KANSAS DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
MEMORANDUM

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

On Friday, June 26th, 2015, The Administrative Assistant for Kansas Department of Agriculture, on the first floor signed for the certified mail containing the following Applications. I, Amber Herring, did not receive the documents until Monday, June 29th, 2015. Thus, the June 29th date is the correct date and time received by the Division of Water Resources.
I think the 890.1 was a mistake. I thought there was a limitation of 810 acre-feet for 21,734 but it turns out that I was looking at draft Certificate. 889.1 is the correct quantity for 21,734. Does this allocation conform to your understanding?

<table>
<thead>
<tr>
<th>Circle</th>
<th>Municipal Well</th>
<th>Quantity</th>
<th>Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>C</td>
<td>176.8</td>
<td>176.8</td>
</tr>
<tr>
<td>14</td>
<td>D</td>
<td>290.9</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>D</td>
<td>130.2</td>
<td>591.3</td>
</tr>
<tr>
<td>15</td>
<td>D</td>
<td>170.2</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>E</td>
<td>121</td>
<td>121</td>
</tr>
<tr>
<td></td>
<td></td>
<td>889.1</td>
<td>889.1</td>
</tr>
</tbody>
</table>

---

**Dave**

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

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To: Traster, David; Oleen, Aaron [KDA]
Subject: Quantity per consolidated municipal well File No. 21,734

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

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

Thanks,
Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov
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 place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the place of use.
   - [ ] Place of Use
   - [ ] Point of Diversion
   - [ ] Use Made of Water

File No. 21734  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. 3  GMD 5  Meets K.A.R. 5-5-1 (YES / NO) Use 1R Source G S County ED By KAB Date 6/22/15
Code C-3  Fee $700  TR # Receipt Date 6/22/15 Check # 052328

of 21000- 1568312

SCANNED
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

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Twp.</th>
<th>Range</th>
<th>NE%</th>
<th>NW%</th>
<th>SW%</th>
<th>SE%</th>
<th>TOTAL ACRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>33-T25S-R19W</td>
<td>Lot 1</td>
<td>NE%</td>
<td>NW%</td>
<td>SW%</td>
<td>SE%</td>
<td>24</td>
<td>18</td>
</tr>
<tr>
<td>5-T25S-R19W</td>
<td>Lot 2</td>
<td>68</td>
<td>58</td>
<td>37</td>
<td>33</td>
<td>39</td>
<td>38</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Twp.</th>
<th>Range</th>
<th>NE%</th>
<th>NW%</th>
<th>SW%</th>
<th>SE%</th>
<th>TOTAL ACRES</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Twp.</th>
<th>Range</th>
<th>NE%</th>
<th>NW%</th>
<th>SW%</th>
<th>SE%</th>
<th>TOTAL ACRES</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Twp.</th>
<th>Range</th>
<th>NE%</th>
<th>NW%</th>
<th>SW%</th>
<th>SE%</th>
<th>TOTAL ACRES</th>
</tr>
</thead>
</table>

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:

<table>
<thead>
<tr>
<th>Presently authorized point of diversion:</th>
</tr>
</thead>
<tbody>
<tr>
<td>One in the ______________________ Quarter of the ______________________ Quarter</td>
</tr>
<tr>
<td>Lot 1</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Authorized Rate 935 gpm</td>
</tr>
<tr>
<td>(DWR use only: Computer ID No.</td>
</tr>
<tr>
<td>□ This point will not be changed</td>
</tr>
<tr>
<td>Proposed point of diversion: (Complete only if change is requested)</td>
</tr>
<tr>
<td>One in the ______________________ Quarter of the ______________________ Quarter</td>
</tr>
<tr>
<td>NE</td>
</tr>
<tr>
<td>of Section 33</td>
</tr>
<tr>
<td>Edwards County, Kansas, 824 feet North 3,036 feet West of Southeast corner of section.</td>
</tr>
<tr>
<td>Proposed Rate 777.82 gpm</td>
</tr>
<tr>
<td>This point is:</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

9. Presently authorized point of diversion:

<table>
<thead>
<tr>
<th>Presently authorized point of diversion:</th>
</tr>
</thead>
<tbody>
<tr>
<td>One in the ______________________ Quarter of the ______________________ Quarter</td>
</tr>
<tr>
<td>Lot 3</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Authorized Rate 1,250 gpm</td>
</tr>
<tr>
<td>(DWR use only: Computer ID No.</td>
</tr>
<tr>
<td>□ This point will not be changed</td>
</tr>
<tr>
<td>Proposed point of diversion: (Complete only if change is requested)</td>
</tr>
<tr>
<td>One in the ______________________ Quarter of the ______________________ Quarter</td>
</tr>
<tr>
<td>NE</td>
</tr>
<tr>
<td>of Section 5</td>
</tr>
<tr>
<td>Edwards County, Kansas, 4,867 feet North 3,107 feet West of Southeast corner of section.</td>
</tr>
<tr>
<td>Proposed Rate 3,161.18 gpm</td>
</tr>
<tr>
<td>This point is:</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

10. Presently authorized point of diversion:

<table>
<thead>
<tr>
<th>Presently authorized point of diversion:</th>
</tr>
</thead>
<tbody>
<tr>
<td>One in the ______________________ Quarter of the ______________________ Quarter</td>
</tr>
<tr>
<td>Lot 2</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Authorized Rate 1,050 gpm</td>
</tr>
<tr>
<td>(DWR use only: Computer ID No.</td>
</tr>
<tr>
<td>□ This point will not be changed</td>
</tr>
<tr>
<td>Proposed point of diversion: (Complete only if change is requested)</td>
</tr>
<tr>
<td>One in the ______________________ Quarter of the ______________________ Quarter</td>
</tr>
<tr>
<td>NE</td>
</tr>
<tr>
<td>of Section 5</td>
</tr>
<tr>
<td>Edwards County, Kansas, 4,867 feet North 3,107 feet West of Southeast corner of section.</td>
</tr>
<tr>
<td>Proposed Rate 3,161.18 gpm</td>
</tr>
<tr>
<td>This point is:</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

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.
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 _____ NW Quarter of the _____ NE Quarter of the _____ SW Quarter of the _____ SE Quarter of Section _____ Township _____ Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ 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 the _____ SW Quarter of Section _____ Township _____ Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ 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 ________

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9. **Presently authorized point of diversion:**

   One in the _____ NE Quarter of the _____ SW Quarter of the _____ SE Quarter of the _____ NW Quarter of Section _____ Township _____ Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ 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 the _____ SW Quarter of Section _____ Township _____ Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ 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 the _______ Quarter of Section _______ Township _______ Township _______ Township _______ Township, 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 _______ Quarter of Section _______ Township _______ Township _______ Township _______ Township, 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 ________

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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.

