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

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

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

1. Application is hereby made for approval of the Chief Engineer to change the
   ☐ Place of Use
   (Check one or more) ☐ Point of Diversion
   ☐ Use Made of Water

File No. 22,340 Circle 31.

2. Name of applicant: City of Hays, Kansas and City of Russell, Kansas (See paragraph 2 of the cover letter.)
   Address: c/o Foulston Siefkin LLP, 1551 N. Waterfront Parkway, Suite 100
   City, State and Zip: Wichita, Kansas 67206
   Phone Number: (316) 291-9725 E-mail address: dtraster@foulston.com
   What is your relationship to the water right; ☑ owner ☐ tenant ☐ agent ☐ other? If other, please explain. Hays and Russell are co-owners of the authorized place of use on the R9 Ranch in Edwards County.
   Name of water use correspondent: City of Hays, Kansas
   Address: P. O. Box 490, 1507 Main Street
   City, State and Zip: Hays, Kansas 67601
   Phone Number: (785) 628-7320 E-mail address: tdougherty@haysusa.com

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

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

For Office Use Only:
F.O. ___ GMD 5 Meets K.A.R. 5-5-1 (YES / NO) Use ☑ RR Source ☐ S County ☑ ED By KAB Date 6/29/15
Code ☑-3 Fee $ 700 TR # Receipt Date 6/22/15 Check # 953233

DWR 1-12O (Revised 06/16/2014) 22340

Page 1 of 36

Assisted by:

06/30/2015 LLW
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>10-T26S-R20W</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>93</td>
</tr>
<tr>
<td>11-T26S-R20W</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>15-T26S-R20W</td>
<td>9</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>14</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>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Same as above</td>
</tr>
</tbody>
</table>

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

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

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.

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JUN 29 2015

SCANNED AS DEPT OF AGRICULTURE
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:**

<table>
<thead>
<tr>
<th>Quarter of the</th>
<th>Quarter of the</th>
<th>Quarter of the</th>
<th>Quarter of the</th>
</tr>
</thead>
<tbody>
<tr>
<td>NW</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
</tr>
<tr>
<td>Section 10, Township 26, South, Range 20 (E/W), in Edwards County, Kansas, 690 feet North 1,136 feet West of Southeast corner of section.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Authorized Rate</td>
<td>950 gpm</td>
<td>Authorized Quantity</td>
<td>162 a/f</td>
</tr>
<tr>
<td>(DWR use only: Computer ID No.</td>
<td>GPS</td>
<td>feet North</td>
<td>feet West)</td>
</tr>
</tbody>
</table>

☐ This point will not be changed ☑ This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

<table>
<thead>
<tr>
<th>Quarter of the</th>
<th>Quarter of the</th>
<th>Quarter of the</th>
<th>Quarter of the</th>
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</thead>
<tbody>
<tr>
<td>SW</td>
<td>NE</td>
<td>NE</td>
<td>NE</td>
</tr>
<tr>
<td>Section 15, Township 26, South, Range 20 (E/W), in Edwards County, Kansas, 4,367 feet North 1,228 feet West of Southeast corner of section.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Rate</td>
<td>950 gpm</td>
<td>Proposed Quantity</td>
<td>140.4 a/f</td>
</tr>
</tbody>
</table>

This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point 22,341-42; 30,083.

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

<table>
<thead>
<tr>
<th>Quarter of the</th>
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<th>Quarter of the</th>
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</thead>
<tbody>
<tr>
<td>Section</td>
<td>Township</td>
<td>South, Range</td>
<td>(E/W), in County, Kansas, feet North feet West of Southeast corner of section.</td>
</tr>
<tr>
<td>Authorized Rate</td>
<td></td>
<td>Authorized Quantity</td>
<td></td>
</tr>
<tr>
<td>(DWR use only: Computer ID No.</td>
<td>GPS</td>
<td>feet North</td>
<td>feet West)</td>
</tr>
</tbody>
</table>

☐ This point will not be changed ☑ This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>Section</td>
<td>Township</td>
<td>South, Range</td>
<td>(E/W), in County, Kansas, feet North feet West of Southeast corner of section.</td>
</tr>
<tr>
<td>Proposed Rate</td>
<td></td>
<td>Proposed Quantity</td>
<td></td>
</tr>
</tbody>
</table>

This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point.

