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



MATER DECOURAGE

### 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	RECEIVED
	☑ Place of Use	APR 2 7 2018
	(Check one or more)   Point of Diversion	1:50
	☐ Use Made of Water	KS DEPT OF AGRICULTURE
	File No. 21,732-D2	
2.	2. Name of applicant: City of Hays, Kansas and City of Russell, Kansas	
	Address: _c/o Foulston Siefkin LLP, 1551 N. Waterfront Parkway, Suite 100	
	City, State and Zip: Wichita, KS 67206	
	Phone Number: ( 316 )291-9725 E-mail address: dtraster@fou	lston.com
	What is your relationship to the water right; ☒ owner ☐ tenant ☐ agent ☐ other	-
	Russell are co-owners of the authorized place of use on the R9 Ranch in E	dwards County.
	Name of water use correspondent: <u>City of Hays, Kansas</u>	
	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.	3. The change(s) proposed herein are desired for the following reasons (please be spec	ific):
	See Paragraph 3 of the June 25, 2015 cover letter with the original Change incorporated herein by reference.	Application. The cover letter is
	The change(s) (was) (will be) completed by See Paragraph 3 of June 25, 2015 co	over letter.
	For Office Use Only: F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES / NO) Use FRR Source G/S Count	y E.D. By AJW Date 4/27/18
	Code Fee \$ 700 TR # Receipt Date	
		·

4/27/18 BEW

File No. <u>21,732-D2</u>

4. The presently authorized place of use is:

Owner of Land — NAME: <u>City of Hays, Kansas</u>

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

		NE	Ǽ			NV	V¼			sv	11/4			SE	E1/4		TOTAL
Sec. Twp. Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE¼	ACRES
32-25S-19W	31.25	31.25	38.25	31.25	31.25	31.25	31.25	37.25	38	2	1	33	4	39	35	2	417

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

				NE	E1/4			NV	V¼			sv	V1/4			SE	1/4		TOTAL ACRES
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1⁄4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	7.0.1.20
									Sa	me a	s abo	ve							
																	·		

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: <u>City of Hays, Kansas</u>

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

			NE1/4				ΝV	V¼		SW¼			SE1/4				TOTAL		
Sec.	Twp.	Range	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW1⁄4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
			The (	e City of Hays, Kansas and its immediate vicinity and other locations as more															
***************************************		1	fully	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: <u>City of Russell, Kansas</u>

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

			NE¼			NW¼			SW¼				SE1/4				TOTAL
Sec.	Twp.	Range	NE¼ NW¼	SW¼ SE¼	NE1/4	NW1/4	SW1/4	SE1/4	NE¼	NW1/4	SW1/4	SE¼	NE1/4	NW¼	SW1/4	SE1/4	ACRES
, ,			The City of Russell, Kansas and its immediate vicinity and other locations as more														
			fully described in paragraph 5 of the cover letter.														

List any other water rights that cover this place of use: See paragraph 5 of the June 25, 2015 cover letter.

### IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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File No. 21,732-D2

6.	The presently authorized point(s) of diversion (is) (are) <u>irrigation well</u>	l(s) described in paragrap (Provide description and number of p	oh 8, infra.
7.	The proposed point(s) of diversion (is) (are) <u>one or more municipa</u>		of the cover letter
	List all presently authorized point(s) of diversion:		,
8.	Presently authorized point of diversion:		
	One in the NC Quarter of the S	Quarter of the	Quarter
	of Section 32 , Township 25	South, Range <u>19</u>	(E(W))
	in Edwards County, Kansas, 1,441 feet North 2,	,632 feet West of South	neast corner of section.
	Authorized Rate 885 Authorized Quantity 240		
	(DWR use only: Computer ID No GPS		feet West)
	☐ This point will not be changed ☐ This point will be changed a	and the second s	•
	Proposed point of diversion: (Complete only if change is requested		
	One in the SE Quarter of the SW	Quarter of the <u>NW</u>	Quarter
	of Section 32 , Township 25		
	in Edwards County, Kansas, 2,724 feet North 1,9	916 feet West of South	neast corner of section.
	Proposed Rate 885 gpm Proposed Quantity 278.67 af		
	This point is: Additional Well Geo Center List other water rights	s that will use this point	·
,			
9.	Presently authorized point of diversion:		
	One in theQuarter of the		
	of Section, Township		
	in County, Kansas, feet North	feet West of South	neast corner of section.
	Authorized Rate Authorized Quantity		
	(DWR use only: Computer ID No GPS	feet North	feet West)
-	☐ This point will not be changed ☐ This point will be changed a	s follows:	
	Proposed point of diversion: (Complete only if change is requested	1)	
	One in the Quarter of the		Quarter
	of Section, Township		
	in County, Kansas, feet North		
	Proposed Rate Proposed Quantity		
	This point is: Additional Well Geo Center List other water rights	s that will use this point	·
10.	Presently authorized point of diversion:		
	One in the Quarter of the		
	of Section, Township		
	in County, Kansas, feet North		heast corner of section.
	Authorized Rate Authorized Quantity		
	(DWR use only: Computer ID No GPS	feet North	feet West)
	☐ This point will not be changed ☐ This point will be changed a		
	Proposed point of diversion: (Complete only if change is requested	<u>1)</u>	
	One in theQuarter of the		
	of Section, Township		
	in County, Kansas, feet North		heast corner of section.
	Proposed Rate Proposed Quantity		
	This point is: Additional Well Geo Center List other water rights	s that will use this point	
11.	This point is: Additional Well Geo Center List other water right:  Describe the current condition of and future plans for any point(s) of dive		
11.	Describe the current condition of and future plans for any point(s) of dive		
11.		ersion which will no longer b	e used