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12. The presently authorized use of water is for ______ purposes.
   It is proposed that the use be changed to ______ 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 ______ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to ______ 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 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 prejudicial 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

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

(Owner)
(Please Print)

(Spouse)
(Please Print)

(Spouse)
(Please Print)

(Spouse)
(Please Print)

(Spouse)
(Please Print)

State of Kansas
County of Russell

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

My Commission Expires 6/15/18

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.

WATER RESOURCES RECEIVED

JUN 29 2015

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

Owner

City of Russell, Kansas, by Jon Quinday, City Manager

(Please Print)

Owner

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

NOTARY PUBLIC - State of Kansas

MALINDA MORSE

My Appt. Expires 6/15/18

State of Kansas

County of Russell

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 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. 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.

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.

Quantity authorized and perfected

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

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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 circles\(^9\) and the 1975 and 1977 water use reports\(^10\) 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.
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 (NE1/4 NW1/4), one well in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE1/4 SW1/4 NE1/4), one well near the center of the West Half (W1/2) of Lot 3 (NE1/4 NW1/4), one well in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW1/4 NE1/4 SW1/4) and one well in the Northeast Quarter of the Southeast Quarter of the Southeast Quarter (NW1/4 SE1/4 SE1/4) of Section 5, Township 26 South, Range 19 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of 4800 gallons per minute (10.70 c.f.s.) and to a quantity of not to exceed 1352 acre-feet for any calendar year.
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 extensions thereof.

9. That the use of water herein authorized shall not impair any use under existing water rights nor 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. 88a-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

[Signature]

GUY E. GIBSON
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

WATER RESOURCES RECEIVED

JUN 29 2015

HAYS001885 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:

Comes now the applicant [Miss] ____________ whose post office address is ____________ 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 ____________ in the county of ____________ 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 ____________ per year, to be diverted at a maximum rate of ____________ per minute (gallons per minute or cubic feet per second) See back page

2. The location of the proposed wells or other works for diversion of water is in the ____________ quarter of the ____________ quarter of the ____________ township, range ____________ 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) Hydropower use ____________

   Amount ____________

   1352 Acre Ft

   4800 gale per minute

   21734
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: Kinley Joint Venture is a partnership with the following owners:

J. D. Hodges, 1921 Broadmoor, Woodward, Oklahoma
W. A. McNeilly, 1210 S. Fordham, Perryton, Texas
Drew Ellis, 825 S. Indiana, Perryton, Texas
John O. Ellis Jr., P. O. Box 610, Perryton, Texas
H. C. Brillhart Jr., P. O. Box 576, Perryton, Texas
B. D. Sherrill, P. O. Box 399, Perryton, Texas

Owner of Land—NAME: Kinley Joint Venture

ADDRESS: c/o Andrew J. Moore, Attorney, P.O. Box 598, Woodward, Oklahoma 73803

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WATER RESOURCES RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

SCANNED
7. The works for diversion of water will consist of five 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 (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 Kinsley, Kansas, this 15 day of Dec., 1973

KINSLEY JOINT VENTURE

(Aplicant)

By D. Allen Frame, Attorney

None:

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.

WATER RESOURCES RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

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MAR 8 1976 JUL 12 1974

HAYS001881 SCANNED
Location of wells are as follows:

- Near the center of the W½ of Lot 3 in section 5-26-19
- Approximately the middle on the western edge of Lot 3 in Section 5-26-19
  NW¼ of NE¼ of SW¼ in said section
  NW¼ of SE¼ of SE¼ in said section
  NW¼ of SW¼ of NW¼ in said section
  NE¼ SW¼ NE¼ in said section
- Approximately the middle of the upper half of Lot 2 in said section
  Approx. 300 ft. E of the SE corner of NW corner of Lot 1 in said section
- Section 5-26-19 is an "over sized" section because it lies just south of a survey correction line. Therefore, instead of having four northern descriptive 40 acres such as the NW¼ of NW¼, the NE¼ of NE¼ etc., it has Lots 1, 2, 3 and 4 which are each approximately 87 acres.
The irrigation systems whose pivots are at points A and B cover 167 acres and have a radius of 1222 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.
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,
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 (NE¼ SW¼ SE¼) 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 (SE¼ SW¼),
18 acres in the Southwest Quarter of the Southeast Quarter (SW¼ SE¼),
a total of 42 acres in Section 33, Township 25 South,

68 acres in Lot 1 (E¼ NE¼),
58 acres in Lot 2 (W¼ NE¼),
37 acres in the Southwest Quarter of the Northeast Quarter (SW¼ NE¼),
33 acres in the Southeast Quarter of the Northeast Quarter (SE¼ NE¼),
86 acres in Lot 3 (E¼ NW¼),
69 acres in Lot 4 (W¼ NW¼),
31 acres in the Southwest Quarter of the Northwest Quarter (SW¼ NW¼),
34 acres in the Southeast Quarter of the Northwest Quarter (SE¼ NW¼),
39 acres in the Northeast Quarter of the Southwest Quarter (NE¼ SW¼),
38 acres in the Northwest Quarter of the Southwest Quarter (NW¼ SW¼),
6 acres in the Southwest Quarter of the Southwest Quarter (SW¼ SW¼),
11 acres in the Southeast Quarter of the Southwest Quarter (SE¼ SW¼),
29 acres in the Northeast Quarter of the Southwest Quarter (NE¼ SE¼),
37 acres in the Northwest Quarter of the Southwest Quarter (NW¼ SE¼),
31 acres in the Southwest Quarter of the Southeast Quarter (SW¼ SE¼),
28 acres in the Southeast Quarter of the Southeast Quarter (SE¼ SE¼),
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.
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.

