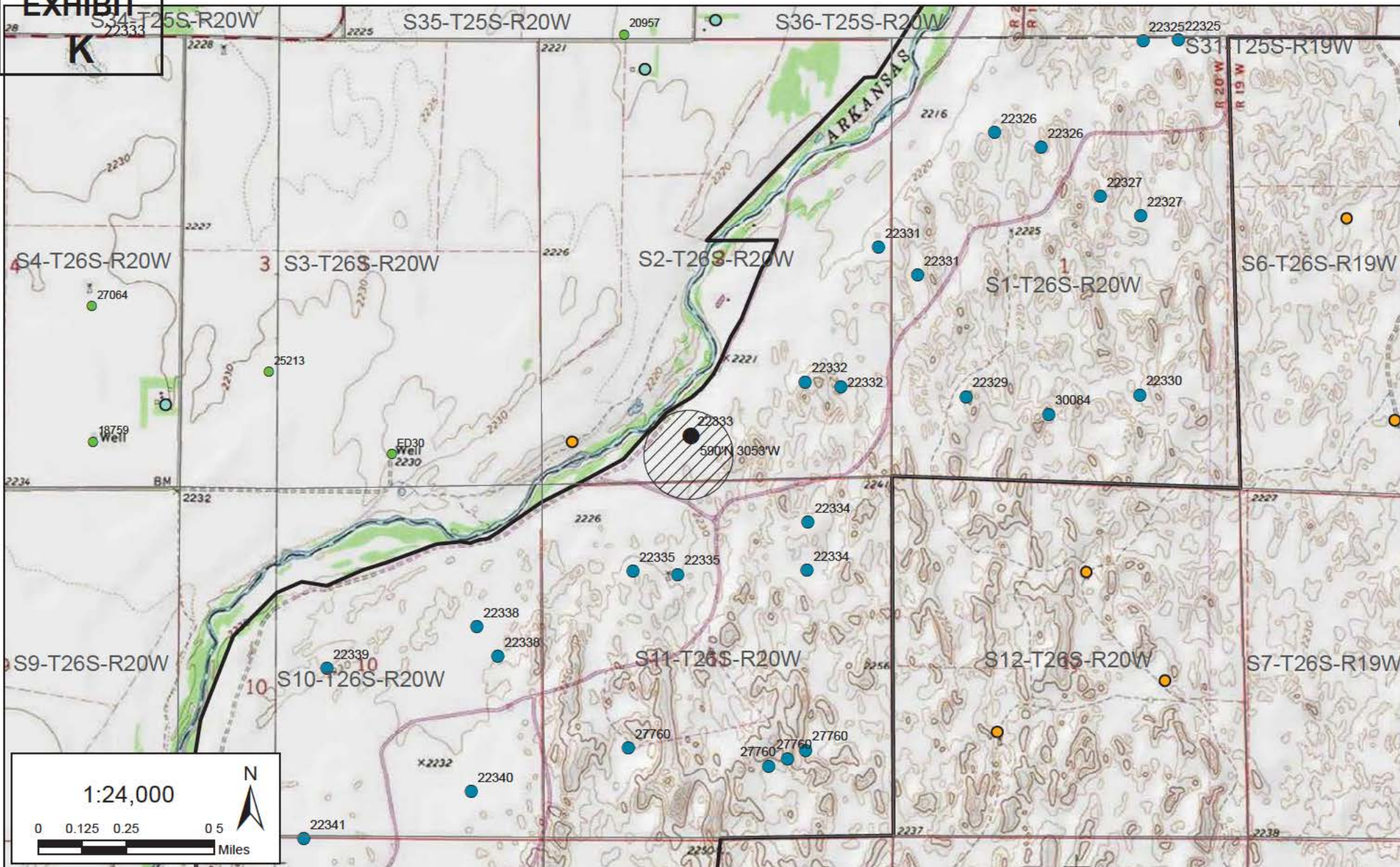
In that area of Kansas located between the Range 20 West/Range 21 West line and the Kansas/Colorado border, the maximum allowable quantity shall not exceed an average of 2.00 acre-feet per acre irrigated.

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.

EXHIBIT

K

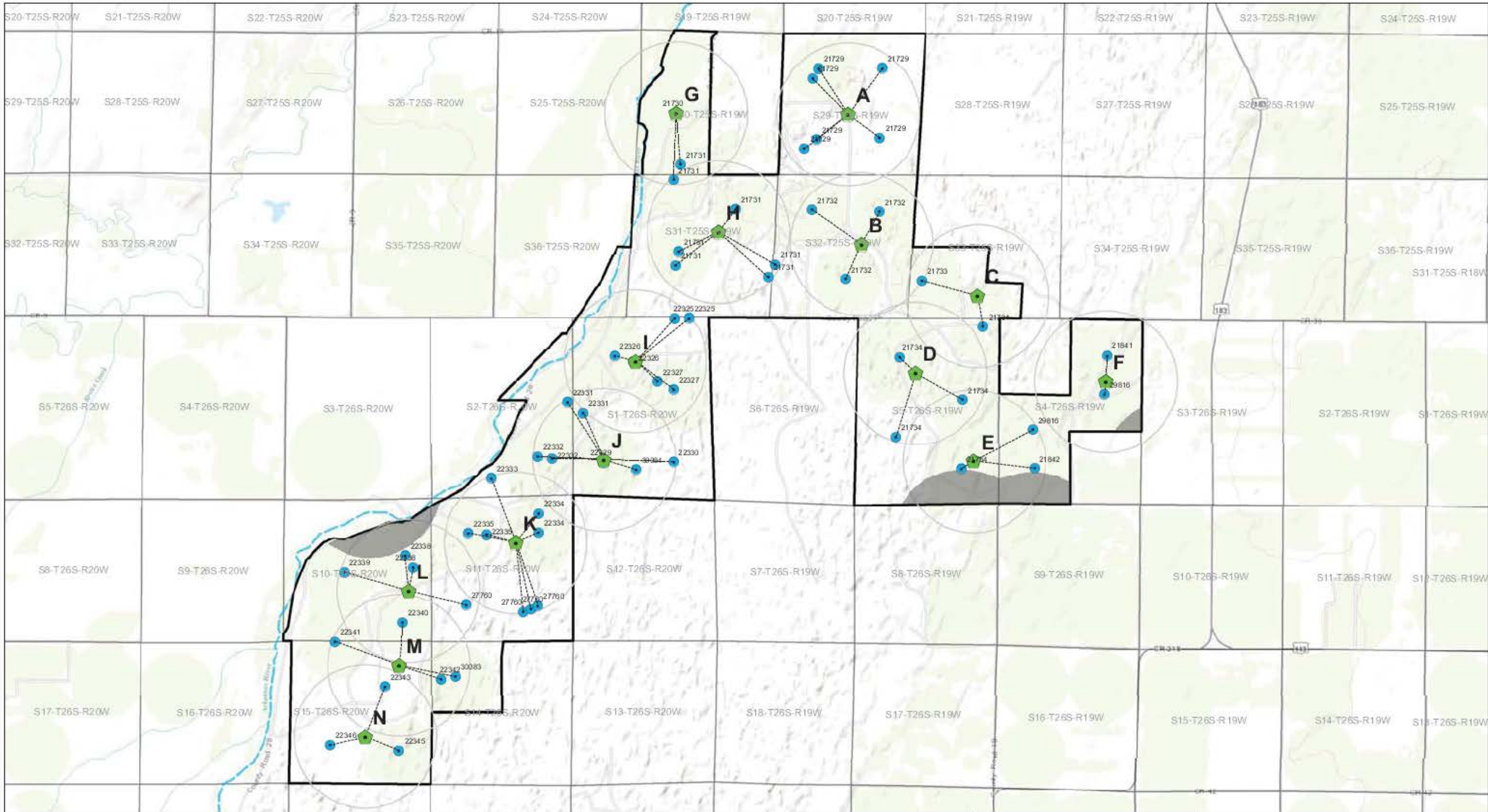


Legend

- 22333 Existing Point(s) of Diversion
- ▨ 22333 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 22333
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



**CHANGE APPLICATION 22333
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION**



Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections

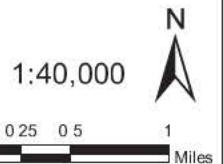
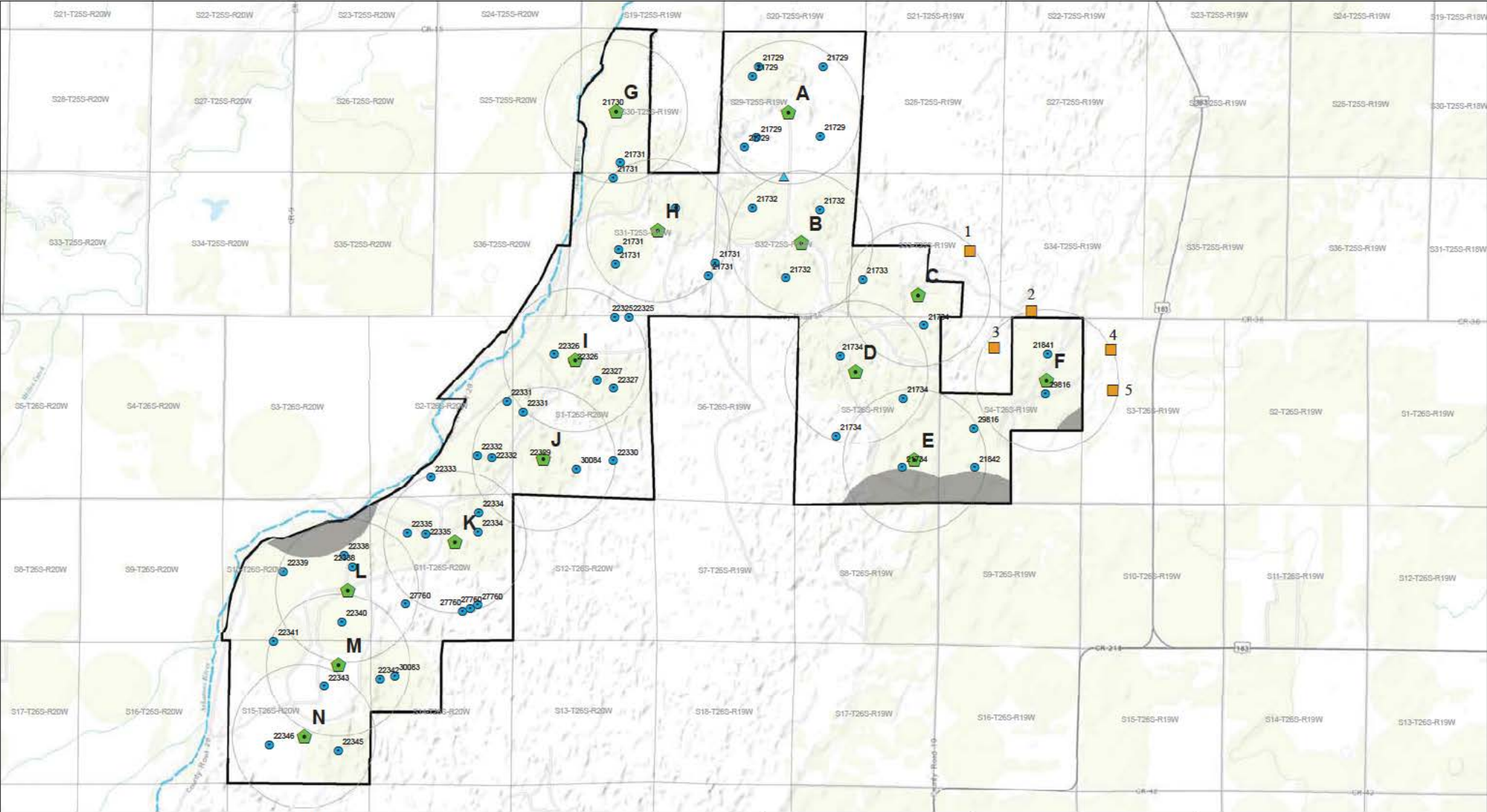
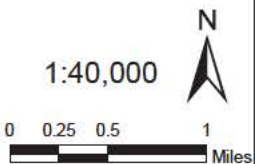


EXHIBIT
22333
M



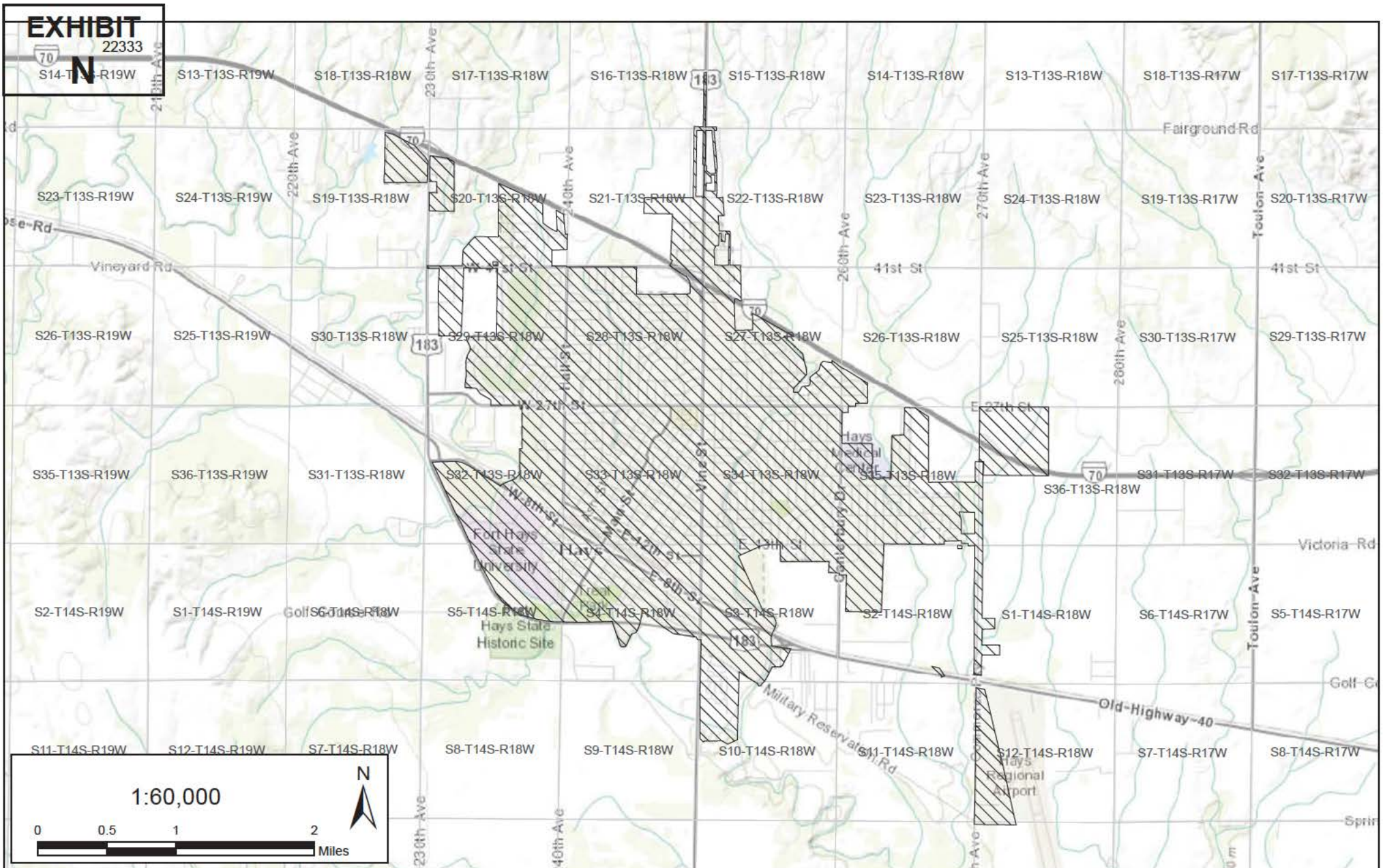
Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)

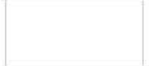


EXHIBIT

22333



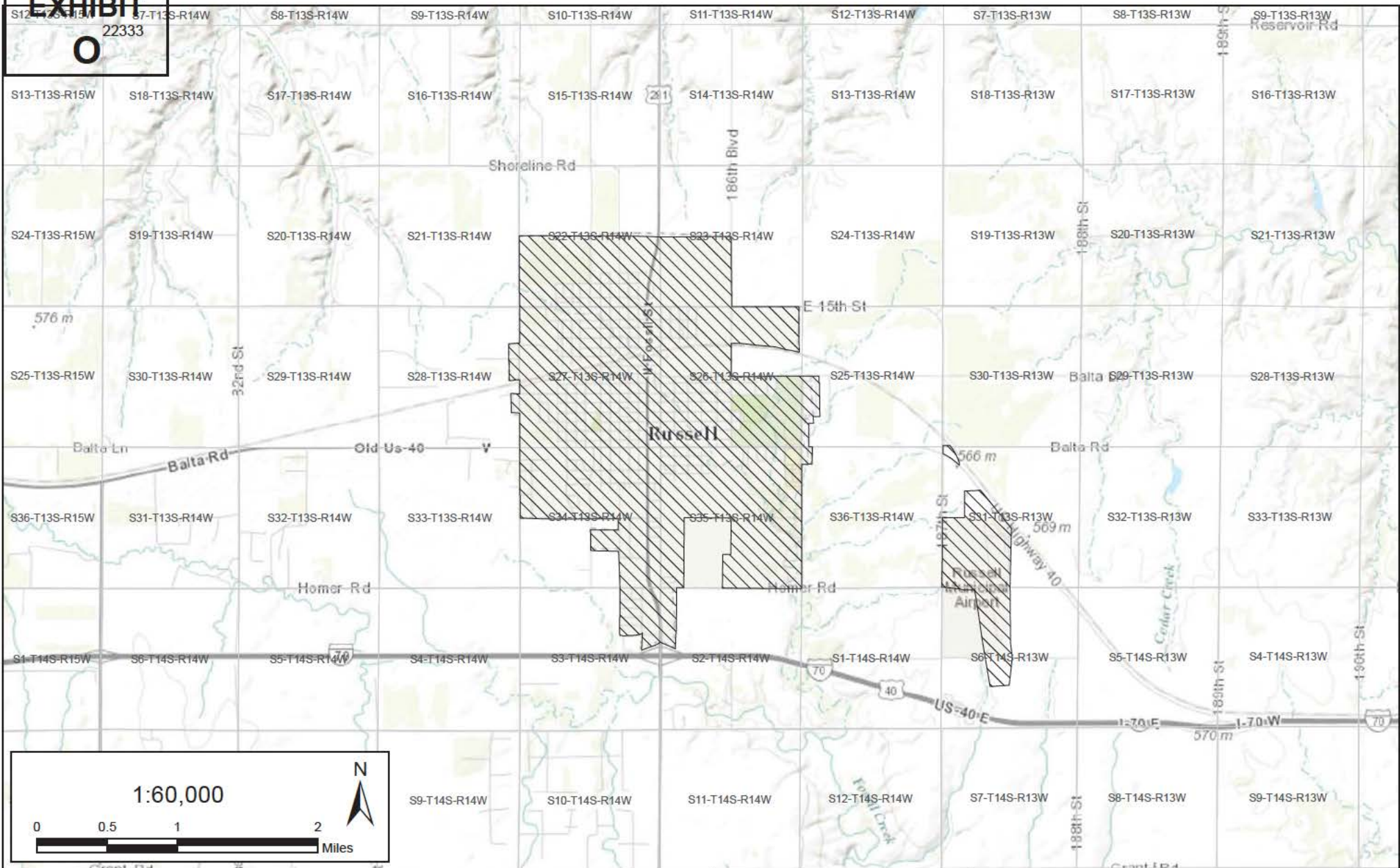
Proposed Place of Use City of Hays



PLSS Sections



EXHIBIT
22333
O



Proposed Place of Use - City of Russell



PLSS Sections



MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET

SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
P**

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

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
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
Q

**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

22333
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

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the Page 82 of 92 request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,334 Circle 27.

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11-T26S-R20W			33	33	33	33													132

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			Same as above																

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 N/2 Quarter of the NE Quarter of Section 11, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 4,680 feet North 1,320 feet West of Southeast corner of section. Authorized Rate 630 gpm Authorized Quantity 95 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 11, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 3,646 feet North 2,143 feet West of Southeast corner of section. Proposed Rate 890 gpm Proposed Quantity 162.88 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,333-35; 27,760

9. **Presently authorized point of diversion:**
 One in the near the center Quarter of the _____ Quarter of the NE Quarter of Section 11, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 3,960 feet North 1,335 feet West of Southeast corner of section. Authorized Rate 639 gpm Authorized Quantity 95 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 11, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 3,646 feet North 2,143 feet West of Southeast corner of section. Proposed Rate 890 gpm Proposed Quantity 162.88 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,333-35; 27,760

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

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

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)

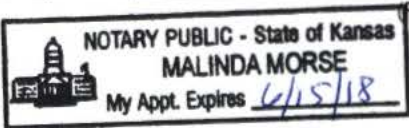
City of Hays, Kansas, by Toby Dougherty, City Manager (Please Print) _____ (Please Print)

_____ (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.

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.

(Owner)

(Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Proposed Rate and Quantity

The Cities are requesting a total of 162.88 acre-feet and 890 gpm from the well associated with this water right, all of which will be diverted from new point of diversion K, as shown on Exhibit K. When combined with existing wells from other water rights, new point of diversion K will have a cumulative total of 533.2 acre-feet and 3,380 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 up to 136.08 acre-feet for municipal use.¹ As discussed below, 126 approved acres irrigated during the perfection period multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 136.08 acre-feet.²

That same regulation goes on to allow the change to be based on the net consumptive use actually made during the perfection period.³

Quantity authorized and perfected

The permit, issued on March 19, 1976, granted the right to divert up to 237 acre-feet annually at a rate of up to 1,000 gallons per minute for irrigation use⁴ on 132 acres in Section 11-T26S-R20W.⁵ The permit allowed the perfection of 1.80 acre-feet per acre. The certificate further limited the rate of the wells to 890 gallons per minute when operated simultaneously.⁶

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.”⁷

The Field Inspection Reports indicate that 226.23 of the 237 acre-feet authorized by the permit were lawfully perfected.

- 277 acre-feet⁸ were applied to 126 approved acres in the NE/4 of Section 11-T26S-R20W.
- The permit authorized the perfection of 237 acre-feet on 132 acres, or 1.80 acre-feet per acre, but only 126 authorized acres were irrigated during the perfection period, resulting in the perfection of 226.23 acre-feet.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, HAYS003041, Ex. A.

⁵ Application, HAYS003031, Ex. B.

⁶ Certificate, HAYS003048, Ex. C.

⁷ March 19, 1976, letter (emphasis added), HAYS003040, Ex. D.

⁸ FIR, HAYS002937, Ex. E.

While the certificate limits the total quantity to 190 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.¹⁰

Since the perfection period has expired, the "authorized quantity" for this water right is the 226.23 acre-feet actually perfected even though it exceeds the certified quantity.

An alternative approach

DWR's use of the NIR of 1.08 feet of water for corn is based on its maximum gross irrigation requirement of 1.5 acre-feet per acre.¹¹ The regulation allows the conversion of 72% of the maximum quantity to a new use; in other words, it assumes that 28% of the quantity diverted returns to the aquifer.

If 28% of the 226.23 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 162.88 acre-feet, should be available for conversion to municipal use. This is less than the 226.23 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 162.88 acre-feet for municipal use.

⁹ FIRs HAYS003017, Ex. F, and HAYS003021, Ex. G.

¹⁰ Certificate, HAYS003048, Ex. C; Larry Sheets March 19, 1987, Memo, HAYS003044, Ex. H; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

¹¹ 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 Larry Sheets March 19, 1987, Memo, HAYS003044, Ex. H.

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. 22,334 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 North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) and one well near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 11, 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 **237 acre-feet** for any calendar year.

(OVER)

RECEIVED
MAR 29 1976
HAYS003041
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

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

1976



Guy E. Gibson
 Guy E. Gibson, Chief Engineer
 Division of Water Resources
 Kansas State Board of Agriculture

HAYS003042

THE STATE OF KANSAS



0 2
27

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

Hand check \$50 20 50 20 20 20

22,334

NUMBER 15

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)

Comes now the applicant (Miss) Midwest Land and Cattle Co. 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 ~~2000 acre feet~~ ²³⁷ 320 acre feet per year, to be diverted at a maximum rate of 1000 gallons per minute (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the _____ quarter of the _____ quarter of the ~~NE~~ quarter of section 11, township South Brown 26, range 2620W, in Edwards County, Kansas.
1 well nr. ctr. of NE 1/4
1 well nr. ctr. of the N 1/2 of NE 1/4

3. The water is intended to be appropriated for:

	Amount
(a) Domestic use () _____	
(b) Municipal use () _____	
(c) Irrigation use (X) ²³⁷ <u>320</u> acre ft./yr. - 1000 gals./min.	
(d) Industrial use () _____	
(e) Recreational use () _____	
(f) Water Power use () _____	

(check intended use or uses and show intended quantity for each use)

RECEIVED
MAY 02 1974
9:14 a.m.

RECEIVED
MAY 09 1975

RECEIVED
OCT 15 1975

RECEIVED
FEB 26 1976

RECEIVED
MAR 29 1976

RECEIVED
NOV 21 1975

FIELD OFFICE
STAFFORD

RECORDED
HAYS003031

Page 11 of 44

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 $\frac{1}{4}$	
11 26 20	40	40	40	40													158 160 134
	33	33	33	33													

Perk
3/18/76

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 $\frac{1}{4}$	

HAYS003032

7. The works for diversion of water will consist of 2 wells with 2 pumps for one circle sprinkler irrigation system (~~one~~ motor)
(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.

M1-539



3-72-10M SETS

RECEIVED

HAYS003033

MAR 29 1976

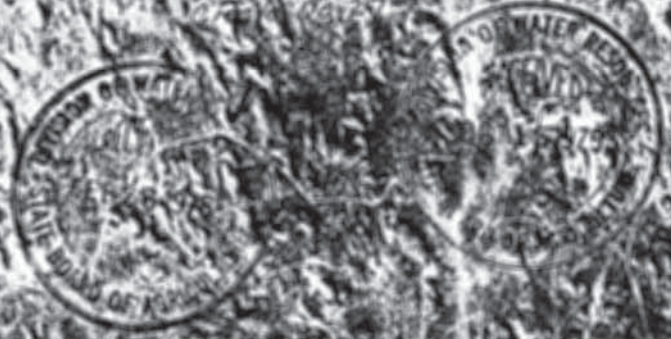
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD



T
26
S

APPLICATION 22334

All well
irrigation
applicant



HAYS003034



STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

**CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER**

WATER RIGHT, File No. 22,334
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 North Half of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 4,680 feet North and 1,320 feet West of the Southeast corner of said section, at a diversion rate not in excess of 630 gallons per minute (1.40 c.f.s.) and in a quantity not to exceed 95 acre-feet per calendar year; and one (1) well located near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 3,960 feet North and 1,335 feet West of the Southeast corner of said section, at a diversion rate not in excess of 639 gallons per minute (1.40 c.f.s.) and in a quantity not to exceed 95 acre-feet per calendar year; both in Township 26 South, Range 20 West, Edwards County, Kansas, for irrigation use on the following described property:

- 33 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
- 33 acres in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$),
- 33 acres in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$),
- 33 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$),

a total of 132 acres in Section 11, Township 26 South, Range 20 West, Edwards County, Kansas.

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 890 gallons per minute (1.98 c.f.s.) for irrigation use on the property described herein.

RECEIVED
JUN 11 1974

HAYS003048

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

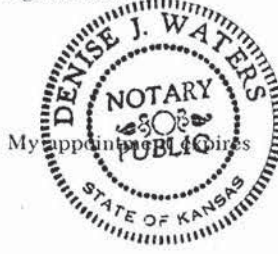
IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 21st day of May, 1987.



David L. Pope
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 21st day of May, 1987 by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

My appointment expires March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**WATER APPROPRIATION
CERTIFICATE**

No. 15,943

STATE OF KANSAS

Water Right, File No. 22,334

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.

HAYS003049

2

E-N

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,334

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

RECEIVED

MICROFILMED HAYS003040
MAR 29 1976

Partial
 Full
 Re-Test

Test 1 of 1 Diversion points
Application No. 22333 Date 10-3-86 Firm/Field Office Pumping Plant Testing, Inc
Inspector Ebert/Klassen
Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance Co Agri. Associates Inc.
Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater (X) Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: 1 well in the SE 1/4, SE 1/4, SW 1/4 Sec. 2, T. 26, R. 20
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well in the SE 1/4 SE 1/4 SW 1/4 Sec. 2, T. 26, R. 20
Approximately 590 ft. North and 3053 ft. West of SE corner of Sec. 2
How were distances determined? By Scaling off Large Scale Aerial Photo

"Approved" Quantity 63 AF "Approved" Diversion Rate 840 g.p.m. (1.87 c.f.s.)

Priority Date May 2, 1974 Approval of Application Date March 19, 1976

Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
<u>2</u>	<u>26</u>	<u>20</u>																<u>21</u>				<u>8</u>	<u>29</u>
<u>11</u>	<u>26</u>	<u>20</u>		<u>2</u>				<u>5</u>															<u>7</u>
																							<u>36</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>2</u>	<u>26</u>	<u>20</u>																				<u>25</u>		<u>7</u>	<u>32</u>
<u>11</u>	<u>26</u>	<u>20</u>					<u>1</u>																	<u>1</u>	
																								<u>33</u>	

APPLICATION OF WATER:

Year of Record 1984 Hours Pumped 1750 or Quantity 167 ac-ft
Normal Operating G.P.M. 519 Equiv. c.f.s. 1.16
Maximum Operating G.P.M. _____ Equiv. c.f.s. _____
MAY 18 1987

FOR D.W.R. USE ONLY

Year of Record 1983 Extension of time requested: Yes No _____

Total No. of Hours on land covered by this application 1400

Ac. Ft. Applied = $1400 \text{ hrs.} \times 519 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 133 \text{ AF}$

Acres of "Approved" Land irrigated 33 4.05 acft per ac.

Ac. Ft. on "Approved" Land 133 (_____ Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less

* 63 in more than 1.5 acft per acre for 33 acres
Proration Calculations Limited by approval to 63 acft.

Perfected Rate 520 g.p.m. Perfected Quantity 63 AF
charge to 50 acft 3-25-87

DWR 22334 completed by Larry Sheets 3-18-87



GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Olson Model 103 P Serial No. 4019
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? Yes End Gun Rating 2 Rainbird 85 g.p.m.
 Is end gun operating during test? Yes
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____
 Serial No. 11836 K-29-TG Fuel Propane Rated RPM _____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10 MA Rated RPM _____
 Serial No. N2x2804976X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer U.S. Model No. G003146 T
 Serial No. 955600-D-571 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled 2-14-75 Original Depth 40 ft. Static Water Level When Drilled 9 ft.
 Tape Down Possible? yes Water Level Measurement Tube? no
 Measuring Point — ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter —
 Meter Model No. — Serial No. — Size —
 Is Meter Installed Properly? —
 Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no
 Vacuum Breaker? no Are these anti-pollution devices installed properly? yes

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).

N
↑
Scale
1" = ____ ft.

TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
Location of test In Vertical pipe inside pivot stand
Pipe Diameter (I.D.) 7 3/16 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2118
R.P.M. PUMP UNIT 1765
Pressure at Pump 42 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
R.P.M. PUMP UNIT _____
Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant K = 2.45 × 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. _____

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MAY 18 1987
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal. Ending _____ gal.
Beginning _____ gal. Beginning _____ gal.
Difference _____ gal. Difference _____ gal.
Time _____ min. Time _____ min.
Rate _____ gpm Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS002939

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type propane Supplier Mid-Continent

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not Determined, Representative. Didn't know Rate either.

TABULATION OF WATER USE:

24290
SE-SESW
2-26-20 W

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	552	700		40
1976				
1977	55	700		36
1978				
1979	336	450		33
1980	720	450		33
1981	1080	450		33
1982				
1983	1400*	800		33
1984	1750	519*	167*	36†
1985	1700†	800†		36†
1986		519*		33 (from Kent Naber)

* From Data collected during Test
 † Obtained from water use reports sent to use from Jerry Weaver

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year alfalfa Year of record Alfalfa

REMARKS: THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975. ALL OF THE RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS & PUMPING PLANTS HAVE BEEN CHANGED OVER THE YEARS. CONNECTICUT GENERAL, SINCE 1983, HAS MADE A GOOD EFFORT TO KEEP GOOD RECORDS & THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.

Person present at test Kent Naber (name) Irrigation Manager (relationship)

Water Use Correspondent Lyle Kolbeck (name) Spearville, KS 67876 (address) (316) 385-2803 (phone number)

Conducted by [Signature] (signature) Date 10/6/86

Approved by [Signature], P.E. (signature) Date 12/21/86 HAYS002940 (title)

APPLICATION NO: 22 333 NAME: Connecticut General Life Insurance

COLLINS METER TEST

Collins Meter No. 1-84 Meter Calibration Factor .9635
 Pipe Inside Diameter (inches) 7¹³/₁₆ Flow Rate Factor 147.8
 Test Pressure (psi) 42 Test RPM, Pump 1765
 Description of Test Location In vertical pipe inside pivot stand

TEST DATA: Check, Initial 3.82 Reversed 3.81
 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)

<u>1⁵/₈</u>	<u>4.27</u>	<u>4.35</u>	<u>3.38</u>	<u>3.35</u>
<u>2³/₄</u>	<u>4.38</u>	<u>4.35</u>	<u>3.40</u>	<u>3.28</u>
<u>3⁹/₁₆</u>	<u>3.96</u>	<u>3.90</u>	<u>2.32</u>	<u>2.83</u>

Average Velocity of Water = Sum of Vel. \div 12 = 3.65

Corrected Ave. Vel. = (Ave. Vel.) \times (Calibration Factor) =
3.65 \times .9635 = 3.51

Flow Rate = (Corrected Ave. Vel.) \times (Flow Rate Factor) =
3.51 \times 147.8 = 519 GPM



Reviewed By:

PUMPING PLANT TESTING, INC.

Professional Engineer

HAYS002941

- Partial
- Full
- Re-Test

Test 1 of 2 Diversion points
 Application No. 22334 Date 10/3/86 Firm/Field Office Pumping Plant Testing, Inc.
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Insurance % Agri. Affiliates
 Address Box 1162 North Platt, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.
 Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()
 Groundwater (X) Drainage Basin Arkansas River
 Surface Water () Stream _____
 Authorized Point of Diversion: 1 well NC NE 1/4 Sec. 11, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____
 Actual Point of Diversion: 1 well NC NE 1/4 Sec. 11, T. 26, R. 20
 Approximately 3760 ft. North and 1335 ft. West of SE corner of Sec. 11
 How were distances determined? By scaling off aerial photo (small scale ASCS photo)
 "Approved" Quantity 237 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)
 Priority Date May 2, 1974 Approval of Application Date March 19, 1976
 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11	26	20	33	33	33	33													132

LAND IRRIGATED—YEAR OF RECORD 1984 SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11	26	20	33	32	30	31													126

APPLICATION OF WATER: SEE ATTACHED SHEET
 Year of Record 1984 Hours Pumped 1700 or Quantity 200
 Both Wells Pumping Together (combined) 887 Equiv. c.f.s. 1.98
 Normal Operating G.P.M. 887
 Individual Flowrate _____
 Maximum Operating G.P.M. 639 Equiv. c.f.s. 1.42

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Year of Record 1984 Extension of time requested: Yes No
 Total No. of Hours on land covered by this application 1700
 Ac. Ft. Applied = $\frac{1700 \text{ hrs.} \times 887 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 277 \text{ AF}$
 Acres of "Approved" Land irrigated 126 (2.20 ac-ft per acre)



Ac. Ft. on "Approved" Land _____ (_____ Ac. Ft./Ac.)
 Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less _____
 Proration Calculations 126 x 1.5 = 189 ÷ 2 = 95 quantity divided equally between 2 wells
 Perfected Rate 630 g.p.m. Perfected Quantity 95 AF

HAYS003017
MICROFILMED

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Zimmatic Model 310 Serial No. 3165
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m.
 Is end gun operating during test? Yes

Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.

Other Type _____
 Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____
 Serial No. _____ Fuel propane Rated RPM _____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10MA Rated RPM _____
 Serial No. N2X2804996X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer Amasillo Model No. 540 B
 Serial No. 89109 Drive Right Angle Ratio 1:1

WELL INFORMATION:

Date Drilled Feb 1975 Original Depth 72 ft. Static Water Level When Drilled _____ ft.
 Tape Down Possible? yes Water Level Measurement Tube? no
 Measuring Point _____ ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____
 Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no
 Vacuum Breaker? no Are these anti-pollution devices installed properly? yes

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In vertical pipe inside pivot stand + horizontal pipe leading to 2nd well
 Pipe Diameter (I.D.) 7 1/4 + 6 1/4 inches

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions - Both wells together.

R.P.M. POWER UNIT 1765 2112
 R.P.M. PUMP UNIT 1765 1760
 Pressure at Pump 14 psi 13

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT 1765-1760
 Pressure at Pump 71 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. _____

Velocity (fps)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Total _____
 Avg. _____
 G.P.M. _____

Total _____
 Avg. _____
 G.P.M. _____

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FIELD OFFICE
 DIVISION OF WATER RESOURCES
 STAFFORD

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

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 HAYS003019

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type propane Supplier Mid-Contentent

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not Determined

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1974				
1975	1230	1000		136
1976				
1977	638	1000		130
1978				
1979				
1980				
1981	840	900		125
1982				
1983	unused due to PIK program F			
* 1984	1700 F	639 *		126 (From Irrigation Manager)
1985	1600 F	400 F		126 (" " ")
1986		639 *		126 (" " ")

IC 24890
 1960'N 1335'W
 " 26 20'W
 02

* obtained from test on 10/3/86

F obtained from WUR sent to us from Jerry Weaver

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year Soybeans Year of record _____

REMARKS: When checking the flowrate of this well, we had to take two tests because the checkvalve at the other well wasn't sealing and permitted some of the water to flow back into the other well. We were not able to test in a location before the pipe from the other well joined because of the numerous obstructions. Also, the only location we could test the flowrate back to the other well in wasn't very good, as is shown in the variations of our test readings.

Person present at test Kent Naber (name) Irrigation Manager (relationship)

Water Use Correspondent Lyle Kolbeck (name) Spearville, Ks 67876 (address) 316-385-2803 (phone number)

Conducted by Breg Ebert (signature) Date 10/9/86

Approved by P. E. (signature) Date 12/26/86

HAYS003020

- Partial
- Full
- Re-Test

Test 2 of 2 Diversion points
 Application No. 22334 Date 10/3/86 Firm/Field Office Pumping Plant Testing, Inc.
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Insurance Co Agri. Affiliates
 Address Box 1162 North Platte NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.
 Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()
 Groundwater Drainage Basin Arkansas River
 Surface Water () Stream _____
 Authorized Point of Diversion: 1 well NW NE 1/4 NE 1/4 Sec. 11, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____
 Actual Point of Diversion: 1 well NW NE 1/4 NE 1/4 Sec. 11, T. 26, R. 20
 Approximately 4680 ft. North and 1320 ft. West of SE corner of Sec. 11
 How were distances determined? By scaling off aerial photo (small scale ASGS photo)
 "Approved" Quantity 237 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)
 Priority Date May 2, 1974 Approval of Application Date March 19, 1976
 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11	26	20	33	33	33	33													132

LAND IRRIGATED—YEAR OF RECORD 1984 SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11	26	20	33	32	30	31													126

APPLICATION OF WATER: SEE ATTACHED SHEET D
 Year of Record 1984 Hours Pumped 1700 or Quantity 278
 Both wells pumping together (combined)
 Normal Operating C.P.M. 887 JUN 01 1987 Equiv. c.f.s. 1.98
 Maximum Operating C.P.M. 630 Equiv. c.f.s. 1.40 SEE REMARKS
 DIVISION OF WATER RESOURCES
 STAFF FOR D.W.R. USE ONLY



Year of Record 1984 Extension of time requested: Yes No _____

Total No. of Hours on land covered by this application 1700

Ac. Ft. Applied = $1700 \text{ hrs.} \times 887 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 277 \text{ AF}$

Acres of "Approved" Land irrigated 126 (2.20 acft per acre)

Ac. Ft. on "Approved" Land _____ (_____ Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less _____

Proration Calculations $126 \times 1.5 = 189 \div 2 = 95$

Perfected Rate 630 g.p.m. Perfected Quantity 95 AF

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HAYS003021

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure

Manufacturer Zimmatic Model 310 Serial No. 3165

Drive Electric Length of Pivot Arm _____

Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

End Gun? Yes End Gun Rating _____ g.p.m.

Is end gun operating during test? Yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP —

Serial No. — Fuel propane Rated RPM —

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10MA Rated RPM _____

Serial No. N2X2804996X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F60

Serial No. 61961 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled Feb. 1975 Original Depth 72 ft. Static Water Level When Drilled — ft.

Tape Down Possible? yes Water Level Measurement Tube? no

Measuring Point — ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter —

Meter Model No. — Serial No. — Size —

Is Meter Installed Properly? —

Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no

Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In horizontal pipe between riser and pipe adjoining other well
 Pipe Diameter (I.D.) 6 1/4 inches

Test No. 1—Normal Conditions Both wells into pivot. Test No. 2—~~Maximum Conditions~~ Well in application by itself.
 R.P.M. POWER UNIT 2118 R.P.M. POWER UNIT 2112
 R.P.M. PUMP UNIT 1765 R.P.M. PUMP UNIT 1760
 Pressure at Pump 71 psi Pressure at Pump 13 psi

Jacuzzi Meter Test Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)	Velocity (fps)
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____
7. _____	7. _____
8. _____	8. _____
9. _____	9. _____
10. _____	10. _____
Total _____	Total _____
Avg. _____	Avg. _____
G.P.M. _____	G.P.M. _____

Propeller Meter Test Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.	Ending _____ gal.
Beginning _____ gal.	Beginning _____ gal.
Difference _____ gal.	Difference _____ gal.
Time _____ min.	Time _____ min.
Rate _____ gpm	Rate _____ gpm

Other Flow Meter Use Supplemental Sheet (include meter identification, data and calculations).

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HAYS003023

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type propane Supplier Mid-Continent

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not Determined; representative didn't know

TABULATION OF WATER USE:

AC 24890
 4680 ft 1320 w
 11 26 20w
 01

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1974				
1975	1230	1000		136
1976				
1977	638	1000		130
1978				
1979				
1980				
1981	840	900		125
1982				
1983	unused due to PIK program †			
* 1984	1700 †	630 *		126 (From Irrigation Manager)
1985	1600 †	600 †		130 †
1986		630 *		126 (From Irrigation Manager)

* obtained from test on 10/3/86
 † obtained from WUR sent to us from Jerry Weaver

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year Soybeans Year of record _____

REMARKS: When this test was done on the individual well, the checkvalve to prevent the water from flowing back into the other well was NOT working. Therefore it was pumping against very little head as opposed to if it had been pumping through the pivot. Therefore, high flowrate could be expected.

Person present at test Kent Naber Irrigation Manager
(name) (relationship)

Water Use Correspondent Lyle Kolbeck Spearville, Ks 67876 316-385-2803
(name) (address) (phone number)

Conducted by Greg Ebert Date 10/9/86
(signature)

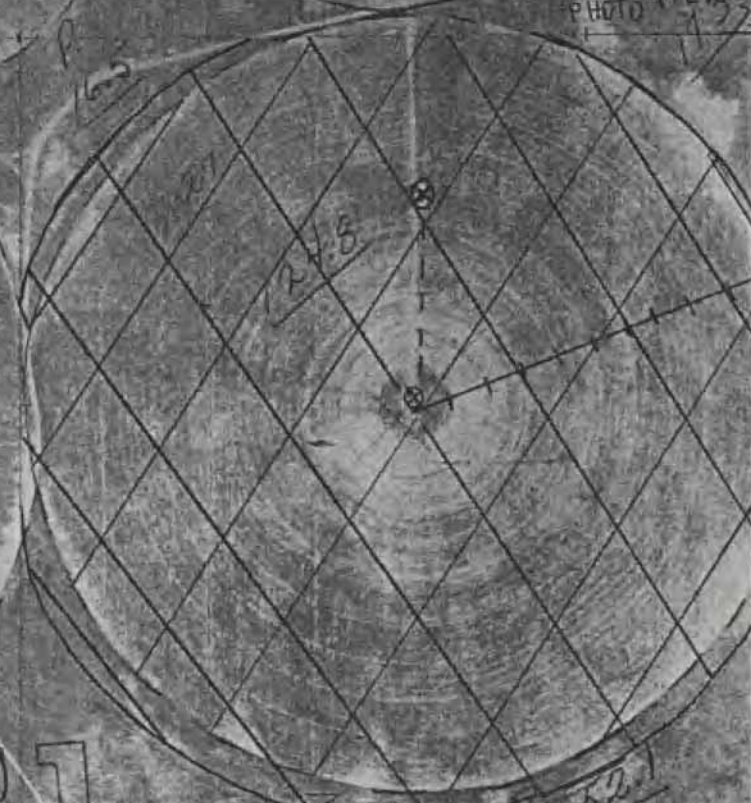
Approved by W.D. Naber, P.E. Date 12/26/86
(signature) (title) HAYS003024

SECTION
CORNER HIGH
OFF EDGE OF
PHOTO

APPLICATION 22334

LEGEND

- ⊗ Well
- Underground Pipe
- ++ Pivot System
- \\ \\ Land on Application
- /// Land irrigated presently and always (years to perfect and year of record)



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JUN 01 1987

C-3 3 farms 26-26
11-26-20

HAYS003025

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

To: Files

Date: March 19, 1987

From: Larry M. Sheets

Re: Appropriation of Water
File No. 22,334

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, has been reviewed. It meets the requirements specified in the Scope of Work.

Two wells are utilized to provide water to a pivot system which irrigates 126 acres. Because of the way the wells were connected to the pivot system a pumping rate for one well was difficult to determine. It appears the wells pump at about the same rate (630 g.p.m.). Reported use for 1984 and 1985, based on a pumping rate of 887 g.p.m. for both wells pumping into the pivot, exceeded a reasonable quantity for 126 acres irrigated.

The certificate of appropriation has been drafted for two wells with a rate of 630 g.p.m. for each well and limited to 890 g.p.m. when the wells pump simultaneously. The reasonable quantity of 189 acre-feet (126 x 1.5) was divided between the wells and the fractional quantity rounded up to 95 acre-feet.

Larry M. Sheets

Larry M. Sheets
Hydrologist

LMS:jt

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JUN 01 1987

MICROFILMED
HAYS003044

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.

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.

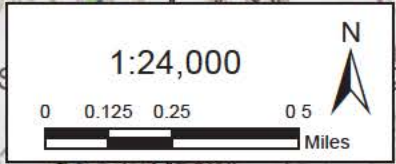
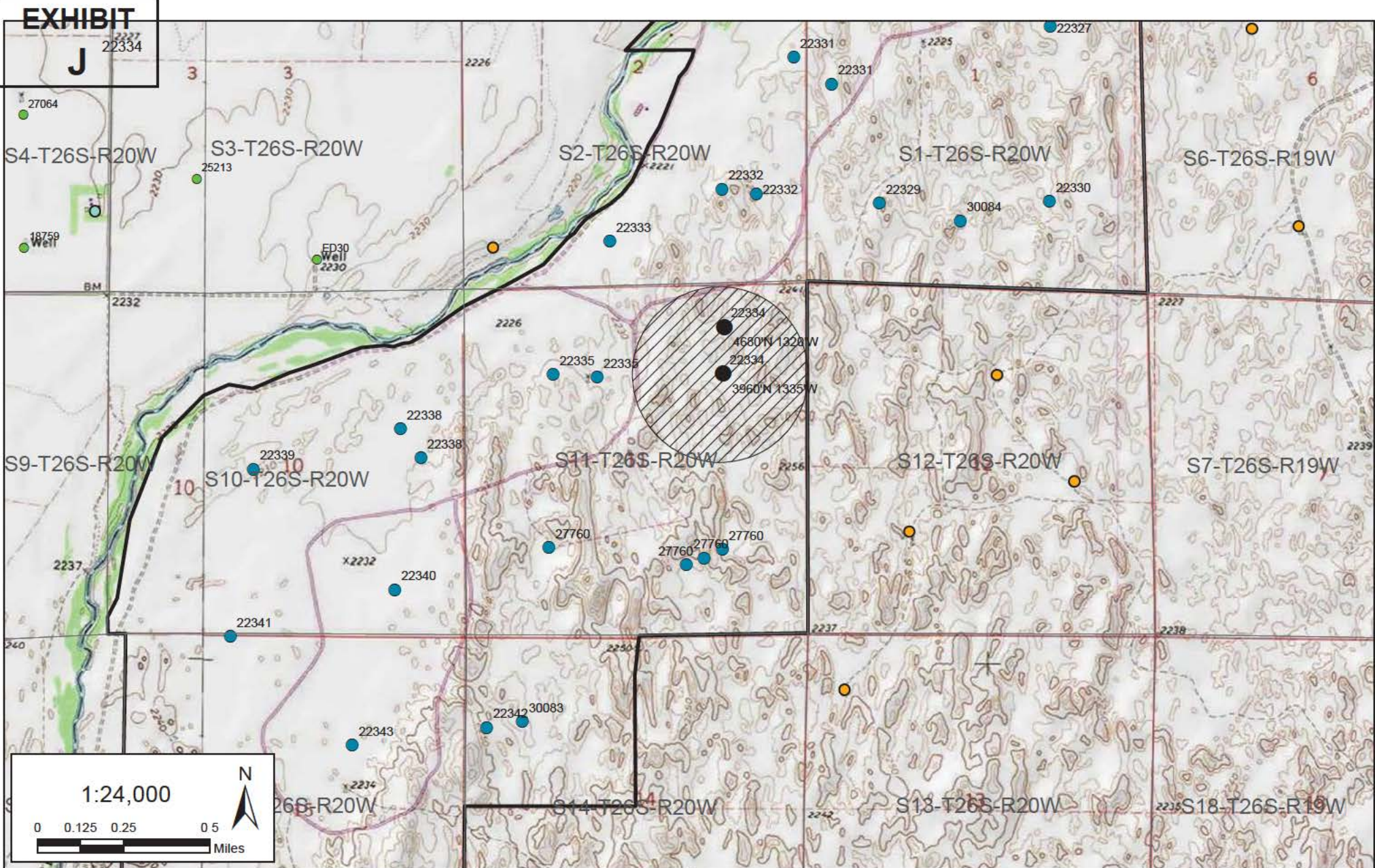
In that area of Kansas located between the Range 20 West/Range 21 West line and the Kansas/Colorado border, the maximum allowable quantity shall not exceed an average of 2.00 acre-feet per acre irrigated.

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.

EXHIBIT

J



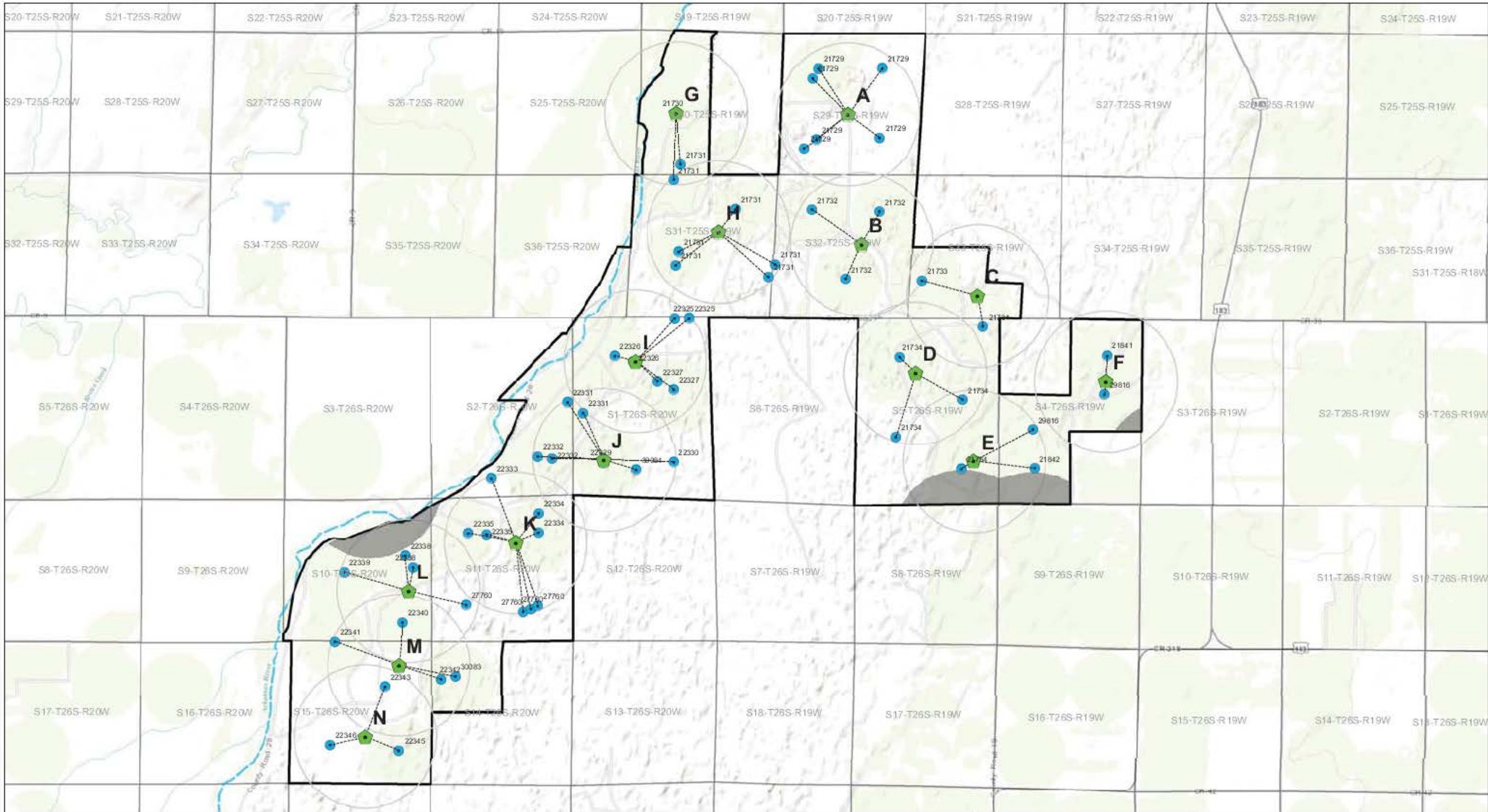
Legend

- 22334 Existing Point(s) of Diversion
- ▨ 22334 Existing Place of Use
- ▬ R9 Ranch Property Boundary
- PLSS Sections 22334
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



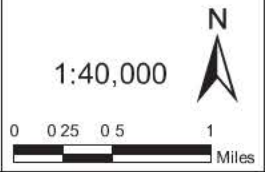
CHANGE APPLICATION 22334
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION

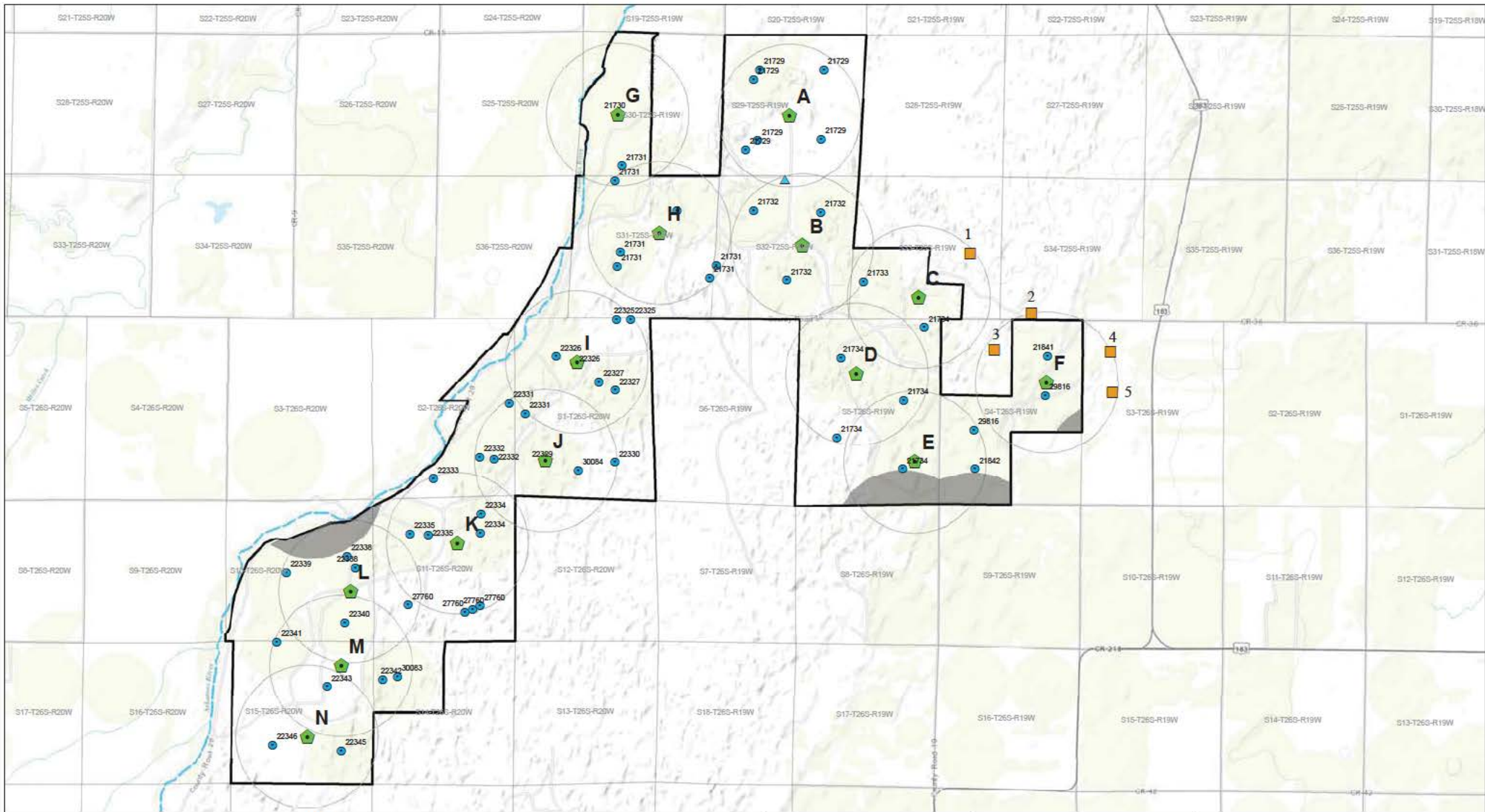
EXHIBIT
22334
K



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





Legend

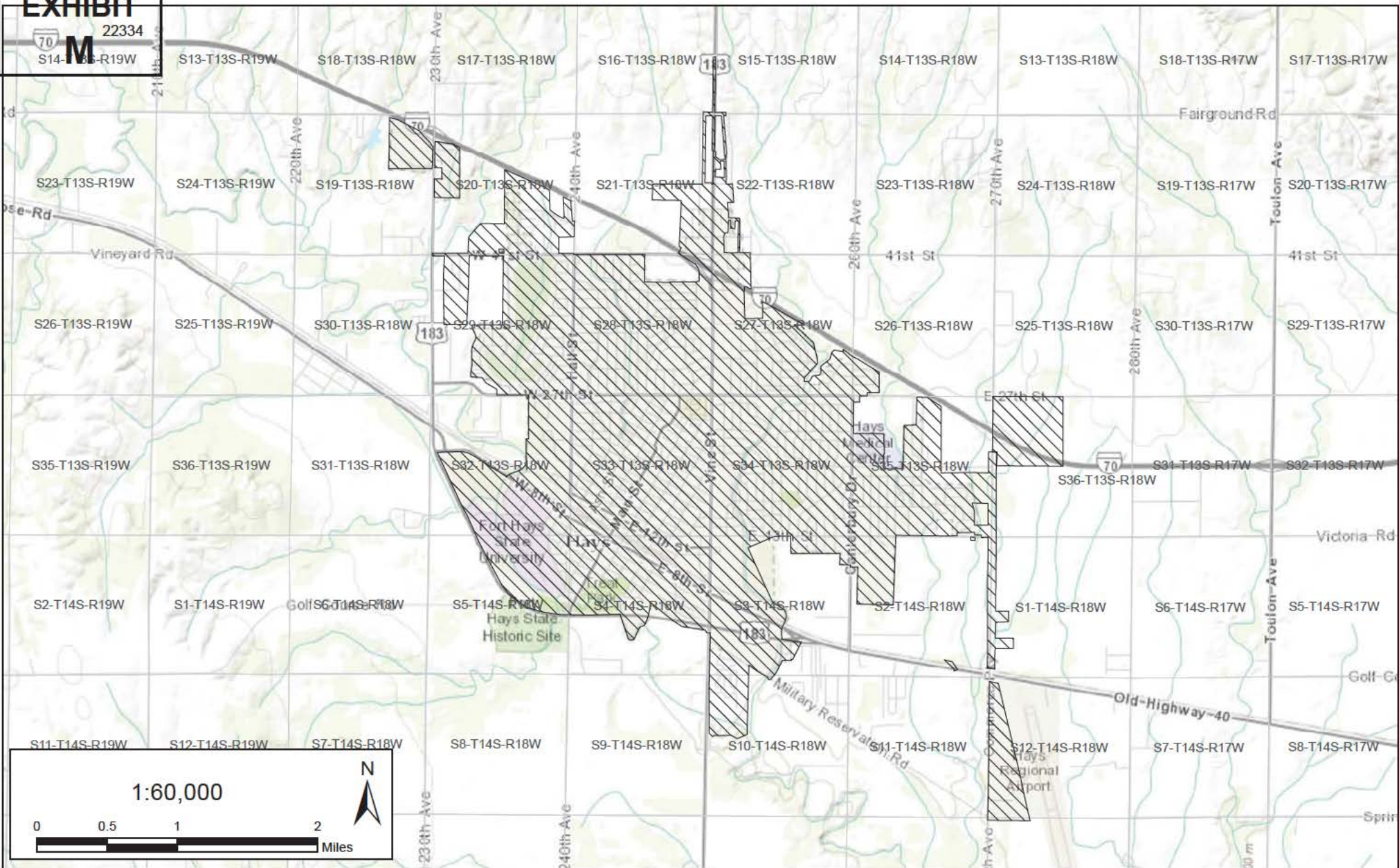
- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)

1:40,000



EXHIBIT

22334

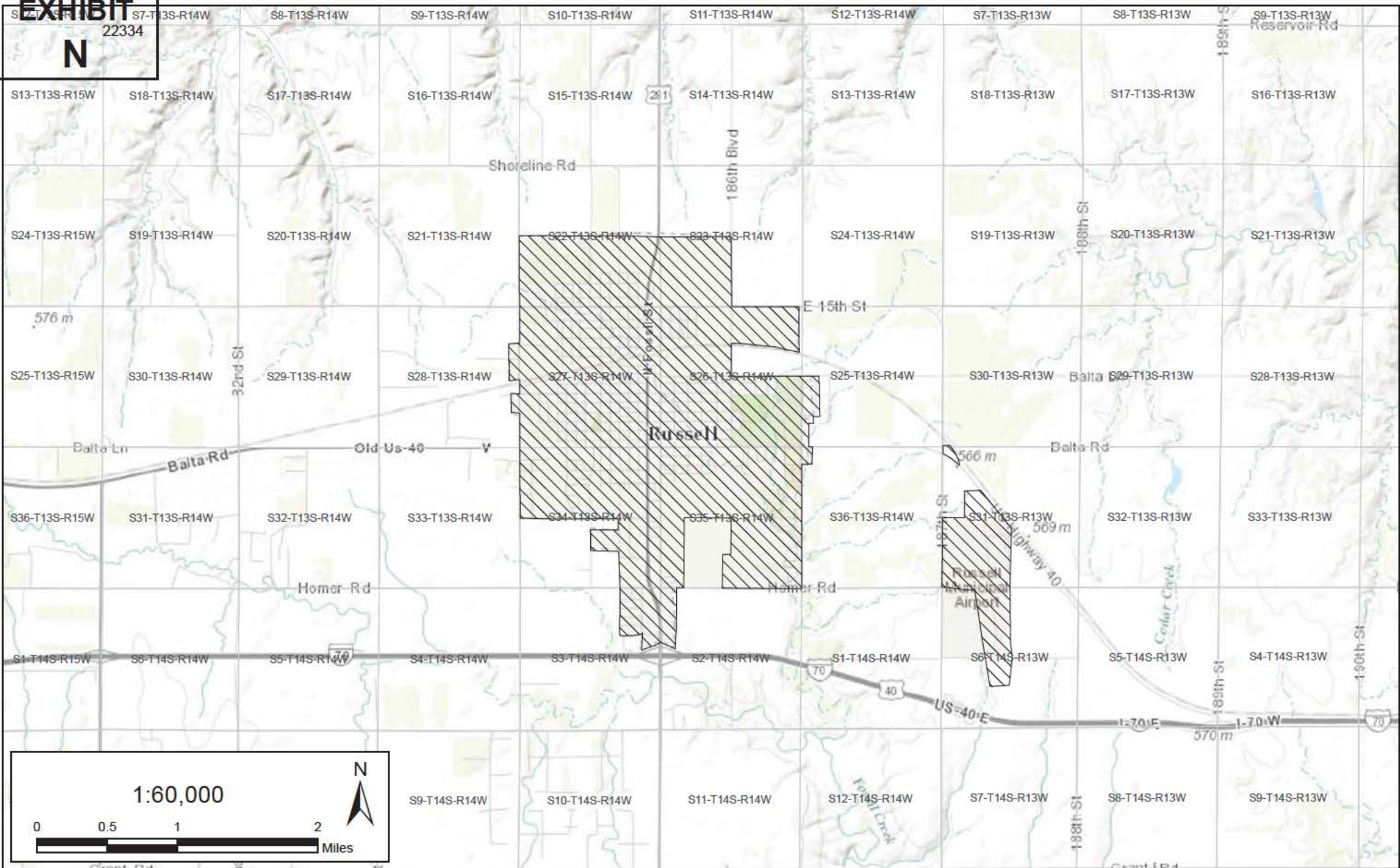


Proposed Place of Use City of Hays



PLSS Sections





Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

EXHIBIT
O

**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

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
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
P**

**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

22334
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

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the Page 4 of 4 of your request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,335 Circle 26.

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11-T26S-R20W							33	33	33	33									132

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			Same as above																

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 _____ Quarter of the NW Quarter of Section 11, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 3,970 feet North 3,945 feet West of Southeast corner of section. Authorized Rate 555 gpm Authorized Quantity 89 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 11, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 3,646 feet North 2,143 feet West of Southeast corner of section. Proposed Rate 1,000 gpm Proposed Quantity 171.36 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,333-35; 27,760

9. **Presently authorized point of diversion:**
 One in the near the center Quarter of the E/2 Quarter of the NW Quarter of Section 11, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 3,920 feet North 3,270 feet West of Southeast corner of section. Authorized Rate 680 gpm Authorized Quantity 109 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 11, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 3,646 feet North 2,143 feet West of Southeast corner of section. Proposed Rate 1,000 gpm Proposed Quantity 171.36 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,333-35; 27,760

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

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

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.



(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.

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Signature]

(Owner)

(Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

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.

Proposed Rate and Quantity

The Cities are requesting a total of 171.36 acre-feet and 1,000 gpm from the wells associated with this water right, both of which will be diverted from new point of diversion K, as shown on Exhibit J. When combined with existing wells from other water rights, new point of diversion K will have a cumulative total of 533.2 acre-feet and 3,380 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 142.56 acre-feet to municipal use.¹ As discussed below, 132 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 142.56 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 238 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 132 acres in the NW/4 of Section 11-T26S-R20W.⁵ The certificate limits the rate to 1,000 gallons per minute when the wells are operating simultaneously.⁶

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.”⁷

The Field Inspection Reports indicate that all of the 238 acre-feet authorized by the permit were lawfully perfected.

- 179 acre-feet⁸ and 218 acre-feet⁹ (397 acre-feet) were applied to 132 approved acres in the NW/4 of Section 11T26S-R20W.

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, HAYS003133, Ex. A.

⁵ Application, HAYS003124, Ex. B.

⁶ Certificate, HAYS003141, Ex. C.

⁷ March 19, 1976, letter (emphasis added), HAYS003132, Ex. D.

⁸ FIR, HAYS003110, Ex. E.

⁹ FIR, HAYS003119, Ex. F.

While the certificate limits the total quantity to 198 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.¹⁰

Since the perfection period has expired, the "authorized quantity" for this water right is the 238 acre-feet actually perfected even though it exceeds the certified quantity.

An alternative approach

DWR's use of the NIR of 1.08 feet of water for corn is based on its maximum gross irrigation requirement of 1.5 acre-feet per acre.¹¹ The regulation allows the conversion of 72% of the maximum quantity to a new use; in other words, it assumes that 28% of the quantity diverted returns to the aquifer.

If 28% of the 238 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 171.36 acre-feet, should be available for conversion to municipal use. This is less than the 238 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 171.36 acre-feet for municipal use.

¹⁰ Certificate, HAYS003141, Ex. C; Doug Bush Memo dated March 20, 1987, HAYS003136, Ex. G; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

¹¹ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. H, stating that: "In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated." See also, K.A.R. 5-3-24 and Doug Bush Memo dated March 20, 1987, HAYS003136, 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. 22,335 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 East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) and one well near the center of the Northwest Quarter (NW $\frac{1}{4}$) of Section 11, 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.)**
238 acre-feet for any calendar year.
and to a quantity of not to exceed

RECEIVED
MICROFILMED

MAR 29 1976

HAYS003133

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

circled

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

1976



Guy E. Gibson
 Guy E. Gibson, Chief Engineer
 Division of Water Resources
 Kansas State Board of Agriculture

HAYS003134



THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Cuy E. Gibson, Chief Engineer

Read check 500 5-2-74
aa

22,335
NUMBER 16

226

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)

Comes now the applicant (Miss) Midwest Land and Cattle Co. 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

as may be available in the Arkansas River basin in the county of Edwards

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 ~~238,000~~ ²³⁸ ~~329~~ ³²⁹ acre feet per year, to be diverted at a maximum rate of 1000 gallons per minute

2. The location of the proposed wells or other works for diversion of water is in the _____ quarter of the _____ quarter of the ~~SW~~ quarter of section 11, township 26 South, range 2520 W, in Edwards County, Kansas.

~~Location of second well can not be determined until test well is drilled.~~

3. The water is intended to be appropriated for:

1 well nr. ctr. of NW 1/4
1 well nr. ctr. of E 1/2 of NW 1/4
Amount

RECEIVED
MAY 02 1974
9:15 a.m.
DIVISION OF WATER RESOURCES
STATE BOARD OF AGRICULTURE

RECEIVED
MAY 09 1975
DIVISION OF WATER RESOURCES
STATE BOARD OF AGRICULTURE

RECEIVED
OCT 15 1975
DIVISION OF WATER RESOURCES
STATE BOARD OF AGRICULTURE

RECEIVED
238
acre ft./yr. - 1000 gals./min.

MAR 29 1976

RECEIVED
FEB 26 1976
DIVISION OF WATER RESOURCES
STATE BOARD OF AGRICULTURE

RECEIVED

RECEIVED
MAY 07 1975
HAYS003124
DIVISION OF WATER RESOURCES
STATE BOARD 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 $\frac{1}{4}$	
11	26	20					33	33	33	33									132
							40	40	40	40									160

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 $\frac{1}{4}$	

HAYS003125

7. The works for diversion of water will consist of two wells with two pumps ~~one well with one pump~~ 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)

MICROFILMED

Note:

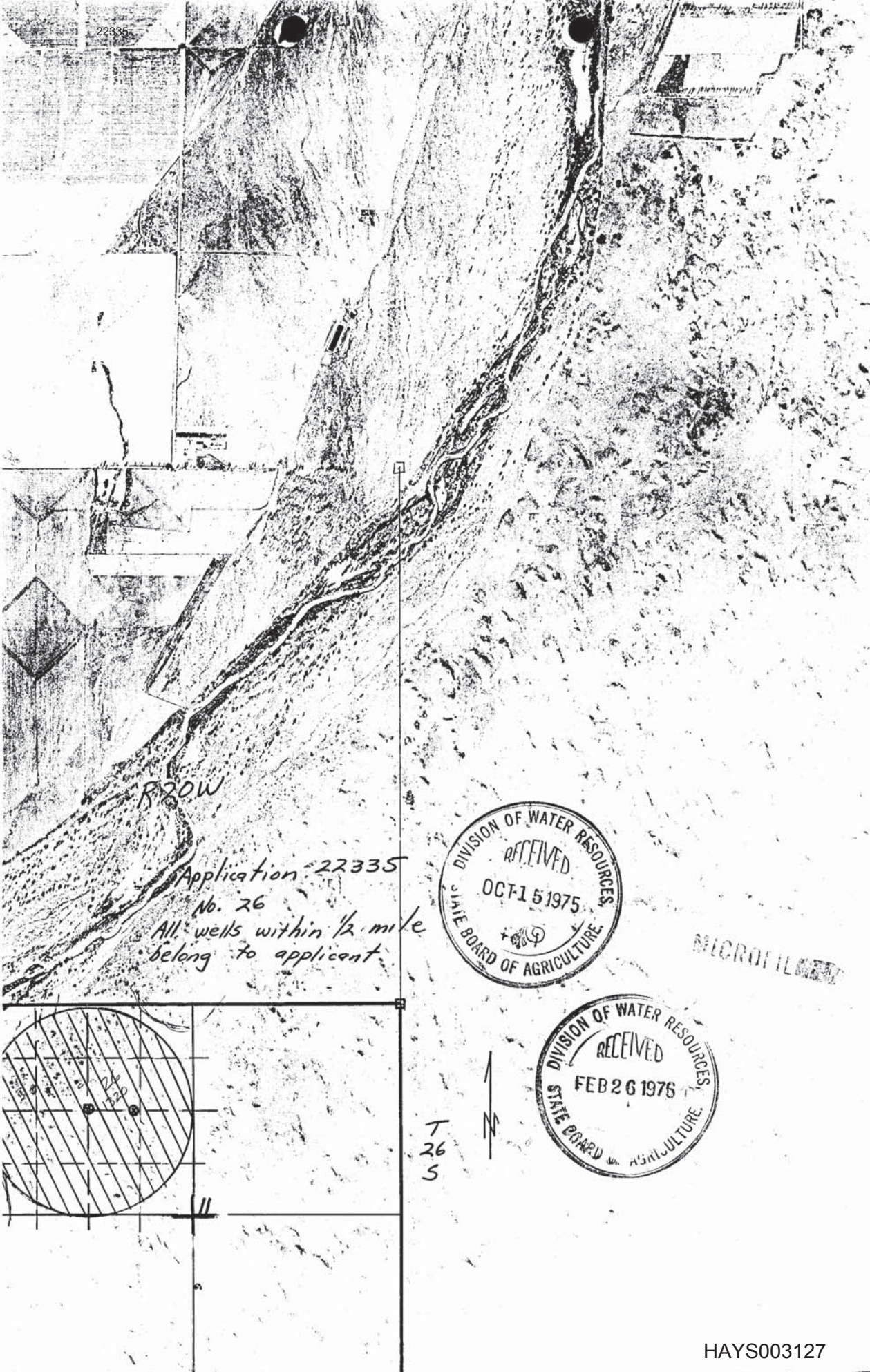
1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.
1 million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.
1 acre foot = 43,560 cubic feet = 325,851 gallons.

MI-839  5-72-10M SETS

RECEIVED

MAR 23 1976

HAYS003126



R20W

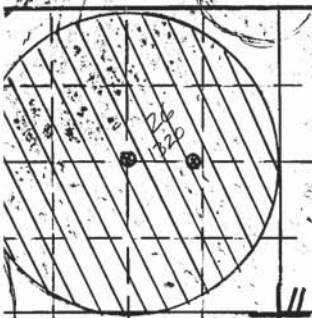
Application 22335
 No. 26
 All wells within 1/2 mile
 belong to applicant

DIVISION OF WATER RESOURCES
 RECEIVED
 OCT 15 1975
 STATE BOARD OF AGRICULTURE

MICROFILMED

DIVISION OF WATER RESOURCES
 RECEIVED
 FEB 26 1975
 STATE BOARD OF AGRICULTURE

T
26
S



HAYS003127

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 22,335
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 Northwest Quarter (NW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 3,970 feet North and 3,945 feet West of the Southeast corner of said section, at a diversion rate not in excess of 555 gallons per minute (1.24 c.f.s.) and in a quantity not to exceed 89 acre-feet per calendar year; and one (1) well located near the center of the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 3,920 feet North and 3,270 feet West of the Southeast corner of said section, at a diversion rate not in excess of 680 gallons per minute (1.52 c.f.s.) and in a quantity not to exceed 109 acre-feet per calendar year; both in Township 26 South, Range 20 West, Edwards County, Kansas, for irrigation use on the following described property:

- 33 acres in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) ,
- 33 acres in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) ,
- 33 acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) ,
- 33 acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) ,

a total of 132 acres in Section 11, Township 26 South, Range 20 West, Edwards County, Kansas.

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.

MICROFILMED

JUN 29 1987

HAYS003141

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

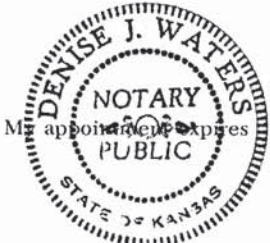
IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 11th day of June, 1987.



David L. Pope
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 11th day of June, 1987 by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

My appointment expires March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**WATER APPROPRIATION
CERTIFICATE**

No. **16,118**
STATE OF KANSAS
Water Right, File No. **22,335**

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.

HAYS003142

E-N²

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,335

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

RECEIVED

MICROFILMED
MAR 29 1976
HAMS03132

FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 1 of 2 Diversion points
 Application No. 22335 Date 10-3-86 Firm/Field Office Pumping Plant Testing Inc.
 Inspector Klassen/Ehert
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Insurance Co. % Agri Affiliates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.
 Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()
 Groundwater (X) Drainage Basin Arkansas River
 Surface Water () Stream _____
 Authorized Point of Diversion: 1 well NC of NW 1/4 Sec. 11, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____
 Actual Point of Diversion: 1 well NC of NW 1/4 Sec. 11, T. 26, R. 20
 Approximately 3970 ft. North and 3945 ft. West of SE corner of Sec. 11
 How were distances determined? By scaling off small scale ASCS aerial photo
 "Approved" Quantity 238 g.c.ft. "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)
 Priority Date May 2, 1974 Approval of Application Date Mar. 19, 1976
 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11	26	20					33	33	33	33									132

LAND IRRIGATED—YEAR OF RECORD 1984 SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11	26	20					33	33	32	32									130
2	26	20										1	1						2
																			132

APPLICATION OF WATER: SEE ATTACHED SHEET
 Year of Record 1984 Hours Pumped 1750 or Quantity 338 (@ 1048 GPM)
 Normal Operating G.P.M. 1048 Equiv. c.f.s. 2.34
 Maximum Operating G.P.M. 555 Equiv. c.f.s. 1.24

Year of Record 1984 **RECEIVED** FOR D.W.R. USE ONLY ✓
 Extension of time requested: Yes _____ No _____
 Total No. of Hours on land covered by this application 1750
 Ac. Ft. Applied = $\frac{1750 \text{ hrs.} \times 555 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 179 \text{ AF}$
 Acres of "Approved" Land irrigated 132
 Ac. Ft. on "Approved" Land 179 (1.36 Ac. Ft./Ac.)
 Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 145
 $555 \text{ g.p.m.} + 676 \text{ g.p.m.} = 1,231 \text{ g.p.m.}$ $555 \text{ g.p.m.} \div 1,231 \text{ g.p.m.} = 0.45$
 Proration Calculations $0.45 \times 1000 \text{ g.p.m.} = 450 \text{ g.p.m.}$ $450 \text{ g.p.m.} \times 1750 \text{ hrs.} = 145 \text{ AF}$
 $0.45 \times 198 \text{ Af. C. Max allowed for 132 acres at 1.5 A.I. proration} = 145 \text{ AF}$
 Perfected Rate 555 g.p.m. Perfected Quantity 89 AF
 DWR-10122336 completed by Douglas Page 18 of 18 3-23-87 89A.F.
 MICROFILMED
 JAN 21 1987
 HAYS003110
 Revised March 1986

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Zimmatic Model 310 Serial No. 3105
 Drive Electric Length of Pivot Arm — (10 Tower)
 Design Pressure-Pivot — p.s.i. Operating Pressure-Pivot — p.s.i.
 End Gun? Yes End Gun Rating 2 Rainbird 85's g.p.m.
 Is end gun operating during test? Yes
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
 Unusual Conditions/Other Info.
Both wells pump into this one pivot

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP —
 Serial No. — Fuel Propane Rated RPM —

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10MA Rated RPM —
 Serial No. N2W24231X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F60
 Serial No. 62058 Drive RtA Ratio 6:5

WELL INFORMATION:

Date Drilled 8-28-74 Original Depth 47 ft. Static Water Level When Drilled 15 ft.
 Tape Down Possible? Yes Water Level Measurement Tube? No
 Measuring Point — ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? No Make of Meter None
 Meter Model No. — Serial No. — Size —
 Is Meter Installed Properly? —
 Chemical Injection System? No Check Valve? yes Low Pressure Drain? yes
 Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

If chemicals are injected into system, please attach details of system.

