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

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

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

1. Application is hereby made for approval of the Chief Engineer to change the place of use, point of diversion or use made of water.

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

   File No. 22338 Circle 28.

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

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

   City, State and Zip: Wichita, Kansas 67206

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

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

   Name of water use correspondent: City of Hays, Kansas

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

   City, State and Zip: Hays, Kansas 67601

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

3. The change(s) proposed herein are desired for the following reasons (please be specific):

   See Paragraph 3 of the cover letter filed concurrently with this application. The cover letter is incorporated herein by reference.

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

---

For Office Use Only:

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source (S County ED By KAB Date 5/24/15

Code C-3 Fee $700 TR #

Receipt Date 5/22/15 Check # 058328

of 21000- 15053309

SCANNED

DWR 1-120 (Revised 06/16/2014) 22338  Page 1 of 38

Assisted by: 6/30/2015 CLM
4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

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

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

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

Owner of Land — NAME: City of Hays, Kansas

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

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The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.

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

Owner of Land — NAME: City of Russell, Kansas

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

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</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:

8. **Presently authorized point of diversion:**
   - One in the Lot 7 Quarter of the Quarter of the Quarter of the Quarter of Section 10 Township 26 South, Range 20 (E/W), in __________ County, Kansas, 3,152 feet North 1,043 feet West of Southeast corner of section.
   - Authorized Rate 950 gpm
   - Authorized Quantity 89 a/f
   - (DWR use only: Computer ID No. __________ GPS __________ feet North __________ feet West)
   - □ This point will not be changed  ✔️ This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**
   - One in the SW Quarter of the NE Quarter of the SE Quarter of Section 10 Township 26 South, Range 20 (E/W), in __________ County, Kansas, 1,863 feet North 883 feet West of Southeast corner of section.
   - Proposed Rate 950 gpm
   - Proposed Quantity 141.12 a/f
   - This point is: □ Additional Well  □ Geo Center  List other water rights that will use this point 22,339; 27,760

9. **Presently authorized point of diversion:**
   - One in the Lot 7 Quarter of the Quarter of the Quarter of the Quarter of Section 10 Township 26 South, Range 20 (E/W), in __________ County, Kansas, 2,705 feet North 703 feet West of Southeast corner of section.
   - Authorized Rate 785 gpm
   - Authorized Quantity 73 a/f
   - (DWR use only: Computer ID No. __________ GPS __________ feet North __________ feet West)
   - □ This point will not be changed  ✔️ This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**
   - One in the SW Quarter of the NE Quarter of the SE Quarter of Section 10 Township 26 South, Range 20 (E/W), in __________ County, Kansas, 1,863 feet North 883 feet West of Southeast corner of section.
   - Proposed Rate 950 gpm
   - Proposed Quantity 141.12 a/f
   - This point is: □ Additional Well  □ Geo Center  List other water rights that will use this point 22,339; 27,760

10. **Presently authorized point of diversion:**
    - One in the __________ Quarter of the __________ Quarter of the __________ Quarter of the __________ Quarter of Section __________ Township __________ South, Range __________ (E/W), in __________ County, Kansas, __________ feet North __________ feet West of Southeast corner of section.
    - Authorized Rate __________
    - Authorized Quantity __________
    - (DWR use only: Computer ID No. __________ GPS __________ feet North __________ feet West)
    - □ This point will not be changed  □ This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**
    - One in the __________ Quarter of the __________ Quarter of the __________ Quarter of Section __________ Township __________ South, Range __________ (E/W), in __________ County, Kansas, __________ feet North __________ feet West of Southeast corner of section.
    - Proposed Rate __________
    - Proposed Quantity __________
    - This point is: □ Additional Well  □ Geo Center  List other water rights that will use this point __________

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

    **WATER RESOURCES RECEIVED**

    **JUN 29 2015**

    **SCANNED**

    **KS DEPT OF AGRICULTURE**
12. The presently authorized use of water is for __irrigation____ purposes. It is proposed that the use be changed to __municipal____ purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased. See the attached discussion regarding the quantity of water to be changed to municipal use and paragraph 13 of the cover letter.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to __not applicable____ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to __not applicable____ gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:
   1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
   2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 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 prejudices and unreasonably affect the public interest.

