#### **SECOND AMENDED**

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

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



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

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

	Water Resources Received
	MAR 25 2019
E Ose Made of Water	KS Dept Of Agriculture
File No. 21,729-D1	Circles 8 & 9.
Name of applicant: City of Hays, Kansas and City of Russell, Kansas (S	See Section I.A. of the Cover Letter.)
Address: c/o Foulston Siefkin LLP, 1551 N. Waterfront Parkway, Su	ite 100
City, State and Zip: Wichita, Kansas 67206	· · · · · · · · · · · · · · · · · · ·
Phone Number: (316) 291-9725 E-mail address: dtraster	r@foulston.com
What is your relationship to the water right, ☑ owner ☐ tenant ☐ agent ☐ Hays and Russell are co-owners of the authorized place of use on the	
Name of water use correspondent: <u>City of Hays, Kansas</u>	
Address: P.O. Box 490, 1507 Main Street	
City, State and Zip: <u>Hays, Kansas 67601</u>	· · · · · · · · · · · · · · · · · · ·
Phone Number: (785) 628-7320 E-mail address: tdough	erty@haysusa.com
The change(s) proposed herein are desired for the following reasons (please be	e specific):
See Section I.B. of the accompanying Cover Letter which is incorpor	rated by reference. The Cover Letter
supersedes the June 25, 2015 Cover Letter that accompanied the orig	inal Change Applications.
The change(s) (was) (will be) completed by December 31, 2029.	
	(Date)
Office Use Only:	
	Check one or more)

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4. The	prese	ently au	thoriz	ed pla	ce of u	use is:										File N	o	21,7.	29-D1
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										ain S	treet,	Hays	, Kar	ısas 6	7601				
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29-T2:	5S-R	1 <b>9W</b>	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	500
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										lain S	treet.	Hays	s, Kar	ısas 6	7601				-
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# IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

List any other water rights that cover this place of use. See Attachment

Amended Substitute Page

9-D1

- 6. The presently authorized point(s) of diversion (is) (are) <u>irrigation well(s) described in paragraphs 8, 9, and 10</u>
  (Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) <u>a new municipal well described in paragraphs 8, 9, and/or 10 and in the Attach</u>ment.

  (Provide description and number of points)

	oint of diver	sion:				
Presently authorized po				Quarter of the	NE	Ouer
of Section 20	9	Township	25	Quarter of the South, Range	19	Quai
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of Section	9	, Township	23	South, Range	19	(JK/\
				2,705 feet West of So	outheast corne	r of section
Proposed Rate See Att					21.720	, D2
his point is: Addition	nal Well 🔲	Geo Center List	other water righ	nts that will use this point _	21,729	<u>-D2</u>
		•	•			
Presently authorized po					NIW	•
one in the <u>near the</u>	center (	Quarter of the	25	Quarter of the South, Range	1N W	Quai
of Section	<del>y</del>	, Township	25	South, Range	19	()
				3,603 feet West of So	outheast corne	r of sectio
Authorized Rate <u>275</u>						
DWR use only: Compu	uter ID No	GI	PS	feet North	feet We	est)
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Proposed point of divo	rsion: (Com	olete only if chan	ae is requeste	od)		
					SW	Qua
					SW 19	Qua
One in the NE of Section 29	E(	Quarter of the , Township	NE 25	Quarter of the South, Range		
One in the NE NE Section 29 Edwards	E( ) County, k	Quarter of the , Township Kansas,2,259	NE 25 feet North	Quarter of theSouth, Range		
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Dine in the	County, kachment Properties of diverse County, kachment Properties County (Competition)	Quarter of the, Township, Cansas,2,259 oposed Quantity Geo Center List of, Township, Township GI This point will be the only if chan Quarter of the, Township, Township	NE 25feet North See Attachme other water righ  SW 25feet North 102 a/f  PSlibe changed a ge is requeste	Quarter of theSouth, Range2,705	NW 19 butheast corne feet We SW 19	Qua
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Water Resources