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

<table>
<thead>
<tr>
<th>Quarter of the</th>
<th>Quarter of the</th>
<th>Quarter of the</th>
<th>Quarter of the</th>
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</thead>
<tbody>
<tr>
<td>Section</td>
<td>Township</td>
<td>South, Range</td>
<td>(E/W), in County, Kansas, feet North feet West of Southeast corner of section.</td>
</tr>
<tr>
<td>Authorized Rate</td>
<td></td>
<td>Authorized Quantity</td>
<td></td>
</tr>
<tr>
<td>(DWR use only: Computer ID No.</td>
<td>GPS</td>
<td>feet North</td>
<td>feet West)</td>
</tr>
</tbody>
</table>

☐ This point will not be changed ☑ This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

<table>
<thead>
<tr>
<th>Quarter of the</th>
<th>Quarter of the</th>
<th>Quarter of the</th>
<th>Quarter of the</th>
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</thead>
<tbody>
<tr>
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<td>Township</td>
<td>South, Range</td>
<td>(E/W), in County, Kansas, feet North feet West of Southeast corner of section.</td>
</tr>
<tr>
<td>Proposed Rate</td>
<td></td>
<td>Proposed Quantity</td>
<td></td>
</tr>
</tbody>
</table>

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

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

(Please Print)

(Owner)

(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 2015.

Malinda Morse

Notary Public

My Commission Expires 6/15/18

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

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

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

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

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

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

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

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

Owner

(Spouse)

(Please Print)

Owner

(Spouse)

(Please Print)

Owner

(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 2015.


MELINDA 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 140.4 acre-feet and 950 gpm from the well associated with this water right, all of which will be diverted from new point of diversion M, as shown on Exhibit I. When combined with existing wells from other water rights, new point of diversion M will have a cumulative total of 475.5 acre-feet and 3,500 gpm.

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

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

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows the conversion of 116.64 acre-feet to municipal use. 1 108 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 116.64 acre-feet. 2

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

Quantity authorized and perfected

The permit was issued on March 19, 1976, granting the applicant the right to divert up to 195 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use 4 on 108 acres in Sections 10, 11, and 15-T20S-R26W. 5 The certificate further limited the rate to 950 gallons per minute.

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

The Field Inspection Report indicates that all of the 195 acre-feet authorized by the permit were lawfully perfected.

- 305 acre-feet were applied to 108 approved acres in Sections 10, 11, and 15-T26S-R20W. 7

While the certificate limits the total quantity to 162 acre-feet based on DWR’s after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction. 8

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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, HAYS003417, Ex. A.
5 Application, HAYS003404, Ex. B.
6 March 19, 1976, letter (emphasis added), HAYS003416, Ex. C.
7 FIR, HAYS003396, Ex. D.
Since the perfection period has expired, the "authorized quantity" for this water right is the 195 acre-feet actually perfected even though it exceeds the certified quantity.

An alternative approach

DWR's use of the NIR of 1.08 feet of water for corn is based on its maximum gross irrigation requirement of 1.5 acre-feet per acre.\(^8\) The regulation allows the conversion of 72% of the maximum quantity to a new use; in other words, it assumes that 28% of the quantity diverted returns to the aquifer.

If 28% of the 195 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 140.40 acre-feet, should be available for conversion to municipal use. This is less than the 195 acre-feet authorized so the limitation in K.A.R. 5-5-9(a)(4) is not implicated.

The Applicants request that DWR approve a total of 140.40 acre-feet for municipal use.

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\(^9\) Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. G, stating that: "In that area of Kansas located between the Range 5 East/Range 6 East line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated." See also, K.A.R. 5-3-24 and Larry Sheets Memo dated March 25, 1987, HAYS003420, Ex. F.
This is to certify that I have examined Application No. 22,340 of the applicant

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

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

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

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

3. That the source from which the appropriation is made shall be from ground water in the drainage basin of the Arkansas River to be withdrawn by means of one (1) well in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 10, Township 26 South, Range 20 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of 1000 gallons per minute (2.23 c.f.s.) and to a quantity of not to exceed 195 acre-feet.