[Signature]
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 17th day of January, 2006, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

[Signature]
Debra L. Hayes
Notary Public

WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

MICROFILMED HAYES001610
February 27, 1976

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

Re: Appropriation of Water
Application No. 21,729

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

SCANNED
WATER RESOURCES
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RECEIVED
MAR 8 1976

FIELD OFFICE
Page 2
DIVISION OF WATER RESOURCES
STAFFORD
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

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

Encs.
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

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

Encs.
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,

WATER RESOURCES RECEIVED

Riley M. Dixon  
Hydrologist

SCANNED  
JUN 29 2015

RECEIVED  
KS DEPT OF AGRICULTURE

MAR 8 1976  
MICROFILMED

Encs.
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

Encs.
May 29, 1975

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

Re: Appropriation of Water
Application No. 21,841

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

Encs.
cc: Full Service Insurance, Inc.
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.

WATER RESOURCES RECEIVED  
JUN 29 2015  
KS DEPT OF AGRICULTURE  
RECEIVED  
HAYS002101
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

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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RMD:GEE:ee1

Encs.
March 19, 1976

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Riley M. Dixon
Hydrologist

WATER RESOURCES
RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE
RECEIVED
SCANNED MAR 29 1976
FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD

RMD:GEE:eel
Encs.
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

<table>
<thead>
<tr>
<th>Location of each well battery of wells, or stream-bank pumping plant</th>
<th>Hours Pumped and Average Pumping Rate</th>
<th>If Water is Metered</th>
<th>If Source is Groundwater WELL INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>40-14-3 NW of SW 1/4 Sec 5 T26 R19 W</td>
<td>1128 1300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40-14-3 SW of SW 1/4 Sec 5 T26 R19 W</td>
<td>1080 1300</td>
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<tr>
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<td>1632 1000</td>
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<td>1812 1000</td>
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<td>40-14-3 SW of SW 1/4 Sec 5 T26 R19 W</td>
<td>1428 1000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Show number of acres irrigated under this right during 1974  460

WATER RESOURCES RECEIVED

SCANNED  JUN 29 2015

Signature  [Signature]  Date  [Date]

Mailing Address  MIDWEST LAND & CATTLE CO. R.R. 1 BOX 82E
KINSLEY, KANSAS  67547

(Rev. 1974)  21734
WATER USE REPORT AND ASSESSMENT FORM
for
BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO. 5

Name: Paul Mann and First National Investors
Corporation, Inc.
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

<table>
<thead>
<tr>
<th>Hours GPM</th>
<th>If Water is Metered</th>
<th>WELL INFORMATION (if available)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 Gal</td>
<td>2 Acre-feet</td>
</tr>
<tr>
<td>577</td>
<td>1200</td>
<td>127 Acre-ft</td>
</tr>
<tr>
<td>596</td>
<td>1500</td>
<td>164 Acre-ft</td>
</tr>
<tr>
<td>789</td>
<td>1500</td>
<td>217 Acre-ft</td>
</tr>
<tr>
<td>853</td>
<td>1500</td>
<td>156 Acre-ft</td>
</tr>
<tr>
<td>913</td>
<td>1500</td>
<td>201 Acre-ft</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>887</strong></td>
</tr>
</tbody>
</table>

If irrigation use, total acres irrigated __________ Type of fuel for pump ____________________

Crop(s) irrigated under this right: __________

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

Date: 3-2-78

AUG 28 1978

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

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

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

MICROFILMED

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

HAYS001766
EXHIBIT 21734

FIELD INSPECTION REPORT

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

Test 1 of 5 Diversion points County Edwards

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

Current Landowner Connecticut General P.O. Box 1162, North Platte, NE 69103

Address PO. 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: NC 1/4 E of Lot 3 Sec. 5, T. 26, R. 19, ID No. 02
Approximately — ft. North and — ft. West of SE corner of Sec. —

Actual Point of Diversion: NC 1/4 E of Lot 3 Sec. 5, T. 26, R. 19
Approximately — ft. North and — ft. West of SE corner of Sec. —
How were distances determined? Scaled from A.S.C. aerial photo.

"Approved" Quantity 1352 AF “Approved” Diversion Rate 4880 g.p.m. (10.7 c.f.s.)

Priority Date Jan 2, 1974 Approval Date Jan 27, 1974 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:

<table>
<thead>
<tr>
<th>S</th>
<th>T</th>
<th>B</th>
<th>NW</th>
<th>SW</th>
<th>SE</th>
<th>NW</th>
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<th>SE</th>
<th>NW</th>
<th>SW</th>
<th>SE</th>
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</tr>
<tr>
<td>33</td>
<td>25</td>
<td>9</td>
<td></td>
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LAND IRRIGATED—YEAR OF RECORD 1986

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<th>T</th>
<th>B</th>
<th>NW</th>
<th>SW</th>
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<th>NW</th>
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<th>SW</th>
<th>SE</th>
<th>NW</th>
<th>SW</th>
<th>SE</th>
<th>TOTAL ACRES</th>
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<td>9</td>
<td>11</td>
<td>4</td>
<td>84</td>
<td>46</td>
<td>40</td>
<td>4</td>
<td>5</td>
<td>9</td>
<td>170</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TESTED DIVERSION RATES