(\LCL\VLD

							File N	No. 21,732-D2
12.	The	pre	sently authorized	use of water is for	r Irrigation		purposes.	
				e be changed to _			• •	oses.
13.	<u>See</u>	the		ssion regarding	·	cribe how the consumption of water to be changed		e increased. use and paragraph 13
	(Ple	ase s	show any calculation	s here.)				
14.	It is	req	uested that the m	aximum annual qu	antity of water b	pe reduced to <u>not appl</u>	i <u>cable</u> (acr	e-feet or million gallons).
15.	It is	req	uested that the m	aximum rate of div	version of water	be reduced to <u>not appli</u>	<u>cable</u> gallons <sub>l</sub>	per minute ( c.f.s.).
16.	1:24 Kar Dist	4,00 nsas tanc uld	0, is available th 66047-3726 ( <u>ww</u> es North and We also be shown. I	rough the Kansas w.usgs.gov). The est of the Southead dentify the center of	s Geological Sue map should sh st corner of the of the section, the	rvey, 1930 Constant Avnow the location of the p section must be shown.	venue, Universit resently authoriz The presently section corners a	Topographic Map, scale y of Kansas, Lawrence, zed point(s) of diversion. authorized place of use and show the appropriate se shown on the map.
	a.	If a	change in the loc	cation of the point(s	s) of diversion is	proposed, show:		
		1)	must be shown.		in that the infor			east corner of the section the information shown in
		2)	domestic wells,	within 1/2 mile of th	ne proposed we	ll or wells. Identify each	well as to its us	ls of any kind, including se and furnish name and e indicate so on the map.
		3)		supply is surface v ream from your pro			of all landowne	er(s) ½ mile downstream
	b.					proposed place of use by with the information show		on the map. Please be No. 5 of the application.
17.	loca wel	also Ilog	urce of supply as	to which the water	er right relates.	This information may in	clude statements	and relates to the same s, plats, geology reports, tional comments may be
	_Se	e p	aragraph 17 of	the June 25, 201	5 cover letter.			
18.	ide: req	ntify uest	the rules and reshould be grante	gulations for which	n you request a entation showing	es and regulations of the waiver. State the reaso I that granting the reques rest.	on why a waiver	r is needed and why the
	_Se	e pa	aragraph 17 of t	he June 25, 2015	5 cover letter.			
			IF MORE SP	ACE IS NEEDI	ED, ATTACH	ADDITIONAL SHE	ETSAS NEE	<b>ESSARY</b>

APR 27 SCANNED

File No.	21,732-D2
FIIE NO.	21,7000

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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 a authorized to make this application on their behalf, and declare furth complete. By filing this application I authorize the chief engineer to pe as specified in sections 14 and 15 of this application.	ner that the statements contained herein are true, correct, and ermanently reduce the quantity of water and/or rate of diversion
Dated at Hays, Ellis County , Kansas, this	
(Owner)  City of Haya Kanaga by Toby Doughorty City Managar	(Spouse)
City of Hays, Kansas, by Toby Dougherty, City Manager (Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas  County of Ellis	
I hereby certify that the foregoing application was signed in my ANDREA WINDH Notary Public - State of K	OLZ Junchen Jung 1,000
My Commission Expires 10-12-19	Notary Publič
FEE SCHED!	ULE
Each application to change the place of use, the point of diversion or the use application fee set forth in the schedule below:	e made of the water under this section shall be accompanied by the
<ul> <li>(1) Application to change a point of diversion 300 feet or less</li> <li>(2) Application to change a point of diversion more than 300 feet</li> <li>(3) Application to change the place of use</li></ul>	\$200 \$200
Make check payable to Kansas Department of Agriculture	

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APR 2 7 2018

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File No.	21,732-D2
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Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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.

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I declare that I am an owner of the currently authorized place of use a authorized to make this application on their behalf, and declare furth complete. By filing this application I authorize the chief engineer to pe as specified in sections 14 and 15 of this application.	er that the statements contained herein are true, correct, and rmanently reduce the quantity of water and/or rate of diversion
Dated at Russell, Russell County , Kansas, this	25TH day of APRIC . 20 18.
(Owner)	(Spouse)
City of Russell, Kansas, by Jon Quinday, City Manager (Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas  County of Russell  ADRIE  My Appt	PUBLIC - State of Kansas  ENNE SCHREMMER  Expires 2 4 22
I hereby certify that the foregoing application was signed in my particle. A pril 18	presence and sworn to before me this 25 day of
My Commission Expires Z Le ZZ.	WOLLD LIVE Notary Public
FEE SCHEDU	JLE
Each application to change the place of use, the point of diversion or the use application fee set forth in the schedule below:	made of the water under this section shall be accompanied by the
<ul> <li>(1) Application to change a point of diversion 300 feet or less</li> <li>(2) Application to change a point of diversion more than 300 feet</li> <li>(3) Application to change the place of use</li> <li>(4) Application to change the use made of the water</li></ul>	\$200

Water Resources Received

APR 30 2018 SCANNED KS Dept Of Agriculture

Make check payable to Kansas Department of Agriculture.