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Amended Substitute Page

MAR 25 2019

File No. 21,729

à	The presently authorized point(s) of diversion (is) (are) irrigation well(s)	described in paragra	aph 8, infra.	
7:	The proposed point(s) of diversion (is) (are) one or more municipal we	(Provide description and number of		etter.
۲.	The proposed point(s) of diversion (is) (are)	(Provide description and number of	of points)	
_	List all presently authorized point(s) of diversion:			
8.	Present authorized point of diversion:			
	One in the Quarter of the	Quarter of the	SW	Quarter
	of Section 29 Township 25 in Edwards County, Kansas, 1,416 feet North 4,0	_ South, Range	19	( <b>K</b> E/VV),
	in <u>Edwards</u> County, Kansas, <u>1,416</u> feet North <u>4,0</u>	100 feet West of Sou	utheast corner o	f section.
	Authorized Rate 360 gpm Authorized Quantity 74 a/f			
1	(DWR use only: Computer ID No GPS		feet West	)
	☐ This point will not be changed ☐ This point will be changed as for			
	Proposed point of diversion: (Complete only if change is requested)		CW	· <u>·</u>
	One in the $\frac{NE}{29}$ Quarter of the $\frac{NE}{25}$ of Section $\frac{29}{25}$ Township $\frac{25}{25}$	Quarter of the	3VV	Quarter
	in Edwards County Kansas, 2,259 feet North 2,7	_ South, Range 705footblook set set	19	( <b>K</b> /VV),
	Proposed Rate See Attachment Proposed Quantity See Attachment		itneast corner o	r section.
	This point is: Additional Well Geo Center List other water rights the	-		• 1
	The point is.	idt wir doe triis point		<u> </u>
9.	Presently authorized point of diversion:			
	One in the NE Quarter of the SW	Quarter of the	SW	Quarter
	of Section 29 , Township 25	_ South, Range	19	( <b>X£</b> /W),
	in Edwards County, Kansas, 1,048 feet North 4,3	1970 feet West of Sou	utheast corner o	f section.
	Authorized Rate 635 gpm Authorized Quantity 11/4 a/f			
	(DWR use only: Computer ID No GPS		feet West)	)
	☐ This point will not be changed ☐ This point will be changed as fo	ollows:		
	Proposed point of diversion: (Complete only if change is requested)		CTT.	
	One in the $\frac{NE}{29}$ Quarter of the $\frac{NE}{25}$	Quarter of the	<u>SW</u>	_ Quarter
	in Edwards County, Kansas, 2,259 feet North	_ South, Range	19	( <b>K</b> /W),
	Proposed Rate See Attachment Proposed Quantity See Attachmen		itheast corner o	r section.
	This point is: Additional Well Geo Center List other water rights the			
L	This point is. Additional Well Geo Center List other water rights th	at wit use this point		
10.	Presently authorized point of diversion:			
	One in thenear the center / Quarter of the	_ Quarter of the	SE	Quarter
	of Section 29 , Township 25	_ South, Rang	19	<b>(re</b> /vv),
.	in Edwards county, Kansas, 1,377 feet North 1,4	feet West of Sou	utheast corner o	f section.
	Authorized Rate 720 pm Authorized Quantity 188 a/f		٠.,	
l	(DWR use only: Computer ID No GPS		feet West)	1
-	☐ This point will not be changed ☐ This point will be changed as for	ollows:		l
	Proposed point of diversion: (Complete only if change is requested)			·
١	One in the NE Quarter of the NE	_ Quarter of the	SW	Quarter
	of Section 29 , Township 25	_ South, Range	19	( <b>K</b> /W),
	in Edwards County, Kansas, 2,259 feet North 2,7		itheast corner o	f section.
	Proposed Rate See Attachment Proposed Quantity See Attachment			<b>\</b>
L	This point is: Additional Well Geo Center List other water rights the			<del>\</del>
11.	Describe the current condition of and future plans for any point(s) of diversion	on which will no longer	be used	<del></del>
/	See paragraph 11 of the cover letter.		VATER RESOU	RCES
	IF MORE SPACE IS NEEDED, ATTACH ADDITIONA	AL SHEETS AS NE	CESSAFIVED	
	Substitute			iis .
	21729 Page 4 of 79		NOV 2 8 20	เเบ

<ul> <li>1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawre Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized place of should also be shown. Identify the center of the section, the section lines and the section corners and show the appropsection, 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: <ol> <li>The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the semust be shown. Please be certain that the information shown on the map agrees with the information shown Paragraph Nos. 9, 10 and 11 of the application.</li> <li>If the source of supply is groundwater, please show the location of existing water wells of any kind, includomestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the r</li> <li>If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstr and ½ mile upstream from your property lines must be shown.</li> <li>If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.</li> </ol> </li> <li>Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the s local source of supply as to which the water right relates. This information may include statements, plats, geology rep well logs, test hole logs, and other information as necessary information to show the above. Additional comments ma made below.</li> <li>See the Master Order, Section II, Change in Beneficial Use; Section VI, Change in</li></ul>		<b>T</b> 1				
3. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  See the Attachment and the Master Order, Section III, Quantities for Municipal Use.  (Please show any calculations here.)  4. It is requested that the maximum annual quantity of water be reduced to See Attachment (acre-feet or million gallots). It is requested that the maximum rate of diversion of water be reduced to See Attachment gallons per minute (	۷.		•			2000
See the Attachment and the Master Order, Section III, Quantities for Municipal Use.  (Please show any calculations here.)  4. It is requested that the maximum annual quantity of water be reduced to See Attachment (acre-feet or million gallots).  5. It is requested that the maximum rate of diversion of water be reduced to See Attachment gallons per minute (		it is pro	posed that the use be changed to	municipal	pur	poses.
(Please show any calculations here.)  4. It is requested that the maximum annual quantity of water be reduced to See Attachment (acre-feet or million galke).  5. It is requested that the maximum rate of diversion of water be reduced to See Attachment gallons per minute (	3.	If chang	ging the place of use and/or use made	e of water, describe how	the consumptive use will not	be increased.
<ol> <li>It is requested that the maximum annual quantity of water be reduced to See Attachment (acre-feet or million gallots). It is requested that the maximum rate of diversion of water be reduced to See Attachment gallons per minute (</li></ol>		S	ee the Attachment and the Maste	er Order, Section III, C	Quantities for Municipal U	Jse.
<ol> <li>It is requested that the maximum annual quantity of water be reduced to See Attachment (acre-feet or million gallots). It is requested that the maximum rate of diversion of water be reduced to See Attachment gallons per minute (</li></ol>		:				
<ol> <li>It is requested that the maximum annual quantity of water be reduced to See Attachment (acre-feet or million gallots). It is requested that the maximum rate of diversion of water be reduced to See Attachment gallons per minute (</li></ol>						
<ol> <li>It is requested that the maximum annual quantity of water be reduced to See Attachment (acre-feet or million gallot</li> <li>It is requested that the maximum rate of diversion of water be reduced to See Attachment gallons per minute (</li></ol>					·	
<ol> <li>It is requested that the maximum rate of diversion of water be reduced to See Attachment gallons per minute (</li></ol>		(Please :	show any calculations here.)			
<ol> <li>The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, s 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawre Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized place of should also be shown. Identify the center of the section, the section into the shown. The presently authorized place of should also be shown. Identify the center of the section, the section lines and the section corners and show the approp 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 proposed point(s) of diversion. Distances North and West of the Southeast corner of the ser must be shown. Please be certain that the information shown on the map agrees with the information shown Paragraph Nos. 9, 10 and 11 of the application.</li> <li>If the source of supply is groundwater, please show the location of existing water wells of any kind, includementic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the r</li> <li>If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstr and ½ mile upstream from your property lines must be shown.</li> <li>If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.</li> <li>Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the s local source of supply as to which the water right relates. This information may include statements, plats, geology repeated below.</li> <li>See the Master O</li></ol>	4.	It is req	uested that the maximum annual qua	antity of water be reduced	to See Attachment (ac	cre-feet or million gallons).
Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of divers Distances North and West of the Southeast comer of the section must be shown. The presently authorized place of should also be shown. Identify the center of the section, the section lines and the section corners and show the approp 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 see must be shown. Please be certain that the information shown on the map agrees with the information show 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, inclu domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the r  3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstr 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 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 solocal source of supply as to which the water right relates. This information may include statements, plats, geology rep well logs, test hole logs, and other information as necessary information to show the above. Additional comments ma made below.  See the Master Order, Section II, Change in Beneficial Use; Section VI, Change in Places of Use; and Section VIII, Chang	15.	It is req	uested that the maximum rate of dive	ersion of water be reduced	to <u>See Attachment</u> gallons	per minute ( c.f.s.).
<ol> <li>The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the semust be shown. Please be certain that the information shown on the map agrees with the information show Paragraph Nos. 9, 10 and 11 of the application.</li> <li>If the source of supply is groundwater, please show the location of existing water wells of any kind, includent domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the remailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the remailing addresses of all landowner(s) ½ mile downstre and ½ mile upstream from your property lines must be shown.</li> <li>If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.</li> <li>Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the slocal source of supply as to which the water right relates. This information may include statements, plats, geology rep well logs, test hole logs, and other information as necessary information to show the above. Additional comments may made below.</li> <li>See the Master Order, Section II, Change in Beneficial Use; Section VI, Change in Places of Use; and Section VIII, Change in Points of Diversion.</li> <li>If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, ple identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why request should be granted. Attach documentation showing that granting the request will not impair existing water rights will not prejudicially and unreasonably affe</li></ol>	16.	1:24,00 Kansas Distand should	0, is available through the Kansas 66047-3726 (www.usgs.gov). The ess North and West of the Southeast also be shown. Identify the center of	Geological Survey, 1936 map should show the look t corner of the section me f the section, the section is	O Constant Avenue, Universection of the presently author cust be shown. The presently lines and the section corners	ity of Kansas, Lawrence, rized point(s) of diversion. y authorized place of use and show the appropriate
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No waivers are required.  Received	8.	identify request	roposed change(s) does not meet all the rules and regulations for which t should be granted. Attach documen	applicable rules and regreyou request a waiver. Station showing that grant	ulations of the Kansas Water State the reason why a waive ing the request will not impai	Appropriation Act, please er is needed and why the r existing water rights and
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21,729-D1

