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

   File No. 21,732-D2

2. Name of applicant: City of Hays, Kansas and City of Russell, Kansas

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

   City, State and Zip: Wichita, KS 67206

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

   What is your relationship to the water right; X 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 June 25, 2015 cover letter with the original Change Application. The cover letter is incorporated herein by reference.

   The change(s) (was) (will be) completed by See Paragraph 3 of June 25, 2015 cover letter.

   (Date)

DWR 1-120 (Revised 06/16/2014)
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

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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

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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

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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

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<th>TOTAL ACRES</th>
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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 June 25, 2015 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)

8. Presently authorized point of diversion:
   One in the NC Quarter of the S Quarter of the 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 Authorized Quantity 240
   (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 NW 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 885 gpm Proposed Quantity 278.67 af
   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 SW Quarter of the NW 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 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 June 25, 2015 cover letter.
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 June 25, 2015 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 ½ 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 ½ 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) ½ mile downstream and ½ 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 June 25, 2015 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 17 of the June 25, 2015 cover letter.

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APR 27 2018

SCANNED

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

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

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

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

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

Dated at __________________________, Kansas, this __ day of _______________ 20__

Owner

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

Owner

Owner

Owner

Owner

State of Kansas County of Ellis

I hereby certify that the foregoing application was signed in my presence and sworn to before me this __ day of _______________ 20__

Notary Public

My Commission Expires _______________

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

APR 27 2018

SCANNED

Page 5 of 48

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

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

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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 25th day of April, 2018.

(Owner)

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

(Owner)

(Spouse)

(Spouse)

(Spouse)

(Spouse)

State of Kansas
County of Russell

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 25th day of April, 2018.

My Commission Expires 2/16/22.

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 .............................................................................................. $300

Make check payable to Kansas Department of Agriculture.

Water Resources
Received

APR 30 2018

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

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

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

Dated at Russell, Russell County, Kansas, this day of 20.

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

Owner

Spouse

Owner

Spouse

Owner

Spouse

Owner

Spouse

State of Kansas

County of Russell

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

Notary Public

My Commission Expires

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**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.
This Change Application addresses changes to File 21,732, which was divided into File 21,732-D1 and File 21,732-D2 in an Order dated January 17, 2018, and attached as Ex. A.

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

The City of Hays, Kansas and its immediate vicinity as well as related areas in the Northeast Quarter (NE/4) of Section 19 and the Northwest Quarter (NW/4) of Section 36, T13S-R18W, Ellis County, Kansas and

The City of Russell, Kansas and its immediate vicinity.

Upon the execution of a contract to purchase water from the Project, the authorized place of use should include industrial facilities or the corporate limits of the municipality, rural water district, or other entity entering into such contract for purchase and in the case of a municipality, its immediate vicinity.

7., 8., 9., and 10. **Proposed Rate, Quantity, and Well Location**

The Cities requests a total of 278.67 acre-feet at 885 gallons per minute to be diverted from new point of diversion “B,” as shown on as shown on Exhibits J and K.

Attached as Exhibits L and M are additional maps that show the location of the currently authorized points of diversion, a one-half mile buffer around each irrigation well, the proposed location of municipal well “B,” a 1,000-foot radius around that location, and the proposed areal limits within which the new municipal wells can be located.

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

*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,\(^1\) on 417 acres in Section 32-T25S-R19W,\(^2\) 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.”\(^3\)

DWR’s Field Inspection Reports indicate that 310 acre-feet authorized by the Permit were lawfully perfected by applying that quantity to 160 approved acres in the S/2 of Section 32 T25S-R19W.\(^4\)

While the Certificate limits the total quantity to 240 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.\(^5\)

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\(^1\) Permit, HAYS001328, Ex. B.

\(^2\) Application, HAYS001322, Ex. C.

\(^3\) February 27, 1976, letter (emphasis added), HAYS001327, Ex. D.

\(^4\) FIR, HAYS0001314, Ex. E.
Since the perfection period has expired, the "authorized quantity" for this water right is the 310.00 acre-feet actually perfected even though it exceeds the certified quantity.

*NIR for Alfalfa*

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

Since alfalfa was grown on the authorized place of use during the perfection period, it is reasonable to use the NIR for alfalfa, which yields a total quantity of 278.67 acre-feet consumed. While this quantity is greater than the quantity set out in the Certificate, it is less than 310 perfected acre-feet, the "maximum annual quantity authorized by the water right."

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6 Ex. E. See also HAYS004448-4453, Ex. I.

7 See K.A.R. 5-5-9(a)(4).
FINDINGS AND ORDER
IN THE MATTER OF THE DIVISION
OF WATER RIGHT, FILE NO. 21,732

After Due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on June 5, 1987, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to File No. 21,732, for beneficial use, subject to vested rights and prior appropriation rights, 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 (a.k.a. Well #11) located near the center of the Northeast Quarter (NE¼) 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 a quantity not to exceed 165 acre-feet of water per calendar year;

   one (1) well (a.k.a. Well #6) located near the center of the Northwest Quarter (NW¼) 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 a quantity not to exceed 188 acre-feet of water per calendar year; and,

   one (1) well (a.k.a. Well #12) located near the center of the South Half (S½) 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 a quantity not to exceed 240 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:

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a total of 417.00 acres in Section 32, Township 25 South, Range 19 West, Edwards County, Kansas.