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

DEC 20 1993

FOR D.W.R. USE ONLY

Ac. Ft. Applied = 1237 hrs. x 1247 g.p.m. x 4.419 24 x 1000 = 399 AF

"Approved" Land irrigated 170 acres, with 399 AF = 2.35 AF/acre

Total AF (including overlapping files) 399 (235 AF/acre)

170 acres x 2.0 AF/acre = 340

HAYSO01850

KS DEPT OF AGRICULTURE

JUN 29 2015

Microfilm

Perfected Rate 12.50 g.p.m. ( 2.79 c.f.s.) Perfected Quantity 25 AF

Dave Brady July 1983

Rev 1-9-93

Exhibit 21734

Density 70
GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer: Valley  Model: 4871  Serial No: 48563

Drive: ☐ Water  ☑ Electric  Length of Pivot Arm 11 ft 10 in  acres irrig. 170

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: 

Center pivot has a low-pressure water pattern.

POWER UNIT INFORMATION:

Manufacturer:  Ford  Model No: 460  HP: ___

Serial No: J5G-3756-6003-C  Fuel: Natural Gas  Rated RPM: ___

PUMP INFORMATION:

Manufacturer: Johnston  Model No: NA  Rated RPM: ___

Serial No: CF21236  Type: Vertical Turbine  No. stages: VA

GEAR HEAD INFORMATION:

Manufacturer: Americal  Model No: 580

Serial No: 87939  Drive: Right Angle  Ratio: 5:1

WELL INFORMATION: No information available except note in files that states well was dug completed April 21, 1973.

Date Drilled: 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: 9 feet 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
SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORK, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).

TEST OF DIVERSION RATE:

Location of test: Horizontal pipe between pump and pivot
Pipe Diameter (I.D.) 7-7/8 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

☐ Jacuzzi Meter Test

Area Constant K = 2.45 × I.D.² =

Velocity (fps)
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

Total

Avg.

G.P.M.

Q (gpm) = VK

Velocity (fps)
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

Total

Avg.

G.P.M.

Dec 29 1990

☐ Propeller Meter Test

Manufacturer _______ Model _______ Serial No. _______ WATER RESOURCES RECEIVED

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

JUN 29 2015

KS DEPT OF AGRICULTURE
### TABULATION OF WATER USE:

<table>
<thead>
<tr>
<th>Year</th>
<th>Hours Pumped (hr)</th>
<th>Reported Pumping Rate (gpm)</th>
<th>Water Used (AF)</th>
<th>Acres Irrigated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>11.28</td>
<td>1300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1976</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1977</td>
<td>5.86</td>
<td>1500</td>
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<td>1986</td>
<td>1737</td>
<td>124.7**</td>
<td></td>
<td>170</td>
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<tr>
<td>1987</td>
<td></td>
<td>124.7**</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Obtained from test data*

Indicate Year of Record with (*), Source of Information: Staggard Files

Crops Irrigated this year: A15a A5a, Year of record: A15a A5a

### FUEL RECORDS:

- **Electricity**
  - Supplier: __________________
  - Meter Manufacturer: __________ Type: __________ Serial No: __________
  - K: _______ watt/rev r: _______ revolutions t: _______ seconds
  - Rate = Kr × 3.6 \( \frac{t}{kw-hr} \) Hours = \( \frac{kw-hr}{rate} \)

- **Other Fuels**
  - Type: __________________ Supplier: __________________
  - Rate = Volume (test) \( \frac{time}{Volume} \)
  - How was the test volume determined? __________________

### REMARKS:

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

SCANNED
WATER RESOURCES RECEIVED
JUN 29 2015

Person present at test: Roy Williams, employee of tenant
Water Use Correspondent: A15a A5a, 1737 Hyatt St, North Platte, NE 69101 308-534-9240
Conducted by: Roy Ebert, Date: 6/19/87 HAYS001853
Approved by: J. W. Date: 8/28/87
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.
NOTES ON USING A YEAR OF RECORD

This development went into several owners since its inception in 1975, with owners from Europe & around the U.S. at various times, a stable or company was based in the crop production area. All of the water use and equipment records have been interred, destroyed, or lost, and the systems and remains plant components have been interred over the years.

Since early 1963, Connecticut Growers has made a diligent effort to keep good records. These efforts, however, would seem inadequate to use the years since 1963 in obtaining a year of record.
APPLICATION NO: 21734  NAME: Connecticut General Life Ins

COLLINS METER TEST

Collins Meter No. 1-84  Meter Calibration Factor 9.69
Pipe Inside Diameter (inches) 7-1/4  Flow Rate Factor 1.43
Test Pressure (psi) 43  Test RPM, Pump 1622
Description of Test Location Horizontal pipe between pump and...
Field Office No. 2
C.M.D. No. 5

Test 2 of 5 Diversion points County Edwards
#16

Application No. 21734 Inspection 7/28/17 Firm/Field Office Pumping Plant Testing Inc.
Affiliation No. 394 Phone (515) 274-9240
Address P.O. Box 1162 North Platte, NE 69103

Additional landowners and addresses identified in remarks section.

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

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

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

Actual Point of Diversion: NW 1/4, SE 1/4, SW 1/4 Sec. 5, T. 26, R. 19
Approximately _ _ ft. North and _ _ ft. West of SE corner of Sec. _

How were distances determined? ________________ Scale from aerial photo.