HAYS003111

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).

N
↑
Scale
1" = ___ ft.

TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0 days
Location of test In vertical pipe inside pivot stand
Pipe Diameter (I.D.) 7 3/4 inches

BOTH WELLS BEING PUMPED INTO PIVOT
Test No. 1—Normal Conditions A Test No. 2—~~Maximum Conditions~~ WELL NO NW 1/4 PUMPING ALONE

R.P.M. POWER UNIT 2116
R.P.M. PUMP UNIT 1763
Pressure at Pump 50 psi

R.P.M. POWER UNIT 2118
R.P.M. PUMP UNIT 1765
Pressure at Pump 16 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

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Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS003112

FUEL RECORDS:

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 Propane Supplier Mid Continent

Rate = $\frac{Volume (test)}{time}$ = _____

How was the test volume determined? Not Determined or known

TABULATION OF WATER USE:

*ID-03
Ac-24890
NE NW 11-26-700*

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1572	1000		136
1976				
✓ 1977	756	1000		130
1978				
1979	336	900		132
✓ 1980	580	700		66
1981	840	900		132
1982				
1983	0 (PIK PROGRAM)			
* 1984	1750*	555*		132*
1985	1600*	450*		132*
1986		555*		132 FROM IRRIGATION MANAGER

* From Water Use Report Sent By Jerry weaver of Agri. Affiliates

* Calc. From Test

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year wheat Year of record wheat

REMARKS: _____

Person present at test Kent Naber Irrigation Manager
(name) (relationship)

Water Use Correspondent Lyle Kolbeck Spearville, KS 67876 (316) 385-2803
(name) (address) (phone number)

Conducted by Daniel Klussen Date 10-13-86
(signature)

Approved by [Signature], P.E. Date 12/29/86 HAYS003113
(signature) (title)

APPLICATION NO: 22335 NAME: Connecticut General Life Ins.

COLLINS METER TEST WELL NO OF NW¹/₄ OF 11-26-20 PUMPING ALONE

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 7³/₄ Flow Rate Factor 145.4

Test Pressure (psi) 10 Test RPM, Pump 1765

Description of Test Location IN VERTICAL PIPE INSIDE PIVOT STAND

TEST DATA: Check, Initial ^{CHECKED ON} ~~PREVIOUS TEST~~ Reversed
 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>1⁹/₁₆</u>	<u>4.27</u>	<u>4.16</u>	<u>4.13</u>	<u>4.19</u>
<u>2³/₄</u>	<u>4.04</u>	<u>3.99</u>	<u>4.02</u>	<u>3.98</u>
<u>3⁹/₁₆</u>	<u>3.69</u>	<u>3.95</u>	<u>3.64</u>	<u>3.46</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 3.96

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
3.96 x .9635 = 3.816

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
3.816 x 145.4 = 555 GPM



PUMPING PLANT TESTING, INC.

Reviewed By: [Signature]
 Professional Engineer

JUN 29 1987

HAYS003114

APPLICATION NO: 22335 NAME: Connecticut General Life Ins.

COLLINS METER TEST WITH BOTH WELLS PUMPING (COMBINED FLOWRATE)

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 50 Test RPM, Pump NC NW 1/4 = 1763

Description of Test Location IN VERTICAL PIPE INSIDE PIVOT STAND

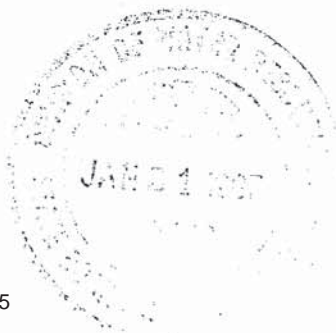
TEST DATA: Check, Initial 8.06 Reversed 8.05
 Velocity Velocity
 Meter Setting From Left Side of Pipe Right Side of Pipe
 Center of Pipe (or Front Side if (or Back Side if
 Vertical Test) Vertical Test)

<u>1 9/16</u>	<u>8.01</u>	<u>7.92</u>	<u>7.75</u>	<u>7.73</u>
<u>2 3/4</u>	<u>7.79</u>	<u>7.80</u>	<u>7.47</u>	<u>7.46</u>
<u>3 9/16</u>	<u>7.21</u>	<u>7.71</u>	<u>6.37</u>	<u>6.53</u>

Average Velocity of Water = Sum of Vel. \div 12 = 7.48

Corrected Ave. Vel. = (Ave. Vel.) \times (Calibration Factor) =
7.48 \times .9635 = 7.206

Flow Rate = (Corrected Ave. Vel.) \times (Flow Rate Factor) =
7.206 \times 145.4 = 1048 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

John R. Hays
 Professional Engineer

HAYS003115

APPLICATION NO: 22, 335

NAME: CONNECTICUT GENERAL LIFE
INSURANCE CO, INC.NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES, A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.

PUMPING PLANT TESTING, INC.

Reviewed by:



HAYS003116

Professional Engineer

APPLICATION NO: 22335

NAME: Connecticut General Life Ins.

POINTS OF DIVERSION AND SECTION CORNERS

The actual section corners of the land applied for and the land irrigated have never been clearly marked. (If it was marked at some time, we, nor the present owners and managers could find any marks or records.) It appears the land described on the applications was based on visible marks, but we don't know for sure. It might have been surveyed and be more accurate than our method of identifying section corners. Our procedure of finding the section corners consisted of several steps. First, we used copies of the original survey plats to find the dimension of each section. Second, we laid out each section on the large small-scale photos in the ASCS office. For this, we used not only survey 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.

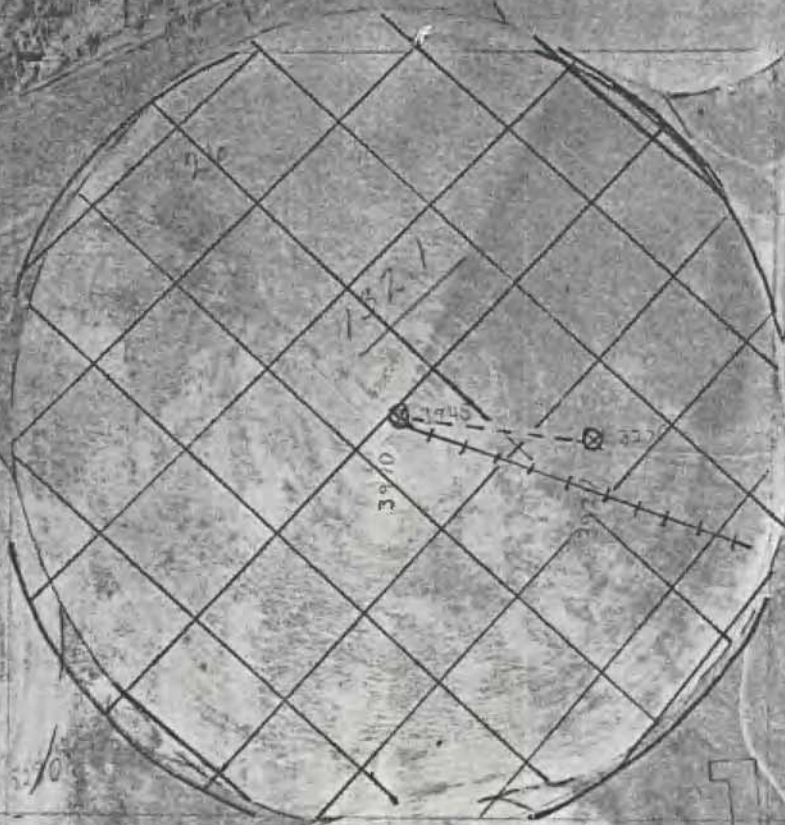
The point of diversion location on the photo is correct. The photos were taken at a time when the diversion points were visible. The problem is in our ability to correctly describe the diversion points in relation to section corners.

PUMPING PLANT TESTING, INC.

Reviewed by:



Professional Engineer HAYS003117



APPLICATION 22335

LEGEND

- ⊗ - WELL
- UNDERGROUND PIPE
- +++ PIVOT SYSTEM
- /// LAND IRRIGATED PRESENTLY AS IN YEARS TO PERFECT
- /// LAND ON APPLICATION



3 farms
 11-26-20
 HAYS003118 CORNER
 JUST OFF EDGE
 OF PAPER
 (≈ 1/16")

Partial
 Full
 Re-Test

Test 2 of 2 Diversion points
 Application No. 22335 Date 10-3-86 Firm/Field Office Pumping Plant Testing Inc.
 Inspector Klassen/Ebert
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Insurance Co. % Agri Affiliates
 Address Box 1162 North Platt, NE 69103 ATTN. Jerry Weaver
 Additional landowners and addresses identified in remarks section.
 Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()
 Groundwater (X) Drainage Basin Arkansas River
 Surface Water () Stream _____
 Authorized Point of Diversion: 1 well NE of E 1/2 NW 1/4 Sec. 11, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____
 Actual Point of Diversion: 1 well NE of E 1/2 NW 1/4 Sec. 11, T. 26, R. 20
 Approximately 3920 ft. North and 3270 ft. West of SE corner of Sec. 11
 How were distances determined? By scaling off small scale ASCS aerial photo
 "Approved" Quantity 238 ac-ft "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)
 Priority Date May 2, 1974 Approval of Application Date Mar. 19, 1976
 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11	26	20					33	33	33	33									132

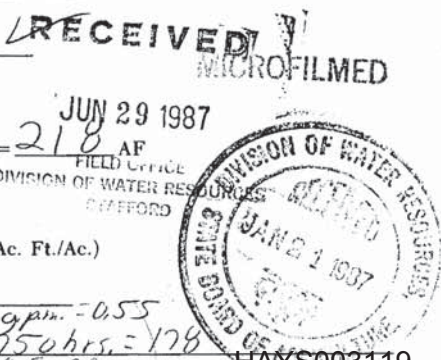
LAND IRRIGATED—YEAR OF RECORD 1984 SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11	26	20					33	33	32	32									130
2	26	20									1	1							2
																			132

APPLICATION OF WATER: SEE ATTACHED SHEET
 Year of Record 1984 Hours Pumped 1750 or Quantity 338
 Both Wells Pumping Together (Combined Flowrate)
 Normal Operating G.P.M. 1048 Equiv. c.f.s. 2.34
 Well Pumping Alone
 Maximum Operating G.P.M. 676 Equiv. c.f.s. 1.51

FOR D.W.R. USE ONLY

Year of Record 1984 Extension of time requested: Yes ___ No ___
 Total No. of Hours on land covered by this application 1,750
 Ac. Ft. Applied = $\frac{1750 \text{ hrs.} \times 676 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 218 \text{ AF}$
 Acres of "Approved" Land irrigated 132
 Ac. Ft. on "Approved" Land 218 (1.65 Ac. Ft./Ac.)
 Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 178
 $676 \text{ g.p.m.} + 555 \text{ g.p.m.} = 1231 \text{ g.p.m.}$ $676 \text{ g.p.m.} \div 1231 \text{ g.p.m.} = 0.55$
 Proration Calculations $0.55 \times 1000 \text{ g.p.m.} = 550 \text{ g.p.m.}$ $550 \text{ g.p.m.} \times 1750 \text{ hrs.} = 178$
 $0.55 \times 198 \text{ A.F.} = \text{Cmax allowed for 132 acres at 1.51 A.F. per acre} = 109 \text{ A.F.}$
 Perfected Rate 680 g.p.m. Perfected Quantity 109 AF
 DWR-1022335 completed by Douglas Bush 3-23-87



GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Zimmatic Model 310 Serial No. 3105
 Drive Electric Length of Pivot Arm 10 tower
 Design Pressure-Pivot - p.s.i. Operating Pressure-Pivot - p.s.i.
 End Gun? Yes End Gun Rating (2 Rainbird 85's) g.p.m.
 Is end gun operating during test? Yes
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
 Unusual Conditions/Other Info. _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP -
 Serial No. 3484 F-13-HK Fuel Propane Rated RPM -

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10 MA Rated RPM -
 Serial No. N2W24355X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer V.S. Motors Model No. -
 Serial No. R2079931 Drive Rt 7 Ratio 1:1

WELL INFORMATION:

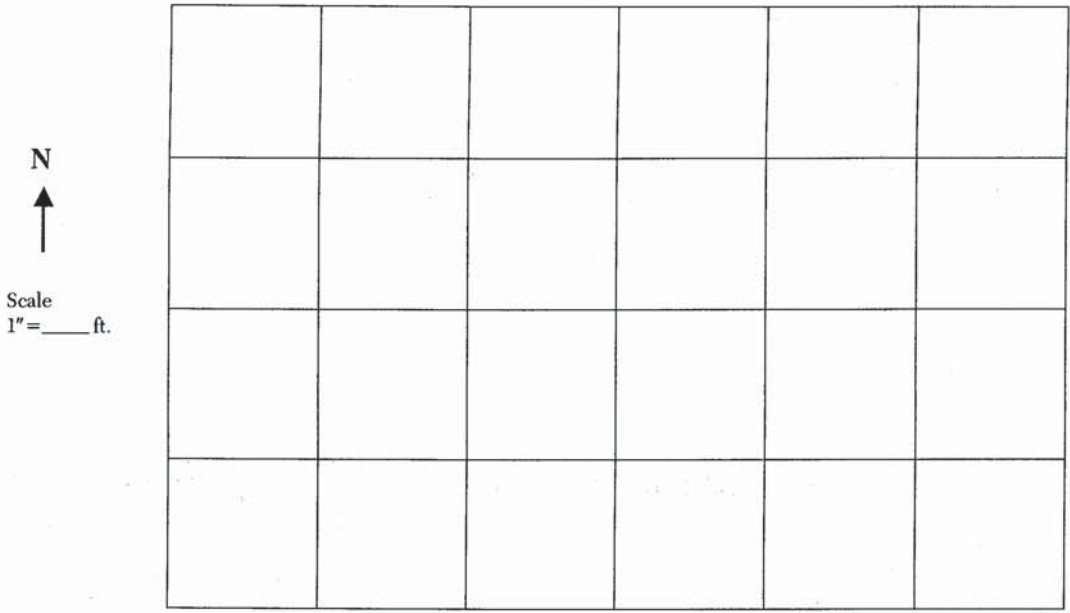
Date Drilled 11-14-74 Original Depth 37 ft. Static Water Level When Drilled 8 ft.
 Tape Down Possible? Yes Water Level Measurement Tube? No
 Measuring Point _____ ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? No Make of Meter None
 Meter Model No. - Serial No. - Size -
 Is Meter Installed Properly? -
 Chemical Injection System? No Check Valve? Yes Low Pressure Drain? Yes
 Vacuum Breaker? Yes Are these anti-pollution devices installed properly? Yes

HAYS003120

22335
SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0 days
 Location of test Horizontal Pipe At Pivot Before Joining main pipe into pivot
 Pipe Diameter (I.D.) 6 5/16 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 1694
 R.P.M. PUMP UNIT 1694
 Pressure at Pump 50 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 1694
 R.P.M. PUMP UNIT 1694
 Pressure at Pump 11 psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
 Total _____
 Avg. _____
 G.P.M. _____

Velocity (fps)
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
 Total _____
 Avg. _____
 G.P.M. _____

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

MICROFILMED

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS003121

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Propane Supplier Mid Continent
 Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____
 How was the test volume determined? Not Determined or known by representative

*AC-2/890
ID-04
AC F2 NW 11-26-2000*

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1572			
1976				
1977	756			
1978				
1979				
1980				
1981				
1982				
1983	0	PIK PROGRAM		
1984	1750	676*		132*
1985	1600*	450*		132*
1986		676*		132 FROM IRRIGATION MANAGER

‡ From water use reports sent by Jerry Weaver of Agri Affiliates
 * Calculated from test

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year Wheat Year of record Wheat

REMARKS: _____

Person present at test Kent Nsher Irrigation Manager
(name) (relationship)
 Water Use Correspondent Lyle Kolbeck Spearville, KS 67876 (316) 385-2803
(name) (address) (phone number)
 Conducted by Daniel Klassen Date 10-13-86
(signature)
 Approved by Kid Whit, P.E. Date 12/29/88
(signature) (title)

APPLICATION NO: 22335 NAME: Connecticut General Life Ins.

COLLINS METER TEST WELL NO E 1/2 NW 1/4 OF 11-26-20 PUMPING ALONE

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 6 5/16 Flow Rate Factor 95.35

Test Pressure (psi) 11 Test RPM, Pump 1694

Description of Test Location In horizontal pipe before pivot and before it joins the pipe from the well NO NW 1/4

TEST DATA: Check, Initial 7.53 Reversed 7.51
 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 From Center of Pipe	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1 1/4</u>	<u>7.48</u> <u>7.46</u>	<u>7.41</u> <u>7.37</u>
<u>2 1/4</u>	<u>7.46</u> <u>7.43</u>	<u>7.09</u> <u>7.05</u>
<u>2 3/4</u>	<u>6.90</u> <u>7.32</u>	<u>7.01</u> <u>6.60</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 7.215

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
7.215 x .9826 = 7.09

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
7.09 x 95.35 = 676 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

[Signature]

Professional Engineer

HAYS003123
 MICROFILMED

KANSAS STATE BOARD OF AGRICULTURE
DIVISION OF WATER RESOURCES
M E M O R A N D U M

TO: Files
DATE: March 20, 1987

FROM: Douglas E. Bush
RE: Appropriation of Water
File No. 22,335

No proposed certificate on file. The certificate is based on a field Inspection Report conducted under contract by Pumping Plant Testing Inc.

The combined rate for the two (2) wells covered by the above referenced file exceeded the approved rate of 1,000 gallons per minute. Therefore, a limitation was needed limiting the combined rate to 1,000 gallons per minute (maximum approved rate).

The quantities were prorated by rate because of the combined quantities pumped by the two wells exceeding a reasonable quantity for the land irrigated under File No. 22,335. The quantities per well were prorated as such:

Well - Northwest Quarter - (NW $\frac{1}{4}$) 550 g.p.m. + 676 g.p.m. = 1,231 g.p.m.
555 g.p.m. divided by 1,231 g.p.m. = 0.45 x 198 acre-feet (maximum allowable for irrigating 132 acres at 1.5 acre-feet per acre) = 89 acre-feet.

Well - Near the center of the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$)-
676 g.p.m. + 555 g.p.m. = 1,231 g.p.m. 676 g.p.m. divided by 1,231 g.p.m. =
0.55 x 198 acre-feet (maximum allowable for irrigating 132 acres at 1.5 acre-
feet per acre) = 109 acre-feet.

The Field Inspection Report shows unauthorized acres being irrigated. This acreage, if any, is too small to do any prorations or to send a change in place of use applications.

The water use correspondent shown on the Field Inspection Report was changed to show Agri Affiliates as correspondent. This information was obtained in a March 25, 1987 phone call from Larry Sheets, Division of Water Resources, to Jerry Weaver of Agri Affiliates.

Douglas E. Bush

Douglas E. Bush
Hydrologist
RECEIVED

DEB:dmh

JUN 22 1987

MICROFILMED
HAYS003136

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.	
		<u>1,244</u> (allow 1,245 g.p.m.)	

A further limiting factor of this procedure is the availability of water from the proposed source of supply. In those instances whereby the source of supply is incapable of yielding a reasonably, sustainable (computed) rate, then the source becomes a further limiting factor.

A further limiting factor is well design and equipment, which shall be reasonable to divert the requested rate.

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.

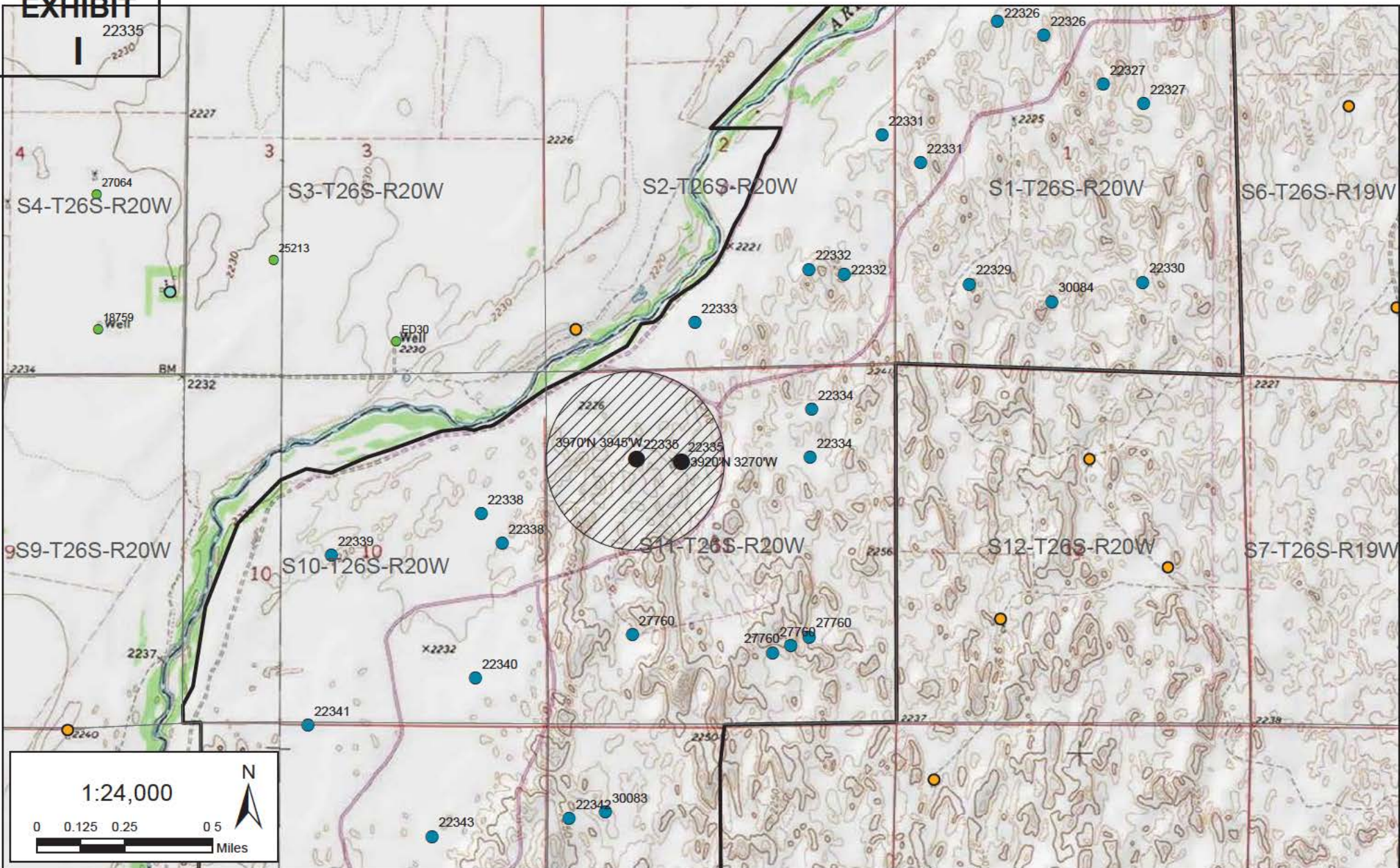
A further limiting factor to maximum allowable quantity is the availability of water from the proposed source of supply. If the source of supply is incapable of yielding a reasonably, sustainable (computed) quantity during the irrigation season in that area of the state, then the source becomes a further 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.

EXHIBIT

22335

I



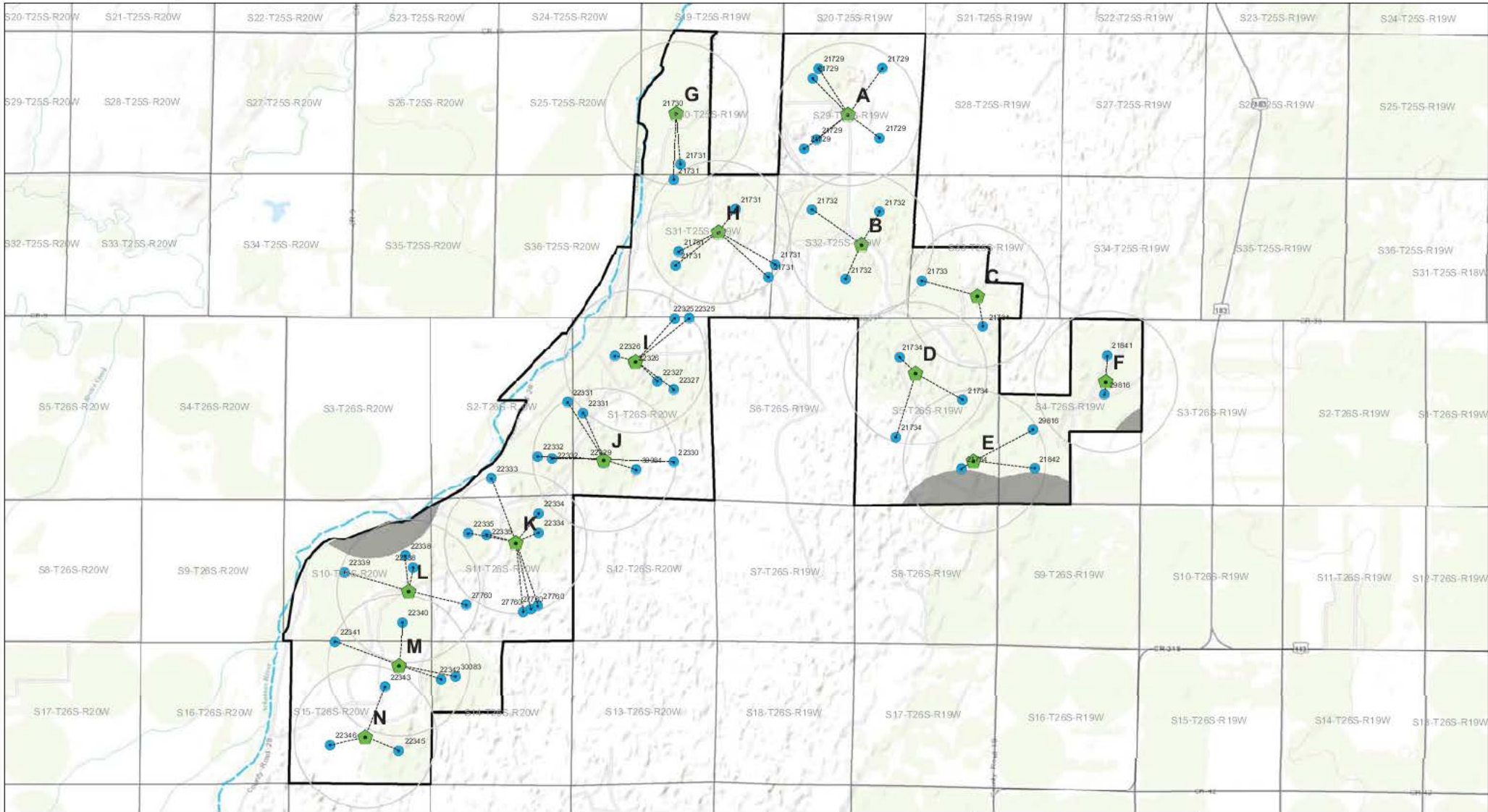
Legend

- 22335 Existing Point(s) of Diversion
- ▨ 22335 Existing Place of Use
- ▬ R9 Ranch Property Boundary
- PLSS Sections 22335
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



CHANGE APPLICATION 22335
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION

EXHIBIT
J
22335



Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections

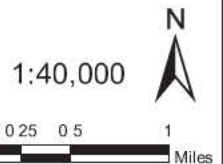
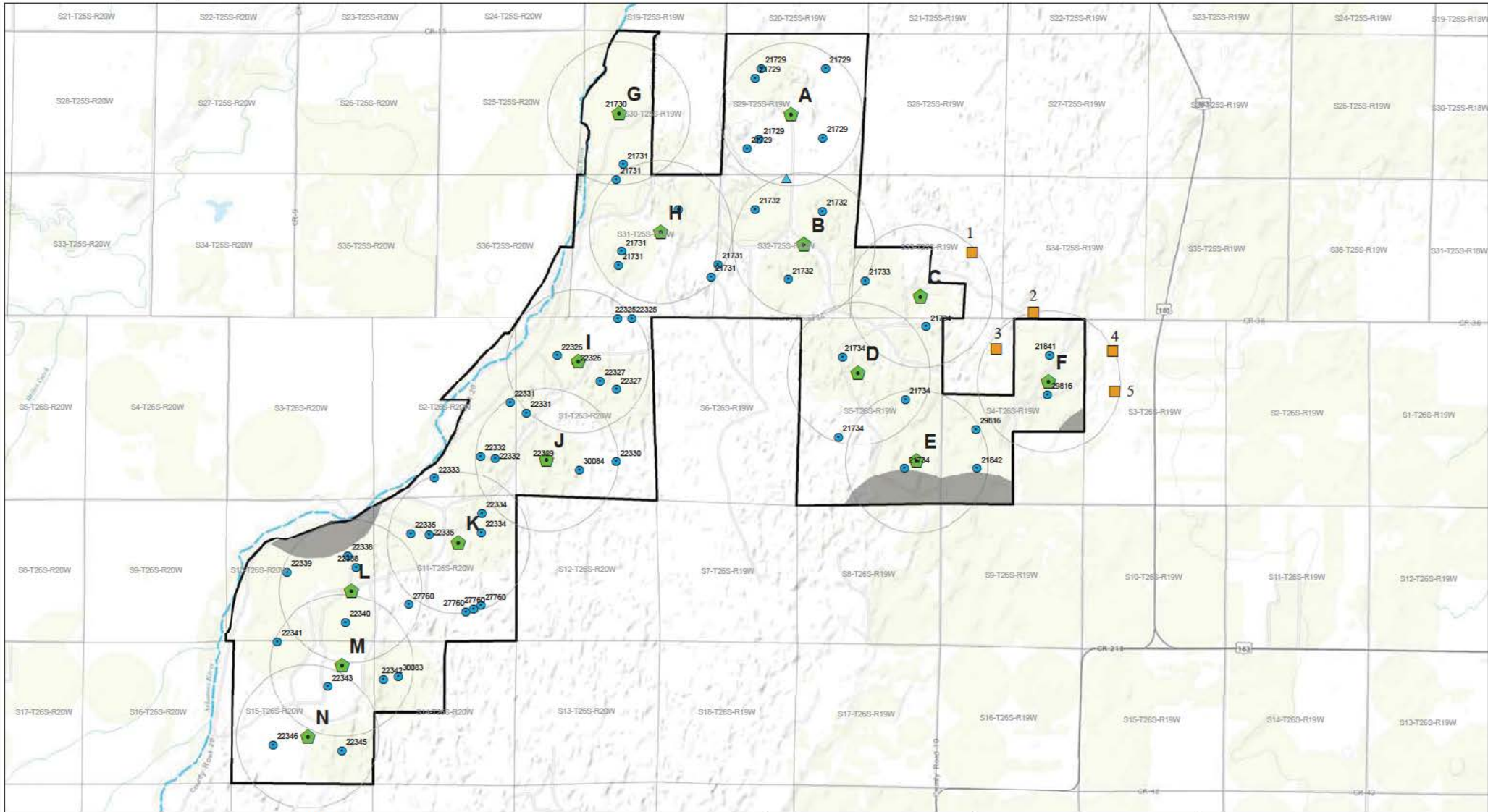
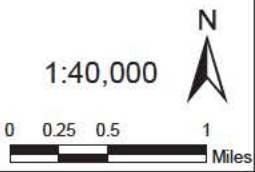


EXHIBIT K ²²³³⁵



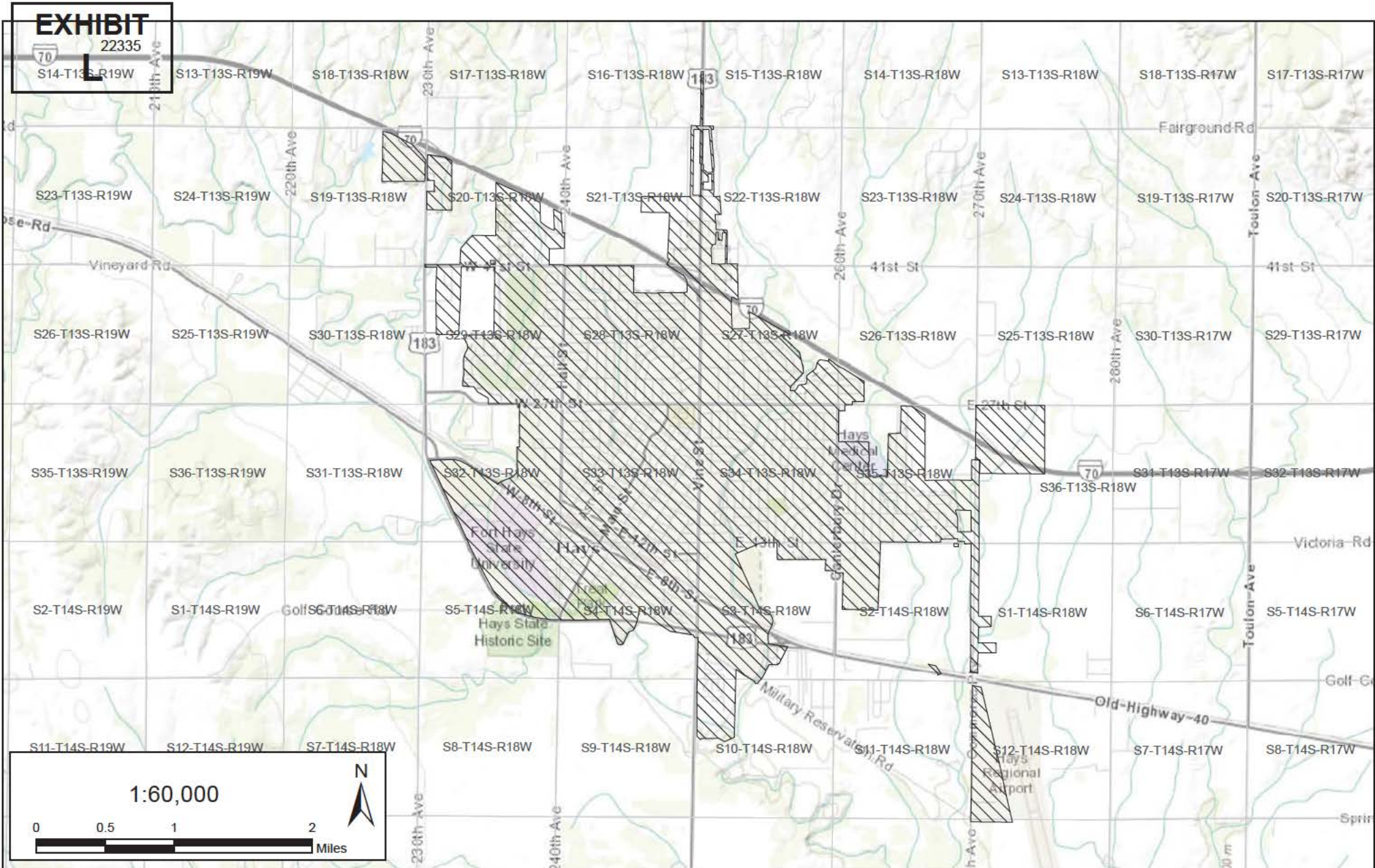
Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)

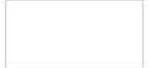


EXHIBIT

22335



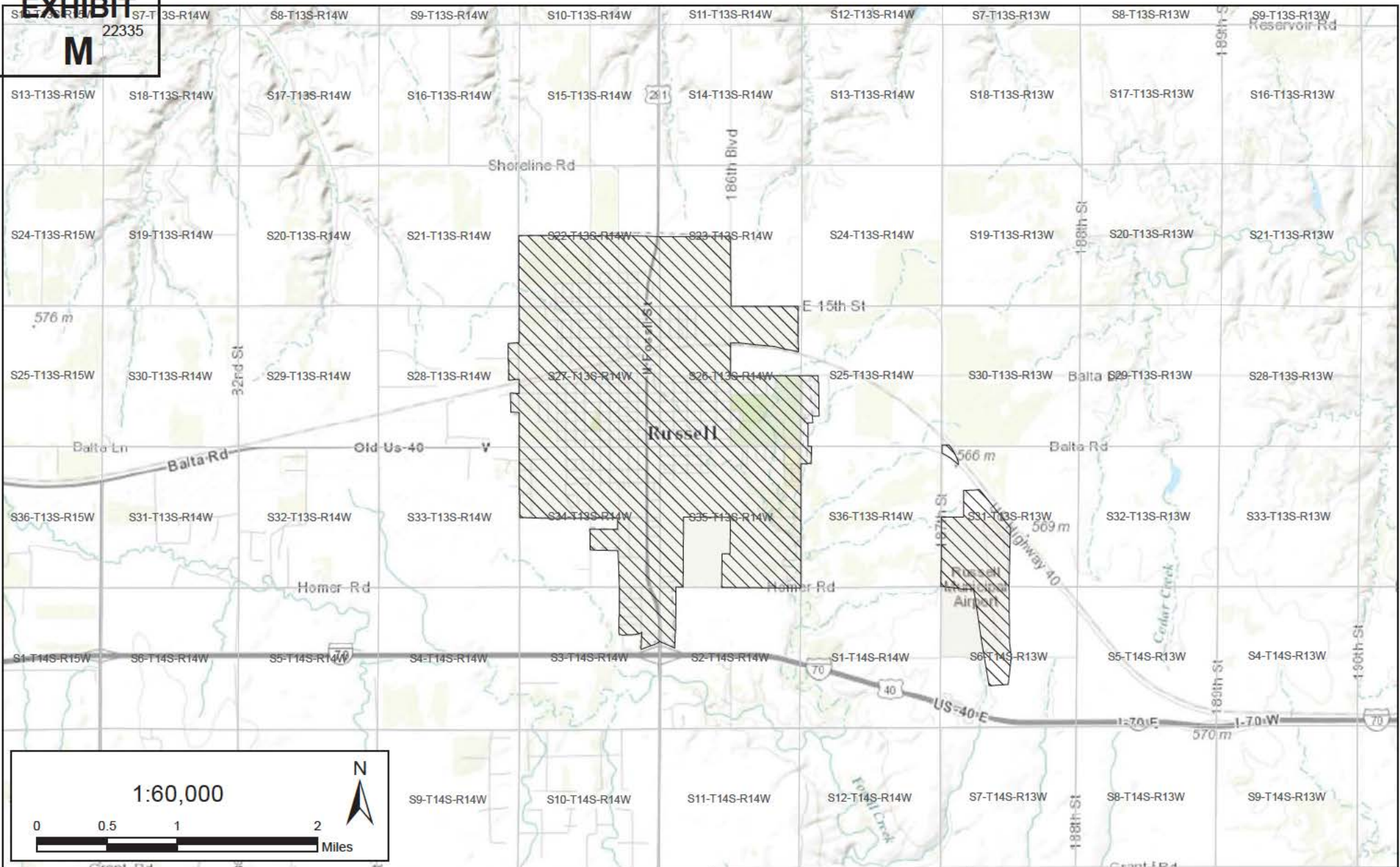
Proposed Place of Use City of Hays



PLSS Sections



EXHIBIT
M
22335



Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
 N**

**SECTION 2: PAST WATER USE
 COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago	592,323,000			5,029,000	469,314,000	5,155,000	112,825,000
15 years ago	780,527,000			10,619,000	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

22335
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

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the Page 43 of 46 request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,338 Circle 28.

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
10-T26S-R20W			Lot 7 46	Lot 6 32												19	10			107
11-T26S-R20W								2												2

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
Same as above																				

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Lot 7 Quarter of the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 of Section 10, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 3,152 feet North 1,043 feet West of Southeast corner of section.
 Authorized Rate 950 gpm Authorized Quantity 89 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 SW Quarter of the NE Quarter of the SE Quarter of the _____
 of Section 10, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 1,863 feet North 883 feet West of Southeast corner of section.
 Proposed Rate 950 gpm Proposed Quantity 141.12 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,339; 27,760

9. **Presently authorized point of diversion:**
 One in the Lot 7 Quarter of the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 of Section 10, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 2,705 feet North 703 feet West of Southeast corner of section.
 Authorized Rate 785 gpm Authorized Quantity 73 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 SW Quarter of the NE Quarter of the SE Quarter of the _____
 of Section 10, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 1,863 feet North 883 feet West of Southeast corner of section.
 Proposed Rate 950 gpm Proposed Quantity 141.12 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,339; 27,760

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 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 the _____
 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

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

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.

[Handwritten signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 20 15.

[Handwritten signature: Malinda Morse]

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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.

(Owner) (Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Proposed Rate and Quantity

The Cities are requesting a total of 141.12 acre-feet and 950 gpm from the wells associated with this water right, all of which will be diverted from new point of diversion L, as shown on Exhibit J. When combined with existing wells from other water rights, new point of diversion L will have a cumulative total of 426.24 acre-feet and 2,430 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 116.64 acre-feet to municipal use.¹ As discussed below, 108 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 116.64 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 196 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 108 acres in Sections 10 and 11-T26S-R20W.⁵ The certificate further limited the wells to a rate of 950 gallons per minute when operated simultaneously.⁶

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.”⁷

The Field Inspection Reports indicate that all of the 196 acre-feet authorized by the permit were lawfully perfected.

- 167 acre-feet⁸ and 113.2 acre-feet⁹ (280.2 acre-feet) were applied to 108 approved acres in Sections 10 and 11-T26S-R20W.

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, HAYS003231, Ex. A.

⁵ Application, HAYS003222, Ex. B.

⁶ Certificate, HAYS003242, Ex. C.

⁷ March 19, 1976, letter (emphasis added), HAYS003230, Ex. D.

⁸ FIR, HAYS003207, Ex. E.

⁹ FIR, HAYS003213, Ex. F.

While the certificate limits the total quantity to 162 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.¹⁰

Since the perfection period has expired, the "authorized quantity" for this water right is the 196 acre-feet actually perfected even though it exceeds the certified quantity.

An alternative approach

DWR's use of the NIR of 1.08 feet of water for corn is based on its maximum gross irrigation requirement of 1.5 acre-feet per acre.¹¹ The regulation allows the conversion of 72% of the maximum quantity to a new use; in other words, it assumes that 28% of the quantity diverted returns to the aquifer.

If 28% of the 196 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 141.12 acre-feet, should be available for conversion to municipal use. This is less than the 196 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 141.12 acre-feet for municipal use.

¹⁰ Certificate, HAYS003242, Ex. C; Doug Bush Memo dated August 19, 1994, HAYS003234, Ex. G; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

¹¹ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. H, stating that: "In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated." *See also*, K.A.R. 5-3-24 and Doug Bush Memo dated August 19, 1994, HAYS003234, 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. 22,338 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 in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) and one well in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 10, 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

196 acre-feet

for any calendar year.

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HAYS003231

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

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



Guy E. Gibson
 Guy E. Gibson, Chief Engineer
 Division of Water Resources
 Kansas State Board of Agriculture

HAYS003232

THE STATE OF KANSAS



STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

Handwritten notes:
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pa

22,338

#28

NUMBER 19

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)
Comes now the applicant (Miss) Midwest Land and Cattle Co. whose post office address is Box 208 Kinsley, Kansas 67547

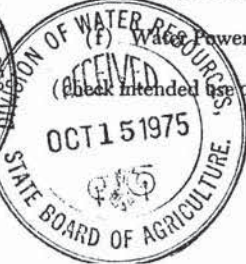
and makes application to the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture, for a permit to appropriate for beneficial use such unappropriated groundwater (surface water or groundwater) as may be available in the Arkansas River basin in the county of Edwards (name 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 ~~10,000,000~~ ¹³⁶ 320 ~~acre feet~~ ^{acre feet} per year, to be diverted at a maximum rate of 1000 gallons per minute (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the center quarter of the ~~NE~~ quarter of section 10, township South Brown 26, range 2620W, in Edwards County, Kansas.

~~Location of second well can not be determined until test well is drilled.~~
3. The water is intended to be appropriated for:

- (a) Domestic use () _____
 - (b) Municipal use () _____
 - (c) Irrigation use (x) ¹³⁶ 320 ~~acre ft./yr.~~ ^{acre ft./yr.} - 1000 gals./min.
 - (d) Industrial use () _____
 - (e) Recreational use () _____
 - (f) Water Power use () _____
- (Check intended use or uses and show intended quantity for each use)



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DIVISION OF WATER RESOURCES
STANFORD
HAYS003221ES

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 $\frac{1}{4}$	
10	26	20	40	40	40	40												160	
			<i>Lot 7</i>	<i>Lot 6</i>										19	10			106	
11	26	20						2										2	

108

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 $\frac{1}{4}$	

HAYS003222

7. The works for diversion of water will consist of two wells with two pumps
~~one well with one pump~~ for one circle sprinkle
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)

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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.



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HAYS003223



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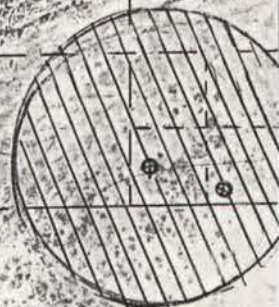
R 20W

Application 22338
No. 28
All wells within 1/2 mile
belong to applicant

DIVISION OF WATER RESOURCES
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STATE BOARD



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S



HAYS003224

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Phillip A. Fishburn, *Acting Secretary*

DIVISION OF WATER RESOURCES
David L. Pope, *Chief Engineer*

DUPLICATE COPY

CERTIFICATE OF APPROPRIATION

FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 22,338

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 in Lot 7 of Section 10, more particularly described as being near a point 3,152 feet North and 1,043 feet West of the Southeast corner of said section, at a diversion rate not in excess of 950 gallons per minute (2.11 c.f.s.) and a quantity not to exceed 89 acre-feet of water per calendar year, and

one (2) well located in Lot 7 of Section 10, more particularly described as being near a point 2,705 feet North and 730 feet West of the Southeast corner of said section, at a diversion rate not in excess of 785 gallons per minute (1.74 c.f.s.) and a quantity not to exceed 73 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:

46 acres in Lot 7 (E $\frac{1}{2}$ NE $\frac{1}{4}$),
32 acres in Lot 6 (W $\frac{1}{2}$ NE $\frac{1}{4}$),
19 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
10 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 107 acres in Section 10,

02 acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
of Section 11,
all in Township 26 South, Range 20 West, Edwards County, Kansas.

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 950 gallons per minute (2.11 c.f.s.) for irrigation use on the property described herein. HAYS003242

DUPLICATE COPY

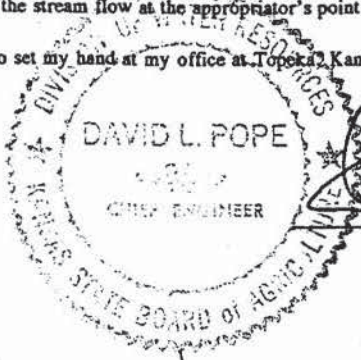
The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance likely to cause pollution of the water supply.

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 1st day of Nov., 1994.



Handwritten signature of David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.

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 1st day of Nov., 1994, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: Denise J Rolfs
Notary Public

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

WATER APPROPRIATION
CERTIFICATE

No. 21835

STATE OF KANSAS

Water Right, File No. 22,338

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.

HAYS003243

E-N²

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,338

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

RECEIVED MICROFILMED
HAYS003230

MAR 29 1976



Partial
 Full
 Re-Test

Field Office No. 2
G.M.D. No. 5

Test 1 of 2 Diversion points County Edward

Application No. 22338 Inspection Date 10/15/87 Firm/Field Office Pumping Plant Testing, Inc (Ebert Klassen)

Current Landowner Connecticut General Life Ins, % Agri. Associates Phone No. (308) 534-9240

Address Box 1162, North Platte, NE 69103 Attn: Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: () Domestic () Industrial (X) Irrigation () Municipal
() Recreation () Stockwatering () Water Power

Source:
(X) Groundwater () Surface Water Basin/Stream Arkansas River

Authorized Point of Diversion: SW 1/4, SE 1/4, NE 1/4 Sec. 10, T. 26, R. 20, ID No. 4
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: SW 1/4, SE 1/4, NE 1/4 Sec. 10, T. 26, R. 20
Approximately 3152 ft. North and 1043 ft. West of SE corner of Sec. 10
How were distances determined? Sealed off aerial photo (wsu #1)

"Approved" Quantity 196 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date May 2, 1974 Approval Date March 19, 1976 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
<u>10</u>	<u>26</u>	<u>20</u>	<u>7</u>	<u>5</u>	<u>27</u>	<u>39</u>											<u>19</u>	<u>10</u>			<u>107</u>	
<u>11</u>	<u>26</u>	<u>20</u>							<u>2</u>													<u>3</u>
																						<u>109</u>

LAND IRRIGATED—YEAR OF RECORD 1977

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>10</u>	<u>26</u>	<u>20</u>	<u>7.5</u>	<u>4.5</u>	<u>27</u>	<u>39</u>											<u>16</u>	<u>9</u>			<u>105</u>	
<u>11</u>	<u>26</u>	<u>20</u>							<u>3</u>													<u>3</u>
																						<u>108</u>

FEB 10 1995

TESTED DIVERSION RATES

Maximum G.P.M. _____ (c.f.s. _____) FIELD OFFICE 947 (c.f.s. 2.11)
DIVISION OF WATER RESOURCES STAFFORD

FOR D.W.R. USE ONLY X

Year of Record 1984 Extension of time needed: Yes () No () Attached? yes () no ()

Ac. Ft. Applied = $962.5 \text{ hrs.} \times 947 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 161 \text{ AF}$

"Approved" Land irrigated 10.8 acres, with 161 AF = 1.54 AF/acre

Total AF (including overlapping Files) _____ (_____ AF/acre)

$1.5 \text{ AF/acre} \times 108 = 162 \text{ ac.-feet}$
Prorate by rate: $947 \text{ gpm.} + 781 \text{ gpm.} = 1728 \text{ gpm.}$
 \div by $1728 \text{ gpm.} = 5570 \times 162 \text{ A.F.} = 89 \text{ A.F.}$

Perfected Rate 950 g.p.m. (2.11 c.f.s.) Perfected Quantity 89 AF

22338
GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Zimmatic Model 307 Serial No. 4782

Drive: Water Electric Length of Pivot Arm _____ acres irr. _____

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 Rain Bird 85 Rating _____ g.p.m. Orifice size _____

Gravity Irrigation

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

unusual condition/other information _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 428 HP _____

Serial No. _____ Fuel propane Rated RPM _____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 12M Rated RPM _____

Serial No. N2W24400X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer U.S. Motors Model No. 60 HP

Serial No. 0-9556-00-11-420 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled Aug 1974 Original Depth 411 ft. Static Water Level When Drilled _____ ft.

Length of time well has () operated (rested prior to measurement 14 (days () hrs

Is measurement tube required? () yes (no Is measurement tube present () yes (no

Depth to water _____ ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes (no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is the meter installed properly? () yes () no

Check Valve Present? (yes () no

Injection port present? (yes () no

Operating an injection system? () yes (no

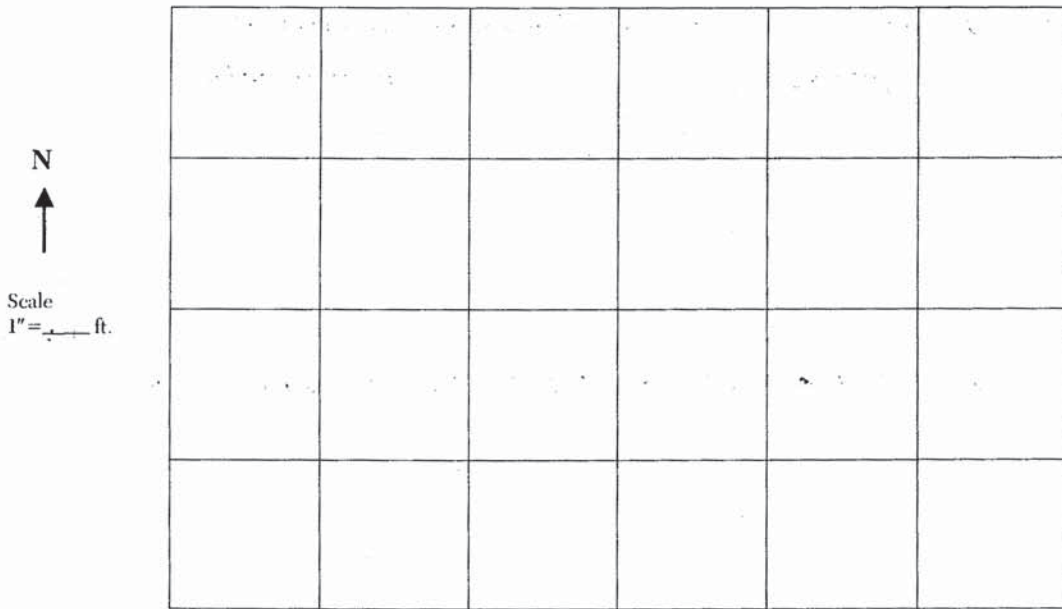
Low Pressure Drain? (yes () no

Vacuum Breaker? (yes () no

Plant Health Chemigation Report completed? (yes () no

HAYS003208

22338
SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORK, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout and name of field test).



TEST OF DIVERSION RATE:

Location of test Horizontal pipe before pivot stand
 Pipe Diameter (I.D.) 8 3/4 inches

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 2036
 R.P.M. PUMP UNIT 1697
 Pressure at Pump 68 psi

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)	Velocity (fps)
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____
7. _____	7. _____
8. _____	8. _____
9. _____	9. _____
10. _____	10. _____
Total _____	Total _____
Avg. _____	Avg. _____
G.P.M. _____	G.P.M. _____

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 FIELD OFFICE
 DIVISION OF WATER
 STAFF OFFICE
 Total SOURCES
 Avg.
 G.P.M.

Propeller Meter Test Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.	Ending _____ gal.
Beginning _____ gal.	Beginning _____ gal.
Difference _____ gal.	Difference _____ gal.
Time _____ min.	Time _____ min.
Rate _____ gpm	Rate _____ gpm

Other Flow Meter Use Supplemental Sheet (include meter identification, data and calculations)

HAYS003209
 MICROFILMED

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1512	1000		125
1976				
1977	1262	1000		108
1978				
1979				
1980	580	700		130
1981				
1982				
1983	PIK			
* 1984	1750 [†]	947 ^{**}		107 [†]
1985	1600 [†]	675 [†]		107 [†]
1986				
1987				
** obtained from test data				

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year soybeans Year of record ?

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type _____ Supplier _____
 Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? _____

REMARKS: S&E ATTACHED SHEET "NOTES ON CHOOSING A YEAR OF RECORD"

Person present at test Lyle Kolbeck tenant
(name) (relationship)
 Water Use Correspondent Lyle Kolbeck Spearville, Ks 67876 316-385-2803
(name) (address) (phone number)
 Conducted by Greg Ebert Date 10/15/87 HAYS003210
 Approved by W. J. W. P. E. Date 11/15/87
(signature)



- Partial
- Full
- Re-Test

Field Office No. 2
 G.M.D. No. 5

Test 2 of 2 Diversion points County Edwards

Application No. 22338 Inspection Date 10/15/87 Firm/Field Office Pumping Plant Testing Inc (Ebert Klassen)

Current Landowner Connecticut General Life Ins Co Agri Affiliates Phone No. (308) 534-9240

Address Box 1162 North Platte, NE 69103 Attn Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: () Domestic () Industrial (Irrigation () Municipal
 () Recreation () Stockwatering () Water Power

Source:
 Groundwater () Surface Water Basin/Stream Arkansas River

Authorized Point of Diversion: SE 1/4, SE 1/4, NE 1/4 Sec. 10, T. 26, R. 20, ID No. 1
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: SW 1/4 SE 1/4 NE 1/4 (see additional sheet) Sec. 10, T. 26, R. 20
 Approximately 2705 ft. North and 730 ft. West of SE corner of Sec. 10

How were distances determined? Scaled off aerial photo (see additional sheet on points of diversion and section corners)
 (w/err #2)

"Approved" Quantity 196 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date May 2, 1974 Approval Date March 19, 1976 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
10	26	20	7	5	27	39										19	10			107
11	26	20							2											2
																				109

LAND IRRIGATED—YEAR OF RECORD 1984 (SEE ATTACHED SHEET)

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
10	26	20	9.5	4.5	27	39										16	8			104
11	26	20							3											3
																				107

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TESTED DIVERSION RATES

FEB 10 1995

Maximum G.P.M. _____ (c.f.s. _____) FIELD OFFICE Normal G.P.M. 781 (c.f.s. 1.74)

DIVISION OF WATER RESOURCES

STAFFORD FOR D.W.R. USE ONLY *

Year of Record 1984 Extension of time needed: Yes () No () Attached? yes () no ()

Ac. Ft. Applied = $789.5 \text{ hrs.} \times 781 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 113.2 \text{ AF}$

"Approved" Land irrigated 108 acres, with 114 AF = 1.05 AF/acre

Total AF (including overlapping files) _____ (_____ AF/acre)

$1.5 \text{ A.F./a} \times 108 \text{ acres} = 162 \text{ A.F. penetration by rate}$
 $947 \text{ gpm} + 781 \text{ gpm} = 1,728 \text{ gpm. } 781 \text{ gpm} \div 1,728 \text{ gpm} = 45\% \times 162 \text{ A.F.} = 73 \text{ A.F.}$

Perfected Rate 785 g.p.m. (1.74 c.f.s.) Perfected Quantity 73 AF

22338
GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Zimmatic Model 307 Serial No. 4782

Drive: Water Electric Length of Pivot Arm _____ acres irr. 108

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 Rain Bird 85 Rating _____ g.p.m. Orifice size _____

Gravity Irrigation

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

unusual condition/other information _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____

Serial No. 08941 E-23-TL Fuel propane Rated RPM _____

PUMP INFORMATION:

Manufacturer Johnston Model No. _____ Rated RPM _____

Serial No. CF21225 Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. 70 B

Serial No. 73931 Drive Right Angle Ratio 1:1

WELL INFORMATION:

Date Drilled Nov 1974 Original Depth 37 ft. Static Water Level When Drilled _____ ft.

Length of time well has () operated rested prior to measurement 90 () days () hrs

Is measurement tube required? () yes no Is measurement tube present () yes no

Depth to water 8 ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is the meter installed properly? () yes () no Check Valve Present? yes () no

Injection port present? () yes () no Operating an injection system? () yes no

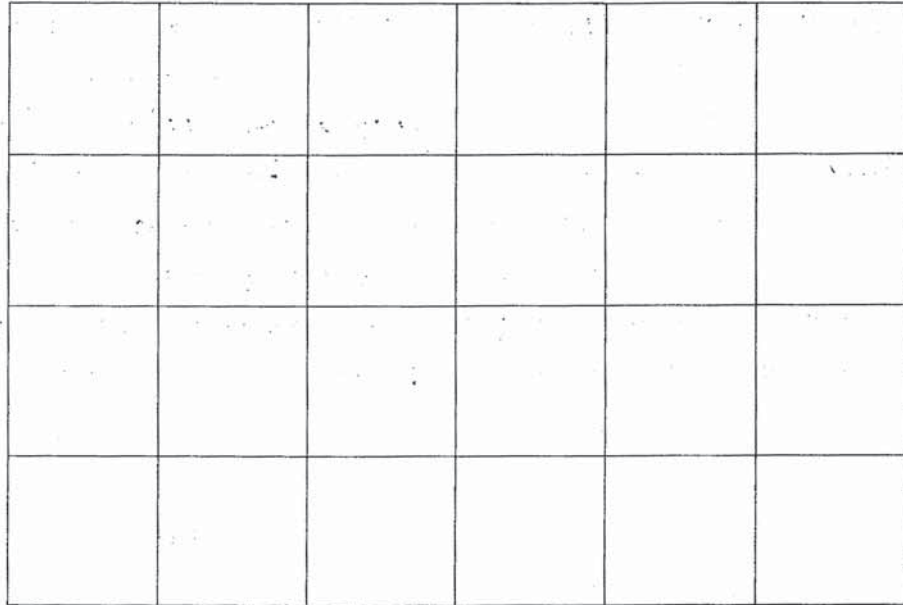
Low Pressure Drain? yes () no Vacuum Breaker? yes () no

Plant Health Chemigation Report completed? yes () no

HAYS003214

22338
SKETCH OF ACTUAL PLACE, USE, LOCATION OF DIVERSION WORK, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).

N
 ↑
 Scale
 1" = _____ ft.



TEST OF DIVERSION RATE:

Location of test Horizontal Pipe at Center Pivot
 Pipe Diameter (I.D.) 8 1/4 inches

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 1135
 R.P.M. PUMP UNIT 1135
 Pressure at Pump 20 psi

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)

Velocity (fps)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

1. _____
2. _____
3. _____
4. _____
5. _____
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9. _____
10. _____

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FEB 10 1995

Total _____ Total _____
 Avg. _____ DIVISION OF WATER RESOURCES _____
 G.P.M. _____ STAFFORD G.P.M. _____

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.	Ending _____ gal.
Beginning _____ gal.	Beginning _____ gal.
Difference _____ gal.	Difference _____ gal.
Time _____ min.	Time _____ min.
Rate _____ gpm	Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS003215

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1512			125
‡ 1976				
1977	1262			108
‡ 1978				
‡ 1979				
‡ 1980				
‡ 1981				
‡ 1982				
1983	PIK			
* 1984	1750	* 781		107
1985	1600			107
1986				
1987		* 781		107 (from tenant)
‡ See Additional Sheet				
* From Test				

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year Soybeans Year of record ?

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

Other Fuels Type Propane Supplier _____

Rate = $\frac{Volume (test)}{time}$ = _____

How was the test volume determined? _____

REMARKS: Although this well is connected with the other well on this application, the two wells are not run at the same time. This is basically a standby well and is used in periods of drought or if the other well is having problems. The present tenant does not know if this well was used in the year of record, since he only has been the tenant for 2 years. According to the pumping records, it was used.

Person present at test Lyle Kolbeck Tenant
(name) (relationship)

Water Use Correspondent Lyle Kolbeck Sparrville, KS 67876 (316) 385-2803
(name) (address) (phone number)

Conducted by Daniel Klassen Date 10-19-87 HAYS003216

Approved by Kil Winters, P.E. Date 11/15/87
(signature)

KANSAS STATE BOARD OF AGRICULTURE
Division of Water ResourcesM E M O R A N D U M

TO: Files

DATE: August 19, 1994

FROM: Douglas E. Bush

RE: Appropriation of Water
File No. 22,338

The quantity for the Certificate of Appropriation was calculating by prorating the quantity by tested rates. The wells are now used together to run a pivot irrigation system. The quantity per each well was thus determined by that method. It appears from information obtained from Greg Ebert on August 18, 1994, who manages and has managed the ranch for the last several years, the wells are run together and that particular pivot is nozzled for 950 gpm. By prorating the quantity per well, the need for a limitation on quantity was eliminated. A limitation on rate was needed as the wells are used together at a combined tested rate of 950 gpm. The quantities were calculated as such:

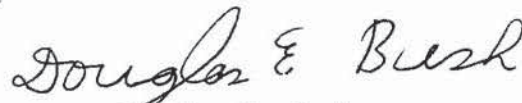
Combined rate of both wells = 1,728 gpm

North well: 947 gpm divided by 1,728 gpm = 55% x 162 AF (maximum allowable for the irrigation of 108 acres x 1.5 AF per acre) = 89 AF.

South well: 781 gpm divided by 1,728 gpm = 45% x 162 AF (maximum allowable for the irrigation of 108 acres x 1.5 AF per acre) = 73 AF.

It appears some unauthorized land may be irrigated. The place of use associated with File No. 22,338 is located in some sand hills South of the Arkansas River. Section corners are almost impossible to locate. If any unauthorized land has been irrigated it would be hard to determine. The aerial photo supplied with the original application and the aerial photo supplied with the F.I.R. appear to be almost identical. Therefore no reduction of quantity took place or unauthorized land being noted on the draft certificate letter.

Water use was reviewed and water use shows in the recent past, therefore the water right appears to be active.



Douglas E. Bush
Environmental Scientist

DEB:jt

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HAYS003234

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.	
		<u>1,244</u> (allow 1,245 g.p.m.)	

A further limiting factor of this procedure is the availability of water from the proposed source of supply. In those instances whereby the source of supply is incapable of yielding a reasonably, sustainable (computed) rate, then the source becomes a further limiting factor.

A further limiting factor is well design and equipment, which shall be reasonable to divert the requested rate.

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.

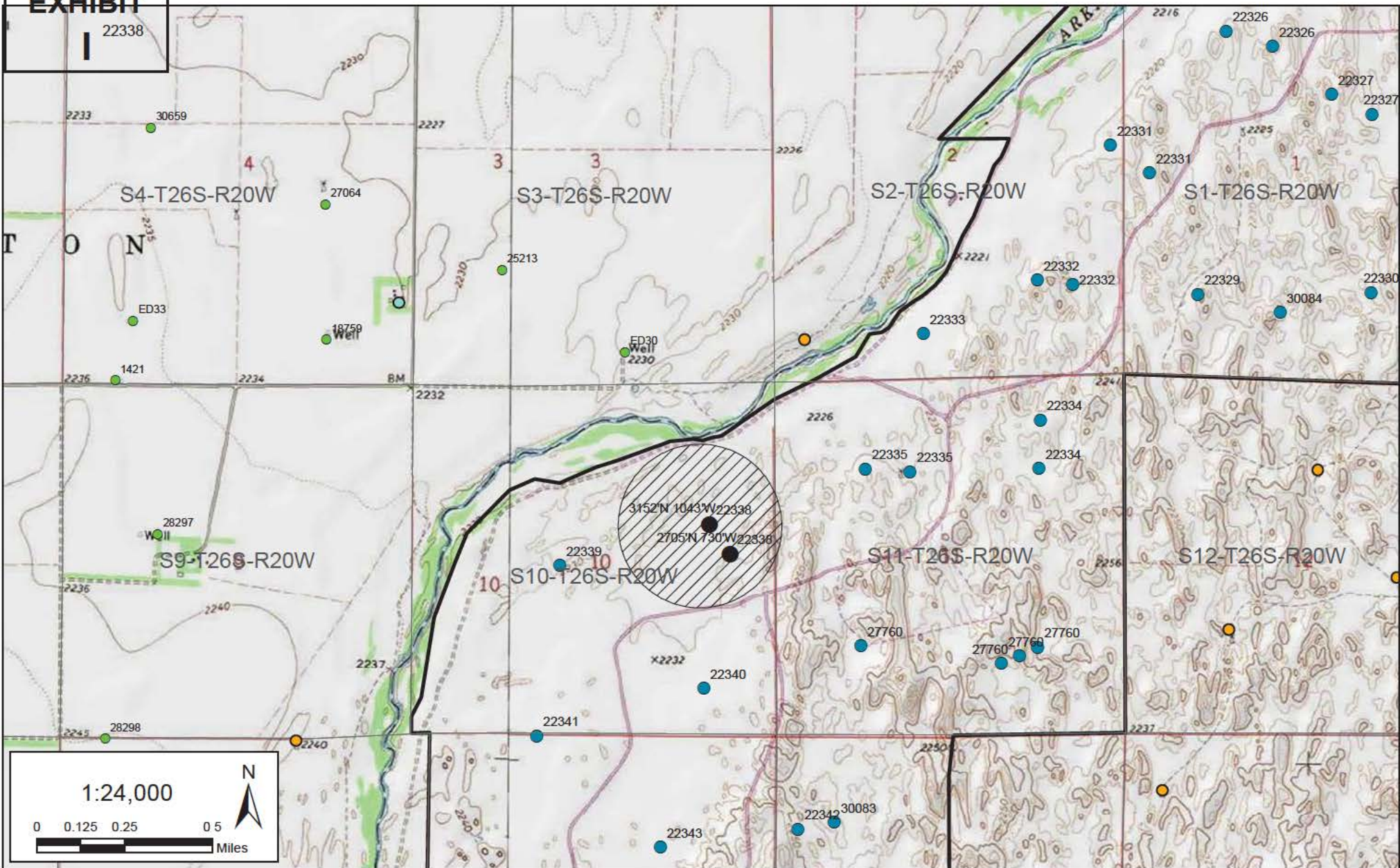
A further limiting factor to maximum allowable quantity is the availability of water from the proposed source of supply. If the source of supply is incapable of yielding a reasonably, sustainable (computed) quantity during the irrigation season in that area of the state, then the source becomes a further 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.

EXHIBIT

22338

I

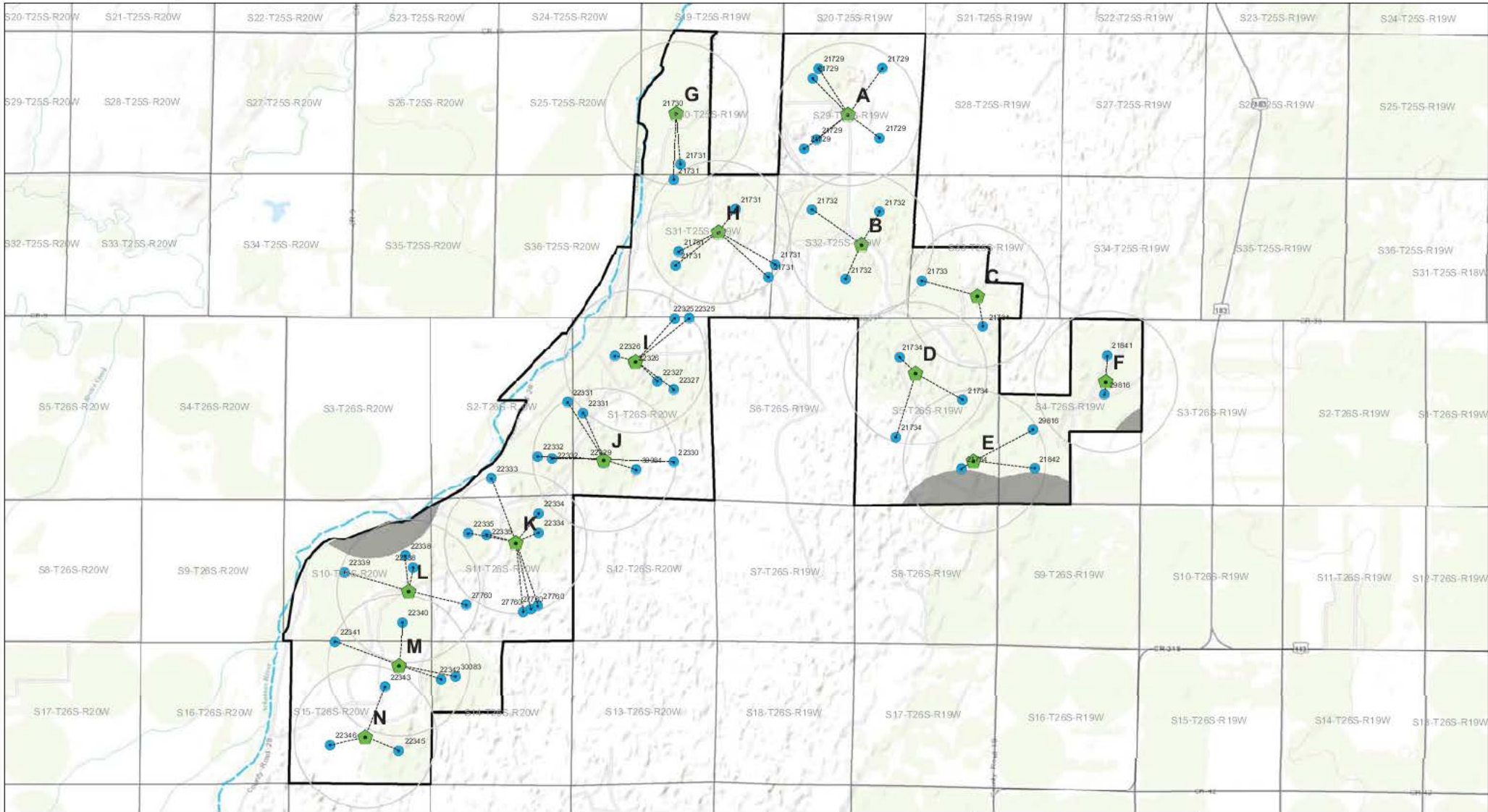


Legend

- 22338 Existing Point(s) of Diversion
- ▨ 22338 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 22338
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



CHANGE APPLICATION 22338
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION



Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections

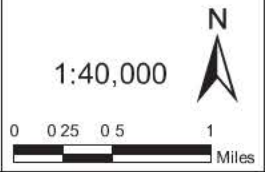
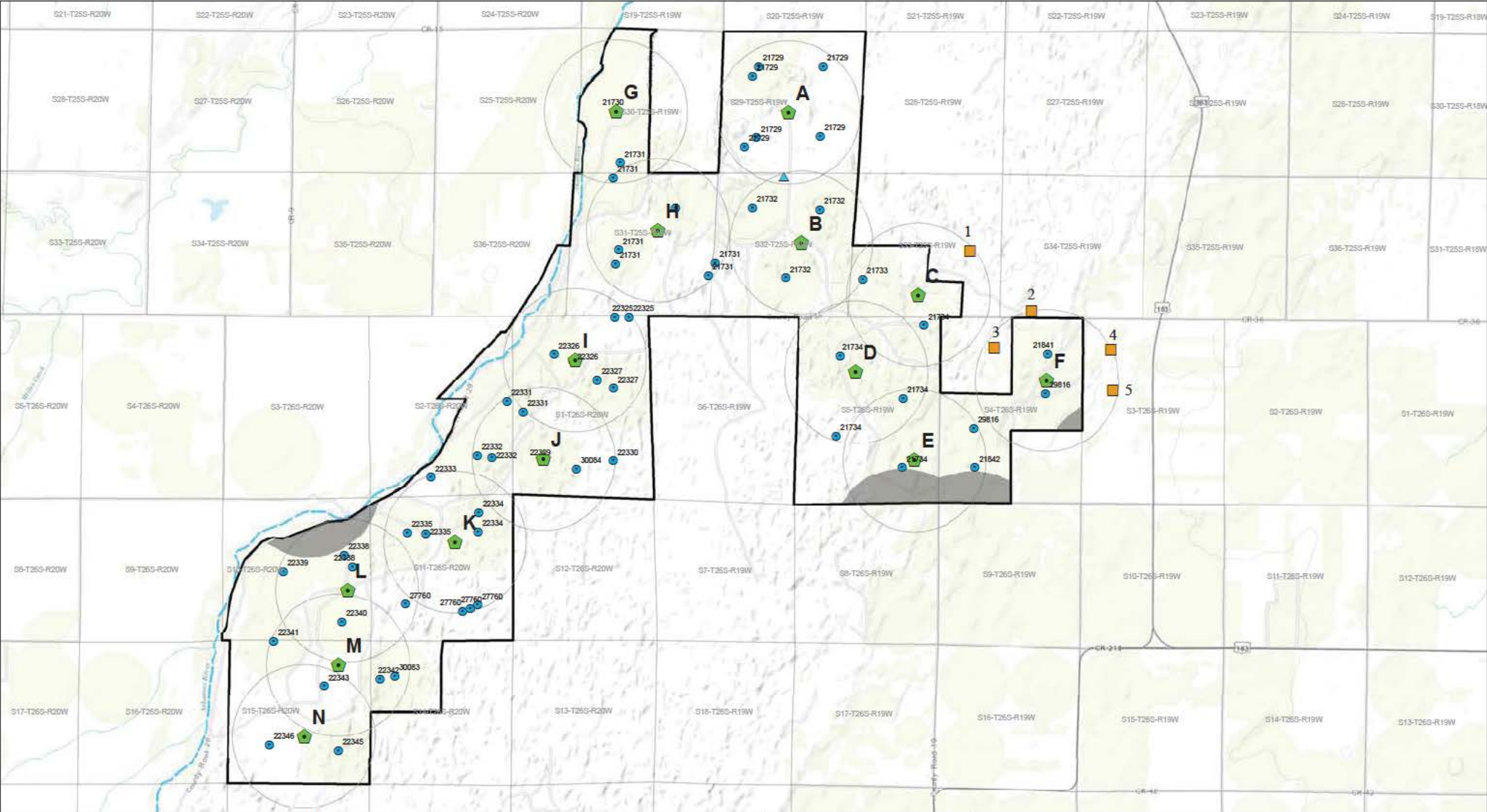
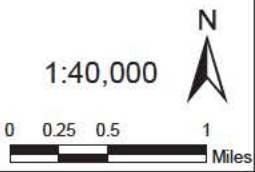


EXHIBIT
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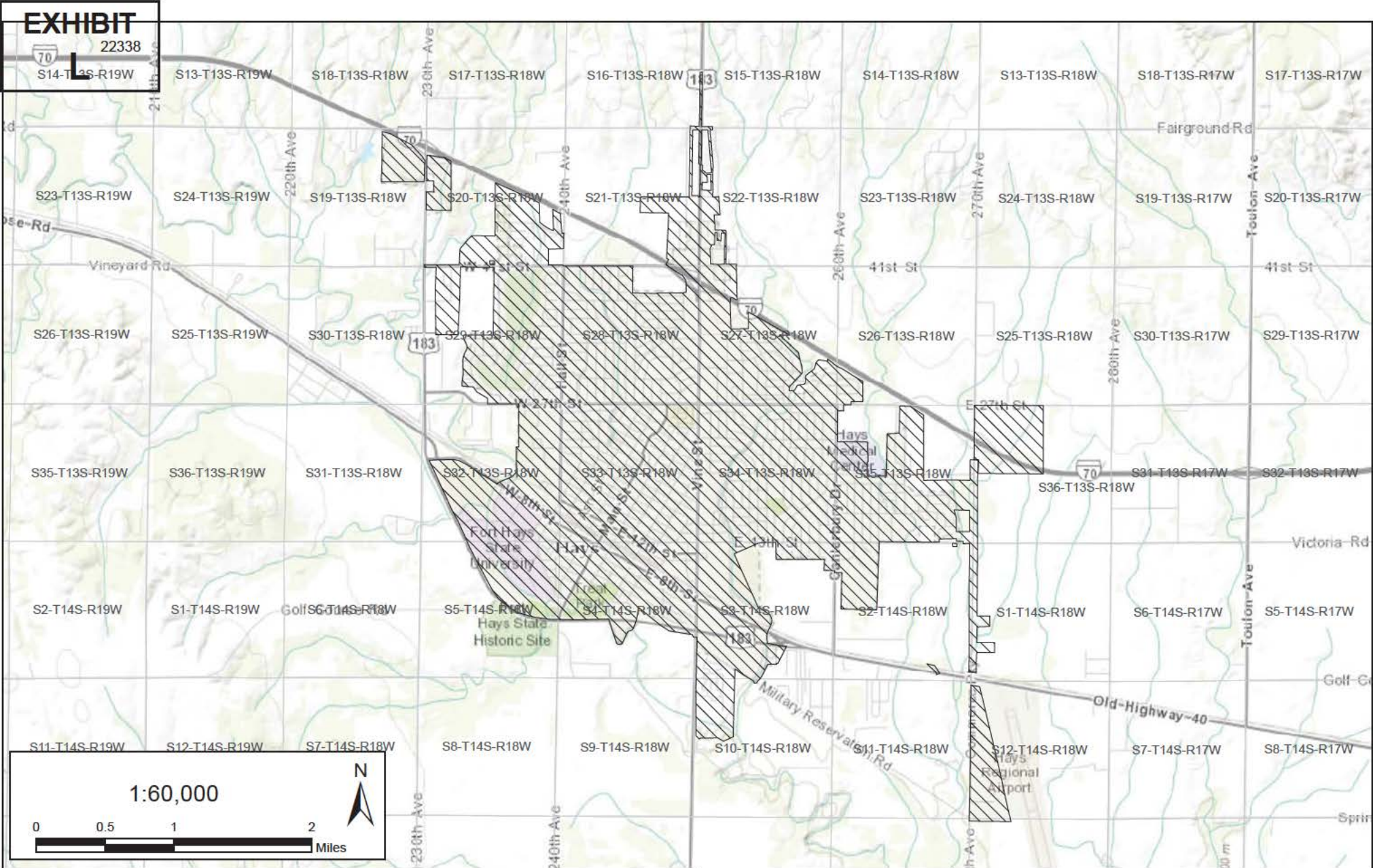
Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)



EXHIBIT

22338



Proposed Place of Use City of Hays

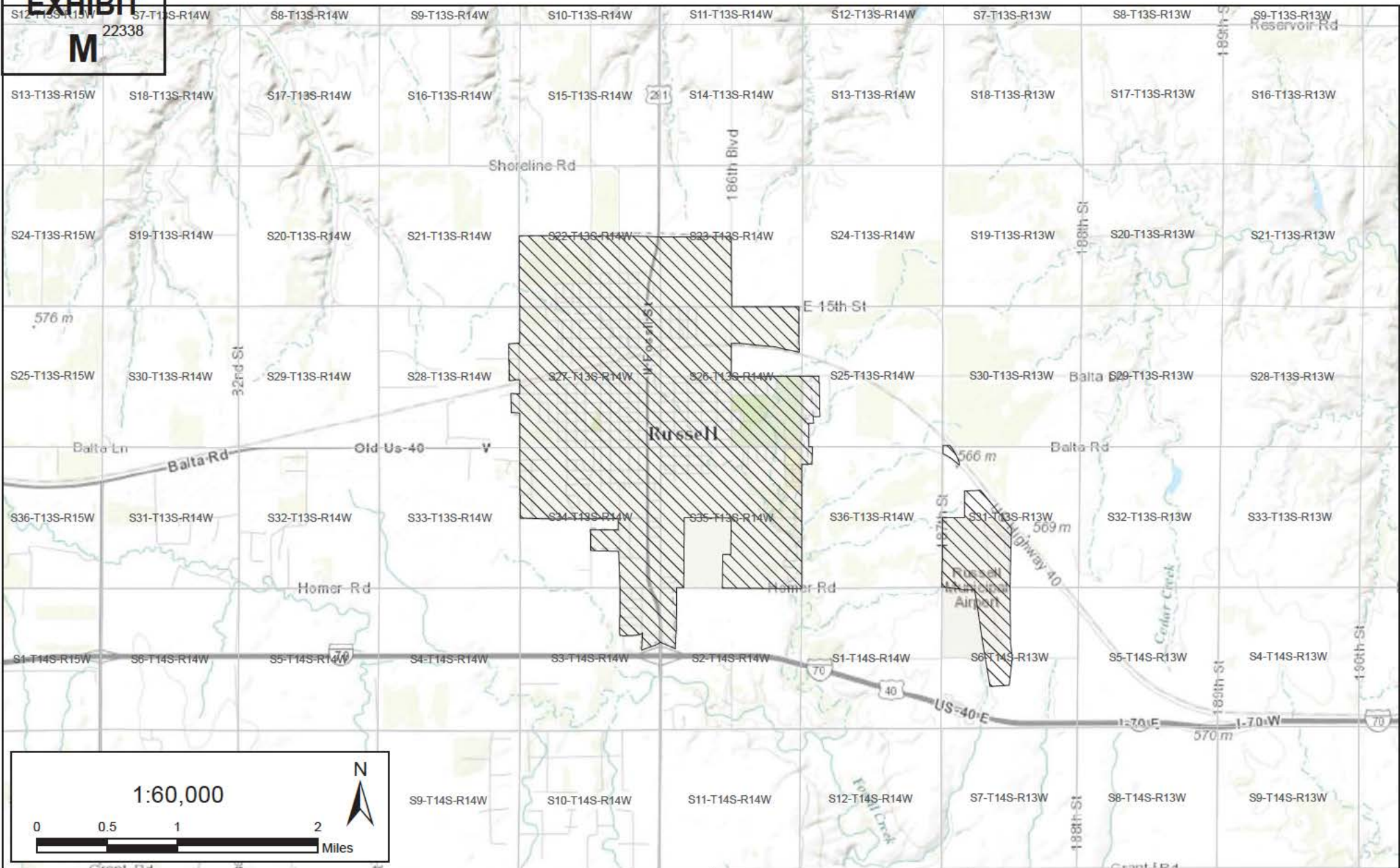


PLSS Sections



EXHIBIT
M

22338



Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
 N**

**SECTION 2: PAST WATER USE
 COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago	592,323,000			5,029,000	469,314,000	5,155,000	112,825,000
15 years ago	780,527,000			10,619,000	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

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
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							
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

22338
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

$$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the 22338 Page 28 of 26 request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,339 Circle 29.