2. That on December 7, 2017, the office of the Chief Engineer received a signed and notarized Application to Divide a Water Right, from Toby Dougherty, on behalf of the City of Hays, P.O. Box 490, Hays, KS 67601; and Jon Quinday, on behalf of the City of Russell, 133 West 8th St., Russell, KS 67665, requesting as representatives, that Water Right, File No. 21,732, be divided into two (2) portions with the following assignments:

APR 27 2018
Water Right, File No. 21,732-D1, to be owned by the City of Hays, Kansas, and the City of Russell, Kansas, to have a priority date of January 2, 1974, and to be comprised of:

one (1) well (a.k.a. Well #11) located near the center of the Northeast Quarter (NE¼) 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 a quantity not to exceed 165 acre-feet of water per calendar year; and,

one (1) well (a.k.a. Well #6) located near the center of the Northwest Quarter (NW¼) 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 a quantity not to exceed 188 acre-feet of water per calendar year,

both in Township 25 South, Range 19 West, Edwards County, Kansas, for irrigation use on the following described property:

<table>
<thead>
<tr>
<th>Sec</th>
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</table>

a total of 417.00 acres in Section 32, Township 25 South, Range 19 West, Edwards County, Kansas.

Water Right, File No. 21,732-D1, shall have 250.00 base acres as defined in K.A.R. 5-5-11, and 250.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

Water Right, File No. 21,732-D2, to be owned by the City of Hays, Kansas; and the City of Russell, Kansas, to have a priority date of January 2, 1974, and to be comprised of:

one (1) well (a.k.a. Well #12) located near the center of the South Half (S½) 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, in Township 25 South, Range 19 West, Edwards County, Kansas, at a diversion rate not in excess of 885 gallons per minute (1.97 c.f.s.) and a quantity not to exceed 240 acre-feet of water per calendar year, for irrigation use on the following described property:

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a total of 417.00 acres in Section 32, Township 25 South, Range 19 West, Edwards County, Kansas.

Water Right, File No. 21,732-D2, shall have 167.00 base acres as defined in K.A.R. 5-5-11, and 167.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

3. That the Water Right, File No. 21,732-D1 shall be senior in priority to Water Right, File No. 21,732-D2, within the overall priority established under Water Right, File No. 21,732-D2.
4. That the agreement is binding on heirs and successors in interest.

ORDER

NOW, THEREFORE, it is the conclusion of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that Water Right, File No. 21,732, should be divided as such separation will be entered into the records for administrative purposes as set forth below.

Water Right, File No. 21,732-D1, to be owned by the City of Hays, Kansas; and the City of Russell, Kansas, to have a priority date of January 2, 1974, and to be comprised of:

one (1) well (a.k.a Well #11) located near the center of the Northeast Quarter (NE4) 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 a quantity not to exceed 165 acre-feet of water per calendar year; and,

one (1) well (a.k.a. Well #6) located near the center of the Northwest Quarter (NW4) of Section 32, more particularly described as being near a point 4,028 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 a quantity not to exceed 188 acre-feet of water per calendar year,

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a total of 417.00 acres in Section 32, Township 25 South, Range 19 West, Edwards County, Kansas.

Water Right, File No. 21,732-D1, shall have 250.00 base acres as defined in K.A.R. 5-5-11, and 250.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

Water Right, File No. 21,732-D2, to be owned by the City of Hays, Kansas; and the City of Russell, Kansas, to have a priority date of January 2, 1974, and to be comprised of:

one (1) well (a.k.a. Well #12) located near the center of the South Half (S½) 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, in Township 25 South, Range 19 West, Edwards County, Kansas, at a diversion rate not in excess of 885 gallons per minute (1.97 c.f.s.) and a quantity not to exceed 240 acre-feet of water per calendar year, for irrigation use on the following described property:

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a total of 417.00 acres in Section 32, Township 25 South, Range 19 West, Edwards County, Kansas.

Water Right, File No. 21,732-D2, shall have 167.00 base acres as defined in K.A.R. 5-5-11, and 167.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

That the Water Right, File No. 21,732-D1 shall be senior in priority to Water Right, File No. 21,732-D2, within the overall priority established under Water Right, File No. 21,732.

That the agreement is binding on heirs and successors in interest.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to Water Right, File No. 21,732, dated June 5, 1987, remains as authorized.

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, 1320 Research Park Drive, Manhattan, Kansas 66502, 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.

Ordered this 17th day of January, 2018, Topeka, Shawnee County, Kansas.

Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas
County of Riley

The foregoing instrument was acknowledged before me this 17th day of January, 2018, by Lane P. Letourneau, P.G. Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

DANIELLE WILSON
My Appointment Expires August 23, 2020
Notary Public

WATER RESOURCES RECEIVED

APR 27 2018
KS DEPT OF AGRICULTURE SCANNED
CERTIFICATE OF SERVICE

On this 23rd day of January, 2018, I hereby certify that the attached Findings and Order, File No. 21,732, dated prepaid, first class, U.S. mail to the following:

TOBY DOUGHERTY
CITY OF HAYS
1507 MAIN STREET
HAYS, KS 67601

JON QUINDAY
CITY OF RUSSELL
133 W. 8TH STREET
RUSSELL, KS 67665

DAVID TRÄSTER
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PARKWAY
SUITE 100
WICHITA, KS 67206

With photocopies to:

Stafford Field Office
Stockton Field Office
Big Bend Groundwater Management District No. 5

[Signature]
Staff

STATE OF KANSAS, EDWARDS COUNTY, SS.
CHERYL PROFFITT, Register Of Deeds
Book: S171 Page: 151
Receipt #: 29874
Recording Fee: $89.00
Pages Recorded: 5
Date Recorded: 2/1/2018 9:45:01 AM

Cheryl Proffitt

WATER RESOURCES RECEIVED

APR 27 2018
THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
Ray Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Cibor, 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 all 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 (NE4) of one well near the center of the Northwest Quarter (NW4) and one well near the center of the South Half (S2) of Section 32, Township 25 South, Range 10 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.

WATER RESOURCES RECEIVED
APR 27 2018

KANSAS DEPARTMENT OF AGRICULTURE
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FIELD OFFICE
DIVISION OF WATER RESOURCES
M.S. 1112

Page 14 of 48
3. 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 work has been completed.

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

5. 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.

6. 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.

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

8. 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.

9. That this permit does not constitute authority under K.S.A. §26-301 to 308 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 abrogate the necessity of obtaining consent from Federal or Local Governmental authorities when necessary.

10. 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.

Signed this 27th day of February 1976

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

DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE

WATER RESOURCES
RECEIVED
HAYS001329
APR 27 2018
SCANNED
KS DEPT OF AGRICULTURE
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:

4332 C.

C.

Midwest Land & Cattle Company, Manager

Comes now the applicant (Miss) Elva B. R. Association whose post office address is: Box 729, Kansas City, Kansas, who 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 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 5.84 acre feet per year, to be diverted at a maximum rate of 2400 gals per minute (gallons per minute or cubic feet per second)

2. The location of the proposed well or other works for diversion of water is in the 1st quarter of the NE by the NW corner of the NE/4 and the center of the NW/4, and for the 1st quarter of the SE/4 of the SE/4 quarter of the 32nd quarter of section 32, township 25, range 8, in Edwards County, Kansas.

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) Irrigation Power use

Amount

834 acre ft
2400 gals per minute

RECEIVED

Division of Water Resources
State Board of Agriculture

JUL 24 1975

DCA 1974

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

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

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

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<thead>
<tr>
<th>Sec.</th>
<th>Twp.</th>
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This acreage is irrigated by pump, well and system whose pivot is at the center of NW/4 of said section.

Owner of Land—NAME: Same as above
ADDRESS: same as above

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<th>Sec.</th>
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This acreage is irrigated by pump, well and system whose pivot is at the center of NE/4 of said section.

Owner of Land—NAME: Same as above
ADDRESS: Same as above

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This acreage is irrigated by pump, well and irrigation system whose pivot is in the NW/4 of NE/4 or SW/4 of said section. This acreage is only that acreage irrigated by irrigation system whose pivots are in this section.
7. The works for diversion of water will consist of three wells, three pumps, and three irrigation systems.

8. The first actual application of water for the beneficial use proposed was on [Day], [Date] and will be completed by [Day], [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:

11. The relation of the subscriber to this application is that of [Owner, agent, or otherwise]

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

Dated at [City], Kansas, this [Day] day of [Month], [Year].

KINSLEY JOINT VENTURE
(Applicant)

By [Signature]
(Agent or Officer)

D. Allen Fram, Attorney

Note:
1. Cubic foot per second = 448.8 gallons per minute = 648,317 gallons per day = 1.98 acre feet per day
2. million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day
3. acre foot = 43,560 cubic feet = 33,861 gallons.
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 187 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.
February 27, 1976

Midwest Land and Cattle Company
C/O John Carson, Manager
Box 208
Kinsley, Kansas 67547

Re: Appropriation of Water
Application No. 21,732

Gentlemen:

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

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

WATER RESOURCES RECEIVED
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Encs.

MAR 8 1976
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MAR 8 1976
MICROFILMED

FIELD OFFICE
DIGITAL OF WATER RESOURCES, STAFFORD
EXHIBIT E

FIELD INSPECTION REPORT

Test 3 of 3 Diversion Points

Application No. 21732 Date 9/30/81 Inspector 1. Field/Field Office. Pumping Plant Testing, Inc.