"Approved" Quantity 1352 AF "Approved" Diversion Rate 1400 g.p.m. (10.7 c.f.s.)
Priority Date Jan 1, 1974 Approval Date Feb. 27, 1976 Perfection Date Dec. 31, 1991

Other applications covering land and/or point of diversion: None

(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th>NE%</th>
<th>NW%</th>
<th>SW%</th>
<th>SE%</th>
<th>TOTAL ACRES</th>
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<tr>
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RECEIVED

LAND IRRIGATED—YEAR OF RECORD 1985

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<th></th>
<th>NE%</th>
<th>NW%</th>
<th>SW%</th>
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<th>TOTAL ACRES</th>
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</thead>
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<td>39</td>
<td>120</td>
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</tbody>
</table>

RECEIVED

TESTED DIVERSION RATES

Maximum G.P.M. 1034 (c.f.s. 2.30) Normal G.P.M. 1034 (c.f.s. 2.30)

DIVISION OF WATER RESOURCES STAFFORD

Year of Record 1985 Extension of time needed: Yes ( ) No ( ) Attached? yes ( ) no ( )
Ac. Ft. Applied 1438 hrs. x 1034 g.p.m. x 4.419 234 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 AF per acre = 260 AF

Perfected Rate 1035 g.p.m. (2.31 c.f.s.) Perfected Quantity 280 AF

Page 9-13-95

Rev. January 1997

HAY001857
GENERAL INFORMATION ON IRRIGATION SYSTEM:

☐ Center Pivot

Manufacturer: Olsen  Model: 103P  Serial No: 4015

Drive: ☐ Water  ☑ Electric  Length of Pivot Arm ___ acres irr. 130

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

Is there an End Gun? ☐ yes ( ) no  Is end gun operating during Test ☑ yes ( ) no

End Gun Model 28nibird 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

Manufacturer ___  Model ___  Serial No. ___

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: 680

Serial No: 84218  Drive: Right Angle  Ratio 6:1

WELL INFORMATION: NO INFORMATION AVAILABLE

Date Drilled ______ Original Depth ___ ft.  Static Water Level When Drilled ___ ft.

Length of time well has ( ) operated 60 days 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

HAYS001858
TEST OF DIVERSION RATE:

Location of test: Horizontal pipe between pump and pivot
Pipe Diameter (I.D.):

Test No. 1—Normal Conditions
R.P.M. POWER UNIT: 142
R.P.M. PUMP UNIT: 1635
Pressure at Pump: 40 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. = Q (gpm) = VK

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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

Other Flow Meter

Use Supplemental Sheet (include meter identification, data and calculations).
### TABULATION OF WATER USE:

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<th>Year</th>
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*+ obtained from test data*

Indicate Year of Record with (*)

Source of Information: Stanford 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
  - t: revolutions
  - 1: seconds
  - Rate = \( \frac{K \times 3.6}{t} \) = kw/hr
  - Hours = kw-hr = rate

- **Other Fuels**
  - Type
  - Supplier
  - Rate = Volume (test) = time
  - How was the test volume determined?

**REMARKS:** SEE NOTES ON TEST REPORT ARE WELL 10.5 READING

**SELECTED OR YEAR OF READING:**

**WATER RESOURCES RECEIVED:**

JUN 29 2015

KS DEPT OF AGRICULTURE

Person present at test: Kent Niles

Water Use Correspondent: Kelly Walker, Box 1162, North Platte, NE 69101 (phone: 308-352-9240)

Conducted by: Brad Eshel Date: 8/17/67

Approved by: J. W. Winter Page 49 of 49

SCANNED
EXHIBIT H

DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE

FIELD INSPECTION REPORT

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

Test 3 of 5 Diversion points County: Edwards

Application No. 21734
Inspection Date: 2/28/67
Firm/Field Office: Pumping Plant Testing, Inc.

Address: P.O. Box 1142 North Platte, NE 69103

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, NW 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, NW 1/4 Sec. 5, T. 26 R. 19
Approximately 4000 ft. North and 1333 ft. West of SE corner of Sec.

How were distances determined? Scale from AASG aerial photo

"Approved" Quantity: 1352 AF
"Approved" Diversion Rate: 4800 g.p.m. (107 c.f.s.)

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

Other applications covering land and/or point of diversion: None

(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

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LAND IRRIGATED—YEAR OF RECORD: 1986

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</table>

TESTED DIVERSION RATES: RECEIVED

Maximum G.P.M. (c.f.s.) - 1047 (c.f.s.)
Normal G.P.M. - 1047 (c.f.s.)

DEC 20, 1993

FOR D.W.R. USE ONLY

FIELD OFFICE

Year of Record: 1985

Ac. Ft. Applied: 1543 hrs. x 1047 g.p.m. x 4.419 = 294 AF

"Approved" Land irrigated: 130 acres, with 2.98 AF = 2.98 AF/acre

Total AF (including overlapping files) 298 AF = 2.29 AF/acre

130 acres x 2.0 AF per acre = 260 AF

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

DWR-106 21734

Completed by: Douglas F. Bust

Revised: January 1997
GENERAL INFORMATION ON IRRIGATION SYSTEM:

[Center Pivot]

Manufacturer: Olsen  Model: 103P  Serial No.: 4020

Drive: Water  Electric  Length of Pivot Arm  acres irri.: 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: 854  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]

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.  Type: Vertical Turbine  No. stages

[GEAR HEAD INFORMATION:]

Manufacturer: Amatillo  Model No.: 580

Serial No.: 87985  Drive: Right Angle  Ratio: 5:1

[WELL INFORMATION:]

Date Drilled  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? (X) yes  ( ) no

Injection port present? (X) yes  ( ) no  Operating injection system? ( ) yes  ( ) no

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

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

HAYS001863

SCANNED
WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE
### TABULATION OF WATER USE:

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<tr>
<th>Year</th>
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* Obtained from test data

Indicate Year of Record with (*)

Source of Information: **Staggard Files**

Crops Irrigated this year: **Soybeans**

Year of record: **Corn**

### FUEL RECORDS:

**Electricity**

- Supplier: 

- Meter Manufacturer: 
  - Type: 
  - Serial No. 

- K: watt/rev
  - revolutions: 
  - seconds: 

- Rate = $\frac{Kr \times 3.6}{t}$ = kwh/hr
  - Hours = kwh/hr =

- Other Fuels
  - Type: 
  - Supplier: 

- Rate = Volume (test) =
  - time

How was the test volume determined?