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Lot 5 Quarter of the _____ Quarter of the _____ Quarter
 of Section 10, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 2,535 feet North 3,300 feet West of Southeast corner of section.
 Authorized Rate 680 gpm Authorized Quantity 165 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 SW Quarter of the NE Quarter of the SE Quarter
 of Section 10, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 1,863 feet North 883 feet West of Southeast corner of section.
 Proposed Rate 680 gpm Proposed Quantity 142.56 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,338; 27,760

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (~~E~~/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (~~E~~/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
 See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

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)

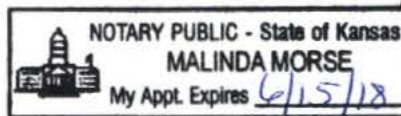
(Owner)

(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.

[Signature]

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.

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

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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.

(Owner) _____
(Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print) _____
(Please Print)

(Owner) _____
(Spouse)

(Please Print) _____
(Please Print)

(Owner) _____
(Spouse)

(Please Print) _____
(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

My Commission Expires 6/15/18
Malinda Morse
Notary Public

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.

Proposed Rate and Quantity

The Cities are requesting a total of 142.56 acre-feet and 680 gpm from the well associated with this water right, all of which will be diverted from new point of diversion L, as shown on Exhibit I. When combined with existing wells from other water rights, new point of diversion L will have a cumulative total of 426.24 acre-feet and 2,430 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 118.80 acre-feet to municipal use.¹ 110 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 118.80 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 198 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 110 acres in Section 10-T26S-R20W.⁵ The certificate further limited the rate to 680 gallons per minute.

In the cover letter transmitting the permit, DWR made findings of fact stating that “the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”⁶

The Field Inspection Report indicates that all of the 198 acre-feet authorized by the permit were lawfully perfected.

- 218 acre-feet were applied to 110 approved acres in Section 10-T26S-R20W.⁷

While the certificate limits the total quantity to 165 acre-feet based on DWR’s after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.⁸

¹ K.A.R. 5-5-9(a) and (a)(1).

² K.A.R. 5-5-12, NIR Requirements.

³ K.A.R. 5-5-9(b).

⁴ Permit, HAYS003317, Ex. A.

⁵ Application, HAYS003310, Ex. B.

⁶ March 19, 1976, letter (emphasis added), HAYS003316, Ex. C.

⁷ FIR, HAYS003302, Ex. D.

⁸ Certificate, HAYS003326, Ex. E; Larry Sheets Memo dated March 26, 1987, HAYS003320, Ex. F; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

Since the perfection period has expired, the “authorized quantity” for this water right is the 198 acre-feet actually perfected even though it exceeds the certified quantity.

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.⁹ 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 198 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 142.56 acre-feet, should be available for conversion to municipal use. This is less than the 198 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 142.56 acre-feet for municipal use.

⁹ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. G, stating that: “In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.” *See also*, K.A.R. 5-3-24 and Larry Sheets Memo dated March 26, 1987, HAYS003320, Ex. F.

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. 22,339 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 one (1) well in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 10, 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

198 acre-feet

for any calendar year.

(OVER)

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MAR 29 1976

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MAY 30 1976

22339 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.

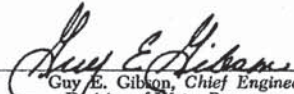
11. That this permit does not constitute authority under K. S. A. 82a-301 to 305 to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or 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

1976




Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

HAYS003318



C
2
#24

STATE BOARD OF AGRICULTURE

Roy Freeland, Secretary

DIVISION OF WATER RESOURCES

Guy E. Gibson, Chief Engineer

check \$50 5-2-74

22,339

NUMBER 20

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)
Comes now the applicant (Miss) Midwest land and Cattle Co. whose post office address is Box 208 Kinsley, Kansas 67547

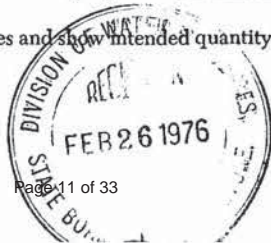
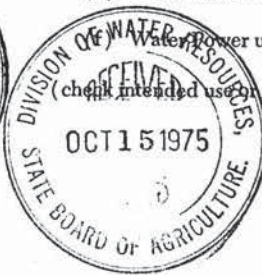
and makes application to the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture, for a permit to appropriate for beneficial use such unappropriated groundwater (surface water or groundwater) as may be available in the Arkansas River basin in the county of Edwards (name 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 ~~2 1/2~~ ^{1 1/2} ~~acre feet~~ acre feet per year, to be diverted at a maximum rate of 1000 gallons per minute (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the center N E N E S W quarter of the South quarter of the Brown 26 township, range 20 W, in Edwards County, Kansas.

~~Location of second well can not be determined until test well is drilled~~
3. The water is intended to be appropriated for:

- | | | |
|----------------------|---|--|
| | Amount | |
| (a) Domestic use | () | |
| (b) Municipal use | () | |
| (c) Irrigation use | (X) 2 1/2 ^{1 1/2} acre ft./yr. - 1000 gals./min. | |
| (d) Industrial use | () | |
| (e) Recreational use | () | |
| () Water power use | () | |
- (check intended use or uses and show intended quantity for each use)



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FIELD OFFICE DIVISION OF WATER RESOURCES

HAYS003309

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 $\frac{1}{4}$	
10 26 20					40	40	40	40									160
10 26 20			5				5	25	40	15		5		15			140

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 $\frac{1}{4}$	

HAYS003310

7. The works for diversion of water will consist of ^{One}~~two~~ wells with ^{One}~~two~~ pumps for one circle sprinkler irrigation system (^{One}~~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 ~~be~~ 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)

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NOTE:

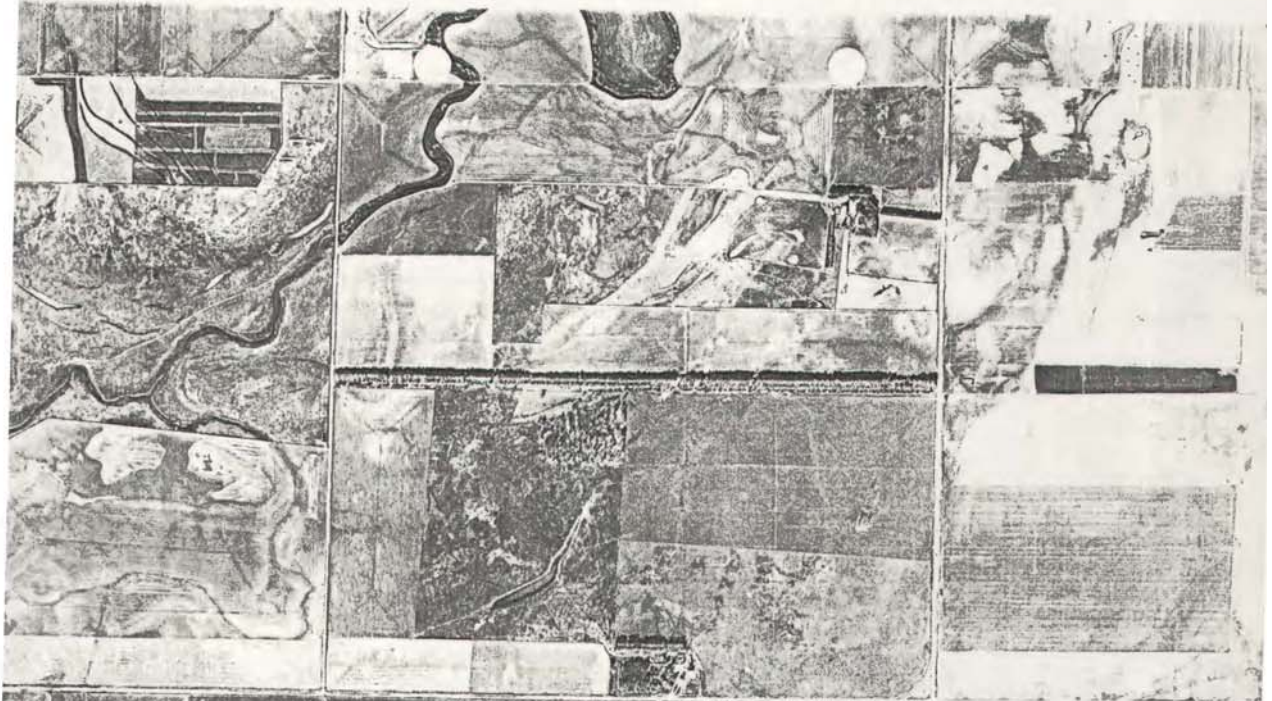
- 1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.
- 1 million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.
- 1 acre foot = 43,560 cubic feet = 325,851 gallons.

M1-539  5-72-10M SETS

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HAYS003311



DIVISION OF WATER RESOURCES
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 OCT 25 1975
 STATE BOARD OF AGRICULTURE

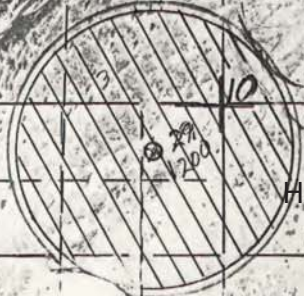
R20W

Application 22339
 No. 29
 All wells within 1/2 mile
 belong to applicant

DIVISION OF WATER RESOURCES
 RECEIVED
 FEB 26 1976
 STATE BOARD

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MICROFILMED



HAYS003312

2
E-N

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,339

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

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MAR 29 1976

HAYS
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DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE
FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 1 of 1 Diversion points
 Application No. 22339 Date 10-3-86 Firm/Field Office Pumping Plant Testing, Inc
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Insurance Co Agri. Associates Inc.
 Address Box 1162 North Platte, NE 69103 Attn. Terry Weaver
 Additional landowners and addresses identified in remarks section.
 Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()
 Groundwater Drainage Basin Arkansas River
 Surface Water () Stream _____
 Authorized Point of Diversion: 1 well NE 1/4, NE 1/4, SW 1/4 Sec. 10, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____
 Actual Point of Diversion: 1 well NE 1/4 NE 1/4 SW 1/4 Sec. 10, T. 26, R. 20
 Approximately 2535 ft. North and 3300 ft. West of SE corner of Sec. 10
 How were distances determined? By sealing off aerial photo
 "Approved" Quantity 198 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)
 Priority Date May 2, 1974 Approval of Application Date March 19, 1976
 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10	26	20			5			5	25	40	15		5			15			110

LAND IRRIGATED—YEAR OF RECORD 1984 SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10	26	20			6			8	30	38	14					14			110

APPLICATION OF WATER: SEE ATTACHED SHEET
 Year of Record 1984 Hours Pumped 1750 or Quantity 218

Normal Operating G.P.M. 676 Equiv. c.f.s. 1.5

Maximum Operating G.P.M. _____ Equiv. c.f.s. _____

Year of Record 1984 Extension of time requested: Yes No

Total No. of Hours on land covered by this application 1750

Ac. Ft. Applied = $1750 \text{ hrs.} \times 676 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 218 \text{ AF}$

Acres of "Approved" Land irrigated 110

Ac. Ft. on "Approved" Land $2184 \text{ } 110 = (1.98 \text{ Ac. Ft./Ac.})$

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less _____

Proration Calculations $110 \times 1.5 = 165$

Perfected Rate 680 g.p.m. Perfected Quantity 165 AF

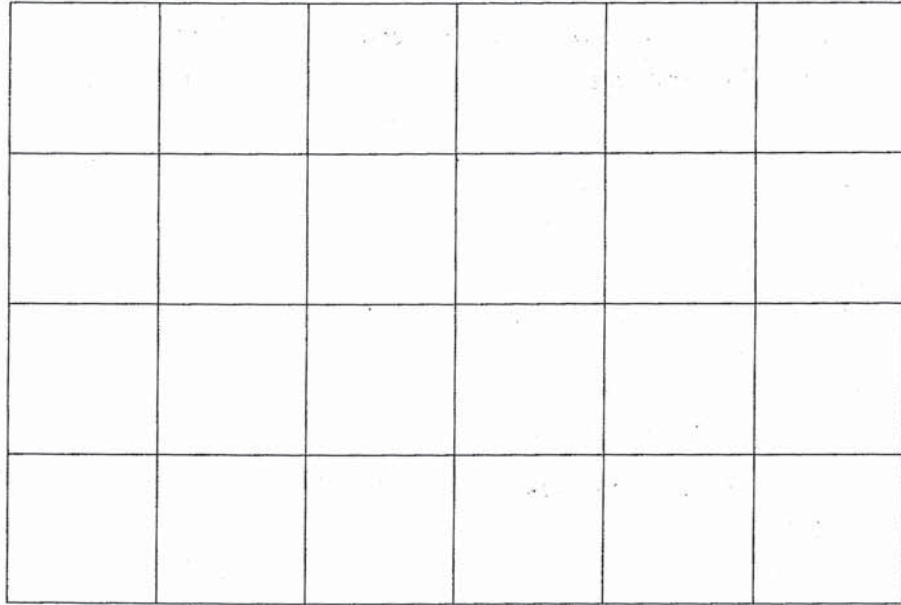


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HAYS003302

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).

N
 ↑
 Scale
 1" = ____ ft.



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In vertical pipe inside pivot stand
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2225
 R.P.M. PUMP UNIT 1780
 Pressure at Pump 86 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)

1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
- Total _____
 Avg. _____
 G.P.M. _____

Velocity (fps)

1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
- Total _____
 Avg. _____
 G.P.M. _____

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

REPRODUCED

HAYS003303

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____

K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type propane Supplier Mid-Continent

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not Determined representative didn't know

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975				
1976				
1977	987	1000		130
1978				
1979	336	800		104
1980				
1981				
1982				
1983	PIK			
* 1984	1750	676 **	218 **	110
1985	1600	800		110
1986		676 **		110 (From Operator)
** obtained from test on 10-3-86				

AC 24890
 2535'N 3300'W
 10 26 20'W
 02

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year wheat Year of record wheat

REMARKS: _____

Person present at test Kent Naber Irrigation Operator

Water Use Correspondent Lyle Kolbeck Spearville, Ks, 67876 316-385-2803

Conducted by Greg Ebert Date 10/6/86

Approved by didj. [signature], P.E. Date 12/26/86 HAYS003304

26-20

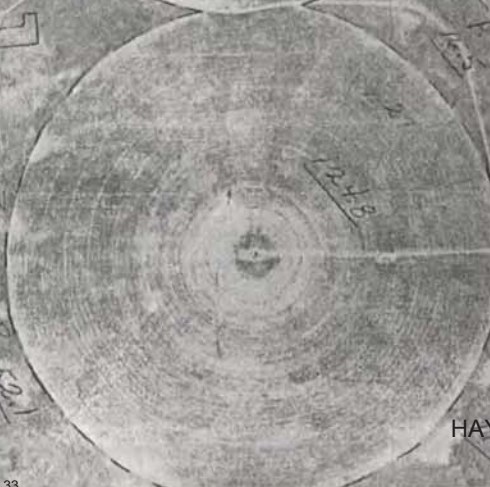
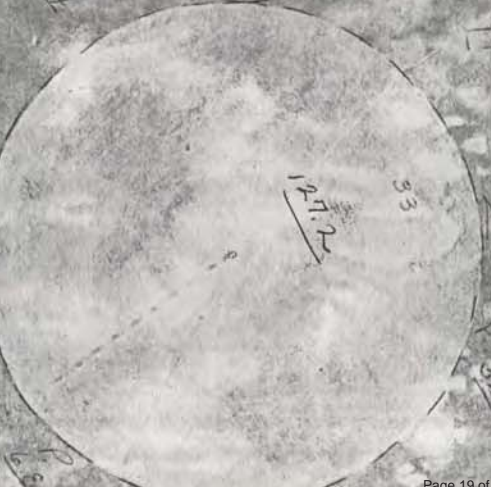
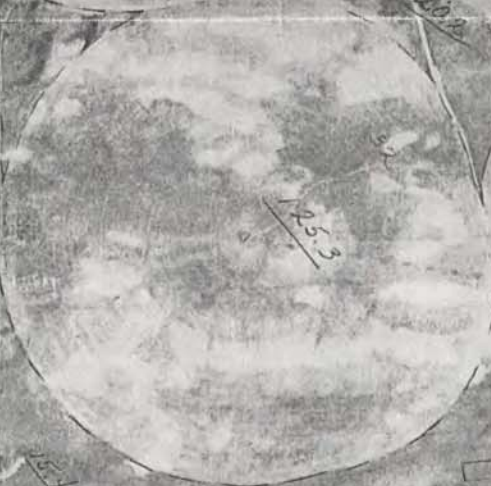
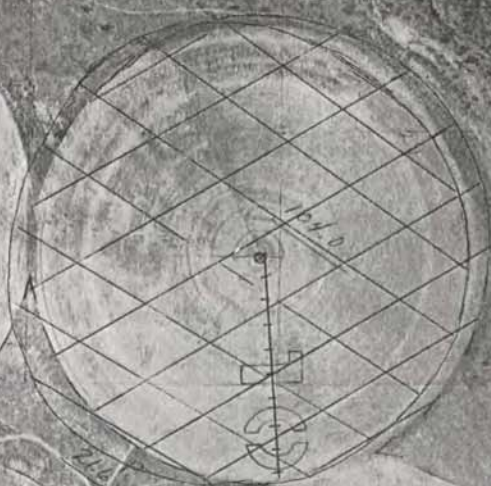
10-26-20

JUN 1 1987

APPLICATION 22339

LEGEND

- Well
- Pivot System
- Land irrigated presently and in years to perfect and on application



11-26-20

26-20

HAYS003305

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 22,339

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 a well located in Lot 5 of Section 10, more particularly described as being near a point 2,535 feet North and 3,300 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas, at a diversion rate not in excess of 680 gallons per minute (1.52 c.f.s.) and in a quantity not to exceed 165 acre-feet per calendar year for irrigation use on the following described property:

5.00 acres in Lot 6 (SW $\frac{1}{4}$ NE $\frac{1}{4}$),
5.00 acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$),
20.00 acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$),
41.90 acres in Lot 5 (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
8.10 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
15.00 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
15.00 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 110.00 acres in Section 10, Township 26 South, Range 20 West, Edwards County, Kansas.

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JUN 01 1987

DIVISION OF WATER RESOURCES
CHICAGO

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HAYS003326

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 21st day of May, 1987.



David L. Pope

David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY

The foregoing instrument was acknowledged before me this 21st day of May, 1987, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

My appointment expires March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**WATER APPROPRIATION
CERTIFICATE**

No. 15,944

STATE OF KANSAS

Water Right, File No. 22,339

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.

HAYS003327

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 26, 1987

FROM: Larry M. Sheets

RE: Appropriation of Water
File No. 22,339

The Field Inspection Report (F.I.R.) for the above referenced file, conducted under contract by Pumping Plant Testing, has been reviewed. It meets the requirements specified in the scope of work. Based on the 1984 Water Use Report (W.U.R.), 1,750 hours of pumping the well in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10, T 26 S, R 20 W, Edwards County, Kansas, provided 218 acre-feet of water for irrigating 110 acres or 1.98 acre-feet per acre. The Certificate of Appropriation has been drafted for the tested pumping rate rounded up to 680 g.p.m. and a reasonable quantity for the acres irrigated (110 x 1.5 = 165).

Because the land irrigated is along the Arkansas River, it has been described as lots. The Survey Plat shows a considerable amount of land has accreted along the right bank of the river. It was first thought that the land should be identified as owned by the state. The photograph supplied with the F.I.R. shows the bed of the Arkansas River to be West of the pivot system. The concern being that the state owns the bed of the Arkansas River. Does the State of Kansas own the land as described as being the stream by the original land survey or the stream as it flows today? The decision is that the State of Kansas owns the land within the banks (bed) of the Arkansas River as it exists today.

The basis of this decision is the court case between Renick Brothers Inc. versus the State of Kansas in the District Court of Gray County, Kansas, Case No. 79C-58. The court case is a resolution land ownership and boundary definition for navigable streams (with emphasis on a stream which no longer flows). The following quotes from the conclusion of the case are to explain the decision relating to File No. 22,339.

- "P. Plaintiffs will have their title quieted up to the bank of the last discernable riverbed and its ordinary high water mark on each of the subject properties in findings numbers 11 and 12.
- Q. The riverbed and all ground included between its banks remains the property of the State subject to the trust for the benefit of the public."

RECEIVED

Jay Don Reynolds
Associate District Judge

JUN 01 1987

HAYS003320

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.

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.

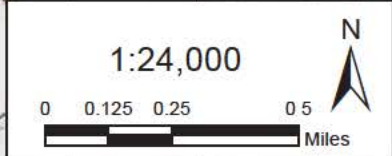
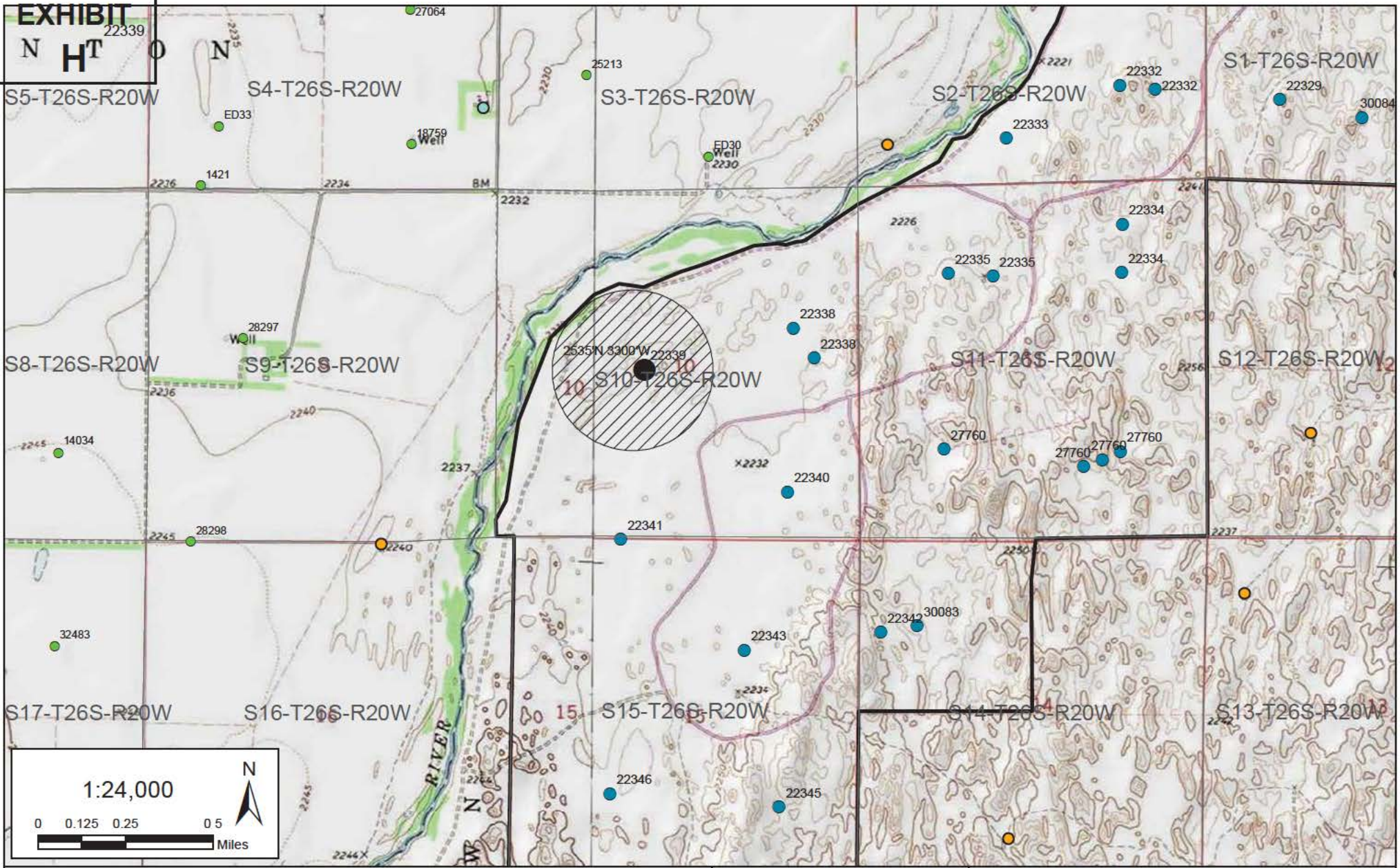
In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.

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.

EXHIBIT
N H T
 22339

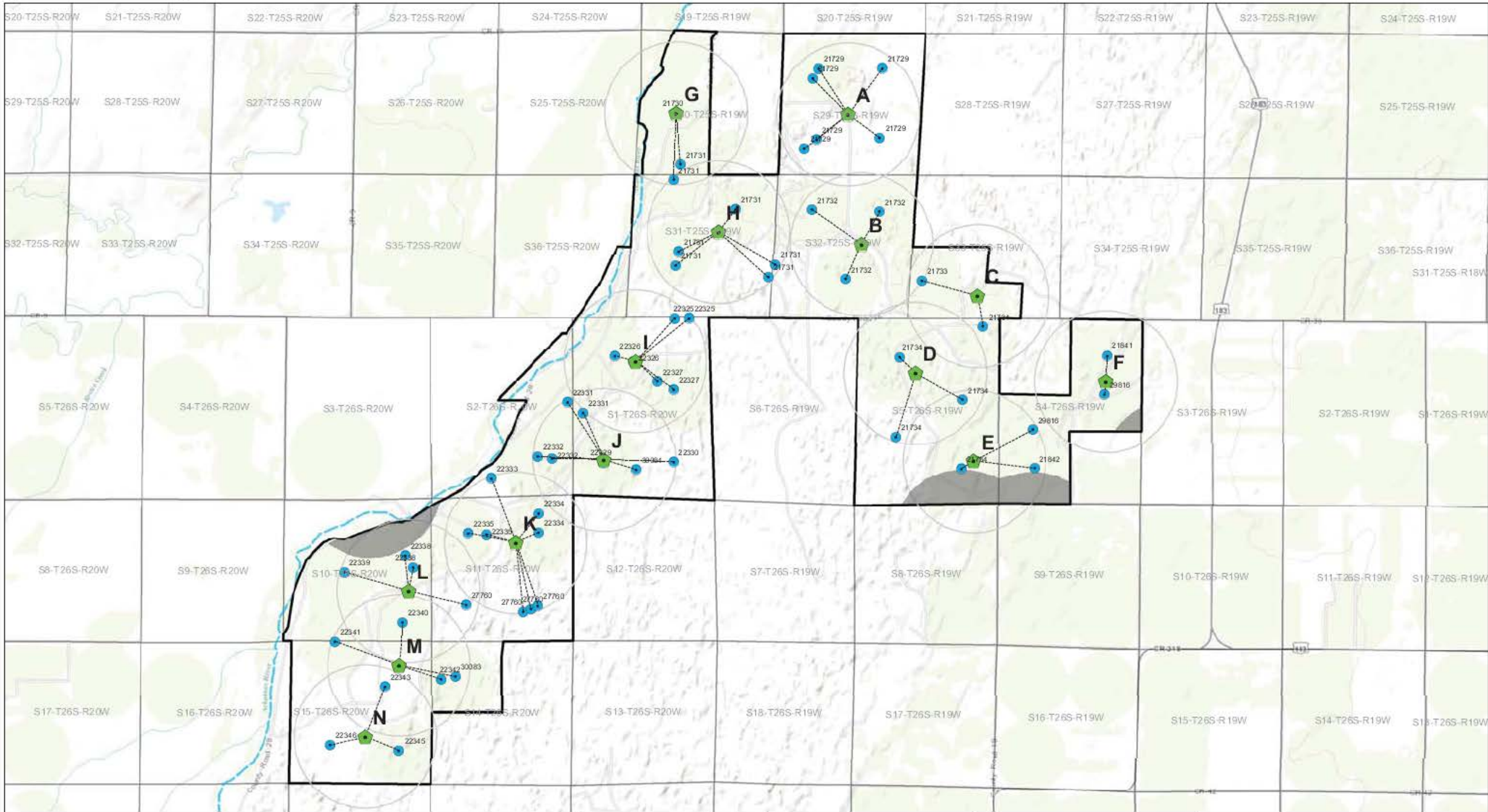


Legend

- 22339 Existing Point(s) of Diversion
- ▨ 22339 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 22339
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells

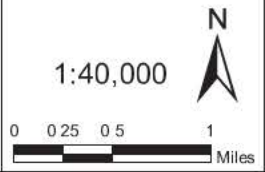


**CHANGE APPLICATION 22339
 APPLICATION MAP
 AUTHORIZED PLACE OF USE &
 POINTS OF DIVERSION**



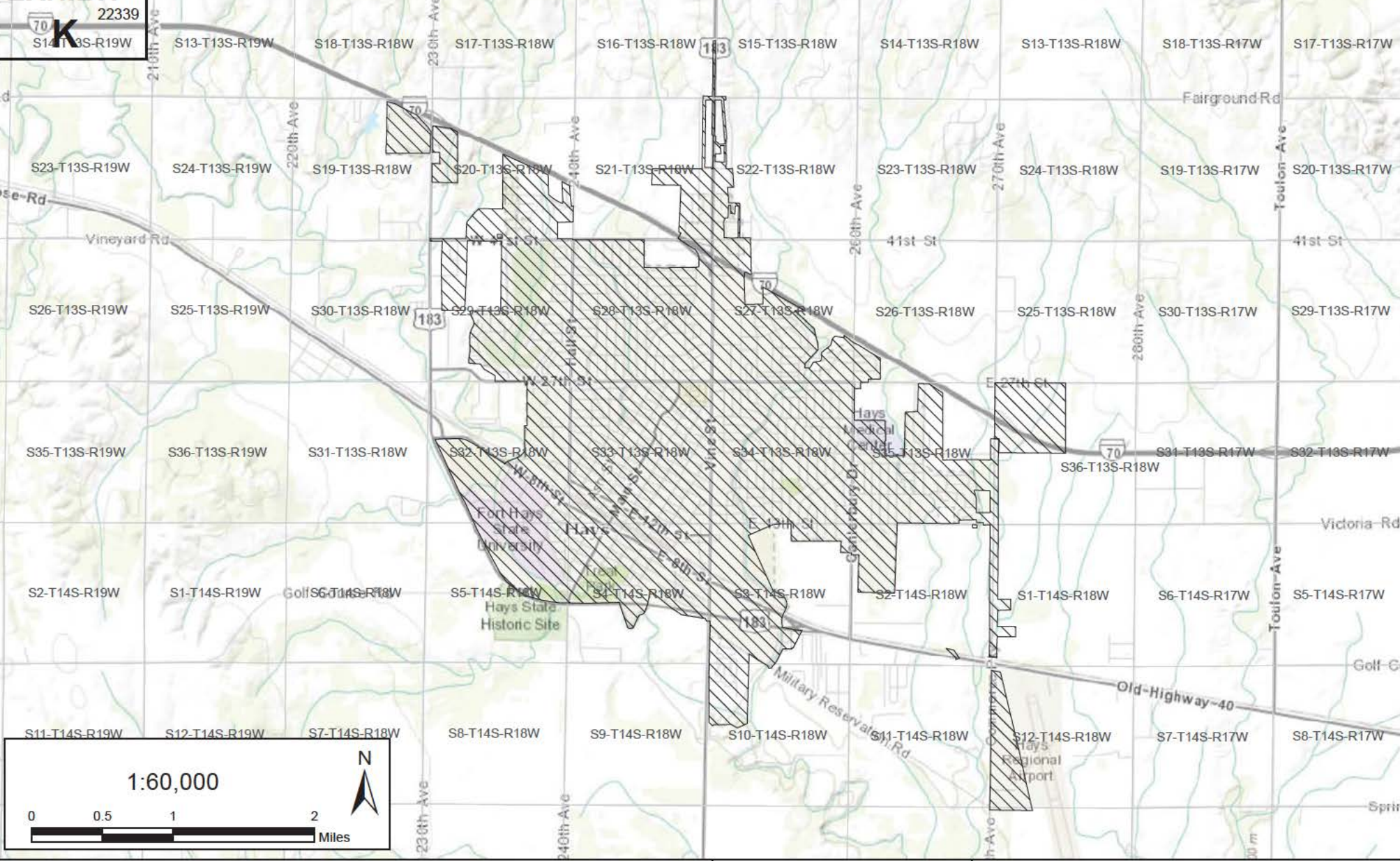
Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections



EXHIBIT

22339



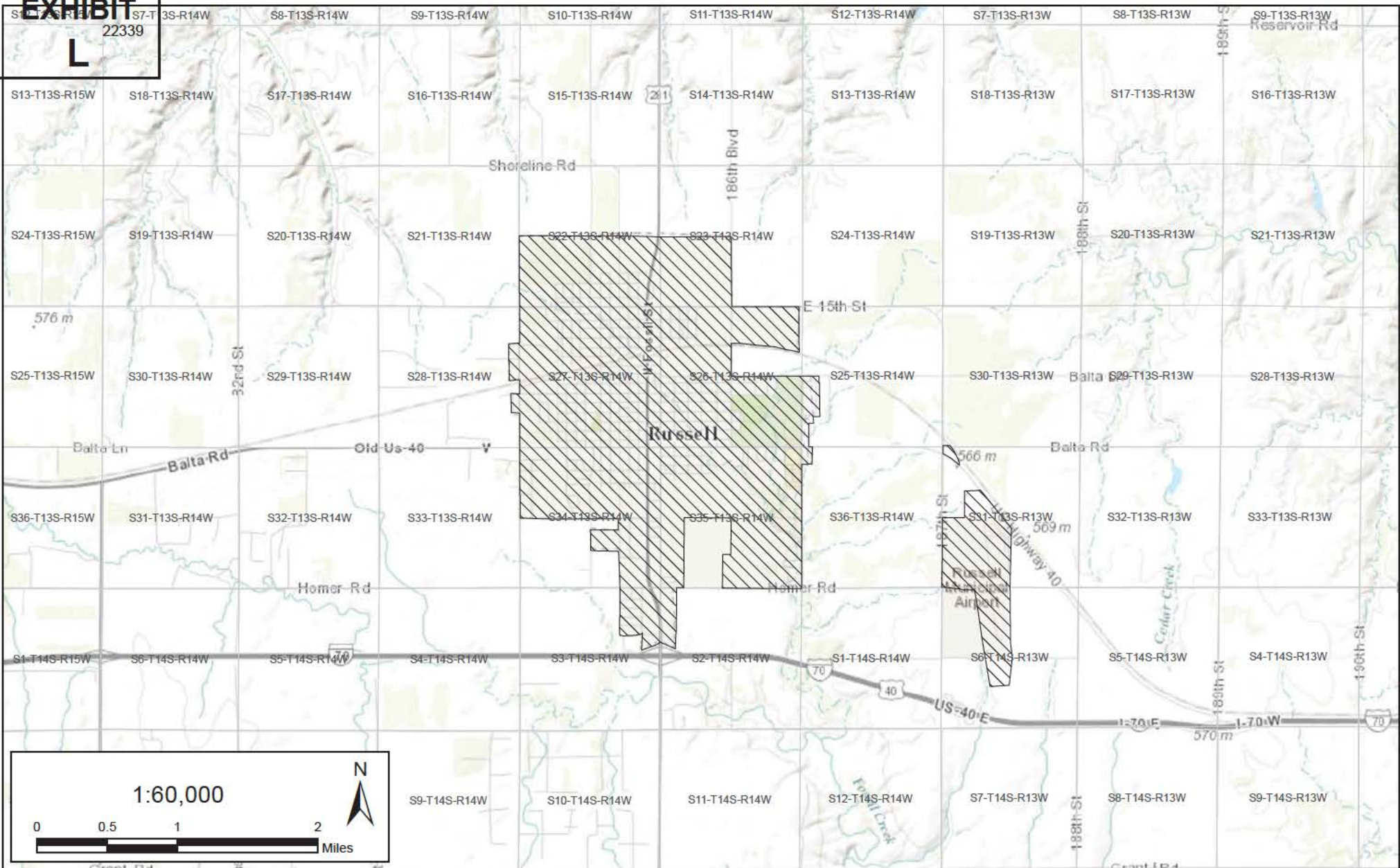
Proposed Place of Use City of Hays



PLSS Sections



EXHIBIT L
22339



Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
M**

**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

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
N**

**SECTION 2: PAST WATER USE
COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago							
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

22339
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

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the Page 23 of 26 request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,340 Circle 31.

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10-T26S-R20W															14	10	30	39	93
11-T26S-R20W														1					1
15-T26S-R20W			9	5															14

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
			Same as above																	

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
			The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																	

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
			The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																	

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the SE Quarter of the SE Quarter of Section 10, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 690 feet North 1,136 feet West of Southeast corner of section. Authorized Rate 950 gpm Authorized Quantity 162 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 SW Quarter of the NE Quarter of the NE Quarter of Section 15, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 4,367 feet North 1,228 feet West of Southeast corner of section. Proposed Rate 950 gpm Proposed Quantity 140.4 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,341-42; 30,083

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
 See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Handwritten signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

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.

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Signature]

(Owner)

(Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

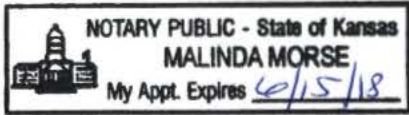
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

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.

Proposed Rate and Quantity

The Cities are requesting a total of 140.4 acre-feet and 950 gpm from the well associated with this water right, all of which will be diverted from new point of diversion M, as shown on Exhibit I. When combined with existing wells from other water rights, new point of diversion M will have a cumulative total of 475.5 acre-feet and 3,500 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 116.64 acre-feet to municipal use.¹ 108 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 116.64 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 195 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 108 acres in Sections 10, 11, and 15-T20S-R26W.⁵ The certificate further limited the rate to 950 gallons per minute.

In the cover letter transmitting the permit, DWR made findings of fact stating that “the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”⁶

The Field Inspection Report indicates that all of the 195 acre-feet authorized by the permit were lawfully perfected.

- 305 acre-feet were applied to 108 approved acres in Sections 10, 11, and 15-T26S-R20W.⁷

While the certificate limits the total quantity to 162 acre-feet based on DWR’s after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.⁸

¹ K.A.R. 5-5-9(a) and (a)(1).

² K.A.R. 5-5-12, NIR Requirements.

³ K.A.R. 5-5-9(b).

⁴ Permit, HAYS003417, Ex. A.

⁵ Application, HAYS003404, Ex. B.

⁶ March 19, 1976, letter (emphasis added), HAYS003416, Ex. C.

⁷ FIR, HAYS003396, Ex. D.

Since the perfection period has expired, the “authorized quantity” for this water right is the 195 acre-feet actually perfected even though it exceeds the certified quantity.

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.⁹ 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 195 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 140.40 acre-feet, should be available for conversion to municipal use. This is less than the 195 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 140.40 acre-feet for municipal use.

⁸ Certificate, HAYS003425, Ex. E; Larry Sheets Memo dated March 25, 1987, HAYS003420, Ex. F; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

⁹ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. G, stating that: “In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.” *See also*, K.A.R. 5-3-24 and Larry Sheets Memo dated March 25, 1987, HAYS003420, Ex. F.

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. 22,340 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 one (1) well in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, 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 **195 acre-feet**

MICROFILMED
for any calendar year

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(OVER)

MAR 29 1976

HAYS003417

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

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



Guy E. Gibson
 Guy E. Gibson, Chief Engineer
 Division of Water Resources
 Kansas State Board of Agriculture

HAYS003418

THE STATE OF KANSAS



STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

Rec'd check \$50 5/2/77

22,340

#31

NUMBER 21

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)

Comes now the applicant (Miss) Midwest Land and Cattle Co. 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:

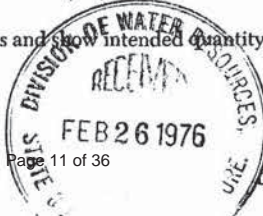
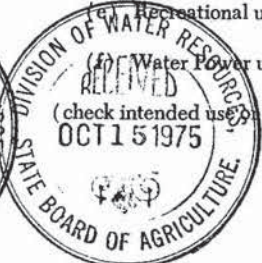
1. The quantity of water desired is in the amount of ~~XXXXXXX~~ ¹⁷⁵ ~~320~~ acre feet per year, to be diverted at a maximum rate of 1000 gallons per minute
(acre feet or million gallons)
(gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the NW quarter of the SE quarter of the SE quarter of section 10, township South Brown 26, range 2620 W, in Edwards County, Kansas.

3. The water is intended to be appropriated for:

- | | Amount |
|----------------------|---|
| (a) Domestic use | () _____ |
| (b) Municipal use | () _____ |
| (c) Irrigation use | (X) ¹⁷⁵ 320 <u>acre ft./yr.</u> - 1000 gals./min. |
| (d) Industrial use | () _____ |
| (e) Recreational use | () _____ |
| (f) Water Power use | () _____ |

(check intended uses and show intended quantity for each use)



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MAR 29 1976 HAYS003403

FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.

6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Owner of Land—NAME: 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 $\frac{1}{4}$	
10 26 20													14	10	30	39	93
10 26 20													40	40	40	40	160
14 26 20									1								1
15 26 20	9	5															14
																	108

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 $\frac{1}{4}$	

HAYS003404

7. The works for diversion of water will consist of one well with one pump for one circle sprink-
irrigation system (one motor)
(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.

M1-939



5-72-10M SETS

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HAYS003405

MAR 29 1976

CD

S.E. corner
of Section 10

No. 31
Application 22340
All wells within 1/2 mile
belong to Applicant



T
36
S

15

R 20 W



HAYS003406

E-W²

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,340

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

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MAR 29 1976

HAYS003416
MICROFILMED

- Partial
- Full
- Re-Test

Test 1 of 1 Diversion points
 Application No. 22340 Date 11/19/86 Firm/Field Office Pumping Plant Testing
 Inspector Ehart/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Ins. % Agri. Affiliates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.
 Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()
 Groundwater Drainage Basin Arkansas River
 Surface Water () Stream _____
 Authorized Point of Diversion: Well NW 1/4, SE 1/4, SE 1/4 Sec. 10, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____
 Actual Point of Diversion: Well NW 1/4, SE 1/4, SE 1/4 Sec. 10, T. 26, R. 20
 Approximately 690 ft. North and 1136 ft. West of SE corner of Sec. 10
 How were distances determined? Scaled from BSCS photo
 "Approved" Quantity 195 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)
 Priority Date May 2, 1974 Approval of Application Date March 19, 1976
 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
10	26	20															14	10	30	39	93
11	26	20																			1
15	26	20	9	5																	14
																				<u>108</u>	

LAND IRRIGATED—YEAR OF RECORD 1984 SEE ATTACHED SHEET

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
10	26	20															16	8	29	40	93
11	26	20																			1
15	26	20	12	5																	17
																				<u>111</u>	

APPLICATION OF WATER: SEE ATTACHED SHEET
 Year of Record 1984 Hours Pumped 1750 or Quantity 305 AF

Normal Operating G.P.M. 947 Equiv. c.f.s. 2.11
 Maximum Operating G.P.M. _____ Equiv. c.f.s. _____

DIVISION: FOR D.W.R. USE ONLY

Year of Record 1984 Extension of time requested: Yes No _____

Total No. of Hours on land covered by this application 1750

Ac. Ft. Applied = $1750 \text{ hrs.} \times 947 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 305 \text{ AF}$

Acres of "Approved" Land irrigated 108 (2.83 ac ft per acre)

Ac. Ft. on "Approved" Land _____ (_____ Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less _____

Proration Calculations 108 x 1.5 = 162

Perfected Rate 950 ^{2.12 cfs} g.p.m. Perfected Quantity 162 AF

22340
DWR-101 Completed by Larry M Sheets 3-25-87



HAYS003396

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure

Manufacturer Zimmatic Model no tag Serial No. _____

Drive Electric Length of Pivot Arm _____

Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

End Gun? yes End Gun Rating _____ g.p.m. Nelson 100

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 428 HP 1

Serial No. _____ Fuel Propane Rated RPM 1

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 12MC Rated RPM _____

Serial No. N2W24424X Type Vertical Turbine No. stages 3

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F 80

Serial No. 82398 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled 8/29/74 Original Depth 61 ft. Static Water Level When Drilled 5 ft.

Tape Down Possible? yes 9' Water Level Measurement Tube? no

Measuring Point: 1 ft. above ~~water~~ L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is Meter Installed Properly? yes

Chemical Injection System? yes Check Valve? yes Low Pressure Drain? yes

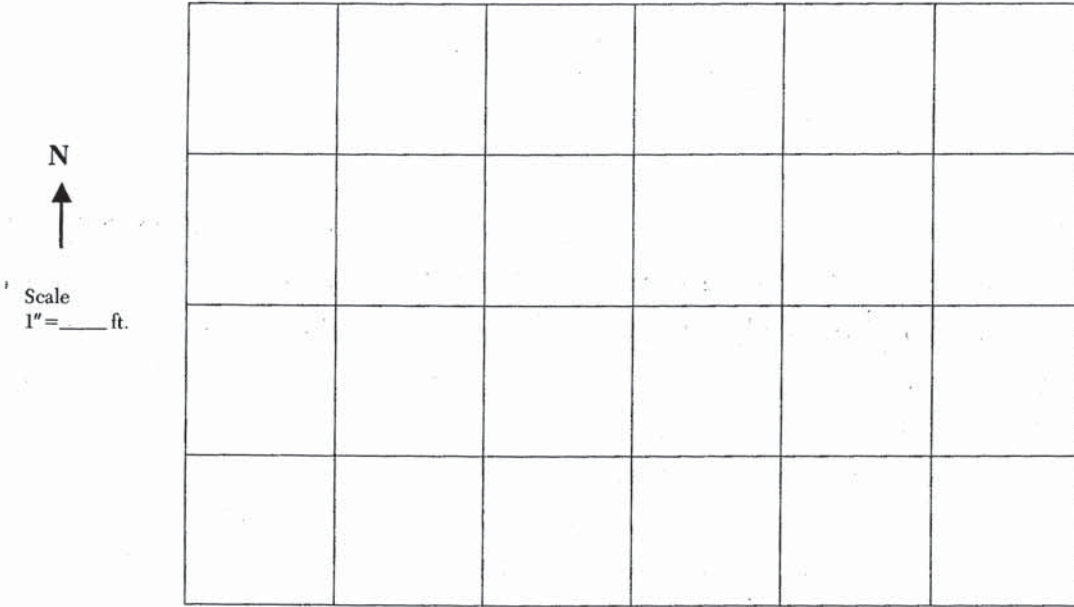
Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes

HAYS003397

If chemicals are injected into system, please attach sketch of system.

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.

(Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In vertical pipe inside pivot stand
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 1860
 R.P.M. PUMP UNIT 1550
 Pressure at Pump 58 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- Total _____
- Avg. _____
- G.P.M. _____

Velocity (fps)

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- Total _____
- Avg. _____
- G.P.M. _____

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS003398

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____

K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type propane Supplier Mid-Continent

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not Determined

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1740	1000		125
1976				
1977	794	1000		130
1978				
1979				
1980				
1981				
1982				
1983	PIK			
* 1984	1750*	947*		111*
1985	1600*	950		111*
1986				

AC 24890
 NW SE SE
 26 20W
 10 03

* from WUR sent to us from Jerry Weaver of Agri. Affiliates
 * from test on 11/19/86

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year wheat Year of record _____

REMARKS: Engine was not running as well as owner's representative wanted. Pump RPM was only 1550 during test, with pivot panel volts at 450. Normal speed of pump & engine gives volts up to 500 in pivot panel box.

Person present at test Steve Chadd employee of tenant
 Water Use Correspondent Agri. Affiliates Inc. Box 1162 North Platte, NE 69103 308-534-9240
 Conducted by Breg Ebert Date 11/21/86
 Approved by [Signature] R.E. Date 12/26/86

APPLICATION NO: 22340 NAME: Connecticut General Life Ins.

COLLINS METER TEST

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 58 Test RPM, Pump 1550

Description of Test Location In Vertical pipe inside pivot stand

TEST DATA:	<input checked="" type="checkbox"/> Check, Initial	<u>7.34</u>	Reversed	<u>7.36</u>
		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)

<u>1 9/16</u>	<u>7.26</u>	<u>7.18</u>	<u>6.94</u>	<u>6.84</u>
<u>2 3/4</u>	<u>6.73</u>	<u>6.95</u>	<u>6.59</u>	<u>6.70</u>
<u>3 9/16</u>	<u>5.99</u>	<u>6.06</u>	<u>6.00</u>	<u>6.26</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.625

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 6.625 x .9826 = 6.51

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 6.51 x 145.4 = 947 GPM



RECEIVED

Reviewed By:

PUMPING PLANT TESTING, INC.

Signature

JUN 01 1987

Professional Engineer

HAYS003400

APPLICATION NO: 22,340

NAME: CONNECTICUT GENERAL LIFE
INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES, A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.



RECEIVED

JUN 01 1987

FIELD OFFICE
DEPARTMENT OF WATER RESOURCES
BRIDGE

Reviewed by:

PUMPING PLANT TESTING, INC.

Al J. White
Professional Engineer

HAYS003401

MICROFILMED

NOT TO SCALE

Application no. 22340

Legend

- /// Land on original application
- /// Land covered by present
- ⊗ well
- ⊕ center point

Revised 11-24-86

26-20

10-26-20

3 FORMS

JUN 1 1987

Section 15



HAYS003402

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, *Secretary*

DIVISION OF WATER RESOURCES
David L. Pope, *Chief Engineer*

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 22,340

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 a well located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, more particularly described as being near a point 690 feet North and 1,136 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas, at a diversion rate not in excess of 950 gallons per minute (2.12 c.f.s.) and in a quantity not to exceed 162 acre-feet per calendar year for irrigation use on the following described property:

14 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
10 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$),
30 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),
39 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$),
a total of 93 acres in Section 10,

1 acre in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
of Section 11,

9 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
5 acres in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$),
a total of 14 acres in Section 15,

all in Township 26 South, Range 20 West,
Edwards County, Kansas.

RECEIVED

JUN 01 1987

DIVISION OF WATER RESOURCES
ENGINEER

MICROFILMED

HAYS003425

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 21st day of May, 1987.



David L. Pope
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 21st day of May, 1987, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

My appointment expires March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**WATER APPROPRIATION
CERTIFICATE**

No. 15,945

STATE OF KANSAS

Water Right, File No. 22,340

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.

HAYS003426

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: March 25, 1987

FROM: Larry M. Sheets

RE: Appropriation of Water
File No. 22,340

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, has been reviewed. It meets the requirements specified in the scope of work. Based on the 1984 Water Use Report, 1,750 hours of pumping the well in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10, T 26 S, R 20 W, Edwards County, Kansas, provided 305 acre-feet of water for irrigating 111 acres or 2.74 acre-feet per acre.

It appears that four acres of unapproved land were irrigated, and more than a reasonable amount on a per acre basis was provided. A paragraph was added to the transmittal letter for the draft certificate to indicate unapproved acres were being irrigated.

The Certificate of Appropriation has been drafted for the tested pumping rate rounded up to 950 g.p.m. and a reasonable quantity for the approved acres irrigated (108 x 1.5 = 162).

Larry M. Sheets

Larry M. Sheets
Hydrologist

LMS:rk

MICROFILMED
MAY 5 1987
S003420

Kansas State Board of Agriculture
Division of Water Resources

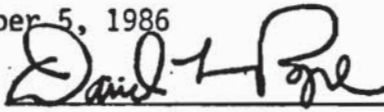
ADMINISTRATIVE POLICY
No. 86-8

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.

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.

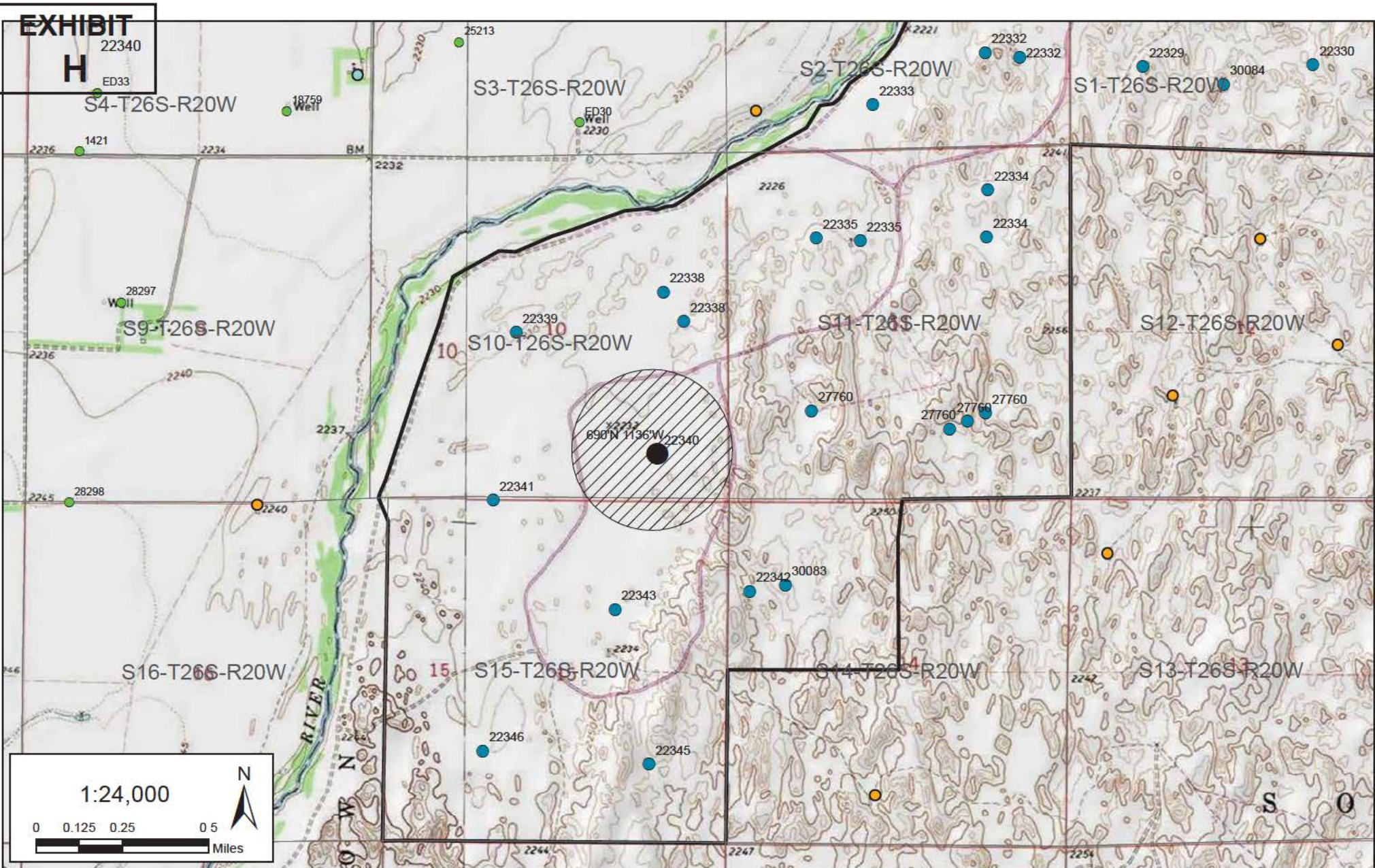
That if an applicant can show that his or her system design is reasonable for the use intended and approval of the proposed rate and/or maximum annual quantity will not impair any senior water right or prejudicially and unreasonably affect the public interest, the Chief Engineer may waive the above guidelines. Documentation shall be placed in the file clearly demonstrating any exceptions to the above policy.

EXHIBIT

H

22340

ED33

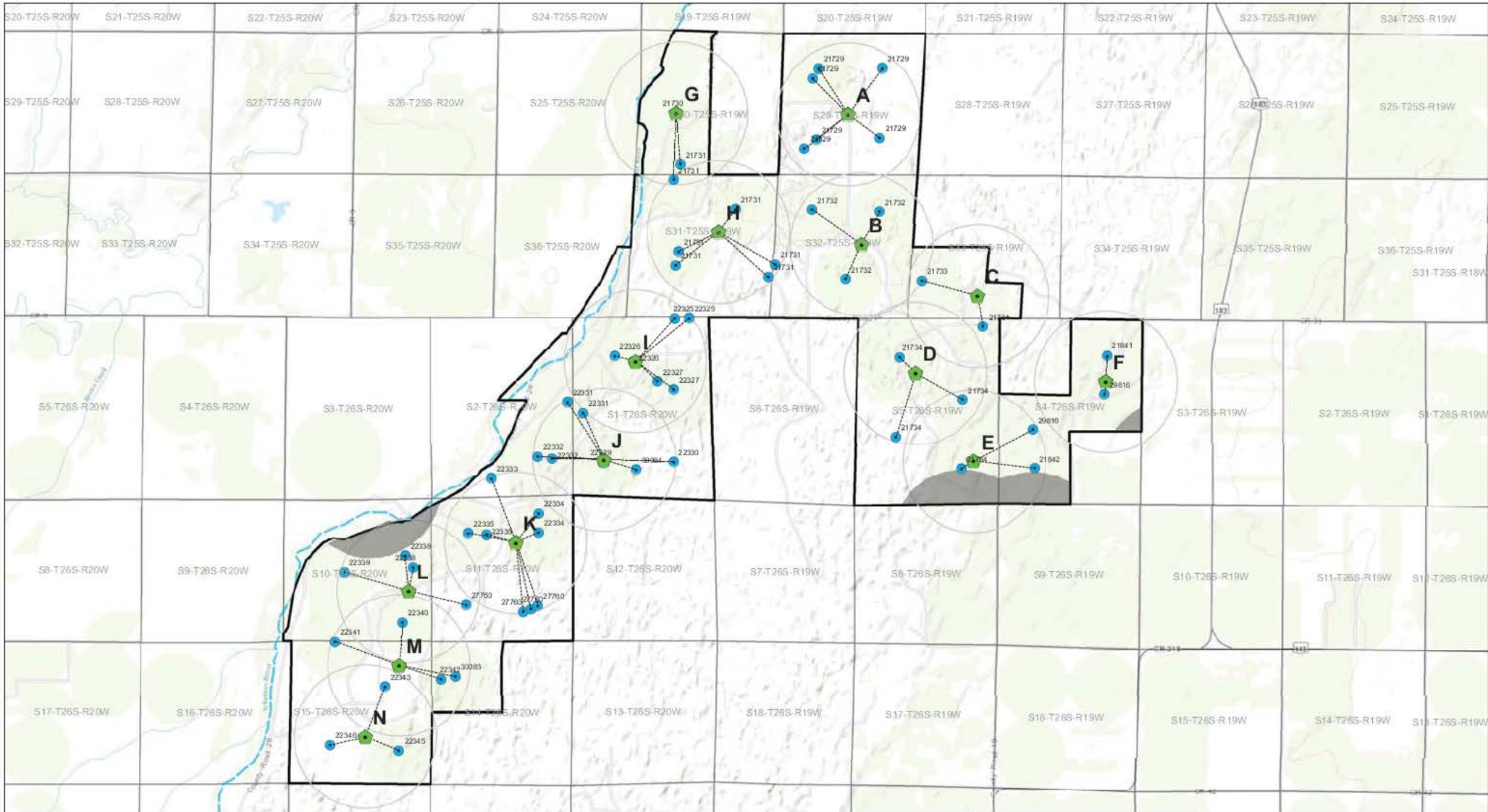


Legend

- 22340 Existing Point(s) of Diversion
- ▨ 22340 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 22340
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells

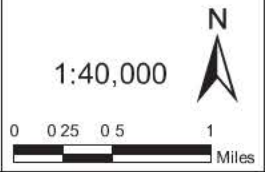


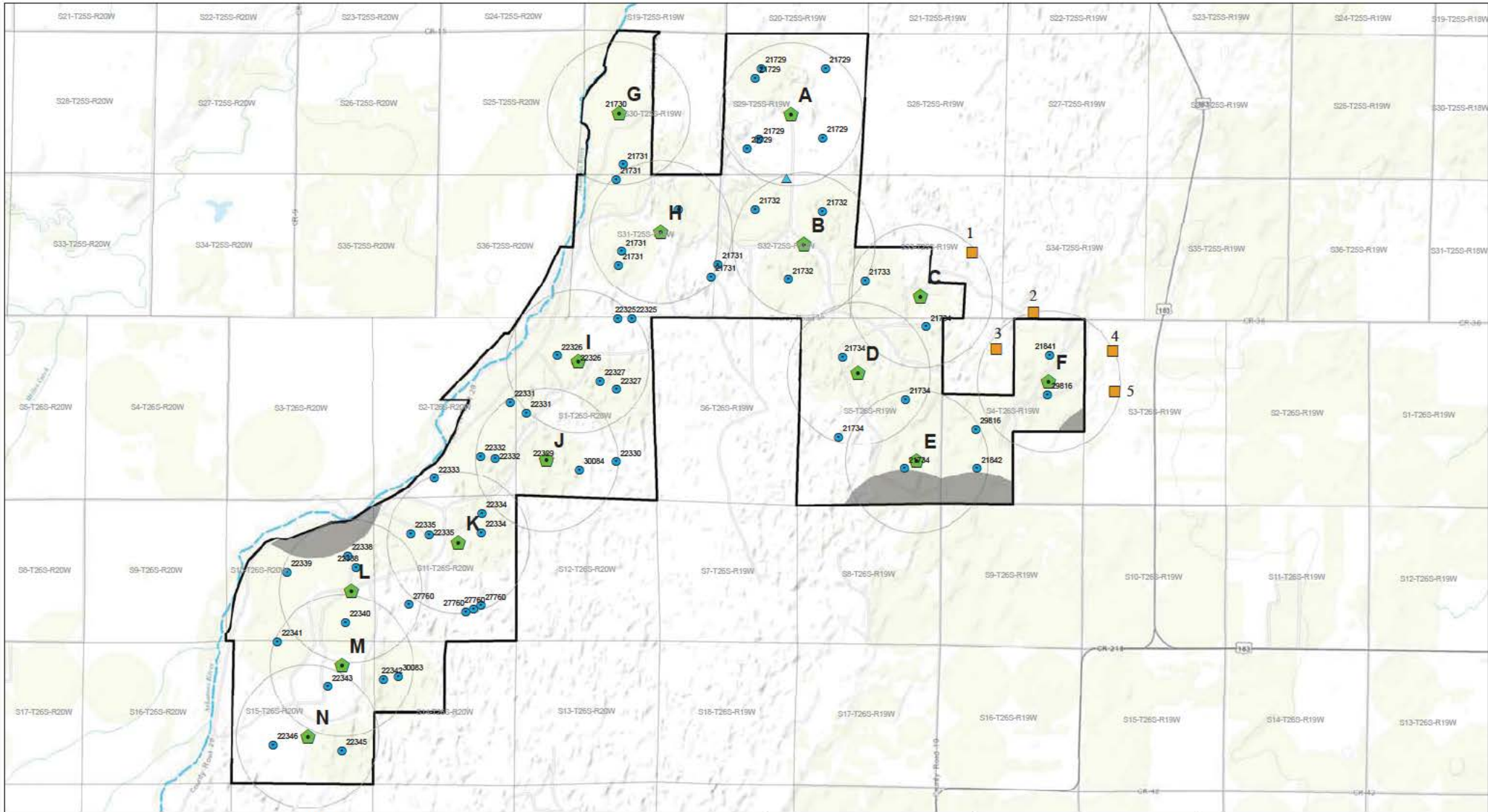
CHANGE APPLICATION 22340
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION



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





Legend

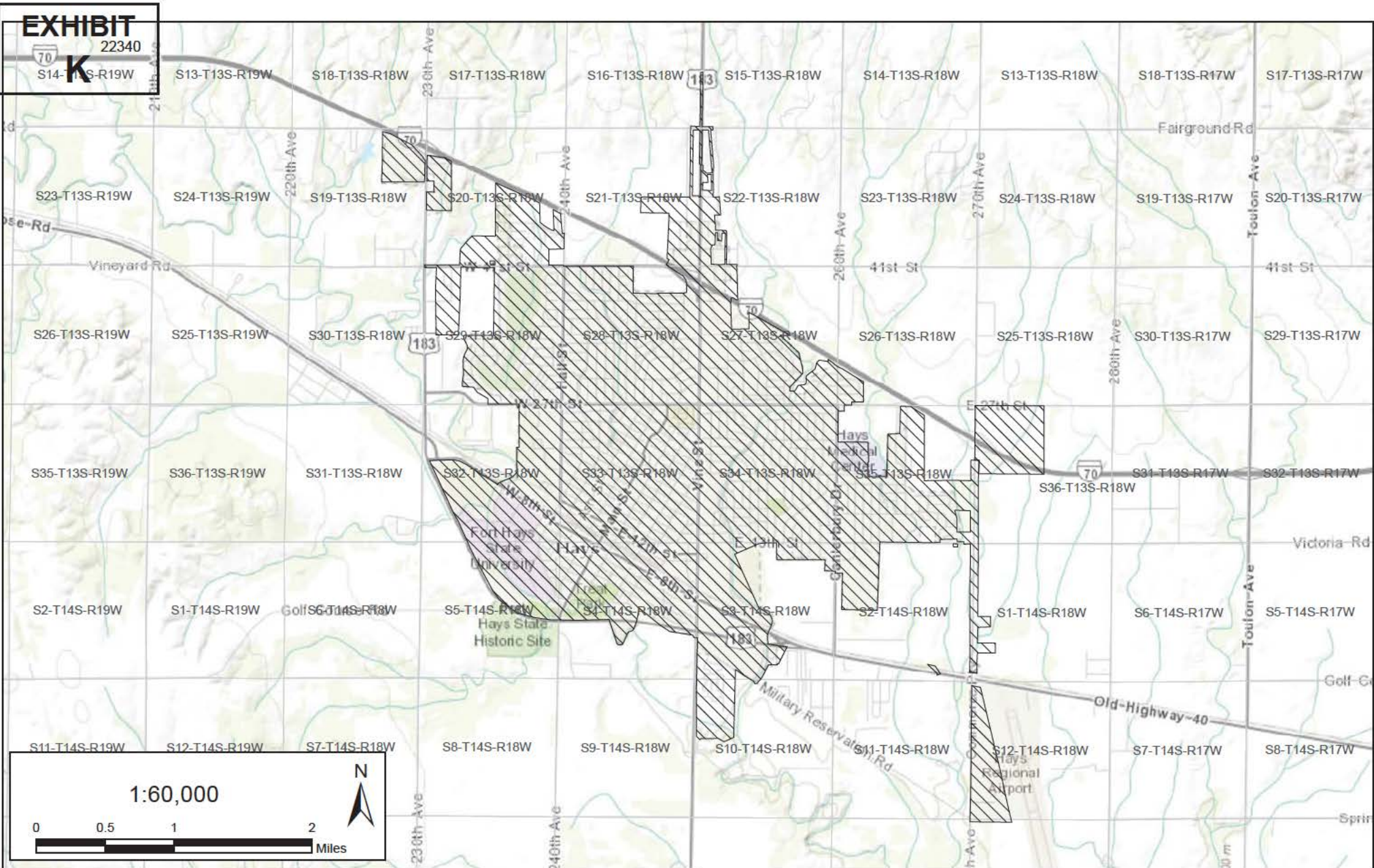
- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)

1:40,000



EXHIBIT

22340

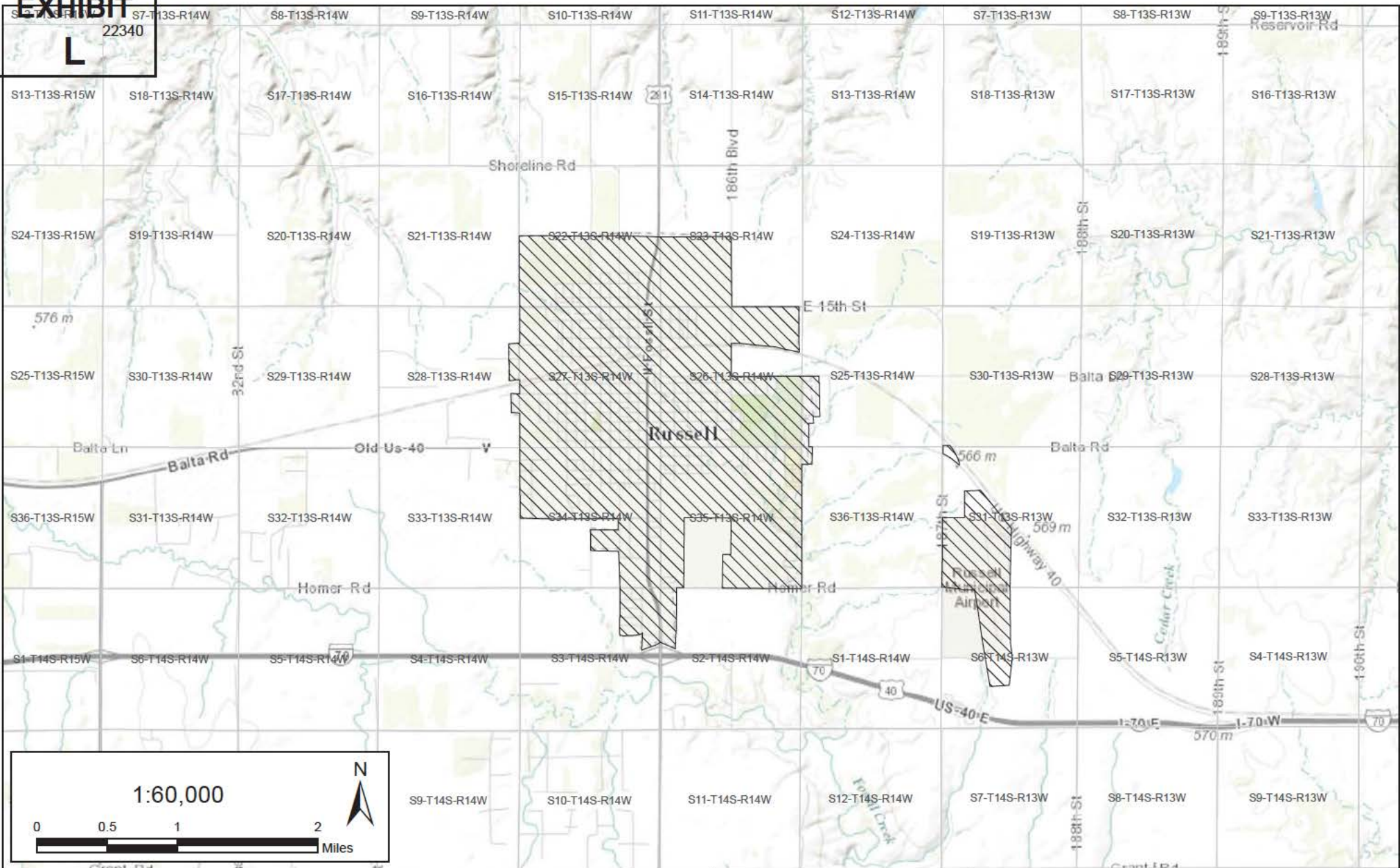


Proposed Place of Use City of Hays



PLSS Sections





Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
M**

**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

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:

Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
N**

**SECTION 2: PAST WATER USE
COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago							
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

22340
SECTION 3: PROJECTED FUTURE WATER NEEDS

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Explanation on other side)
Year 5	386,346,512	0	0	177,719,396	119,767,419	15,453,861	73,405,836
Year 10	405,513,682	0	0	186,536,377	125,709,241	16,220,547	77,047,517
Year 15	426,310,852	0	0	196,102,992	132,156,364	17,052,434	80,999,062
Year 20	443,848,022	0	0	204,170,090	137,592,887	17,753,921	84,331,124
TOTAL WATER = Columns 1 + 2			ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
(CENSUS BUREAU INFORMATION)

LAST 20 YEARS	POPULATION
20 years ago	
15 years ago	4,710
10 years ago	4,696
5 years ago	4,506
Last Year	4,475

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	4,596
Year 10	4,605
Year 15	4,651
Year 20	4,698

Provide number of current active service connections:

2,049 Residential 9 Industrial 30 Other (specify) Free Service
 360 Commercial 0 Pasture/ Stockwater/ Feedlot 2448 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 ÷ Population ÷ 365 Days/Year = Gallons per Person per Day

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,341 Circle 30.

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10-T26S-R20W												Lot 4 14	34			6		54	
15-T26S-R20W				6			40	Lot 1 23	1	6								76	

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Same as above																			

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the NW Quarter of Section 15, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 5,240 feet North 3,600 feet West of Southeast corner of section. Authorized Rate 920 gpm Authorized Quantity 188 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 SW Quarter of the NE Quarter of the NE Quarter of Section 15, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 4,367 feet North 1,228 feet West of Southeast corner of section. Proposed Rate 920 gpm Proposed Quantity 190.38 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,340-42; 30,083

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
 See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Handwritten signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

[Handwritten signature: Malinda Morse]

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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.

(Owner) (Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

Proposed Rate and Quantity

The Cities are requesting a total of 190.38 acre-feet and 920 gpm from the well associated with this water right, all of which will be diverted from new point of diversion M, as shown on Exhibit M. When combined with existing wells from other water rights, new point of diversion M will have a cumulative total of 475.5 acre-feet and 3,500 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 135.00 acre-feet to municipal use.¹ As discussed below, 125 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 135.00 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 198 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 130 acres in Sections 10 and 15-T26S-R20W.⁵ The certificate further limited the rate to 920 gallons per minute.

In the cover letter transmitting the permit, DWR made findings of fact stating that “the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”⁶

The Field Inspection Reports indicate that 190.38 of the 198.00 acre-feet authorized by the permit were lawfully perfected.