See paragraph 7 of the cover letter.
Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed $500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than $100 nor more than $1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

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

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

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

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

Dated at ___________________________________________, Kansas, this _______ day of ___________ 20____

(Owner)

City of Hays, Kansas, by Toby Dougherty, City Manager

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(State of Kansas)

County of _______________________________________ SS

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

Notary Public

My Commission Expires ______________________

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.
Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed $500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall not be 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 landlord 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 filling this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

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

[Signature]

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

[Signature]

Owner
(Please Print)

[Signature]

Owner
(Please Print)

[Signature]

Owner
(Please Print)

[Signature]

Owner
(Please Print)

State of Kansas
County of Russell
SS

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

My Commission Expires 6/15/18

Malinda Morse
Notary Public

FEE SCHEDULE

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

1. Application to change a point of diversion 300 feet or less ........................................... $100
2. Application to change a point of diversion more than 300 feet .......................................... $200
3. Application to change the place of use .................................................................................. $300
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
Proposed Rate and Quantity

The Cities are requesting a total of 141.12 acre-feet and 950 gpm from the wells associated with this water right, all of which will be diverted from new point of diversion L, as shown on Exhibit J. When combined with existing wells from other water rights, new point of diversion L will have a cumulative total of 426.24 acre-feet and 2,430 gpm.

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

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

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows the conversion of 116.64 acre-feet to municipal use. As discussed below, 108 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 116.64 acre-feet.

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

Quantity authorized and perfected

The permit was issued on March 19, 1976, granting the applicant the right to divert up to 196 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use on 108 acres in Sections 10 and 11-T26S-R20W. The certificate further limited the wells to a rate of 950 gallons per minute when operated simultaneously.

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

The Field Inspection Reports indicate that all of the 196 acre-feet authorized by the permit were lawfully perfected.

- 167 acre-feet and 113.2 acre-feet (280.2 acre-feet) were applied to 108 approved acres in Sections 10 and 11-T26S-R20W.

---

1 K.A.R. 5-5-9(a) and (a)(1).
2 K.A.R. 5-5-12, NIR Requirements.
3 K.A.R. 5-5-9(b).
4 Permit, HAYS003231, Ex. A.
5 Application, HAYS003222, Ex. B.
6 Certificate, HAYS003242, Ex. C.
7 March 19, 1976, letter (emphasis added), HAYS003230, Ex. D.
8 FIR, HAYS003207, Ex. E.
9 FIR, HAYS003213, Ex. F.
While the certificate limits the total quantity to 162 acre-feet based on DWR’s after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.  

Since the perfection period has expired, the “authorized quantity” for this water right is the 196 acre-feet actually perfected even though it exceeds the certified quantity.

**An alternative approach**

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

If 28% of the 196 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 141.12 acre-feet, should be available for conversion to municipal use. This is less than the 196 acre-feet authorized so the limitation in K.A.R. 5-5-9(a)(4) is not implicated.

The Applicants request that DWR approve a total of 141.12 acre-feet for municipal use.

---


\(^{11}\) Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. H, stating that: “In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.” See also, K.A.R. 5-3-24 and Doug Bush Memo dated August 19, 1994, HAYS003234, Ex. G.
THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, Chief Engineer

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application No. 22,338 of the applicant

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

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

1. That the priority date assigned to such application is May 2, 1974.

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

3. That the source from which the appropriation is made shall be from ground water in the drainage basin of the Arkansas River to be withdrawn by means of two (2) wells: one well in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW¼ SE¼ NE¼) and one well in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter (SE¼ SE¼ NE¼) of Section 10, Township 25 South, Range 20 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of 1000 gallons per minute (2.23 c.f.s.) and to a quantity of not to exceed 196 acre-feet for any calendar year.
3. That installation of works for diversion of water shall be completed on or before December 31, 1977. The applicant shall notify the Chief Engineer of the Division of Water Resources when construction of the works has been completed.