This Amended Change Application is contingent on (a) the entry of the Master Order as a Final Order with terms that are acceptable to the Cities and (b) the occurrence of the contingencies in the *Effective Date and Expiration Date* Section of the Master Order.

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

- a. The various parcels of land known as the R9 Ranch located in Edwards County, Kansas, as specifically described in **Appendix A** of the Master Order.
- b. The City of Hays, Kansas and its immediate vicinity as well as related areas in the Northeast Quarter (NE/4) of Section 19 and the Northwest Quarter (NW/4) of Section 36, T13S-R18W, Ellis County, Kansas.<sup>1</sup>
  - c. The City of Russell, Kansas and its immediate vicinity.<sup>2</sup>

Other water rights owned by the City of Hays: EL 002; 1,248; 5,757; 18,857; 18,858; 33,296; 33,548; 36,519; 36,520; 36,804; 40,367; 40,368; 40,702; 40,703; 40,704; 40,705; 40,706; and 40,707.

Other water rights owned by the City of Russell: RS 08; 206; 1,267; 1,861; 7,628; 17,586; 17,587; 36,680; and 20139006.

# 8., 9., and 10. Proposed Rate, Quantity, and Well Location

The Cities requested a total of 870.83 acre-feet at 2,900 gallons per minute from the six wells associated with File 21,729, all of which would be diverted from new Municipal Well "A," as shown on Exhibits N, T, and U.

In an Order dated January 17, 2018, attached as Exhibit V, File 21,729 was divided into File 21,729-D1 and File 21,729-D2. File 21,729-D1 was assigned three wells in the North Half of Section 29, T25S-R19W, with a total quantity of 376 acre-feet per year and a total rate of 1,215 gallons per minute.

After extensive negotiation, the Cities and the Chief Engineer have reached an agreement on numerous terms that are set out in the Master Order, including an agreement that, subject to the negotiated terms and the contingencies in the Master Order, the proposed Municipal Well "A" will be limited to 752.0 acre-feet per year for municipal use at a maximum rate of 945 gallons per minute with 376 acre-feet diverted from File 21,729-D1 and the balance from File 21,721-D2.

Attached as Exhibits N, O, T, and U are maps that show the location of the currently authorized points of diversion, the proposed location of new Municipal Well "A," a one-half mile buffer around the proposed Municipal Well, a 1,000-foot radius around that location, and the proposed areal limits within which the new Municipal Well can be located without having to file a new change application.

<sup>&</sup>lt;sup>1</sup> See Exhibit P.

<sup>&</sup>lt;sup>2</sup> See Exhibit Q.

# 11. Describe the current condition of and future plans for any point(s) of diversion that will no longer be used.

All but a few of the irrigation wells on the R9 Ranch have been properly plugged and WWC-5P well plugging forms have been prepared and submitted to KDHE. See Exhibits W, X, and Y for the Well Plugging Records for the three irrigation wells authorized by File 21,729-D1.