- 295 acre-feet were applied to 125 approved acres in Sections 10 and 15-T26S-R20W.⁷
- The permit authorized the perfection of 198 acre-feet per acre on 130 acres or 1.52 acre-feet per acre, but only 125 authorized acres were irrigated during the perfection period resulting in the perfection of 190.38 acre-feet.⁸

¹ K.A.R. 5-5-9(a) and (a)(1).

² K.A.R. 5-5-12, NIR Requirements.

³ K.A.R. 5-5-9(b).

⁴ Permit, HAYS003513, Ex. A.

⁵ Application, HAYS003506, Ex. B.

⁶ March 19, 1976, letter (emphasis added), HAYS003512, Ex. C.

⁷ FIR, HAYS003497, Ex. D.

While the certificate limits the total quantity to 188 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

Since the perfection period has expired, the "authorized quantity" for this water right is the 190.38 acre-feet actually perfected even though it exceeds the certified quantity.

There are at least two alternative approaches to calculating consumptive use.

NIR for Alfalfa

The FIR states that alfalfa was grown on this circle 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. It is reasonable to use the NIR for alfalfa, which yields a total quantity of 217.71 acre-feet consumed. Because this quantity is greater than the authorized quantity of 190.38 acre-feet the request is limited to that amount.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 190.38 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 137.08 acre-feet, should be available for conversion to municipal use. This is less than the 190.38 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 190.38 acre-feet for municipal use.

⁸ FIRs, HAYS003497, Ex. D.

⁹ Certificate, HAYS003521, Ex. E; Larry Sheets Memo dated March 25, 1987, HAYS003516, Ex. F; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

¹⁰ HAYS003500, Ex. G. See also HAYS000600, Ex. H, HAYS000604, Ex. I, and *American Agricultural Industries, Inc. v. Slentz McAlister*, Trial Exhibits, HAYS004943, Ex. J.

¹¹ See K.A.R. 5-5-9(a)(4).

¹² Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. K, stating that: "In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated." See also, K.A.R. 5-3-24 and Larry Sheets Memo dated March 25, 1987, HAYS003516, Ex. F.

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. **22,341** 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 one (1) well in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 15, 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 **198 acre-feet** for any calendar year.

(OVER)

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MAR 29 1976

MICHAEL HAYS 003513

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

1976



Guy E. Gibson

Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

HAYS003514



THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

*Rec'd check \$50 #5-2-74
sa*

22,341

NUMBER 22

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)
Comes now the applicant (Miss) Midwest Land and Cattle Co. 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 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 ~~XXXXXXX~~ 198 acre feet per year (acre feet or million gallons) to be diverted at a maximum rate of 1000 gallons per minute (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the NW quarter of the NE quarter of the SW quarter of section 15, township South Brown 26, range 20W, in Edwards County, Kansas.

~~Location of second well can not be determined until test well is drilled~~
3. The water is intended to be appropriated for:



- | | | |
|----------------------|--------|---|
| | Amount | |
| (a) Domestic use | () | _____ |
| (b) Municipal use | () | _____ |
| (c) Irrigation use | (X) | <u>198</u> acre ft./yr. - 1000 gals./min. |
| (d) Industrial use | () | RECEIVED |
| (e) Recreational use | () | MAR 20 1976 |
| (f) Water power use | () | _____ |

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MAR 20 1976

RECEIVED

HAYS003505

DIVISION OF WATER RESOURCES STAFFORD

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.

6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Owner of Land—NAME: 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 $\frac{1}{4}$	
10	26	20																	50
										40	40	40	40					86	160
15	26	20		6				40	23										60
				12				38	12	1	6								110

54
76
130

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 $\frac{1}{4}$	

HAYS003506

*Larry Kennedy is authorized by Mr. Lloyd Hanrahan to make corrections

two wells with two pumps

7. The works for diversion of water will consist of ~~one well with one pump~~ for one circle sprinkle irrigation system (Two Motors)

and will be completed by July of 1974 (wells, pumps, etc.) (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.

MI-539



5-72-10M BETA

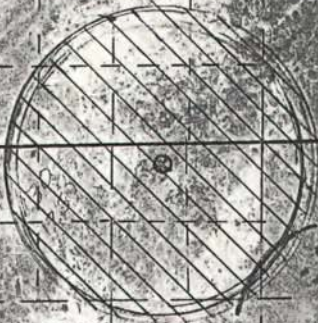
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MAR 29 1976

HAYS003507

Section 10



R-1370

15

14

36
3

Application 22341
 No. 30
 All wells within 1/2 mile
 belong to applicant
 R 20W



MICHAEL L. WHEEL

HAYS003508

E-2
N

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,341

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

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MAR 29 1976

HAYS003512

FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 1 of 1 Diversion points

Application No. 22341 Date 10-3-86 Firm/Field Office Pumping Plant Testing, Inc.
Inspector Ebert/Klassen

Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance Co Agri. Affiliates Inc.

Address Box 1162 North Platte, Nebraska 69103 Attn. Jerry Weaver

Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater (X) Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: 1 well NW 1/4, NE 1/4, NW 1/4 Sec. 15, T. 26, R. 20
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well NW 1/4 NE 1/4 NW 1/4 Sec. 15, T. 26, R. 20
Approximately 5240 ft. North and 3600 ft. West of SE corner of Sec. 15

How were distances determined? By scaling off of aerial photo

"Approved" Quantity 198 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date May 2, 1974 Approval of Application Date March 19, 1976

Perfection Date Dec, 31, 1981

Other applications covering land and/or point of diversion None
(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES								
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE									
10	26	20																14	34			6					54
15	26	20		6				40	23	1	6																76 /130

LAND IRRIGATED—YEAR OF RECORD 1983 (See Attached Sheet)

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES								
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE									
10	26	20																	16	36			7				59
15	26	20		7				39	19	0	1																66 125

APPLICATION OF WATER: SEE ATTACHED SHEET

Year of Record 1983 Hours Pumped 2200 or Quantity 371

Normal Operating G.P.M. 917 Equiv. c.f.s. 2.04

Maximum Operating G.P.M. _____ Equiv. c.f.s. _____

FOR D.W.R. USE ONLY

Year of Record 1984 Extension of time requested: Yes No

Total No. of Hours on land covered by this application 1750

Ac. Ft. Applied = $1750 \text{ hrs.} \times 917 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 295 \text{ AF}$

Acres of "Approved" Land irrigated 125

Ac. Ft. on "Approved" Land $295 \div 125 = 2.36 \text{ Ac. Ft./Ac.}$

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less _____

Proration Calculations $125 \times 1.5 = 187.5 \text{ or } 188$

Perfected Rate 920 g.p.m. Perfected Quantity 188 AF

22341
DWR-101 Completed by Larry M. Sheets 3-25-87



MICROFILMED

HAYS003497

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Valley Model 4071 Serial No. 13377
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. 1 Rain Bird 85
 Is end gun operating during test? yes
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP —
 Serial No. 08981 E-23-TL Fuel Propane Rated RPM —

PUMP INFORMATION:

Manufacturer Jacuzzi Model No. 12LC24/T-522 Rated RPM _____
 Serial No. 467-22146 Type Vert. Turb. No. stages 4

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F 80
 Serial No. 82427 Drive Right Angle Ratio 6:5

WELL INFORMATION:

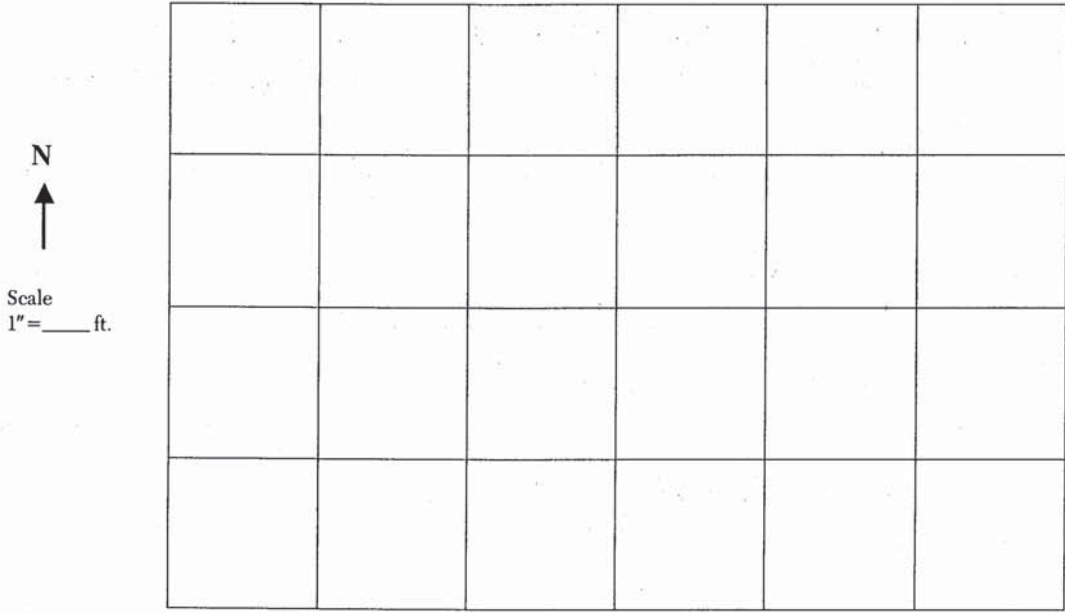
Date Drilled 2-12-75 Original Depth 91.5 ft. Static Water Level When Drilled 6 ft.
 Tape Down Possible? yes Water Level Measurement Tube? no
 Measuring Point — ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter —
 Meter Model No. — Serial No. — Size —
 Is Meter Installed Properly? —
 Chemical Injection System? yes Check Valve? no Low Pressure Drain? no
 Vacuum Breaker? no Are these anti-pollution devices installed properly? —

HAYS003498

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In vertical pipe inside pivot stand
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2052
 R.P.M. PUMP UNIT 1710
 Pressure at Pump 59 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)

1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
- Total _____
 Avg. _____
 G.P.M. _____

Velocity (fps)

1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
- Total _____
 Avg. _____
 G.P.M. _____

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

MICROFILMED

HAYS003499

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type propane Supplier Mid-Continent

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not determined

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	912	1000		125
1976				
1977	898	1000		130
1978				
1979	336	785		125
1980	720	785		125
1981	1080	785		125
1982				
*1983	2200**	917*	371*	125
1984	1750**	900**		125**
1985	1900**	900**		125**
1986		917*		125 (From operator)

AC 24928
 5240'N 3600'W
 5 26 20w
 02

Not valid Jerry Weaver did not operate in 1983

* From Test

** Obtained From Water Use Reports Sent To us By Jerry Weaver

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year Alfalfa Year of record Alfalfa

REMARKS: _____

Person present at test Kent Naber Employee
(name) (relationship)
 Water Use Correspondent Lyle Kolbeck Spearville, KS 67876 (316) 385-2803
(name) (address) (phone number)
 Conducted by Greg Ebert Date 10/5/86
(signature)
 Approved by Kil J. W. [Signature], P.E. Date 12/26/86
(signature) (title)

HAYS003500

APPLICATION NO: 22341 NAME: Connecticut General Life Ins.

COLLINS METER TEST

Collins Meter No. 1-85 Meter Calibration Factor .9826
 Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4
 Test Pressure (psi) 59 Test RPM, Pump 1710
 Description of Test Location In vertical pipe inside pivot stand

TEST DATA: Check, Initial 6.42 Reversed 6.40
 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>5.98</u>	<u>6.01</u>	<u>7.03</u>	<u>7.05</u>
<u>2 3/4</u>	<u>5.78</u>	<u>5.77</u>	<u>7.29</u>	<u>7.35</u>
<u>3 9/16</u>	<u>5.21</u>	<u>5.41</u>	<u>7.16</u>	<u>6.95</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.416

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
6.416 x .9826 = 6.304

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
6.304 x 145.4 = 917 GPM



RECEIVED PUMPING PLANT TESTING, INC.

Reviewed By:

JUN 01 1987

Professional Engineer

HAYS003501

FIELD OFFICE
 DIVISION OF WATER RESOURCES
 STAFFORD
 Page 20 of 50

MICROFILMED

APPLICATION NO: 22,341

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES, A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.

RECEIVED

JUN 01 1987

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD



PUMPING PLANT TESTING, INC.

Reviewed by:

Neil J. White

HAYS003502

Professional Engineer

MICROFILMED

APPLICATION 22341

125.9

LEGEND

- ⊗ Well
- Pivot System

- /// Land on Application
- /// Land irrigated presently and always (year of record, etc)

233.3

35

31

108.6

105.2

38

5295'

SECTION CORNER

SECTION CORNER



STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

**CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER**

WATER RIGHT, File No. 22,341
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 a well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 15, more particularly described as being near a point 5,240 feet North and 3,600 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas, at a diversion rate not in excess of 920 gallons per minute (2.05 c.f.s.) and in a quantity not to exceed 188 acre-feet per calendar year for irrigation use on the following described property:

- 14 acres in Lot 4 (SW $\frac{1}{2}$ SW $\frac{1}{4}$),
- 34 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),
- 6 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),
- a total of 54 acres in Section 10,
- 6 acres in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$),
- 40 acres in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$),
- 23 acres in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$),
- 1 acre in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$),
- 6 acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$),
- a total of 76 acres in Section 15,

all in Township 26 South, Range 20 West
Edwards County, Kansas.

MICROFILMED

HAYS003521

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

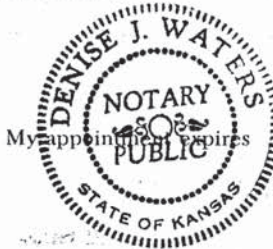
IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 21st day of May, 1987.



David L. Pope
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 21st day of May, 1987, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

My appointment expires March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**WATER APPROPRIATION
CERTIFICATE**

No. 15,946

STATE OF KANSAS

Water Right, File No. 22,341

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.

HAYS003522

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 25, 1987

FROM: Larry M. Sheets

RE: Appropriation of Water
File No. 22,341

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, has been reviewed. It meets the requirements specified in the scope of work. Based on the 1984 Water Use Report, 1,750 hours of pumping the well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 15, T 26 S, R 20 W, Edwards County, Kansas, provided 295 acre-feet of water for irrigating 125 acres or 2.36 acre-feet per acre. The Certificate of Appropriation has been drafted for the tested pumping rate rounded up to 920 g.p.m. and a reasonable quantity for the acres irrigated (125 x 1.5 = 188).

Because the land irrigated is along the Arkansas River, a portion has been described by lots.

Larry M. Sheets
Hydrologist

LMS:rk

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MAY 1987 S003516

FUEL RECORDS:

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 propane Supplier Mid-Continent

Rate = $\frac{Volume (test)}{time}$ = _____

How was the test volume determined? Not determined

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	912	1000		125
1976				
1977	898	1000		130
1978				
1979	336	785		125
1980	720	785		125
1981	1080	785		125
1982				
*1983	2200**	917*	371*	125
1984	1750**	900**		125**
1985	1900**	900**		125**
1986		917*		125 (From operator)

AC 24928
 5240'N 3600'W
 5 26 20w
 02

Not valid Jerry Weaver did not operate in 1983

* From Test

** Obtained From Water Use Reports Sent To us By Jerry Weaver

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year Alfalfa Year of record Alfalfa

REMARKS: _____

Person present at test Kent Naber Employee
(name) (relationship)
 Water Use Correspondent Lyle Kolbeck Spearville, KS 67876 (316) 385-2803
(name) (address) (phone number)
 Conducted by Greg Ebert Date 10/5/86
(signature)
 Approved by Kel J. W. [Signature], P.E. Date 12/26/86
(signature) (title)

HAYS003500

AMERICAN AGRICULTURE INDUSTRIES INC.

1979 WATER USE REPORT

CIRCLE	LEGALS	HOURS	GPM	ACRE-FEET	ACRES WATERED	APPLICATION #
38	51% 15-26-30	336	836	51	103.2	22,345
39	51% 2-26-20	336	450	27	33.3	22,333

Circles #20 through #39 w.
in September.

purchased in August 31, 1979 and Alfalfa was planted



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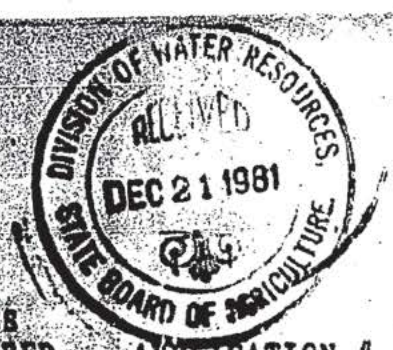
DEC 18 1980

DIVISION OF WATER RESOURCES
STATE BOARD OF AGRICULTURE

THIS DOCUMENT WAS FOUND IN DWR
File No. 21,730. IT WAS NOT ORIGINALLY
INCLUDED IN THIS FILE. THIS COPY IS FOR
CONVENIENT REFERENCE ONLY.

AMERICAN AGRICULTURAL INDUSTRIES INC.

1981 WATER USE REPORT



CIRCLE	LEGALS	HOURS	GPM	ACRE-FEET	ACRES WATERED	APPLICATION #
# 0	NE $\frac{1}{4}$ 30-25-19	1152	550	116	54.2	21,730
# 1	SW $\frac{1}{4}$ 30-25-19	1152	650	137	118.8	
# 2	SW $\frac{1}{4}$ 31-25-19-5	1152	650	137	127.7	21,731
# 3	NW $\frac{1}{4}$ 31-25-19	1152	750	159	267.	
# 4	SE $\frac{1}{4}$ 31-25-19	1152	400	84	121.1	
# 5	NE $\frac{1}{4}$ 31-25-19	1152	550	117	106.3	
# 6	NW $\frac{1}{4}$ 32-25-19	1152	650	137	112.5	21,732
# 11	NE $\frac{1}{4}$ 32-25-19	1152	650	137	108.	
# 12	SW $\frac{1}{4}$ 32-25-19	1152	900	191	157.2	
# 7	SW $\frac{1}{4}$ 29-25-19	1152	650	137	126.9	21,729
# 8	NW $\frac{1}{4}$ 29-25-19	1152	743	157	125.9	
# 9	NE $\frac{1}{4}$ 29-25-19	1152	600	127	124.6	
# 10	SE $\frac{1}{4}$ 29-25-19	1152	780	65	123.	
# 13	SE $\frac{1}{4}$ 32 SW $\frac{1}{4}$ 33-25-19	1152	650	137	120.5	21,733
# 16	SE $\frac{1}{4}$ 5-26-19	1152	700	148	115.6	21,734
# 17	NE $\frac{1}{4}$ 5-26-19	1152	750	159	120.6	
# 19	$\frac{1}{2}$ NE $\frac{1}{4}$ 1-26-20	1080	850	169	74.9	22,325
# 20	NW $\frac{1}{4}$ 1-26-20	480	800	70	121.2	22,326 sudan grass
# 21	NE $\frac{1}{4}$ & SE $\frac{1}{4}$ 1-26-20	840	900	139	127.5	22,327 milo
# 22	NE $\frac{1}{4}$ & SE $\frac{1}{4}$ 2-26-20	840	850	131	118.7	22,331 milo
# 23	SE $\frac{1}{4}$ 2-26-20	840	800	123	122.2	22,332 milo
# 26	NW $\frac{1}{4}$ 11-26-20	840	900	139	132.1	22,335 milo
# 27	NE $\frac{1}{4}$ 11-26-20	840	900	139	124.8	22,334 milo
# 28	NE $\frac{1}{4}$ 10-26-20	840	850	131	106.5	22,338 milo
# 29	NW $\frac{1}{4}$ 10-26-20	840	800	123	104.	22,329 milo
# 30	SW $\frac{1}{4}$ & SE $\frac{1}{4}$ 10-26-20 NW $\frac{1}{4}$ 15-26-20	1080	785	156	125.3	22,341 alfalfa
# 31	SE $\frac{1}{4}$ 10-26-20	840	800	123	111.2	22,340 milo

RECEIVED

22,341

alfalfa

DEC 22 1980

HAYS000604

300420

DIVISION OF WATER RESOURCES

This document was not found in DWR's records in Stafford. It was referred to in a letter from Pam Meadows dated November 3, 1981 found in File No. 21,730. It was subsequently obtained from DWR in Topeka using an open record request.

REPORT OF ACREAGE

USDA - ASCS

NOTE: Sect. 1374a, 7 U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

KEY	OPERATOR	FARM NO.	NAME AND ADDRESS	FARM- LAND	CROP- LAND	OPERATOR	OTHER INTERESTED PRODUCERS				ASSIGNMENT		
							KEY	NAME AND ADDRESS	OTHER FARMS	CROP	JOB		
1	OP	440	CECIL OFFERLE	1302	1302								
2	OP		OFFERLE KS 67563		1430								
						PROGRAM YEAR							
						OTHER	1983						

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled in by Reporter ONLY.)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY							KEY	SHARE	DISPOSITION	METHOD	GROSS ACRES	DEDUCTIONS		NET ACRES	INITIAL & DATE
			WHEAT	WHEAT	BARLEY	CORN	MILO	MILO	OTHER						IDENT./MEAS.	ACRES		
11	#26	Grn. Wht	132.1							PIK CUA								
26-20	#26	Dust Wht PIK-milo	33.1							33.1		under contract 6-15-83 By telephone						
	#26	Wht Harvest	99.0															
2	#23	Grn Wht		122.2														
26-20	#23	PIK-milo Dust wnt		97.0						77.0		under contract 6-15-83 By telephone						
	#23	Wht for Harvest		44.2														
10	#29	Grn Wht		104.0														
26-20		PIK Dust Wht																
		No Barley, oats or rye																
TOTAL OPERATOR REPORT				247.2	0					1057.3 118.7								
TOTAL REPORTER'S REPORT																		

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. Further, my signature constitutes authority for ASCS personnel to enter my farm for making any program determinations.

Signature

DATE

OPERATOR'S SIGNATURE

HAYS004941

Signature: [Handwritten Signature] DATE: 6-8-83 OPERATOR'S SIGNATURE: [Handwritten Signature]

SECTION I - FARM FIELD REPORT (Continued) (Grey Area to be Filled in by Reporter ONLY.)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY				KEY	SHARE	DISPOSITION	METHOD	GROSS ACRES	DEDUCTIONS		NET ACRES	INITIAL & DATE
			1	2	3	4						IDENTITY & MEAS.	ACRES		
1	2	no milo, no corn Total of all other n.c.crops = 0													
	4-15-83														
✓ 1	#21	PIK - milo								127.5					
1	#20	PIK - milo								121.2					
15 A 1/20	#35	PIK - milo								125.9					
	#37	PIK - milo								108.6					
	#38	alfalfa								105.2					

SKETCHES OR REMARKS

U.S. Government Printing Office: 1982-509-233/1020 2-1

2.6

Actual
132.1

Dist. 33.0

Harvest 99.0

P. 16.5

21

1248 P.K. Milo

P. 17.3

11

P. 20.2

X

125.3

P. 52.1

X

~~127.2~~
127.2

15.4

P. 6.8

C-3

C-3

3 farms

11-26-20

26-20

22341

101.7

201.8

N
↓

22

118.7

P
12.2

23

Wheat
122.2

Dist. 78.0
Harvest 44.2

P
35

Alfalfa 33.3

39

P
16.5

P
17.3

26

27

124.8

132.1

22341

64.9

42.7

29

104.0

corn

100

28

PIK-milo

106.5

30

PIK

175.3 Alfalfa

21.8

31

PIK-milo

111.2

C-3

26-20

2 farms
10-26-20

NOT TO SCALE

B-3

B-3

250mm

14-26-20

26-20

PX-Mido
121.5

36

E-428

74

481.7

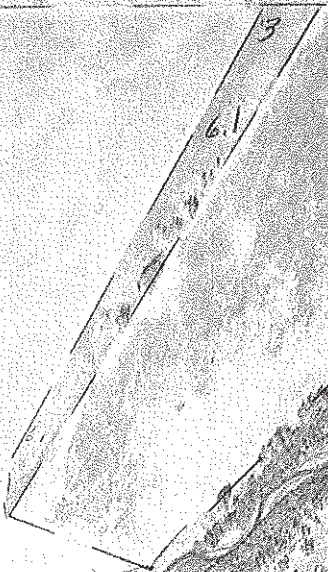
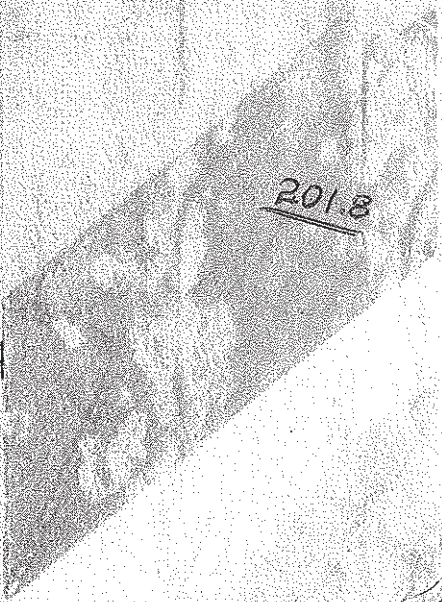
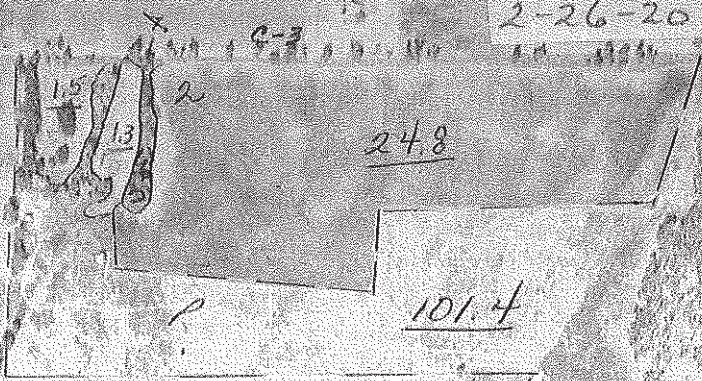
22341

3 farms

2-26-20

26-20

C-3
C-107



(22) CUA
check with Henry

118.7

P. 12.2

22

P. 3.5

23

122.2

33.3

29

3 Farms

26-20

1-26-20

C-4

20

71K ADD

121.2

19

74.9

P
7.5

P
8.2

21

127.5

22

118.7

1

P
90.8

P
16.7

24

110.4

25

124.9

NOT TO SCALE

125.3

26-20

15-26-20

2 Farms

6.3

B-3

P
2.0

18.3

125.9 - PK-milo

35

223.3

15

P
24.6

37

PK-milo

108.6

alfalfa

105.2

38

P
7.3

22341

121.2

P
15

P
49

P
82

21

127.5

PK-Melo

22

118.7

7

P
90.8

P
16.7

24

110.4

25

124.9

P
71

P
14.8

P
90

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	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.

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.

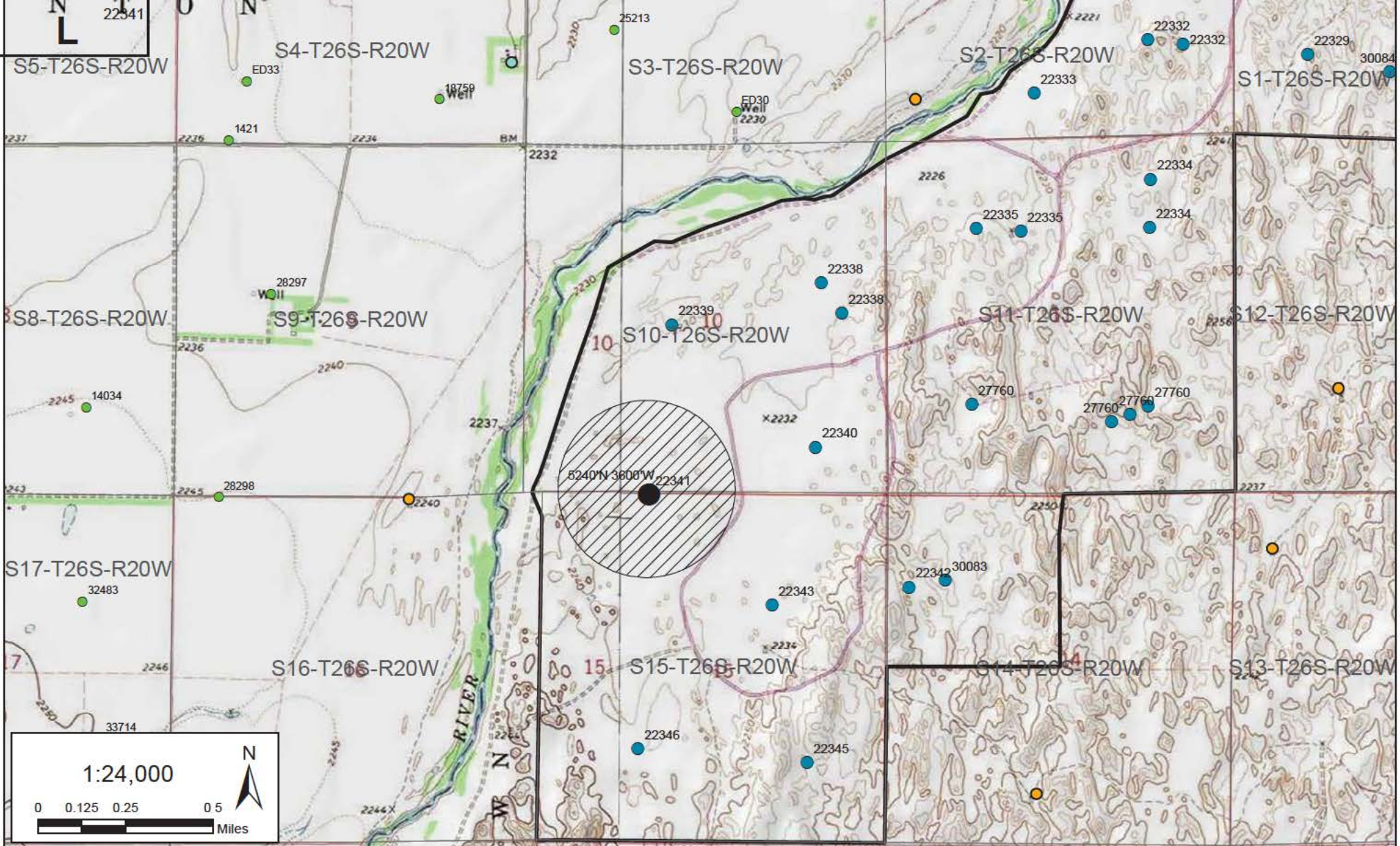
In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.

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.

EXHIBIT



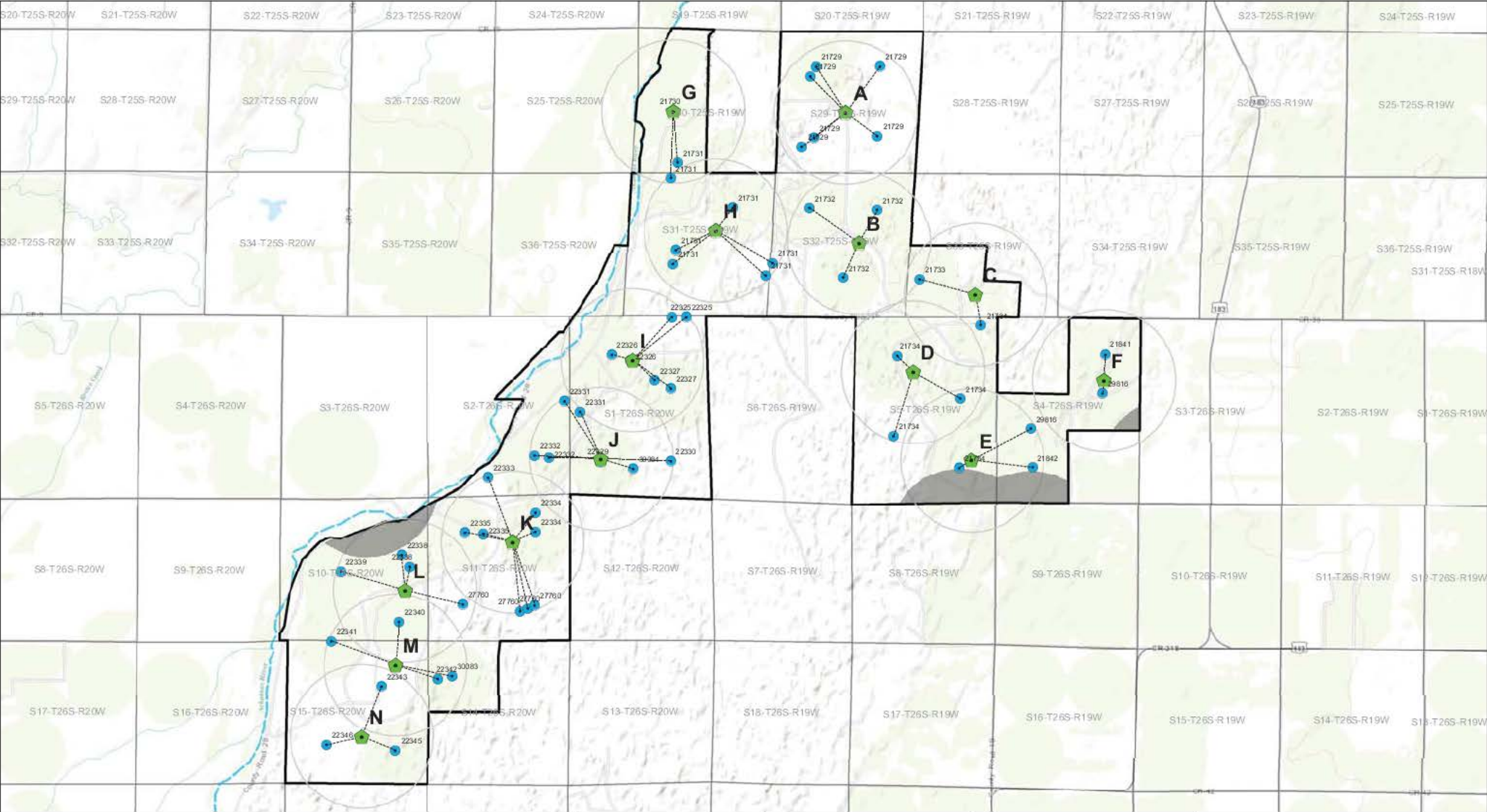
Legend

- 22341 Existing Point(s) of Diversion
- ▨ 22341 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 22341
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



CHANGE APPLICATION 22341
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION

EXHIBIT
22341
M



Legend

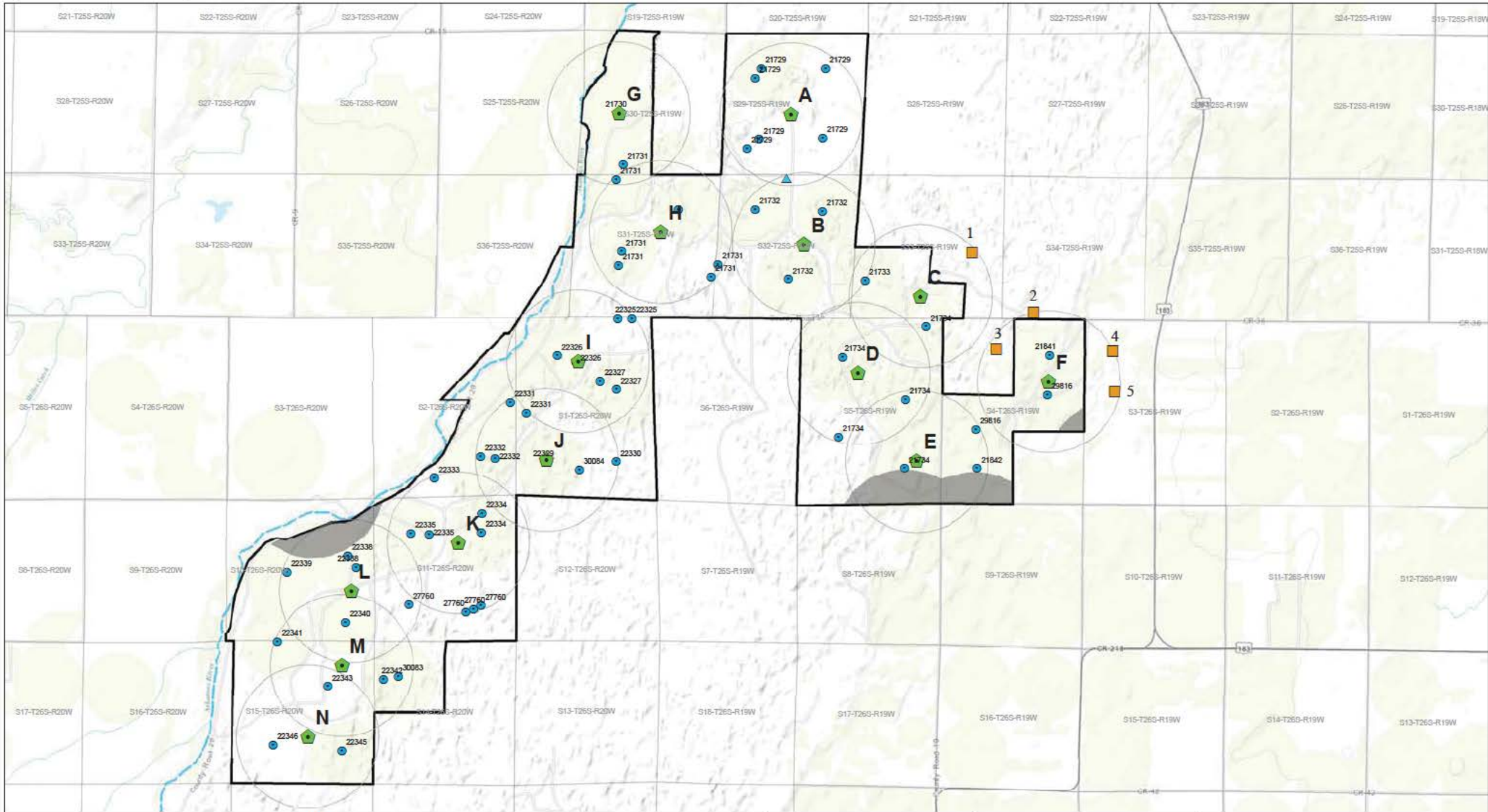
- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- PLSS Sections

1:40,000

0 0.25 0.5 1 Miles

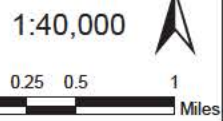


EXHIBIT
22341
N



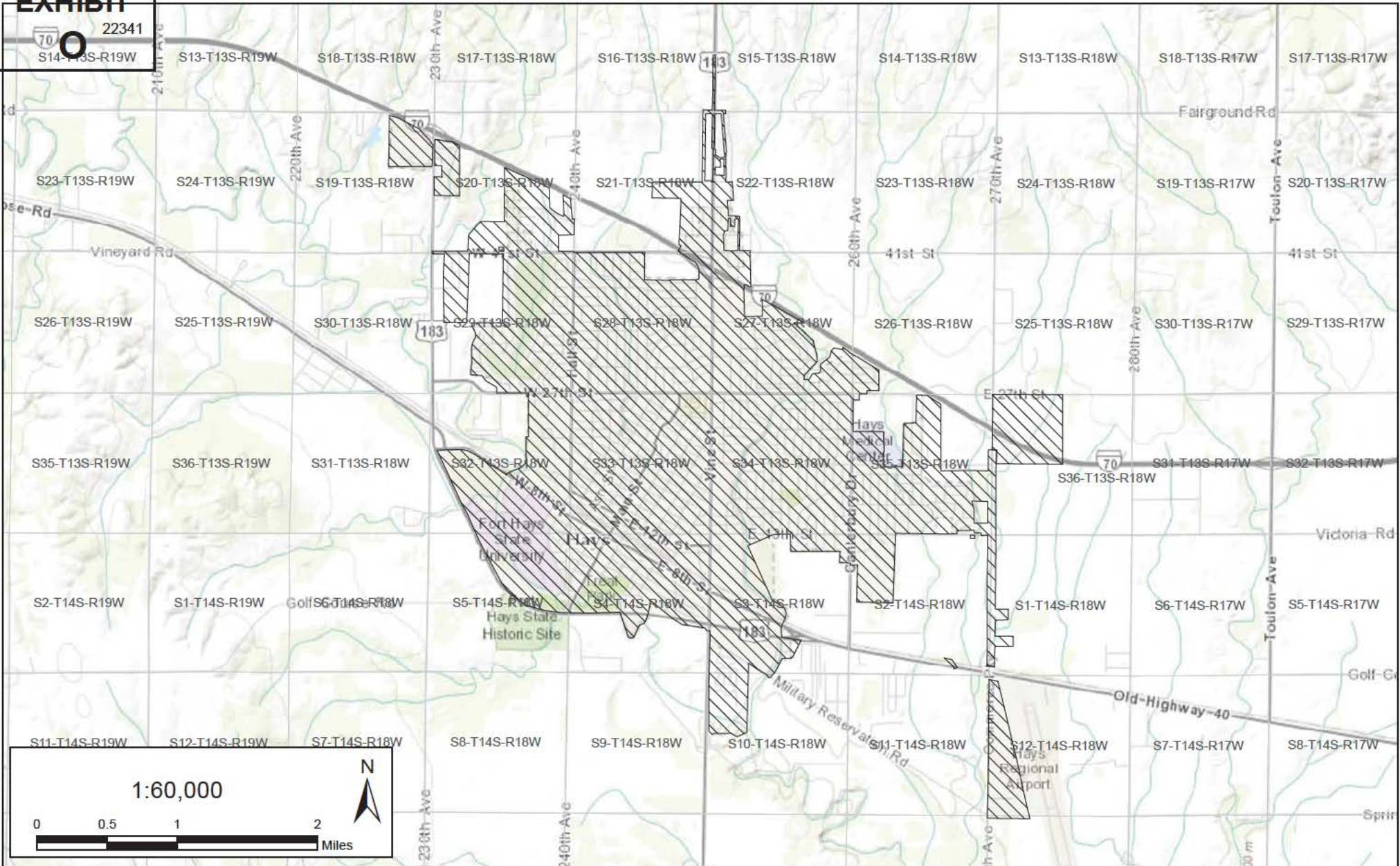
Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- ▲ Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)

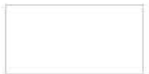


EXHIBIT

22341

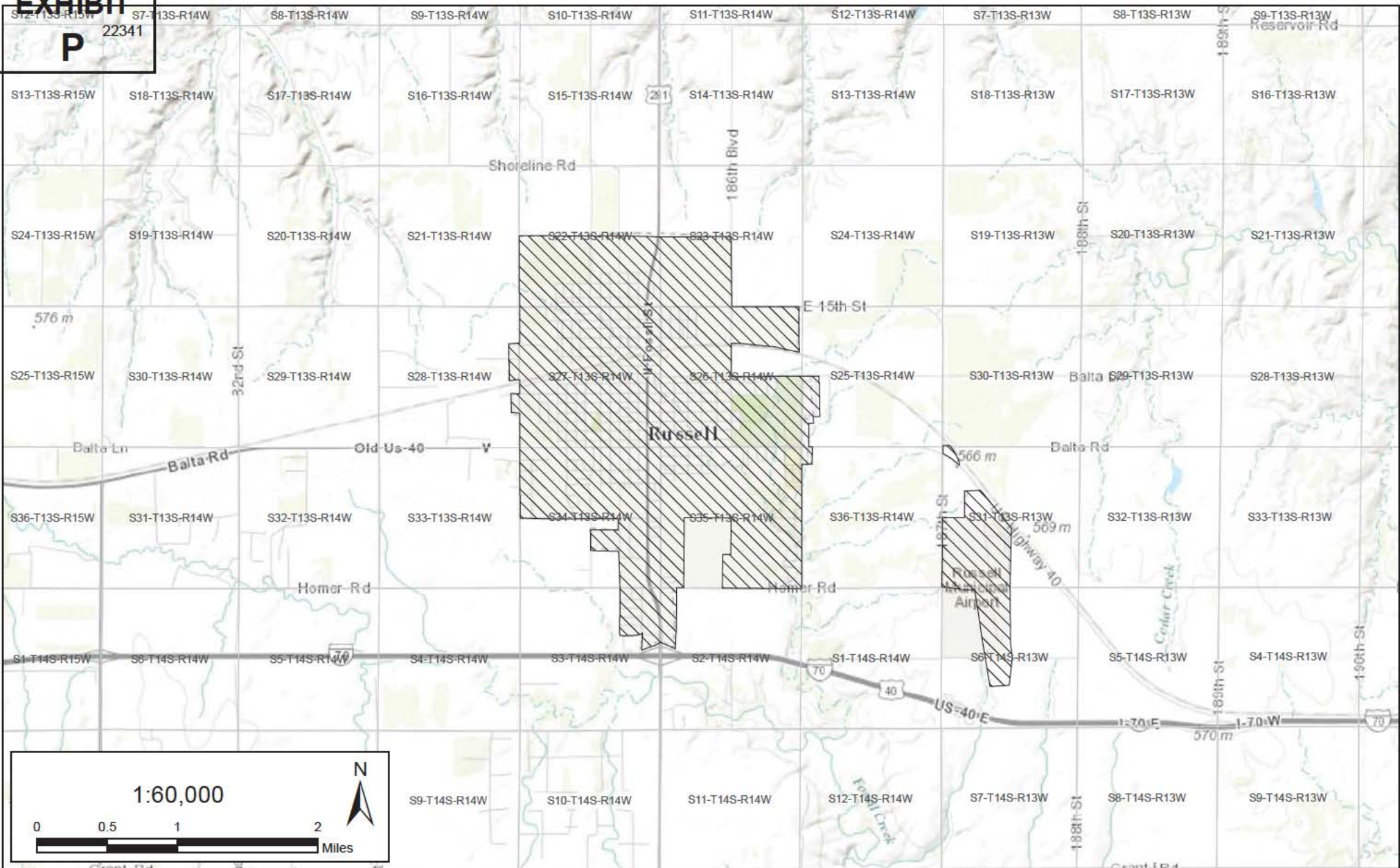


Proposed Place of Use City of Hays



PLSS Sections





Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
 Q**

**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

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
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
R**

**SECTION 2: PAST WATER USE
COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago							
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

22341
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

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,342 Circle 36

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. _____	GMD _____	Meets K.A.R. 5-5-1 (YES / NO) _____	Use _____	Source _____	G / S County _____	By _____	Date _____
Code _____	Fee \$ _____	TR # _____	Receipt Date _____	Check # _____			

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14-T26S-R20W							21.5	38.5	38.5	21.0									119.5
15-T26S-R20W			7.5			7.0													14.5

List any other water rights that cover this place of use: File No. 30,083

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Same as above																			

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																			

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the NW Quarter of Section 14, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 3,906 feet North 4,878 feet West of Southeast corner of section. Authorized Rate 630 gpm Authorized Quantity 75 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 SW Quarter of the NE Quarter of the NE Quarter of Section 15, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 4,367 feet North 1,228 feet West of Southeast corner of section. Proposed Rate 630 gpm Proposed Quantity 100.8 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,340-41; 30,083

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
 See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Handwritten signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

[Handwritten signature: Malinda Morse]

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Signature]

(Owner)

(Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

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:

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- (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.

Proposed Rate and Quantity

The Cities are requesting a total of 100.8 acre-feet and 630 gpm from the well associated with this water right, all of which will be diverted from new point of diversion M, as shown on Exhibit I. When combined with existing wells from other water rights, new point of diversion M will have a cumulative total of 475.5 acre-feet and 3,500 gpm.

13. If changing the place of use and the use made of water, describe how the consumptive use will not be increased:

Overlaps with 30,083

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 144.72 acre-feet to municipal use.¹ As discussed below, 134 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 144.72 acre-feet.² However, only 140 acre-feet were applied to approved acres during the perfection period. Thus, the quantity available from this water right under the default formula would be limited to 140 acre-feet.

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 247 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 137 acres in Sections 14 and 15-T26S-R20W.⁵ The certificate further limited the rate to 630 gallons per minute.

In the cover letter transmitting the permit, DWR made findings of fact stating that “the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”⁶

The Field Inspection Reports indicate that 140 of the 247 acre-feet authorized by the permit were lawfully perfected.

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, HAYS003627, Ex. A.

⁵ Application, HAYS003620, Ex. B.

⁶ March 19, 1976, letter (emphasis added), HAYS003626, Ex. C.

- 140 acre-feet were applied to 134 approved acres in Sections 14 and 15-T26S-R20W.⁷

While the certificate limits the total quantity to 75 acre-feet based on proration between this file and File No. 30,083 and DWR's after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.⁸

Since the perfection period has expired, the "authorized quantity" for this water right is the 140 acre-feet actually perfected even though it exceeds the certified quantity.

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.⁹ 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 140 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 100.80 acre-feet, should be available for conversion to municipal use. This is less than the 140 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 100.80 acre-feet for municipal use.

⁷ FIR, HAYS003604, Ex. D.

⁸ Certificate, HAYS003662, Ex. E; Doug Bush Memo dated January 16, 1992, HAYS003658, Ex. F; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

⁹ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. G, 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 January 16, 1992, HAYS003658, Ex. F.

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. 22,342 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 one (1) well near the center of the East Half of the West Half of the Northwest Quarter (E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 14, 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

247 acre-feet

for any calendar year.

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MAR 29 1976

HAYS003627
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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



Guy E. Gibson

 Guy E. Gibson, Chief Engineer
 Division of Water Resources
 Kansas State Board of Agriculture

HAYS003628

THE STATE OF KANSAS



36

STATE BOARD OF AGRICULTURE

Roy Freeland, Secretary

Handwritten notes:
1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

DIVISION OF WATER RESOURCES

Guy E. Gibson, Chief Engineer

22,342

NUMBER 23

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)

(Mrs.)

Comes now the applicant (Miss) Midwest Land and Cattle Co. 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 ~~0 acre feet~~ ²⁴⁷ 320 ~~acre feet~~ ³²⁰ acre feet per year, to be
(acre feet or million gallons)
diverted at a maximum rate of 1000 gallons per minute
(gallons per minute or cubic feet per second)

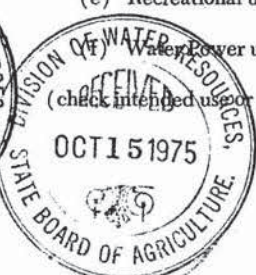
2. The location of the proposed wells or other works for diversion of water is in the quarter of the
~~on the center~~ ^{*} quarter of the ~~the~~ quarter of section 14, township South 26, range 2820 W, in
Edwards County, Kansas. ^{*} Nr. the center of the E 1/2 of the W 1/2 of the NW 1/4 of sec. 14

3. The water is intended to be appropriated for:

Amount

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- (a) Domestic use () _____
- (b) Municipal use () _____
- (c) Irrigation use (X) ²⁴⁷ 320 acre ft./yr. - 1000 gals./min.
- (d) Industrial use () _____
- (e) Recreational use () _____
- (f) Water Power use () _____



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(check intended uses or uses and show intended quantity for each use)

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD 1975

HAYS003619
DIVISION OF WATER RESOURCES

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 $\frac{1}{4}$ | |
| 14 26 20 | | | | | 25 | 38 | 38 | 27 | | | | | | | | | 128 |
| | | | | | 40 | 40 | 40 | 40 | | | | | | | | | 160 |
| 15 26 20 | 5 | | | 4 | | | | | | | | | | | | | 9 |
| | | | | | | | | | | | | | | | | | <u>137</u> |

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 $\frac{1}{4}$ | |
| | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |

HAYS003620

7. The works for diversion of water will consist of one well with one pump for one circle sprinkler irrigation system (one motor)
(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 boubht 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
(Agent or Officer)

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Note:

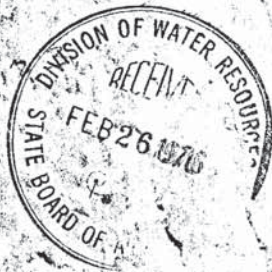
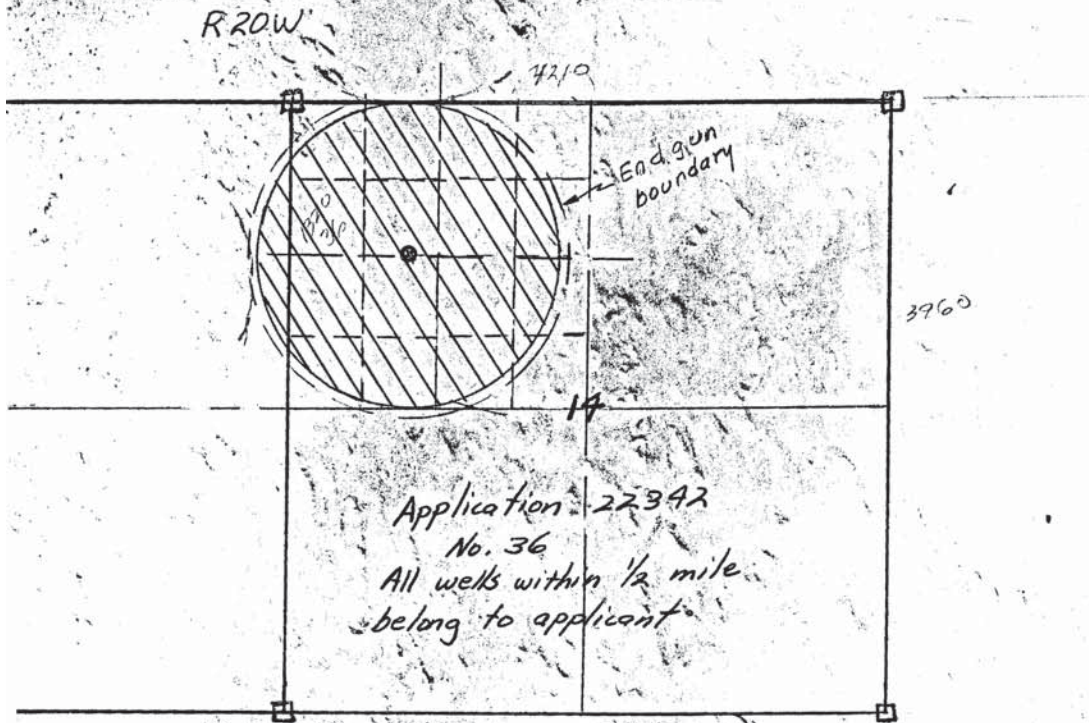
- 1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.
- 1 million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.
- 1 acre foot = 43,560 cubic feet = 325,851 gallons.

M1-939  5-72-10M SETS

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MAR 29 1976

HAYS003621



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2
E-N

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,342

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

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HAYS003626

MAR 29 1976

GENERAL INFORMATION ON IRRIGATION SYSTEM:

 Center PivotManufacturer Valley Model 4071 Serial No. 13380Drive: Water Electric Length of Pivot Arm _____ acres irr. 134

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 () noEnd Gun Model Nelson 100 Rating _____ g.p.m. Orifice size _____ Gravity Irrigation

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

 Other Type _____

Manufacturer _____ Model _____ Serial No. _____

LOW ANGLE BERNINGER SPRINKLERS ON CENTER PIVOT.
unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____Serial No. _____ Fuel propane Rated RPM _____

PUMP INFORMATION:

Manufacturer Jacuzzi Model No. 12LSA Rated RPM _____Serial No. 70722293 Type Vertical Turbine No. stages 4

GEAR HEAD INFORMATION:

Manufacturer Amacillo Model No. 2BLSerial No. 54525 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled Aug 1974 Original Depth 84 ft. Static Water Level When Drilled 16 ft.Length of time well has () operated (rested prior to measurement 36 () days (hrsIs measurement tube required? () yes (no Is measurement tube present () yes (noDepth to water 25 ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes (no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is the meter installed properly? () yes () no Check Valve Present? YES

Injection port present? () yes () no Operating an injection system? () yes () no

Low Pressure Drain? (yes () no Vacuum Breaker? (yes () no

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORK, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).

N
 ↑
 Scale
 1" = _____ ft.

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

TEST OF DIVERSION RATE:

Location of test Horizontal pipe at pivot after two wells hooked together
 Pipe Diameter (I.D.) 7 3/32 inches

Test No. 1 ~~Normal Conditions~~
Both wells pumping together
 R.P.M. POWER UNIT 2113
 R.P.M. PUMP UNIT 1761
 Pressure at ~~Pump~~ Pivot 76 psi

Test No. 2 ~~Maximum Conditions~~
Well pumping alone
 R.P.M. POWER UNIT 2040
 R.P.M. PUMP UNIT 1700
 Pressure at ~~Pump~~ Pivot 29 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

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Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS003606

TABULATION OF WATER USE:

| Year | Hours Pumped (hr) | Reported Pumping Rate (gpm) | Water Used (AF) | Acres Irrigated |
|----------------------------|---------------------|-------------------------------|-------------------|-----------------|
| 1975 | 1632 | 1000 | | 136 |
| 1976 | | | | |
| 1977 | 781 | 500 | | 130 |
| 1978 | | | | |
| 1979 | 336 | 800 | | 126 |
| 1980 | | | | |
| 1981 | 840 | 800 | | 126 |
| 1982 | | | | |
| 1983 | PIK | | | |
| 1984 | 1750 | 750 | | 134 |
| * 1985 | 2100 | 629** | | 134 |
| 1986 | | | | |
| 1987 | | | | |
| ** obtained from test data | | | | |

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year corn Year of record corn

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type _____ Supplier _____

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? _____

REMARKS: THIS APPLICATION IS OVERLAPPED BY APPLICATION 30083 IN THE NW 1/4 OF SEC. 14, 26-20. THE WELL IN THIS APPLICATION IS PUMPED INTO THE CENTRAL PIVOT LISTED HEREIN. NORMALLY, THE WELL LISTED IN 30083 ALSO PUMPS INTO THIS CENTRAL PIVOT AT THE SAME TIME AS THE WELL LISTED IN 22342. A CHANGE OF PLACE OF USE IS NEEDED TO INCLUDE THE EXTRA 5.5 ACRES IRRIGATED IN THE E 1/2 OF SEC. 15, 26-20 THAT ARE NOT COVERED BY THIS APPLICATION.

Person present at test Kent Naber employee of tenant

Water Use Correspondent Jessy Weaver (Agri Affiliates) Box 1162 North Platte, NE 69103 308-534-9240

Conducted by Breg Ebert Date 8/11/87 HAYS003607

Approved by K. J. Waters, P.E. Date 8/25/87

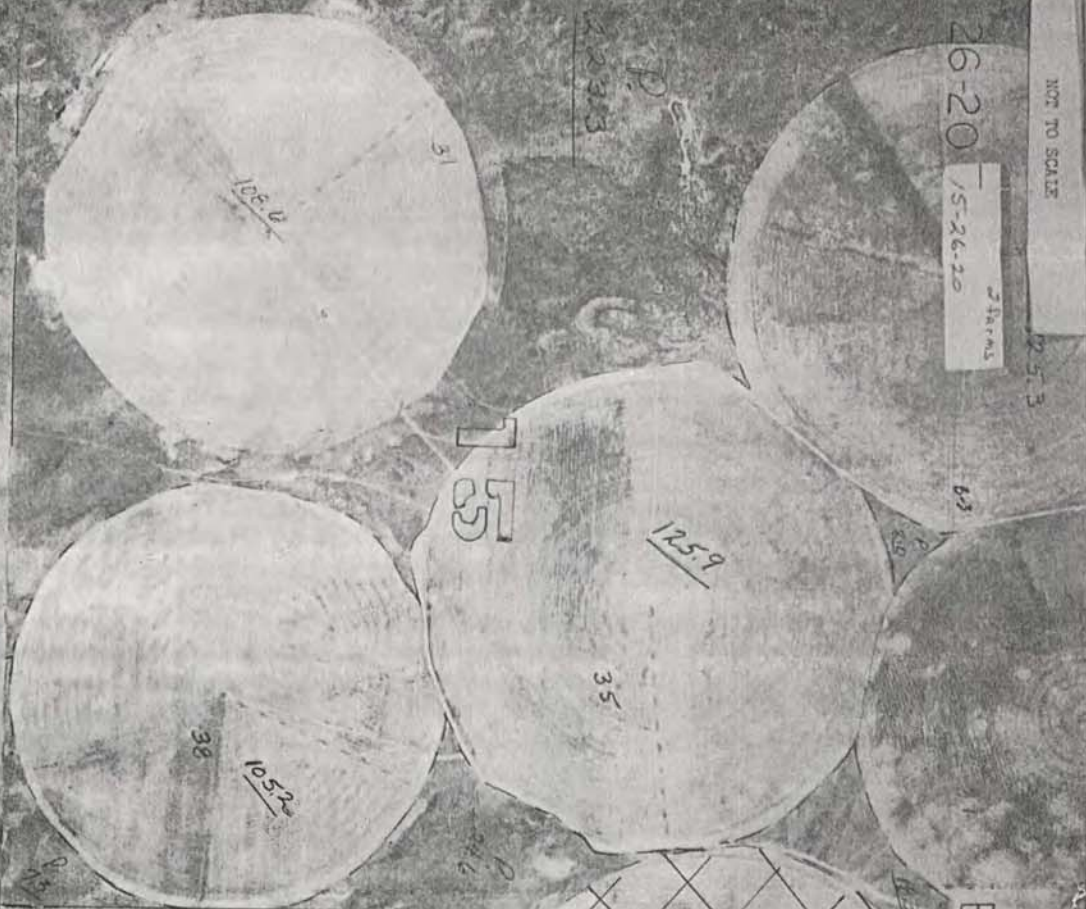
NOT TO SCALE

26-20

15-26-20

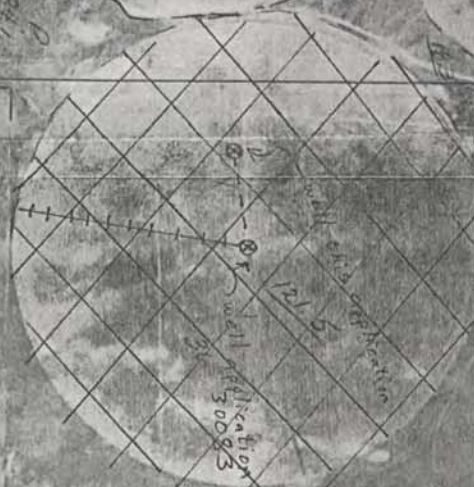
29 Form

12-5-73



NOT TO SCALE

B5



B5

14-26-20

29 Form

26-20

Application No. 22342

Legend

⊗ well

/// Land on application

+++ pivot system

--- underground pipe

Randy Oakey

8-17-87

748

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MAY 06 1992

DIVISION OF AGRICULTURE



THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

Gary Hall, Acting Secretary

DIVISION OF WATER RESOURCES

David L. Pope, Chief Engineer

**CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER**

WATER RIGHT, File No. 22,342

PRIORITY DATE May 2, 1974

DUPLICATE COPY

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the drainage basin of the Arkansas River to be withdrawn by means of a well located near the center of the East Half of the West Half of the Northwest Quarter (E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 14, more particularly described as being near a point 3,906 feet North and 4,878 feet West of the Southeast corner of said section, in Township 16 South, Range 20 West, Edwards County, Kansas, at a diversion rate not in excess of 630 gallons per minute (1.40 c.f.s.) and in a quantity not to exceed 75 acre-feet per calendar year for irrigation use on the following described property:

- 21.5 acres in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$),
- 38.5 acres in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$),
- 38.5 acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$),
- 21.0 acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$),

a total of 119.5 acres in Section 14,

- 7.5 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
- 7.0 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$),

a total of 14.5 acres in Section 15,

all in Township 26 South, Range 20 West, Edwards County, Kansas.

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108

MAY 06 1992

HAYS003662

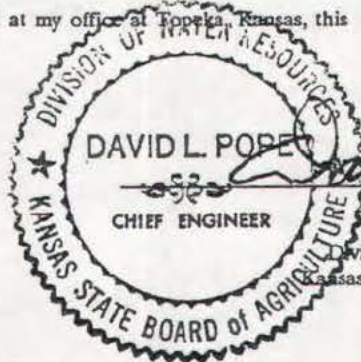
The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer 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 27th day of April, 19 92



David L. Pope
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 27th day of April, 19 92 by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Delores A. Vitt*
Notary Public

My appointment expires: 12/28/94

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

WATER APPROPRIATION
CERTIFICATE

No. 20,044

STATE OF KANSAS

Water Right, File No. 122,342

STATE OF KANSAS

COUNTY, ss.

Page 2 of 34

Filed for record this _____ day of _____, 19 _____

at _____ o'clock _____ m. and _____

recorded in Book _____ Page _____

Fee \$ _____

Register of Deeds.

HAYS003603

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files **DATE:** January 16, 1992
FROM: Douglas E. Bush **RE:** Appropriation of Water
File Nos. 22,342 &
30,083

The above referenced files were worked together as each file covers one (1) well and are used together to irrigate the same 134 acres by pivot irrigation system.

As both files are used together, the quantities per well were prorated by rate to equal the maximum allowable quantity of 201 AF as that quantity was exceeded in the year of record. The quantities were prorated as such:

629 gpm (Well, File No. 22,342) + 1,048 gpm (Well, File No. 30,083) = 1,677 gpm.

629 gpm divided by 1,677 gpm = 0.37 x 201 AF = 75 AF (File No. 22,342)

1,048 gpm divided by 1,677 = 0.63 x 201 AF = 126 AF (File No. 30,083).

As the wells are always used together and the combined rate is 1,085 gpm, the rate for File No. 30,083 is being limited to 1,085 gpm.

The tested rate for File No. 30,083 was 1,048 gpm. The well was approved for 1,000 gpm. The authorized rate will be 1,000 gpm. No new application will be sent because of the less than 5% higher rate being pumped.

The year of record for both files is 1990. This is 14 years past the approval date for File No. 22,342 and 12 years past the approval date for File No. 30,083. Changes in point of diversion and place of use were approved for both files on March 5, 1990. The changes were needed as the Field Inspection Reports conducted in 1987 revealed that the points of diversion and places of use under both files were not as originally permitted. The area pertaining to both files is located in land just South of the Arkansas River where no landmarks are located to coordinate the places of use and points of diversion. I recommend using the longer than normal perfection period for both files as extenuating circumstances, our not conducting field inspections and then approving changes promptly, prevented the perfection periods being ten (10) years or less.

The place of use used to determined the quantity under both files was determined to be 134 acres instead of the 128 acres reported to be irrigated in 1990. This information was obtained during a phone conversation with Greg Ebert, manager of the Circle K. Ranch, on January 15, 1992.

RECEIVED

Douglas E. Bush

Douglas E. Bush
Hydrologist

DEB:jt

MAY 06 1992

HAYS003658

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

| <u>Area, Place of use</u> | <u>Max. Allowable Rate</u> | |
|---------------------------|----------------------------|----------|
| up to 10 acres | 450 g.p.m. | 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.

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.

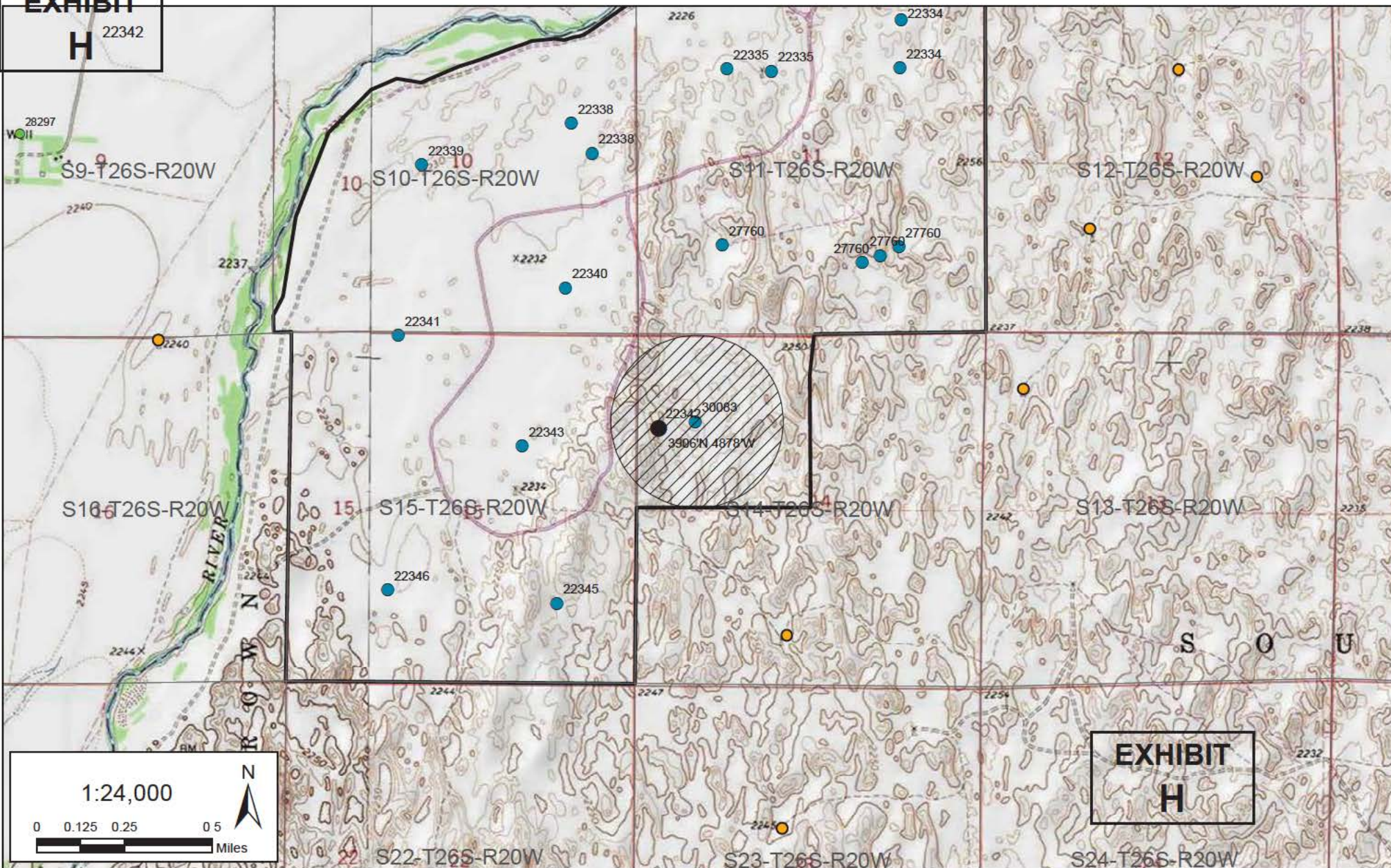
A further limiting factor to maximum allowable quantity is the availability of water from the proposed source of supply. If the source of supply is incapable of yielding a reasonably, sustainable (computed) quantity during the irrigation season in that area of the state, then the source becomes a further 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.

EXHIBIT

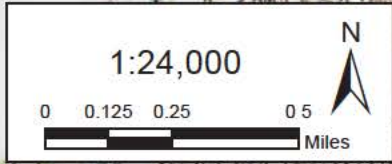
H

22342



EXHIBIT

H

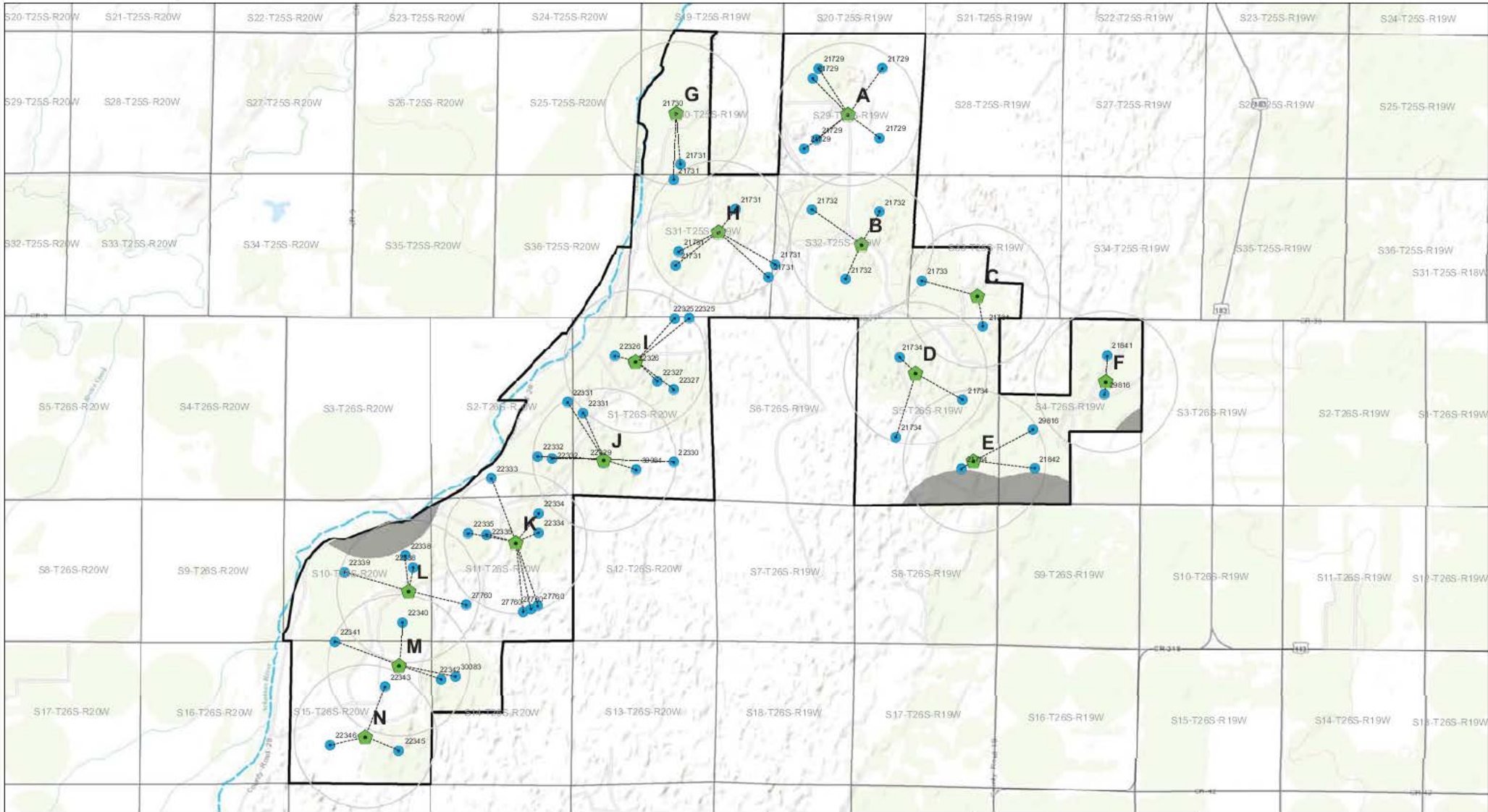


Legend

- 22342 Existing Point(s) of Diversion
- 22342 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 22342
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



CHANGE APPLICATION 22342
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION



Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections

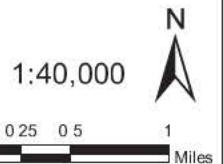
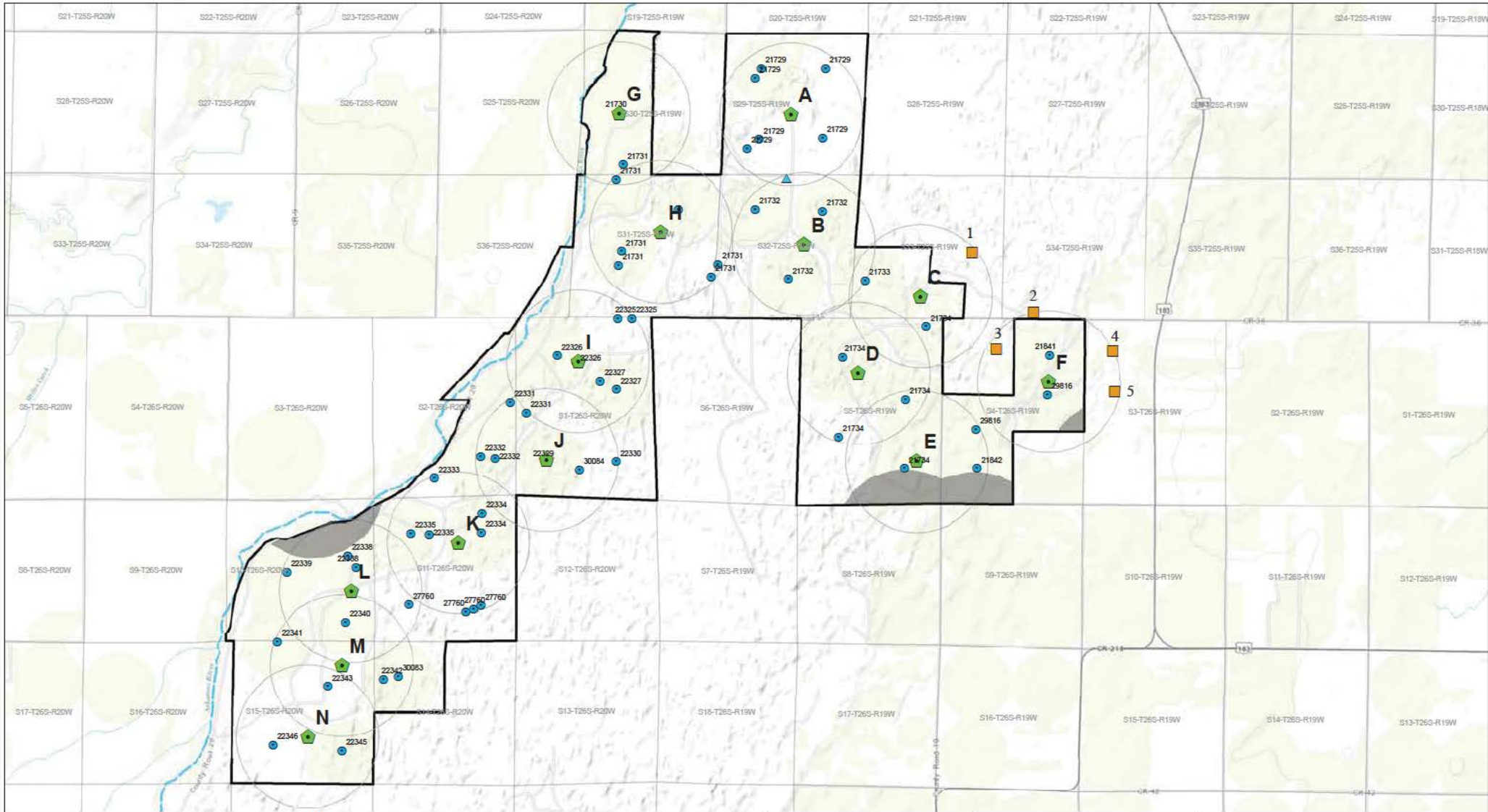










EXHIBIT J

22342



Legend

-  Proposed Municipal Wells (A-N)
-  Existing R9 Ranch Points of Diversion
-  1/2 Mile Buffer Around Proposed Wells
-  PLSS Sections
-  Area Excluded From Proposed Wells
-  R9 Ranch Property Boundary
-  Domestic Well (Non-Permitted)
-  Stock Well (Non-Permitted)

1:40,000



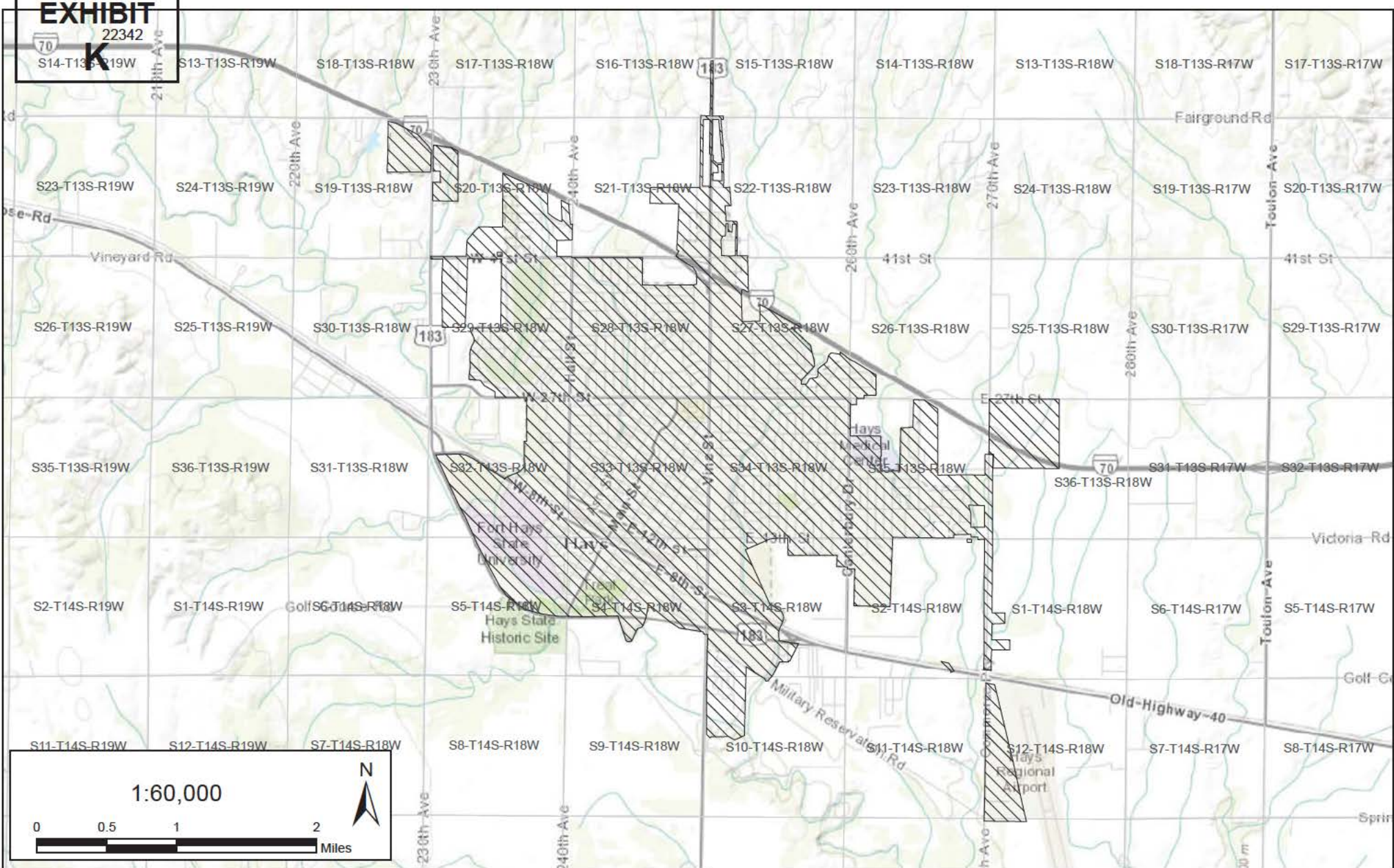
**BURNS
MCDONNELL**

**EXHIBIT
J**

EXHIBIT

22342

K



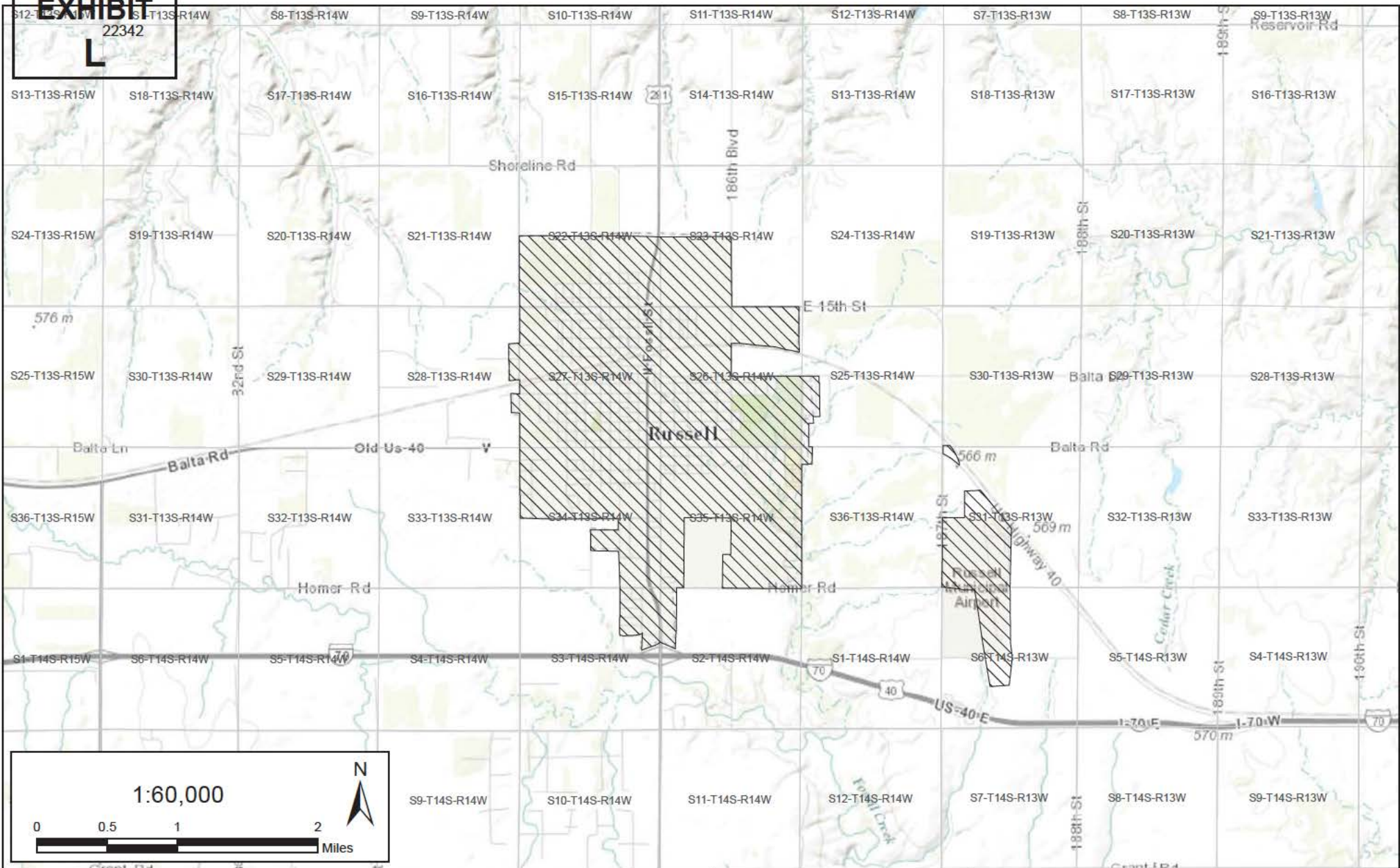
Proposed Place of Use City of Hays



PLSS Sections



EXHIBIT
K



Proposed Place of Use - City of Russell



PLSS Sections



MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET

SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Below Explanation) |
| 684,559,000 | | | 10,806,000 | 595,254,000 | 16,327,000 | 62,172,000 |
| TOTAL WATER = Columns 1 + 2 | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | | UNACCOUNTED FOR WATER |

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
M**

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 |

22342
SECTION 3: PROJECTED FUTURE WATER NEEDS

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

| | Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|------------------------------------|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| | Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Explanation on other side) |
| Year 5 | 386,346,512 | 0 | 0 | 177,719,396 | 119,767,419 | 15,453,861 | 73,405,836 |
| Year 10 | 405,513,682 | 0 | 0 | 186,536,377 | 125,709,241 | 16,220,547 | 77,047,517 |
| Year 15 | 426,310,852 | 0 | 0 | 196,102,992 | 132,156,364 | 17,052,434 | 80,999,062 |
| Year 20 | 443,848,022 | 0 | 0 | 204,170,090 | 137,592,887 | 17,753,921 | 84,331,124 |
| TOTAL WATER = Columns 1 + 2 | | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | | UNACCOUNTED FOR WATER |

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
(CENSUS BUREAU INFORMATION)

| LAST 20 YEARS | POPULATION |
|---------------|------------|
| 20 years ago | |
| 15 years ago | 4,710 |
| 10 years ago | 4,696 |
| 5 years ago | 4,506 |
| Last Year | 4,475 |

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

| NEXT 20 YEARS | POPULATION |
|---------------|------------|
| Year 5 | 4,596 |
| Year 10 | 4,605 |
| Year 15 | 4,651 |
| Year 20 | 4,698 |

Provide number of current active service connections:

2,049 Residential 9 Industrial 30 Other (specify) Free Service
 360 Commercial 0 Pasture/ Stockwater/ Feedlot 2448 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 ÷ Population ÷ 365 Days/Year = Gallons per Person per Day

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the Page 24 of 24 request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,343 Circle 35.