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

Current Landowner: Connecticut General Life Insurance Co., Affiliates
Address: 841 N.W. 132nd St., Omps, KS 66013 Attn: Terry Weaver

Groundwater (X): Drainage Basin: Arkansas River

Surface Water (X): Stream

Authorized Point of Diversion: NC 5\% Sec. 32 T. 25 R. 19
Approximately ft. North and ft. West of SE corner of Sec.

Actual Point of Diversion: NC 5\% Sec. 32 T. 25 R. 19
Approximately 1,441 ft. North and 253 ft. West of SE corner of Sec. 32

How were distances determined? Scaled from AGS photo

"Approved" Quantity: 839 AF "Approved" Diversion Rate: 2,400 g.p.m.; 5.33 c.f.s.

Priority Date: Jan 3, 1974 (Approval of Application 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:

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LAND IRRICATED: YEAR OF RECORD, 1985

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<td>383</td>
<td>2</td>
<td>1</td>
<td>325</td>
<td>25</td>
<td>39</td>
<td>34</td>
<td>160</td>
</tr>
</tbody>
</table>

APPLICATION OF WATER:

Year of Record: 1985 Hour 11:30AM or Quantity 3096 AF

Normal Operating C.P.M.: 885 Equiv. c.f.s. 1.97

Maximum Operating C.P.M.: Equiv. c.f.s.

Year of Record: 1985 Extension of time requested: Yes

Total No. of Hours on land covered by this application: 1900

Ac. Ft. Applied: 1900 hrs. x 885 g.p.m. x .419 = 310 AF

Acres of "Approved" Land irrigated: 160

Ac. Ft. on "Approved" Land: 310 (0.24 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less: 310

Pronation Calculation: 160 acres irrigated x 15 A.F. per acre = 2,400 A.F.

Perfection Rate: 885 g.p.m. Perfection Quantity: 240 A.F.

WATER RESOURCES RECEIVED

KS DEPT. OF AGRICULTURE

2013-02
Page 21 of 48

WATER RESOURCES RECEIVED

KS DEPT. OF AGRICULTURE
GENERAL INFORMATION ON IRRIGATION SYSTEM:

- Center Pivot: ☑️
- High Pressure: ☐
- Low Pressure: ☒️

Manufacturer: Olson
Model: 103
Serial No.: 3209

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. Welt

Is end gun operating during test?: Yes

Gravity Irrigation (show test set up 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: Farm
Model No.: 460
HP: __________

Serial No. Fuel: Natural Gas
Rated RPM: __________

PUMP INFORMATION:

Manufacturer: Johnston
Model No.:
Rated RPM: __________

Serial No.: CR21233
Type: Vertical Turbine
No. stages: __________

GEAR HEAD INFORMATION:

Manufacturer: Amarillo
Model No.: 580

Serial No.: 87937 Drive: Right Angle
Ratio: 5:1

WELL INFORMATION: No records available from owner's representative

- Date Drilled: 1979
- Original Depth: __________ ft.
- Static Water Level When Drilled: __________ ft.
- Tape Down Possible?: Yes 23'
- 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 copy 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: __________
Location of test: __________
Horizontal pipe between pump and pivot: __________
Pipe Diameter (I.D.): __________ inches

Test No. 1—Normal Conditions
Test No. 2—Maximum Conditions

<table>
<thead>
<tr>
<th>R.P.M. POWER UNIT</th>
<th>Pressure at Pump</th>
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<tbody>
<tr>
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<tr>
<td>R.P.M. PUMP UNIT</td>
<td>psi</td>
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</table>

☐ Jacuzzi Meter Test

Area Constant K = 2.45 × 1. D.²

\[ Q \text{ (gpm)} = VK \]

Velocity (fps)

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<th>No.</th>
<th>Velocity (fps)</th>
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<td>1</td>
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<tr>
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<tr>
<td>9</td>
<td></td>
</tr>
<tr>
<td>10</td>
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</tr>
</tbody>
</table>

Total

Avg.

G.P.M.: __________

☐ Propeller Meter Test

Manufacturer: __________
Model: __________
Serial No.: __________

<table>
<thead>
<tr>
<th>Diameter</th>
<th>Ending</th>
<th>Beginning</th>
<th>Difference</th>
<th>Time</th>
<th>Rate</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>gal.</td>
<td>gal.</td>
<td>gal.</td>
<td>min.</td>
<td>gpm</td>
</tr>
</tbody>
</table>

☐ Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).
# FUEL RECORDS:

- **Electricity**
- **Supplier**
- **Meter Manufacturer**
- **Type**
- **Serial No.**

\[
\text{Rate} = \frac{Kr \times 3.6}{t} = \text{kw/hr} \quad \text{Hours} = \frac{\text{kw-hr}}{\text{rate}}
\]

- **Other Fuels**
  - **Type**: Natural Gas
  - **Supplier**: Kansas - Nebraska

\[
\text{Rate} = \frac{\text{Volume (test)}}{\text{time}}
\]