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

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

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

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

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

11. That this permit does not constitute authority under K.S.A. 82a-301 to 305 to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining consent 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.
APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

(The Statutory Filing Fee of $30.00 Must Accompany the Application)

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

(Mr.)
(Mrs.)

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

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

1. The quantity of water desired is in the amount of 196 acre feet per year, to be diverted at a maximum rate of 1000 gallons per minute (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the quarter of the SE NE of the NE NE of the SW SE of the above

3. The water is intended to be appropriated for:

(a) Domestic use
(b) Municipal use
(c) Irrigation use
(d) Industrial use
(e) Recreational use

WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

DIVISION OF WATER RESOURCES
(To be checked for proper use and the intended quantity for each use)
4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the city.

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

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

| Owner of Land—NAME: Midwest Land & Cattle Co. | ADDRESS: P.O. Box 208 Kinsley, Kansas 67547 |

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JUN 29 2015
two wells with two pumps

7. The works for diversion of water will consist of two motors

irrigation system (two motors)

and will be completed by July of 1974

(Date)

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

July of 1974

(Date)

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

The plat or aerial photograph should show

(a) Location of the proposed point or points of diversion

(b) Location of the pipe lines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use

(c) If for irrigation, show the location of the land proposed to be irrigated

(d) If for industrial or other use, show the location of the land where water will be used.

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

Irrigation wells and land is in the process of being bought from a company known as the Kinsley Joint Venture (Wheatheart Land Co.)

Applications for water rights have been filed

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

(Owner, agent or otherwise)

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

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

Midwest Land & Cattle Co.

(Advertiser)

By

(Agent or Officer)

Note:

1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.

1 million gallons per day = 1,547 cubic feet per second = 3.07 acre feet per day.

1 acre foot = 43,560 cubic feet = 325,851 gallons.
CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER
WATER RIGHT, File No. 22,338
PRIORITY DATE May 2, 1974

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

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

one (1) well located in Lot 7 of Section 10, more particularly described as being near a point 3,152 feet North and 1,043 feet West of the Southeast corner of said section, at a diversion rate not in excess of 950 gallons per minute (2.11 c.f.s.) and a quantity not to exceed 89 acre-feet of water per calendar year, and

one (2) well located in Lot 7 of Section 10, more particularly described as being near a point 2,705 feet North and 730 feet West of the Southeast corner of said section, at a diversion rate not in excess of 785 gallons per minute (1.74 c.f.s.) and a quantity not to exceed 73 acre-feet of water per calendar year,

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

for irrigation use on the following described property:

46 acres in Lot 7 (E 1/4 NE 1/4),
32 acres in Lot 6 (W 1/4 NE 1/4),
19 acres in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4),
10 acres in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4),

a total of 107 acres in Section 10,

02 acres in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4)
of Section 11,
all in Township 26 South, Range 20 West, Edwards County, Kansas.

This appropriation right is further limited to a diversion rate which when the wells operate simultaneously will provide a diversion rate not in excess of 950 gallons per minute (2.11 c.f.s.) for irrigation use on the property described herein.
The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substances likely to cause pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of the previous calendar year.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 12 day of Nov., 1994.

[Signature]

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

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this day of Nov., 1994, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.