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. _____ | GMD _____ | Meets K.A.R. 5-5-1 (YES / NO) _____ | Use _____ | Source _____ | G / S County _____ | By _____ | Date _____ |
| Code _____ | Fee \$ _____ | TR # _____ | Receipt Date _____ | Check # _____ | | | |

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|--------------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 15-T26S-R20W | | | 13 | 21 | 39 | 27 | | | | 3 | | | | | 3 | 7 | | | 113 |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|---------------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| Same as above | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|---|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter. | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|--|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter. | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 NE Quarter of the SW Quarter of the NE Quarter of Section 15, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 3,565 feet North 1,670 feet West of Southeast corner of section. Authorized Rate 810 gpm Authorized Quantity 169 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 SW Quarter of the NW Quarter of the SE Quarter of Section 15, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 1,714 feet North 2,450 feet West of Southeast corner of section. Proposed Rate 810 gpm Proposed Quantity 146.16 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,345-46

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
 See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Handwritten Signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

[Handwritten Signature: Malinda Morse]

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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.

(Owner) (Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print) (Please Print)

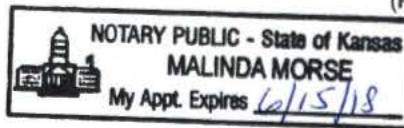
(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Proposed Rate and Quantity

The Cities are requesting a total of 146.16 acre-feet and 810 gpm from the well associated with this water right, all of which will be diverted from new point of diversion N, as shown on Exhibit I. When combined with existing wells from other water rights, new point of diversion N will have a cumulative total of 476.87 acre-feet and 2,230 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 122.04 acre-feet to municipal use.¹ 113 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 122.04 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 203 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 113 acres in Section 15-T26S-R20W.⁵ The certificate further limited the rate to 810 gallons per minute.

In the cover letter transmitting the permit, DWR made findings of fact stating that “the proposed use is for a beneficial purpose and is *within reasonable limitations*. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.”⁶

The Field Inspection Reports indicate that all of the 203 acre-feet authorized by the permit were lawfully perfected.

- 260 acre-feet were applied to 113 approved acres in Section 15-T26S-R20W.⁷

While the certificate limits the total quantity to 169 acre-feet based on DWR’s after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.⁸

¹ K.A.R. 5-5-9(a) and (a)(1).

² K.A.R. 5-5-12, NIR Requirements.

³ K.A.R. 5-5-9(b).

⁴ Permit, HAYS003801, Ex. A.

⁵ Application, HAYS003793, Ex. B.

⁶ March 19, 1976, letter (emphasis added), HAYS003800, Ex. C.

⁷ FIR, HAYS003786, Ex. D.

⁸ Certificate, HAYS003809, Ex. E; Larry Sheets Memo dated March 25, 1987, HAYS003804, Ex. F; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

Since the perfection period has expired, the “authorized quantity” for this water right is the 203 acre-feet actually perfected even though it exceeds the certified quantity.

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.⁹ 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 203 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 146.16 acre-feet, should be available for conversion to municipal use. This is less than the 203 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 146.16 acre-feet for municipal use.

⁹ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. G, stating that: “In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.” *See also*, K.A.R. 5-3-24 and Larry Sheets Memo dated March 25, 1987, HAYS003804, Ex. F.

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. 22,343 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 one (1) well in the North-east Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 15, 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 **203 acre-feet** for any calendar year.

(OVER)

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MAHAY 006804
circle 35

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**



Guy E. Gibson

Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

HAYS003802

THE STATE OF KANSAS



STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

See Exhibit 100-5-2-79

22,343
NUMBER 24

35

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)
Comes now the applicant (Miss) Midwest Land and Cattle CO. whose post office address is Box 208 Kinsley, Kansas 67547

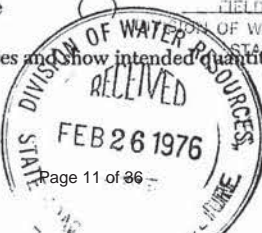
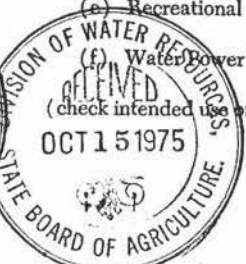
and makes application to the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture, for a permit to appropriate for beneficial use such unappropriated groundwater (surface water or groundwater)

as may be available in the Arkansas River basin in the county of Edwards 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 ~~203~~ ²⁰³ ~~320~~ ²⁰³ ~~acre feet~~ ^{acre feet} per year, to be diverted at a maximum rate of 1000 gallons per minute (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the NE quarter of the center SW quarter of the NE quarter of section 15, township South Brown 26, range 20 W, in Edwards County, Kansas.

3. The water is intended to be appropriated for:



- | | | |
|----------------------|--|-----------------|
| | Amount | |
| (a) Domestic use | () | _____ |
| (b) Municipal use | () | _____ |
| (c) Irrigation use | (X) ²⁰³ 320 ²⁰³ acre ft./yr. ^{acre ft./yr.} | 1000 gals./min. |
| (d) Industrial use | () | _____ |
| (e) Recreational use | () | _____ |
| (f) Water power use | () | _____ |

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HAYS003793
DIVISION OF WATER RESOURCES
STAFFORD

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements.

6. If for irrigation use list below or attach name and address of each landowner and the legal description of the lands to be irrigated by designating the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Owner of Land—NAME: 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 $\frac{1}{4}$ | |
| 15 | 26 | 20 | 13 | 21 | 39 | 27 | | | | | | | | | | | | | 113 |
| | | | 40 | 40 | 40 | 40 | | | | 3 | | | | | | | | | 160 |

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 $\frac{1}{4}$ | |
| | | | | | | | | | | | | | | | | | | | |

HAYS003794

7. The works for diversion of water will consist of one well with one pump for one circle sprinkler irrigation system (one Motop)
(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
(Agent or Officer)

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NOTE:

1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.
1 million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.
1 acre foot = 43,560 cubic feet = 325,851 gallons.

MI-329  5-72-10M SETS

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PROW



Application 22343
 No. 35
 All wells within 1/2 mile
 belong to applicant



CONTROLLED

HAYS003796

2
E-N

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,343

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

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RMD:GEE:eel

Encs.

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MAR 29 1976

- Partial
- Full
- Re-Test

Test 1 of 1 Diversion points
 Application No. 22343 Date 9/24/86 Firm/Field Office Pumping Plant Testing, Inc
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance Co, To Agri. Affiliates Inc.
 Address Box 1162, North Platte, Nebraska 69103 ATTN: Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation (X)
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater (X) Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: 1 well NE 1/4, SW 1/4, NE 1/4 Sec. 15, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well NE 1/4 SW 1/4 NE 1/4 Sec. 15, T. 26, R. 20
 Approximately 3565 ft. North and 1670 ft. West of SE corner of Sec. 15
 How were distances determined? By scaling off aerial photo

"Approved" Quantity 203 AF "Approved" Diversion Rate 1000 g.p.m. (223 c.f.s.)

Priority Date May 2, 1974 Approval of Application Date March 19, 1976

Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

| S | T | R | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTAL ACRES | | |
|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|-------------|-----|--|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | |
| 15 | 26 | 20 | 13 | 21 | 39 | 27 | | | | | | | | | | | | | | 113 | |
| | | | | | | | | | | | | | | | | | | | | | |

LAND IRRIGATED—YEAR OF RECORD 1984 SEE ATTACHED SHEET

| S | T | R | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTAL ACRES | | | |
|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|-------------|--|-----|--|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | | |
| 15 | 26 | 20 | 13 | 25 | 40 | 27 | 2 | | | | | | | | | | | | | | 125 | |
| | | | | | | | | | | | | | | | | | | | | | | |

APPLICATION OF WATER: SEE ATTACHED SHEET
 Year of Record 1984 Hours Pumped 1750 or Quantity 260 AF

Normal Operating G.P.M. JUN 8 1987 Equiv. c.f.s. 1.8

Maximum Operating G.P.M. _____ Equiv. c.f.s. _____

Year of Record 1984 Extension of time requested: Yes No

Total No. of Hours on land covered by this application 1750

Ac. Ft. Applied = $1750 \text{ hrs.} \times 807 \text{ g.p.m.} \times \frac{4.419}{24 \times 1000} = 260 \text{ AF}$

Acres of "Approved" Land irrigated 113

Ac. Ft. on "Approved" Land 260 + 113 (2.30 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less _____

Proration Calculations 113 x 1.5 = 169

Perfected Rate 810 g.p.m. Perfected Quantity 169 AF

DWR-101 22343 Completed by Larry M Sheets 3-25-87



GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
Manufacturer Zimmatic Model 310 Serial No. 3150

Drive Electric Length of Pivot Arm _____

Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

End Gun? yes End Gun Rating _____ g.p.m. 2 Rain Bird 85's

Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____

Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP —

Serial No. — Fuel Propane Rated RPM —

PUMP INFORMATION:

Manufacturer Jacuzzi Model No. 118C/T-703 Rated RPM —

Serial No. 467-22144 Type Vertical Turbine No. stages 4

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F 80

Serial No. 82425 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled 11-25-74 Original Depth 42 ft. Static Water Level When Drilled 6 ft.

Tape Down Possible? No Water Level Measurement Tube? no

Measuring Point — ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter —

Meter Model No. — Serial No. — Size —

Is Meter Installed Properly? —

Chemical Injection System? yes Check Valve? no Low Pressure Drain? no

Vacuum Breaker? no Are these anti-pollution devices installed properly? —

If chemicals are injected into system, please attach sketch of system.

HAYS003787

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In vertical pipe at pivot
 Pipe Diameter (I.D.) 7 1/16 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 1563
 R.P.M. PUMP UNIT 1876
 Pressure at Pump 45 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q (gpm) = VK$

Velocity (fps)
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
 Total _____
 Avg. _____
 G.P.M. _____

Velocity (fps)
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
 Total _____
 Avg. _____
 G.P.M. _____

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS003788

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Propane Supplier Mid-Continent
 Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____
 How was the test volume determined? Not Determined; Tenant Didnt Know.

TABULATION OF WATER USE:

| Year | Hours Pumped (hr) | Tested Pumping Rate (gpm) | Water Used (AF) | Acres Irrigated |
|--------|---------------------|-----------------------------|-------------------|------------------------------|
| 1975 | 1632 | 1000 | | 136 |
| 1976 | | | | |
| 1977 | 876 | | | 125 (From ASCS measurements) |
| 1978 | | | | |
| 1979 | 336 | 800 | | 125 |
| 1980 | 0 | | | |
| 1981 | 840 | 800 | | 125 |
| 1982 | | | | |
| 1983 | PIK | | | |
| * 1984 | 1750 [‡] | 807** | 260** | 113 [‡] |
| 1985 | 1600 [‡] | 850 [*] | | 113 [‡] |
| 1986 | | 807** | | 126 [*] |

024890
 NE SW NE
 15-26-20W I00³ Year

** obtained from test on 9/24/86
 ‡ obtained from water use reports sent to us by Jerry weaver
 * From ASCS measurement and tenant

Indicate Year of Record with (*) Source of Information Stanford Files
 Crops Irrigated: this year CORN Year of record CORN

REMARKS: _____

Person present at test Randy Andrey tenant
(name) (relationship)
 Water Use Correspondent Agri. Affiliates Box 1162 North Platte, NE 69103 308-534-9240
(name) (address) (phone number)
 Conducted by Daniel Klussen Date 9-24-86
(signature)
 Approved by Dil. W. St. P.E. Date 12/26/86
(signature) (title)

HAYS003789

APPLICATION NO: 22,343

NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES, A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.



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JUN 01 1987

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

PUMPING PLANT TESTING, INC.

Reviewed by:

Neil J. W... HAYS003790
Professional Engineer

APPLICATION NO: 22343 NAME: CONNECTICUT GENERAL

COLLINS METER TEST

Collins Meter No. 1-83 Meter Calibration Factor 9559
 Pipe Inside Diameter (inches) 7 1/16 Flow Rate Factor 143.0
 Test Pressure (psi) 45 Test RPM, Pump 1563
 Description of Test Location In vertical pipe at pivot

TEST DATA: Check, Initial 6.35 Reversed 6.39
 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 From Center of Pipe | Velocity Left Side of Pipe (or Front Side if Vertical Test) | Velocity Right Side of Pipe (or Back Side if Vertical Test) |
|-----------------------------------|---|---|
| <u>1 1/16</u> | <u>6.17</u> | <u>6.19</u> |
| <u>2 3/4</u> | <u>5.99</u> | <u>5.87</u> |
| <u>3 1/2</u> | <u>5.86</u> | <u>5.73</u> |

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.91

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
5.91 x 9559 = 5.65

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
5.65 x 143.0 = 807 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

W. J. White

Professional Engineer

HAYS003791

NOT TO SCALE

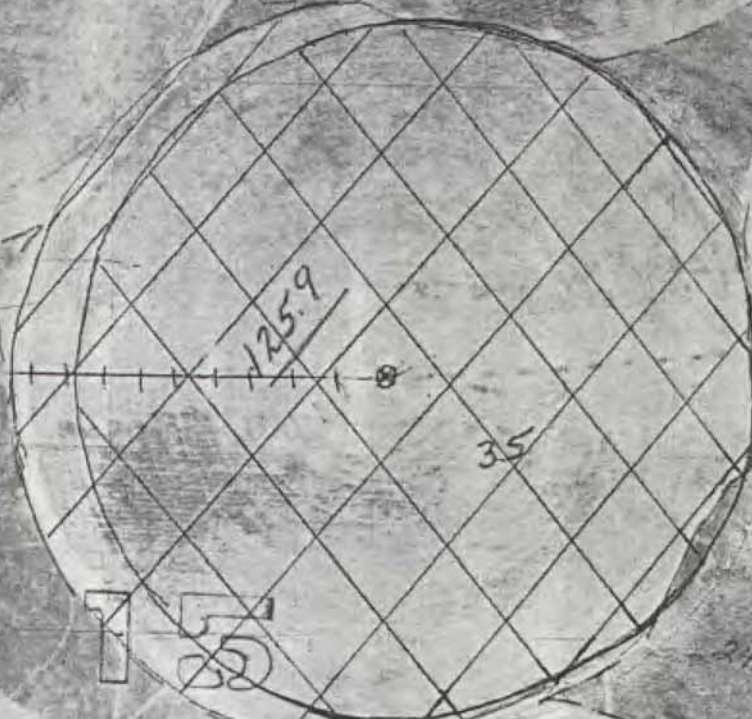
125.3

26-20

2 Farms
15-26-20

63

B



P
223.3

APPLICATION 22343

LEGEND

- ⊙ Well
- ++ Pivot System
- \\ \\ Land on Application
- /// Land irrigated presently and in years of record (always same)

Randy Aubrey 11-24-86

105.2

38



RECORDED

5295

HAYS003792



STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

**CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER**

WATER RIGHT, File No. 22,343
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 a well located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 15, more particularly described as being near a point 3,565 feet North and 1,670 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas, at a diversion rate not in excess of 810 gallons per minute (1.80 c.f.s.) and in a quantity not to exceed 169 acre-feet per calendar year for irrigation use on the following described property:

- 13 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
- 21 acres in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$),
- 39 acres in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$),
- 27 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$),
- 3 acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$),
- 3 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
- 7 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 113 acres in Section 15, Township 26 South, Range 20 West, Edwards County, Kansas.

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JUN 01 1987

DIVISION OF WATER RESOURCES

MICROFILMED

HAYS003809

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 21st day of May, 1987.



David L. Pope
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 21st day of May, 1987, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

WATER APPROPRIATION
CERTIFICATE

No. 15,947

STATE OF KANSAS

Water Right, File No. 22,343

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.

HAYS003810

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: March 25, 1987

FROM: Larry M. Sheets

RE: Appropriation of Water
File No. 22,343

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, Inc., has been reviewed. It meets the requirements specified in the scope of work. Based on the 1984 Water Use Report, 1,750 hours of pumping the well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 15, T 26 S, R 20 W, Edwards County, Kansas, provided 260 acre-feet of water for irrigating 113 acres or 2.30 acre-feet per acre.

It appears that 12 acres of unapproved land were irrigated and more than a reasonable amount on a per acre basis was provided. A paragraph was added to the transmittal letter for the draft certificate to indicate unapproved acres were being irrigated.

The Certificate of Appropriation has been drafted for the tested pumping rate rounded up to 810 g.p.m. and a reasonable quantity for the approved acres irrigated ($113 \times 1.5 = 169$).

Larry M. Sheets

Larry M. Sheets
Hydrologist

LMS:rk

RECEIVED

JUN 5 1987

DIVISION OF WATER RESOURCES

MICROFILMED
HAYS003804

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope David L. Pope
Chief Engineer

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

| <u>Area, Place of use</u> | <u>Max. Allowable Rate</u> | |
|---------------------------|----------------------------|----------|
| up to 10 acres | 450 g.p.m. | 450 |
| 10 - 40 acres | (+) 450 g.p.m. | 900 |
| 40 - 120 acres | (+) 8 g.p.m./acre | 580 + 8X |
| more than 120 acres | (+) 7 g.p.m./acre | 700 + 7X |

EXAMPLES:

A. 37 acres requested; since this area is less than 40 acres, a rate of up to 900

B. 83 acres requested;

| | | | |
|------------------------------|---|----------------------------|--------------|
| 10 acres | = | 450 g.p.m. | } 900 g.p.m. |
| (+) 40 acres (10 + 30) | = | 450 g.p.m. | |
| (+) 43 acres @ 8 g.p.m./acre | = | 344 g.p.m. | |
| | | 1,244 (allow 1,245 g.p.m.) | |

A further limiting factor of this procedure is the availability of water from the proposed source of supply. In those instances whereby the source of supply is incapable of yielding a reasonably, sustainable (computed) rate, then the source becomes a further limiting factor.

A further limiting factor is well design and equipment, which shall be reasonable to divert the requested rate.

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.

EXHIBIT

H

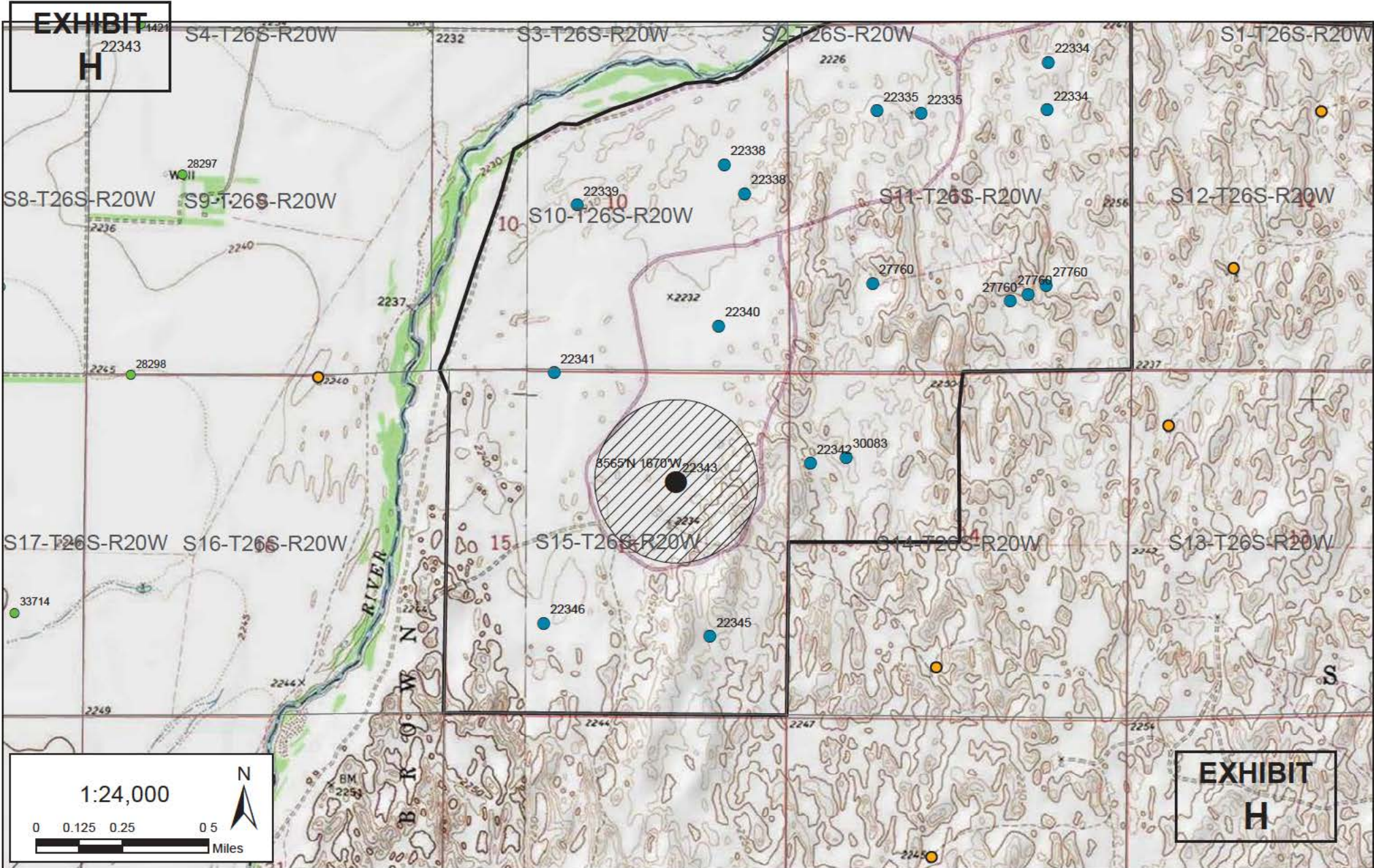
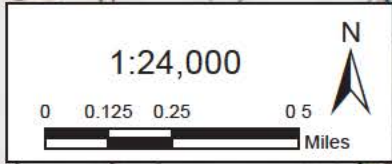


EXHIBIT
H

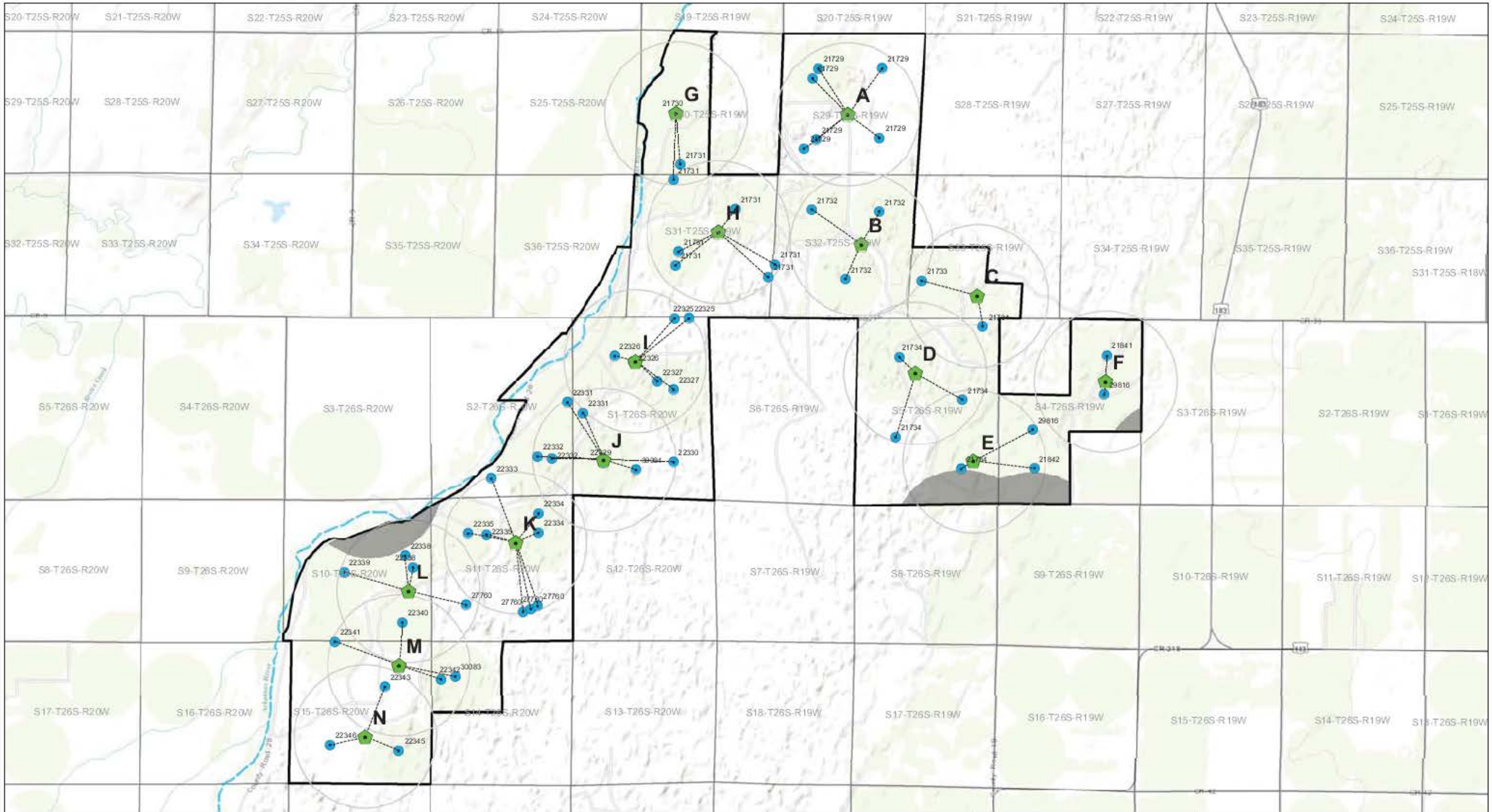


Legend

- 22343 Existing Point(s) of Diversion
- 22343 Existing Place of Use
- ▬ R9 Ranch Property Boundary
- PLSS Sections 22343
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells

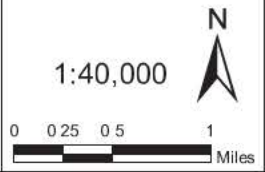


CHANGE APPLICATION 22343
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION



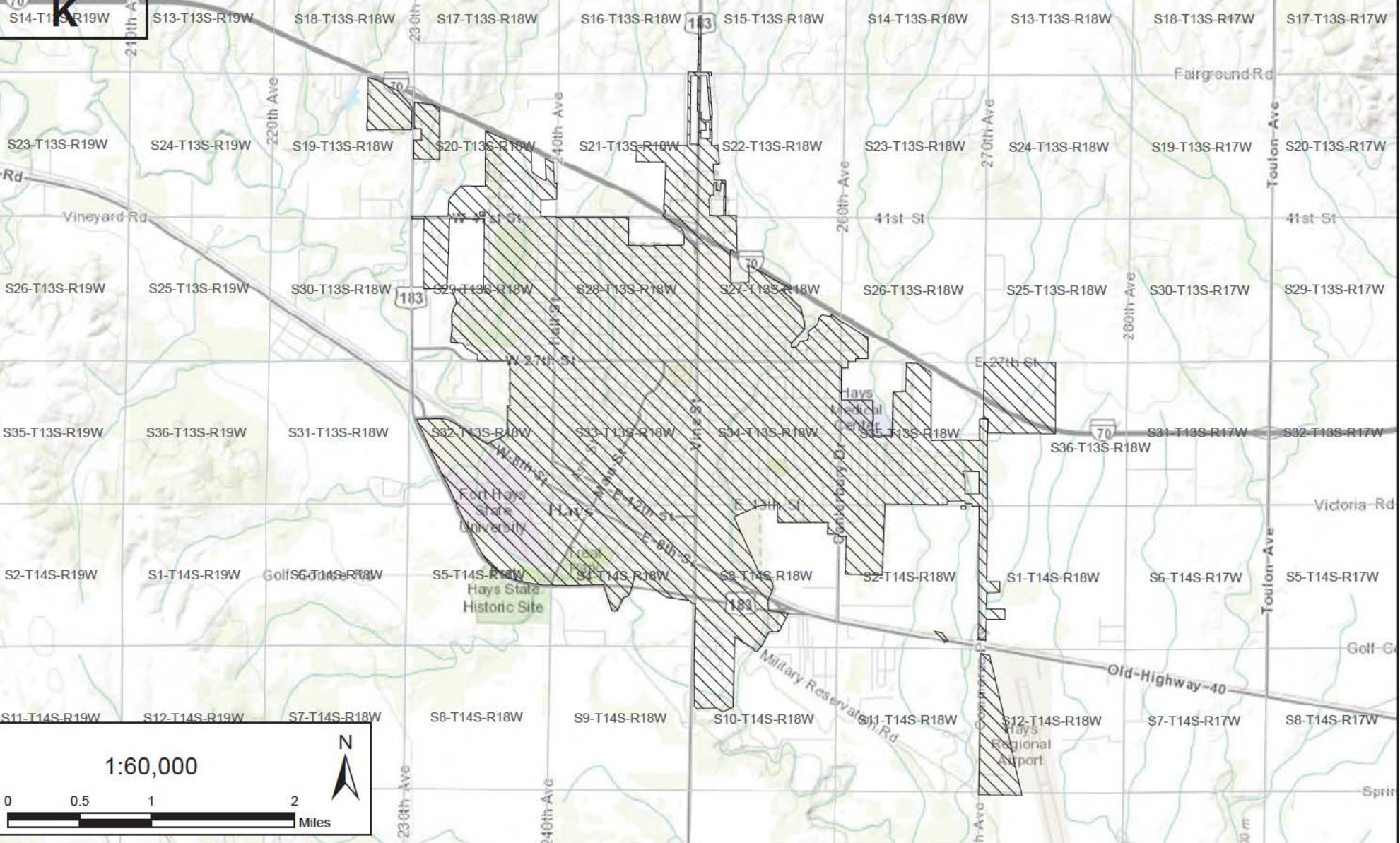
Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections

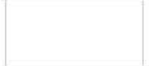


EXHIBIT

22343



Proposed Place of Use City of Hays

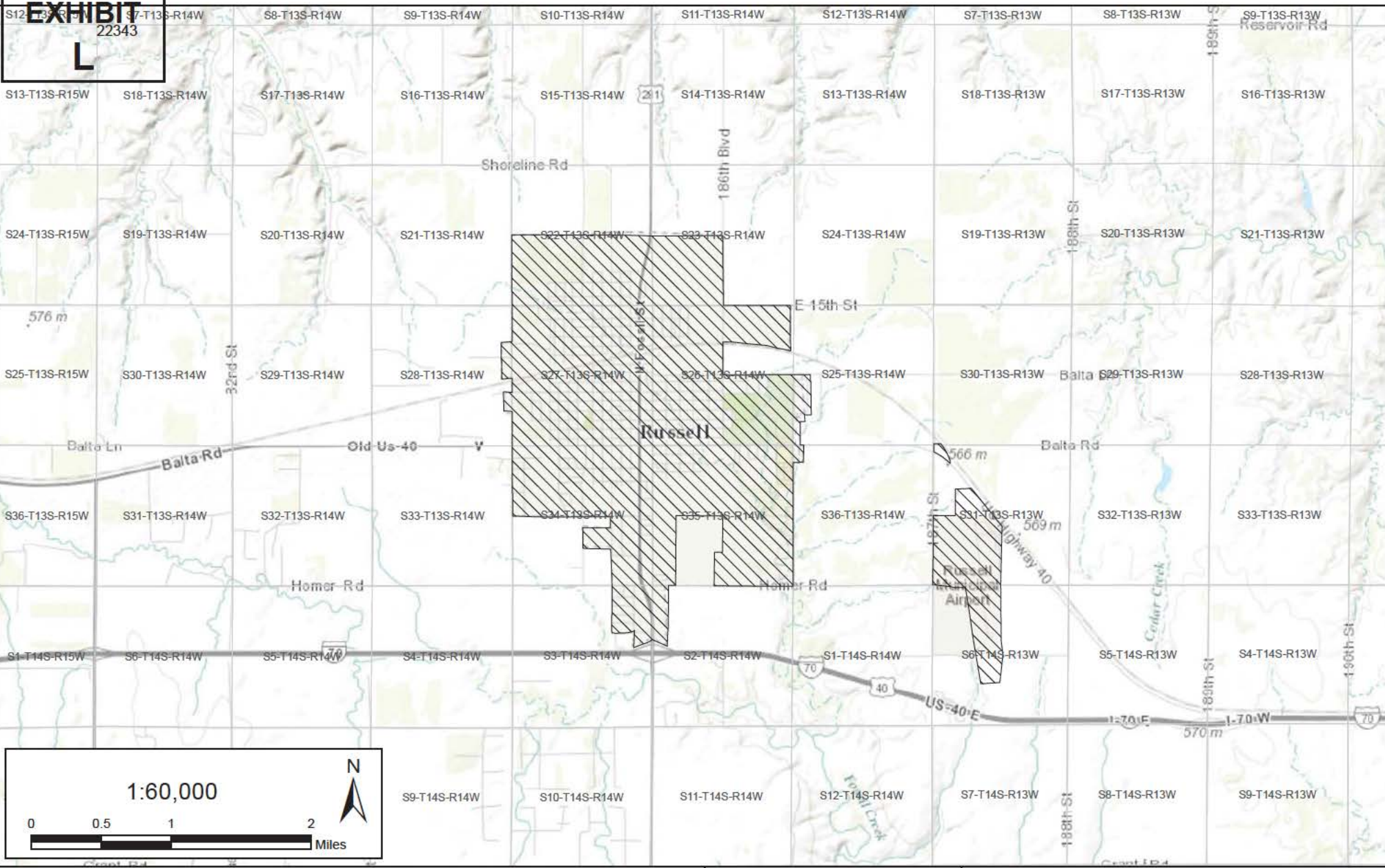


PLSS Sections



EXHIBIT
K

EXHIBIT
22343
L



Proposed Place of Use - City of Russell



PLSS Sections



EXHIBIT
L

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Below Explanation) |
| 684,559,000 | | | 10,806,000 | 595,254,000 | 16,327,000 | 62,172,000 |
| TOTAL WATER = Columns 1 + 2 | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | | UNACCOUNTED FOR WATER |

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
M**

**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 |

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Below Explanation) |
| 327,288,100 | 0 | 0 | 105,295,000 | 108,743,000 | 19,944,000 | 93,306,100 |
| 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
N**

**SECTION 2: PAST WATER USE
COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

| | Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| | Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Above Explanation) |
| 20 years ago | | | | | | | |
| 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 |

22343
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

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,345 Circle 38.

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. _____ | GMD _____ | Meets K.A.R. 5-5-1 (YES / NO) _____ | Use _____ | Source _____ | G / S County _____ | By _____ | Date _____ |
| Code _____ | Fee \$ _____ | TR # _____ | Receipt Date _____ | Check # _____ | | | |

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES | | | |
|--------------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|----|----|-----|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | | | | |
| 15-T26S-R20W | | | | | | | | | | | | | | | | | | 22 | 24 | 31 | 30 | 107 |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES | | | |
|------|------|-------|---------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|--|--|--|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | | | | |
| | | | Same as above | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES | | | |
|------|------|-------|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|--|--|--|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | | | | |
| | | | The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter. | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES | | | |
|------|------|-------|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|--|--|--|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | | | | |
| | | | The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter. | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 _____ Quarter of the SE Quarter
 of Section 15, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 1,175 feet North 1,205 feet West of Southeast corner of section.
 Authorized Rate 820 gpm Authorized Quantity 159 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 SW Quarter of the NW Quarter of the SE Quarter
 of Section 15, Township 26 South, Range 20 (~~E~~/W),
 in Edwards County, Kansas, 1,714 feet North 2,450 feet West of Southeast corner of section.
 Proposed Rate 820 gpm Proposed Quantity 184.62 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,343; 22,346

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (~~E~~/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (~~E~~/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
 See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Handwritten signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

[Handwritten signature: Malinda Morse]

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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.

| | |
|--|----------------|
| _____ | _____ |
| (Owner) | (Spouse) |
| <u>City of Russell, Kansas, by Jon Quinday, City Manager</u> | _____ |
| (Please Print) | (Please Print) |
| _____ | _____ |
| (Owner) | (Spouse) |
| _____ | _____ |
| (Please Print) | (Please Print) |
| _____ | _____ |
| (Owner) | (Spouse) |
| _____ | _____ |
| (Please Print) | (Please Print) |

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

Proposed Rate and Quantity

The Cities are requesting a total of 184.62 acre-feet and 820 gpm from the well associated with this water right, all of which will be diverted from new point of diversion N, as shown on Exhibit I. When combined with existing wells from other water rights, new point of diversion N will have a cumulative total of 476.87 acre-feet and 2,230 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 114.48 acre-feet to municipal use.¹ 106 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 114.48 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 209 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 107 acres in Section 15-T26S-R20W.⁵ The certificate further limited the rate to 820 gallons per minute.⁶

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.”⁷

The Field Inspection Reports indicate that 207.05 of the 209 acre-feet authorized by the permit were lawfully perfected.

- 270 acre-feet were applied to 106 approved acres in the SE/4 of Section 15-T26S-R20W.⁸
- The permit authorized the perfection of 209 acre-feet per acre on 107 acres or 1.95 acre-feet per acre, but only 106 authorized acres were irrigated during the perfection period resulting in the perfection of 207.05 acre-feet.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, HAYS003882, Ex. A.

⁵ Application, HAYS003875, Ex. B.

⁶ Certificate, HAYS003890, Ex. C.

⁷ March 19, 1976, letter (emphasis added), HAYS003881, Ex. D.

⁸ FIR, HAYS003868, Ex. E.

While the certificate limits the total quantity to 159 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.¹⁰

Since the perfection period has expired, the "authorized quantity" for this water right is the 207.05 acre-feet actually perfected even though it exceeds the certified quantity.

There are at least two alternative approaches to calculating consumptive use.

NIR for Alfalfa

The FIR states that alfalfa was grown on this circle during the year of record.¹¹ 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. It is reasonable to use the NIR for alfalfa, which yields a total quantity of 184.62 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."¹²

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.¹³ 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 207.05 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 149.07 acre-feet, should be available for conversion to municipal use. This is less than the 207.05 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 184.62 acre-feet for municipal use.

⁹ FIR, HAYS003868, Ex. E.

¹⁰ Certificate, HAYS003890, Ex. C; Larry Sheets Memo dated March 27, 1987, HAYS003885, Ex. F; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

¹¹ FIRs, HAYS003868, Ex. E.

¹² See K.A.R. 5-5-9(a)(4).

¹³ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. G, stating that: "In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated." See also, K.A.R. 5-3-24 and Larry Sheets Memo dated March 27, 1987, HAYS003885, Ex. F.

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. **22,345** 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 one (1) well near the center of the Southeast Quarter (SE $\frac{1}{4}$) of Section 15, 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 **209 acre-feet**

for any calendar year. **MICROFILMED**

(OVER)

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HAYS003882

circle 38

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

- 22345
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



Guy E. Gibson

Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

THE STATE OF KANSAS



#38

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

Rec'd check #50 5-2-74
pa

22,345
NUMBER 26

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)
Comes now the applicant (Miss) Midwest Land and Cattle Co. 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 ~~2000~~ ²⁰⁹ ~~320~~ ³²⁰ ~~acre feet~~ ^{acre feet} per year, to be diverted at a maximum rate of 1000 gallons per minute (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the center quarter of the SE quarter of section 15, township South Brown 26, range 2620 W, in Edwards County, Kansas.

3. The water is intended to be appropriated for:



Amount **MICROFILMED**

- (a) Domestic use () _____
- (b) Municipal use () _____
- (c) Irrigation use (X) ²⁰⁹ ~~320~~ ³²⁰ ~~acre ft./yr.~~ = 1000 gals./min.
- (d) Industrial use () _____
- (e) Recreational use () _____
- (f) Water power use () _____

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FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD
HAYS003874

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 $\frac{1}{4}$ | |
| 15 26 20 | | | | | | | | | | | | | 27 | 27 | 31 | 31 | 116 |
| | | | | | | | | | | | | | 40 | 40 | 40 | 40 | 160 |
| | | | | | | | | | | | | | 29 $\frac{1}{2}$ | 29 $\frac{1}{2}$ | 28 $\frac{1}{2}$ | 28 $\frac{1}{2}$ | 115 |
| | | | | | | | | | | | | | 22 | 24 | 31 | 30 | 107 |

OK 3/2/76
Larry Kennedy

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 $\frac{1}{4}$ | |
| | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |

* Larry Kennedy is authorized by Lloyd Hanrahan to make corrections to the application
L. M. Street

HAYS003875

7. The works for diversion of water will consist of one well with one pump for one circle sprinkle irrigation system (one Motor)
(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.

M1-539  5-72-10M SETS

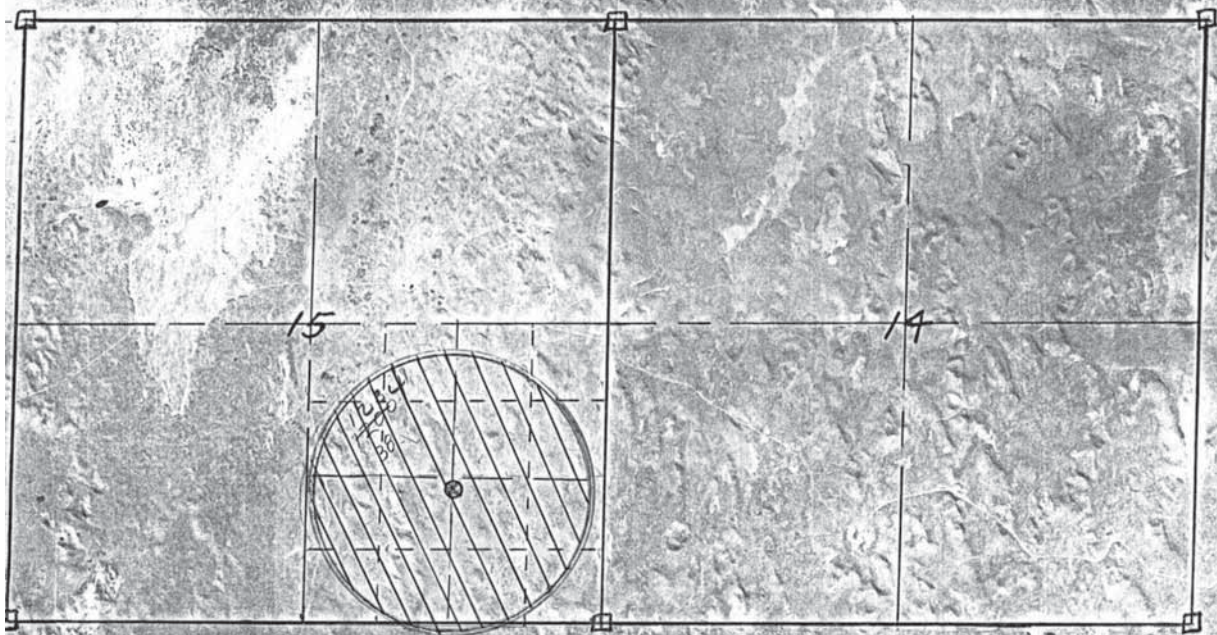
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MAR 29 1976

HAYS003876

R20W



Application 22345
 No. 38
 All wells within 1/2 mile
 belong to applicant.



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THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, *Secretary*

DIVISION OF WATER RESOURCES
David L. Pope, *Chief Engineer*

**CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER**

WATER RIGHT, File No. 22,345
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 a well located near the center of the Southeast Quarter (SE $\frac{1}{4}$) of Section 15, more particularly described as being near a point 1,175 feet North and 1,205 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas, at a diversion rate not in excess of 820 gallons per minute (1.83 c.f.s.) and in a quantity not to exceed 159 acre-feet per calendar year for irrigation use on the following described property:

- 22 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
- 24 acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$),
- 31 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),
- 30 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 107 acres in Section 15, Township 26 South, Range 20 West, Edwards County, Kansas.

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HAYS003890

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

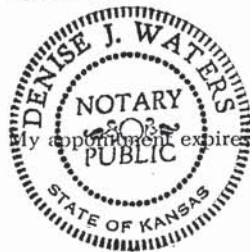
IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 21st day of May, 19 87.



David L. Pope
David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 21st day of May, 19 87, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

March 1, 1990

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

WATER APPROPRIATION
CERTIFICATE

No. 15,948

STATE OF KANSAS

Water Right, File No. 22,345

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.

HAYS00389

2
E N

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,345

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

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MAR 29 1976

**HAYS003881
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GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Zimmatic Model 310 Serial No. 3192
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. 2 Rain Bird 85's
 Is end gun operating during test? yes
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
 Unusual Conditions/Other Info. _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP —
 Serial No. 13139 H-22-TC Fuel propane Rated RPM —

PUMP INFORMATION:

Manufacturer Jacuzzi Model No. N8CT-703 Rated RPM _____
 Serial No. 467-22148 Type Vertical Turbine No. stages 4

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F60
 Serial No. 62604 Drive Right Angle Ratio 6:5

WELL INFORMATION:

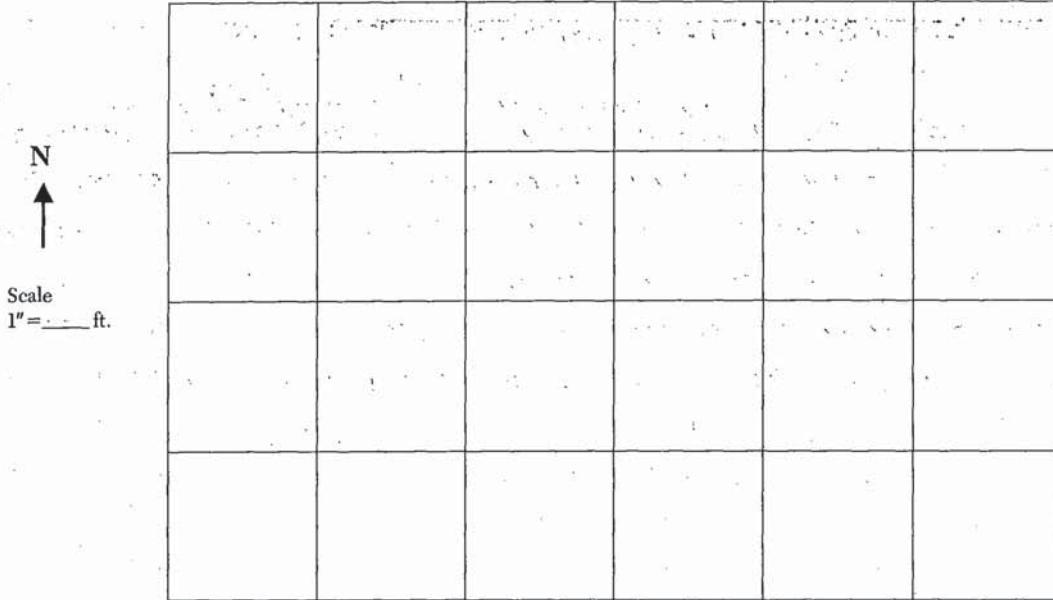
Date Drilled 1-24-75 Original Depth 136 ft. Static Water Level When Drilled 30 ft.
 Tape Down Possible? yes Water Level Measurement Tube? no
 Measuring Point _____ ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____
 Chemical Injection System? yes Check Valve? yes Low Pressure Drain? yes
 Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes HAYS003869

If chemicals are injected into system, please attach sketch of system.

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test: 0
 Location of test In Vertical pipe at pivot
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 1984
 R.P.M. PUMP UNIT 1653
 Pressure at Pump 59 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q (gpm) = VK$

Velocity (fps)

1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
 Total _____
 Avg. _____
 G.P.M. _____

Velocity (fps)

1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
 Total _____
 Avg. _____
 G.P.M. _____

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations)

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HAYS003870

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type propane Supplier Mid-Continent
 Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____
 How was the test volume determined? Not determined

TABULATION OF WATER USE:

27890
 NC SE 15-26-700
 ID 04

| Year | Hours Pumped (hr) | Tested Pumping Rate (gpm) | Water Used (AF) | Acres Irrigated |
|-------|---------------------|-----------------------------|-------------------|-----------------|
| 1975 | 1392 | 1000 | | 125 |
| 1976 | | | | |
| 1977 | 902 | 1000 | | 130 |
| 1978 | | | | |
| 1979 | 336 | 836 | | 103 |
| 1980 | 720 | 836 | | 110 |
| 1981 | | | | |
| 1982 | | | | |
| 1983 | 2200* | 900* | | 103* |
| 1984 | 1800* | 775* | | 106* |
| *1985 | 1900* | 817† | | 106* |
| 1986 | | 817† | | |

† from test on 10/3/86

* from WUR sent to us from Jerry Weaver of Agri-Affiliates

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year alfalfa Year of record alfalfa

REMARKS: THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975. ALL OF THE RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS HAVE BEEN UPDATED AND/OR CHANGED OVER THE YEARS. CONNECTICUT GENERAL'S ENTRY AS OWNER IN 1983 HAS RESULTED IN THE RECORDS SHOWN ABOVE, ALONG WITH SYSTEM REWORKING TO ALLOW CONSISTENT IRRIGATED ACREAGE. THEREFORE, IT WOULD SEEM RESPONSIBLE TO CHOOSE A YEAR OF RECORD FROM 1983 TO THE PRESENT.

Person present at test Kent Naber (name) Irrigation Manager (relationship)
 Water Use Correspondent Lyle Kolbeck (name) Spearville, KS 67876 (316)-385-28 (address) (phone number)
 Conducted by Greg Ebert (signature) Date 10/4/86
 Approved by Mil. Weh (signature), P.E. (title) Date 12/21/86

HAYS003871

APPLICATION NO: 22345 NAME: CONNECTICUT GENERAL LIFE INS. CO.

COLLINS METER TEST

Collins Meter No. 1-85 Meter Calibration Factor .9826
 Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4
 Test Pressure (psi) 59 Test RPM, Pump 1653
 Description of Test Location In vertical pipe at pivot

TEST DATA: Check, Initial 6.18 Reversed 6.17
 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 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>5.99</u> <u>5.94</u> | <u>5.93</u> <u>6.02</u> |
| <u>2 3/4</u> | <u>5.63</u> <u>5.66</u> | <u>5.73</u> <u>6.00</u> |
| <u>3 9/16</u> | <u>5.50</u> <u>5.06</u> | <u>5.49</u> <u>5.63</u> |

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.715

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 5.715 x .9826 = 5.62

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 5.62 x 145.4 = 817 GPM



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Reviewed By:

JUN 01 1987

PUMPING PLANT TESTING, INC.

Richard J. Winstanley

Professional Engineer

HAYS003872

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NOT TO SCALE

125.3

2 farms

26-20

15-26-20

6.3

31

B

P
21.0

18.3

P
223.3

125.9

35

15

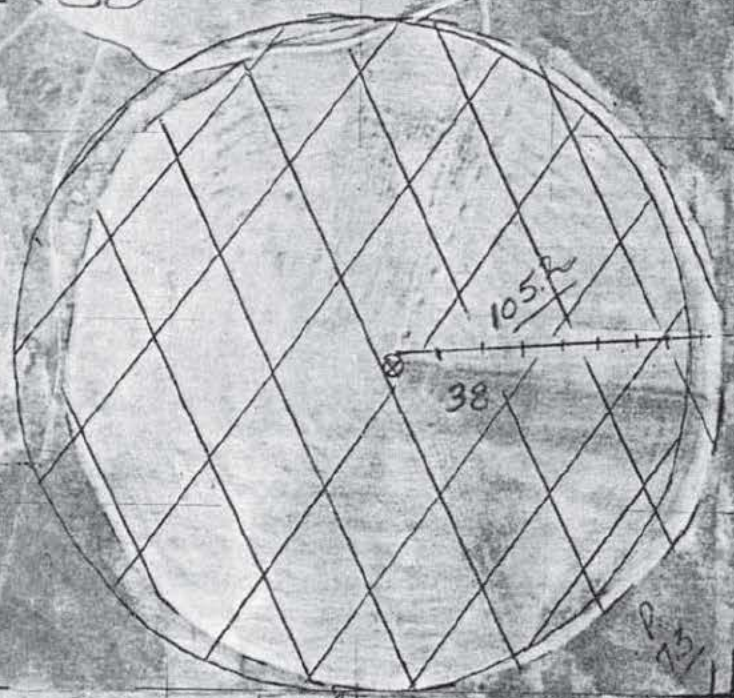
P
24.6

15.80

APPLICATION 22345

LEGEND

- ⊙ Well
- ++ Pivot System
- /// Land irrigated presently and always (year of record, etc) and approxi
- /// Land on application



5195

Lyle Kelluck
11-25-86

HAYS003873

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

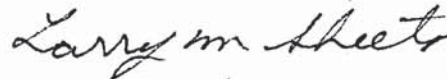
To: Files

Date: March 27, 1987

From: Larry M. Sheets

Re: Appropriation of Water
File No. 22,345

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, has been reviewed. It meets the requirements specified in the Scope of Work. Based on the 1984 Water Use Report, 1,800 hours of pumping the well near the center of the Southeast Quarter (SE $\frac{1}{4}$) of Section 15, Township 26 South, Range 20 West, Edwards County, Kansas, provided 270 acre-feet of water for irrigating 106 acres or 2.55 acre-feet per acre. The certificate of appropriation has been drafted for the pumping rate rounded up to 820 gallons per minute and a reasonable quantity for the acres irrigated (106 x 1.5 = 159).

Larry M. Sheets
Hydrologist

LMS:jt

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JUN 01 1987

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HAYS003885

FIELD OF
DIVISION OF WATER RESOURCES

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

| <u>Area, Place of use</u> | <u>Max. Allowable Rate</u> | |
|---------------------------|----------------------------|----------|
| up to 10 acres | 450 g.p.m. | 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.

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.

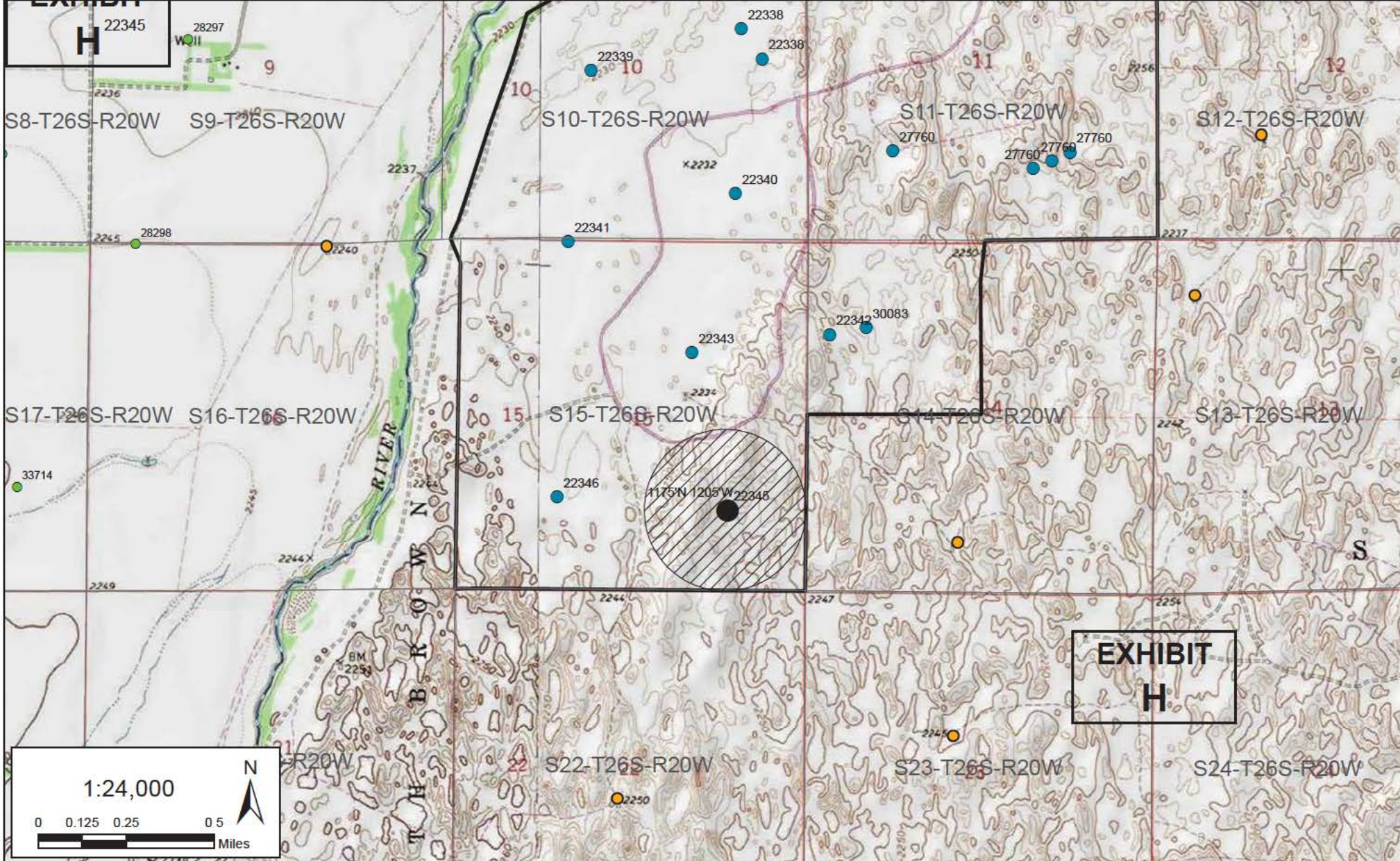
In that area of Kansas located between the Range 20 West/Range 21 West line and the Kansas/Colorado border, the maximum allowable quantity shall not exceed an average of 2.00 acre-feet per acre irrigated.

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.

EXHIBIT

H



Legend

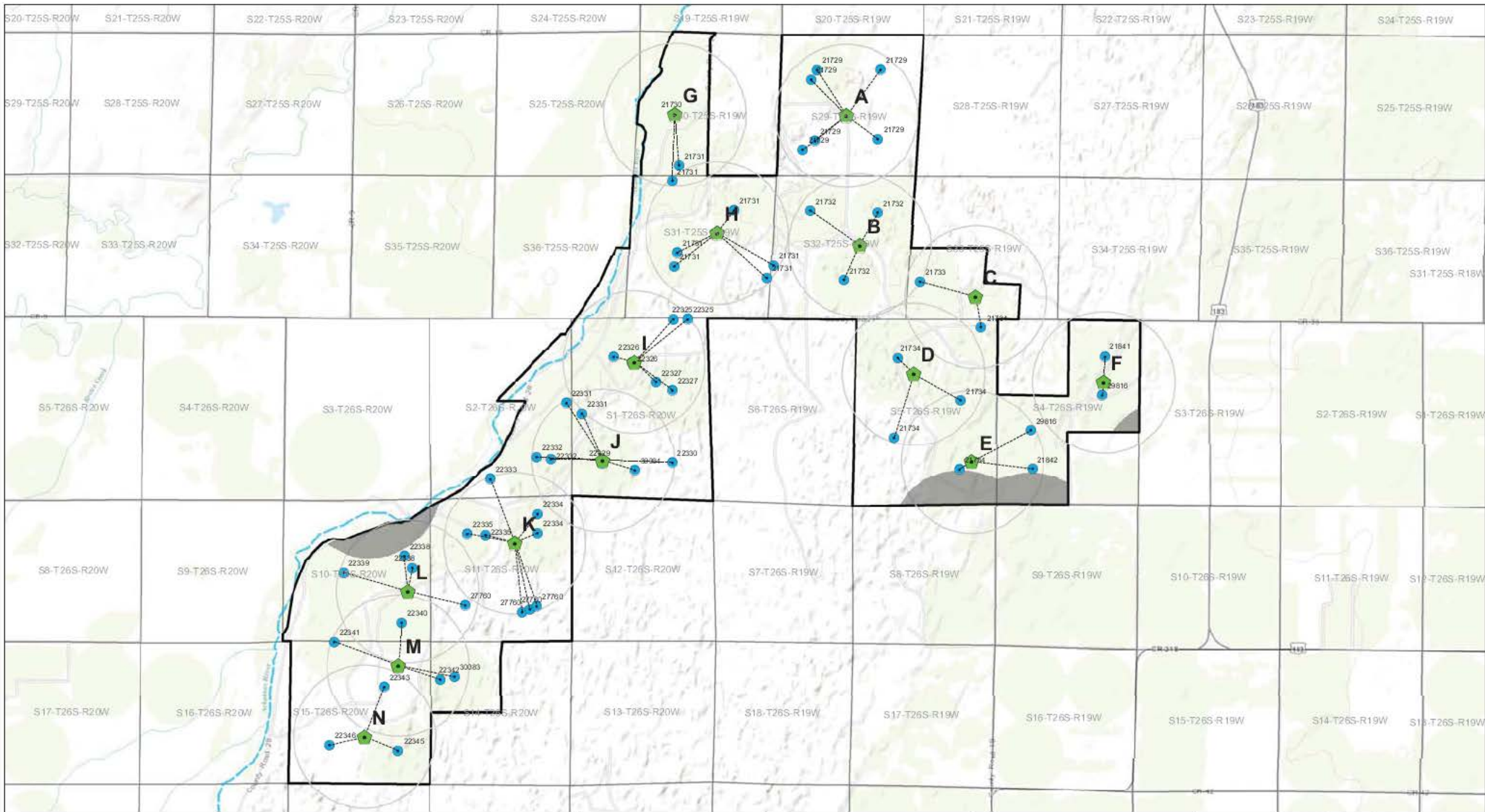
- 22345 Existing Point(s) of Diversion
- 22345 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 22345
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



CHANGE APPLICATION 22345
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION

EXHIBIT

22345



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

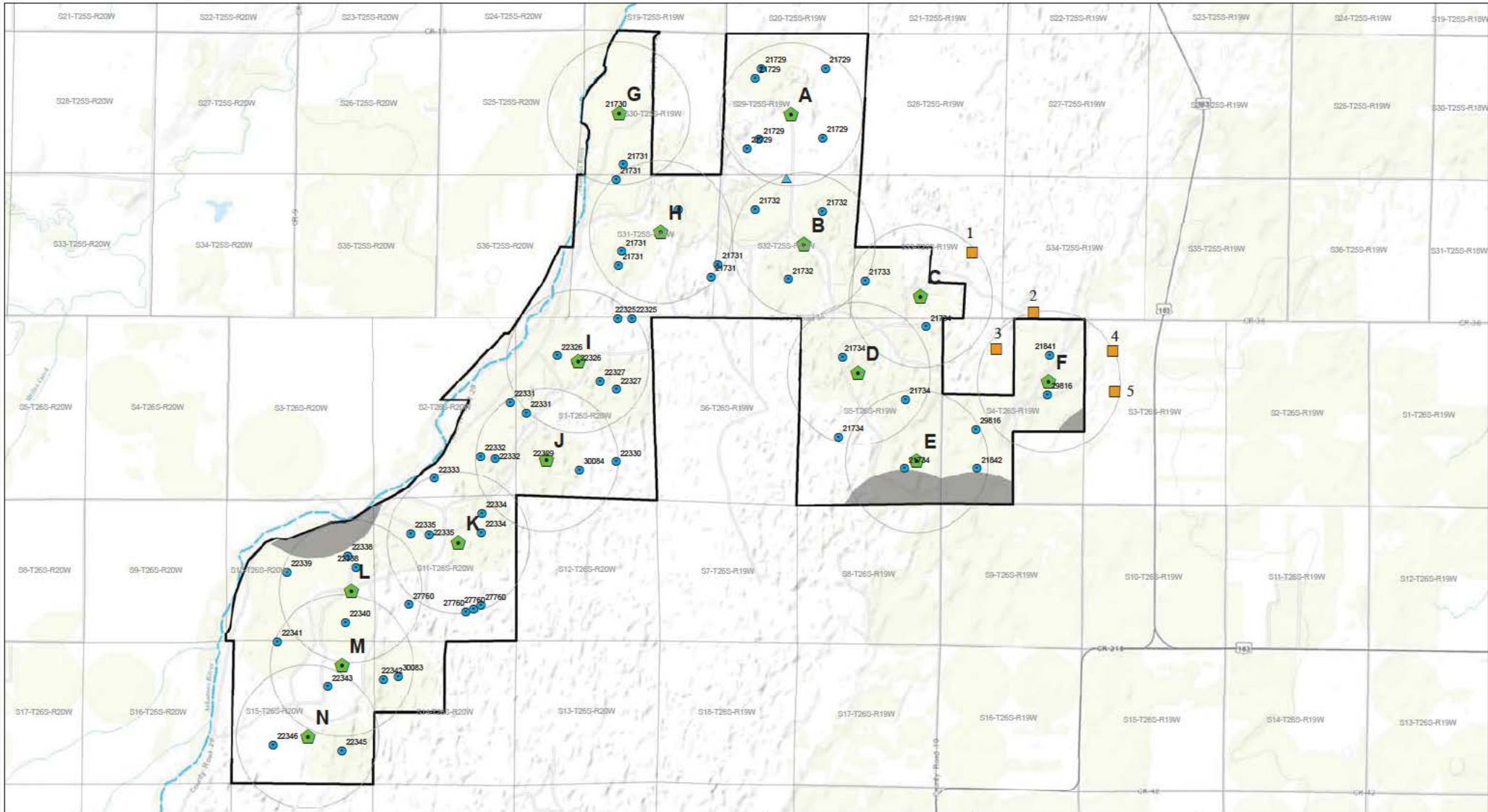
1:40,000



**BURNS
MCDONNELL**

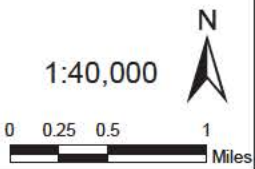
EXHIBIT

I



Legend

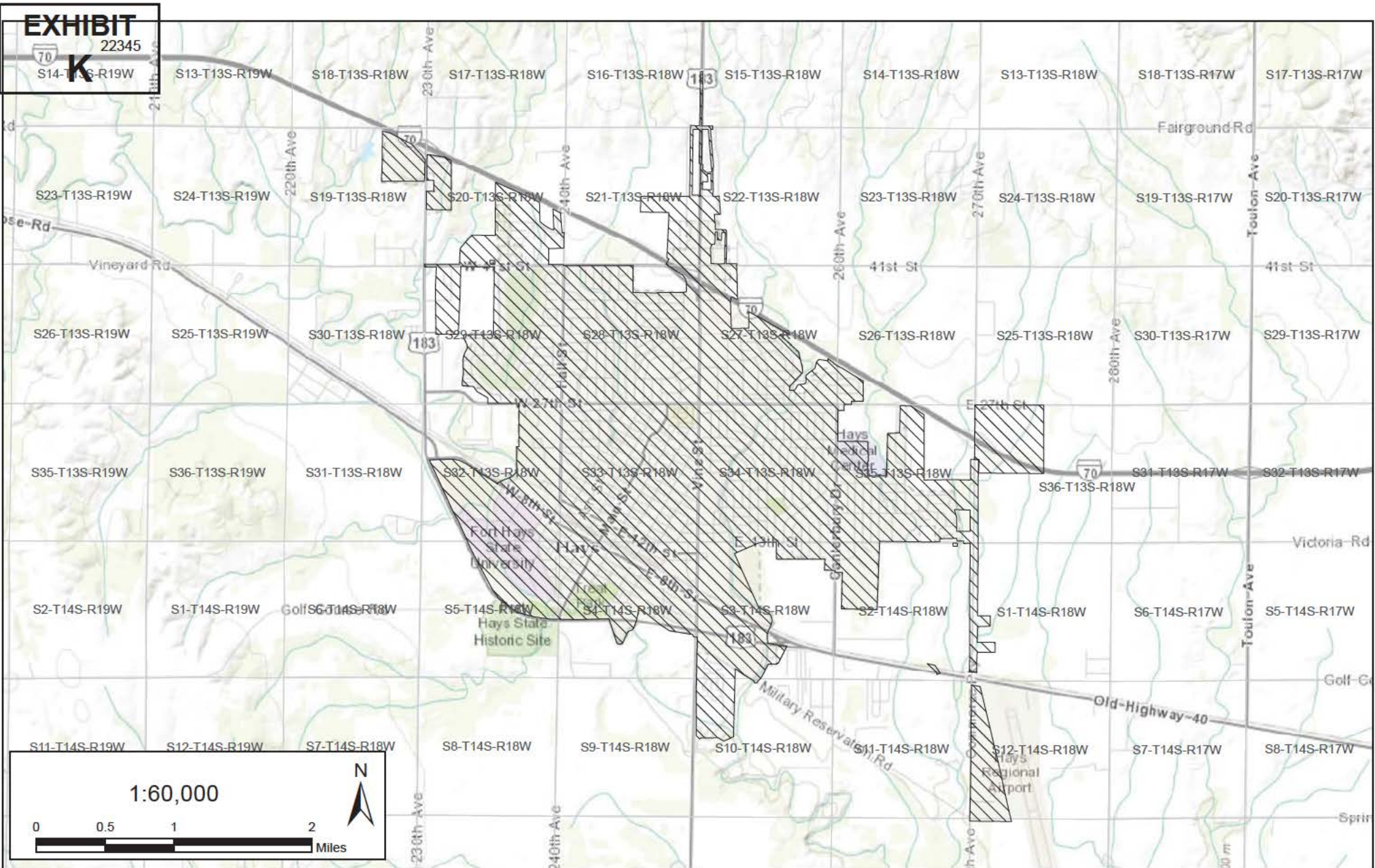
- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)



EXHIBIT

22345

K



Proposed Place of Use City of Hays



PLSS Sections

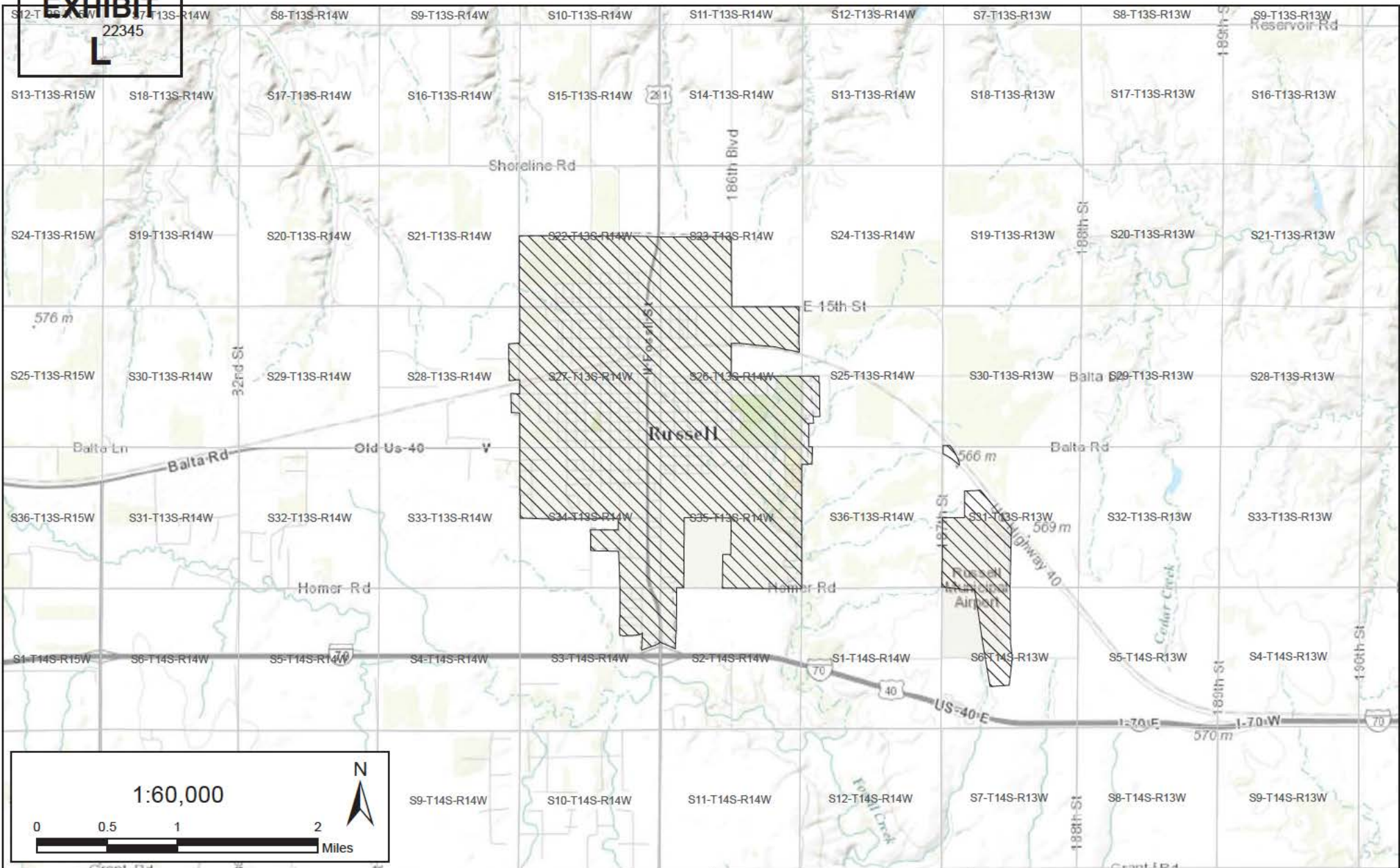


EXHIBIT
K

EXHIBIT

22345

L



Proposed Place of Use - City of Russell



PLSS Sections



EXHIBIT
L

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Below Explanation) |
| 684,559,000 | | | 10,806,000 | 595,254,000 | 16,327,000 | 62,172,000 |
| TOTAL WATER = Columns 1 + 2 | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | | UNACCOUNTED FOR WATER |

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
M**

**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 |

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Below Explanation) |
| 327,288,100 | 0 | 0 | 105,295,000 | 108,743,000 | 19,944,000 | 93,306,100 |
| 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
N**

**SECTION 2: PAST WATER USE
COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

| | Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| | Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Above Explanation) |
| 20 years ago | | | | | | | |
| 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 |

22345
SECTION 3: PROJECTED FUTURE WATER NEEDS

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

| | Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|------------------------------------|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| | Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Explanation on other side) |
| Year 5 | 386,346,512 | 0 | 0 | 177,719,396 | 119,767,419 | 15,453,861 | 73,405,836 |
| Year 10 | 405,513,682 | 0 | 0 | 186,536,377 | 125,709,241 | 16,220,547 | 77,047,517 |
| Year 15 | 426,310,852 | 0 | 0 | 196,102,992 | 132,156,364 | 17,052,434 | 80,999,062 |
| Year 20 | 443,848,022 | 0 | 0 | 204,170,090 | 137,592,887 | 17,753,921 | 84,331,124 |
| TOTAL WATER = Columns 1 + 2 | | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | | UNACCOUNTED FOR WATER |

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
(CENSUS BUREAU INFORMATION)

| LAST 20 YEARS | POPULATION |
|---------------|------------|
| 20 years ago | |
| 15 years ago | 4,710 |
| 10 years ago | 4,696 |
| 5 years ago | 4,506 |
| Last Year | 4,475 |

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

| NEXT 20 YEARS | POPULATION |
|---------------|------------|
| Year 5 | 4,596 |
| Year 10 | 4,605 |
| Year 15 | 4,651 |
| Year 20 | 4,698 |

Provide number of current active service connections:

2,049 Residential 9 Industrial 30 Other (specify) Free Service
 360 Commercial 0 Pasture/ Stockwater/ Feedlot 2448 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 ÷ Population ÷ 365 Days/Year = Gallons per Person per Day

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the Page 25 of 26 request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 22,346 Circle 37.