File No.	21,732-D2
THE INC.	

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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.

Dated at	unty	, Kansas, this	day of	, 20
(Owr	ner)		(Spouse)	
City of Russell, Kansas, by Jo (Please	on Quinday, City M Print)	<u> </u>	(Please Pri	nt)
(Owr	ner)		(Spouse)	
(Please	Print)		(Please Pri	nt)
(Owr	ner)		(Spouse)	
(Please	Print)	······································	(Please Pri	nt)
State of Kansas County of <u>Russell</u>				
I hereby certify that the fore, 20		as signed in my preser	nce and sworn to before me	this day of
My Commission Expires			Notary Pub	lic
		FEE SCHEDULE		

Make check payable to Kansas Department of Agriculture.

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

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

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

The City of Russell, Kansas and its immediate vicinity.

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

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

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

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

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

Quantity authorized and perfected

The Permit was issued on February 27, 1976, granting the applicant the right to divert up to 834 acre-feet annually at a rate of up to 2,400 gallons per minute for irrigation use, on 417 acres in Section 32-T25S-R19W, or 2.0 acre-feet per acre. The Certificate limited the rate to 2,380 gallons per minute.

In the cover letter transmitting the Permit, DWR made findings of fact stating that "the proposed use is for a beneficial purpose and is within reasonable limitations. If priorities are observed and respected, the proposed use will neither impair any use under existing water rights nor prejudicially and unreasonably affect the public interest."<sup>3</sup>

DWR's Field Inspection Reports indicate that 310 acre-feet authorized by the Permit were lawfully perfected by applying that quantity to 160 approved acres in the S/2 of Section 32 T25S-R19W.<sup>4</sup>

While the Certificate limits the total quantity to 240 acre-feet based on DWR's after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.<sup>5</sup>

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<sup>&</sup>lt;sup>1</sup> Permit, HAYS001328, Ex. B.

<sup>&</sup>lt;sup>2</sup> Application, HAYS001322, Ex. C.

<sup>&</sup>lt;sup>3</sup> February 27, 1976, letter (emphasis added), HAYS001327, Ex. D.

<sup>&</sup>lt;sup>4</sup> FIR, HAYS0001314, Ex. E.

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Since the perfection period has expired, the "authorized quantity" for this water right is the 310.00 acre-feet actually perfected even though it exceeds the certified quantity.

NIR for Alfalfa

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

Since alfalfa was grown on the authorized place of use during the perfection period, 6 it is reasonable to use the NIR for alfalfa, which yields a total quantity of 278.67 acre-feet consumed. While this quantity is greater than the quantity set out in the Certificate, it is less than 310 perfected acre-feet, the "maximum annual quantity authorized by the water right."

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<sup>&</sup>lt;sup>5</sup> Certificate, HAYS001336, Ex. F; Doug Bush Memo dated March 19, 1987, HAYS001332; Ex. G; Exs. H and I; and Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

<sup>&</sup>lt;sup>6</sup> Ex. E. See also HAYS004448-4453, Ex. I.

<sup>&</sup>lt;sup>7</sup> See K.A.R. 5-5-9(a)(4).

# 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. 21,732

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

#### FINDINGS

1. That on June 5, 1987, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to File No. 21,732, for beneficial use, subject to vested rights and prior appropriation rights, to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of three (3) wells:

> one (1) well (a.k.a Well #11) located near the center of the Northeast Quarter (NE½) of Section 32, more particularly described as being near a point 4.019 feet North and 1,358 feet West of the Southeast corner of said section, at a diversion rate not in excess of 780 gallons per minute (1.74 c.f.s.) and a quantity not to exceed 165 acre-feet of water per calendar year;

> one (1) well (a.k.a. Well #6) located near the center of the Northwest Quarter (NW%) of Section 32, more particularly described as being near a point 4,026 feet North and 3,966 feet West of the Southeast corner of said section, at a diversion rate not in excess of 715 gallons per minute (1.59 c.f.s.) and a quantity not to exceed 188 acre-feet of water per calendar year; and,

> one (1) well (a.k.a. Well #12) located near the center of the South Half (S½) of Section 32, more particularly described as being near a point 1,441 feet North and 2.632 feet West of the Southeast corner of said section, at a diversion rate not in excess of 885 gallons per minute (1.97 c.f.s.) and a quantity not to exceed 240 acre-feet of water per calendar year.

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

				Ň	Ξ¼	:		NV	V%			SV	V%			SI	ΞÝ		
																			TOTAL
32	25S	19W	31,25	31.25	38.25	31.25	31.25	31.25	31.25	37.25	38.00	2.00	1.00	33,00	4,00	39.00	35.00	2,00	417.00

a total of 417:00 acres in Section 32, Township 25 South, Range 19 West, Edwards County, Kansas.