[Signature]

Denise J. Rolfs
Notary Public

[Notary Seal]

3-1-98

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WATER RESOURCES
RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE
HAYS003243
SCANNED

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<td>No. 21835</td>
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<td>STATE OF KANSAS</td>
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<tr>
<td>COUNTY, 22, 338</td>
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<td>STATE OF KANSAS</td>
</tr>
<tr>
<td>Filed on record this date</td>
</tr>
<tr>
<td>Date recorded in Book</td>
</tr>
<tr>
<td>Fee $</td>
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</table>

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)
March 19, 1976

Midwest Land and Cattle Co.
Box 208
Kinsley, Kansas 67547

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,338

Gentlemen:

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

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

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

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

Very truly yours,

Riley M. Dixon
Hydrologist

Encs.
EXHIBIT E

DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE

FIELD INSPECTION

Field Office No. 2
G.M.D. No. 1

Test 1 of 2 Diversion points County Edwards

Application No. 22338 Date 4/25/77 Firm/Fiel Office Irrigation Plant Testing, Inc. (EmpT)

Current Landowner Connecticut General Inc. Asst. Phone No. (308) 534-9240

Address Box 112, North Platte, NE 69103 Alt: Jerry Weaver

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

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

Authorized Point of Diversion: SW 1/4 SE 1/4 NE 1/4 Sec. 10 T. 26 R. 20 ID No. 4
Approximately 2152 ft. North and 1073 ft. West of SE corner of Sec. 10

Actual Point of Diversion: SW 1/4 SE 1/4 NE 1/4 Sec. 10 T. 26 R. 20
Approximately 2152 ft. North and 1073 ft. West of SE corner of Sec. 10

How were distances determined? Sealed off by aerial photo (w4-#1)

"Approved" Quantity 19.6 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date May 2, 1974 Approval Date March 19, 1976 Perfection Date Dec 31, 1981

Other applications covering land and/or point of diversion None

LAND TO BE INCLUDED ON CERTIFICATE:

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<thead>
<tr>
<th>S</th>
<th>T</th>
<th>B</th>
<th>NE</th>
<th>NW</th>
<th>SW</th>
<th>SE</th>
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LAND IRRIGATED—YEAR OF RECORD 1977

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<td>26</td>
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TESTED DIVERSION RATES

Maximum G.P.M. 947 (c.f.s.) (EmpT)

FOR D.W.R. USE ONLY

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

Ac. Ft. Applied = 967.5 hrs. x 947 g.p.m. x 4.419 = 161 AF

24 x 1000

"Approved" Land irrigated 105 acres, with 161 AF = 1.54 AF/acre

Total AF (including overlapping Files) 1.5 AF x 105 = 161.5 AF based

Pivoted by rate 947 g.p.m. + 781 g.p.m. = 1728 g.p.m. 947 g.p.m.

1.728 g.p.m. x 5590 x 16.2 AF = 69 AF.

Perfected Rate 947 g.p.m. (2.11 c.f.s.) Perfected Quantity 69 AF

JUN 29 2015

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WATER RESOURCES RECEIVED

BAYN003207 SCANNED

DWR-30-22338 Page 18 of 68

MICROFORMED
GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot

Manufacturer: Bimaatic  Model: 307  Serial No.: 4782

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

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

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

End Gun Model: Rain Bird 85  Rating  ___  g.p.m.  Orifice size  ___

Gravity Irrigation

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

Description:

☐ Other  Type:  

Manufacturer:  Model:  Serial No:  

(Annual condition/other information)

POWER UNIT INFORMATION:

Manufacturer: Ford  Model No.: 428  HP: —

Serial No.:  Fuel: Propane  Rated RPM: —

PUMP INFORMATION:

Manufacturer: Fairbanks Morse  Model No.: 12M  Rated RPM: —

Serial No.: N2W24400X  Type: Vertical Turbine  No. stages: 5

GEAR HEAD INFORMATION:

Manufacturer: W.S. Motors  Model No.: 60 HP

Serial No.: 0-955-90-60-18 Drive: Right Angle  Ratio: 6:15

WELL INFORMATION:


Length of time well has ( ) operated ( ) rested prior to measurement: 14 (8) 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

Injection port present? ☑ yes  ( ) no

Low Pressure Drain? ☑ yes  ( ) no

Plant Health Chemigation Report completed? ☑ yes  ( ) no

Check Valve Present? ☑ yes  ( ) no

Operating an injection system? ☑ yes  ( ) no

Vacuum Breaker? ☑ yes  ( ) no

WATER RESOURCES RECEIVED

JUN 29 2015

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SCANNED

HAYS003208
SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION W.R. AND DISTRIBUTION SYSTEM.
(Include distribution system layout and time of field test).