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JUN 29 2015
KS DEPT OF AGRICULTURE

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OVER
MAR 29 1976
FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD

SCANNED
HAYS003417

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

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

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

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

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

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

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

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

Dated the 19th day of March, 1976

WATER RESOURCES
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JUN 29 2015
KS DEPT OF AGRICULTURE

GUY E. GIBSON
CHIEF ENGINEER
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE

HAYS003418
SCANNED
APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

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

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

(Mr.)
(Mrs.)

Comes now the applicant (Miss) Midwest Land and Cattle Co. whose post office address is Box 200 Kinley, 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 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 500 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 NW SE quarter of the SE quarter of the SE quarter of section 10, township 26 north, range 620 west, 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) Recreation use

(check intended uses and indicate estimated quantity for each use)

Amount

1000 gals./min.

WATER RESOURCES
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JUN 29 2015
KS DEPT OF AGRICULTURE
STAFFORD

HAYS0034033

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

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

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

<table>
<thead>
<tr>
<th>Owner of Land—NAME: Midwest Land &amp; Mattle Co.</th>
<th>ADDRESS: P.O. Box 208 Kinley, Kansas 67547</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. Twp. Range</td>
<td>NE1</td>
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<td>10 26 20</td>
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<td>14 26 20</td>
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<td>16 26 20</td>
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<table>
<thead>
<tr>
<th>Owner of Land—NAME:</th>
<th>ADDRESS:</th>
<th>WATER RESOURCES RECEIVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. Twp. Range</td>
<td>NE1</td>
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<th>ADDRESS:</th>
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<td>NE1</td>
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</tbody>
</table>

WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE
HAYS003404

SCANNED
7. The works for diversion of water will consist of one well with one pump for one circle sprinkler irrigation system (one motor)

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.

By Johnny [Signature] MGR

(Applicant)

(Appoint or Officer)

Note:

1 cubic foot per second = 448.8 gallons per minute = 648,317 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 feet = 33,550 cubic feet = 325,851 gallons.
March 19, 1976

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

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,340

Gentlemen:

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

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

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

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

Very truly yours,

Riley M. Dixon
Hydrologist

Encs.
FIELD INSPECTION REPORT

EXHIBIT D

Application No. 22340  Date 11/19/80  Inspector Cheff/Kissam

Test 1 of 1 Diversion points

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

Current Landowner Connecticut General Life Ins.  % A&G Associates

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

Groundwater  Y  Drainage Basin Arkansas River

Surface Water  N  Stream

Authorized Point of Diversion: well NW 1/4, SE 1/4 Sec 10 T 26 R 40
Approximately  790  ft. North and  1136  ft. West of SE corner of Sec.

Actual Point of Diversion: well NW 1/4, SE 1/4 Sec 10 T 26 R 40
Approximately  790  ft. North and  1136  ft. West of SE corner of Sec.

How were distances determined? Scaled from AEC photo

"Approved" Quantity 195 AF  "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date May 2, 1974  Approval of Application Date March 19, 1976

Perfection Date Dec 31, 1981

Other applications covering land and/or point of diversion None

LAND TO BE INCLUDED ON CERTIFICATE:

<table>
<thead>
<tr>
<th>S</th>
<th>T</th>
<th>R</th>
<th>NE%</th>
<th>NW%</th>
<th>SW%</th>
<th>SE%</th>
<th>TOTAL ACRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>26</td>
<td>20</td>
<td>NE 14</td>
<td>NW 10</td>
<td>SW 39</td>
<td>SE 93</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>26</td>
<td>20</td>
<td>1</td>
<td></td>
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<tr>
<td>15</td>
<td>26</td>
<td>20</td>
<td>9 5</td>
<td></td>
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</tr>
</tbody>
</table>