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

Quantity authorized and perfected

The Permit was issued on February 27, 1976, granting the applicant the right to divert up to 1,000 acre-feet annually at a rate of up to 2,900 gallons per minute for irrigation use<sup>3</sup> on 500 acres in Section 29, T25S-R19W,<sup>4</sup> or 2.0 acre-feet per acre. There is also an overall rate limitation of 2,900 gallons per minute.

The Certificate is attached as Ex. C.5

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

The Field Inspection Reports indicate that 413 of the 500 acre-feet authorized by the Permit for use on the North Half of Section 29, T25S-R19W were lawfully perfected.

- 209 acre-feet were applied to 125 approved acres.<sup>7</sup>
- 110 acre-feet<sup>8</sup> and 94 acre-feet<sup>9</sup> (204 acre-feet) were applied to 125 approved acres. 10

While the Certificate limits the total quantity from the three wells in the North Half of Section 29 to 376 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.<sup>11</sup>

Since the perfection period has expired, the "authorized quantity" for this water right is the 413 acre-feet actually perfected even though it exceeds the certified quantity.

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<sup>&</sup>lt;sup>3</sup> Permit, HAYS000671, Ex. A.

<sup>&</sup>lt;sup>4</sup> Application, HAYS000664, Ex. B.

<sup>&</sup>lt;sup>5</sup> Certificate, HAYS000685, Ex. C.

<sup>&</sup>lt;sup>6</sup> February 27, 1976, letter (emphasis added), HAYS000670, Ex. D.

<sup>&</sup>lt;sup>7</sup> FIR, HAYS000654, Ex. E.

<sup>&</sup>lt;sup>8</sup> FIR, HAYS000640, Ex. F.

<sup>&</sup>lt;sup>9</sup> FIR, HAYS000647, Ex. G.

<sup>&</sup>lt;sup>10</sup> Exs. H, I, and J relate to the wells that are now covered by File 21,729-D2 and are no longer relevant to this Application.

<sup>11</sup> Certificate, HAYS000685-687, Ex. C; Doug Bush Memo dated March 17, 1987, HAYS000679-680, Ex. K; and Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources, 49 Kan. App. 2d 789, 15 18 26 (2013) S

NIR for Alfalfa

The FIRs state that alfalfa was grown on each of these circles during the perfection period. <sup>12</sup> According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County for alfalfa is 20.9 inches (1.74 feet).

Since alfalfa was grown on the authorized place of use during the perfection period it is reasonable to use the NIR for alfalfa, which yields a total quantity of 435 acre-feet consumed.

See also, Exhibits R and S.

#### 14. The maximum annual quantity of water for municipal use:

Subject to the contingencies stated above and the negotiated terms of the Master Order, proposed Municipal Well "A" will be limited to a maximum quantity of 752.0 acre-feet per year for municipal use with 376 acre-feet diverted from File 21,729-D1 and the balance from File 21,721-D2.

#### 15. The maximum annual rate of diversion:

Subject to the contingencies stated above and the negotiated terms of the Master Order, proposed Municipal Well "A" will be limited to a maximum rate of 945 gallons per minute, 2.11 cubic feet per second.

<sup>&</sup>lt;sup>12</sup> FIRs, HAYS000621 (Ex. H), 629 (Ex. I), 637 (Ex. J), 643 (Ex. F), 650 (Ex. G), and 657 (Ex. E).

THE STATE



# **OF KANSAS**

# KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES David W. Barfield, Chief Engineer

# FINDINGS AND ORDER IN THE MATTER OF THE DIVISION OF WATER RIGHT, FILE NO. 21,729

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

#### **FINDINGS**

- 1. That on June 5, 1987, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to File No. 21,729, for beneficial use, subject to vested rights and prior appropriation rights, to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of six (6) wells:
  - one (1) well (a.k.a Well #9) located near the center of the Northeast Quarter (NE¼) of Section 29, more particularly described as being near a point 3,968 feet North and 1,312 feet West of the Southeast corner of said section, at a diversion rate not in excess of 615 gallons per minute (1.37 c.f.s.) and a quantity not to exceed 188 acre-feet of water per calendar year;
  - one (1) well (a.k.a. Well #8A) located near the center of the Northwest Quarter (NW½) of Section 29, more particularly described as being near a point 3,982 feet North and 3,603 feet West of the Southeast corner of said section, at a diversion rate not in excess of 275 gallons per minute (0.61 c.f.s.) and a quantity not to exceed 86 acre-feet of water per calendar year;
  - one (1) well (a.k.a. Well #8B) located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE½ SW½ NW½) of Section 29, more particularly described as being near a point 3,607 feet North and 4,167 feet West of the Southeast corner of said section, at a diversion rate not in excess of 325 gallons per minute (0.72 c.f.s.) and a quantity not to exceed 102 acre-feet of water per calendar year;
  - one (1) well (a.k.a. Well #7A) located near the center of the Southwest Quarter (SW¼) of Section 29, more particularly described as being near a point 1,416 feet North and 4,000 feet West of the Southeast corner of said section, at a diversion rate not in excess of 360 gallons per minute (0.80 c.f.s.) and a quantity not to exceed 74 acre-feet of water per calendar year;
  - one (1) well (a.k.a. Well #7B) located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE½ SW½ SW½) of Section 29, more particularly described as being near a point 1,043 feet North and 4,370 feet West of the Southeast corner of said section, at a diversion rate not in excess of 635 gallons per minute (1.60 c.f.s.) and a quantity not to exceed 114 acre-feet of water per calendar year; and,