**Remarks:**

- Water Use Correspondent: L. J. Weaver, Box 162, North Platte, NE 69103, 701-534-3240 (other number)

Conducted by: 

- Date: 8/19/87

Approved by: 

- Date: 8/26/87

---

**KS DEPT OF AGRICULTURE**

**WATER RESOURCES RECEIVED**

**JUN 29 2015**

**2134**
APPLICATION NO: 21734 NAME: Connecticut General Life Ins

COLLINS METER TEST

Collins Meter No. 184 Meter Calibration Factor 0.9635
Pipe Inside Diameter (inches) 8 1/8 Flow Rate Factor 160.2
Test Pressure (psi) 4.3 Test RPM, Pump 18.32
Description of Test Location Horizontal pipe between pump and pier.

TEST DATA: QL Check, Initial Velocity Reversed 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)

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Average Velocity of Water = Sum of Vel. \div 12 = 6.785

Corrected Ave. Vel. = (Ave. Vel.) \times (Calibration Factor) = 6.785 \times 0.9635 = 6.54

Flow Rate = (Corrected Ave. Vel.) \times (Flow Rate Factor) = 6.54 \times 160.2 = 1047 BPM

PUMPING PLANT TESTING, INC.

Reviewed By: W. J. Wusatowski

Professional Engineer

DEC 20 1993
**EXHIBIT 21734**

**DIVISION OF WATER RESOURCES-KANSAS STATE DEPARTMENT OF AGRICULTURE**

**FIELD INSPECTION REPORT**

Test No. 4 of 5 Diversion points County: Edwards

Application No. 21734 Date: 7/28/72 Firm/Field Office: Pumping Plant Testing, Inc.

Current Landowner: William L. Burke Phone No.: (308) 534-8240

Address: P.O. Box 1422 North Platte, NE 69103

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, NE 1/4 Sec. 5, T. 24, R. 19, ID No. 01

Approximately 640.6 ft. North and 535 ft. West of SE corner of Sec. 5

Actual Point of Diversion: NE 1/4, NE 1/4, NE 1/4 Sec. 5, T. 24, R. 19

Approximately 640.6 ft. North and 535 ft. West of SE corner of Sec. 5

How were distances determined? Sealed GOMACS 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

**LAND TO BE INCLUDED ON CERTIFICATE:**

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**LAND IRRIGATED—YEAR OF RECORD: 1986**

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**TESTED DIVERSION RATES**

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

**WATER RESOURCES OFFICE USE ONLY**

Year of Record: 1986

Acre Ft. Applied = 1326 hrs. x 933 g.p.m. x 4.419 ft. x 1000 = 237 AF

"Approved" Land irrigated = 85 acres, with 2.29 AF/acre Total AF (including overlapping Files) = 237 AF (2.29 AF/acre)

Perfected Rate: 93.5 g.p.m. (2.08 c.f.s.) Perfected Quantity: 120.1 AF

**FIELD OFFICE USE ONLY**

**STAFFORD**

**WATER RESOURCES RECEIVED**

**JUN 29 2015**

**KS DEPT OF AGRICULTURE**

**HAYSO1867**

**SCANNED**

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

Field Office: Use Only

DWR-101 21734

Page 40 of 47

Revised January 1982
GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer: Valley  Model: NA  Serial No: NA
Drive: Water  Electric  Length of Pivot Arm  acres irr: 85
Design Pressure-Pivot  p.s.i.  Operating Pressure-Pivot  p.s.i.
Is there an End Gun?  yes ( ) no  Is end gun operating during Test?  yes ( ) no
End Gun Model: Pepsi 160  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:

No serial number tag could be found on center pivot.

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: 29226  Type: Vertical Turbine  No. stages: NA

GEAR HEAD INFORMATION:

Manufacturer: Amarillo  Model No: 28C-90
Serial No: 7024  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: ___ days ( ) hrs  rested prior to measurement: ___
Is measurement tube required?  yes ( ) no  Is measurement tube present?  yes ( ) no
Depth to water: ___ ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required?  yes ( ) no  Make of Meter: ___
Meter Model No: ___  Serial No: ___  Size: ___
Is the meter installed properly?  yes ( ) no  Check Valve Present?  yes ( ) no
Injection port present?  yes ( ) no  Operating an injection system?  yes ( ) no
Low Pressure Drain?  yes ( ) no  Vacuum Breaker?  yes ( ) no
Plant Health Chemigation Report completed?  yes ( ) no

WATER RESOURCES RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

HAYS001868 SCANNED
SKETCH OF ACTUAL PLACE & LOCATION OF DIVERSION WORK. A.D. DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test.)

N

Scale
1" = ___ ft.

TEST OF DIVERSION RATE:

Location of test: Vertical pipe inside pivot wherein
Pipe Diameter (I.D.) 7/8" inches

<table>
<thead>
<tr>
<th>Test No. 1 — Normal Conditions</th>
<th>Test No. 2 — Maximum Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>R.P.M. POWER UNIT 2064</td>
<td>R.P.M. POWER UNIT</td>
</tr>
<tr>
<td>R.P.M. PUMP UNIT 1720</td>
<td>R.P.M. PUMP UNIT</td>
</tr>
<tr>
<td>Pressure at Pump 60 psi</td>
<td>Pressure at Pump</td>
</tr>
</tbody>
</table>

☐ Jacuzzi Meter Test

Area Constant K = 2.45 × I.D.² = ________

<table>
<thead>
<tr>
<th>Velocity (fps)</th>
<th>Velocity (fps)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1.</td>
</tr>
<tr>
<td>2.</td>
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<td>10.</td>
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</tr>
<tr>
<td>Total</td>
<td>Total</td>
</tr>
<tr>
<td>Avg.</td>
<td>Avg.</td>
</tr>
<tr>
<td>G.P.M.</td>
<td>G.P.M.</td>
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☐ Propeller Meter Test