That on December 7, 2017, the office of the Chief Engineer received a signed and notarized 2. Application to Divide a Water Right, from Toby Dougherty, on behalf of the City of Hays, P.O. Box 490. Hays, KS 67601, and Jon Quinday, on behalf of the City of Russell, 133 West 8th St., Russell, KS 67665, requesting as representatives, that Water Right, File No. WAV32, Recolly decising the two (2) portions with the following assignments:

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

one (1) well (a.k.a Well #11) located near the center of the Northeast Quarter (NE%) of Section 32, more particularly described as being near a point 4,019 feet North and 1,358 feet West of the Southeast corner of said section, at a diversion rate not in excess of 780 gallons per minute (1.74 c.f.s.) and a quantity not to exceed 165 acre-feet of water per calendar year; and

one (1) well (a.k.a. Well #6) located near the center of the Northwest Quarter (NW%) of Section 32, more particularly described as being near a point 4,026 feet North and 3,966 feet West of the Southeast corner of said section, at a diversion rate not in excess of 715 gallons per minute (1.59 c.f.s.) and a quantity not to exceed 188 acre-feet of water per calendar year.

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

				**
	NEX	NW%,	SW/4	SEV
Sec. Twp: Range	NEW NWW SWW SEW	NE% NW% SW% SE%	NE% NW% SW% SE%	NEW NWW SWW SEW TOTAL
32 25S 19W	31.25 31.25 38.25 31.25	31.25 31.25 31.25 37.25	38.00 2.00 1.00 33.00	4.00 39.00 35.00 2.00 417.00

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

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

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

one (1) well (a.k.a. Well #12) located near the center of the South Half (S½) of Section 32, more particularly described as being near a point 1,441 feet North and 2,632 feet West of the Southeast corner of said section, in Township 25 South, Range 19 West, Edwards County, Kansas, at a diversion rate not in excess of 885 gallons per minute (1.97 c.f.s.) and a quantity not to exceed 240 acre-feet of water per calendar year, for irrigation use on the following described property:

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					N	Ξ/4			NV	V%			ŠV	V1/4			SI	Ξ%	·	
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3	2	<b>25</b> S	19W	31.25	31.25	38.25	31.25	31.25	31.25	31.25	37.25	38.00	2.00	1.00	33.00	4.00	39.00	35:00	2.00	417.00

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

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

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

APR 2 7 2018 SCANNED

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

#### ORDER

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

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

one (1) well (a.k.a Well #11) located near the center of the Northeast Quarter (NE¼) of Section 32, more particularly described as being near a point 4,019 feet North and 1,358 feet West of the Southeast corner of said section, at a diversion rate not in excess of 780 gallons per minute (1.74 c.f.s.) and a quantity not to exceed 165 acre-feet of water per calendar year, and,

one (1) well (a.k.a. Well #6) located near the center of the Northwest Quarter (NW%) of Section 32, more particularly described as being near a point 4,026 feet North and 3,966 feet West of the Southeast corner of said section, at a diversion rate not in excess of 715 gallons per minute (1.59 c.f.s.) and a quantity not to exceed 188 acre-feet of water per calendar year.

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

1		* t* * ·	NE				NV					V%			SI		ي شار	
	Twp. Range																	
32	25S 19W	31.25	31.25	38.25	31.25	31.25	31,25	31.25	37.25	38:00	2.00	1.00	33.00	4.00	39.00	35.00	2.00	417.00

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

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

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

one (1) well (a.k.a. Well #12) located near the center of the South Half (S½) of Section 32, more particularly described as being near a point 1,441 feet North and 2.632 feet West of the Southeast corner of said section, in Township 25 South, Range 19 West, Edwards County, Kansas, at a diversion rate not in excess of 885 gallons per minute (1.97 c.f.s.) and a quantity not to exceed 240 acre-feet of water per calendar year, for irrigation use on the following described property:

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																			TOTAL
32	<b>25</b> S	19W	31.25	31.25	38.25	31.25	31.25	31.25	31.25	37.25	38.00	2.00	1.00	33.00	4.00	39.00	35.00	2:00	417.00

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APR 2 7 2018 SCANNED

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a total of 417:00 acres in Section 32, Township 25 South, Range 19 West, Edwards County, Kansas.

Water Right, File No. 21,732-D2, shall have 167,00 base acres as defined in KAR 5-5-11, and 167,00 maximum acres irrigated during the perfection period as defined by KAR 5-5-9.