**How was the test volume determined?** Not Determined

**Engine set or individual motor?**

### TABULATION OF WATER USE:

<table>
<thead>
<tr>
<th>Year</th>
<th>Hours Pumped (hr.)</th>
<th>Total Pumping Rate (gpm)</th>
<th>Water Used (AF.)</th>
<th>Acres Irrigated</th>
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<tbody>
<tr>
<td>1974</td>
<td>2328</td>
<td>1006</td>
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</tr>
<tr>
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<td>651</td>
<td>1500</td>
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<td>-</td>
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<td>1978</td>
<td></td>
<td></td>
<td></td>
<td>-</td>
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<td>157</td>
<td>-</td>
</tr>
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<td>1982</td>
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<td></td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>1983</td>
<td>2200**</td>
<td>900**</td>
<td>158**</td>
<td>-</td>
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<td>1984</td>
<td>1800**</td>
<td>950**</td>
<td>160**</td>
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<td>1985</td>
<td>1900**</td>
<td>885**</td>
<td>160**</td>
<td>-</td>
</tr>
<tr>
<td>1986</td>
<td></td>
<td></td>
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<td>-</td>
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</tbody>
</table>

- *** Obtained from foot on 9/10/86**
- **** Obtained from WMR sent to us from Terry Weaver

*Indicate Year of Record with (*)

*Source of Information: Stacked 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 Ahler

Irrigation Manager

Water Use Correspondent: Lyle Kelbeck

Specsville, KS 67876

316-385-2803

Conducted by: Ray E. Haught

Date: 10/8/86

Approved by: L.D. Hesse

Date: 1/15/87
APPLICATION NO: 21732  NAME: Connecticut General Life Insurance

COLLINS METER TEST for 5½

Collins Meter No. 1-85  Meter Calibration Factor 9826
Pipe Inside Diameter (inches) 8½  Flow Rate Factor 165.3
Test Pressure (psi) 4.1  Test RPM, Pump 1752
Description of Test Location: Horizontal pipe between pump and pivot

TEST DATA: Q Check, Initial 6.03  Reversed 6.02

<table>
<thead>
<tr>
<th>Meter Setting From Center of Pipe</th>
<th>Left Side of Pipe (or Front Side if Vertical Test)</th>
<th>Right Side of Pipe (or Back Side if Vertical Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/4</td>
<td>5.95  5.86  5.87  5.82</td>
<td></td>
</tr>
<tr>
<td>2/4</td>
<td>5.52  5.52  5.45  5.49</td>
<td></td>
</tr>
<tr>
<td>3/4</td>
<td>5.12  5.08  4.92  4.80</td>
<td></td>
</tr>
</tbody>
</table>

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.45

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 5.45 x 9826 = 5355

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 5355 x 165.3 = 883 GPM

Reviewed By:

PUMPING PLANT TESTING, INC.

WATER RESOURCES
RECEIVED

SCANNED

KS DEPT OF AGRICULTURE
NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT WAS OWNED BY 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 CAP PRODUCTION RECORD. ALL OR THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, INTO 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.
THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE

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 (NEq) 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 (NWq) 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
South Half (S/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 (NEQ NWQ),
31.25 acres in the Northwest Quarter of the Northeast Quarter (NWQ NEQ),
38.25 acres in the Southwest Quarter of the Northeast Quarter (SWQ NEQ),
31.25 acres in the Southeast Quarter of the Northeast Quarter (SEQ NEQ),
31.25 acres in the Northwest Quarter of the Northwest Quarter (NWQ NWQ),
31.25 acres in the Southwest Quarter of the Northwest Quarter (SWQ NWQ),
37.25 acres in the Southwest Quarter of the Northwest Quarter (SWQ NWQ),
38.00 acres in the Northeast Quarter of the Southwest Quarter (NEQ SWQ),
2.00 acres in the Northwest Quarter of the Southwest Quarter (NWQ SWQ),
1.00 acre in the Southwest Quarter of the Southwest Quarter (SWQ SWQ),
33.00 acres in the Southwest Quarter of the Southwest Quarter (SWQ SWQ),
3.00 acres in the Northeast Quarter of the Southwest Quarter (NEQ SWQ),
39.00 acres in the Northwest Quarter of the Southwest Quarter (NWQ SWQ),
35.00 acres in the Southwest Quarter of the Southwest Quarter (SWQ SWQ),
2.00 acres in the Southwest Quarter of the Southwest Quarter (SWQ SWQ),

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 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, 1907.

[Signature]

DAVID L. POPE,
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

State of Kansas
County of Shawnee

The foregoing instrument was acknowledged before me this 5th day of June, 1907, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.

[Notary Public]

My appointment expires: March 1, 1990

RECEIVED
JUN 19 1987

MICROFILMED
KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

MEMORANDUM

To: Files
From: Douglas E. Bush
Re: Appropriation of Water File No. 21,732

Date: March 19, 1987

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 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 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 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 29, 1987 phone call from Larry Sheets, Division of Water Resources, to Jerry Weaver of Agri Affiliates.