LAND IRRIGATED—YEAR OF RECORD 1984 SEE ATTACHED SHEET

<table>
<thead>
<tr>
<th>S</th>
<th>T</th>
<th>R</th>
<th>NE%</th>
<th>NW%</th>
<th>SW%</th>
<th>SE%</th>
<th>TOTAL ACRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>26</td>
<td>20</td>
<td>NE 14</td>
<td>NW 8</td>
<td>SW 27</td>
<td>SE 40</td>
<td>93</td>
</tr>
<tr>
<td>11</td>
<td>26</td>
<td>20</td>
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<td>26</td>
<td>20</td>
<td>12 5</td>
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</tr>
</tbody>
</table>

APPLICATION OF WATER:

Year of Record 1984  Hours Temp. 3170 or Quantity 305 AF

Normal Operating G.P.M. 947  Equiv. c.f.s. 2.11

Maximum Operating G.P.M.  1987  Equiv. c.f.s.  

Year of Record 1984  Extension of time requested: Yes X No__

Total No. of Hours on land covered by this application 1250

Ac. Ft. Applied = 1250 hrs. x 947 g.p.m. x 4.419 = 305 AF

Acres of "Approved" Land irrigated 108 (2.83 acres per acr)

Ac. Ft. on "Approved" Land 108 (2.83 ac/acre)  Ac. Ft./Ac.

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 108

Proration Calculations 108 x 1.5 = 162

Perfected Rate 9.50 g.p.m. Perfected Quantity 162 AF

Rev. March 1986

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

JUN 29 2015

HAYS 63396

22340

Completed by Larry M Sheats 3-25-87

Revised March 1986

SCANNED
GENERAL INFORMATION ON IRRIGATION SYSTEM:

X Center Pivot  □ High Pressure  X Low Pressure

Manufacturer: Zimmatic  Model: No Tag  Serial No:

Drive: Electric  Length of Pivot Arm:

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

End Gun: Yes  End Gun Rating: g.p.m. Nelson 100

Is end gun operating during test? Yes

□ Gravity Irrigation (show test set on sketch)

Number of gates open:  Normal Pipe Size:

Pressure at pump: p.s.i.

□ Other  Type:

Manufacturer:  Model:  Serial No:

Unusual Conditions/Other Info:


POWER UNIT INFORMATION:

Manufacturer: Ford  Model No: 428  HP:

Serial No:  Fuel: Propane  Rated RPM:

PUMP INFORMATION:

Manufacturer: Fairbanks Morse  Model No: 12MC  Rated RPM:

Serial No: N2W34424X  Type: Vertical Turbine  No. stages: 5

GEAR HEAD INFORMATION:

Manufacturer: Randolph  Model No: F380  Serial No: 82398  Drive: Right Angle  Ratio: 6:1

WELL INFORMATION:

Date Drilled: 8/29/14  Original Depth: 61 ft. Static Water Level When Drilled: 5 ft.

Tape Down Possible? Yes 9'  Water Level Measurement Tube? No

Measuring Point: 1 ft. above L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? No  Make of Meter:  

Meter Model No:  Serial No:  Size:  

Is Meter Installed Properly?  

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

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

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

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KS DEPT. OF AGRICULTURE

HAYS003397

SCANNED
### Sketch of Actual Place of Use, Location of Diversion Works, and Distribution System

(Indicate distribution system layout at time of field test)

#### Test of Diversion Rate:

Length of time well has been operating prior to test: 0

Location of test: [v] Vertical pipe inside pivot stand

Pipe Diameter (I.D.): \( \frac{73}{4} \) inches

#### Test No. 1—Normal Conditions

- R.P.M. POWER UNIT: 1860
- R.P.M. PUMP UNIT: 1530
- Pressure at Pump: 58 psi

#### Test No. 2—Maximum Conditions

- R.P.M. POWER UNIT: 
- R.P.M. PUMP UNIT: 
- Pressure at Pump: 

#### Jacuzzi Meter Test

- Meter Identification No.:
- Area Constant \( K = 2.45 \times I.D. = \) 
- \( Q \) (gpm) = \( VK \)

<table>
<thead>
<tr>
<th>Velocity (fps)</th>
<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>
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<tbody>
<tr>
<td>Velocity (fps)</td>
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</tbody>
</table>

Total

Avg.