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

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

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

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filling 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.

day of bru

, 2018, Topeka, Shawnee

Lane P. Letourneau, P.G. Water Appropriation Program Manager

Division of Water Resources
Kansas Department of Agriculture

State of Kansas

∍SS

County of Riley

) Subty of Diloy

The foregoing instrument was acknowledged before me this 12 day of 2018, by Lane P. Letourneau, P.G. Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

NCTARY PLEALC

DANIELLE WILSON My Appointment Expires August 23, 2020

Notary Public

WATER RESOURCES RECEIVED

APR 2 7 2018

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## CERTIFICATE OF SERVICE

, 2018, I hereby certify that the attached ¬ ← , 2018; was mailed postage Findings and Order, File No. 21,732, dated oprepaid, first class, U.S. mail to the following:

TOBY DOUGHERTY CITY OF HAYS 1507 MAIN STREET HAYS KS 67601

JON QUINDAY CITY OF RUSSELL 133 W. 8TH 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

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

Book: SIZI Page: 151

Receipt \*: 29674
Pages Recording Fee: \$89.00

Date Recorded: 2/1/2018 9:45:01 AM

WATER RESOURCES RECEIVED

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STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary

DIVISION OF WATER RESOURCES Guy E. Cibson, Chief Engineer

# APPROVAL OF APPLICATION and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application No. 21,732

of the applicant

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

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

- 1. That the priority date assigned to such application is January 2, 1974.
- 2: That the water sought to be appropriated shall be used for itrigation on the land described in the application.

in the source from which the appropriation is made shall be from ground water in the drainage basin of the Arkansas River to be withdrawn by means of three (3) wells: one well near the center of the Northeast Quarter (NE4), one well near the center of the Northwest Quarter (NM4) and one well near the center of the South Half (S) of Section 32, Township 25 South, Range 19 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application:

WATER RESOURCES RECEIVED

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of

2400 gallons per minute (5.35 c.f.s.)

APR 2 7 2018

and to a quantity of not to exceed

834 acre-feet

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- 5. That tristallation of works for enversion of water shall be completed on or before secember 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 turnished 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 berein 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 un-
- 10. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable mustains 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 R. S. A. \$22-301 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 Pederal or Local Covernmental authorities when necessary.
- 12. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Dated this 27th day of February

1976



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Division of Water Resources

# **EXHIBIT** C



STATE BOARD OF AGRICULTURE
Roy Freeland, Secretary
Cle from: Wilson & Grame
Cle from: Wilson & Grame

DIVISION OF WATER RESOURCES Guy E. Cibson, Chief Engineer

# APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

+ SEE LETTER
To the Chief Engineer of the Division of Water Resources Kansas State Board of Apriculture: DATE 8-8-75
MIDNEST LAND & CATTLE CONTANY GEE
(Mis.) C/O TOHN CARSON, MANAGER
Comes now the applicant (Miss) Windley Joint Venture whose post office Box 208, KINSLEY, KANSAS 67547
address is 6/6 and ev J. Hoore, Attorney at Low, P.O. Dox 588, Woodward, Oklahoma 73801
and makes application to the Chief Engineer of the Division of Water Resources, Kansas State Board of Agri-
culture, for a permit to appropriate for beneficial use such unappropriated ground water (surface water or groundwater)
as may be available in Arkansas River Basin in the county of Edwards
(namo of stream or drolnage hatin)
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 acre feet million gallons)
dispersed at a maximum pateral 2000 mg To may ministra
(gellous per minute or cubic fest per second) (3 wells ) near center of the NE/4
2. The location of the proposed wells or other works for diversion of water is in the
quarter of the quarter of section 32 township 25 range 19 in R
Edwards County, Kansas.
3. The water is intended to be appropriated for:  Amount  OCT 1 5 1975.
Amount 0071 51975
(a) Domestic use
DECO 1974  (a) Domestic use  (b) Municipal use  (c) Irrigation use  (x) Amount  OCT 1 5 1975  Expression of the content of the
(a) Irrigation use (x) 2400 solo ner minute
(c) Irrigation use (x) 2400 gold par minute
(d) Industrial use (1)
Poce atomparar (e) Recreational use ()  Preceived 1-2-74 OF WATTAY are Power use () RECEIVED  9:08 a.m. Recreational use ()  RECEIVED
9:08 a.m. (Clark Thended Guantity for each use)
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5. If for	industr	al use	, atta	ch ta	bles o	or cui	rves s	howi	ng pa	st, p	resent	and	estin	ated	futu	re wa	iter (r	edajtę-	
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7. The works for diversion of water will consist of three wells, three pumps, and
three irrigation systems. (well page, etc.)
and will be completed by already completed
8. The first actual application of water for the beneficial use proposed was or is estimated to be
already used - use begun with 1973 growing season
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 of serial 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 on 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:
None *
II The relation of the subcorther to this analization is that of ATTORNEY
and he is authorized to make this application in behalf of the interest affected.
Dated at Kinsley Kansas, this 10 day of 200. 19/3
KINSLEY JOINT VENTURE (Applicant)
20 010
By (Agent & Office)
D. Allen Frame, Attorney
,
Ñöre:
1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.  1 million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.  1 acre foot = 43,560 cubic feet = 325,851 gallons.
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MAR B 1976 FIELD OFFICE DIVISION OF WATER RESOURCES Page 18 OS 18 FORD