Manufacturer: ____________ Model: ____________ Serial No: ____________

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

☐ Other Flow Meter

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

WATER RESOURCES RECEIVED

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KS DEPT OF AGRICULTURE

HAYS001869

SCANNED
### TABULATION OF WATER USE:

<table>
<thead>
<tr>
<th>Year</th>
<th>Hours Pumped</th>
<th>Reported Pumping Rate</th>
<th>Water Used</th>
<th>Acres Irrigated</th>
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<td>933**</td>
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<tr>
<td>1987</td>
<td></td>
<td>933**</td>
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</table>

*Obtained from test data

**

Indicate Year of Record with (*)

Source of Information: Stafford Files

Crops Irrigated: this year A1Sa I6a Year of record A1Sa I6a

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

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

- Other Fuels
  - Type: Supplier:
  - $\text{Rate} = \frac{\text{Volume (test)}}{\text{time}}$

How was the test volume determined?

### REMARKS:

NOTES ON CHOOSING A YEAR OF RECORD & SECTION

BOUNDARIES ARE CONTAINED WITH REPORT OR #1 WELL OUT OF

5.

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KS DEPT OF AGRICULTURE

Person present at test: Roy Williams employee of tenant

Water Use Correspondent: Jesse Weaver (Agri Affiliates) Box 1169 Hastings NE 68716 308-574-9244

Conducted by: [Signature] Date: 8/19/87 HAYS001870

Approved by: [Signature] Date: 8/29/87
APPLICATION NO: 21734  NAME: Connecticut General Life Inc

COLLINS METER TEST

Collins Meter No.  1-84  Meter Calibration Factor  96.35
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:

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<thead>
<tr>
<th>Q Check, Initial Velocity</th>
<th>7.07</th>
<th>Reversed Velocity</th>
<th>7.10</th>
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</thead>
<tbody>
<tr>
<td>Meter Setting From Center of Pipe</td>
<td>Left Side of Pipe (or Front Side if Vertical Test)</td>
<td>Right Side of Pipe (or Back Side if Vertical Test)</td>
<td></td>
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<tr>
<td>1 3/8</td>
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<td>3 3/4</td>
<td>5.41</td>
<td>5.52</td>
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</tbody>
</table>

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

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 6.662 x 96.35 = 6.42

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

PUMPING PLANT TESTING, INC.

RECEIVED:  DEC 20 1993

Professional Engineer

Send to:  Field Office
DIVISION OF WATER RESOURCES
STAFFORD

WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

HAYS001871
March 25, 1982

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

Dear Don,

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

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

Our records show that you have paid us $416,000.00 (this includes the March payment of $52,000.00) for alfalfa. At $65.00 per ton this figures that you have paid for 6,400 ton of hay. We show that you have removed 2278 bales at 1800 lbs average weight. That is 2059.2 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.*
<table>
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<th>TOTAL BALES</th>
<th>ANIBYPRO 1/5</th>
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</tbody>
</table>

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KS DEPT OF AGRICULTURE

Page 56 of 71
| #9  | 1st  | 119   | 149   | 1st  | 30   |
|     | 2nd  | 194   | 243   | 2nd  | 49   |
|     | 3rd  | 167   | 209   | 3rd  | 42   |
|     | 4th  | 82    | 102   | 4th  | 20   |
| #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    |
| #38 | 1st  | 98    | 122   | 1st  | 24   |
|     | 2nd  | 162   | 202   | 2nd  | 40   |
|     | 3rd  | 95    | 119   | 3rd  | 24   |
|     | 4th  | 52    | 65    | 4th  | 13   |
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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<td>2</td>
<td>1.75</td>
</tr>
<tr>
<td>2-2</td>
<td>12</td>
<td>1st</td>
<td>78</td>
<td>70.52</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>4th</td>
<td>28</td>
<td>23.51</td>
</tr>
<tr>
<td>2-4</td>
<td>7</td>
<td>1st</td>
<td>7</td>
<td>5.44</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>2nd</td>
<td>8</td>
<td>6.21</td>
</tr>
<tr>
<td>2-11</td>
<td>7</td>
<td>3rd</td>
<td>12</td>
<td>5.44</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>1st</td>
<td>12</td>
<td>10.61</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>2nd</td>
<td>14</td>
<td>12.38</td>
</tr>
<tr>
<td>2-22</td>
<td>30</td>
<td>2nd</td>
<td>52</td>
<td>44.21</td>
</tr>
<tr>
<td>DATE</td>
<td>CIRCLE #</td>
<td>CUTTING</td>
<td>AMOUNT OF BALES TAKEN</td>
<td>TONS PER SCALE TICKET</td>
</tr>
<tr>
<td>-------</td>
<td>----------</td>
<td>---------</td>
<td>----------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>2-24</td>
<td>38</td>
<td>1st</td>
<td>26</td>
<td>23.75</td>
</tr>
<tr>
<td>3-9</td>
<td>7</td>
<td>2nd</td>
<td>30</td>
<td>21.64</td>
</tr>
<tr>
<td>3-10</td>
<td>10</td>
<td>3rd</td>
<td>5</td>
<td>3.95</td>
</tr>
<tr>
<td>3-15</td>
<td>11</td>
<td>4th</td>
<td>25</td>
<td>23.60</td>
</tr>
<tr>
<td>3-17</td>
<td>7</td>
<td>1st</td>
<td>23</td>
<td>21.21</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>2nd</td>
<td>5</td>
<td>4.61</td>
</tr>
<tr>
<td></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 3/25/92)

Totals:

2279' 2,035.58'
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:

<table>
<thead>
<tr>
<th>Area, Place of use</th>
<th>Max. Allowable Rate</th>
</tr>
</thead>
</table>
| up to 10 acres                     | 450 g.p.m.  
| 10 - 40 acres                      | (+) 450 g.p.m.     |
| 40 - 120 acres                     | (+) 8 g.p.m./acre  |
| more than 120 acres                | (+) 7 g.p.m./acre  |