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. Code | GMD | Meets K.A.R. 5-5-1 (YES/NO) | Use | Source | G/S County | By | Date |
| | | | | | | | |
| | | Fee \$ | TR # | Receipt Date | | Check # | |

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|--------------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 15-T26S-R20W | | | | | | | | | | 33 | 33 | 33 | 33 | | | | | 132 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|---------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | Same as above | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter. | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter. | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the NE Quarter of the SW Quarter of Section 15, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 1,395 feet North 3,740 feet West of Southeast corner of section. Authorized Rate 600 gpm Authorized Quantity 162 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 SW Quarter of the NW Quarter of the SE Quarter of Section 15, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 1,714 feet North 2,450 feet West of Southeast corner of section. Proposed Rate 600 gpm Proposed Quantity 146.09 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,343; 22,345

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E~~/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

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.

[Handwritten Signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 20 15.

[Handwritten Signature: Malinda Morse]

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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.

(Owner)

(Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Proposed Rate and Quantity

The Cities are requesting a total of 146.09 acre-feet and 600 gpm from the well associated with this water right, all of which will be diverted from new point of diversion N, as shown on Exhibit I. When combined with existing wells from other water rights, new point of diversion N will have a cumulative total of 476.87 acre-feet and 2,230 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 116.64 acre-feet to municipal use.¹ 108 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 116.64 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 248 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use⁴ on 132 acres in the SE/4 of Section 15-T26S-R20W.⁵ The certificate further limited the rate to 600 gallons per minute.⁶

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.”⁷

The Field Inspection Reports indicate that 202.90 of the 248 acre-feet authorized by the permit were lawfully perfected.

- 232 acre-feet were applied to 108 approved acres in Section 15-T26S-R20W.⁸
- The permit authorized the perfection of 248 acre-feet per acre on 132 acres or 1.88 acre-feet per acre, but only 108 authorized acres were irrigated during the perfection period, resulting in the perfection of 202.90 acre-feet.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, HAYS003982, Ex. A.

⁵ Application, HAYS003974, Ex. B.

⁶ Certificate, HAYS003989, Ex. C.

⁷ March 19, 1976, letter (emphasis added), HAYS003981, Ex. D.

⁸ FIR, HAYS003965, Ex. E.

⁹ FIRs, HAYS003965, Ex. E.

While the certificate limits the total quantity to 162 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.¹⁰

Since the perfection period has expired, the "authorized quantity" for this water right is the 202.90 acre-feet actually perfected even though it exceeds the certified quantity.

An alternative approach

DWR's use of the NIR of 1.08 feet of water for corn is based on its maximum gross irrigation requirement of 1.5 acre-feet per acre.¹¹ The regulation allows the conversion of 72% of the maximum quantity to a new use; in other words, it assumes that 28% of the quantity diverted returns to the aquifer.

If 28% of the 202.90 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 146.09 acre-feet, should be available for conversion to municipal use. This is less than the 202.90 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 146.09 acre-feet for municipal use.

¹⁰ Certificate, HAYS003989, Ex. C; Doug Bush Memo dated October 1, 1987, HAYS003985, Ex. F; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

¹¹ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. G, 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 October 1, 1987, HAYS003985, Ex. F.

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. 22,346 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 in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) and one well near the center of the Southwest Quarter (SW $\frac{1}{4}$) of Section 15, 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

248 acre-feet

for any calendar year

(OVER)

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MAR 29 1976

HAYS003982

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

22346
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.

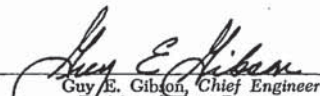
11. That this permit does not constitute authority under K. S. A. 82a-301 to 305 to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or 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

1976




Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture





STATE BOARD OF AGRICULTURE

Roy Freeland, Secretary

DIVISION OF WATER RESOURCES

Guy E. Gibson, Chief Engineer

Rec'd check \$50⁰⁰ 5-2-74
aa

22,346
NUMBER 27

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.)
(Miss) Comes now the applicant Midwest Land and Cattle Co. 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 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 ~~27000000~~ ²⁴⁸ 326 acre feet per year, to be diverted at a maximum rate of 1000 gallons per minute (gallons per minute or cubic feet per second) 2 wells: 1 well near

2. The location of the proposed wells or other works for diversion of water is in the South quarter of the SW quarter of section 15, township Brown 26, range 20W, in Edwards County, Kansas. and 1 well in the SW 1/4 of the NE 1/4 of the SW 1/4 of Section 15-26-20W
~~Location of second well can not be determined until test well is drilled~~

3. The water is intended to be appropriated for:

- | | Amount |
|----------------------|--|
| (a) Domestic use | () _____ |
| (b) Municipal use | () <u>248</u> _____ |
| (c) Irrigation use | (X) <u>326</u> <u>2</u> acre ft./yr. - 1000 gals./min. |
| (d) Industrial use | () _____ |
| (e) Recreational use | () _____ |
| (f) Water Power use | () _____ |

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(check intended use or uses and show intended quantity for each use)



MAR 29 1976

FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD

FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD HAYS003973

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 $\frac{1}{4}$ | |
| 15 26 20 | | | | | | | | | 34 | 34 | 34 | 34 | | | | | 136 |
| | | | | | | | | | 40 | 40 | 40 | 40 | | | | | 160 |
| | | | | | | | | | 33 | 33 | 33 | 33 | | | | | 132 |

*2¹/₂ rate = 760 **

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 $\frac{1}{4}$ | |
| | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |

* Larry Kennedy is authorized by Mr. Lloyd Harrahan to make corrections the application.
M. Stout

HAYS003974

30

7. The works for diversion of water will consist of two wells with two pumps
~~one well with one pump for one circle~~
 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.

MI-539  5-72-10M SEYS

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MAR 26 1976

HAYS003975



22346
R-1358

Appl. 22346
All wells within 1/2 mile of
subject wells belong to applicant.



MICROFILMED

HAYS003976

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, *Secretary*

DIVISION OF WATER RESOURCES
David L. Pope, *Chief Engineer*

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 22,346

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 a well located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 15, more particularly described as being near a point 1,395 feet North and 3,740 feet West of the Southeast corner of said Section, in Township 26 South, Range 20 West, Edwards County, Kansas, at a diversion rate not in excess of 600 gallons per minute (1.34 c.f.s.) and in a quantity not to exceed 162 acre-feet per calendar year for irrigation use on the following described property:

33 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
33 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
33 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
33 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 132 acres in Section 15, Township 26 South, Range 20 West,
Edwards County, Kansas.

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DEPT. OF AGRIC.

DIVISION

MICROFILMED

HAYS003989

E-N 3

March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,346

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:ee1

Encs.

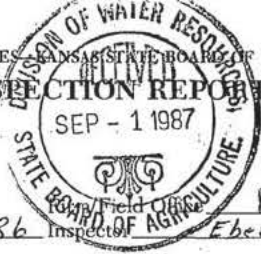
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MAR 29 1976

HAYS003981

EXHIBIT
22346
E



- Partial
- Full
- Re-Test

Test 1 of 2 Diversion points
 Application No. 22346 Date 9/24/86 Inspector Pumping Plant Testing Inc. Ebert/Klassan
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Insurance Co. % Agri Affiliates Inc
 Address Box 1162 North Platte, Nebraska 69103 ATTN. Jerry Weaver
 Additional landowners and addresses identified in remarks section.
 Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation ()
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()
 Groundwater (Drainage Basin Arkansas River
 Surface Water () Stream _____
 Authorized Point of Diversion: Well NC SW 1/4 Sec. 15, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____
 Actual Point of Diversion: Well SW 1/4 NE 1/4 SW 1/4 Sec. 15, T. 26, R. 20
 Approximately 1395 ft. North and 3740 ft. West of SE corner of Sec. 15
 How were distances determined? By scaling off aerial photo
 "Approved" Quantity 248 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)
 Priority Date May 2, 1974 Approval of Application Date March 19, 1976
 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

| S | T | R | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTAL ACRES |
|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|-------------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 15 | 26 | 20 | | | | | | | | | 33 | 33 | 33 | 33 | | | | | 132 |
| | | | | | | | | | | | | | | | | | | | |

LAND IRRIGATED—YEAR OF RECORD 1985 SEE ATTACHED SHEET

| S | T | R | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTAL ACRES |
|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|-------------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 15 | 26 | 20 | | | | | | | | | 34 | 22 | 19 | 32 | .5 | .5 | | | 108 |
| | | | | | | | | | | | | | | | | | | | |

APPLICATION OF WATER: SEE ATTACHED SHEET
 Year of Record 1985 Hours Pumped 2100 or Quantity 232 AF
 Normal Operating G.P.M. 599 Equiv. c.f.s. 1.33
 Maximum Operating G.P.M. _____ Equiv. c.f.s. _____

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time requested: Yes _____ No
 Total No. of Hours on land covered by this application 2100
 Ac. Ft. Applied = $\frac{2100 \text{ hrs.} \times 599 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 232 \text{ AF}$
 Acres of "Approved" Land irrigated 108
 Ac. Ft. on "Approved" Land 232 (1.76 Ac. Ft./Ac.) **MICROFILMED**
 Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 232
 Proration Calculations 108 acres x 1.5 A.F. per acre = 162 A.F.
 Perfected Rate 600 g.p.m. Perfected Quantity 162 AF
 HAYS003965

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Valley Model 4071 Serial No. 13376
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. 2 Rain Bird 85's
 Is end gun operating during test? yes

Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info. This system originally had another tower. At some time in the 1970's (probably around 1978) the end tower blew over and they simply took it off and have never replaced it. Also, at one time there was another well that pumped into this system but it hasn't been used for quite some time either.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 42861-6003-C HP _____
 Serial No. 34729 F-13-HK Fuel Propane Rated RPM _____

PUMP INFORMATION:

Manufacturer Johnston Model No. _____ Rated RPM _____
 Serial No. CF21228 Type Vertical Turbine No. stages _____

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. G 80
 Serial No. 83710 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled 2-7-75 Original Depth 72 ft. Static Water Level When Drilled 10 ft.
 Tape Down Possible? yes 11' Water Level Measurement Tube? no
 Measuring Point 0 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____

Is Meter Installed Properly? _____

Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no

Vacuum Breaker? no Are these anti-pollution devices installed properly? Yes HAYS003966

If chemicals are injected into system, please attach sketch of system.

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).

N
 ↑
 Scale
 1" = _____ ft.

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In vertical pipe at pivot
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2136
 R.P.M. PUMP UNIT 1780
 Pressure at Pump 88 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q (gpm) = VK$

Velocity (fps)

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

MICROFILMED

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS003967

NE-SW-15-26-20W 06

FUEL RECORDS:

22344

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 Propane Supplier Mid-Continent

Rate = $\frac{Volume (test)}{time}$ = _____

How was the test volume determined? Not Determined representative didn't know

TABULATION OF WATER USE:

| Year | Hours Pumped (hr) | Tested Pumping Rate (gpm) | Water Used (AF) | Acres Irrigated |
|-------|---------------------|-----------------------------|-------------------|-------------------|
| 1975 | 840 | 1000 | | 125 |
| 1976 | | | | |
| 1977 | 965 | 1000 | | 130 |
| 1978 | | | | |
| 1979 | 336 | 800 | | 108 |
| 1980 | | | | |
| 1981 | 1080 | | | 103 |
| 1982 | | | | 108 (From Tenant) |
| 1983 | PIK* | | | 108 (From Tenant) |
| 1984 | 1750* | 625* | | 108 (From Tenant) |
| *1985 | 2100* | 599** | 232** | 108 (From Tenant) |
| 1986 | | 599** | | 108 (From Tenant) |

** obtained from test on 9/24/86

* from WUR sent by Jessy Weaver of Agri-Affiliates

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year CORN Year of record wheat

REMARKS: The second well SW, NE, SW Sec 15, 26-20 is no longer being used, and therefore could not be tested.

Person present at test Randy Ardery tenant

Water Use Correspondent Agri-Affiliates Box 1162 North Platte, Nebraska

Conducted by Dreg Ebert Date 9/24/86

Approved by Old J. Ward, P.E. Date 8/14/87 HAYS003968

24908 22346

24890

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

To: Files

Date: October 1, 1987

From: Douglas E. Bush

Re: Appropriation of Water
File No. 22,346

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, Inc., has been reviewed. It meets the requirements specified in the Scope of Work. Based on the 1985 Water Use Report, 2,100 hours of pumping the well in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 15, Township 26 South, Range 20 West, Edwards County, Kansas, provided 232 acre-feet of water for irrigating 108 acres or 2.15 acre-feet per acre. The certificate of appropriation has been drafted using the maximum quantity for irrigating 108 acres at 1.5 acre-feet per acre.

The Field Inspection Report shows that the well located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 15, Township 26 South, Range 20 West, has been abandoned. This well was not tested, of course, and will be deleted from this file if no information is obtained from the owner stating otherwise before the certificate has been issued.

The Field Inspection Report showed the possibility of unapproved land being irrigated. Because of this land being in an area where section corners are hard to locate, making the actual place of use hard to pin point, no further action is being taken.

The Field Inspection Report shows the well possibly to be located in an unapproved location. The actual location of this well is less than 300 feet from where it was approved. The description for this well was changed to better describe this well. The description was changed from near the center of the Southwest Quarter (SW $\frac{1}{4}$) of said Section, to Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section. The latter description better describes a well with coordinates of 1,395 feet North and 3,740 feet West of the Southeast corner of said Section.

*Douglas E. Bush*Douglas E. Bush
Hydrologist

DEB:jt

MICROFILMED

DEC 17 1987

HAYS003985

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

| <u>Area, Place of use</u> | <u>Max. Allowable Rate</u> | |
|---------------------------|----------------------------|----------|
| up to 10 acres | 450 g.p.m. | 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. + | |
| | | <u>1,244</u> (allow 1,245 g.p.m.) | |

A further limiting factor of this procedure is the availability of water from the proposed source of supply. In those instances whereby the source of supply is incapable of yielding a reasonably, sustainable (computed) rate, then the source becomes a further limiting factor.

A further limiting factor is well design and equipment, which shall be reasonable to divert the requested rate.

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.

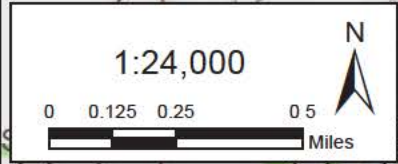
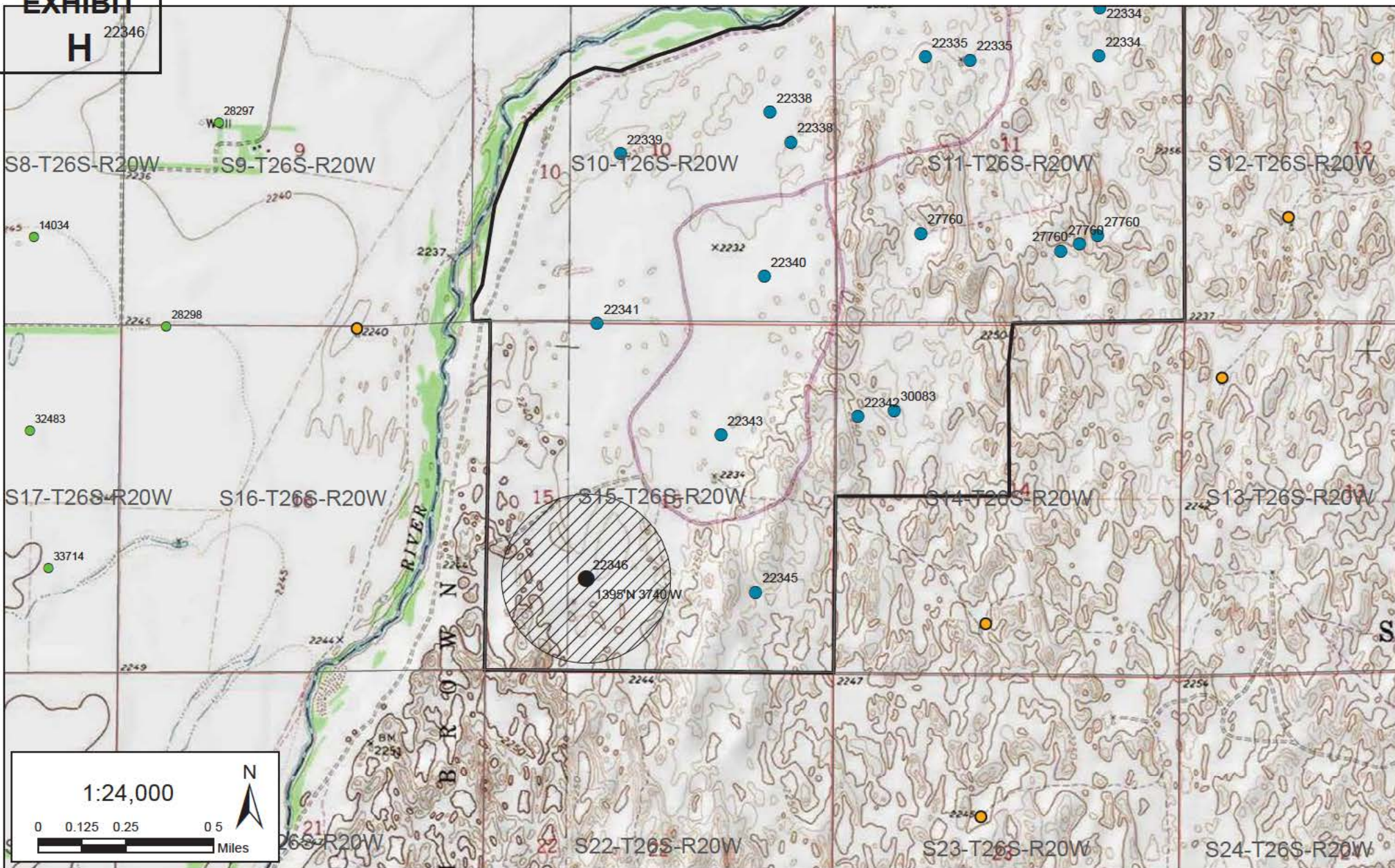
A further limiting factor to maximum allowable quantity is the availability of water from the proposed source of supply. If the source of supply is incapable of yielding a reasonably, sustainable (computed) quantity during the irrigation season in that area of the state, then the source becomes a further 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.

EXHIBIT

H

22346



| Legend | |
|-----------------|--------------------------------------|
| ● | 22346 Existing Point(s) of Diversion |
| ■ (hatched) | 22346 Existing Place of Use |
| ▬ (thick black) | R9 Ranch Property Boundary |
| □ (white) | PLSS Sections |
| | 22346 |
| ● (green) | Irrigation Wells (File No.) |
| ● (red) | Stockwater Wells (File No.) |
| ● (teal) | Domestic Well (Non-Permitted) |
| ● (yellow) | Stock Well (Non-Permitted) |
| ● (blue) | Existing R9 Ranch Irrigation Wells |

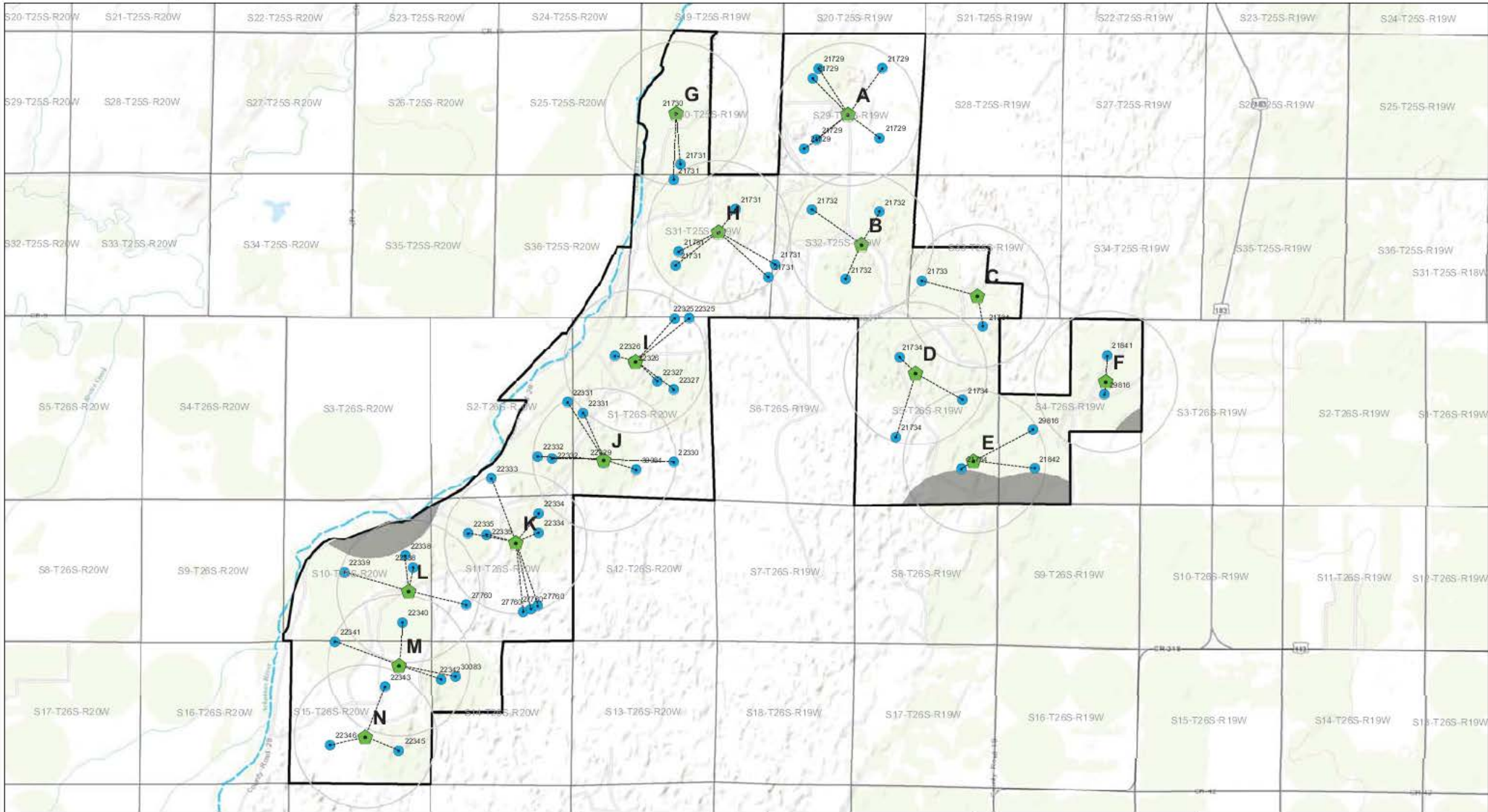


CHANGE APPLICATION 22346
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION

EXHIBIT

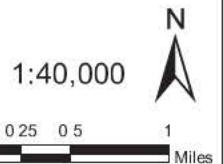
22346

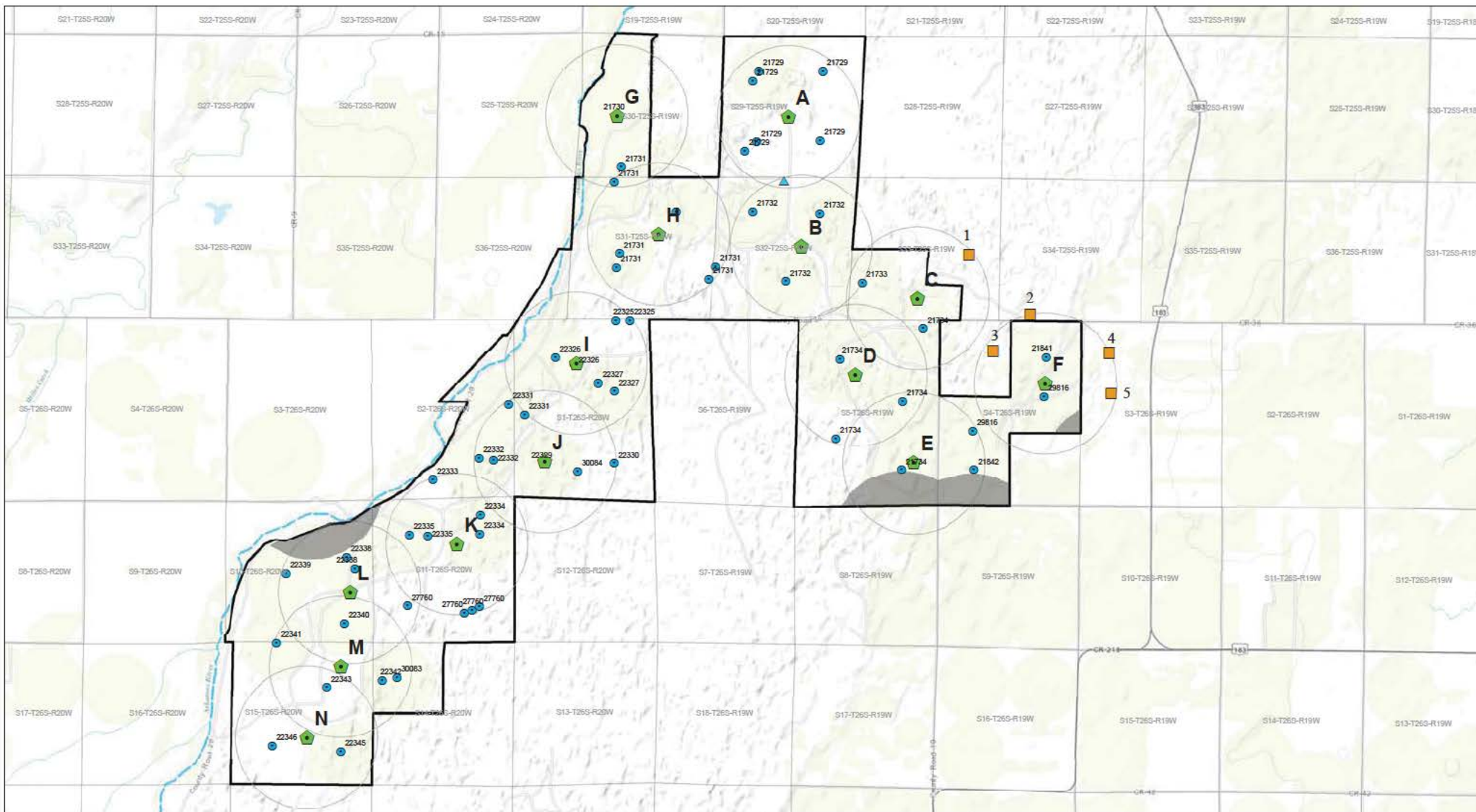
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Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections





Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)

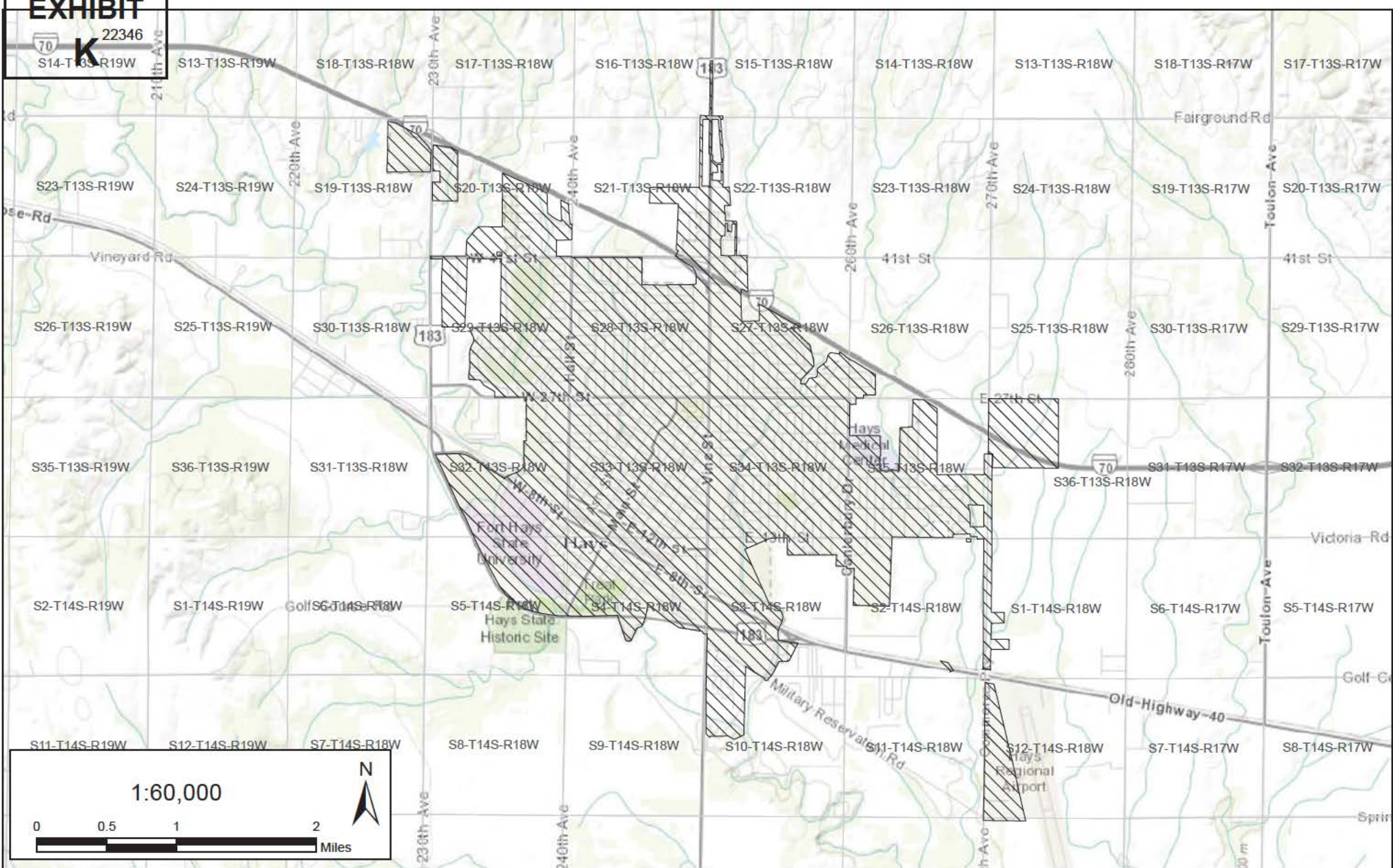
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EXHIBIT

22346

K

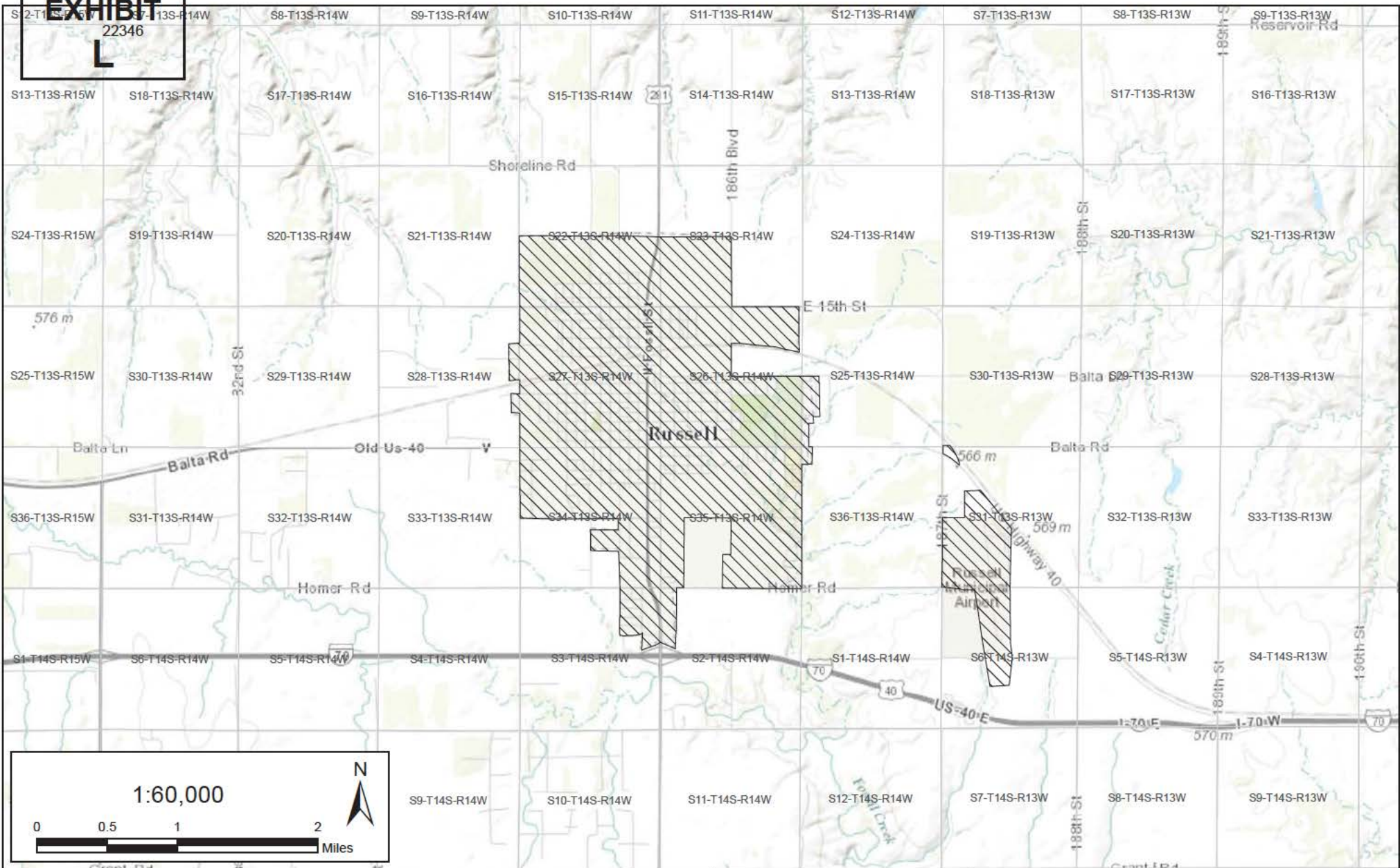


Proposed Place of Use City of Hays



PLSS Sections





Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Below Explanation) |
| 684,559,000 | | | 10,806,000 | 595,254,000 | 16,327,000 | 62,172,000 |
| TOTAL WATER = Columns 1 + 2 | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | | UNACCOUNTED FOR WATER |

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
M**

**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 |

22346
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

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 27,760 Circles 32 and 33.

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. _____ | GMD _____ | Meets K.A.R. 5-5-1 (YES / NO) _____ | Use _____ | Source _____ | G / S County _____ | By _____ | Date _____ |
| Code _____ | Fee \$ _____ | TR # _____ | Receipt Date _____ | Check # _____ | | | |

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|--------------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 11-T26S-R20W | | | | | | | | | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 320 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|---------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | Same as above | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter. | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter. | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 NE Quarter of the SW Quarter of the SW Quarter of Section 11, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 1,298 feet North 4,002 feet West of Southeast corner of section. Authorized Rate 970 gpm Authorized Quantity 233.26 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 SW Quarter of the NE Quarter of the SE Quarter of Section 10, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 1,863 feet North 883 feet West of Southeast corner of section. Proposed Rate 970 gpm Proposed Quantity 142.56 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,338; 22,339

9. **Presently authorized point of diversion:**
 One in the (Battery) NE Quarter of the SW Quarter of the SE Quarter of Section 11, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 1,150 feet North 1,615 feet West of Southeast corner of section. Authorized Rate 800 gpm Authorized Quantity 196.51 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 11, Township 26 South, Range 20 (~~E~~/W), in Edwards County, Kansas, 3,646 feet North 2,143 feet West of Southeast corner of section. Proposed Rate 800 gpm Proposed Quantity 141.49 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,333-35

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

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

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Handwritten Signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

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.

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.

(Owner)

(Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

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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.

Proposed Rate and Quantity

The Cities are requesting a total of 284.05 acre-feet and 1,770 gpm from the well associated with this water right. Of those amounts, 141.49 acre-feet and 970 gpm will be diverted to new point of diversion K, and 142.56 acre-feet and 800 gpm will be diverted from new point of diversion L, as shown on Exhibit L.

When combined with existing wells from other water rights, new point of diversion K will have a cumulative total of 533.2 acre-feet and 3,380 gpm, and new point of diversion L will have a cumulative total of 426.24 acre-feet and 2,430 gpm.

13. If changing the place of use and the use made of water, describe how the consumptive use will not be increased:

This water right is not yet certified.

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 285.12 acre-feet to municipal use.¹ 264 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 285.12 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 July 6, 1977, granting the applicant the right to divert up to 480 acre-feet annually from two wells at a rate not to exceed 2,000 gallons per minute for irrigation use⁴ on 320 acres in the S/2 of Section 11-T26S-R20W.⁵

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

However, there was always a third well that was evidently left off the original application. An application to change the point of diversion to add the third well was filed on March 14, 1986, but it “languished somewhat” in DWR’s office.⁷ The change application was

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, HAYS004110, Ex. A.

⁵ Application, HAYS004104, Ex. B.

⁶ July 6, 1977, letter (emphasis added), HAYS004113, Ex. C.

⁷ July 11, 1994 Memo, HAYS004121, Ex. D.

eventually granted on July 21, 1994.⁸ It approved a “battery of two wells” in the SE/4 of Section 11, limiting the combined rate to 800 gpm.

The Field Inspection Reports indicate that 396.00 of the 480 acre-feet authorized by the permit were lawfully perfected.

- The rate at the center pivot in the SW/4 with all three wells pumping is 970 gpm.⁹ That center pivot system was operated for 1,306 hours in 1995,¹⁰ the year of record¹¹ resulting in the application of 233.26 acre-feet.
- The rate at the center pivot in the SE/4 with all three wells pumping is 978 gpm,¹² but is limited to 800 gpm. That center pivot system was operated for 1,334 hours in 1995,¹³ the year of record,¹⁴ resulting in the application of 196.51 acre-feet.
- The permit authorized the perfection of 480 acre-feet on 320 acres, or 1.5 acre-feet per acre, but only 264 authorized acres were irrigated during the perfection period, resulting in perfection of 394.51 acre-feet.

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.¹⁵ 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 394.51 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 284.05 acre-feet, should be available for conversion to municipal use; 141.49 acre-feet for the battery of wells in the southeast quarter of section 11, and 142.56 acre-feet for the single well in the southwest quarter of the same section. This is less than the 396.00 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 284.05 acre-feet for municipal use.

⁸ Approval of Application, HAYS004124, Ex. E

⁹ FIR, HAYS004077, Ex. F.

¹⁰ July 22, 1994 letter extending the perfection period to December 31, 1995, HAYS004125, Ex. G

¹¹ 1995 WUR, HAYS004057, Ex. H.

¹² FIR, HAYS004087, Ex. I.

¹³ 1995 WUR, HAYS004057, Ex. H.

¹⁴ July 22, 1994 letter extending the perfection period to December 31, 1995, HAYS004125, Ex. G.

¹⁵ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. J, 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.

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
W. W. Duitsman, *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. 27,760 of the applicant

Kinsley Farms
Route 1, Box 82-E
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 November 15, 1976.
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 groundwater 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 (SW $\frac{1}{4}$) and one well near the center of the Southeast Quarter (SE $\frac{1}{4}$) of Section 11, Township 26 South, Range 20 West, in Edwards County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of 2000 gallons per minute (4.46 c.f.s.)

and to a quantity of not to exceed

480 acre-feet

for any calendar year.

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(OVER)
JUL 16 1977

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

MICROFILMED

HAYS004110

32 SW
33 SE

5. That installation of works for diversion of water shall be completed on or before December 31, 19 78. 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 82.

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 6th day of July 1977

Guy E. Gibson

Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture



2

THE STATE OF KANSAS



GWMD #5

STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES

W. W. DUITSMAN
Secretary

Guy E. Gibson, Chief Engineer

Recd. 5000 Ch
11-15-76 Sph

NUMBER 27,760

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of \$50.00 Must Accompany the Application)

THIS APPLICATION TAKES THE PLACE OF THE ORIGINAL APPLICATION AND RETAINS THE ORIGINAL PRIORITY DATE OF NOVEMBER 15, 1976, 11:51 A.M.

To the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture:

(Mr.)
(Mrs.)

Comes now the applicant (~~Miss~~) KINSLEY FARMS whose post office address is RT 1 Box 82E, KINSLEY, KANSAS

and makes application to the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture, for a permit to appropriate for beneficial use such unappropriated GROUND WATER as may be available in ARKANSAS R. DRAINAGE BASIN in the county of EDWARDS 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 480 per calendar year, to be diverted at a maximum rate of 2000

2. The location of the proposed wells or other works for diversion of water is

(A) One in the X quarter of the X quarter of the SE quarter of Section 11, Township 26 South, Range 20 West, EDWARDS County, Kansas. * NEAR THE CENTER OF

(B) One in the X quarter of the X quarter of the SW quarter of Section 11, Township 26 South, Range 20 West, EDWARDS County, Kansas. NEAR THE CENTER OF

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, Township _____ South, Range _____ West, _____ County, Kansas.



MICROFILMED

HAYS004103

3. The water is intended to be appropriated for:

| | |
|---|--|
| (a) Domestic use () _____ Amount
(b) Municipal use () _____
(c) Irrigation use (<input checked="" type="checkbox"/>) <u>480 Aft</u>
(check intended use or uses and show intended amount for each use) | (d) Industrial use () _____ Amount
(e) Recreational use () _____
(f) Water Power use () _____ |
|---|--|

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the area to be served. The area to be served is _____

(if additional space is needed, use attached sheet)

5. If for industrial use, attach tables or curves showing past, present and estimated future water requirements. The legal description of the location where water is to be used is _____

(if additional space is needed, use attached sheet)

6. If for irrigation use, (a) supply the name and address of each landowner; (b) supply the legal description of the lands to be irrigated; (c) designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record—NAME: PAUL MANN
 ADDRESS: 453 SO. WEBB RD. WICHITA, KANSAS 67207

| 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 $\frac{1}{4}$ | |
| <u>11 26 20W</u> | | | | | | | | | <u>40</u> | <u>40</u> | <u>40</u> | <u>40</u> | <u>40</u> | <u>40</u> | <u>40</u> | <u>40</u> | <u>520</u> |
| | | | | | | | | | | | | | | | | | |

Landowner of Record—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 $\frac{1}{4}$ | |
| | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |

Landowner of Record—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 $\frac{1}{4}$ | |
| | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |

HAYS004104

7. The works for diversion of water will consist of WELLS, PUMPS, MOTORS, & CENTER PIVOT SPRINKLER SYSTEM

(Number of wells, pumps or dams, etc.)

and (was) (will be) completed (by) JULY 1976 (BOTH WELLS)
(Date each was or will be completed)

8. The first actual application of water for the beneficial use proposed was or is estimated to be JULY 1976
(Date)

9. This application shall 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 shall 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 any application and describe any vested right which covers the same diversion points or the same land described in this application:

NONE

11. Furnish following well information when proposed appropriation is for use of groundwater. If well has not been completed give information obtained from test holes, if available.

Information below is from: Test holes () Well as completed (X)

| Well location as shown in paragraph No. 2 | (A) | (B) | (C) |
|---|------------------|------------------|-----|
| Date drilled | <u>JULY 1976</u> | <u>JULY 1976</u> | |
| Total depth of well | <u>90</u> | <u>90</u> | |
| Depth to water bearing formation | <u>18</u> | <u>18</u> | |
| Depth to static water level | <u>18</u> | <u>18</u> | |
| Depth to bottom of intake pipe | <u>75</u> | <u>75</u> | |
| Type of fuel | <u>L.P. GAS</u> | <u>L.P. GAS</u> | |

12. The relation of the subscriber to this application is that of TENANT
(owner, tenant, agent or otherwise)
and he is authorized to make this application in behalf of the interest affected.

Dated at STAFFORD, Kansas, this 27 day of OCTOBER, 1976.

ASSISTED BY BRUCE W. FRISBIE KINSLEY FARMS

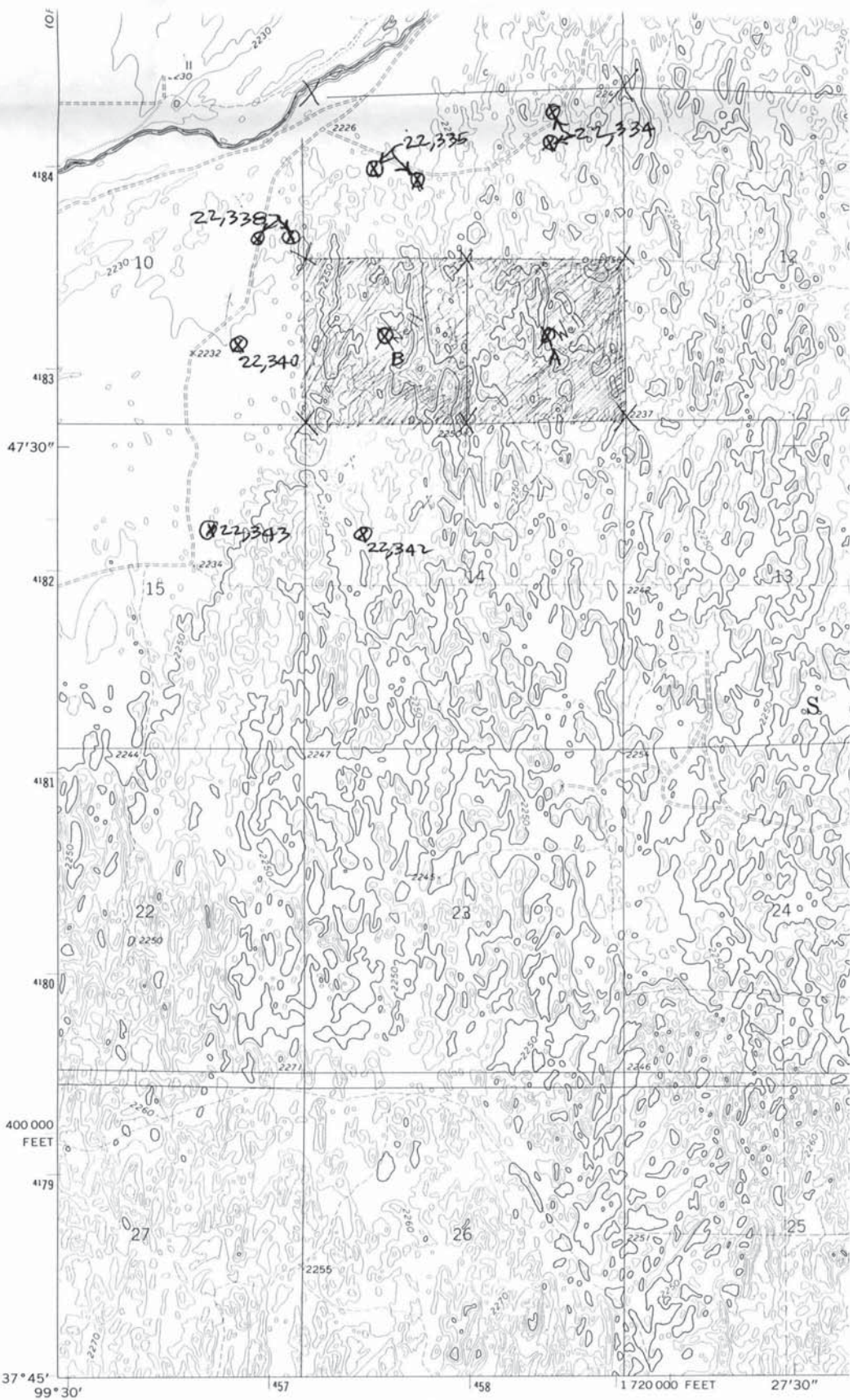
(By) Johnny Carson
(Agent or Officer)

By _____
(Agent or Officer)

PHONE: 316-659-3631
MI. 539

Rev. 4-76

HAYS004105



BUCKLIN NEJ
6059 II NE

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1971. Field checked 1972

Projection and 10,000-foot grid ticks: Kansas coordinate system, south zone (Lambert conformal conic) 1000-meter Universal Transverse Mercator grid ticks, zone 14, shown in blue. 1927 North American datum

Fine red dashed lines indicate selected fence and field lines where generally visible on aerial photographs. This information is unchecked

MICROFILMED



UTM GRID AND 1972 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

HAYS004106

2
FIN

July 6, 1977

Kinsley Farms
Route 1, Box 82-E
Kinsley, Kansas 67547

Re: Appropriation of Water
Application No. 27,760

Gentlemen:

Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,

Riley M. Dixon

Riley M. Dixon
Hydrologist

RECEIVED

JUL 16 1977

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

HAYS004113

MICROFILMED

RMD:HTW:eel

Encs.

cc: Mr. Paul Mann
Groundwater Management District No. 5

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

MEMORANDUM

To: Files

Date: July 11, 1994

From: W. R. Eubank
Environmental Scientist

Re: Appropriation of Water
File No. 27,760

An application to change the point of diversion for the above referenced file number was received on March 14, 1986. The appropriation right at that time was owned by The Connecticut General Life Insurance Co. with Agri-Affiliates Inc. of North Platte, Nebraska, as farm managers.

The application has languished somewhat in this office, mainly because of the difficulty of doing what the application requests. Appropriation of Water, File No. 27,760, in the past, has authorized two (2) wells, one NC SE $\frac{1}{4}$ and the other NC SW $\frac{1}{4}$, both in 11-26-20W, Edwards County. The authorized place of use is, and will remain, the S1/2 of that same Section 11. The application was filed to include an additional third well (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, which had been in place for as long a period as the other two wells. For some reason, this third well was never authorized by File No. 27,760, or any other water right. The present change application was filed because the area was over-appropriated in the mid-80's so an attempt was made to add the third well to the previously authorized two wells under this file number.

During the year 1989, a verbal approval was given to redrill the well in the SW $\frac{1}{4}$ of Section 11, by John Munson, then supervisor of the New Applications and Changes Unit and the application was modified to reflect the feet distances of the redrilled well. According to Greg Ebert, present farm manager on the property, this well in the SW $\frac{1}{4}$ is the lesser of the three wells and even the redrill did little to improve yield on this quarter. The third (unauthorized) well is actually the better of the three wells and is piped to the center of both quarters to supplement the authorized wells in order to operate the two center pivot systems utilized to irrigate the property. Loss of the third well would drastically reduce crop production for the entire S $\frac{1}{2}$ of the section. The right has been consistently in use since 1988, although during the early 1980's, some years of non-reporting or non-use can be noted.

After discussions with David Pope, Chief Engineer, Guy Ellis, Water Rights Section Head, Connie Owen, DWR legal counsel, and myself, with notifications to Bruce Falk, Stafford, Kansas Water Commissioner, and Sharon Falk, Groundwater Management District No. 5 manager, it was decided that with the change in the DWR Rules & Regulations, effective May 31, 1994, this application would be construed to request that the two wells in the Southeast Quarter (SE $\frac{1}{4}$) of Section 11, be classified as a battery of two (2) wells, instead of an additional well under the existing water right. After approval of the change the certification of the right would have to be based on a later year of record, which means an extension of time to perfect would have to be granted.

HAYS004121

File No. 27,760
Memorandum
page 2

An approval document has been prepared for File No. 27,760 to authorize one well NC SW $\frac{1}{4}$ and a battery of two (2) wells with geo-center located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 11, Township 26 South, Range 20 West, Edwards County, Kansas. The two wells under the battery are each 300 feet distant from the geo-center, and so barely make the definition to be classified as a battery. According to the definition, the maximum diversion rate is to be 800 gallons per minute (1.78 c.f.s.) and this limitation has been included in the approval document.

A recommendation for approval was received from Groundwater Management District No. 5 on July 5, 1994. The Stafford Field Office has no objection.

At this time I recommend the approval be issued with the standard check valve paragraph, along with meter requirements for all three wells. A GMD #5 meter requirement is already in effect for these wells, but this approval document will establish the DWR meter requirement, also.

W. R. Eubank

W. R. Eubank
Environmental Scientist

WRE:wre

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HAYS004122



THE STATE

OF KANSAS

STATE BOARD OF AGRICULTURE

Phillip A. Fishburn, Acting Secretary

DIVISION OF WATER RESOURCES

David L. Pope, Chief Engineer

APPROVAL OF APPLICATION

FOR

CHANGE IN POINT OF DIVERSION

APPROPRIATION OF WATER

FILE NO. 27,760

The Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, after due consideration of the written application of the former owner, Connecticut General Life Insurance Company, presently owned by R-9 Ranch-A Kansas Partnership, in care of Jerry Bryant-Partner, 518 Gum Street, Yuma, Colorado 80759, received in this office on March 14, 1986, for approval of a change in the location of the point of diversion under the Approval of Application, File No. 27,760, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the points of diversion shall be:

one (1) well located near the center of the Southeast Quarter (SE¼) of Section 11, more particularly described as being near a point 1,320 feet North and 3,985 feet West of the Southeast corner of said section, and,

X

a battery of two (2) wells with a geographic center located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE¼ SW¼ SE¼) of Section 11, more particularly described as being near a point 1,150 feet North and 1,615 feet West of the Southeast corner of said section,

} X

both in Township 26 South, Range 20 West, Edwards County,

located substantially as shown on the topographic map accompanying the application to change the point of diversion.

That the two wells described as a battery of two (2) wells shall be limited to a rate of diversion of 800 gallons per minute (1.78 c.f.s.) when operating simultaneously.

Installation of the works for diversion of water shall be completed on or before December 31, 1994, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources,

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HAYS004123

NOV 08 1994

FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD MICROFILMED

Kansas State Board of Agriculture, when construction of the works for diversion has been completed.

All diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The landowner shall properly install acceptable water meters, on the diversion works authorized under this appropriation of water, prior to the use made of water, in strict accordance with the specifications adopted by the Chief Engineer on February 27, 1985. The landowner shall notify the Chief Engineer when installation of the water meters has been completed. The landowner shall maintain the water meters in an operating condition satisfactory to the Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The landowner shall also report the reading of said water meters and the total quantity of water diverted annually to the Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Approval of Application, File No. 27,760, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated July 6, 1977.

Dated at Topeka, Kansas, this 21st day of July, 1994.

Guy Ellis

Guy Ellis
Water Rights Section Head
Division of Water Resources
Kansas State Board of Agriculture

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FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

HAYS004124

WATER METER REQUIRED

MICROFILMED

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

MEMORANDUM

To: Files

Date: July 27, 1994

From: W. R. Eubank
 Environmental Scientist

Re: Appropriation of Water
 File No. 27,760

An Approval of Application for Change in Point of Diversion for the above referenced file was issued by this office on July 21, 1994. Unfortunately, an error occurred on the worksheet that went to the typist for the typed approval document. The error went unnoticed until a copy of the signed document went to GMD No. 5, where it was discovered.

A point of diversion described as being:

one (1) well located near the center of the Southeast Quarter (SE1/4) of Section 11, more particularly described as being near a point 1,320 feet North and 3,985 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas,

should have been described as being:

one (1) well located near the center of the Southwest Quarter (SW1/4) of Section 11, more particularly described as being near a point 1,320 feet North and 3,985 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas.

A correctional order has been prepared to make this correction.

W. R. Eubank

W. R. Eubank
 Environmental Scientist

WRE:wre

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HAYS004126

THE STATE



OF KANSAS

DUPLICATE COPY

STATE BOARD OF AGRICULTURE
Phillip A. Fishburn, *Acting Secretary*

DIVISION OF WATER RESOURCES
David L. Pope, *Chief Engineer*

CORRECTIONAL ORDER

Appropriation of Water
File No. 27,760

It has been determined that an error occurred on the Approval of Application for Change in Point of Diversion for Appropriation of Water, File No. 27,760, dated July 21, 1994, wherein the point of diversion described as being:

one (1) well located near the center of the Southeast Quarter (SE1/4) of Section 11, more particularly described as being near a point 1,320 feet North and 3,985 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas,

should have been described as being:

one (1) well located near the center of the Southwest Quarter (SW1/4) of Section 11, more particularly described as being near a point 1,320 feet North and 3,985 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas.

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, that such is an error in the Approval of Application for Change in Point of Diversion for Appropriation of Water, File No. 27,760, dated July 21, 1994. The same should be and is hereby corrected now, as of then, to show the correct well location to be:

one (1) well located near the center of the Southwest Quarter (SW1/4) of Section 11, more particularly described as being near a point 1,320 feet North and 3,985 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas. } x

In all other respects, Appropriation of Water, File No. 27,760 for permit to appropriate water for beneficial use is as approved on July 6, 1977 and as modified by the aforementioned order.

Dated at Topeka, Kansas, this 5th day of August, 1994.

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Guy Ellis
Guy Ellis

NOV 08 1994

Water Rights Section HAYS004128
Division of Water Resources
Kansas State Board of Agriculture

FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 1 of 2 Diversion points
 Application No. 27760 Date 10/10/86 Firm/Field Office Pumping Plant Testing, Inc
 Inspector Ebert/Klassen

Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Insurance % Agri. Affiliates

Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater Drainage Basin Arkansas River

Surface Water () Stream _____

Authorized Point of Diversion: 1 well NC SW 1/4 Sec. 11, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: 1 well NC SW 1/4 Sec. 11, T. 26, R. 20
 Approximately 1340 ft. North and 3975 ft. West of SE corner of Sec. 11

How were distances determined? By measuring off small scale AISC aerial photo

"Approved" Quantity 480 AF "Approved" Diversion Rate 2000 g.p.m. (4.46 c.f.s.)

Priority Date Nov. 15, 1976 Approval of Application Date July 6, 1977

Perfection Date Dec. 31, 1982

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 | | |
| 11 | 26 | 20 | | | | | | | | | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 320 |
| | | | | | | | | | | | | | | | | | | | | |

LAND IRRIGATED—YEAR OF RECORD 1985 - SEE ATTACHED SHEET

| S | T | R | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTAL ACRES | |
|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|-------------|-----|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| 11 | 26 | 20 | | | | | | | | | | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 264 |
| | | | | | | | | | | | | | | | | | | | | |

APPLICATION OF WATER:
 Year of Record 1985 Hours Pumped 2100 or Quantity 244 AF
 Normal conditions Flow from well NC SW 1/4
 Normal Operating G.P.M. 634 Equiv. c.f.s. 6.91 : SEE REMARKS
 Maximum Operating G.P.M. Individual well pumping 667 Equiv. c.f.s. 1.49

FOR D.W.R. USE ONLY

Year of Record _____ Extension of time requested: Yes _____ No _____
 Total No. of Hours on land covered by this application _____
 Ac. Ft. Applied = _____ hrs. × _____ g.p.m. × $\frac{4.419}{24 \times 1000}$ = _____ AF
 Acres of "Approved" Land irrigated _____
 Ac. Ft. on "Approved" Land _____ (_____ Ac. Ft./Ac.)
 Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less _____

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Proration Calculations _____
 Perfected Rate _____ g.p.m. Perfected Quantity _____ AF

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer Valley Model 4071 Serial No. 41286
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. 2 Rain Bird 853
 Is end gun operating during test? yes
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
 Unusual Conditions/Other Info. _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____
 Serial No. 24831 F-13-HK Fuel Propane Rated RPM _____

PUMP INFORMATION:

Manufacturer Goulds Model No. 12 SMC Rated RPM _____
 Serial No. K 3863 Type Vertical Turbine No. stages 3

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. G 60
 Serial No. G06840090P Drive Right Angle Ratio 4:3

WELL INFORMATION:

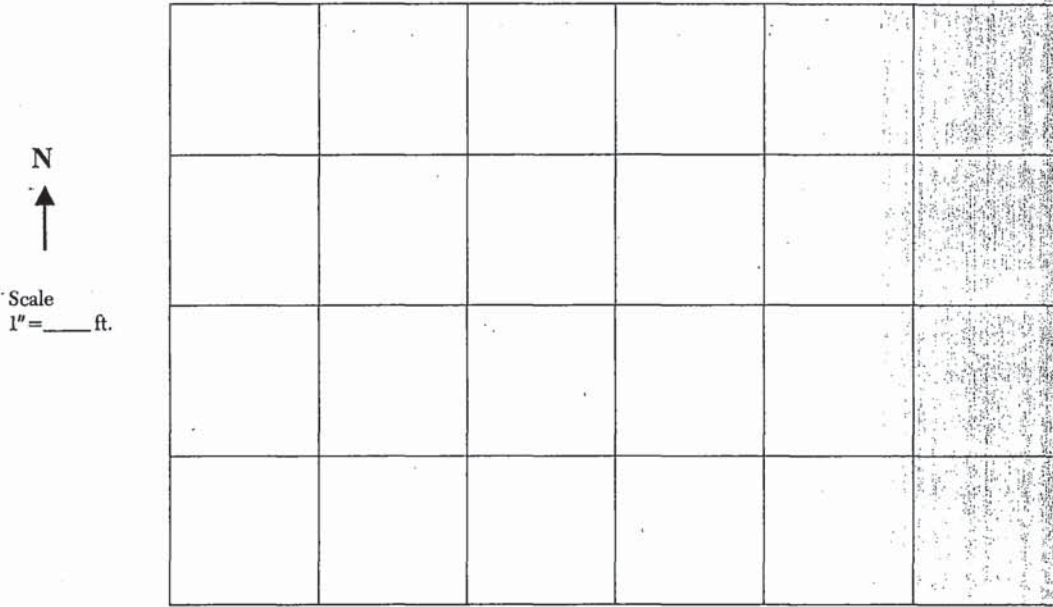
Date Drilled July 6, 1976 Original Depth 95 ft. Static Water Level When Drilled 18 ft.
 Tape Down Possible? yes 12' Water Level Measurement Tube? no
 Measuring Point 1 ft. above ~~or below~~ L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____
 Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no
 Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes HAYS004071

If chemicals are injected into system, please attach sketch of system.

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In vertical pipe inside pivot stand - SW pivot
 Pipe Diameter (I.D.) 7 3/4 inches

| | | | |
|------------------------------|------------------------|---|-----------------------------|
| Test No. 1—Normal Conditions | <u>3 wells pumping</u> | Test No. 2— Maximum Conditions | <u>other</u> |
| | <u>middle well</u> | | <u>Well in SW 1/4 alone</u> |
| R.P.M. POWER UNIT | <u>1999</u> | R.P.M. POWER UNIT | <u>1747</u> |
| R.P.M. PUMP UNIT | <u>1499</u> | R.P.M. PUMP UNIT | <u>1310</u> |
| Pressure at Pump | <u>48</u> psi | Pressure at Pump | <u>25</u> psi |

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

| Velocity (fps) | Velocity (fps) |
|----------------|----------------|
| 1. _____ | 1. _____ |
| 2. _____ | 2. _____ |
| 3. _____ | 3. _____ |
| 4. _____ | 4. _____ |
| 5. _____ | 5. _____ |
| 6. _____ | 6. _____ |
| 7. _____ | 7. _____ |
| 8. _____ | 8. _____ |
| 9. _____ | 9. _____ |
| 10. _____ | 10. _____ |
| Total _____ | Total _____ |
| Avg. _____ | Avg. _____ |
| G.P.M. _____ | G.P.M. _____ |

Propeller Meter Test Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

| | |
|-----------------------|-----------------------|
| Ending _____ gal. | Ending _____ gal. |
| Beginning _____ gal. | Beginning _____ gal. |
| Difference _____ gal. | Difference _____ gal. |
| Time _____ min. | Time _____ min. |
| Rate _____ gpm | Rate _____ gpm |

Other Flow Meter Use Supplemental Sheet (include meter identification, data and calculations).

HAYS004072

FUEL RECORDS:

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type Propane Supplier Mid-Continent

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not Determined representative didn't know

TABULATION OF WATER USE:

| Year | Hours Pumped (hr) | Tested Pumping Rate (gpm) | Water Used (AF) | Acres Irrigated |
|--------|--|-----------------------------|-------------------|------------------|
| 1977 | 979 | 800 | | 260 |
| 1978 | | | | |
| 1979 | 336 | 800 | | 127 |
| 1980 | | | | |
| 1981 | | | | |
| 1982 | | | | |
| 1983 | unused due to redevelopment ^F | | | |
| 1984 | 2000 ^F | 900 ^F | | 132 ^F |
| * 1985 | 2100 ^F | 667 [*] | | 132 ^F |
| 1986 | | 667 [*] | | |

^F obtained from WUR sent to us from Jerry Weaver
^{*} obtained from test on 10/10/86

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year Corn Year of record Corn

REMARKS: Under normal conditions the wells NC SE¹/₄ and NC SW¹/₄ pump into pivots on each of the quarters. A third well that has been applied for, but not yet approved (located in the NE¹/₄, SW¹/₄, SE¹/₄), pumps into both pivots.

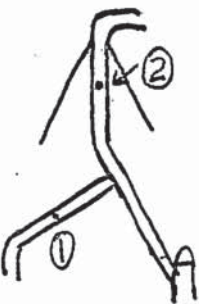
Person present at test Randy Ardery tenant
(name) (relationship)
 Water Use Correspondent Agri Affiliates Box 1162 North Platte, NE 69103 (308) 534-9240
(name) (address) (phone number)
 Conducted by Greg Ebert Date 10/13/86
(signature)
 Approved by M.J. West, P.E. Date 12/21/86 HAYS004073
(signature) (title)

APPLICATION NO: 27760

NAME: Connecticut General Life Ins.

Test Procedure:

The middle well (unapproved) has its flow divided between the two pivots. The water from the well NC of the SE $\frac{1}{4}$ pumps only into the pivot on the SE $\frac{1}{4}$. The water from the well NC of the SW $\frac{1}{4}$ is pumped only into the pivot on the SW $\frac{1}{4}$.



At each pivot, we plumbed in with two meters (see right). ① was the flowrate from the middle well before it tied into the flowrate from the approved well. The max. flowrate for the well NC of the SW $\frac{1}{4}$ was taken with meter ② and all other wells shut off. Check valves prevented flow back through the lines (past ①). The normal pumping rate of the well NC SW $\frac{1}{4}$ was found by subtracting the flow through ① from the flow through ② when the middle well was assisting the well NC SW $\frac{1}{4}$. The normal flowrate (when both pivots were running and all 3 wells were pumping) from the middle well was found by adding the flowrate through location ① at the SW pivot to the flowrate through location ① at the SE pivot. We also tried to get a max. flowrate from the middle well by turning the other two wells off and pumping it all through the SE pivot, but the two rates were almost identical. The normal flowrate from the well NC SE $\frac{1}{4}$ was found the same way as the normal flowrate for the well NC SW $\frac{1}{4}$ (subtract ① from ② when all 3 wells were running). A max. flowrate for the well NC SE $\frac{1}{4}$ could not be found, however, because it was pumping too much air for our Collins meter.

PUMPING PLANT TESTING, INC.

Reviewed by:

Professional Engineer

HAYS004074

APPLICATION NO: 27,760

NAME: CONNECTICUT GENERAL LIFE
INSURANCE CO, INC.NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES, A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.

PUMPING PLANT TESTING, INC.

Reviewed by:



HAYS004075

Professional Engineer

KANSAS STATE BOARD OF AGRICULTURE
DIVISION OF PLANT HEALTH

CHEMIGATION FIELD INSPECTION REPORT

PUMPING PLANT TASTING, INC.

Permit No. 27760 Date 10/10/86 Inspector Ebert

Name Randy Ardery

Address Hwy 183

City Greensburg State Ks Zip 67054

Phone (316) 723-3052

Check one: Owner () Tenant Manager ()

Check one (if applicable): Corporation () Partnership ()

Co-owner () Proprietorship () Estate () Other ()

County Edwards Current Landowner Connecticut General Life Insurance

Legal description of well or point of diversion: NCSW 1/4 11-26-20

| S | T | R | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | TOTAL ACRES |
|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|
| 11 | 26 | 20 | | | | | | | | | 33 | 33 | 33 | 33 | | | | | 132 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Type of system: Center Pivot Flood () Drip () Other ()

Check the appropriate box for each of the following items, if present.

- A. Interlock
- B. Mainline Checkvalve
- C. Chemical line closure device
- D. Vacuum relief device
- E. Automatic low-pressure drain
- F. Manually operated valve on chemical supply tank
- G. In-line strainer
- H. Positive displacement pump
- I. Air bleeder valve
- J. Calibration device

Note: Anti-pollution and safety devices shall be maintained in a functional state for any irrigation system used in the chemigation process.

Comments:

HAYS004076

APPLICATION NO: 27760 NAME: Connecticut General Life Insurance

Normal conditions All three wells pumping (SEE REMARKS)
total flow on SW 1/4

COLLINS METER TEST

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 48 Test RPM, Pump 1499 ^{SW 1/4} 1750 ^{middle}

Description of Test Location In vertical pipe inside
pivot stand

TEST DATA: Check, Initial 7.13 Reversed 7.15

| | | |
|--------------------|-------------------|--------------------|
| | 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) |

| | | | | |
|---------------|-------------|-------------|-------------|-------------|
| <u>1 1/16</u> | <u>6.80</u> | <u>6.63</u> | <u>7.39</u> | <u>7.43</u> |
| <u>2 3/4</u> | <u>6.22</u> | <u>6.37</u> | <u>7.38</u> | <u>7.23</u> |
| <u>3 1/16</u> | <u>6.18</u> | <u>5.78</u> | <u>6.97</u> | <u>7.04</u> |

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.785

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
6.785 x .9826 = 6.67

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
6.67 x 145.4 = 970** GPM

** 'Normal' PUMPING RATE FOR SW 1/4 WELL = 970 - 339 = 631 GPM

PUMPING PLANT TESTING, INC.

Reviewed By:



Professional Engineer

HAYS004077

APPLICATION NO: 27760 NAME: Connecticut General Life Ins.

Normal conditions (all wells pumping)
flow from middle well on SW 1/4

COLLINS METER TEST

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 8 3/8 Flow Rate Factor 170.5

Test Pressure (psi) 48 Test RPM, Pump 1750

Description of Test Location In horizontal pipe between riser
from middle well and well in SW 1/4

| | | | | |
|--------------------|--|-------------|--------------------|-------------|
| TEST DATA: | <input checked="" type="checkbox"/> Check, Initial | <u>2.25</u> | Reversed | <u>2.28</u> |
| | | 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) | |

| | | | | |
|----------------|-------------|-------------|-------------|-------------|
| <u>1 1/16</u> | <u>2.48</u> | <u>2.45</u> | <u>2.30</u> | <u>2.39</u> |
| <u>2 15/16</u> | <u>1.78</u> | <u>2.00</u> | <u>1.80</u> | <u>2.05</u> |
| <u>3 13/16</u> | <u>1.83</u> | <u>1.90</u> | <u>1.85</u> | <u>1.90</u> |

Average Velocity of Water = Sum of Vel. ÷ 12 = 2.06

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
2.06 x .9635 = 1.986

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
1.986 x 170.5 = 339 GPM

PUMPING PLANT TESTING, INC.

Reviewed By:


Professional Engineer

HAYS004078

APPLICATION NO: 27760 NAME: Connecticut General Life Insurance

Well No SW 1/4 pumping alone

COLLINS METER TEST

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 25 Test RPM, Pump 1310

Description of Test Location In Vertical pipe inside
pivot stand

| | | | |
|---|-------------------|----------|--------------------|
| TEST DATA: <input checked="" type="checkbox"/> Check, Initial | <u>4.86</u> | Reversed | <u>4.83</u> |
| | 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) |

| | | | | |
|---------------|-------------|-------------|-------------|-------------|
| <u>1 9/16</u> | <u>4.65</u> | <u>4.58</u> | <u>5.03</u> | <u>5.11</u> |
| <u>2 3/4</u> | <u>4.44</u> | <u>4.49</u> | <u>5.00</u> | <u>5.01</u> |
| <u>3 9/16</u> | <u>4.09</u> | <u>4.23</u> | <u>4.75</u> | <u>4.69</u> |

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.67

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
4.67 x .9826 = 4.59

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
4.59 x 145.4 = 667 GPM

* THIS IS THE MAXIMUM PUMPING RATE FOR THIS WELL.

PUMPING PLANT TESTING, INC.