Douglas E. Bush
Hydrologist

DEB:JE
Legend
- 21732-D2 Existing Points of Diversion
- 21732-D2 Existing Place of Use
- R9 Ranch Property Boundary
- PLSS Sections

• Irrigation Wells (File No.)
• Stockwater Wells (File No.)
• Domestic Well (Non-Permitted)
• Stockwell Well (Non-Permitted)
• Existing R9 Ranch Irrigation Wells

CHANGE APPLICATION 21732-D2
APPLICATION MAP
AUTHORIZED PLACE OF USE & POINTS OF DIVERSION
March 25, 1982

Slentz-McAllaster Inc.
P O Box 38
Lewis, Kansas 67552

Dear Don,

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

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

Our records show that you have paid us $416,000.00 (this includes the March payment of $52,000.00) for alfalfa. At $65.00 per ton this figures that you have paid for 6,400 ton of hay. We show that you have removed 2,278 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
Secretary

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

WATER RESOURCES RECIPIENT
HAYS004448
APR 27 2018
SCANNED
KS DEPT OF AGRICULTURE
<table>
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<th>McALLASTERS 45</th>
<th>TOTAL BALES</th>
<th>ANIBYPRO 15</th>
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<td>4th</td>
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</table>

| #10  | 1st  | 77 | 96 | 1st  | 19 |
|      | 2nd  | 261 | 326 | 2nd  | 65 |
|      | 3rd  | 201 | 251 | 3rd  | 42 |
|      | 4th  | 118 | 148 | 4th  | 30 |

| #11  | 1st  | 116 | 145 | 1st  | 29 |
|      | 2nd  | 208 | 260 | 2nd  | 52 |
|      | 3rd  | 162 | 202 | 3rd  | 40 |
|      | 4th  | 42 | 52 | 4th  | 10 |

| #12  | 1st  | 130 | 162 | 1st  | 32 |
|      | 2nd  | 302 | 377 | 2nd  | 75 |
|      | 3rd  | 257 | 321 | 3rd  | 64 |
|      | 4th  | 110 | 137 | 4th  | 27 |

| #13  | 1st  | 75 | 94 | 1st  | 19 |
|      | 2nd  | 122 | 153 | 2nd  | 31 |
|      | 3rd  | 121 | 151 | 3rd  | 30 |
|      | 4th  | 13 | 16 | 4th  | 4 |

| #16  | 1st  | 70 | 88 | 1st  | 18 |
|      | 2nd  | 144 | 180 | 2nd  | 36 |
|      | 3rd  | 86 | 108 | 3rd  | 22 |
|      | 4th  | 15 | 19 | 4th  | 4 |

| #17  | 1st  | 107 | 134 | 1st  | 27 |
|      | 2nd  | 218 | 273 | 2nd  | 55 |
|      | 3rd  | 122 | 152 | 3rd  | 30 |
|      | 4th  | 42 | 53 | 4th  | 11 |

| #18  | 1st  | 23 | 28 | 1st  | 6 |
|      |      |    |    |      |    |

| #19  | 1st  | 47 | 59 | 1st  | 12 |
|      | 2nd  | 42 | 53 | 2nd  | 11 |
|      | 3rd  | 50 | 63 | 3rd  | 13 |

| #30  | 1st  | 126 | 158 | 1st  | 32 |
|      | 2nd  | 157 | 196 | 2nd  | 39 |
|      | 3rd  | 90 | 113 | 3rd  | 23 |
|      | 4th  | 18 | 23 | 4th  | 5 |

<p>| #38  | 1st  | 98 | 122 | 1st  | 24 |
|      | 2nd  | 162 | 202 | 2nd  | 46 |
|      | 3rd  | 95 | 119 | 3rd  | 46 |
|      | 4th  | 52 |     | 4th  | 46 |</p>
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<th>20</th>
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</thead>
<tbody>
<tr>
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<td>33</td>
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<tr>
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<tr>
<td></td>
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<td>7</td>
</tr>
<tr>
<td></td>
<td>3rd</td>
<td>8</td>
</tr>
</tbody>
</table>

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
<table>
<thead>
<tr>
<th>DATE</th>
<th>CIRCLE #</th>
<th>CUTTING</th>
<th>AMOUNT OF BALES TAKEN</th>
<th>TONS PER SCALE TICKETS</th>
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</thead>
<tbody>
<tr>
<td>8-30</td>
<td>7</td>
<td>3rd</td>
<td>52</td>
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<tr>
<td></td>
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<td></td>
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<td>12</td>
<td>3rd</td>
<td>30</td>
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<td>79</td>
<td>60.97</td>
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<tr>
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<td>83</td>
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</tr>
<tr>
<td>10-19</td>
<td>7</td>
<td>4ch</td>
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</tr>
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<td>10-26</td>
<td>9</td>
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<td>11-9</td>
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<td>20</td>
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<td></td>
<td>6</td>
<td>4ch</td>
<td>26</td>
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<td>78</td>
<td>70.52</td>
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<tr>
<td>2-2</td>
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<td>23.51</td>
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<td>5.44</td>
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<td>CUTTING</td>
<td>AMOUNT OF BALES TAKEN</td>
<td>TONS PER SCALE TICKET</td>
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<td>2-24</td>
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<td>1st</td>
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<td>3-15</td>
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<td>21.21</td>
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<td>4.61</td>
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<tr>
<td>3-17</td>
<td>8</td>
<td>1st</td>
<td>26</td>
<td>24.58</td>
</tr>
</tbody>
</table>