EXAMPLES:

A. 37 acres requested; since this area is less than 40 acres, a rate of up to 900

B. 83 acres requested;

\[\begin{align*}
10\text{ acres} & \quad 450\text{ g.p.m.} \\
(+) 40\text{ acres (10 + 30)} & \quad = 450\text{ g.p.m.} \\
(+ )43\text{ acres @ 8 g.p.m./acre} & \quad = 344\text{ g.p.m.} \\
& \quad 1,244 \text{ (allow 1,245 g.p.m.)}
\end{align*}\]

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.
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.
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 Metered Water</td>
<td>Remaining Water Used (See Below Explanation)</td>
</tr>
<tr>
<td>684,559,000</td>
<td>10,806,000</td>
<td>595,254,000</td>
<td>16,327,000</td>
<td>62,172,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

If the 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 Metered Water</td>
</tr>
<tr>
<td>20 years ago</td>
<td>592,323,000</td>
<td>5,029,000</td>
<td>469,314,000</td>
<td>5,155,000</td>
<td>112,825,000</td>
</tr>
<tr>
<td>15 years ago</td>
<td>780,527,000</td>
<td>10,819,000</td>
<td>587,965,000</td>
<td>10,470,000</td>
<td>171,473,000</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>39,740,000</td>
</tr>
<tr>
<td>5 years ago</td>
<td>693,866,000</td>
<td>13,537,000</td>
<td>581,800,000</td>
<td>19,362,000</td>
<td>114,383,000</td>
</tr>
</tbody>
</table>

TOTAL WATER = Column 1 + 2
ACCOUNTED FOR WATER = Column 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>753,014,500</td>
<td></td>
<td>11,886,600</td>
<td>654,779,400</td>
<td>17,899,700</td>
<td>68,389,200</td>
<td></td>
</tr>
<tr>
<td>Year 10</td>
<td>911,548,092</td>
<td></td>
<td>14,682,786</td>
<td>972,283,074</td>
<td>21,731,237</td>
<td>82,750,932</td>
<td></td>
</tr>
<tr>
<td>Year 20</td>
<td>1,002,262,832</td>
<td></td>
<td>15,821,065</td>
<td>871,511,381</td>
<td>23,804,361</td>
<td>91,028,025</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>17,836</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>

Provide number of current active service connections:

- Residential: 6,824
- Commercial: 1,256
- Industrial: 2
- Pasture/Stockwater/Feedlot: 8,082

### SECTION 5: PRESENT GALLONS PER PERSON PER DAY

**CALCULATE YOUR GALLONS PER PERSON PER DAY**

\[
\text{Water in Columns 5, 6, and 7} + \text{Population} + \text{365 Days/Year} = \text{Gallons per Person per Day}
\]

\[
(873,753,000 + 21,038 + 365 \text{ Days/Year}) = 88 \text{ GALLONS PER PERSON PER DAY.}
\]

### 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 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.
### 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 Metered Water</td>
<td>Remaining Water Used (See Below Explanation)</td>
</tr>
<tr>
<td>327,268,100</td>
<td>0</td>
<td>0</td>
<td>105,295,000</td>
<td>108,743,000</td>
<td>19,944,000</td>
<td>83,386,100</td>
</tr>
<tr>
<td><strong>TOTAL WATER = Columns 1 + 2</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</strong></td>
<td><strong>UNACCOUNTED FOR WATER</strong></td>
</tr>
</tbody>
</table>

**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:

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

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

**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>
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<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>
</tr>
<tr>
<td>20 years ago</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 years ago</td>
<td>373,767,000</td>
<td>0</td>
<td>0</td>
<td>171,928,220</td>
<td>115,864,670</td>
</tr>
<tr>
<td>10 years ago</td>
<td>477,486,000</td>
<td>0</td>
<td>0</td>
<td>222,781,000</td>
<td>147,340,000</td>
</tr>
<tr>
<td>5 years ago</td>
<td>375,790,000</td>
<td>0</td>
<td>0</td>
<td>144,277,000</td>
<td>123,343,000</td>
</tr>
<tr>
<td><strong>TOTAL WATER = Columns 1 + 2</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</strong></td>
</tr>
</tbody>
</table>

DWR 1-499 (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>Year</th>
<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></td>
<td>Raw Water Diverted</td>
<td>Water Purchased</td>
<td>Water Sold to Other</td>
<td>Water Sold to Your</td>
<td>Water Sold to Your</td>
<td>Other</td>
<td>Remaining Water Used</td>
</tr>
<tr>
<td></td>
<td>Under Your Rights</td>
<td>From All Sources</td>
<td>Public Water Suppliers</td>
<td>Industrial, Stock, and</td>
<td>Residential and</td>
<td>Metered Water</td>
<td>(See Explanation on other side)</td>
</tr>
<tr>
<td>Year 5</td>
<td>368,346,512</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</td>
<td>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</td>
<td>426,310,852</td>
<td>0</td>
<td>0</td>
<td>196,162,992</td>
<td>132,156,364</td>
<td>17,052,434</td>
<td>80,999,062</td>
</tr>
<tr>
<td>Year 20</td>
<td>443,848,022</td>
<td>0</td>
<td>0</td>
<td>204,170,080</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
9 Industrial
360 Commercial
0 Pasture/Stockwater/Feedlot

2448 Total

SECTION 5: PRESENT GALLONS PER PERSON PER DAY
CALCULATE YOUR GALLONS PER PERSON PER DAY
Water in Columns 5, 6, and 7 + Population + 365 Days/Year = Gallons per Person per Day

221,991,000 + 4,475 + 365 Days/Year = 135.9 GALLONS PER PERSON PER DAY.

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 details of your request.