G.P.M.

#### Propeller Meter Test

- Manufacturer: 
- Model: 
- Serial No.: 

<table>
<thead>
<tr>
<th>Meter Diameter</th>
<th>inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ending:</td>
<td>gal.</td>
</tr>
<tr>
<td>Beginning:</td>
<td>gal.</td>
</tr>
<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).

---

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JUN 29 2015

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HAYS003398

22340 Page 18 of 30
FUEL RECORDS:

Electricity

Supplier ____________________________

Meter Manufacturer __________________ Type __________________ Serial No. __________________

K _______ watt/rev r _______ revolutions t _______ seconds

Rate = \( \frac{K_r \times 3.6}{t} \) = _______ kw/hr Hours = _______ kw-hr = _______

Other Fuels

Type propane Supplier Mid-Continent

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

How was the test volume determined? Not Determined

TABULATION OF WATER USE:

<table>
<thead>
<tr>
<th>Year</th>
<th>Hours Pumped (hr)</th>
<th>Tested Pumping Rate (gpm)</th>
<th>Water Used (AF)</th>
<th>Acres Irrigated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>1740</td>
<td>1000</td>
<td></td>
<td>125</td>
</tr>
<tr>
<td>1976</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1977</td>
<td>794</td>
<td>1800</td>
<td></td>
<td>130</td>
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<td>1978</td>
<td></td>
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<td>1979</td>
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<td>1982</td>
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<tr>
<td>1983</td>
<td>PIK</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1984</td>
<td>1750*</td>
<td>9.47*</td>
<td>111*</td>
<td></td>
</tr>
<tr>
<td>1985</td>
<td>1600*</td>
<td>950</td>
<td>111*</td>
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</tr>
<tr>
<td>1986</td>
<td></td>
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</tbody>
</table>

* from WWR sent to us from Terry Weaver of Agri Affiliates
* from test on 11/19/84

Indicate Year of Record with (*)

Source of Information: Test and Files

Crops Irrigated: this year wheat

Year of record:

REMARKS:
Engine was not running as well as owner's representative wanted.
Pump RPM was only 1550 during test, with pivot panel volts at 450. Normal speed of pump's engine gives volts up to 500 in pivot panel test.

WATER RESOURCES RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

Person present at test: Steve Chaud employee of tenant

Water Use Correspondent: Agri Affiliates Inc. Box 162 North Platte, NE 69103 308-342-9290

Conducted by: B. E. Approver: B. E.

Date 11/21/84 Date 12/21/86

HAY 003399

SCANNED
COLLINS METER TEST

Collins Meter No. 185  Meter Calibration Factor 0.9826
Pipe Inside Diameter (inches) 7.34  Flow Rate Factor 145.4
Test Pressure (psi) 58  Test RPM, Pump 155.0
Description of Test Location In vertical pipe inside pivot stand

<table>
<thead>
<tr>
<th>TEST DATA: Q Check, Initial 7.34</th>
<th>Reversed 7.36</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meter Setting from Center of Pipe</td>
<td>Left Side of Pipe (or Front Side if Vertical Test)</td>
</tr>
<tr>
<td>1 3/4</td>
<td>7.26</td>
</tr>
<tr>
<td>2 3/4</td>
<td>6.73</td>
</tr>
<tr>
<td>3 3/4</td>
<td>5.99</td>
</tr>
</tbody>
</table>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.625
Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 6.625 x 0.9826 = 6.51
Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 6.51 x 145.4 = 947 GPM

RECEIVED
PUMPING PLANT TESTING, INC.

WATER RESOURCES
RECEIVED

HAYSON03400

KS DEPT OF AGRICULTURE
The development noted on the sheet was caused by an increase in U.S. oil demand. Since late 1973, Connecticut expects to need more oil and equipment. The area's own reserves are expected to be exceeded. Gas production in the state of Connecticut increased more than 50% in 1973, increasing the need for new exploration. Previous exploration efforts have been unsuccessful.