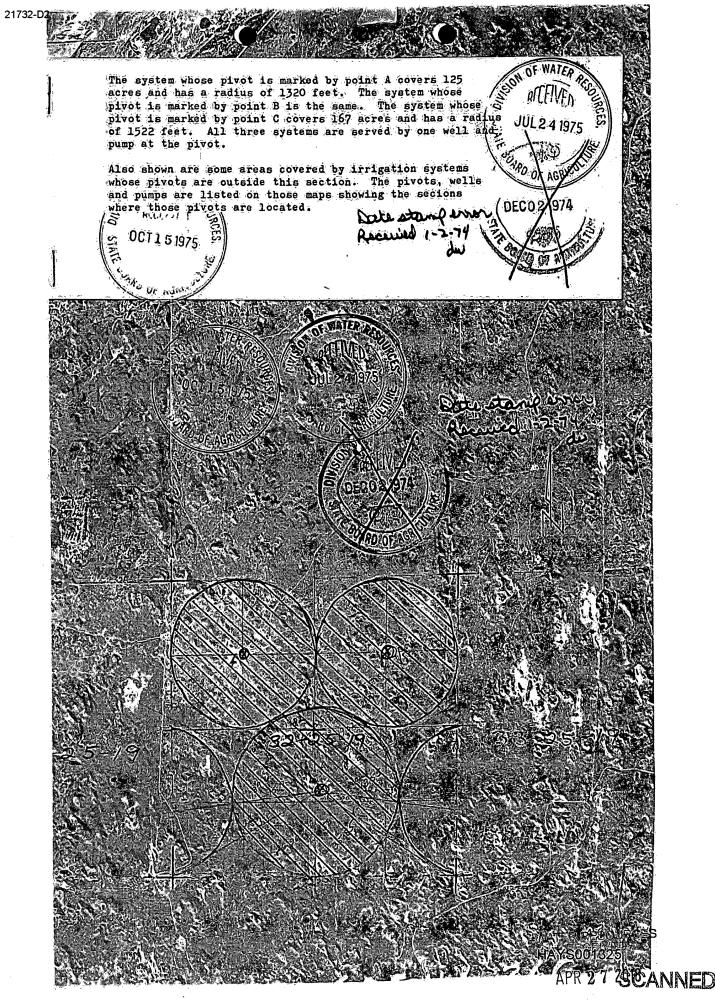


EXHIBIT D EN

February 27, 1976

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

> Re: Appropriation of Water Application No. 21,732

### Gentlemen:

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

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

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

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

Very truly yours,

WATER RESOURCES RECEIVED

Riley M. Dixon Hydrologist APR 2 7 2018

RMD:eel

Encs.

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Page 15 of 57

DIVISION OF WATER RESOURCENED

EXHIBIT E

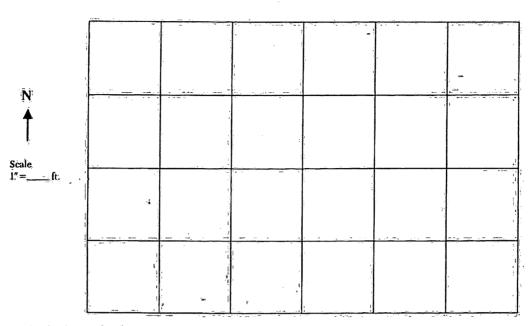
# DIVISION OF ER RESOURCES—KANSAS STATE BOARD OF CULTURE FIELD INSPECTION REPORT

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Test 3 of 3 Diversion points	<b>34</b>		Re-Test
Application No. 21732 Date 9/30/86 Inspe	/Field Office Pump	ng Plant Testi	5. Inc.
Application No. 2 Date 1/30/86 Inspection No. 2 C.M.D. No.	ector <u>. Ebert/</u>	Klassen	Visialis
		•	TWITE S.
Current Landowner Connecticut General Life Ins			
Address Box 1162 North Platte NF 19103	Attn Jet	ry Weaver	i <u></u>
Water Use Classification: L. Domestic ( ) 2. Industrial ( ) 4. Municipal ( ) 5. Recreation ( ) 6. Stockwatering	3. Irrigation (XX)		
Croundwater (M Drainage Basin Ackansas Rive	e.c	•	
Surface Water ( ) Stream			,
Authorized Point of Diversion: NC S%. Approximately: ft. North and	Sec. 32 ft. West of SE co	rner of Sec	<u>(</u>
Actual Point of Diversion: NC 51/2 Approximately 1441 It. North and 2632 How were distances determined? Sealed Com Asses	Sec 32	orner of Sec. 3	
"Approved Quantity 834 AF Approved"	- " <u>*</u> "	400 g.p.in.	( <u>5:35</u> cfs)
Priority Date Jan 2, 1979 Approval of Applic	câtion Date <u>F</u> e	6 27,1976	<del></del>
Perfection Date Dec. 31, 1981		·	
Other applications covering land and/or point of diversion	lope		<del></del>
(include discussion of overlapping files in remarks section)  LAND TO BE INCLUDED ON CERTIFICATE			
NEW NWW	swv.	SEV	TOTAL
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LAND IRRICATED—YEAR OF RECORD. 1985		<del></del>	
S T N NEW NWA	swv	SEW.	TOTAL
NE NW SW SE NE NW SW SE N		NE NW SW S	<u> </u>
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MIN 79 190.	c,f.s. 1,97	13/0	Kilipa Kan
Maximum Operating C.P.M. Equiv.	EOXUV		
Year of Record 1985 Extension of time requested: Ye	25 No		
Total No. of Hours on land covered by this application 1,96	<u>90</u>		Madrie -
Ac: Ft. Applied = $1900$ hrs. $\times \frac{905}{24}$ g.p.m. $\times \frac{24}{24}$	$\frac{4.419}{4 \times 1000} = \frac{3/3}{1000}$	<u> </u>	WATER RESOURCES RECEIVED
Acres of "Approved" Land irrigated 160	5 /		W ARB 2 7 2018
Ac. Ft. on "Approved" Land 3 / O. (D.	Ağ. Fı./	(c;)	
Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less	<u> 310 </u>	~	KS DEPT OF AGRICULTURE
Provision Calculations 160 acres irrigated X 1		racre	THAY 30013141.
Perfected Rate: 9 9 5 g.p.m. Perfected Quantity 21732	(41) A	3-10-9	PREVISED MASSANNED
Douglas Page 21 o Page 21 o	で、 1945人 of 48	9190	Revised Mat (955 ANNEL)