<table>
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<tr>
<td>Scale 1&quot; = __ ft.</td>
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TEST OF DIVERSION RATE:

Location of test: Horizontal pipe before pivot stand
Pipe Diameter (I.D.): __ inches

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<tr>
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<th>Test No. 2—Maximum Conditions</th>
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<tr>
<td>R.P.M. POWER UNIT: 2836</td>
<td>R.P.M. POWER UNIT:</td>
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<td>R.P.M. PUMP UNIT: 1697</td>
<td>R.P.M. PUMP UNIT:</td>
</tr>
<tr>
<td>Pressure at Pump: 68 psi</td>
<td>Pressure at Pump:</td>
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Jacuzzi Meter Test

Area Constant K = 2.45 x I.D. = __

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<th>1.</th>
<th>2.</th>
<th>3.</th>
<th>4.</th>
<th>5.</th>
<th>6.</th>
<th>7.</th>
<th>8.</th>
<th>9.</th>
<th>10.</th>
<th>Total Velocity (fps)</th>
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Q (gpm) = VK

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FEB 10 1985

Propeller Meter Test

Manufacturer: __________ Model: __________ Serial No. __________

|                                | Time: __________ min. | Time: __________ min. |
|                                | Rate: __________ gpm | 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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<th>Reported Pumping Rate (gpm)</th>
<th>Water Used (AF)</th>
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<td>1987</td>
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</table>

Indicate Year of Record with (*)

Crops Irrigated: this year **SOYBEANS**

Year of record ?

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

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

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

### REMARKS: SEE ATTACHED SHEET "NOTES ON CHANGING A YEAR OF RECORD."

WATER RESOURCES RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

Person present at test **LYLE KOLBECK**

Water Use Correspondent: **LYLE KOLBECK SPEARVILLE, KS 67876**

Conducted by: **J. R. R. E.**

Approved by: **J. W. O.**

Date: 10/15/87

RAYS003210

Page 33 of 38
Test 2 of 2 Diversion points County: Edwards

Application No: 22338 Date 10/11/87 Firm/Field Office

Authorizing Pumping Plant Testing Inc (Ebert & Khassen)

Current Landowner: Connecticut Central Ins Inc % Agri Associates

Address: Box 1162 North Platte, NE 69103 Attn Jerry Weaver

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

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

Authorized Point of Diversion: SE 1/4, SE 1/4 NW 1/4 Sec. 10, T. 26, R. 20, ID No. 1
Approximately__________ ft. North and ________ ft. West of SE corner of Sec. ______

Actual Point of Diversion: SW 1/4 SE 1/4 (See Additional Sheet) Sec. 10, T. 26, R. 20
Approximately__________ ft. North and ________ ft. West of SE corner of Sec. ______

How were distances determined? Scaled off aerial photo (See additional sheet on points of diversion and section corners)

“Approved” Quantity 196 AF “Approved” Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date May 2, 1974 Approval Date March 19, 1976 Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None

(Include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

<table>
<thead>
<tr>
<th>S</th>
<th>T</th>
<th>R</th>
<th>NE1/4</th>
<th>NW1/4</th>
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LAND IRRIGATED—YEAR OF RECORD 1984 (See Additional Sheet)

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<td></td>
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</tr>
</tbody>
</table>

TESTED DIVERSION RATES

Max. G.P.M. (c.f.s.) 781 (c.f.s. 1.74)