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one (1) well (a.k.a. Well #10) located near the center of the Southeast Quarter (SE½) of Section 29, more particularly described as being near a point 1,377 feet North and 1,415 feet West of the Southeast corner of said section, at a diversion rate not in excess of 720 gallons per minute (1.60 c.f.s.) and a quantity not to exceed 188 acre-feet of water per calendar year,

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

		•		NE¼					NV	Ϋ¼			SV	V%		.:	SI	Ξ¼.		-
15	Sec.	Twp.	Range	NE%	NW%	SW1/4	SE%	NE%	NW/4	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	TOTAL
	29	<b>25</b> S	19W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31:25	31.25	31.25	31.25	31.25	31.25	31.25	500.00

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

That the rate of diversion by means of the well (a.k.a. Well #7A) located near the center of the Southwest Quarter (SW¼) of Section 29, more particularly described as being near a point 1,416 feet North and 4,000 feet West of the Southeast corner of said section, in Township 25 South, Range 19 West, Edwards County, Kansas, is further limited to that which when combined with the well (a.k.a. Well #7B) located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE¼ SW¼ SW¼) of Section 29, more particularly described as being near a point 1,043 feet North and 4,370 feet West of the Southeast corner of said section, in Township 25 South, Range 19 West, Edwards County, Kansas, will provide a diversion rate not in excess of 700 gallons per minute (1.56 c.f.s.) when the wells are run simultaneously.

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

That on December 7, 2017, the office of the Chief Engineer received a signed and notarized Application to Divide a Water Right, from Toby Dougherty, on behalf of the City of Hays, P.O. Box 490, Hays, KS 67601; and Jon Quinday, on behalf of the City of Russell, 133 West 8<sup>th</sup> St., Russell, KS 67665, requesting as representatives, that Water Right, File No. 21,729, be divided into two (2) portions with the following assignments:

Water Right, File No. 21,729-D1, to be owned by the City of Hays, Kansas, and the City of Russell, Kansas, to have a priority date of January 2, 1974, and to be comprised of:

one (1) well (a.k.a. Well #9) located near the center of the Northeast Quarter (NE½) of Section 29, more particularly described as being near a point 3,968 feet North and 1,312 feet West of the Southeast corner of said section, at a diversion rate not in excess of 615 gallons per minute (1.37 c.f.s.) and a quantity not to exceed 188 acre-feet of water per calendar year;

one (1) well (a.k.a. Well #8A) located near the center of the Northwest Quarter (NW½) of Section 29, more particularly described as being near a point 3,982 feet North and 3,603 feet West of the Southeast corner of said section, at a diversion rate not in excess of 275 gallons per minute (0.61 c.f.s.) and a quantity not to exceed 86 acre-feet of water per calendar year; and,

Water Right, File No. 21,729

one (1) well (a.k.a. Well #8B) located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE½ SW½ NW½) of Section 29, more particularly described as being near a point 3,607 feet North and 4,167 feet West of the Southeast corner of said section, at a diversion rate not in excess of 325 gallons per minute (0.72 c.f.s.) and a quantity not to exceed 102 acre-feet of water per calendar year,

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

Г				NE¼				ΝV	V¼			SV	۷%			. SE	<u> </u>			
s	ec.	Twp.	Range	NE%	NW%	SW1/4	ŠE¼	NE%	NW1/4	SW1/4	SE1/4	NE%	NW1/4	SW1/4	SE%	NE%	NW1/4	SW1/4	SE%	TOTAL
	29	25S	1900	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31,25	31.25	31.25	31.25	31.25	31.25	31.25	500.00

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

Water Right, File No. 21,729-D1, shall have 250.00 base acres as defined in K.A.R. 5-5-11, and 250.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

Water Right, File No. 21,729-D2, to be owned by the City of Hays, Kansas, and the City of Russell, Kansas, to have a priority date of January 2, 1974, and to be comprised of:

one (1) well (a.k.a. Well #7A) located near the center of the Southwest Quarter (SW%) of Section 29, more particularly described as being near a point 1,416 feet North and 4,000 feet West of the Southeast corner of said section, at a diversion rate not in excess of 360 gallons per minute (0.80 c.f.s.) and a quantity not to exceed 74 acre-feet of water per calendar year;

one (1) well (a.k.a. Well #7B) located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE½ SW½ SW½) of Section 29, more particularly described as being near a point 1,043 feet North and 4,370 feet West of the Southeast corner of said section, at a diversion rate not in excess of 635 gallons per minute (1.60 c.f.s.) and a quantity not to exceed 114 acre-feet of water per calendar year, and,

one (1) well (a.k.a. Well #10) located near the center of the Southeast Quarter (SE½) of Section 29, more particularly described as being near a point 1,377 feet North and 1,415 feet West of the Southeast corner of said section, at a diversion rate not in excess of **720 gallons per minute (1.60 c.f.s.)** and a quantity not to exceed **188 acre-feet** of water per calendar year.

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

		NE¼					NV	V/4		,	sv	V¼			SE	<b>-</b> ¼			
Sec.	Twp.	Range	NE%	NW%	SW1/4	SE1/4	NE%	NW1/4	SW1/4	SE%	NE%	NW¼	SW%	SE¼	NE%	NW%	SW1/4	SÉ%	TOTAL
29	25S	19W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	500.00
		····								K					Wate	ar Re	COLIFC	200	

a total of 500.00 acres in Section 29, Township 25 South, RangeRts West, Edwards County, Kansas.