(* This does not include hay taken this week *)

Totals: 2278, 2035.58
CITY OF HAYS, KANSAS & CITY OF RUSSELL, KANSAS
1551 N WATERFRONT PARKWAY, SUITE 100
WICHITA, KS 67206

April 27, 2018

RE: File No 21732-D2

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

☐ place of use  PU/PD/UMW
☐ point of diversion
☐ use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed $500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STAFFORD Field Office  GMD5

SCANNED
Proposed Place of Use City of Hays

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.

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
<th>Column 6</th>
<th>Column 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raw Water Diverted Under Your Rights</td>
<td>Water Purchased From All Sources</td>
<td>Water Sold to Other Public Water Suppliers</td>
<td>Water Sold to Your Industrial, Stock, and Bulk Customers</td>
<td>Water Sold to Your Residential and Commercial Customers</td>
<td>Other Meters Water</td>
<td>Remaining Water Used</td>
</tr>
<tr>
<td>684,559,000</td>
<td>10,866,000</td>
<td>595,254,000</td>
<td>16,327,000</td>
<td></td>
<td></td>
<td>62,172,000</td>
</tr>
</tbody>
</table>

TOTAL WATER = Columns 1 + 2
ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6
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 = Unaccounted For Water / Total Water (Columns 1,2) x 100
For example, if this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
<th>Column 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raw Water Diverted Under Your Rights</td>
<td>Water Purchased From All Sources</td>
<td>Water Sold to Other Public Water Suppliers</td>
<td>Water Sold to Your Industrial, Stock, and Bulk Customers</td>
<td>Water Sold to Your Residential and Commercial Customers</td>
<td>Other Meters Water</td>
</tr>
<tr>
<td>20 years ago</td>
<td>683,175,000</td>
<td>10,366,000</td>
<td>5,329,000</td>
<td>469,314,000</td>
<td>5,155,000</td>
</tr>
<tr>
<td>15 years ago</td>
<td>700,567,000</td>
<td>10,816,000</td>
<td>5,867,000</td>
<td>547,985,000</td>
<td>10,470,000</td>
</tr>
<tr>
<td>10 years ago</td>
<td>706,926,000</td>
<td>7,103,000</td>
<td>639,222,000</td>
<td>20,861,000</td>
<td></td>
</tr>
<tr>
<td>5 years ago</td>
<td>683,195,000</td>
<td>13,537,000</td>
<td>568,900,000</td>
<td>19,362,000</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL WATER = Columns 1 + 2
ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6
UNACCOUNTED FOR WATER
SECTION 3: PROJECTED FUTURE WATER NEEDS

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Column 1: Raw Water Diverted Under Your Rights</th>
<th>Column 2: Water Purchased From All Sources</th>
<th>Column 3: Water Sold to Other Public Water Suppliers</th>
<th>Column 4: Water Sold to Your Industrial, Stock, and Bulk Customers</th>
<th>Column 5: Water Sold to Your Residential and Commercial Customers</th>
<th>Column 6: Other Metered Water</th>
<th>Column 7: Remaining Water Used (See Explanation on other side)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 5</td>
<td>753,014,900</td>
<td></td>
<td>11,886,600</td>
<td>654,779,400</td>
<td>17,959,700</td>
<td>60,389,200</td>
<td></td>
</tr>
<tr>
<td>Year 10</td>
<td>828,316,390</td>
<td></td>
<td>13,075,260</td>
<td>720,257,340</td>
<td>19,755,670</td>
<td>75,228,120</td>
<td></td>
</tr>
<tr>
<td>Year 15</td>
<td>911,148,029</td>
<td></td>
<td>14,382,786</td>
<td>792,283,074</td>
<td>21,731,237</td>
<td>82,750,932</td>
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</tr>
<tr>
<td>Year 20</td>
<td>1,002,262,832</td>
<td></td>
<td>15,821,085</td>
<td>871,511,381</td>
<td>23,904,361</td>
<td>91,026,025</td>
<td></td>
</tr>
</tbody>
</table>

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)

<table>
<thead>
<tr>
<th>LAST 20 YEARS</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 years ago</td>
<td>17,636</td>
</tr>
<tr>
<td>15 years ago</td>
<td>18,750</td>
</tr>
<tr>
<td>10 years ago</td>
<td>20,013</td>
</tr>
<tr>
<td>5 years ago</td>
<td>20,106</td>
</tr>
<tr>
<td>Last Year</td>
<td>21,038</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>NEXT 20 YEARS</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 5</td>
<td>23,142</td>
</tr>
<tr>
<td>Year 10</td>
<td>25,456</td>
</tr>
<tr>
<td>Year 15</td>
<td>28,002</td>
</tr>
<tr>
<td>Year 20</td>
<td>30,802</td>
</tr>
</tbody>
</table>

Provide number of current active service connections:

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

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

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

673,753,000 + 21,038 + 365 Days/Year = 88 GALLONS PER PERSON PER DAY.