FOR D.W.R. USE ONLY

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

Ac. Ft. Applies = 781.5 hrs. x 781 g.p.m. x $4.419 24 x 1000 = 115.2 AF

"Approved" Land irrigated 108 acres with 114 AF = 1.05 AF/acre

Total AF (Including overlapping Files) 162.2 AF x 108 acres = 162.2 AF

94.7 gpm + 78.1 gpm = 172.8 gpm

172.8 gpm = 112.9 gpm

112.9 gpm = 162.2 AF

Perfection Rate 785 g.p.m. (c.f.s. 1.74 c.f.s.) Perfected Quantity 0.5 AF

Compl. by D.W.R. 8-19-94
GENERAL INFORMATION ON IRRIGATION SYSTEM:

☑ Center Pivot

Manufacturer: Pimmatic Model: 307 Serial No.: 4782

Drive: ☑ Water ☑ Electric Length of Pivot Arm _______ acres irr.: 108

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

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

End Gun Model Rainbird 85 Rating _______ g.p.m. Orifice size _______ 

☑ Gravity Irrigation

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

Description:______________________________________________________________

☐ Other Type:__________________________________________________________

Manufacturer: ___________________ Model: _______ Serial No.: _______

Power Unit Information:

Manufacturer: Ford Model No.: 300 HP _______

Serial No.: 5941-6-23-74 Fuel: propane Rated RPM _______

Pump Information:

Manufacturer: Johnston Model No.: _______ Rated RPM _______

Serial No.: CF21225 Type: Vertical Turbine No. stages _______

Gear Head Information:

Manufacturer: Randolph Model No.: 70 B _______

Serial No.: 73931 Drive: Right Angle Ratio: 1:1 _______

Well Information:


Length of time well has ( ) operated ( ) rested prior to measurement: 90 ( ) days ( ) hrs

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

Depth to water: ______ 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

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SCANNED

HAYS003214
TEST OF DIVERSION RATE:

Location of test: Horizontally Pipe at Crater Pivot
Pipe Diameter (I.D.): 9/8 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: 1135</td>
<td>R.P.M. POWER UNIT:</td>
</tr>
<tr>
<td>R.P.M. PUMP UNIT: 1135</td>
<td>R.P.M. PUMP UNIT:</td>
</tr>
<tr>
<td>Pressure at Pump: 20 psi</td>
<td>Pressure at Pump:</td>
</tr>
</tbody>
</table>

☐ Jacuzzi Meter Test

Area Constant K = 2.45 × 1.D. = __________

<table>
<thead>
<tr>
<th>Velocity (fps)</th>
<th>Velocity (fps)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
</tr>
<tr>
<td>4</td>
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<td>5</td>
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<td>6</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

Q (gpm) = VK

RECEIVED
FEB 10 1995

☐ Propeller Meter Test

<table>
<thead>
<tr>
<th>Meter Diameter</th>
<th>Manufacturer</th>
<th>Model</th>
<th>Serial No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>inches</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Ending: __________ gal.
Beginning: __________ gal.
Difference: __________ gal.
Time: __________ min.
Rate: __________ gpm

☐ Other Flow Meter

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

WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE
HAYS003215

Page 24 of 38
### TABULATION OF WATER USE:

<table>
<thead>
<tr>
<th>Year</th>
<th>Hours Pumped (hr)</th>
<th>Reported Pumping Rate (gpm)</th>
<th>Water Used (AP)</th>
<th>Acres Irrigated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>1262</td>
<td></td>
<td>781</td>
<td>107</td>
</tr>
<tr>
<td>1976</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td></td>
<td></td>
<td></td>
<td>108</td>
</tr>
<tr>
<td>1978</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1979</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1980</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1981</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1982</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1983</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1984</td>
<td>1750</td>
<td>781</td>
<td>108</td>
<td></td>
</tr>
<tr>
<td>1985</td>
<td>1600</td>
<td></td>
<td></td>
<td>107</td>
</tr>
<tr>
<td>1986</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1987</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See Additional Sheet
*From Test