The Connecticut Gas and Oil Act of 1975, which was enacted to improve the state's oil and gas reserves, provides for a more aggressive approach to exploration and development. The act places more emphasis on state-owned lands and requires additional environmental studies before exploration begins.
CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 22,340
PRIORITY DATE May 2, 1974

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

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 86a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of a well located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NE1/4 SE1/4 SE1/4) of Section 10, more particularly described as being near a point 690 feet North and 1,136 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas, at a diversion rate not in excess of 950 gallons per minute (2.12 c.f.s.) and in a quantity not to exceed 162 acre-feet per calendar year for irrigation use on the following described property:

14 acres in the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4),
10 acres in the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4),
30 acres in the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4),
39 acres in the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4),
a total of 93 acres in Section 10,

1 acre in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 11,

9 acres in the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4),
5 acres in the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4),
a total of 14 acres in Section 15,

all in Township 26 South, Range 20 West,
Edwards County, Kansas.
The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

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

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

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

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

In Witness Whereof, I have hereunto set my hand at my office at Topeka, Kansas, this 21st day of May, 1987.

[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 21st day of May, 1987, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.

[Signature]

Denise J. Waters, Notary Public

My appointment expires March 1, 1990
KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: March 25, 1987

FROM: Larry M. Sheets

RE: Appropriation of Water
File No. 22,340

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, has been reviewed. It meets the requirements specified in the scope of work. Based on the 1984 Water Use Report, 1,750 hours of pumping the well in the NW¼ SW¼ SW¼ of Sec. 10, T 26 S, R 20 W, Edwards County, Kansas, provided 305 acre-feet of water for irrigating 111 acres or 2.74 acre-feet per acre.

It appears that four acres of unapproved land were irrigated, and more than a reasonable amount on a per acre basis was provided. A paragraph was added to the transmittal letter for the draft certificate to indicate unapproved acres were being irrigated.

The Certificate of Appropriation has been drafted for the tested pumping rate rounded up to 950 g.p.m. and a reasonable quantity for the approved acres irrigated (108 x 1.5 = 162).

Larry M. Sheets
Hydrologist

LMS:rk

WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

MICROFILMED HAYS003420
SCANNED
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>
<tr>
<td>more than 120 acres</td>
<td>(+) 7 g.p.m./acre</td>
</tr>
</tbody>
</table>

EXAMPLES:

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

B. 83 acres requested;

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

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.
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>684,599,000</td>
<td></td>
<td>10,806,000</td>
<td>595,254,000</td>
<td>16,327,000</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:

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

For Water

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>
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</tr>
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<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>587,965,000</td>
<td>10,470,000</td>
<td></td>
<td>171,473,000</td>
</tr>
<tr>
<td>10 years ago</td>
<td>708,926,000</td>
<td>7,103,000</td>
<td>639,222,000</td>
<td>20,861,000</td>
<td></td>
<td>39,740,000</td>
</tr>
<tr>
<td>5 years ago</td>
<td>693,966,000</td>
<td>13,537,000</td>
<td>581,900,000</td>
<td>19,362,000</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

DWR 1-99-24 (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:

| Year 5 | Raw Water Diverted Under Your Rights | Column 1 | 753,014,400 |
| Year 10 | Raw Water Diverted Under Your Rights | Column 2 | 828,316,390 |
| Year 15 | Raw Water Diverted Under Your Rights | Column 3 | 911,148,029 |
| Year 20 | Raw Water Diverted Under Your Rights | Column 4 | 1,002,262,832 |
| Year 5 | Water Purchased From All Sources | Column 5 | 11,886,600 |
| Year 10 | Water Purchased From All Sources | Column 6 | 13,075,260 |
| Year 15 | Water Purchased From All Sources | Column 7 | 14,382,786 |
| Year 20 | Water Purchased From All Sources | Column 8 | 15,821,085 |
| Year 5 | Water Sold to Other Public Water Suppliers | Column 9 | 654,779,400 |
| Year 10 | Water Sold to Other Public Water Suppliers | Column 10 | 720,257,340 |
| Year 15 | Water Sold to Other Public Water Suppliers | Column 11 | 792,283,074 |
| Year 20 | Water Sold to Other Public Water Suppliers | Column 12 | 871,511,381 |
| Year 5 | Water Sold to Your Industrial, Stock, and Bulk Customers | Column 13 | 17,959,700 |
| Year 10 | Water Sold to Your Industrial, Stock, and Bulk Customers | Column 14 | 19,755,670 |
| Year 15 | Water Sold to Your Industrial, Stock, and Bulk Customers | Column 15 | 21,731,237 |
| Year 20 | Water Sold to Your Industrial, Stock, and Bulk Customers | Column 16 | 23,904,361 |
| Year 5 | Water Sold to Your Residential and Commercial Customers | Column 17 | 68,398,200 |
| Year 10 | Water Sold to Your Residential and Commercial Customers | Column 18 | 75,228,120 |
| Year 15 | Water Sold to Your Residential and Commercial Customers | Column 19 | 82,780,932 |
| Year 20 | Water Sold to Your Residential and Commercial Customers | Column 20 | 91,026,025 |