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Water Right, File No. 21,729-D2, shall have 250.00 base acres as defined in K.A.R. 5-5-11, and 250.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

This appropriation right is further limited to a diversion rate which when the well (a.k.a. Well #7A) located near the center of the Southwest Quarter (SW½) of Section 29, more particularly described as being near a point 1,416 feet North and 4,000 feet West of the Southeast corner of said section, is further limited to that which when combined with the well (a.k.a. Well #7B) located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE½ SW½ SW½) of Section 29, more particularly described as being near a point 1,043 feet North and 4,370 feet West of the Southeast corner of said section, both in Township 25 South, Range 19 West, Edwards County, Kansas, will provide a diversion rate not in excess of 700 gallons per minute (1.56 c.f.s.) when the wells operate simultaneously.

That this appropriation is further limited to a diversion rate which when all wells operate simultaneously will provide a diversion rate not in excess of 1,685 gallons per minute (3.75 c.f.s.) for irrigation use on the property described herein.

- 3. That the Water Right, File No. 21,729-D1 shall be senior in priority to Water Right, File No. 21,729-D2, within the overall priority established under Water Right, File No. 21,729.
- 4. That the agreement is binding on heirs and successors in interest.

#### ORDER

NOW, THEREFORE, it is the conclusion of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that Water Right, File No. 21,729, should be divided as such separation will be entered into the records for administrative purposes as set forth below.

Water Right, File No. 21,729-D1, to be owned by the City of Hays, Kansas; and the City of Russell, Kansas, to have a priority date of January 2, 1974, and to be comprised of:

one (1) well (a.k.a. Well #9) located near the center of the Northeast Quarter (NE½) of Section 29, more particularly described as being near a point 3,968 feet North and 1,312 feet West of the Scutheast corner of said section, at a diversion rate not in excess of 615 gallons per minute (1.37 c.f.s.) and a quantity not to exceed 188 acre-feet of water per calendar year.

one (1) well (a.k.a. Well #8A) located near the center of the Northwest Quarter (NW½) of Section 29, more particularly described as being near a point 3,982 feet North and 3,603 feet West of the Southeast corner of said section, at a diversion rate not in excess of 275 gallons per minute (0.61 c.f.s.) and a quantity not to exceed 86 acre-feet of water per calendar year; and,

one (1) well (a.k.a. Well #8B) located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE½ SW½ NW½) of Section 29, more particularly described as being near a point 3,607 feet North and 4,167 feet West of the Southeast corner of said section, at a diversion rate not in excess of 325 gallons per minute (0.72 c.f.s.) and a quantity not to exceed 102 acre-feet of water per calendar year.

Water Right, File No. 21,729

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

-		22.00		N	Ξ/4		NW%				SV	V¼			SI	E%			
Sec	Twp.	Range	NE1/4	NW¼	SW1/4	SE¼	NE%	NW1/4	SW1/4	SE%	NE¼	NW%	SW/4	SE%	NE%	NW¼	SW1/4	SE%	TOTAL
29	258	19W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	500.00

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

Water Right, File No. 21,729-D1, shall have 250.00 base acres as defined in K.A.R. 5-5-11, and 250.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

Water Right, File No. 21,729-D2, to be owned by the City of Hays, Kansas; and the City of Russell, Kansas, to have a priority date of January 2, 1974, and to be comprised of:

one (1) well (a.k.a. Well #7A) located near the center of the Southwest Quarter (SW¼) of Section 29, more particularly described as being near a point 1,416 feet North and 4,000 feet West of the Southeast corner of said section, at a diversion rate not in excess of 360 gallons per minute (0.80 c.f.s.) and a quantity not to exceed 74 acre-feet of water per calendar year;

one (1) well (a.k.a. Well #7B) located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE½ SW½ SW½) of Section 29, more particularly described as being near a point 1,043 feet North and 4,370 feet West of the Southeast corner of said section, at a diversion rate not in excess of 635 gallons per minute (1.60 c.f.s.) and a quantity not to exceed 114 acre-feet of water per calendar year; and,

one (1) well (a.k.a. Well #10) located near the center of the Southeast Quarter (SE½) of Section 29, more particularly described as being near a point 1,377 feet North and 1,415 feet West of the Southeast corner of said section, at a diversion rate not in excess of 720 gallons per minute (1.60 c.f.s.) and a quantity not to exceed 188 acre-feet of water per calendar year.

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

`					. N	Ε¼.		NW%				SV	V¼	-		SE	1/4			
Sec	. Tw	νp.	Range	NE%	NW%	SW1/4	SE%	NE%	NW%	SW/4	SE%	NE%	NW1/4	SW1/4	SE1/4	NE%	NW%	SW1/4	SE1/4	TOTAL
29	25	58	19W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	500.00

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

Water Right, File No. 21,729-D2, shall have 250.00 base acres as defined in K.A.R. 5-5-11, and 250.00 maximum acres irrigated during the perfection period as defined by K.A.R. 5-5-9.

(over)

Water Resources Received

MAR 25 2019

This appropriation right is further limited to a diversion rate which when the well (a.k.a. Well #7A) located near the center of the Southwest Quarter (SW¼) of Section 29, more particularly described as being near a point 1,416 feet North and 4,000 feet West of the Southeast corner of said section, is further limited to that which when combined with the well (a.k.a. Well #7B) located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE¼ SW¼ SW¾) of Section 29, more particularly described as being near a point 1,043 feet North and 4,370 feet West of the Southeast corner of said section, both in Township 25 South, Range 19 West, Edwards County, Kansas, will provide a diversion rate not in excess of 700 gallons per minute (1.56 c.f.s.) when the wells operate simultaneously.

That this appropriation is further limited to a diversion rate which when all wells operate simultaneously will provide a diversion rate not in excess of 1,685 gallons per minute (3.75 c.f.s.) for irrigation use on the property described herein.

That the Water Right, File No. 21,729-D1 shall be senior in priority to Water Right, File No. 21,729-D2, within the overall priority established under Water Right, File No. 21,729.