Indicate Year of Record with (*)

Source of Information: Water Records Files

Crops Irrigated: this year Soybeans

Year of record:

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

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

Rate = $\frac{K \times 3.6}{t} = \frac{\text{kWh}}{\text{hr}}$

Hours = \text{kw-hr} = \frac{\text{rate}}{

Other Fuels

- Type: Propane
- Supplier:

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

How was the test volume determined?

WATER RESOURCES RECEIVED

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REMARKS: Although this well is connected with the other well on this application, the two wells are not run at the same time. This is basically a standby well and is used in periods of drought if the other well is having problems. The present tenant does not know if this well was used in the year of record, since he only has been the tenant for 2 years. According to the pumping records, it was used.

Person present at test: Lyle Kolbeck
Tenant: Lyle Kolbeck

Water Use Correspondent: Lyle Kolbeck, Spearville, KS 67876 (316) 385-2803

Conducted by: Daniel Wassert Date: 16-19-87 HAY-003216

Approved by: Lyle Watts, P.C. Date: 11-15-87
KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: August 19, 1994

FROM: Douglas E. Bush

RE: Appropriation of Water
File No. 22,338

The quantity for the Certificate of Appropriation was calculating by
prorating the quantity by tested rates. The wells are now used together to run
a pivot irrigation system. The quantity per each well was thus determined by
that method. It appears from information obtained from Greg Ebert on August 18,
1994, who manages and has managed the ranch for the last several years, the wells
are run together and that particular pivot is nozzled for 950 gpm. By prorating
the quantity per well, the need for a limitation on quantity was eliminated. A
limitation on rate was needed as the wells are used together at a combined tested
rate of 950 gpm. The quantities were calculated as such:

Combined rate of both wells = 1,728 gpm

North well: 947 gpm divided by 1,728 gpm = 55% x 162 AF (maximum allowable
for the irrigation of 108 acres x 1.5 AF per acre) = 89 AF.

South well: 781 gpm divided by 1,728 gpm = 45% x 162 AF (maximum allowable
for the irrigation of 108 acres x 1.5 AF per acre) = 73 AF.

It appears some unauthorized land may be irrigated. The place of use
associated with File No. 22,338 is located in some sand hills South of the
Arkansas River. Section corners are almost impossible to locate. If any
unauthorized land has been irrigated it would be hard to determine. The aerial
photo supplied with the original application and the aerial photo supplied with
the F.I.R. appear to be almost identical. Therefore no reduction of quantity
took place or unauthorized land being noted on the draft certificate letter.

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

Douglas E. Bush
Environmental Scientist

DEB: jt

22338
Page 27 of 30
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>
<tbody>
<tr>
<td>up to 10 acres</td>
<td>450 g.p.m.</td>
</tr>
<tr>
<td>10 - 40 acres</td>
<td>(+) 450 g.p.m.</td>
</tr>
<tr>
<td>40 - 120 acres</td>
<td>(+) 8 g.p.m./acre</td>
</tr>
</tbody>
</table>
| more than 120 acres     | (+) 7 g.p.m./acre   | 700+ 7x

EXAMPLES:

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

B. 83 acres requested;

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

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.

WATER RESOURCES
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JUN 29 2015
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.
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>
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<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></td>
<td></td>
<td>62,172,000</td>
</tr>
</tbody>
</table>

TOTAL WATER = Columns 1 + 2

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

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

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

Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.

Column 3: The amount of water sold wholesale to all other public water supply systems.

Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.

Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.

Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.

Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

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

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

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

SECTION 2: PAST WATER USE

COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.