**TOTAL WATER = Columns 1 + 2**

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

**UNACCOUNTED FOR WATER**

### SECTION 4: POPULATION AND SERVICE CONNECTIONS

Estimate the number of persons directly served by your water distribution system.

**PAST POPULATION - PROVIDE INFORMATION BELOW:**

<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: 2
- Other (specify): 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

\[
\frac{673,753,000 + 21,038}{\text{Population from Last Year of Section 4}} + 365 \text{ Days/Year} = \frac{88}{\text{GALLONS PER PERSON PER DAY}}.
\]

### 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.
SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)

NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.

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<td>Water Sold to Your Residential and Commercial Customers</td>
<td>Other Metered Water</td>
<td>Remaining Water Used (See Below Explanation)</td>
</tr>
<tr>
<td>327,288,100</td>
<td>0</td>
<td>0</td>
<td>105,295,000</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 farmsteads using at least 200,000 gallons of water per year.

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

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

**UNACCOUNTED FOR WATER**

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

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

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

Percent Unaccounted For Water = Unaccounted For Water x 100

Total Water (Columns 1, 2)

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

SECTION 2: PAST WATER USE

COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.

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<td>Other Metered Water</td>
<td>Remaining Water Used (See Above Explanation)</td>
</tr>
<tr>
<td>20 years ago</td>
<td>373,757,000</td>
<td>0</td>
<td>171,928,220</td>
<td>115,864,670</td>
<td>18,587,850</td>
<td>67,276,200</td>
</tr>
<tr>
<td>15 years ago</td>
<td>477,486,000</td>
<td>0</td>
<td>222,781,000</td>
<td>147,340,000</td>
<td>19,483,000</td>
<td>87,882,000</td>
</tr>
<tr>
<td>10 years ago</td>
<td>375,790,000</td>
<td>0</td>
<td>144,277,000</td>
<td>123,343,000</td>
<td>18,907,000</td>
<td>89,263,000</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>Raw Water Diverted Under Your Rights</th>
<th>Water Purchased From All Sources</th>
<th>Water Sold to Other Public Water Suppliers</th>
<th>Water Sold to Your Industrial, Stock, and Bulk Customers</th>
<th>Water Sold to Your Residential and Commercial Customers</th>
<th>Other Metered Water</th>
<th>Remaining Water Used</th>
</tr>
</thead>
<tbody>
<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>73,405,838</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>198,102,992</td>
<td>132,156,364</td>
<td>17,052,434</td>
<td>80,999,082</td>
</tr>
<tr>
<td>Year 20</td>
<td>443,848,022</td>
<td>0</td>
<td>0</td>
<td>204,170,090</td>
<td>137,592,887</td>
<td>17,753,921</td>
<td>84,331,124</td>
</tr>
</tbody>
</table>

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

### SECTION 4: POPULATION AND SERVICE CONNECTIONS

Estimate the number of persons directly served by your water distribution system.

**Past Population - Provide Information Below:**

<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>

Provide number of current active service connections:

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

**Projected Future Population**

<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>

Total: 2,448

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

**Calculate Your Gallons Per Person Per Day**

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

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

### SECTION 6: AREA TO BE SERVED

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

Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.