Reviewed By:



Professional Engineer

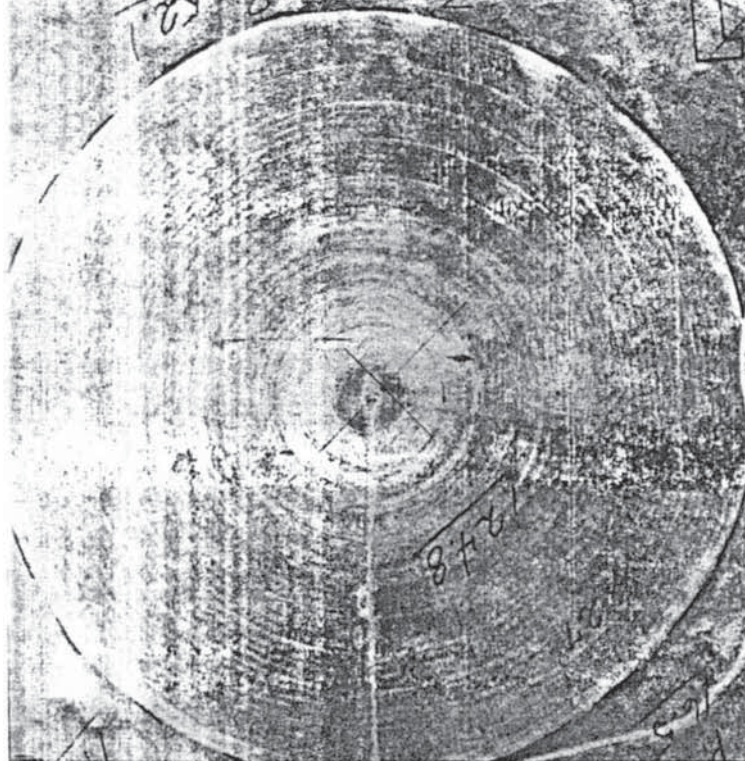
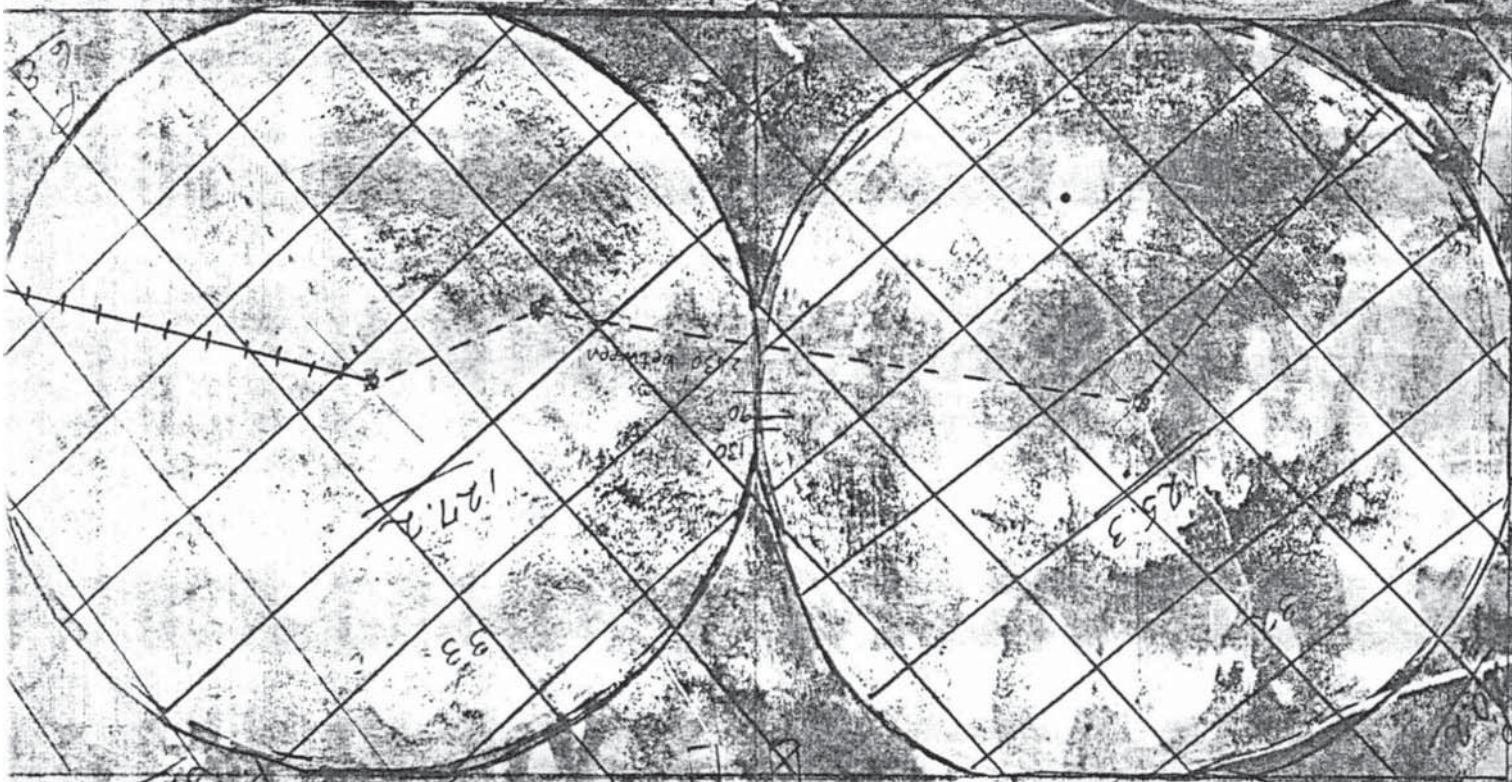
HAYS004079

SECTION CORNER
RIGHT ON EDGE
PHOTO

3fams

11-26-20

26-20



Legend

/// Land covered presently

⊗ well

--- center pipe

--- underground pipe

Handy Andy 11-24-86

Application NO. 27760

HAYS004080

HAYS004080

EXHIBIT

27760

H

1995 IRRIGATION WATER USE REPORT

This is the annual Water Use Report required to be filed for all Vested or Appropriation Rights. **IMPORTANT: Kansas Law requires this completed form to be filed by March 1. Failure to do so will subject owner to a civil fine not to exceed \$250.** If any point of diversion shown is permanently inoperable, please circle it. IF YOU DID NOT USE WATER, YOU **MUST** REPORT THE REASON FOR NON-USE. PROTECT YOUR WATER RIGHT. Information on each point of diversion must be completed. Please begin by reading the attached instructions and definitions.

| FILE NUMBER | LEGAL DESCRIPTIONS OF POINT(S) OF DIVERSION | | CIN | CHM | ACRES IRR. | INCLUDE MULTIPLICATION FACTOR | | | UNIT | HOURS PUMPED | PUMP RATE (GPM) | CROP CODE | TYPE OF SYSTEM | WELL DATA | | |
|-------------------|---|-------------|-----|-----|------------|-------------------------------|----------------------------|---------------------------|----------|--------------|-----------------|-----------|----------------|------------|----------------|-----------|
| | QUALIFIERS | SEC TWP RNG | | | | BEGINNING WATER METER READING | ENDING WATER METER READING | METERED QUANTITY OF WATER | | | | | | WELL DEPTH | DEPTH TO WATER | DATA MEAS |
| 22346
Well 37 | 11-20-2004 | 11-20-2004 | | N | G | 110 | Meter stopped working | | | 1458 | 700 | 1 | 3 | | | |
| 27760
Well 33 | 11-20-2004 | 11-20-2004 | | N | G | 130 | Meter stopped working | | | 1334 | 850 | 17 | 3 | | | |
| Well 32 | 11-20-2004 | 11-20-2004 | | N | G | 130 | Meter stopped working | | | 1306 | 700 | 8 | 3 | | | |
| Well 33 & 32 | 11-20-2004 | 11-20-2004 | | N | E | | Combined with Well 32 & 33 | | | | | 17 | 3 | | | |
| 29816
Well 10a | 04-20-1994 | 04-20-1994 | | Y | G | 80 | Meter stopped working | | | 852 | 700 | 2 | 3 | | | |
| Well 9a | 04-20-1994 | 04-20-1994 | | Y | G | 80 | Meter stopped working | | | 961 | 700 | 2 | 3 | | | |
| 30083
Well 36a | 14-20-2004 | 14-20-2004 | | Y | M | 134 | 062340000 | 120630000 | 58290000 | G | 500 | 2 | 3 | | | |

CALENDAR YEAR: (8) 42106 OFFICE USE: STAFF FIELD OFFICE: CO: GMD: 664 Total acres irrigated.

See back of instruction sheet for additional information.

I submit this report as the best information available. I understand that knowingly falsifying the report is a violation of state law.

DIV. OF WATER RES RECEIVED

MAYS CITY HALL 1010 S MAIN PO BOX 490 MAYS KS 67001

752611 HAYS004057

Hannes Zacharias
27760 SIGNATURE

2-6-96 DATE Hannes Zacharias, City Engineer

FEB 20 1996

CIRCLE ONE: OWNER (AGENT) TENANT

KS DEPT OF AGRICULTURE

TELEPHONE NUMBER (913) 628-7320

DWR 1-514 (Rev. 08/03/95)

FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 2 of 2 Diversion points
 Application No. 27760 Date 10/10/86 Firm/Field Office Pumping Plant Testing, Inc
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards
 Current Landowner Connecticut General Life Insurance % Agri. Affiliates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.
 Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()
 Groundwater Drainage Basin Arkansas River

Surface Water () Stream _____
 Authorized Point of Diversion: 1 well NC SE 1/4 Sec. 11, T. 26, R. 20
 Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____
 Actual Point of Diversion: 1 well NC of SE 1/4 Sec. 11, T. 26, R. 20
 Approximately 1280 ft. North and 1340 ft. West of SE corner of Sec. 11
 How were distances determined? By measuring off small scale ASCE aerial photo
 "Approved" Quantity 480 AF "Approved" Diversion Rate 2000 g.p.m. (4.46 c.f.s.)
 Priority Date Nov. 15, 1976 Approval of Application Date July 6, 1977
 Perfection Date Dec. 31, 1982

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>11</u> | <u>26</u> | <u>20</u> | | | | | | | | | <u>40</u> | <u>40</u> | <u>40</u> | <u>40</u> | <u>40</u> | <u>40</u> | <u>40</u> | <u>40</u> | <u>320</u> |
| | | | | | | | | | | | | | | | | | | | |

LAND IRRIGATED—YEAR OF RECORD 1985 - SEE ATTACHED SURVEY

| 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>11</u> | <u>26</u> | <u>20</u> | | | | | | | | | <u>33</u> | <u>33</u> | <u>33</u> | <u>33</u> | <u>33</u> | <u>33</u> | <u>33</u> | <u>33</u> | <u>264</u> |
| | | | | | | | | | | | | | | | | | | | |

APPLICATION OF WATER:

Year of Record 1985 Hours Pumped 2100 or Quantity 147 AF
 Normal Operating G.P.M. 380^A (see remarks) Equiv. c.f.s. .85
 Maximum Operating G.P.M. (see remarks) Equiv. c.f.s. _____

FOR D.W.R. USE ONLY

Year of Record _____ Extension of time requested: Yes _____ No _____
 Total No. of Hours on land covered by this application _____
 Ac. Ft. Applied = _____ hrs. × _____ g.p.m. × $\frac{4.419}{24 \times 1000}$ = _____ AF
 Acres of "Approved" Land irrigated _____
 Ac. Ft. on "Approved" Land _____ (_____ Ac. Ft./Ac.)
 Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less _____
 Proration Calculations _____
 Perfected Rate _____ g.p.m. Perfected Quantity _____ AF

RECEIVED

DEC 30 1986

DIVISION OF WATER RESOURCES
STAFFORD

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot ^{SK 1/4} High Pressure Low Pressure
 Manufacturer Valley Model 4071 Serial No. 48217
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p.m. 2 Rain Bird 85's
 Is end gun operating during test? yes

 Gravity Irrigation (show test set on sketch)

Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.

 Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP _____
 Serial No. 08938 E-23-TL Fuel propane Rated RPM _____

PUMP INFORMATION:

Manufacturer Goulds Model No. 10JMC Rated RPM _____
 Serial No. K-3861 Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. G60
 Serial No. G06840093P Drive Right Angle Ratio 4:3

WELL INFORMATION:

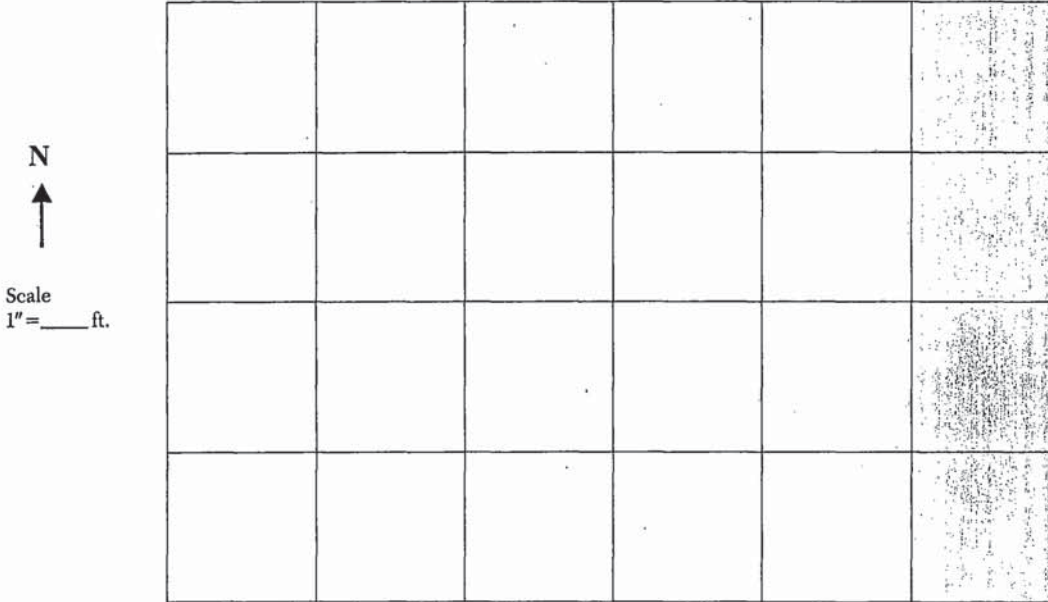
Date Drilled July 7, 1976 Original Depth 83 ft. Static Water Level When Drilled 22 ft.
 Tape Down Possible? yes-28' Water Level Measurement Tube? no
 Measuring Point 1 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____
 Chemical Injection System? yes Check Valve? yes Low Pressure Drain? no
 Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes HAYS004082

If chemicals are injected into system, please attach sketch of system.

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test In Horizontal pipe before pivot - SE 1/4 - (SEE TEST PROCEDURE SHEET)
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions middlcwell sk 1/4 well Test No. 2—Maximum Conditions
 R.P.M. POWER UNIT 2372 2077 R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT 1779 1535 R.P.M. PUMP UNIT _____
 Pressure at Pump 48 psi Pressure at Pump _____ psi

ALL 3 WELLS BEING PUMPED - SEE MEMORANDUM

Jacuzzi Meter Test Meter Identification No. _____

Area Constant K = $2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

| Velocity (fps) | _____ | Velocity (fps) | _____ |
|----------------|-------|----------------|-------|
| 1. | _____ | 1. | _____ |
| 2. | _____ | 2. | _____ |
| 3. | _____ | 3. | _____ |
| 4. | _____ | 4. | _____ |
| 5. | _____ | 5. | _____ |
| 6. | _____ | 6. | _____ |
| 7. | _____ | 7. | _____ |
| 8. | _____ | 8. | _____ |
| 9. | _____ | 9. | _____ |
| 10. | _____ | 10. | _____ |
| Total | _____ | Total | _____ |
| Avg. | _____ | Avg. | _____ |
| G.P.M. | _____ | G.P.M. | _____ |

Propeller Meter Test Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

| | |
|-----------------------|-----------------------|
| Ending _____ gal. | Ending _____ gal. |
| Beginning _____ gal. | Beginning _____ gal. |
| Difference _____ gal. | Difference _____ gal. |
| Time _____ min. | Time _____ min. |
| Rate _____ gpm | Rate _____ gpm |

Other Flow Meter Use Supplemental Sheet (include meter identification, data and calculations).

HAYS004083

FUEL RECORDS:

Electricity Supplier _____

Meter Manufacturer _____ Type _____ Serial No. _____

K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type propane Supplier Mid-Content

Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____

How was the test volume determined? Not Determined

TABULATION OF WATER USE:

| Year | Hours Pumped (hr) | Tested Pumping Rate (gpm) | Water Used (AF) | Acres Irrigated |
|--------|--|---------------------------|-----------------|------------------|
| 1977 | 420 | 800 | | 260 |
| 1978 | | | | |
| 1979 | 336 | 675 | | 125 |
| 1980 | | | | |
| 1981 | | | | |
| 1982 | | | | |
| 1983 | Unused due to redevelopment ^F | | | |
| 1984 | 2000 ^F | 675 ^F | | 132 ^F |
| * 1985 | 2100 ^F | 380 [*] | | 132 ^F |
| 1986 | | 380 [*] | | |

^F obtained from WUR sent to us from Jerry Weaver
^{*} obtained from test on 10/10/86

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year Corn Year of record Corn

REMARKS: A 380 gpm. is the flow from the well NC SE 1/4 operating under normal conditions. This was obtained by subtracting the flow of the unapproved well from the total flow on the pivot in the SE 1/4. An individual flow rate was not obtained on the well NC SE 1/4 because it was pumping too much air. A second test was attempted with a substantially lower rpm, but the pump still pumped too much air for a test.

Person present at test Randy Ardery tenant
(name) (relationship)

Water Use Correspondent Agri Affiliates Box 1162 North Platte, NE 69103 (308) 534-9240
(name) (address) (phone number)

Conducted by Breg Ebert Date 10/13/86
(signature)

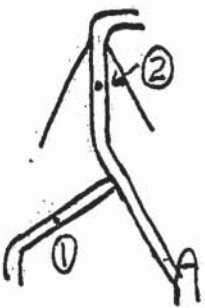
Approved by [Signature], P.R. Date 12/21/86 HAYS004084
(signature) (title)

APPLICATION NO: 27760

NAME: Connecticut General Life Ins.

Test Procedure:

The middle well (unapproved) has its flow divided between the two pivots. The water from the well NC of the SE $\frac{1}{4}$ pumps only into the pivot on the SE $\frac{1}{4}$. The water from the well NC of the SW $\frac{1}{4}$ is pumped only into the pivot on the SW $\frac{1}{4}$.



At each pivot, we plumbed in with two meters (see right). ① was the flowrate from the middle well before it tied into the flowrate from the approved well. The max. flowrate for the well NC of the SW $\frac{1}{4}$ was taken with meter ② and all other wells shut off. Check valves prevented flow back through the lines (past ①). The normal pumping rate of the well NC SW $\frac{1}{4}$ was found by subtracting the flow through ① from the flow through ② when the middle well was assisting the well NC SW $\frac{1}{4}$. The normal flowrate (when both pivots were running and all 3 wells were pumping) from the middle well was found by adding the flowrate through location ① at the SW pivot to the flowrate through location ① at the SE pivot. We also tried to get a max. flowrate from the middle well by turning the other two wells off and pumping it all through the SE pivot, but the two rates were almost identical. The normal flowrate from the well NC SE $\frac{1}{4}$ was found the same way as the normal flowrate for the well NC SW $\frac{1}{4}$ (subtract ① from ② when all 3 wells were running). A max. flowrate for the well NC SE $\frac{1}{4}$ could not be found, however, because it was pumping too much air for our Collins meter.

PUMPING PLANT TESTING, INC.

Reviewed by:



Professional Engineer HAYS004085

APPLICATION NO: 27,760

NAME: CONNECTICUT GENERAL LIFE
INSURANCE CO, INC.NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES, A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OF THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.

PUMPING PLANT TESTING, INC.

Reviewed by:



HAYS004086

Professional Engineer

APPLICATION NO: 27760 NAME: Connecticut General Life Ins.

*Normal conditions (all three wells pumping)
total flow on SE 1/4*

COLLINS METER TEST

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4
SE 1/4 Middle

Test Pressure (psi) 48 Test RPM, Pump 1535 1779

Description of Test Location In vertical pipe inside pivot stand

TEST DATA: Check, Initial 7.29 Reversed 7.30
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)

| | | | | |
|---------------|-------------|-------------|-------------|-------------|
| <u>1 1/6</u> | <u>7.07</u> | <u>7.02</u> | <u>7.55</u> | <u>7.60</u> |
| <u>2 3/4</u> | <u>6.77</u> | <u>6.66</u> | <u>7.39</u> | <u>7.43</u> |
| <u>3 9/16</u> | <u>5.98</u> | <u>6.36</u> | <u>7.30</u> | <u>6.62</u> |

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.98

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
6.98 x .9635 = 6.724

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
6.724 x 145.4 = 978 GPM

PUMPING PLANT TESTING, INC.

Reviewed By:

Ed J. White

Professional Engineer

HAYS004087

APPLICATION NO: 27760 NAME: Connecticut General Life Ins.

Normal conditions (all three wells pumping)
flow from middle well on SE 1/4

COLLINS METER TEST

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 48 Test RPM, Pump 1779

Description of Test Location In horizontal pipe between riser
from middle well and well on SE 1/4

TEST DATA: Check, Initial 4.41 Reversed 4.39
 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 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>4.49</u> <u>4.52</u> | <u>4.47</u> <u>4.38</u> |
| <u>2 3/4</u> | <u>4.11</u> <u>4.19</u> | <u>4.10</u> <u>4.19</u> |
| <u>3 9/16</u> | <u>3.90</u> <u>4.08</u> | <u>4.10</u> <u>3.67</u> |

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.18

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
4.18 x .9826 = 4.11

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
4.11 x 145.4 = 598 GPM

PUMPING PLANT TESTING, INC.

Reviewed By:


Professional Engineer

HAYS004088

KANSAS STATE BOARD OF AGRICULTURE
DIVISION OF PLANT HEALTH

CHEMIGATION FIELD INSPECTION REPORT

PUMPING PLANT TESTING, INC.

Permit No. 27760 Date 10/10/86 Inspector Ebert

Name Randy Arcely

Address Hwy 183

City Greensburg State Ks Zip 67054

Phone (316)723-3052

Check one: Owner () Tenant Manager ()

Check one (if applicable): Corporation () Partnership ()

Co-owner () Proprietorship () Estate () Other ()

County Edwards Current Landowner Connecticut General Life Ins.

Legal description of well or point of diversion: NC SE 1/4 11-26-20

| S | T | R | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | TOTAL ACRES |
|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|
| 11 | 26 | 20 | | | | | | | | | 33 | 33 | 33 | 33 | | | | | 132 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Type of system: Center Pivot Flood () Drip () Other ()

Check the appropriate box for each of the following items, if present.

- A. Interlock
- B. Mainline Checkvalve
- C. Chemical line closure device
- D. Vacuum relief device
- E. Automatic low-pressure drain
- F. Manually operated valve on chemical supply tank
- G. In-line strainer
- H. Positive displacement pump
- I. Air bleeder valve
- J. Calibration device

Note: Anti-pollution and safety devices shall be maintained in a functional state for any irrigation system used in the chemigation process.

Comments:

Entire chemical injection system not present at the time of test

HAYS004089

FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Test 3 of 2 Diversion points 'SEE REMARKS'
 Application No. _____ Date 10/10/86 Firm/Field Office Pumping Plant Testing, Inc.
 Inspector Ebert/Klassen
 Field Area No. 2 G.M.D. No. 5 County Edwards

Current Landowner Connecticut General Life Ins. % Agri. Affiliates
 Address Box 1162 North Platte, NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic () 2. Industrial () 3. Irrigation
 4. Municipal () 5. Recreation () 6. Stockwatering () 7. Water Power ()

Groundwater Drainage Basin Arkansas River

Surface Water () Stream _____

Applied For
 Authorized Point of Diversion: NE 1/4, SW 1/4, SE 1/4 Sec. 11, T. 26, R. 20
 Approximately 1040 ft. North and 1870 ft. West of SE corner of Sec. 11

Actual Point of Diversion: NE 1/4, SW 1/4, SE 1/4 Sec. 11, T. 26, R. 20
 Approximately 1040 ft. North and 1890 ft. West of SE corner of Sec. 11
 How were distances determined? By measuring off small scale ASCS aerial photo

"Approved" Quantity _____ "Approved" Diversion Rate _____ g.p.m. (_____ c.f.s.)

Priority Date _____ Approval of Application Date _____

Perfection Date _____

Other applications covering land and/or point of diversion _____
 (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 | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |

LAND IRRIGATED—YEAR OF RECORD _____

| 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>11</u> | <u>26</u> | <u>20</u> | | | | | | | | | <u>33</u> | <u>33</u> | <u>33</u> | <u>33</u> | <u>33</u> | <u>33</u> | <u>33</u> | <u>33</u> | <u>264</u> | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |

APPLICATION OF WATER:

Year of Record _____ Hours Pumped _____ or Quantity _____
 Normal Operating G.P.M. 938 Equiv. c.f.s. 2.09
 Maximum Operating G.P.M. _____ Equiv. c.f.s. _____

FOR D.W.R. USE ONLY

Year of Record _____ Extension of time requested: Yes _____ No _____

Total No. of Hours on land covered by this application _____

Ac. Ft. Applied = _____ hrs. × _____ g.p.m. × $\frac{4.419}{24 \times 1000}$ = _____ AF

Acres of "Approved" Land irrigated _____

Ac. Ft. on "Approved" Land _____ (_____ Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less _____

Proration Calculations _____

Perfected Rate _____ g.p.m. Perfected Quantity _____ AF

RECEIVED
 DEC 30 1986
 HAYS004090
 DIVISION OF WATER RESOURCES
 STAFFORD
 Revised March 1986

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot High Pressure Low Pressure
 Manufacturer sw¹/₄ Valley SE¹/₄ Valley Model 4071 4071 Serial No. 41286 48217
 Drive Electric Length of Pivot Arm _____
 Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.
 End Gun? yes End Gun Rating _____ g.p. sw¹/₄ 2 Rain Bird 85's SE¹/₄ 2 Rain Bird 85's
 Is end gun operating during test? yes
 Gravity Irrigation (show test set on sketch)
 Number of gates open _____ Normal Pipe Size _____
 Pressure at pump _____ p.s.i.
 Other Type _____
 Manufacturer _____ Model _____ Serial No. _____
 Unusual Conditions/Other Info. _____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP _____
 Serial No. 12563 H-21-TC Fuel propane Rated RPM _____

PUMP INFORMATION:

Manufacturer Goulds Model No. 12 JLO Rated RPM _____
 Serial No. K 3862 Type Vertical Turbine No. stages 4

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. G80
 Serial No. 85446 Drive Right Angle Ratio 4:3

WELL INFORMATION:

Date Drilled JULY 1976 Original Depth _____ ft. Static Water Level When Drilled _____ ft.
 Tape Down Possible? yes 23' Water Level Measurement Tube? no
 Measuring Point 1 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? no Make of Meter _____
 Meter Model No. _____ Serial No. _____ Size _____
 Is Meter Installed Properly? _____
 Chemical Injection System? no Check Valve? yes Low Pressure Drain? no
 Vacuum Breaker? yes Are these anti-pollution devices installed properly? yes HAYS004091

If chemicals are injected into system, please attach sketch of system.

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).

N
 ↑
 Scale
 1" = _____ ft.



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
 Location of test between riser at center of SE 1/4 and well NC of SE 1/4
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2372
 R.P.M. PUMP UNIT 1779
 Pressure at Pump 26 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Total _____
 Avg. _____
 G.P.M. _____

Velocity (fps)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Total _____
 Avg. _____
 G.P.M. _____

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).

HAYS004092

APPLICATION NO: 27760 NAME: Connecticut General Life Ins.

COLLINS METER TEST Well in the NE¹/₄, SW¹/₄, SE¹/₄ pumping alone through pivot on the SE¹/₄

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 7³/₄ Flow Rate Factor 145.4

Test Pressure (psi) 26 Test RPM, Pump 1779

Description of Test Location In horizontal pipe between riser from middle well and well on SE¹/₄

TEST DATA: Check, Initial 7.23 Reversed 7.25
 Velocity Velocity
 Meter Setting From Left Side of Pipe Right Side of Pipe
 Center of Pipe (or Front Side if (or Back Side if
 Vertical Test) Vertical Test)

| | | | | |
|------------------------------------|-------------|-------------|-------------|-------------|
| <u>1⁹/₁₆</u> | <u>7.09</u> | <u>7.03</u> | <u>6.99</u> | <u>7.02</u> |
| <u>2³/₄</u> | <u>6.65</u> | <u>6.67</u> | <u>6.70</u> | <u>6.62</u> |
| <u>3⁹/₁₆</u> | <u>5.94</u> | <u>6.32</u> | <u>6.28</u> | <u>5.49</u> |

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.567

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =
6.567 x .9826 = 6.45

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =
6.45 x 145.4 = 938 GPM

PUMPING PLANT TESTING, INC.

Reviewed By:



Professional Engineer

HAYS004094

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

| <u>Area, Place of use</u> | <u>Max. Allowable Rate</u> | |
|---------------------------|----------------------------|----------|
| up to 10 acres | 450 g.p.m. | 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.

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.

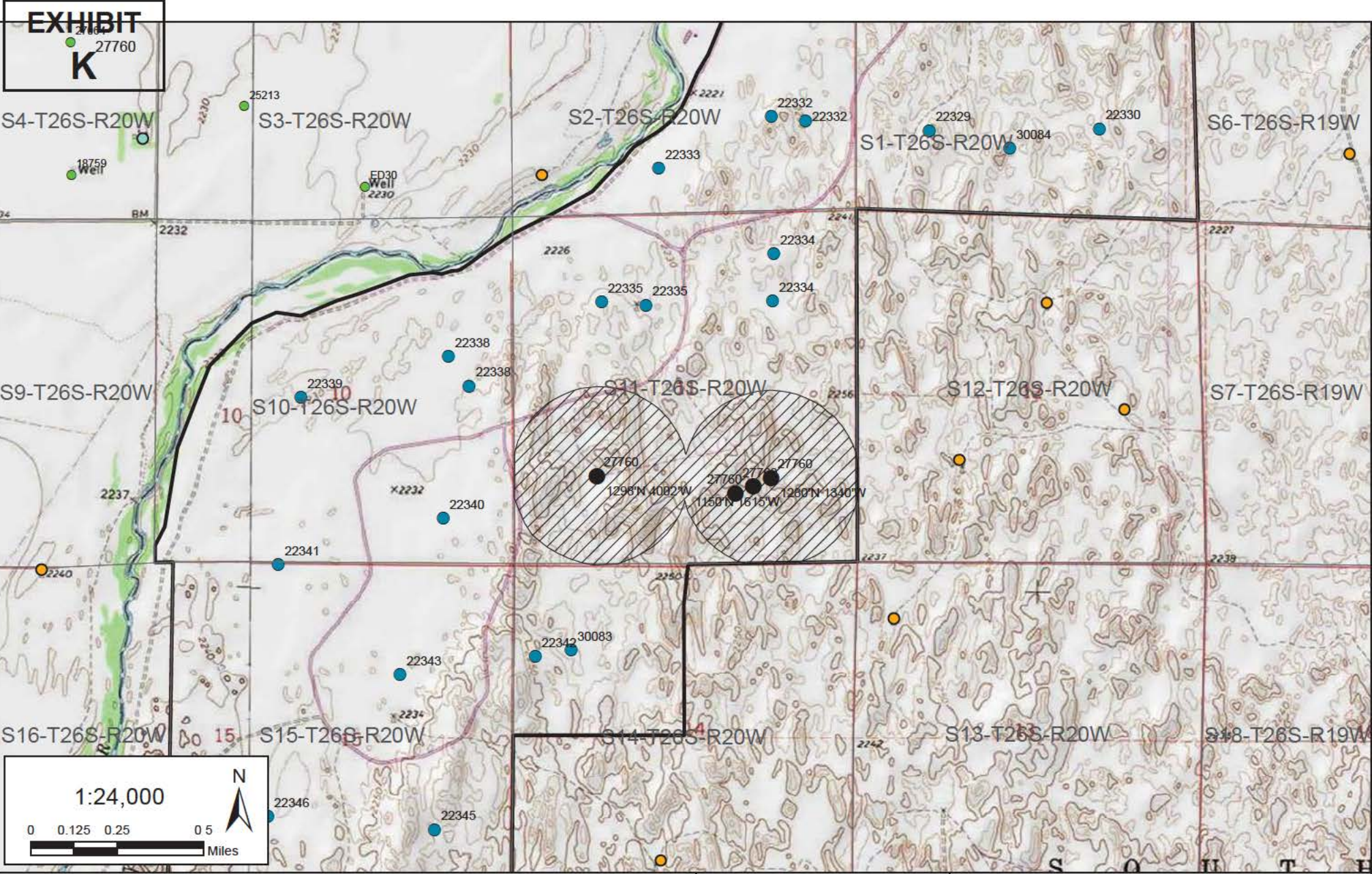
In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.

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.

EXHIBIT
K



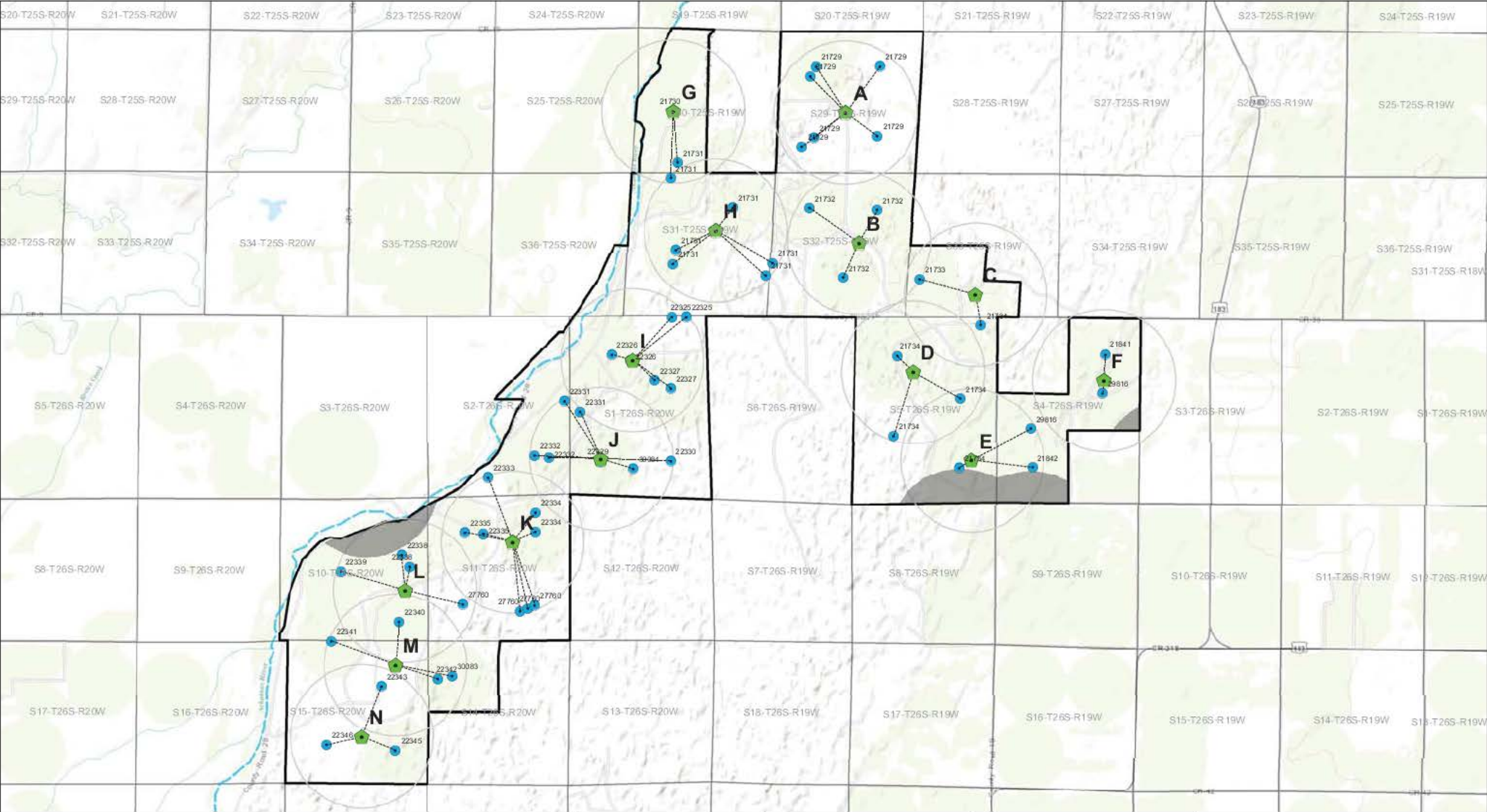
Legend

- 27760 Existing Point(s) of Diversion
- ▨ 27760 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 27760
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



**CHANGE APPLICATION 27760
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION**

EXHIBIT
27760
L



Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections

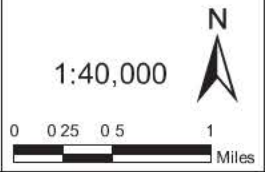
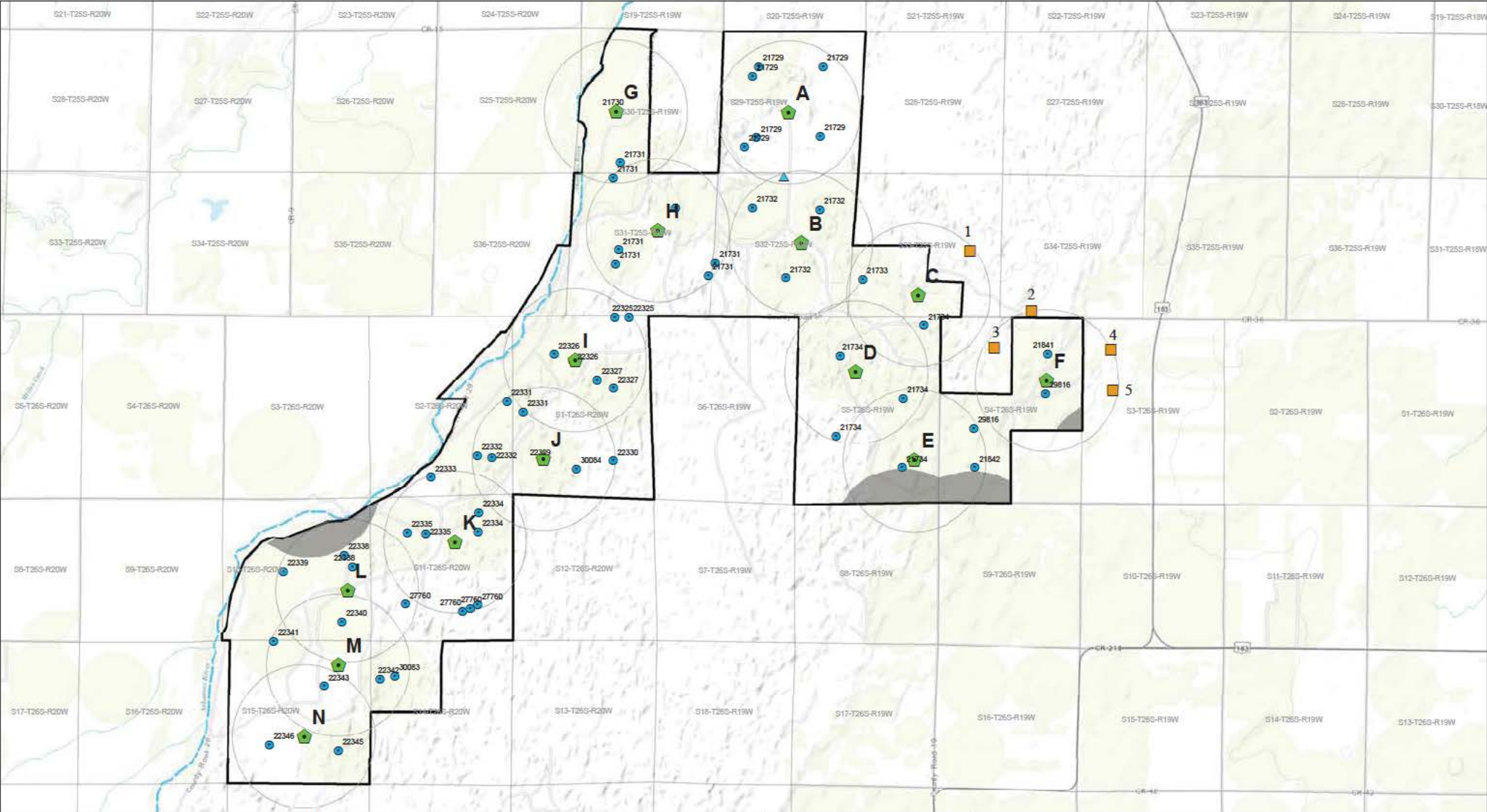
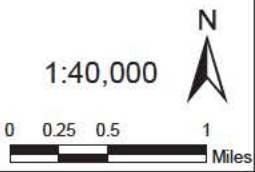


EXHIBIT
27760
M



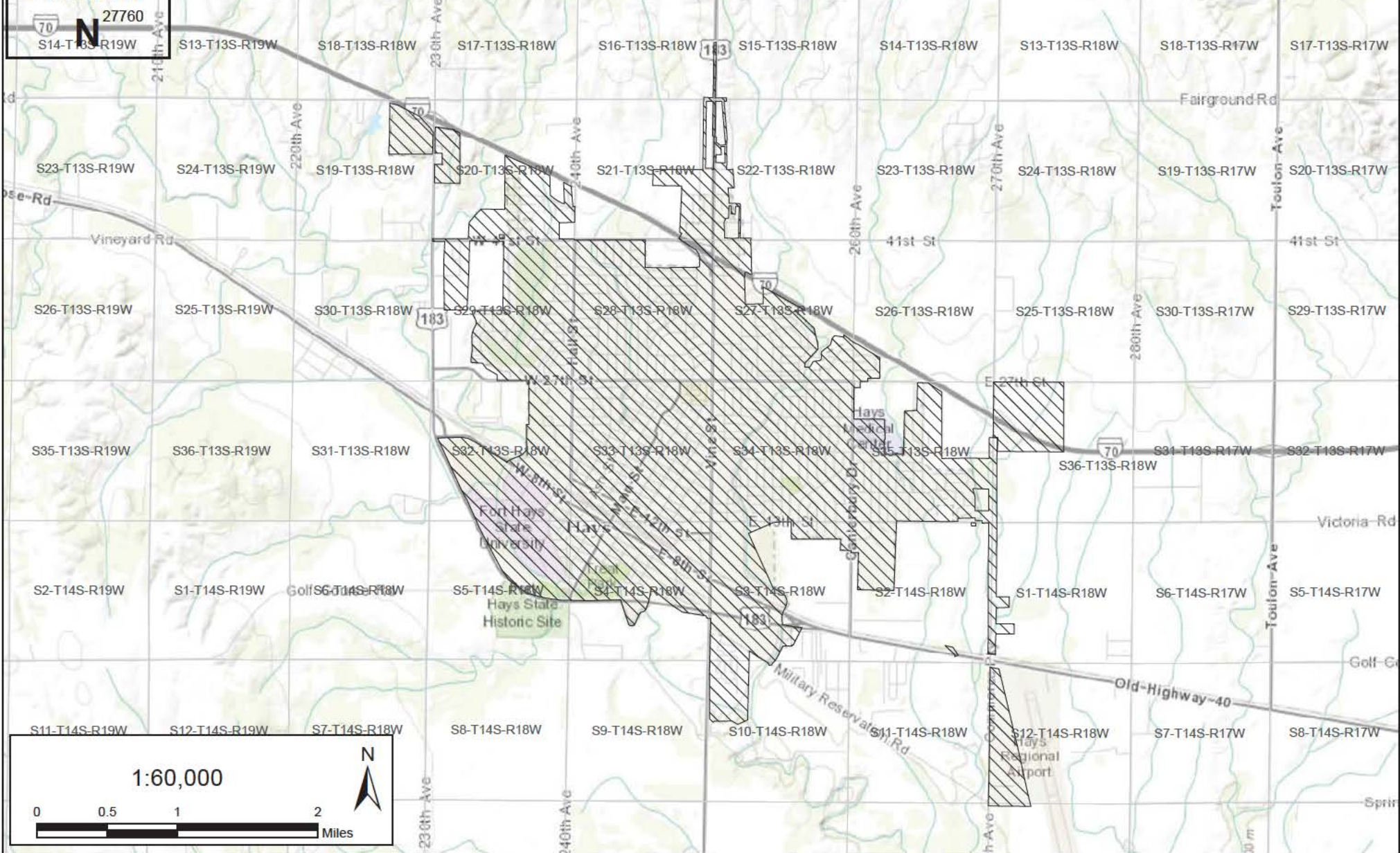
Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)



EXHIBIT

27760



Proposed Place of Use City of Hays



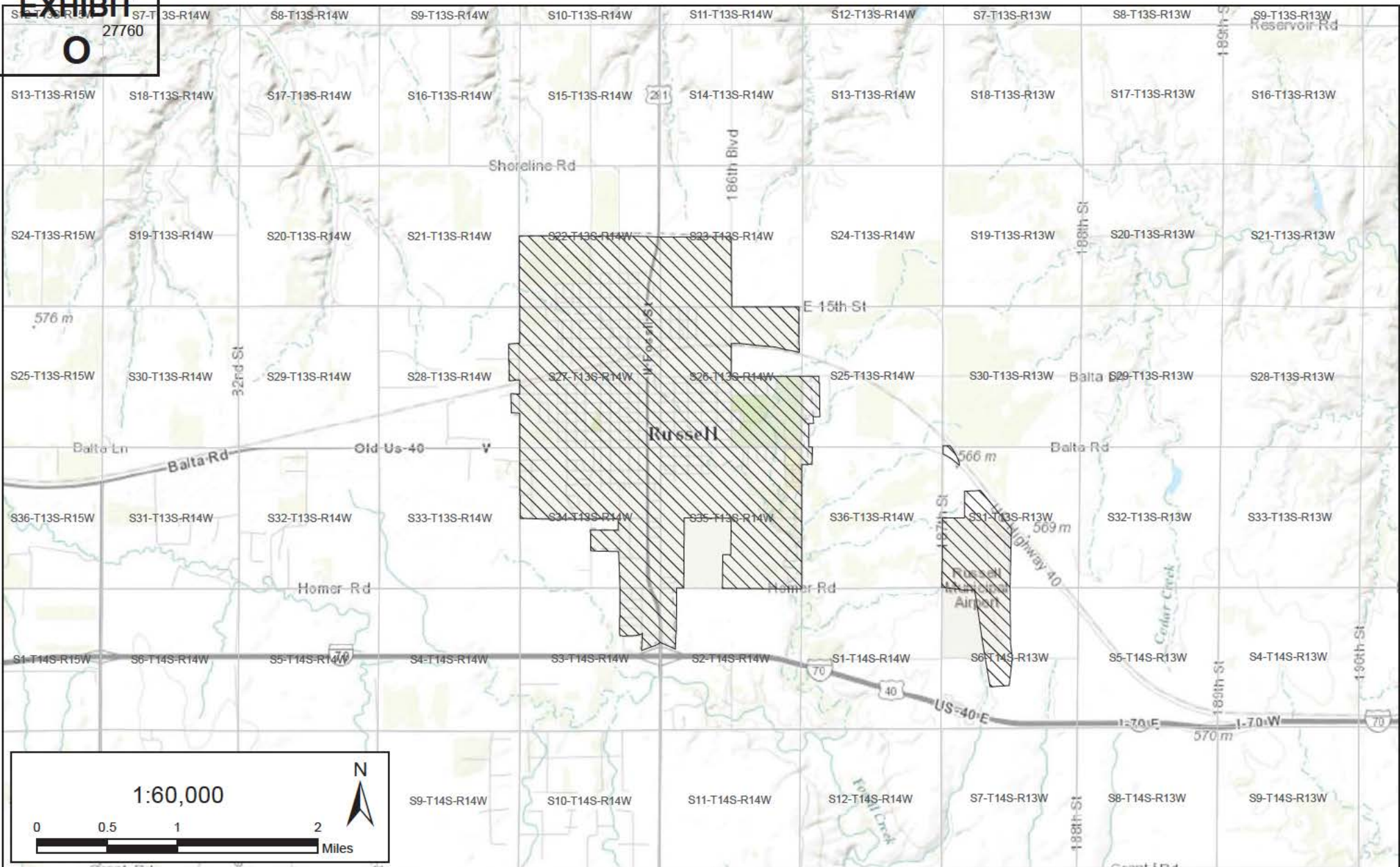
PLSS Sections



EXHIBIT

27760

O



Proposed Place of Use - City of Russell



PLSS Sections



MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET

SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Below Explanation) |
| 684,559,000 | | | 10,806,000 | 595,254,000 | 16,327,000 | 62,172,000 |
| TOTAL WATER = Columns 1 + 2 | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | | UNACCOUNTED FOR WATER |

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
P**

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 |

27760
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

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach such additional information you believe will assist in informing the Division of the 27760 Page 02 of 62 request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 29,816 Circles 9A and 10A.

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. _____ | GMD _____ | Meets K.A.R. 5-5-1 (YES / NO) _____ | Use _____ | Source _____ | G / S County _____ | By _____ | Date _____ |
| Code _____ | Fee \$ _____ | TR # _____ | Receipt Date _____ | Check # _____ | | | |

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|-------------|------|-------|------------|------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 1-T26S-R19W | | | Lot 1
5 | Lot 2
5 | 40 | 40 | | | 40 | 40 | 2.5 | 2.5 | | | | | | | 175 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: None

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|---------------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| Same as above | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|---|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter. | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|--|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter. | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 S/2 Quarter of the NE Quarter
 of Section 4, Township 26 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 4,056 feet North 1,320 feet West of Southeast corner of section.
 Authorized Rate 750 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 NW Quarter of the SE Quarter of the NE Quarter
 of Section 4, Township 26 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 4,545 feet North 1,311 feet West of Southeast corner of section.
 Proposed Rate 750 gpm Proposed Quantity 90 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 21,841

9. **Presently authorized point of diversion:**
 One in the near the center Quarter of the S/2 Quarter of the NW Quarter
 of Section 4, Township 26 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 2,731 feet North 3,960 feet West of Southeast corner of section.
 Authorized Rate 800 gpm Authorized Quantity 98 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SE Quarter of the SE Quarter
 of Section 5, Township 26 South, Range 19 (~~E~~/W),
 in Edwards County, Kansas, 1,577 feet North 901 feet West of Southeast corner of section.
 Proposed Rate 800 gpm Proposed Quantity 97.5 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 21,842; 21,734

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

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

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.

[Handwritten Signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 20 15.

[Handwritten Signature: Malinda Morse]

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

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.**

Proposed Rate and Quantity

The Cities are requesting a total of 187.5 acre-feet and 1,550 gpm from the wells associated with this water right. Of those amounts, 97.5 acre-feet and 800 gpm will be diverted from new point of diversion E, and 90 acre-feet and 750 gpm will be diverted to new point of diversion F, as shown on Exhibit H.

When combined with existing wells from other water rights, new point of diversion E will have a cumulative total of 518.92 acre-feet and 2,561 gpm, and new point of diversion F will have 285 acre-feet and 1,640 gpm.

13. If changing the place of use and the use made of water, describe how the consumptive use will not be increased:

The following discussion is subject to paragraph 13 of the cover letter regarding consumptive use.

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows the conversion of 135.00 acre-feet to municipal use.¹ 125 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 135.00 acre-feet.²

That same regulation goes on to allow the change to be based on the net consumptive use actually made during the perfection period.³

Quantity authorized and perfected

The permit was issued on February 22, 1978, granting the applicant the right to divert up to 240 acre-feet annually at a rate not to exceed 1,600 gallons per minute for irrigation use on 160 acres in Section 4-T26S-R19W.⁴

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.”⁵

The Field Inspection Reports indicate that 187.5 of the 240 acre-feet authorized by the permit were lawfully perfected.

- 131 acre-feet were applied to 65 approved acres in the NW/4 of Section 4-T26S-R19W.⁶
- 123 acre-feet were applied to 60 approved acres in the NE/4 of Section 4-T26S-R19W.⁷

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, HAYS004213, Ex. A.

⁵ February 22, 1978, letter (emphasis added), HAYS004212, Ex. B.

⁶ FIR, HAYS004194, Ex. C.

- The permit authorized the perfection of 240 acre-feet per acre on 160 acres or 1.5 acre-feet per acre, but only 125 authorized acres were irrigated during the perfection period, resulting in the perfection of 187.5 acre-feet.⁸

Since the perfection period has expired, the “authorized quantity” for this water right is the 187.5 acre-feet actually perfected. The certificate rounded this number up to 188 acre-feet.

There are at least two alternative approaches to calculating consumptive use.

NIR for Alfalfa

Alfalfa was grown on this circle during the perfection period.⁹ According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County is 13 inches (1.083333 feet) for corn and 20.9 (1.741666 feet) inches for alfalfa.

Since alfalfa was grown on the authorized place of use in at least one year during the perfection period, it is reasonable to use the NIR for alfalfa, which yields a total quantity of 217.71 acre-feet consumed. This quantity is greater than the quantity set out in the certificate and greater than the quantity actually perfected. Because it cannot exceed the “maximum annual quantity authorized by the water right,”¹⁰ the quantity must be reduced to 187.50 acre-feet.

An alternative approach

DWR’s use of the NIR of 1.08 feet of water for corn is based on its maximum gross irrigation requirement of 1.5 acre-feet per acre.¹¹ The regulation allows the conversion of 72% of the maximum quantity to a new use; in other words, it assumes that 28% of the quantity diverted returns to the aquifer.

If 28% of the 187.50 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 135.00 acre-feet, should be available for conversion to municipal use. This is less than the 187.50 acre-feet authorized so the limitation in K.A.R. 5-5-9(a)(4) is not implicated.

Because this exceeds the maximum authorized quantity, the request is limited to 187.50 acre-feet.

⁷ FIR, HAYS004200, Ex. D.

⁸ FIRs, HAYS004194, Ex. C, and HAYS004200, Ex. D.

⁹ *American Agricultural Industries, Inc. v. Slentz McAlister* Trial Exhibits, HAYS004448-4453, Ex. E.

¹⁰ See K.A.R. 5-5-9(a)(4).

¹¹ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. F, 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.



STATE BOARD OF AGRICULTURE
W. W. Duitsman, 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. 29,816 of the applicant

Mid America Land Co.
5105 E. 21st St.
Wichita, Kansas 67208

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 6, 1977.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

| Sec. | Twp. | Range | NE $\frac{1}{4}$ | | | | NW $\frac{1}{4}$ | | | | SW $\frac{1}{4}$ | | | | SE $\frac{1}{4}$ | | | | Total |
|------|------|-------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------|
| | | | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | |
| 4 | 26S | 19W | | | 40 | 40 | | | 40 | 40 | | | | | | | | | 160 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

3. That the source from which the appropriation is made shall be from groundwater in the drainage basin of the Arkansas River to be withdrawn by means of two (2) wells: one well near the center of the North side of the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) and one well near the center of the South side of the Northwest Quarter (NW $\frac{1}{4}$) of Section 4, Township 26 South, Range 19 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of

1600 gallons per minute (3.57 c.f.s.)

and to a quantity of not to exceed

240 acre-feet

RECEIVED

MAR 06 1978

FIELD HAYS004213
DIVISION OF WATER RESOURCES
STAFFORD
MICROFILMED

5. That installation of works for diversion of water shall be completed on or before December 31, 19 79. 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 83.

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 22nd day of February 1978.



Guy E. Gibson
Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

MICROFILMED
HAYS004214

2

E-N

February 22, 1978

Mid America Land Co.
5105 E. 21st St.
Wichita, Kansas 67208

Re: Appropriation of Water
Application No. 29,816

Gentlemen:

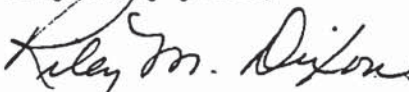
Your application has been examined and is found to be in proper form. Further, we find that the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. It is presumed that the application is made in good faith, and that you are ready to proceed with the proposed diversion works and the application of water to the proposed use. The application has, therefore, been approved.

There is enclosed the approval of the application authorizing you to proceed with construction of the proposed diversion works, to divert such unappropriated water as may be available from the source and at the location specified in the approval of application, and to use it for the purpose and at the location described in the application.

There is also enclosed a memorandum setting forth the procedure to obtain a certificate of appropriation which will establish the extent of your water rights.

Should you have any questions or if we can be of any assistance to you, please feel free to write or call us.

Very truly yours,



Riley M. Dixon
Hydrologist

RECEIVED

RMD/jmr/srw

Encs.

cc: Groundwater Management District #5

MAR 06 1978

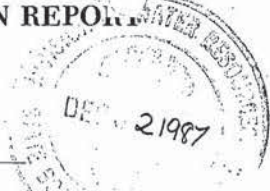
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

MICROFILMED
HAWES004212

FIELD INSPECTION REPORT

- Partial
- Full
- Re-Test

Field Office No. 2
G.M.D. No. 5



Test 1 of 2 Diversion points County Edwards

Application No. 29816 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc Ebert/Szegman

Current Landowner Connecticut General Life Ins, % Jerry Weaver Agri Affiliates Phone No. (308) 534-9240

Address Box 1162 North Platte, Nebraska 69103
 Additional landowners and addresses identified in remarks section.

Water Use Classification: () Domestic () Industrial (X) Irrigation () Municipal
() Recreation () Stockwatering () Water Power

Source:
(X) Groundwater () Surface Water Basin/Stream Rattlesnake Creek

Authorized Point of Diversion: NC of southside of NW 1/4 Sec. 4, T. 26, R. 19, ID No. 03
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: NC of southside of NW 1/4 Sec. 4, T. 26, R. 19
Approximately 2731 ft. North and 3960 ft. West of SE corner of Sec. 4

How were distances determined? Scaled off aerial photo

"Approved" Quantity 240 AF "Approved" Diversion Rate 1600 g.p.m. (3.57 c.f.s.)

Priority Date May 6, 1977 Approval Date Feb. 22, 1978 Perfection Date Dec. 31, 1983

Other applications covering land and/or point of diversion None
(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

| S | T | R | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTAL ACRES |
|---|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|-------------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 4 | 26 | 19 | | | 40 | 40 | | | 40 | 40 | | | | | | | | | 160 |

LAND IRRIGATED—YEAR OF RECORD 1985 (See Attached Sheet)

| S | T | R | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTAL ACRES |
|---|----|----|--------|----|----|----|--------|----|------|------|--------|-----|----|----|--------|----|----|----|-------------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 4 | 26 | 19 | | | | | | | 32.5 | 32.5 | 2.5 | 2.5 | | | | | | | 70 |

TESTED DIVERSION RATES

Maximum G.P.M. _____ (c.f.s. _____) Normal G.P.M. 798 (c.f.s. 1.78)

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time needed: Yes () No (X) Attached? yes () no (X)

Ac. Ft. Applied = 889 hrs. x 798 g.p.m. x $\frac{4.419}{24 \times 1000}$ = 131 AF **MICROFILMED**

"Approved" Land irrigated 65 acres, with 122 AF = 1.88 AF/acre

Total AF (including overlapping Files) 122 (1.88 AF/acre)

65 (Approved RECEIVED irrigated) x 1.5 (A.F. per ac.)
= 97.5 A.F.

MAY 20 1988

Perfected Rate 800 DIVISION OF WATER RESOURCES (c.f.s.) Perfected Quantity 98
Completed by Douglas E. Bush 3-3-88 **HAYS004194**
DWR-101 29816 Page 12 of 37 Revised January 1987

GENERAL INFORMATION ON IRRIGATION SYSTEM:

 Center PivotManufacturer Zimmatic Model 410 Serial No. A10720Drive: Water Electric Length of Pivot Arm _____ acres irr. _____

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 () noEnd Gun Model Toro Rating _____ g.p.m. Orifice size _____ Gravity Irrigation

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

 Other Type _____

Manufacturer _____ Model _____ Serial No. _____

Low pressure spray nozzles on center pivot.
unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Deutz Model No. F5L 912 HP _____Serial No. 9636197 Fuel Diesel Rated RPM _____

PUMP INFORMATION:

Manufacturer Western Land Roller Model No. 12CM Rated RPM _____Serial No. E 77315 Type Vertical Turbine No. stages 4

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F 80Serial No. 82426 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled April 1977 Original Depth 140 ft. Static Water Level When Drilled 40 ft.Length of time well has () operated rested prior to measurement 5 days () hrsIs measurement tube required? () yes no Is measurement tube present () yes no

Depth to water _____ ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is the meter installed properly? () yes () no Check Valve Present? yes () noInjection port present? () yes no Operating an injection system? () yes noLow Pressure Drain? yes () no Vacuum Breaker? yes () noPlant Health Chemigation Report completed? yes () no

HAYS004195

29816 SKETCH OF ACTUAL PLACEMENT, SE, LOCATION OF DIVERSION WORK AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).

N
 ↑
 Scale
 1" = ____ ft.

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

TEST OF DIVERSION RATE:

Location of test Horizontal pipe between pump and pivot
 Pipe Diameter (I.D.) 8 1/4 inches

Test No. 1—Normal Conditions

R.P.M. POWER UNIT 2119
 R.P.M. PUMP UNIT 1766
 Pressure at Pump 36 psi

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Total _____
 Avg. _____
 G.P.M. _____

Velocity (fps)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Total _____
 Avg. _____
 G.P.M. _____

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

RECEIVED

Ending _____ gal.
 Beginning MAY 20 1988 gal.
 Difference _____ gal.
 Time FIELD OFFICE min.
 Rate DIVISION OF WATER RESOURCES gpm
STATION

MICROFILMED

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations) **HAYS004196**

TABULATION OF WATER USE:

| Year | Hours Pumped (hr) | Reported Pumping Rate (gpm) | Water Used (AF) | Acres Irrigated |
|--------|---------------------|-------------------------------|-------------------|-----------------|
| 1978 | 376 | | | 70 |
| 1979 | | | | |
| 1980 | | | | |
| 1981 | | | | |
| 1982 | | | | |
| 1983 | | | | |
| 1984 | 970 | | | 70 |
| * 1985 | 889 | 7.98** | | 70 |
| 1986 | 732 | 750 | | |
| 1987 | | 798** | | |
| | | ** obtained from test data | | |

Indicate Year of Record with (*) _____ Source of Information Stafford Files
 Crops Irrigated: this year Alfalfa Year of record wheat

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{kw-hr}{rate}$ = _____

Other Fuels Type _____ Supplier _____
 Rate = $\frac{Volume (test)}{time}$ = _____
 How was the test volume determined? _____

REMARKS: Landowner obtained from Reg. of Deeds. See attached sheet for notes on selecting a year of record.

Person present at test Roy Williams (name) employee of tenant (relationship)
 Water Use Correspondent Jerry Weaver (name) Agri Affiliates (address) Box 1162 North Platte NE 69103 308-534-9240 (phone number)
 Conducted by Greg Ebert Date 8/9/87
 Approved by Bill J. Wentz, P.E. (signature) _____ (title) Date _____ HAYS004197

FIELD INSPECTION REPORT

Field Office No. 2
G.M.D. No. 5

- Partial
- Full
- Re-Test



Test 2 of 2 Diversion points County Edwards

Application No. 29816 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc Ebert/Stegman

Current Landowner Connecticut General Life Ins. % Serry Weaver Agri Associates Phone No. (308) 534-9240

Address Box 1162, North Platte, Nebraska 69103

Additional landowners and addresses identified in remarks section.

Water Use Classification: () Domestic () Industrial (Irrigation () Municipal
() Recreation () Stockwatering () Water Power

Source:
 Groundwater () Surface Water Basin/Stream Rattlesnake Creek

Authorized Point of Diversion: NC on northside of SW 1/4 of NE 1/4 Sec. 4, T. 26 R. 19, ID No. 04
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: _____ Sec. 4, T. 26 R. 19
Approximately 4056 ft. North and 1320 ft. West of SE corner of Sec. 4
How were distances determined? Scaled off aerial photo

"Approved" Quantity 240 AF "Approved" Diversion Rate 1600 g.p.m. (3,57 c.f.s.)

Priority Date May 6, 1977 Approval Date Feb 22, 1978 Perfection Date Dec. 31, 1983

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>4</u> | <u>26</u> | <u>19</u> | | | <u>40</u> | <u>40</u> | | | <u>40</u> | <u>40</u> | | | | | | | | | <u>160</u> |

LAND IRRIGATED—YEAR OF RECORD 1985 (See attached sheet)

| S | T | R | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTAL ACRES |
|----------|-----------|-----------|----------|----------|-----------|-----------|--------|----|----|----|--------|----|----|----|--------|----|----|----|-------------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| <u>4</u> | <u>26</u> | <u>19</u> | <u>5</u> | <u>5</u> | <u>30</u> | <u>30</u> | | | | | | | | | | | | | <u>70</u> |

TESTED DIVERSION RATES

Maximum G.P.M. _____ (c.f.s. _____) Normal G.P.M. 747 (c.f.s. 166)

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time needed: Yes () No () Attached? yes () no ()

Ac. Ft. Applied = $\frac{1035 \text{ hrs.} \times 747 \text{ g.p.m.} \times 4.419}{24 \times 1000} = 143 \text{ AF}$

"Approved" Land irrigated 60 acres, with 123 AF = 2.05 AF/acre

Total AF (including overlapping Files) 123 (2.05 AF/acre)

60 (approved acres irrigated) x 1.5 (A.F. per acre) = 90 A.F.
MAY 20 1988

MICROFILMED

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

Perfected Rate 750 g.p.m. (1.67 c.f.s.) Perfected Quantity 90

Completed by Douglas E. Bush 3-3-88 HAYS004200
Revised January 1987

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Zimmatic Model 410 Serial No. 207074

Drive: Water Electric Length of Pivot Arm _____ acres irr. 80

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 Toso Rating _____ g.p.m. Orifice size _____

Gravity Irrigation

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

Other Type _____

Manufacturer _____ Model _____ Serial No. _____

unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Deutz Model No. F52912 HP _____

Serial No. 9029365 Fuel Diesel Rated RPM _____

PUMP INFORMATION:

Manufacturer Western Land Roller Model No. 12CM Rated RPM _____

Serial No. E 77316 Type Vertical Turbine No. stages 4

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. 660A

Serial No. A 405025 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled April 1977 Original Depth 140 ft. Static Water Level When Drilled 40 ft.

Length of time well has operated rested prior to measurement 7 days () hrs.

Is measurement tube required? () yes no Is measurement tube present () yes no

Depth to water 45 ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is the meter installed properly? () yes () no Check Valve Present? yes () no

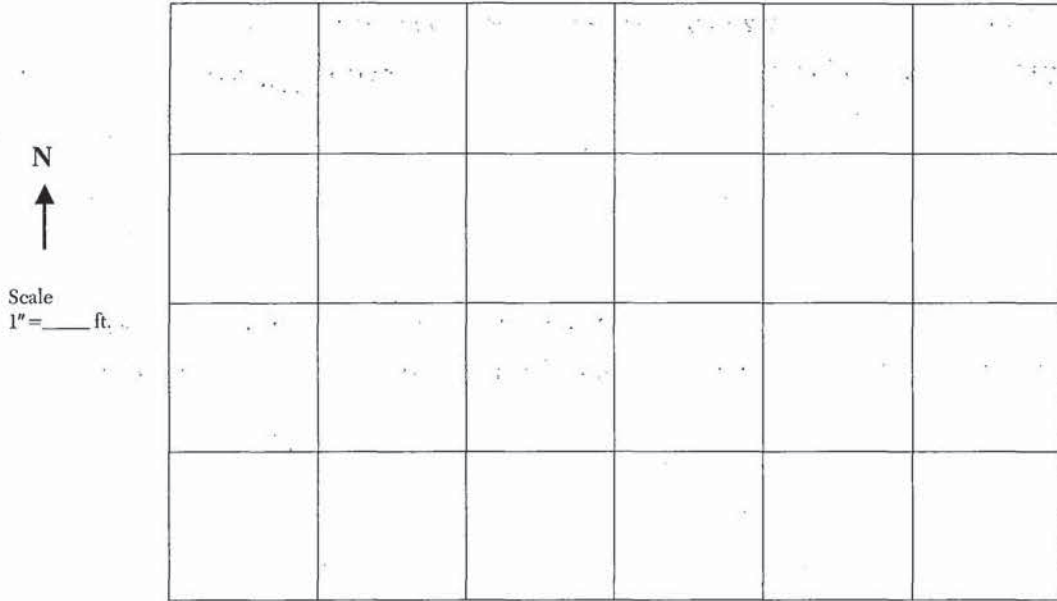
Injection port present? () yes no Operating an injection system? () yes no

Low Pressure Drain? yes () no Vacuum Breaker? yes () no

Plant Health Chemigation Report completed? yes () no

HAYS004201

29816
SKETCH OF ACTUAL PLACE, SE, LOCATION OF DIVERSION WORK AND DISTRIBUTION SYSTEM.
 (Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Location of test Horizontal pipe between pump and pivot
 Pipe Diameter (I.D.) 8 1/4 inches

Test No. 1—Normal Conditions

Test No. 2—Maximum Conditions

R.P.M. POWER UNIT 2190
 R.P.M. PUMP UNIT 1825
 Pressure at Pump 40 psi

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Jacuzzi Meter Test

Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q \text{ (gpm)} = VK$

Velocity (fps)

Velocity (fps)

1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
 Total _____
 Avg. _____
 G.P.M. _____

1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
 Total _____
 Avg. _____
 G.P.M. _____

Propeller Meter Test

Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Ending _____ gal.
 Beginning _____ gal.
 Difference _____ gal.
 Time _____ min.
 Rate _____ gpm

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations) **HAYS004202**



TABULATION OF WATER USE:

| Year | Hours Pumped (hr) | Reported Pumping Rate (gpm) | Water Used (AF) | Acres Irrigated |
|--------|---------------------|-------------------------------|-------------------|-----------------|
| 1978 | 432 | | | 70 |
| 1979 | | | | |
| 1980 | | | | |
| 1981 | | | | |
| 1982 | | | | |
| 1983 | | | | |
| 1984 | 788 | 700 | | 70 |
| * 1985 | 1035 | 747** | | 70 |
| 1986 | 581 | 700 | | 70 |
| 1987 | | 747** | | |
| | | ** obtained from test data | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Indicate Year of Record with (*) _____ Source of Information Stafford Files
 Crops Irrigated: this year Alfalfa Year of record wheat-milo

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type _____ Supplier _____
 Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____
 How was the test volume determined? _____

REMARKS: Landowner obtained from Reg of Deeds. See attached sheet for notes on choosing a year of record.

Person present at test Roy Williams employee of tenant
(name) (relationship)
 Water Use Correspondent Jerry Weaver % Agri Associates Box 1162 North Platte NE 69103 308-534-9240
(name) (address) (phone number)
 Conducted by Greg Ebert Date 8/6/87
 Approved by Kild J. Went, P.E. Date 11/20/87
(signature) (title)

3 farms

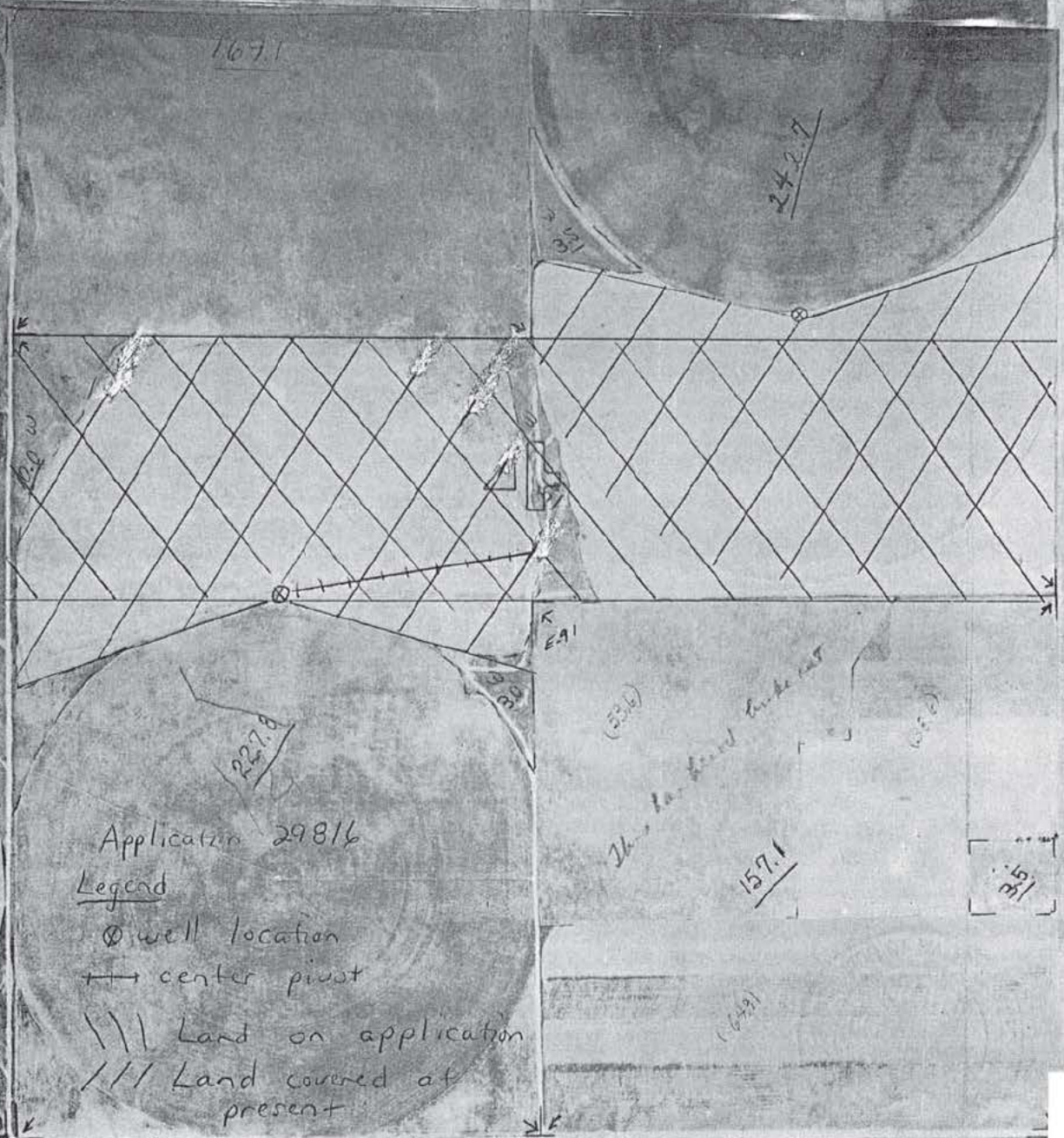
4-26-19

26-19

C-5

C-5

E-199



Application 29816

Legend

⊙ well location

⊕ center pivot

\\ Land on application

/// Land covered at present

RECEIVED

MAY 20 1988

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

J. R. Colan
9/15/87

MICROFILMED
HAYS004204

-29816

**EXHIBIT
E**

**DEPOSITION
EXHIBIT**
2
2-22-83 711

**PLAINTIFF'S
EXHIBIT**
B
82 C 22

AMERICAN AGRICULTURAL INDUSTRIES, INC.

RURAL ROUTE *1

P O. BOX 187

KINSLEY, KANSAS 67547

TELEPHONES
AREA CODE 316
659-2668
659-2772
659-3711

TELEX NUMBER
910-740-6720

March 25, 1982

Slentz-McAllaster Inc.
P O Box 38
Lewis, Kansas 67552

CLERK DISTRICT COURT
9
83 NOV 16 PM 5 05
FILED

Dear Don,

This letter is in reference to our conversation concerning the alfalfa insurance on the alfalfa located at the Lucerne Farms in Kinsley, Kansas.

As of today, we will no longer be responsible for the insurance on the alfalfa that you have paid us for but have not removed from the farm.

Our records show that you have paid us \$ 416,000.00 (this includes the March payment of \$ 52,000.00) for alfalfa. At \$65.00 per ton this figures that you have paid for 6,400 ton of hay. We show that you have removed 2278 bales at 1800 lbs average weight. That is 2050.2 Tons removed. So there is 4,349.80 tons of alfalfa on this farm that you have paid for but you have not removed.

If you have any question on how I have arrived at these figures please contact me.

Best Regards,

Pamela Meadows
Pamela Meadows
Secretary

*Note: This figure of 2278 removed doesn't include the 54 bales taken this week.

HAYS004448

LUCERNE FARMS HAY
PRODUCTION

| McALLASTERS 4/5 | | TOTAL BALES | ANIBYPRO 1/5 | |
|-----------------|-----|-------------|--------------|----|
| #0 | | | #0 | |
| 1st | 13 | 16 | 1st | 4 |
| 2nd | 52 | 65 | 2nd | 13 |
| 3rd | 83 | 104 | 3rd | 21 |
| 4th | 31 | 39 | 4th | 8 |
| #1 | | | #1 | |
| 1st | 73 | 91 | 1st | 18 |
| 2nd | 113 | 141 | 2nd | 28 |
| 3rd | 127 | 159 | 3rd | 32 |
| 4th | 46 | 58 | 4th | 12 |
| #2 | | | #2 | |
| 1st | 54 | 68 | 1st | 14 |
| 2nd | 106 | 133 | 2nd | 27 |
| 3rd | 144 | 180 | 3rd | 36 |
| 4th | 48 | 60 | 4th | 12 |
| #3 | | | #3 | |
| 1st | 153 | 191 | 1st | 38 |
| 2nd | 164 | 205 | 2nd | 41 |
| 3rd | 373 | 466 | 3rd | 93 |
| 4th | 121 | 152 | 4th | 31 |
| #4 | | | #4 | |
| 1st | 82 | 103 | 1st | 21 |
| 2nd | 85 | 106 | 2nd | 21 |
| 3rd | 170 | 212 | 3rd | 42 |
| 4th | 32 | 40 | 4th | 8 |
| #5 | | | #5 | |
| 1st | 44 | 55 | 1st | 11 |
| 2nd | 155 | 194 | 2nd | 39 |
| 3rd | 135 | 169 | 3rd | 34 |
| 4th | 38 | 47 | 4th | 9 |
| #6 | | | #6 | |
| 1st | 41 | 51 | 1st | 10 |
| 2nd | 82 | 103 | 2nd | 21 |
| 3rd | 164 | 205 | 3rd | 41 |
| 4th | 82 | 102 | 4th | 20 |
| #7 | | | #7 | |
| 1st | 141 | 176 | 1st | 35 |
| 2nd | 170 | 212 | 2nd | 42 |
| 3rd | 206 | 258 | 3rd | 52 |
| 4th | 96 | 120 | 4th | 24 |
| #8 | | | #8 | |
| 1st | 82 | 103 | 1st | 21 |
| 2nd | 122 | 153 | 2nd | 31 |
| 3rd | 177 | 221 | 3rd | 44 |
| 4th | 99 | 124 | 4th | 25 |

| | | | | |
|-----|-----|-----|-----|----|
| #9 | | | #9 | |
| 1st | 119 | 149 | 1st | 30 |
| 2nd | 194 | 243 | 2nd | 49 |
| 3rd | 167 | 209 | 3rd | 42 |
| 4th | 82 | 102 | 4th | 20 |
| #10 | | | #10 | |
| 1st | 77 | 96 | 1st | 19 |
| 2nd | 261 | 326 | 2nd | 65 |
| 3rd | 201 | 251 | 3rd | 42 |
| 4th | 118 | 148 | 4th | 30 |
| #11 | | | #11 | |
| 1st | 116 | 145 | 1st | 29 |
| 2nd | 208 | 260 | 2nd | 52 |
| 3rd | 162 | 202 | 3rd | 40 |
| 4th | 42 | 52 | 4th | 10 |
| #12 | | | #12 | |
| 1st | 130 | 162 | 1st | 32 |
| 2nd | 302 | 377 | 2nd | 75 |
| 3rd | 257 | 321 | 3rd | 64 |
| 4th | 110 | 137 | 4th | 27 |
| #13 | | | #13 | |
| 1st | 75 | 94 | 1st | 19 |
| 2nd | 122 | 153 | 2nd | 31 |
| 3rd | 121 | 151 | 3rd | 30 |
| 4th | 13 | 16 | 4th | 4 |
| #16 | | | #16 | |
| 1st | 70 | 88 | 1st | 18 |
| 2nd | 144 | 180 | 2nd | 36 |
| 3rd | 86 | 108 | 3rd | 22 |
| 4th | 15 | 19 | 4th | 4 |
| #17 | | | #17 | |
| 1st | 107 | 134 | 1st | 27 |
| 2nd | 218 | 273 | 2nd | 55 |
| 3rd | 122 | 152 | 3rd | 30 |
| 4th | 42 | 53 | 4th | 11 |
| #18 | | | #18 | |
| 1st | 23 | 28 | 1st | 6 |
| #19 | | | #19 | |
| 1st | 47 | 59 | 1st | 12 |
| 2nd | 42 | 53 | 2nd | 11 |
| 3rd | 50 | 63 | 3rd | 13 |
| #30 | | | #30 | |
| 1st | 126 | 158 | 1st | 32 |
| 2nd | 157 | 196 | 2nd | 39 |
| 3rd | 90 | 113 | 3rd | 23 |
| 4th | 18 | 23 | 4th | 5 |

| | | | | |
|-----|-----|-----|-----|----|
| #38 | | | #38 | |
| 1st | 98 | 122 | 1st | 24 |
| 2nd | 162 | 202 | 2nd | 40 |
| 3rd | 95 | 119 | 3rd | 24 |
| 4th | 52 | 65 | 4th | 13 |

29816

#39

| | | |
|-----|----|----|
| 1st | 16 | 20 |
| 2nd | 26 | 33 |
| 3rd | 31 | 39 |

#39

| | |
|-----|---|
| 1st | 4 |
| 2nd | 7 |
| 3rd | 8 |

Total Bales 10776

McAllasters 4/5's 8621

Anibypros 1/5's 2155

*Note In order to come up to 8.000 Tons it will take 8.889 bales of 1800lbs.
This will leave Anibypro 1887 bales

HAYS004451

29816

BLENTZ-MCALASTER INC.