<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 Above Explanation)</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></td>
<td>112,825,000</td>
</tr>
<tr>
<td>15 years ago</td>
<td>780,527,000</td>
<td>10,819,000</td>
<td>587,985,000</td>
<td>10,470,000</td>
<td></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>20,881,000</td>
<td></td>
<td>39,740,000</td>
</tr>
<tr>
<td>5 years ago</td>
<td>683,868,000</td>
<td>13,537,000</td>
<td>581,900,000</td>
<td>19,382,000</td>
<td></td>
<td>114,383,000</td>
</tr>
</tbody>
</table>

TOTAL WATER = Columns 1 + 2

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

UNACCOUNTED FOR WATER
### SECTION 3: PROJECTED FUTURE WATER NEEDS

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Column 1</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 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 Explanation on other side)</td>
</tr>
<tr>
<td>Year 5</td>
<td>753,014,900</td>
<td>11,886,600</td>
<td>654,779,400</td>
<td>17,059,700</td>
<td>68,389,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 10</td>
<td>828,316,300</td>
<td>13,075,260</td>
<td>720,257,340</td>
<td>19,755,670</td>
<td>75,228,120</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 15</td>
<td>911,148,029</td>
<td>14,382,786</td>
<td>792,283,074</td>
<td>21,731,237</td>
<td>82,750,932</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 20</td>
<td>1,002,282,832</td>
<td>15,821,055</td>
<td>871,511,381</td>
<td>23,804,361</td>
<td>91,028,025</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL WATER = Columns 1 + 2</td>
<td>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</td>
<td></td>
<td></td>
<td></td>
<td>UNACCOUNTED FOR WATER</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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>

**PROJECTED FUTURE POPULATION**

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

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

Provide number of current active service connections:

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

**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

\[
\text{GALLONS PER PERSON PER DAY} = \frac{673,753,000 + 21,038 + 365 \text{ Days/Year}}{88} = 88,000
\]
## 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)**

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<tr>
<td>Raw Water Diverted Under Your Rights</td>
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<td>Water Sold to Your Residential and Commercial Customers</td>
<td>Other Metered Water</td>
<td>Remaining Water Used (See Below Explanation)</td>
</tr>
<tr>
<td>327,286,100</td>
<td>0</td>
<td>0</td>
<td>105,295,000</td>
<td>108,743,000</td>
<td>19,944,000</td>
<td>93,308,100</td>
</tr>
</tbody>
</table>

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

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

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 farms using at least 200,000 gallons of water per year.

Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.

Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.

Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

**UNACCOUNTED FOR WATER**

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

Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

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

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

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>20 years ago</th>
<th>15 years ago</th>
<th>10 years ago</th>
<th>5 years ago</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>
</tr>
<tr>
<td>373,757,000</td>
<td>0</td>
<td>0</td>
<td>171,928,220</td>
</tr>
<tr>
<td>477,488,000</td>
<td>0</td>
<td>0</td>
<td>222,781,000</td>
</tr>
<tr>
<td>375,790,000</td>
<td>0</td>
<td>0</td>
<td>144,277,000</td>
</tr>
</tbody>
</table>

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

**Remaining Water Used (See Above Explanation)**

- 20 years ago: 67,276,260
- 15 years ago: 87,882,000
- 10 years ago: 89,283,000
- 5 years ago: 89,283,000

**EXHIBIT O**
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>386,346,512</td>
<td>0</td>
<td>0</td>
<td>177,719,396</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>196,102,992</td>
<td>132,156,364</td>
<td>17,652,434</td>
<td>80,999,062</td>
</tr>
<tr>
<td>Year 20</td>
<td>443,948,022</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></td>
</tr>
</tbody>
</table>

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

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

Provide number of current active service connections:

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

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

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

\[ \frac{221,991,000 + 4,475}{365} = 135.9 \]

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 provide such additional information you believe will assist in informing the Division of the request.

JAN 29 2015

KEVIN KEAN
DEPUTY DIRECTOR
DEPARTMENT OF AGRICULTURE