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

DANIELLE WILSON
My Appointment Expires
August 23, 2020

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to Water Right, File No. 21,729, dated June 5, 1987, remains as authorized.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Ordered this County, Kansas	1-10-	day of January	, 2018, Topeka, Shawnee
County, Mansas.		far	e P Letourneau
		Lai	ne P. Letourneau, P.G.
		Water App	ropriation Program Manager
		Divisi	on of Water Resources
		Kansas	Department of Agriculture
State of Kansas	)		
and the second	) SS		
County of Riley	)		
The foregoin	ng instrument was	acknowledged before me this	17th day of January
			ager, Division of Water Resources,
Kansas Department			
· · · · · · · · · · · · · · · · · · ·		7) / \	4

**Notary Public** 

# CERTIFICATE OF SERVICE

On this 23'd day of day of 1, 2018, I hereby certify that the attached Findings and Order, File No. 21,729, dated 17 1, 2018, was mailed postage prepaid, first class, U.S. mail to the following:

TOBY DOUGHERTY CITY OF HAYS 1507 MAIN STREET HAYS KS 67601

JON QUINDAY CITY OF RUSSELL 133 W. 8<sup>TH</sup> STEET RUSSELL KS 67665

DAVID TRASTER
FOULSTON SIEFKIN LLP
1551 N WATER FRONT PARKWAY
SUITE 100
WICHITA KS 67206

With photocopies to:

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

7.7

STATE OF KANSAS, EDWARDS COUNTY, SS CHERYL PROFFITT, Register Of Deeds

Book: S171 Page: 150

Receipt \*: 29574 Recording Pages Recorded: 7

Date Recorded: 2/1/2018 9:45:00 AM

Water Resources Received

MAR 25 2019

KS Dept Of Agriculture

Well 9

W	ATER WELL PLUGGING	RECORD Form WV	VC-5P KSA	82a-1212 ID NO.					
1	LOCATION OF WATER WELL County: Edwards		Section Number 29	r Township Number T 25 S	19 □E [ <b>7</b> ] W				
	Street/Rural Address of Well Location from nearest town or interscheck here 4 1/4 south & 1		Global Positioning Systems (GPS) information:   Latitude: 37.85120 (in decimal degrees)   Longitude: 99.42816 (in decimal degrees)   Elevation: 2216   WGS84,  NAD83,  NAD27						
2	AND COLORS	ty of Hays O. Box 56 ays, Ks. 67601	Collection Method:  GPS unit (Make/Model:  Digital Map/Photo, Topographic Map, Land Survey  Est. Accuracy: 3-5 m, 5-15 m						
3	MARK WELL'S LOCATION WITH AN "X" IN SECTION BOX:  NW NE SE SW SE	L Industrial	74.83 ft.  ATER LEVEL 19.  AS:  Public Water St.  Oil Field Water Domestic (Lawy Air Conditionin	gpply Dewa Supply Monit 1 & Garden) Inject	tering oring ion Well				
6	Steel								
	Cess pool PL	Livestock pens Oil w	ell/Gas well FROM TO	<u> </u>	MATERIALS				
	The state of the s	ted gravel	1						
	20   3   Cement   3   0   Top soil	<u> </u>		<u></u>					
con We	7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was plugged under my jurisdiction and was completed on (mo/day/year) 2-6-15 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 134 This Water Well Record was completed on (mo/day/year) 2-12-15 under the business name of Rosencrantz-Bernis by (signature)								
cor Jac	INSTRUCTIONS: Use typewriter or ballpoint pen. Please press firmly and print clearly. Please fill in blanks, underline or circle the correct answers. Send one copy to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Ste. 420, Topeka, Kansas 66612-1367. Telephone: 785/296-5524. Send one to Water Well Owner and retain one for your records. Visit us at http://www.kdheks.gov/waterwell/index.html.								