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District):

City of Hays, KS Municipal Water Supply

2013 is year one and 2033 will be year twenty. 2 percent growth is used for estimate. Hays had a reasonable 9.1 percent unaccounted water in 2013.

You may attach additional information you believe will assist in informing the Division of the need for your request.
### 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.

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<th>Column 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raw Water Diverted Under Your Rights</td>
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<td>Water Sold to Your Residential and Commercial Customers</td>
<td>Other Metered Water</td>
<td>Remaining Water Used (See Below Explanation)</td>
</tr>
<tr>
<td>327,288,100</td>
<td>0</td>
<td>0</td>
<td>105,285,000</td>
<td>108,734,000</td>
<td>19,944,000</td>
<td>93,306,100</td>
</tr>
</tbody>
</table>

**TOTAL WATER = Columns 1 + 2**

**ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6**

**UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER**

**Column 1:** The amount of raw water diverted from all of your points of diversion.

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**UNACCOUNTED FOR WATER**

Use the following to calculate your distribution system's Unaccounted For Water:

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

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

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

### SECTION 2: PAST WATER USE

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

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<tr>
<td>Raw Water Diverted Under Your Rights</td>
<td>Water Purchased From All Sources</td>
<td>Water Sold to Other Public Water Suppliers</td>
<td>Water Sold to Your Industrial, Stock, and Bulk Customers</td>
<td>Water Sold to Your Residential and Commercial Customers</td>
<td>Other Metered Water</td>
<td>Remaining Water Used (See Above Explanation)</td>
</tr>
<tr>
<td>20 years ago</td>
<td>373,757,000</td>
<td>0</td>
<td>0</td>
<td>171,928,220</td>
<td>115,864,670</td>
<td>18,687,850</td>
</tr>
<tr>
<td>15 years ago</td>
<td>477,486,000</td>
<td>0</td>
<td>0</td>
<td>222,781,000</td>
<td>147,340,000</td>
<td>19,483,000</td>
</tr>
<tr>
<td>10 years ago</td>
<td>375,790,000</td>
<td>0</td>
<td>0</td>
<td>144,277,000</td>
<td>123,343,000</td>
<td>18,907,000</td>
</tr>
</tbody>
</table>

**TOTAL WATER = Columns 1 + 2**

**ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6**

**UNACCOUNTED FOR WATER**

DWR 1-100.34 (Revised 08/15/2002)
SECTION 3: PROJECTED FUTURE WATER NEEDS

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

<table>
<thead>
<tr>
<th>Column 1: Raw Water Diverted Under Your Rights</th>
<th>Column 2: Water Purchased From All Sources</th>
<th>Column 3: Water Sold to Other Public Water Suppliers</th>
<th>Column 4: Water Sold to Your Industrial, Stock, and Bulk Customers</th>
<th>Column 5: Water Sold to Your Residential and Commercial Customers</th>
<th>Column 6: Other Metered Water</th>
<th>Column 7: Remaining Water Used (See Explanation on other side)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 5: 386,346,512</td>
<td>0</td>
<td>0</td>
<td>177,719,386</td>
<td>119,767,419</td>
<td>15,453,861</td>
<td>73,405,836</td>
</tr>
<tr>
<td>Year 10: 405,513,682</td>
<td>0</td>
<td>0</td>
<td>186,536,377</td>
<td>125,709,241</td>
<td>16,220,547</td>
<td>77,047,517</td>
</tr>
<tr>
<td>Year 15: 426,310,852</td>
<td>0</td>
<td>0</td>
<td>196,102,992</td>
<td>132,158,364</td>
<td>17,052,434</td>
<td>80,999,062</td>
</tr>
<tr>
<td>Year 20: 443,846,022</td>
<td>0</td>
<td>0</td>
<td>204,170,090</td>
<td>137,592,887</td>
<td>17,753,921</td>
<td>84,331,124</td>
</tr>
</tbody>
</table>

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)

<table>
<thead>
<tr>
<th>LAST 20 YEARS</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 years ago</td>
<td>4,710</td>
</tr>
<tr>
<td>15 years ago</td>
<td>4,696</td>
</tr>
<tr>
<td>10 years ago</td>
<td>4,506</td>
</tr>
<tr>
<td>5 years ago</td>
<td>4,475</td>
</tr>
<tr>
<td>Last Year</td>
<td>4,475</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>NEXT 20 YEARS</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 5</td>
<td>4,596</td>
</tr>
<tr>
<td>Year 10</td>
<td>4,605</td>
</tr>
<tr>
<td>Year 15</td>
<td>4,651</td>
</tr>
<tr>
<td>Year 20</td>
<td>4,698</td>
</tr>
</tbody>
</table>

Provide number of current active service connections:

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

\[
\frac{221,991,000}{4,475} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}
\]

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 need for your request.

21732-D2