2	High Pressure	(X) Low Pressure:
***		
Drive	Electric	Length of Pivot Arm
Design Pressu	re-Pivot	p.s.i. Operating Pressure-Pivotp.s
End Cum? ¥	es End Gun Re	ating g.p.m. 70°0
Îs end gim ôpe	erating during test? yes	<u>5</u>
Gravity Irrigatio	on (show test set on sketch)	
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- 1 TO 1 T		
OWER: UNIT INFORM	ŘATÍON:	
6	The second secon	Model No. 460
		1110961 130
Serial No.	F	ivel Natural - Gas Rated RPM
Serial No. JMP-INFORMATION:- Manufacturer Tol	Krston M	fiel Natural - Gas Rated RPM
Serial No. IMP-INFORMATION:- Manufacturer Tol	Krston M	ivel Natural - Gas Rated RPM
Serial No.  JMP INFORMATION:  (Manufacturer So)  Serial No. 4F2		fiel Natural - Gas Rated RPM
Serial NoUMP INFORMATION:  (Manufacturer So)  Serial No. CF2		fiel Natural - Gas Rated RPM - Rated RPM - Rated RPM - No. stages:
Serial No.  MP INFORMATION:  Manufacturer So.  Serial No. CF2  CAR HEAD INFORMA  Manufacturer A m	1233 T	Todel No. Rated RPM. Rated RPM. Rated RPM. Robine No. stages.
Serial No	1233 T	fiel Natural - Gas Rated RPM - Rated RPM - Rated RPM - No. stages:
Serial No	1233 T	Fire! Natural - Gas Rated RPM Rated RPM Retical Turbine - No. stages.
Serial No.  JMP INFORMATION:  Manufacturer Sol.  Serial No. CF2  EAR HEAD INFORMA  Manufacturer A m.  Serial No. 879  ELL INFORMATION:	Arión.  1233 Tarión.  137 Drive Ri  No records ación	Model No. Rated RPM. Rate Section
Serial No	1233 T	Fire! Natural - Gas Rated RPM
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Serial No.  Manufacturer Solverial No. CF2  Serial No. CF2  EAR HEAD INFORMA  Manufacturer Am  Serial No. 879  ELL INFORMATION:  Date Drilled 9  Tape Down Possible  Measuring Point 1	Aston.  1233  ATION:	fiel Natural - Gas Rated RPM
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SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM. (Indicate distribution system layout at time of field rest).



TEST OF DIVERSION RATE:

Tien or bir Elizioit Witte		
Length of time well has been ope Location of test <u>In herizon</u> Pipe Diameter (I.D.) <u>Sy</u>	ntal pipe between pump and pivat	<del></del>
Test No. 1—Normal Conditions  R.P.M. POWER UNIT  R.P.M. PUMP UNIT  17.5  Pressure at Pump	7 RPM PUMPUNIT	
☐ Jacuzzi Meter Test	Meter Identification No	· · · · · · · · · · · · · · · · · · ·
Area Constant $K = 2.45 \times 1.D.^2$	=Q (gpr	n) = VK
Velocity (fps)  2	Velocity (fps)  1	
Propeller Meter Test Manufaction Manufaction inches	cturer Model	Serial No
Ending gal.  Beginning gal.  Difference gal.  Time min.  Rate gpm	Ending: gal. Beginning gal. Difference gal. Time min. Rate gpm	WATER RESOURCES HAYSOURGE