217	29-D1	EXHIBIT			•	٠		<i>i</i> •				
11/	WATER WELL PLUGGING RECORD Form WWC-5P KSA 82a-1212 ID NO.											
1	LOCAT	TON OF WATE		Fraction		Section	Number	Township Number	Range Nun			
		Edwards ural Address of W	ell Location:	SW 1/4 SW 1/4 if unknown, dista			29 sitioning S	T 25 S Systems (GPS) inform		E 7W		
	direction	from nearest tow		ion: If at owner's		Latitude:	37.85124	-	(in decima	al degrees)		
check here . 4 1/4 south & 1/2 west of Kinsley Ks.						Longitude: 99.43716 (in decimal degrees) Elevation: 2214						
7.71A		i ny tyty y i	e e e	e e sego es como		Datum:	☐ WG	S84, 🗾 NAD83,	☐ NAD2	27		
2 WATER WELL OWNER: City of Hays RR# St Address Box #: D.O. Box 56							Collection Method:  GPS unit (Make/Model:					
RR#, St. Address, Box #: P.O. Box 56						☐ Digital Map/Photo, ☐ Topographic Map, ☐ Land Survey						
11ay 3, 143. 07001   Est. Accuracy: C 23 m, C 3-15 m, C 3-15 m									> 15 m			
3	WITH AN "X" IN SECTION											
	BOX: WELL'S STATIC WATER LEVEL 14.80 ft							:				
	WELL WAS USED AS:											
	_ N	w* N	E =	Domes			Vater Supp					
W	·		– į Ė	✓ Irrigati Feedlo			l Water Su c (Lawn &		oring ion Well			
	s	ws	. — 3 — 4	Industr	ial L		ditioning	☐ Other				
				Was a chei	mical/bacterio	logical san	iple submi	tted to Department? Y	es 🔲 No	<b>7</b>		
5	TYPE (	OF BLANK CA	SING USE	D:	<u> </u>	<u> </u>		4	·	<del></del>		
	✓ St	eel RMF	(SR)	Wrought Asbestos-Cem		berglass increte Tile		Other (Specify below)				
	Blank casing diameter 16 in. Was casing pulled? Yes No V If yes, how much Casing height above or below land surface 36 in.											
6	GROU'	T PLUG MAT	ERIAL:	Neat cement	Ceme	ht grout	Bentor	nite Other				
	Grout Plug Intervals: From 14 ft. to 3 ft., From ft. to ft., From to ft.								ft.			
	What is the nearest source of possible contamination:											
	Septic tank Seepage pit Fuel Storage V Other (specify below)											
	Sewer lines Pit privy Fertilizer storage None Watertight sewer lines Sewage lagoon Insecticide storage											
		teral lines	F	eedyard ivestock pens		ned water		rection from well?				
	- ' . ' '	ss pool	. []	ivestock pens	On wei	I/Oas Well	П0	w many feet?				
	FROM 57.40			GING MATER	JALS	FROM	TO.	PLUGGING	MATERIAL	2 <b>S</b>		
	14	3	Chlorinated Cement gr									
٠	3		Top soil		-1				2 10 . 10 - 12 - 1			
			entra en La companya de la companya entra		· · · · · · · · · · · · · · · · · · ·							
		<u> </u>	<u></u>	<u>, e</u>	<u> </u>	and the second of the second o		<del>- 7 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 </del>	- <u>-</u>			
				VNER'S CERT				was plugged under m				
con We	completed on (mo/day/year) 2-6-15 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 134 This Water Well Record was completed on (mo/day/year) 2-12-15 under the											
	business name of Rosencrantz-Bemis by (signature)											
INS	TRUCT	TIONS: Use ty	pewriter or b	allpoint pen. Pl	ease press fire	nly and pri	ı₩₩ady.	सिक्टब्रियानिसि Blanks, t	ınderline or c	ircle the		
cor	ect ansi	wers. Send one	copy to Kan	sas Department	of Health a	nd Environ	nment, Bu	reau of Water, Geolog	y Section, 1	000 SW		
rece	Jackson St., Ste. 420, Topeka, Kansas 66612-1367. Telephone: 785/296-5524. Send one to Water Well Owner and retain one for your records. Visit us at http://www.kdheks.gov/waterwell/index.html. MAR 25 2019											

KS Dept Of Agriculture

9-D1	EXHIBIT	•						
	Y					Well	8 B	
TER		 GGING REC	CORD F	orm WW	C-5P	KSA 82	, ,	
OCAT	ION OF WATE	R WELL: Fr	action		Section	Number 29	Township Number	
irection	from nearest tov	/ell Location; if ur vn or intersection: outh & 1/2 wes	If at owner's a	ddress,	Latitude: Longitude: Elevation:	37.85014 99.4380 2210		(in decimal degrees) (in decimal degrees)
····		<u> </u>	· - · · · · · · · · · · · · · · · · · ·		Datum: Collection			3,
RR#, S	R WELL OW! t. Address, Box tate ZIP Code:				Digi	tal Map/Pho		Map, Land Survey
	WELL'S LOC			e wei e A			эm, ∟-3-5m, ∟	5-15 m,
	AN "X" IN SE		WELL'S S	TATIC WA	TER LEVE		ft	
	1	NE - E	Domesti Irrigatio Feedlot Industria	c n	Public V Oil Field Domesti	Vater Supp I Water Su c (Lawn & ditioning	pply Mo	vatering nitoring ection Well er
_ s							ted to Department?	Yes No 🗸
YPE	OF BLANK C	ASING USED:						THE THE SHOP IN A SHOP IN A SHOP
✓ Si			rought sbestos-Cemer		iberglass oncrete Tile		Other (Specify below	v)
Blank Casing	casing diameter height above o	16 in. W	as casing pull face 36	ed? Yes [ in.	No 🗸	If yes, ho	w much	
ROU	T PLUG MAT	ERIÀL:	Neat cement	✓ Ceme	ent grout	Bentor	nite Other	
Fout I	lug Intervals:	From 11	ft. to <u>3</u>	_ft., Fi	om	_ft. to _	ft., Fron	ntoft.
☐ Se	ptic tank wer lines	Pit pr	age pit	Fuel S Fertili	torage zer storage	<b>16</b> 21	Other (specify below None	w)
La	atertight sewer iteral lines ess pool	Feed	ige lagoon yard stock pens	Aband	cide storage oned water II/Gas well	well Dir	ection from well?_ w many feet?	
FRO			NG MATERI.	ALS	FROM	ТО	PLUGGIN	IG MATERIALS
11.05	11	Chlorinated gr	7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7		A	<u> </u>		
11	3	Cement grout		·				* * * * * * * * * * * * * * * * * * * *
3,	0	Top soil			-:			
			<u> </u>				<u> </u>	
- <del> </del>	. A. 10	Harris Harris	##**** # # 1 1 4 A			:	<del>                                     </del>	
						<u> </u>		

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was plugged under my jurisdiction and was completed on (mo/day/year) 2-6-15 and this record is true to the best of my knowledge and belief. Kansas Water This Water Well Record was completed on (mo/day/year) 2-12-15 by (signature) Well Contractor's License No. 134 under the business name of Rosencrantz-Bernis

INSTRUCTIONS: Use typewriter or ballpoint pen. Please press firmly and print clearly. Please fill in blanks, underline or circle the correct answers. Send one copy to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Ste. 420, Topeka, Kansas 66612-1367. Telephone: 785/296-5524. Send one to Water Well Owner and retain one for your records. Visit us at http://www.kdheks.gov/waterwell/index.html.