ALFALFA REMOVED FROM LUCERNE FIELDS

| | | | |
|-------------|----------|------|-----------|
| | INITIALS | DATE | REFERENCE |
| PREPARED BY | | | |
| CHECKED BY | | | |
| APPROVED BY | | | |

| DATE | CIRCLE # | CUTTING | AMOUNT OF BALES TAKEN | TONS PER SCALE TICKETS |
|-------|----------|---------|-----------------------|------------------------|
| 8-30 | 7 | 3rd | 52 | 45.58 |
| | 10 | 3rd | 50 | 43.2 |
| 9-7 | 7 | 3rd | 108 | 94.34 |
| | 12 | 3rd | 104 | 86.92 |
| 9-14 | 12 | 3rd | 78 | 66.05 |
| | 5 | 3rd | 113 | 93.85 |
| | 10 | 3rd | 116 | 92.39 |
| | 11 | 2nd | 30 | 18.38 |
| | 4 | 3rd | 138 | 128.08 |
| | 12 | 3rd | 30 | 26.24 |
| 9-21 | 30 | 3rd | 69 | 57.46 |
| | 38 | 3rd | 79 | 60.97 |
| 10-5 | 6 | 4th | 21 | 21.97 |
| 10-12 | 8 | 4th | 83 | 89.20 |
| 10-19 | 7 | 4th | 52 | 55.89 |
| 10-26 | 9 | 4th | 42 | 38.54 |
| 11-2 | 10 | 4th | 78 | 68.8 |
| | 12 | 4th | 56 | 58.83 |
| 11-9 | 9 | 4th | 52 | 48.76 |
| 11-16 | 2 | 4th | 22 | 22.82 |
| | 9 | 4th | 3 | 3.00 |
| | 8 | 4th | 41 | 42.36 |
| | 10 | 3rd | 20 | 16.47 |
| | 6 | 4th | 26 | 26.54 |
| | 7 | 4th | 34 | 36.74 |
| 11-23 | 2 | 4th | 22 | 22.73 |
| | 11 | 4th | 26 | 24.55 |
| | 38 | 4th | 52 | 52.02 |
| 12-7 | 30 | 4th | 22 | 21.51 |
| | 38 | 4th | 4 | 3.91 |
| 12-21 | 7 | 3rd | 47 | 41.31 |
| | 9 | 4th | 8 | 7.30 |
| 1-4 | 7 | 2nd | 28 | 20.98 |
| | 7 | 3rd | 11 | 9.14 |
| | 7 | 4th | 15 | 12.17 |
| 1-17 | 3 | 4th | 60 | 61.2 |
| 1-19 | 3 | 4th | 28 | 26.39 |
| | 12 | 4th | 56 | 43.63 |
| 1-29 | 12 | 3rd | 28 | 18.78 |
| 1-30 | 12 | 3rd | 2 | 1.75 |
| | 12 | 1st | 78 | 70.52 |
| 2-2 | 5 | 4th | 28 | 23.51 |
| | 12 | 1st | 26 | 23.17 |
| 2-4 | 7 | 1st | 7 | 5.44 |
| | 7 | 2nd | 8 | 6.21 |
| | 7 | 3rd | 7 | 5.44 |
| 2-11 | 7 | 1st | 12 | 10.61 |
| | 7 | 2nd | 14 | 12.38 |
| 2-22 | 30 | 2nd | 52 | 44.21 |

29816

HAYS004452

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

| <u>Area, Place of use</u> | <u>Max. Allowable Rate</u> | |
|---------------------------|----------------------------|----------|
| up to 10 acres | 450 g.p.m. | 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.

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.

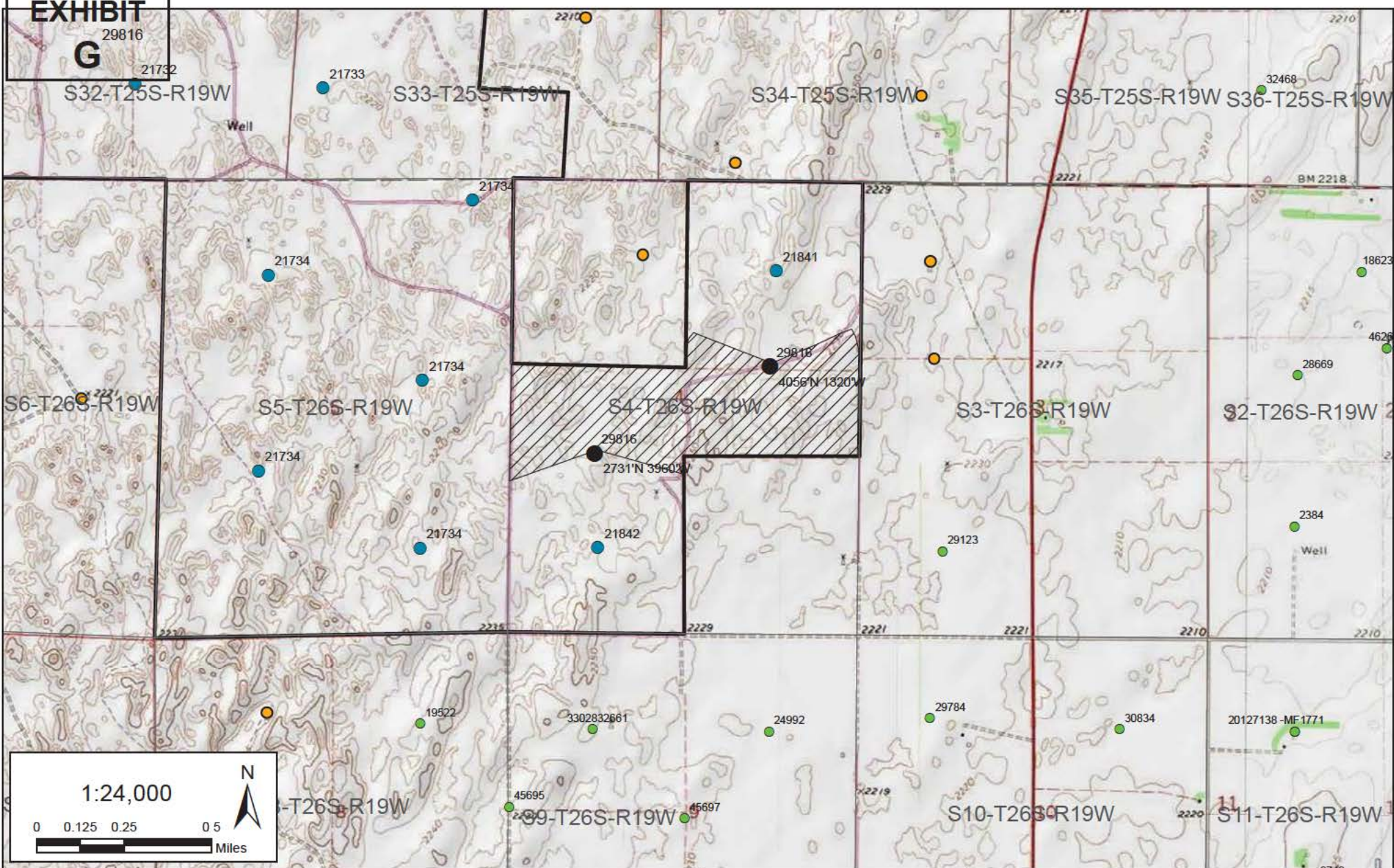
A further limiting factor to maximum allowable quantity is the availability of water from the proposed source of supply. If the source of supply is incapable of yielding a reasonably, sustainable (computed) quantity during the irrigation season in that area of the state, then the source becomes a further 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.

EXHIBIT

29816

G



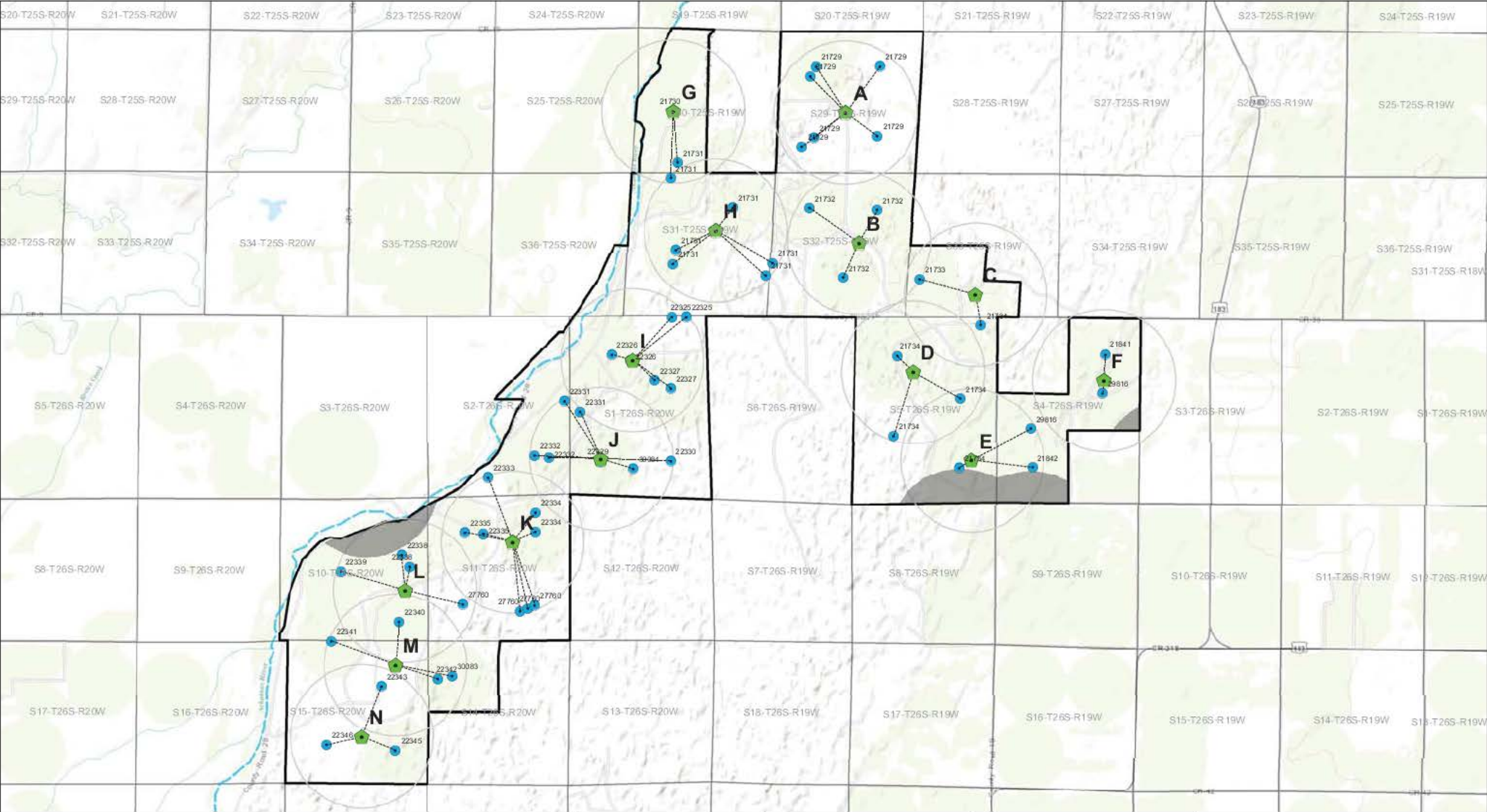
Legend

- 29816 Existing Point(s) of Diversion
- 29816 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- ▭ PLSS Sections 29816
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



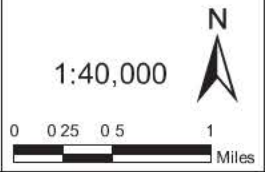
**CHANGE APPLICATION 29816
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION**

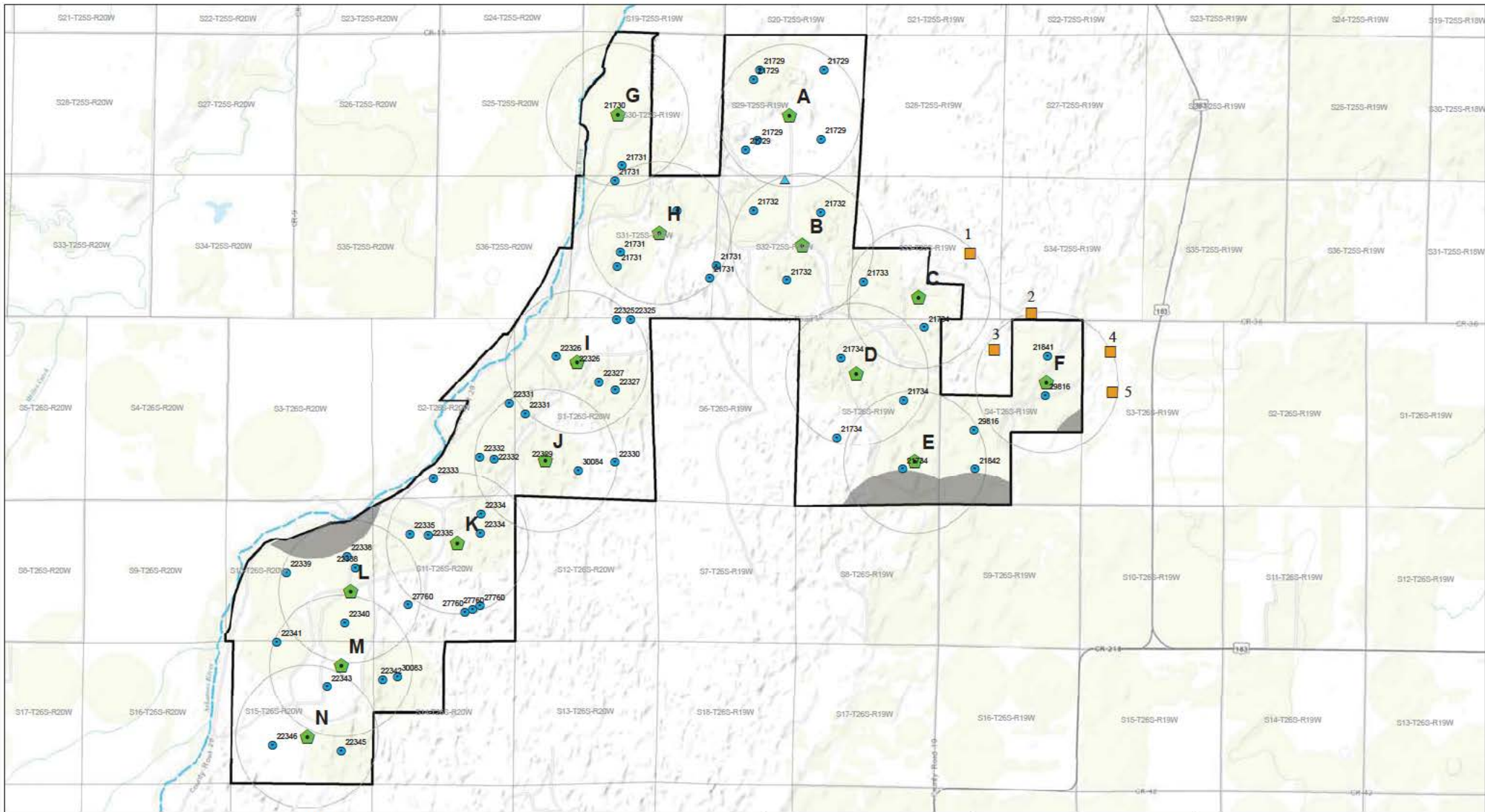
EXHIBIT
29816
H



Legend

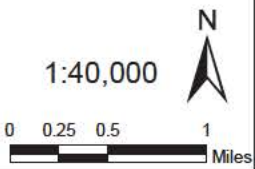
- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections





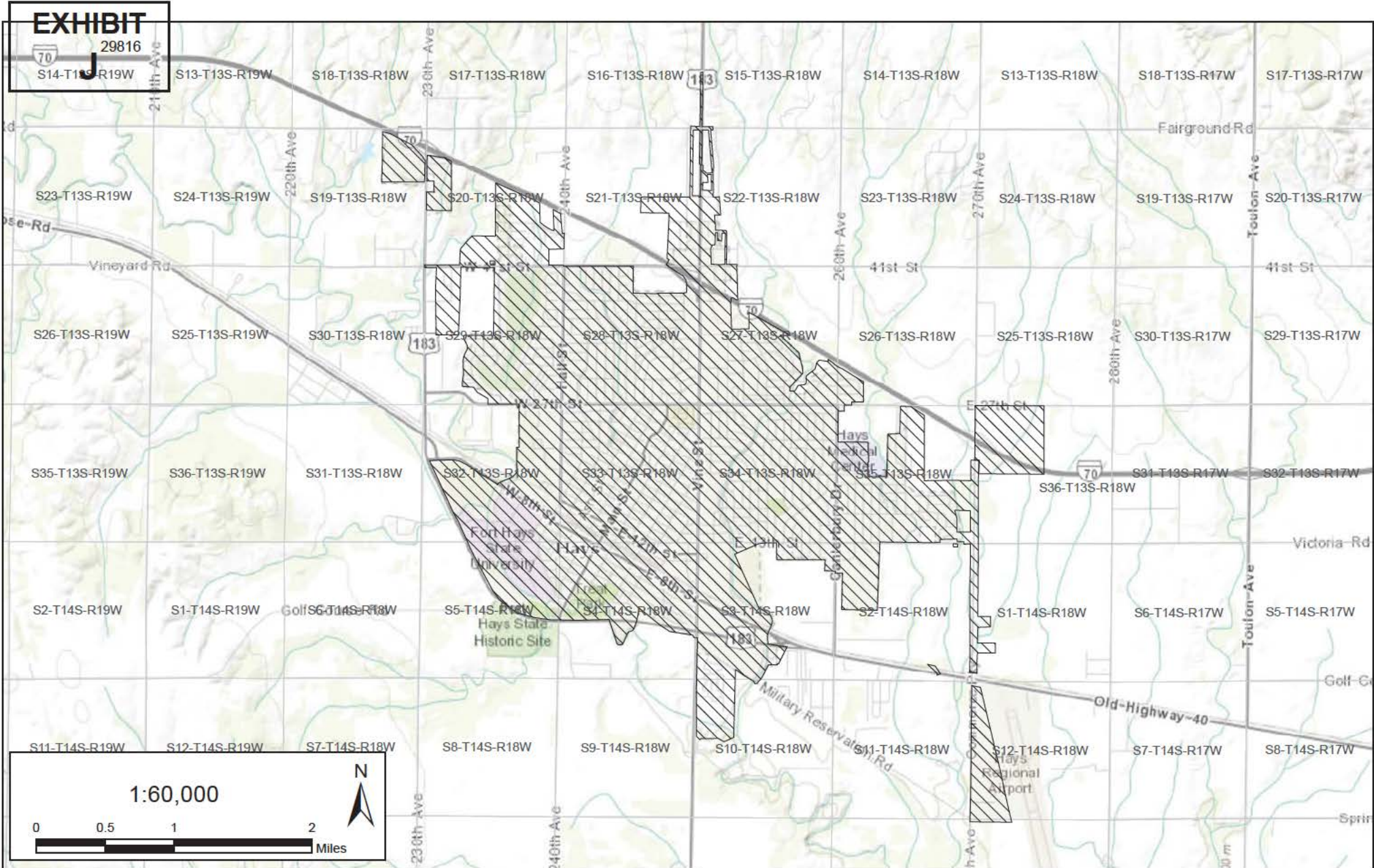
Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)



EXHIBIT

29816



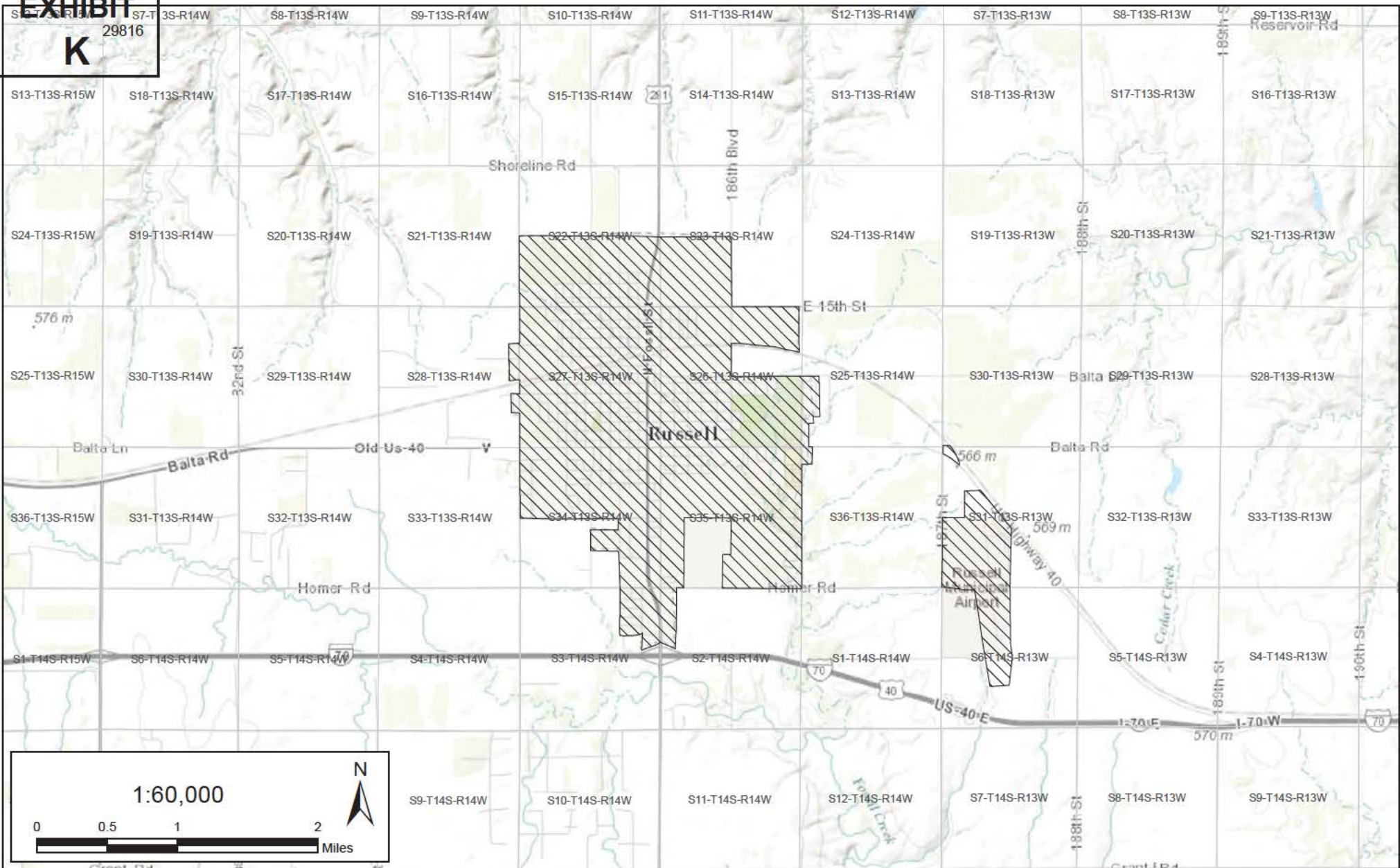
Proposed Place of Use City of Hays



PLSS Sections



EXHIBIT
K
29816



Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Below Explanation) |
| 684,559,000 | | | 10,806,000 | 595,254,000 | 16,327,000 | 62,172,000 |
| TOTAL WATER = Columns 1 + 2 | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | | UNACCOUNTED FOR WATER |

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
L**

**SECTION 2: PAST WATER USE
 COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

| | Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| | Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Above Explanation) |
| 20 years ago | 592,323,000 | | | 5,029,000 | 469,314,000 | 5,155,000 | 112,825,000 |
| 15 years ago | 780,527,000 | | | 10,619,000 | 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 |

Applicant's Name City of Russell
(Please Print)

**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
SUPPLEMENTAL INFORMATION SHEET**

Application File Number

(assigned by DWR)

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Below Explanation) |
| 327,288,100 | 0 | 0 | 105,295,000 | 108,743,000 | 19,944,000 | 93,306,100 |
| 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
M**

**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 |

29816
SECTION 3: PROJECTED FUTURE WATER NEEDS

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

| | Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|------------------------------------|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| | Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Explanation on other side) |
| Year 5 | 386,346,512 | 0 | 0 | 177,719,396 | 119,767,419 | 15,453,861 | 73,405,836 |
| Year 10 | 405,513,682 | 0 | 0 | 186,536,377 | 125,709,241 | 16,220,547 | 77,047,517 |
| Year 15 | 426,310,852 | 0 | 0 | 196,102,992 | 132,156,364 | 17,052,434 | 80,999,062 |
| Year 20 | 443,848,022 | 0 | 0 | 204,170,090 | 137,592,887 | 17,753,921 | 84,331,124 |
| TOTAL WATER = Columns 1 + 2 | | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | | UNACCOUNTED FOR WATER |

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
(CENSUS BUREAU INFORMATION)

| LAST 20 YEARS | POPULATION |
|---------------|------------|
| 20 years ago | |
| 15 years ago | 4,710 |
| 10 years ago | 4,696 |
| 5 years ago | 4,506 |
| Last Year | 4,475 |

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

| NEXT 20 YEARS | POPULATION |
|---------------|------------|
| Year 5 | 4,596 |
| Year 10 | 4,605 |
| Year 15 | 4,651 |
| Year 20 | 4,698 |

Provide number of current active service connections:

2,049 Residential 9 Industrial 30 Other (specify) Free Service
 360 Commercial 0 Pasture/ Stockwater/ Feedlot 2448 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 ÷ Population ÷ 365 Days/Year = Gallons per Person per Day

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 30,083 Circle 36.

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. _____ | GMD _____ | Meets K.A.R. 5-5-1 (YES / NO) _____ | Use _____ | Source _____ | G / S County _____ | By _____ | Date _____ |
| Code _____ | Fee \$ _____ | TR # _____ | Receipt Date _____ | Check # _____ | | | |

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|--------------|------|-------|-----|-----|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 14-T26S-R20W | | | | | | | 21.5 | 38.5 | 38.5 | 21 | | | | | | | | | 119.5 |
| 15-T26S-R20W | | | 7.5 | | | 7.0 | | | | | | | | | | | | | 14.5 |

List any other water rights that cover this place of use: File No. 22,342

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|---------------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| Same as above | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: None

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: City of Hays, Kansas

ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|---|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter. | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

Owner of Land — NAME: City of Russell, Kansas

ADDRESS: 133 W. 8th Street, Russell, Kansas 67665

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|--|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| The City of Russell, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter. | | | | | | | | | | | | | | | | | | | |

List any other water rights that cover this place of use: See paragraph 5 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 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 of Quarter of the E/2 of the W/2 Quarter of the NW Quarter of Section 14, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 3,994 feet North 4,328 feet West of Southeast corner of section. Authorized Rate 1,000 gpm* Authorized Quantity 126 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 SW Quarter of the NE Quarter of the NE Quarter of Section 15, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 4,367 feet North 1,228 feet West of Southeast corner of section. Proposed Rate 1,000 gpm Proposed Quantity 43.92 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point 22,340-42

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E/W~~), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E/W~~), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

*The rate is further limited to 1,085 gpm when combined with File No. 22,342.

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

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.



(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

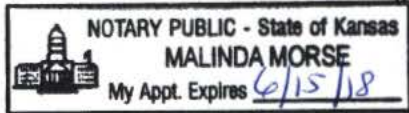
(Owner)

(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.



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.**

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.

(Owner) (Spouse)

City of Russell, Kansas, by Jon Quinday, City Manager
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Proposed Rate and Quantity

The Cities are requesting a total of 43.92 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 M, as shown on Exhibit G. When combined with existing wells from other water rights, new point of diversion M will have a cumulative total of 475.5 acre-feet and 3,500 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.

This file overlaps with File No. 22,342.

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 61 acre-feet to municipal use.¹ 134 approved acres irrigated during the perfection period multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 144.72 acre-feet.² However, as discussed below, only an additional 61 acre-feet were perfected.

Moreover, 140 acre-feet should be approved for municipal use under File No. 22,342, and since there is a complete overlap in the place of use, only an additional 4.72 acre-feet is available for municipal use from this file.

That same regulation goes on to allow the change to be based on the net consumptive use actually made during the perfection period.³

Quantity authorized and perfected

The permit was issued on February 7, 1978, granting the applicant the right to divert up to 240 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use on 160 acres in Section 14-T26S-R20W.⁴ The certificate further limited the diversion rate to 1,085 gallons per minute when combined with water right number 22,342.⁵

The Field Inspection Reports indicate that 61 of the 240 acre-feet authorized by the permit were lawfully perfected.

- 234 acre-feet were applied to 134 approved acres in the NW/4 of Section 14-T26S-R20W, or 1.75 acre-feet per acre.⁶
- The permit authorized the perfection of 240 acre-feet per acre on 160 acres, or 1.5 acre-feet per acre, resulting in the perfection of 201 acre-feet.⁷

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, HAYS004329, Ex. A.

⁵ Certificate, HAYS004345, Ex. B.

⁶ FIR, HAYS004308, Ex. C.

⁷ Permit, HAYS004329, Ex. A.

- 140 acre-feet were perfected on this circle under File 22,342. Thus only an additional 61 acre-feet were perfected.

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.⁸ 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 61 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 43.92 acre-feet, should be available for conversion to municipal use. This is less than the 61 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 43.92 acre-feet for municipal use.

⁸ Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. D, 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.



STATE BOARD OF AGRICULTURE
W. W. Duitsman, 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. 30,083 of the applicant

**First National Investors Corp., Inc. & Paul Mann
d/b/a/ Kinsley Farms
453 South Webb Road, P. O. Box 18383
Wichita, Kansas 67218**

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 **July 1, 1977.**
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

| 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 $\frac{1}{4}$ | |
| 14 | 26S | 20W | | | | | 40 | 40 | 40 | 40 | | | | | | | | | 160 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

3. That the source from which the appropriation is made shall be from **groundwater in the drainage basin of the Arkansas River to be withdrawn by means of one (1) well near the center of the Northwest Quarter (NW $\frac{1}{4}$) of Section 14, Township 26 South, Range 20 West, in Edwards County, Kansas, located substantially as shown on the topographic map 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 **240 acre-feet**

RECEIVED

FEB 20 1978 calendar year.

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD
HAYS004329

5. That installation of works for diversion of water shall be completed on or before December 31, 1979. 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, 1983.

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.

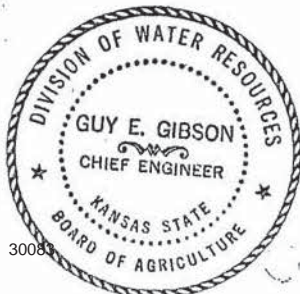
10. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

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.

13. That the quantity of water and rate of diversion approved under this application is further limited to the quantity and rate which combined with Application No. 22,342 will provide a total of not more than 278 acre-feet of water per calendar year to be diverted at a maximum rate of 1820 gallons per minute (4.05 c.f.s.) for irrigation on the land described in the application.

Dated this 7th day of February 1978.



Guy E. Gibson
 Guy E. Gibson, Chief Engineer
 Division of Water Resources
 Kansas State Board of Agriculture

HAYS004330

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

Gary Hall, Acting Secretary

DIVISION OF WATER RESOURCES

David L. Pope, Chief Engineer

CERTIFICATE OF APPROPRIATION

FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 30,083

PRIORITY DATE July 1, 1977

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of a well located near the center of the East Half of the West Half of the Northwest Quarter ($E\frac{1}{2} W\frac{1}{2} NW\frac{1}{4}$) of Section 14, more particularly described as being near a point 3,994 feet North and 4,328 feet West of the Southeast corner of said section, in Township 16 South, Range 20 West, Edwards County, Kansas, at a diversion rate not in excess of 1,000 gallons per minute (2.23 c.f.s.) and in a quantity not to exceed 126 acre-feet per calendar year for irrigation use on the following described property:

21.5 acres in the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4}$),
 38.5 acres in the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4} NW\frac{1}{4}$),
 38.5 acres in the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4}$),
 21.0 acres in the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} NW\frac{1}{4}$),

a total of 119.5 acres in Section 14,

7.5 acres in the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$),
 7.0 acres in the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4}$),

a total of 14.5 acres in Section 15,

all in Township 26 South, Range 20 West, Edwards County, Kansas.

This appropriation right is further limited to a diversion rate which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File No. 22,342, will provide a diversion rate not in excess of 1,085 gallons per minute (2.42 c.f.s.) for irrigation use on the land described herein.

MAY 06 1992

HAYS004345

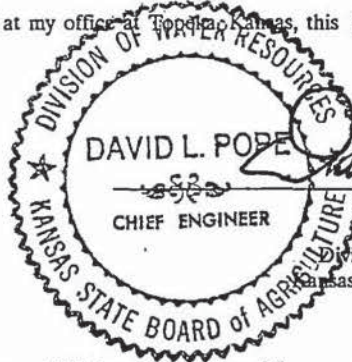
The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer 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 27th day of April, 19 92

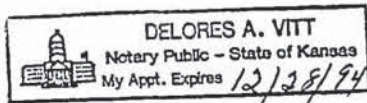


David L. Pope

David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 27th day of April, 19 92, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Delores A. Vitt*
Notary Public

My appointment expires: 12/28/94

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

WATER APPROPRIATION
CERTIFICATE

No. 20,045

STATE OF KANSAS

Water Right, File No. 30,083

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.

HAYS004345

EXHIBIT
30083
C

FIELD INSPECTION REPORT



- Partial
- Full
- Re-Test

Field Office No. 2
G.M.D. No. 5 D.E.B. 10-26-87

Test 1 of 1 Diversion points County Edwards

Application No. 30083 Inspection Date 8/10/87 Firm/Field Office Pumping Plant Testing, Inc. Ebert/Stogman

Current Landowner Connecticut General Life Ins. % Agri. Affiliates Phone No. (308) 534-9240

Address Box 1162 North Platte NE 69103 Attn. Jerry Weaver
 Additional landowners and addresses identified in remarks section.

Water Use Classification: () Domestic () Industrial (Irrigation () Municipal
() Recreation () Stockwatering () Water Power

Source:
 Groundwater () Surface Water Basin/Stream Arkansas River

Authorized Point of Diversion: NC NW 1/4 Sec. 14, T. 26, R. 20, ID No. 02
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: NC E 1/2, W 1/4, N W 1/4 Sec. 14, T. 26, R. 20
Approximately 3994 ft. North and 4328 ft. West of SE corner of Sec. 14
How were distances determined? Scaled off aerial photo and original survey plat

"Approved" Quantity 240 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date JULY 1, 1977 Approval Date Feb, 7, 1978 Perfection Date Dec, 31, 1983

Other applications covering land and/or point of diversion 22342
(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>14</u> | <u>26</u> | <u>20</u> | | | | | <u>40</u> | <u>40</u> | <u>40</u> | <u>40</u> | | | | | | | | | <u>160</u> |
| | | | | | | | | | | | | | | | | | | | |

LAND IRRIGATED—YEAR OF RECORD 1985 SEE ATTACHED SHEET

| S | T | R | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTAL ACRES |
|-----------|-----------|-----------|------------|----|----|----------|-------------|-------------|-------------|-----------|--------|----|----|----|--------|----|----|----|--------------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| <u>14</u> | <u>26</u> | <u>20</u> | | | | | <u>21.5</u> | <u>38.5</u> | <u>38.5</u> | <u>21</u> | | | | | | | | | <u>119.5</u> |
| <u>15</u> | <u>26</u> | <u>20</u> | <u>7.5</u> | | | <u>7</u> | | | | | | | | | | | | | <u>14.5</u> |
| | | | | | | | | | | | | | | | | | | | <u>134</u> |

TESTED DIVERSION RATES

well pumping alone
Maximum G.P.M. 1048 (c.f.s.) 36
Both wells pumping together
Normal G.P.M. 1085 (c.f.s.) 2.42

MAY 06 1992 FOR D.W.R. USE ONLY

Year of Record 1990 FIELD OFFICE extension of time needed: Yes () No () Attached? yes () no ()
Ac. Ft. Applied = 1211 1048 g.p.m. × $\frac{4.419}{24 \times 1000}$ = 234 AF

"Approved" Land irrigated 134 acres, with 234 AF = 1.75 AF/acre
Total AF (including overlapping Files) 140 + 234 = 374 (2.79 AF/acre)

Prorate by rate = $629 \text{ g.p.m. (well, File No. 22342)} + 1048 \text{ g.p.m. (well, File No. 30083)} = 1677 \text{ g.p.m.}$
 $\frac{1048 \text{ g.p.m.}}{1677 \text{ g.p.m.}} = 0.625$
 $0.625 \times 201 \text{ A.F. (maximum allowable)} = 126 \text{ A.F.}$

Perfected Rate 1000 g.p.m. (2.23 c.f.s.) Perfected Quantity 126 HAYS004308

DWR-101 30083 Douglas E. Bush 10-26-87 completed by Douglas E. Bush 1-15-92
Page 13 of 28 Revised January 1987

GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer Valley Model 4071 Serial No. 13380

Drive: Water Electric Length of Pivot Arm _____ acres irr. 134

Design Pressure-Pivot _____ p.s.i. Operating Pressure-Pivot _____ p.s.i.

Is there an End Gun? yes () no Is end gun operating during Test yes () no

End Gun Model Nelson 100 Rating _____ g.p.m. Orifice size _____

Gravity Irrigation

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

Other

Type _____

Manufacturer _____ Model _____ Serial No. _____

LOW ANGLE SPARKING SPARKERS ON CENTER PIVOT.
unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 460 HP _____

Serial No. _____ Fuel propane Rated RPM _____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 12MA Rated RPM _____

Serial No. W2W24263X Type Vertical Turbine No. stages 3

GEAR HEAD INFORMATION:

Manufacturer Amasillo Model No. 580

Serial No. 94817 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled July 1977 Original Depth * ft. Static Water Level When Drilled * ft.

Length of time well has () operated * UNKNOWN rested prior to measurement 36 () days hrs

Is measurement tube required? () yes no Is measurement tube present () yes no

Depth to water 24 ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? () yes no Make of Meter _____

Meter Model No. _____ Serial No. _____ Size _____

Is the meter installed properly? () yes () no Check Valve Present? yes () no

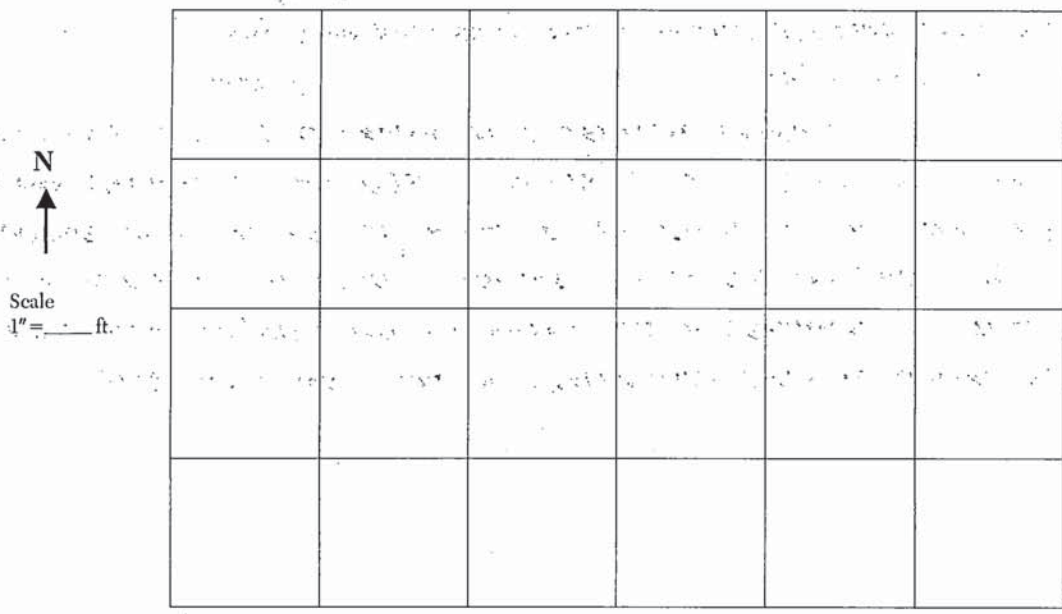
Injection port present? yes () no Operating an injection system? () yes no

Low Pressure Drain? yes () no Vacuum Breaker? yes () no

Plant Health Chemigation Report completed? yes () no

HAYS004309

SKETCH OF ACTUAL PLACE (SE, 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 at pivot after two wells hooked together
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1 - ~~Normal~~ Conditions
Both wells pumping together
 R.P.M. POWER UNIT 2108
 R.P.M. PUMP UNIT 1757
 Pressure at Pump 76 psi

Test No. 2 - ~~Maximum~~ Conditions
30,083 well pumping alone
 R.P.M. POWER UNIT 2127
 R.P.M. PUMP UNIT 1773
 Pressure at Pump 61 psi

Jacuzzi Meter Test Meter Identification No. _____

Area Constant $K = 2.45 \times I.D.^2 =$ _____ $Q (gpm) = VK$

| Velocity (fps) | Velocity (fps) |
|----------------|----------------|
| 1. _____ | 1. _____ |
| 2. _____ | 2. _____ |
| 3. _____ | 3. _____ |
| 4. _____ | 4. _____ |
| 5. _____ | 5. _____ |
| 6. _____ | 6. _____ |
| 7. _____ | 7. _____ |
| 8. _____ | 8. _____ |
| 9. _____ | 9. _____ |
| 10. _____ | 10. _____ |
| Total _____ | Total _____ |
| Avg. _____ | Avg. _____ |
| G.P.M. _____ | G.P.M. _____ |

Propeller Meter Test Manufacturer _____ Model _____ Serial No. _____

Meter Diameter _____ inches

| | |
|-----------------------|-----------------------|
| Ending _____ gal. | Ending _____ gal. |
| Beginning _____ gal. | Beginning _____ gal. |
| Difference _____ gal. | Difference _____ gal. |
| Time _____ min. | Time _____ min. |
| Rate _____ gpm | Rate _____ gpm |

MICROFILMED

Other Flow Meter Use Supplemental Sheet (include meter identification, data and calculations) HAYS004310

TABULATION OF WATER USE:

| Year | Hours Pumped (hr) | Reported Pumping Rate (gpm) | Water Used (AF) | Acres Irrigated |
|----------------------------|-------------------|-----------------------------|-----------------|-----------------|
| 1975 | | | | |
| 1976 | | | | |
| 1977 | 781 | 500 | | 130 |
| 1978 | | | | |
| 1979 | | | | |
| 1980 | | | | |
| 1981 | | | | |
| 1982 | | | | |
| 1983 | PIK | | | |
| 1984 | 1750 | 800 | | 134 |
| * 1985 | 2100 | 1048 ** | | 134 |
| 1986 | | | | |
| 1987 | | 1048 ** | | |
| ** obtained from test data | | | | |

Indicate Year of Record with (*) Source of Information Stafford Files
 Crops Irrigated: this year corn Year of record corn

FUEL RECORDS: (Complete only if water use information is not available)

Electricity Supplier _____
 Meter Manufacturer _____ Type _____ Serial No. _____
 K _____ watt/rev r _____ revolutions t _____ seconds
 Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

Other Fuels Type _____ Supplier _____
 Rate = $\frac{\text{Volume (test)}}{\text{time}}$ = _____
 How was the test volume determined? _____

REMARKS: THIS APPLICATION HAS AN OVERLAP WITH THE LAND COVERED UNDER APPLICATION 22,392. APPLN. 22392 HAS A SEPARATE WELL THAT IS PUMPED IN CONJUNCTION WITH THE WELL IN THIS APPLICATION. A "CHANGE OF PLACE OF USE" NEEDS TO BE FILED TO COVER THE 14.5 ACRES IRRIGATED IN THE E 1/2 OF SEC. 15, 26-20. BOTH WELLS ARE PUMPED INTO THE CENTRAL POND DESCRIBED HEREIN.

Person present at test Kent Naber (name) employee of tenant (relationship)
 Water Use Correspondent Jerry Weaver (Agri Affiliates) Box 162 North Platte, NE 69103 308-534-9240 (name) (address) (phone number)
 Conducted by Greg Ebert Date 8/11/87
 Approved by Bill J. Wentz, P.E. (signature) (title) Date 8/25/87 HAYS004311

NOT TO SCALE

26-20

15-26-20

2 form

25.3

63

31

B-3

NOT TO SCALE

B-3

14-26-20

2 form

26-20

Application No. 30083

Legend

⊗ well

++ pivot system

/// Land on application

/// Land irrigated

--- underground pipe

P
2033

31

1056

15

1259

35

1052

38

EM 8

well application 25342
well application 25342

Property Owner
8-17-81

11' 9" x 11'



PROLINED

25

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer *David L. Pope*

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

| <u>Area, Place of use</u> | <u>Max. Allowable Rate</u> | |
|---------------------------|----------------------------|----------|
| up to 10 acres | 450 g.p.m. | 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. | |
| | | <u>1,244</u> (allow 1,245 g.p.m.) | |

A further limiting factor of this procedure is the availability of water from the proposed source of supply. In those instances whereby the source of supply is incapable of yielding a reasonably, sustainable (computed) rate, then the source becomes a further limiting factor.

A further limiting factor is well design and equipment, which shall be reasonable to divert the requested rate.

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.

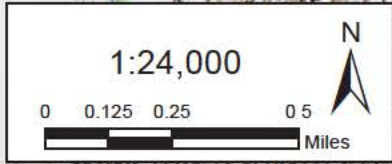
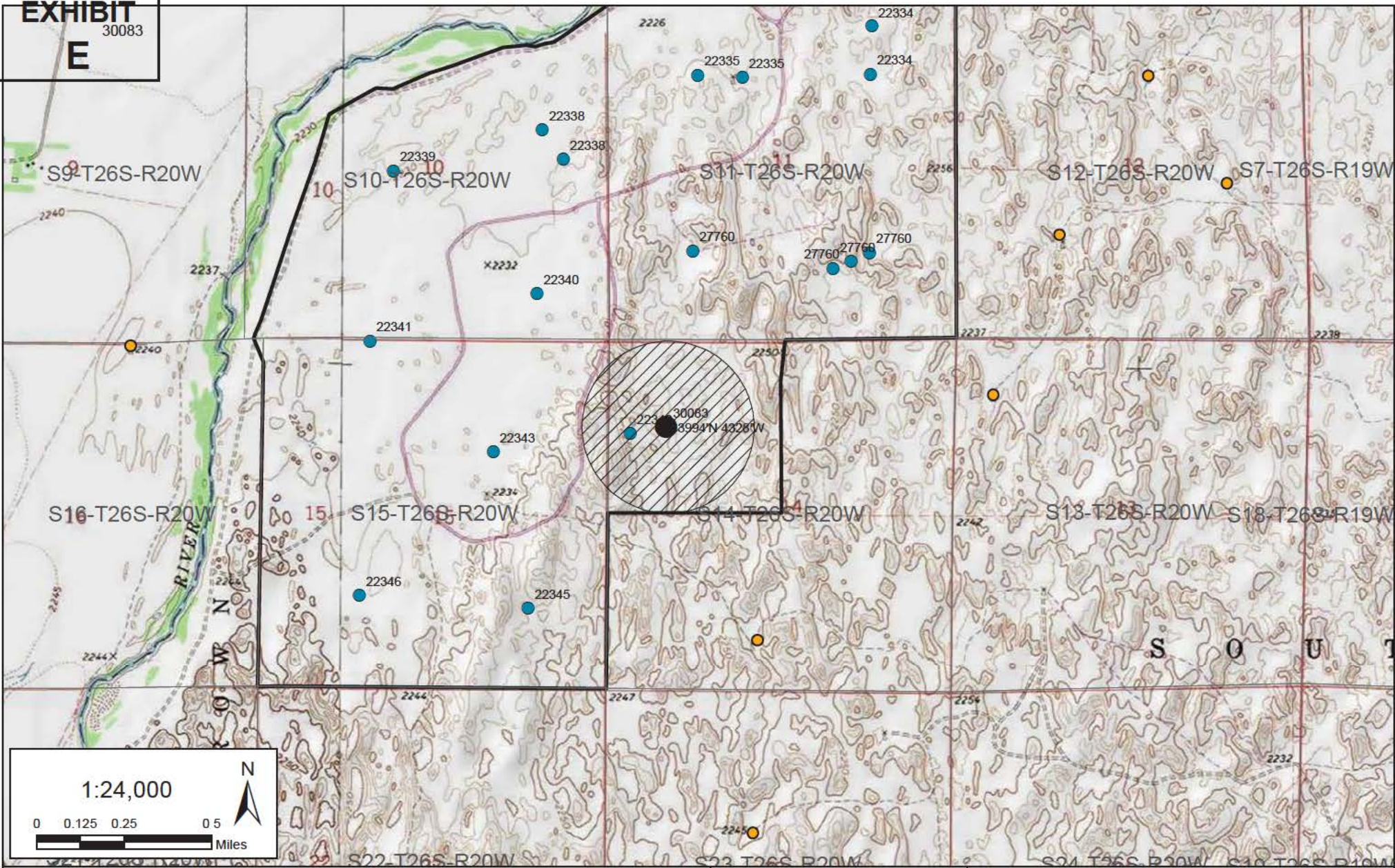
In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.

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.

EXHIBIT
30083
E



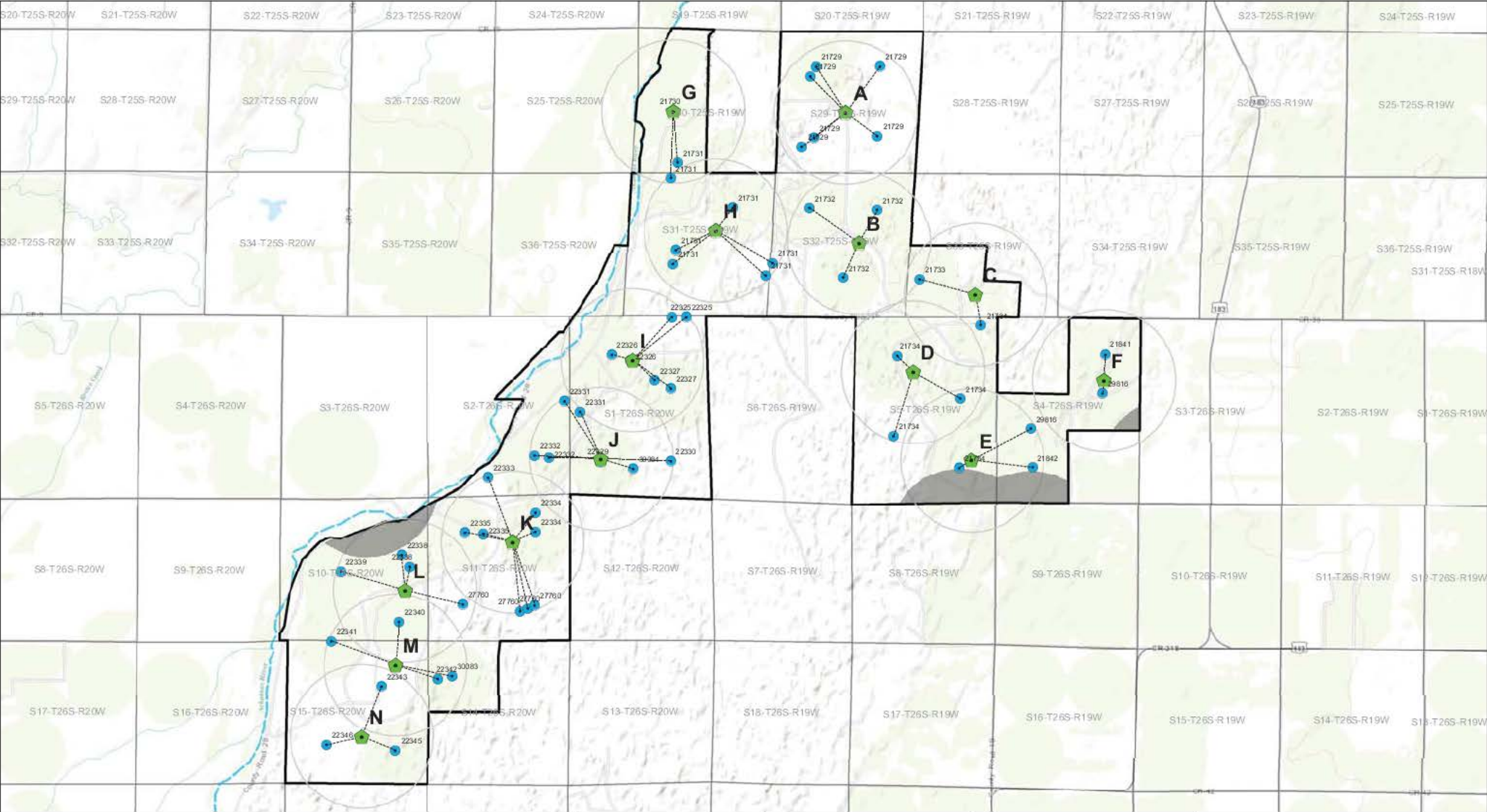
Legend

- 30083 Existing Point(s) of Diversion
- ▨ 30083 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- PLSS Sections 30083
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



CHANGE APPLICATION 30083
APPLICATION MAP
AUTHORIZED PLACE OF USE &
POINTS OF DIVERSION

EXHIBIT
30083
F



Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- PLSS Sections

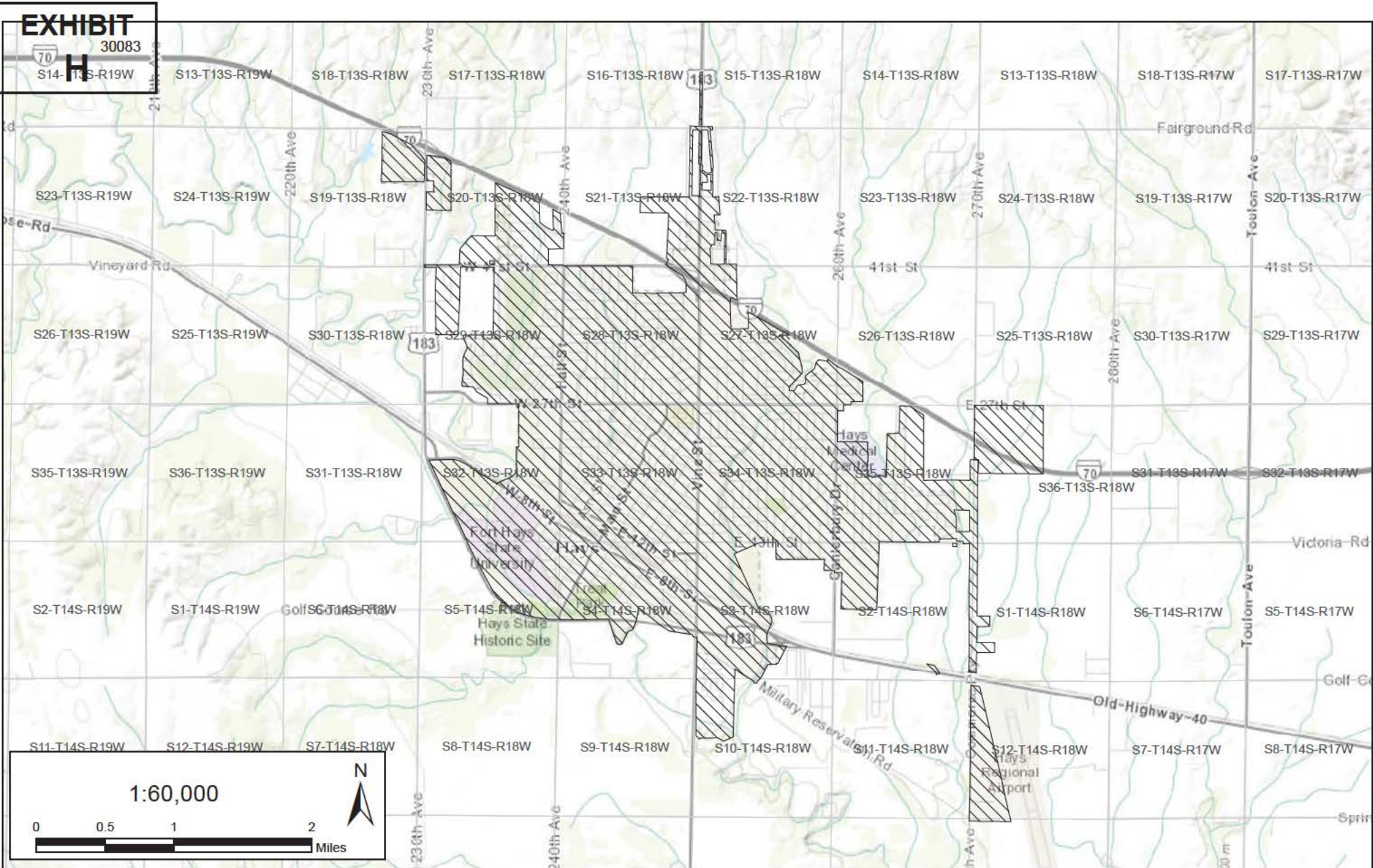
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0 0.25 0.5 1 Miles

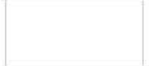


EXHIBIT

30083

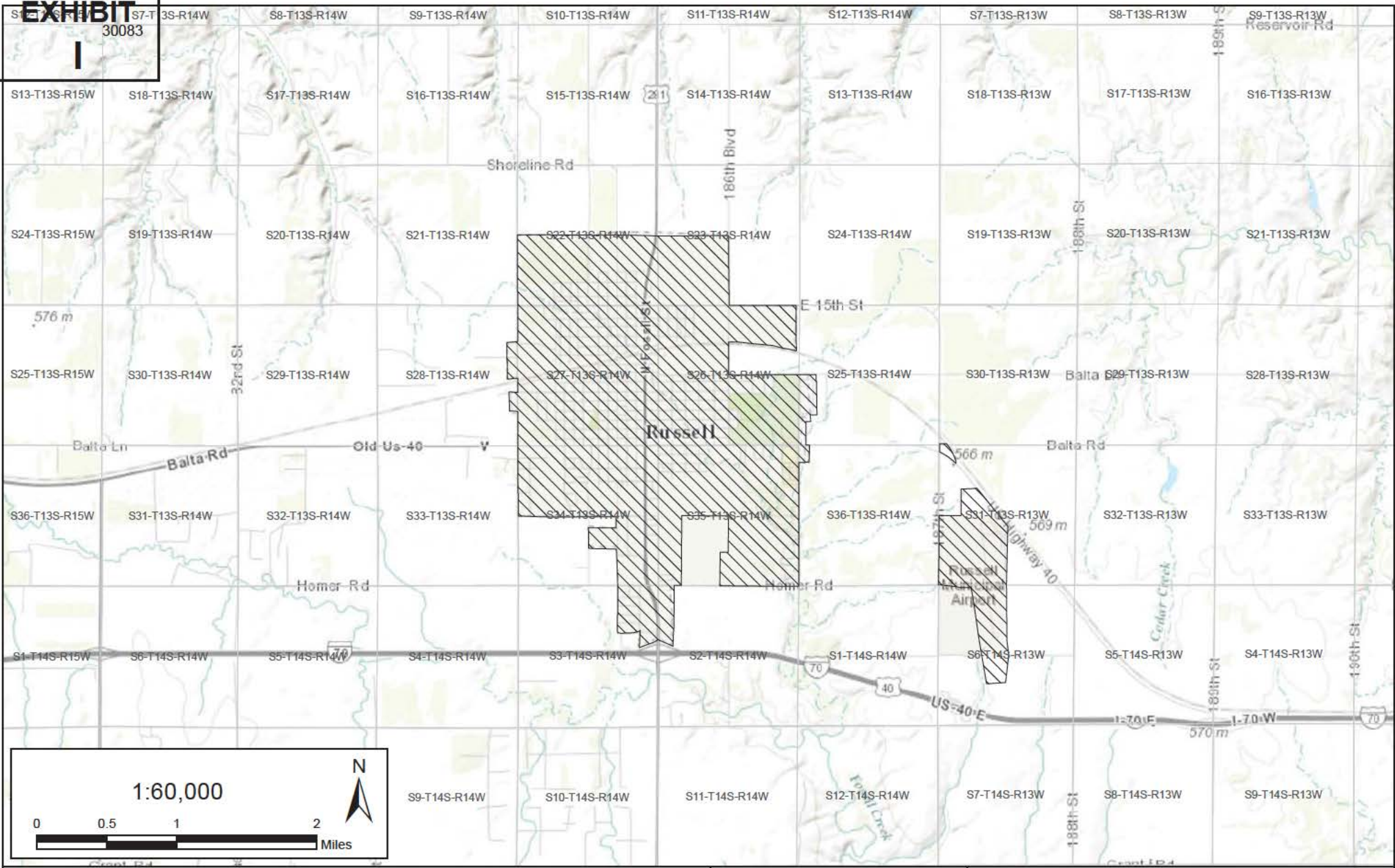


Proposed Place of Use City of Hays



PLSS Sections





Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Below Explanation) |
| 684,559,000 | | | 10,806,000 | 595,254,000 | 16,327,000 | 62,172,000 |
| TOTAL WATER = Columns 1 + 2 | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | | UNACCOUNTED FOR WATER |

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
J**

**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 |

30083
SECTION 3: PROJECTED FUTURE WATER NEEDS

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

| | Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|---------|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| | Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Explanation on other side) |
| Year 5 | 386,346,512 | 0 | 0 | 177,719,396 | 119,767,419 | 15,453,861 | 73,405,836 |
| Year 10 | 405,513,682 | 0 | 0 | 186,536,377 | 125,709,241 | 16,220,547 | 77,047,517 |
| Year 15 | 426,310,852 | 0 | 0 | 196,102,992 | 132,156,364 | 17,052,434 | 80,999,062 |
| Year 20 | 443,848,022 | 0 | 0 | 204,170,090 | 137,592,887 | 17,753,921 | 84,331,124 |
| | TOTAL WATER = Columns 1 + 2 | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | | UNACCOUNTED FOR WATER |

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
(CENSUS BUREAU INFORMATION)

| LAST 20 YEARS | POPULATION |
|---------------|------------|
| 20 years ago | |
| 15 years ago | 4,710 |
| 10 years ago | 4,696 |
| 5 years ago | 4,506 |
| Last Year | 4,475 |

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

| NEXT 20 YEARS | POPULATION |
|---------------|------------|
| Year 5 | 4,596 |
| Year 10 | 4,605 |
| Year 15 | 4,651 |
| Year 20 | 4,698 |

Provide number of current active service connections:

2,049 Residential 9 Industrial 30 Other (specify) Free Service
 360 Commercial 0 Pasture/ Stockwater/ Feedlot 2448 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 ÷ Population ÷ 365 Days/Year = Gallons per Person per Day

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the Page 28 of 26 request.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 30,084 Circle 24.

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. _____ | GMD _____ | Meets K.A.R. 5-5-1 (YES / NO) _____ | Use _____ | Source _____ | G / S County _____ | By _____ | Date _____ |
| Code _____ | Fee \$ _____ | TR # _____ | Receipt Date _____ | Check # _____ | | | |

- 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 _____ Quarter of the S/2 Quarter of Section 1, Township 26 South, Range 20 (~~E/W~~), in Edwards County, Kansas, 1,105 feet North 2,860 feet West of Southeast corner of section. Authorized Rate gpm Authorized Quantity 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 0 gpm Proposed Quantity 0 a/f
 This point is: Additional Well Geo Center List other water rights that will use this point No. 22,329-32

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E/W~~), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (~~E/W~~), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
 See paragraph 11 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

[Handwritten signature]

(Owner)

(Spouse)

City of Hays, Kansas, by Toby Dougherty, City Manager
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

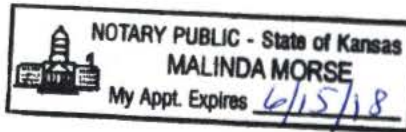
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

[Handwritten signature: Malinda Morse]

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Russell, Russell County, Kansas, this 23rd day of June, 2015.

| | |
|--|----------------------|
| <u>[Signature]</u>
(Owner) | _____ (Spouse) |
| <u>City of Russell, Kansas, by Jon Quinday, City Manager</u>
(Please Print) | _____ (Please Print) |
| _____ (Owner) | _____ (Spouse) |
| _____ (Please Print) | _____ (Please Print) |
| _____ (Owner) | _____ (Spouse) |
| _____ (Please Print) | _____ (Please Print) |

State of Kansas }
County of Russell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

13. If changing the place of use and the use made of water, describe how the consumptive use will not be increased:

The permit was issued on February 7, 1978, granting the applicant the right to divert up to 240 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use on 160 acres in Section 1-T26S-R20W,¹ or 1.5 acre-feet per acre. The quantity was further limited so that when combined with Files No. 22,329 and 22,330, no more than 279 acre-feet could be applied. The place of use for this file is now a complete overlap with these two files. Since both Files No. 22,329 and 22,330 were perfected at quantities greater than 1.5 acre-feet per acre, no water over and above the quantity available for conversion to municipal use under Files No. 22,329 and 22,330, is available.

¹ Permit, HAYS004417.



STATE BOARD OF AGRICULTURE
W. W. Duitsman, 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. 30,084 of the applicant

First National Investors Corp, Inc. and Paul Mann
d/b/a/ Kinsley Farms
453 South Webb Road, P. O. Box 18383
Wichita, Kansas 67218

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 July 1, 1977.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

| 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 $\frac{1}{4}$ | | | |
| 1 | 26S | 20W | | | | | | | | 40 | | | | 40 | | | | 40 | 40 | | 160 |
| | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | |

3. That the source from which the appropriation is made shall be from groundwater in the drainage basin of the Arkansas River to be withdrawn by means of three (3) wells: one well near the center of the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$), one well near the center of the South Half (S $\frac{1}{2}$) and one well near the center of the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 1, Township 26 South, Range 20 West, in Edwards County, Kansas, located substantially as shown on the topographic map 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

240 acre-feet

RECEIVED
FEB 20 1978
for any calendar year.

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD
HAYS004417

MICROFILMED

5. That installation of works for diversion of water shall be completed on or before December 31, 1979. 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, 1983.

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.

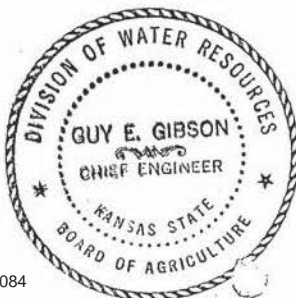
11. That this permit does not constitute authority under K. S. A. 82a-301 to 305 to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or 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.

13. That the quantity of water and rate of diversion approved under this application is further limited to the quantity and rate which combined with Application Nos. 22,329 and 22,330 will provide a total of not more than 279 acre-feet of water per calendar year to be diverted at a maximum rate of 1820 gallons per minute (4.05 c.f.s.) for irrigation on the land described in the application.

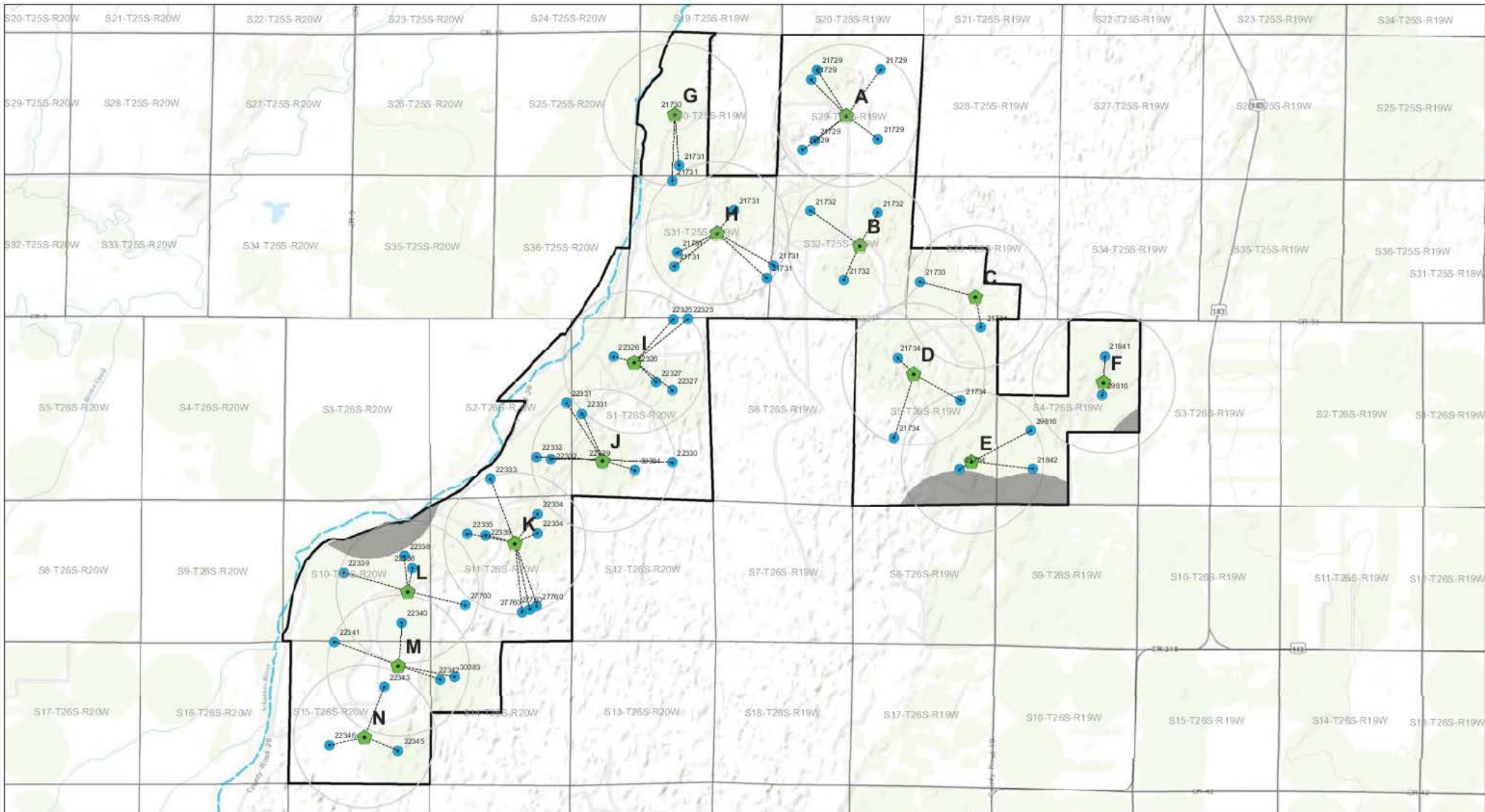
Dated this 7th day of February

1978.



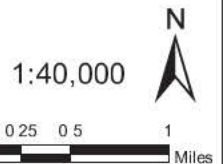
Guy E. Gibson
 Guy E. Gibson, Chief Engineer
 Division of Water Resources
 Kansas State Board of Agriculture

HAYS004418



Legend

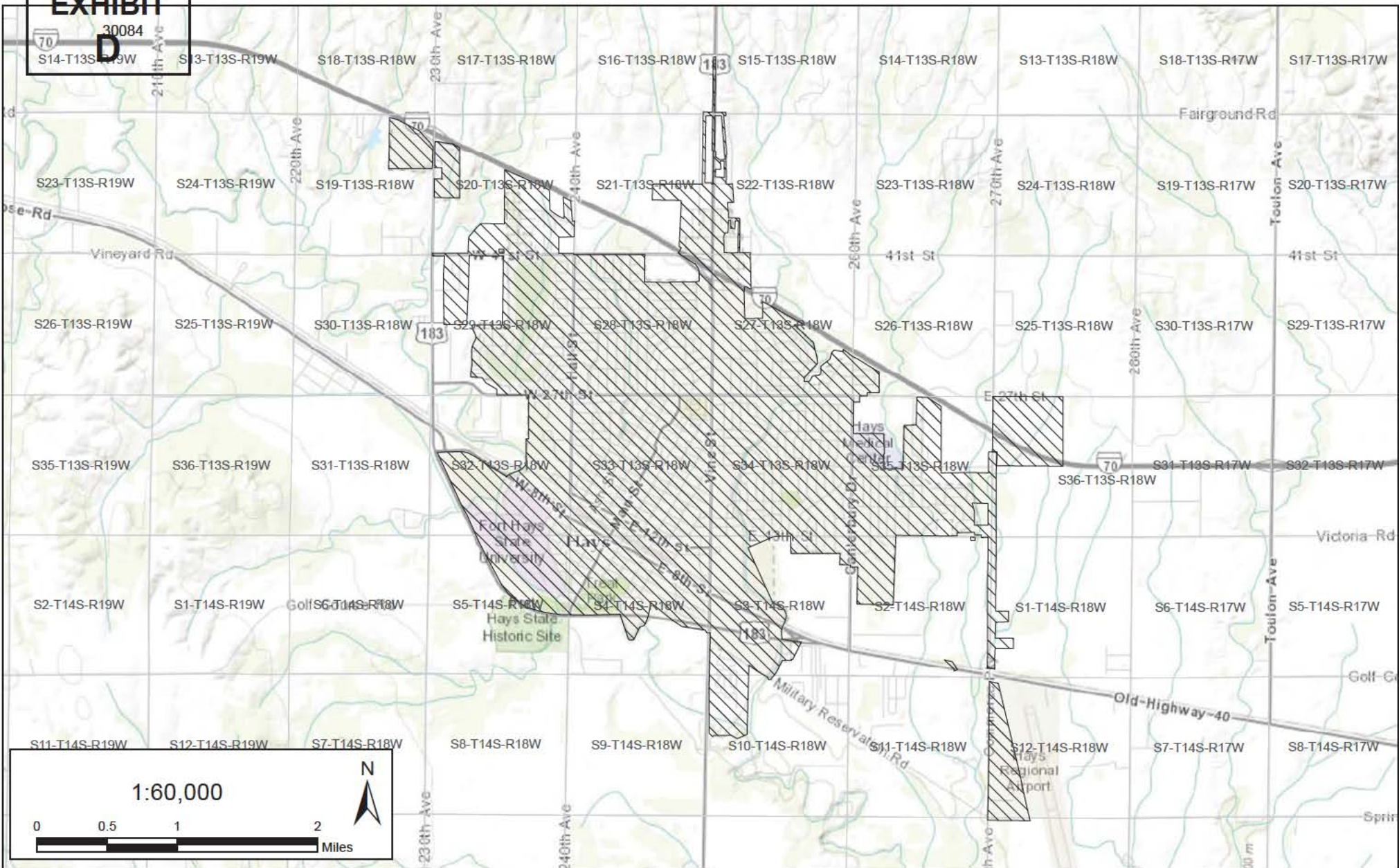
- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- R9 Ranch Property Boundary
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- PLSS Sections



EXHIBIT

30084

D



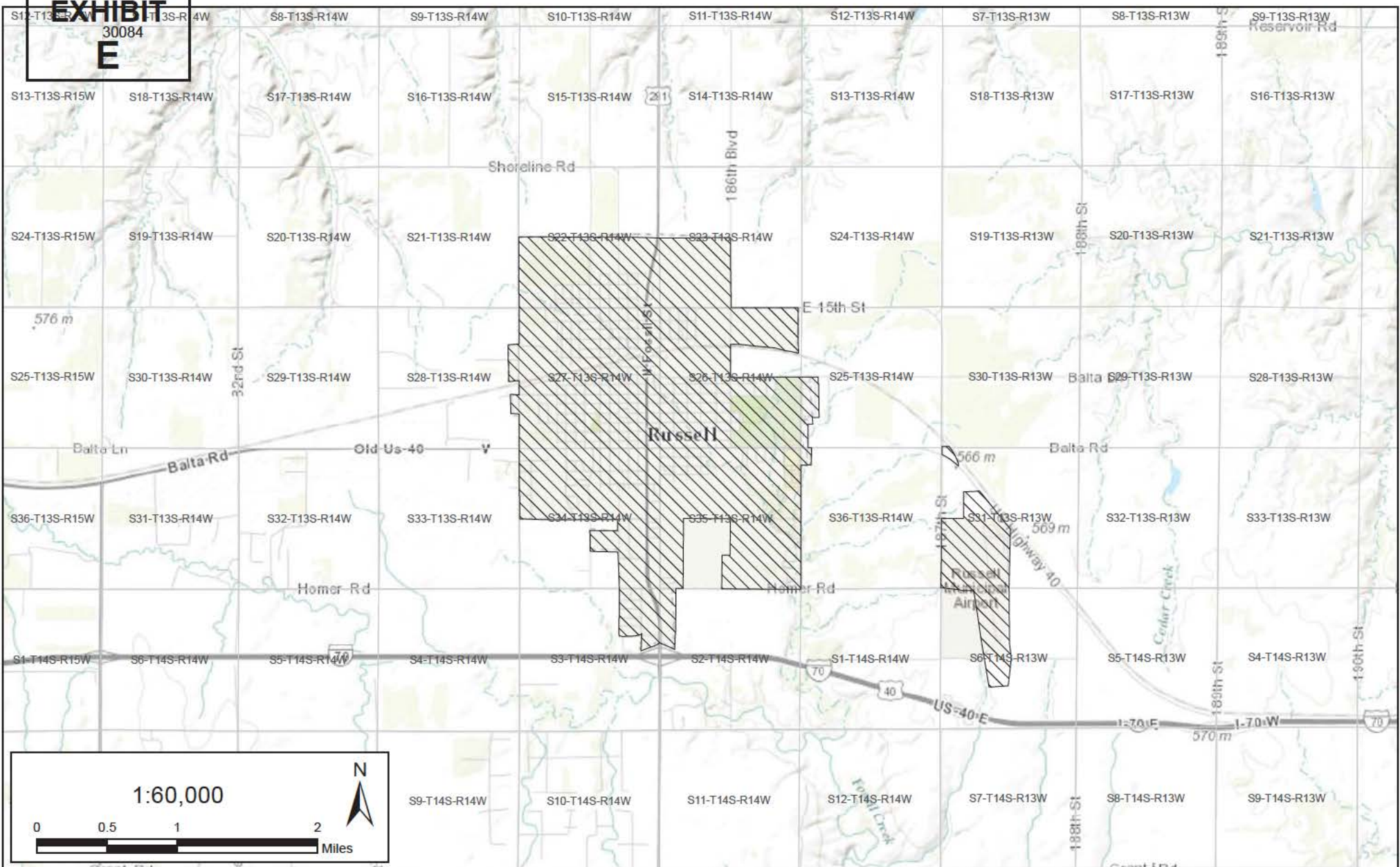
Proposed Place of Use City of Hays



PLSS Sections



EXHIBIT
30084
E



Proposed Place of Use - City of Russell



PLSS Sections



**MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION
 SUPPLEMENTAL INFORMATION SHEET**

**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
 NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|--------------------------------------|----------------------------------|--|--|---|---------------------|--|
| Raw Water Diverted Under Your Rights | Water Purchased From All Sources | Water Sold to Other Public Water Suppliers | Water Sold to Your Industrial, Stock, and Bulk Customers | Water Sold to Your Residential and Commercial Customers | Other Metered Water | Remaining Water Used (See Below Explanation) |
| 684,559,000 | | | 10,806,000 | 595,254,000 | 16,327,000 | 62,172,000 |
| TOTAL WATER = Columns 1 + 2 | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | | UNACCOUNTED FOR WATER |

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
 Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**EXHIBIT
F**

**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 | 386,346,512 | 0 | 0 | 177,719,396 | 119,767,419 | 15,453,861 | 73,405,836 |
| Year 10 | 405,513,682 | 0 | 0 | 186,536,377 | 125,709,241 | 16,220,547 | 77,047,517 |
| Year 15 | 426,310,852 | 0 | 0 | 196,102,992 | 132,156,364 | 17,052,434 | 80,999,062 |
| Year 20 | 443,848,022 | 0 | 0 | 204,170,090 | 137,592,887 | 17,753,921 | 84,331,124 |
| TOTAL WATER = Columns 1 + 2 | | | ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6 | | | | UNACCOUNTED FOR WATER |

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:
(CENSUS BUREAU INFORMATION)

| LAST 20 YEARS | POPULATION |
|---------------|------------|
| 20 years ago | |
| 15 years ago | 4,710 |
| 10 years ago | 4,696 |
| 5 years ago | 4,506 |
| Last Year | 4,475 |

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

| NEXT 20 YEARS | POPULATION |
|---------------|------------|
| Year 5 | 4,596 |
| Year 10 | 4,605 |
| Year 15 | 4,651 |
| Year 20 | 4,698 |

Provide number of current active service connections:

2,049 Residential 9 Industrial 30 Other (specify) Free Service
 360 Commercial 0 Pasture/ Stockwater/ Feedlot 2448 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 ÷ Population ÷ 365 Days/Year = Gallons per Person per Day

$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell
 Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

You may attach additional information you believe will assist in informing the Division of the Page 17 of 17 request.