\*Page 32 of 57
Page 23 of 48

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

KS DEPT OF AGRICULTURE

Other Flow Meter

21732

	L RECORDS:					
,	Electricity	Supplier		<del></del>		
	Meter Manufact	úrer	Туре	<del> </del>	Scrial No.	<del>), (</del>
	.kwaj	Vrev r	revolutions	٠ <u>ـــــ</u> se	conds	
	iban a Kri Xila	·6.	directly the	course of	han ka	
	$\text{Nate} = \frac{10^{-100}}{1}$	<u>.6                                    </u>	_kw/hṛ H	ours = rate	kw-hr′ <u>=</u>	
ď	Other Fuels	Type Natus	al Gas Supp	olier Kansas	-Nebraska	
	Rate = Volume	e (tëst)				
	tim	é .	12 N=+ D=+==	enisaal Eosi	و من عمد من المناطقة المناطقة	aister
TABL	LATION OF WATE			THI WEET	100 00 1000	were.
	Year	Hours Fumped ( hr )	Tested Pumping Rate ( gpm )	Water Used (, AF ).	Acrès Irrigated	
'О'Ў	<u>. 1954</u>	2328	<u>1000</u>	<del></del>		
	<u></u>	and the second s	<del> </del>	Total Control of the		
	<u> </u>		-			
	<u>, 1977 </u>	<u>1651</u>	1500	<del></del>	<u> </u>	
	1978.	Transferred Control of the Control o	F	<u> </u>	19 Navaranta	
	_ 1979	1224	900	**************************************	157	
	1980	1416	900		. 15.7	
	1981	1152	900		157	
	1482	Y			<del> </del>	
	1483		900**		158	
	<u>- 1984</u>	1800 44	950 **	<del> </del>	160	
	# 1985	1900	<u>'885**</u>	<del></del>	160	
	1986	and and a second	885	2. 2-		
		****	ined from tes			
			al Seam MILLE	sont to us fre	m Jerry Wealier	
		•	•		*	
	te Year of Record with	i· (*)	Source of Informati	on Staffaid	Files	·
Crops	Irrigated: this year	Soybeans	Source of Informati	on Staffaid	Files Alsalsa	·
Crops REMA	Irrigated: this year _	i· (*)	Source of Informati	on Staffaid	Files	···
Crops REMA	Irrigated: this year	Soybeans	Source of Informati	on Staffaid	Files Alsalsa	<del></del>
Crops REMA	Irrigated: this year _	Soybeans	Source of Informati	on Staffaid	Files Alsalsa	
Crops REMA	Irrigated: this year _	Soybeans	Source of Informati	on Staffaid	Files Alsalsa	
Crops REMA	Irrigated: this year _	Soybeans	Source of Informati	on Staffaid	Files Alsalsa	
Crops REMA Δ.	Irrigated: this year IRKS: See a record.	Soybeans ttached sh	Source of Informati	Year of record	Files Alsasa hossing a year	
Crops REMA	Irrigated: this year IRKS: See a record,  present at test	Soybeans Hached ch	Source of Informati	on Staffaid  Year of record  logic in C	Files Alsa sa thousing a year trigation Manager (relication)	203
Crops REMA	Irrigated: this year IRKS: See a record,  present at test: Use Correspondent_	Kent Naber Lyle Kolbeck	Source of Informati	Year of record	Files Alsasa hoosing a year relation Manager (relationship) 316-385-28	Ö3 ER RESOURCES
Crops REMA	Irrigated: this year	Soybeans Hached ch	Source of Informati	Year of record	Files Alsasa hoosing a year relation Manager (relationship) 316-385-28	ER RESOURCES

APPLICATION NO: 21732 NAME: Connecticut General 2150 Insurance

COLLINS METER TEST No 5%

Collins Meter No. 1-85 Meter Calibration Factor .9826

Pipe Inside Diameter (inches) 8/4 Flow Rate Factor 1653

Test Pressure (psi) 6 Test RPM, Pump 1752

Description of Test Location 7 herizoital pipe between

TEST DATA: Q Check, Initial 6.03 Réversed 6.02 Velocity Velocity Mêter Setting From Left Side of Pipe Right Side of Pipe Center of Pipe (or Front Side if (or Back Side if Vertical Test)

17/b	5,95	5.86	5,87	5,82
215	5,52	5,52	5,45	5.49
334	5.12.	5.08	4.92	4.80

Average Velocity of Water = Sum of Vel.  $\div$  12 = 5.45

Corrected Ave. Vel. = (Ave. Vel.)  $\times$  (Calibration Factor) = 5.45  $\times$  .9826 = 5.355

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =  $\frac{5.355}{3}$  x  $\frac{1653}{3}$  =  $\frac{885}{3}$  GPM

Reviewed By:

PUMPING PLANT TESTING, INC.

Well Met

Professional Engineer

WATER RESHAPPS 001318

SCANNED

KS DEPT OF AGRICULTURE

Page 34 of 57

Page 25 of 48

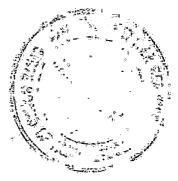
APPLICATION NO: 2/, 732

NAME: COUNECTICUT GENERAL LIKE INSTANCE CO, INC.

# NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT WAS HOD SEVERAL OWNERS SINCE ITS IN CEPTION IN 1975, WITH OWNERS FROM EUROPE & ALTHOUND PIE U.S. AT VIBRIOUS TIMES, A STATE OF COLPUSAN HAS ENISTED IN THE CAOP PROJETION REFULT ML OF THE WATER USE DND EQUIPMENT RECINOS HOVE BEEN ATTHER DESTRIPED OL LOST, DEO THE SYSTEMS DUD DUMPING PLANT COMPONERS HAVE BEEN INTERCHONGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT CHURUM HAS MADE A DILICENT FEFFORT TO KEEP GOOD RECARDS. THERE KINK, would seem kersmakes to use the years since 1983 IN CHOSING A YEAR OF RECINO.



PUMPING PLANT TESTING, INC.

Professional Engineer 27 2018

KS DEPT OF AGRICULTURE

Page 35 of 57 Page 26 of 48

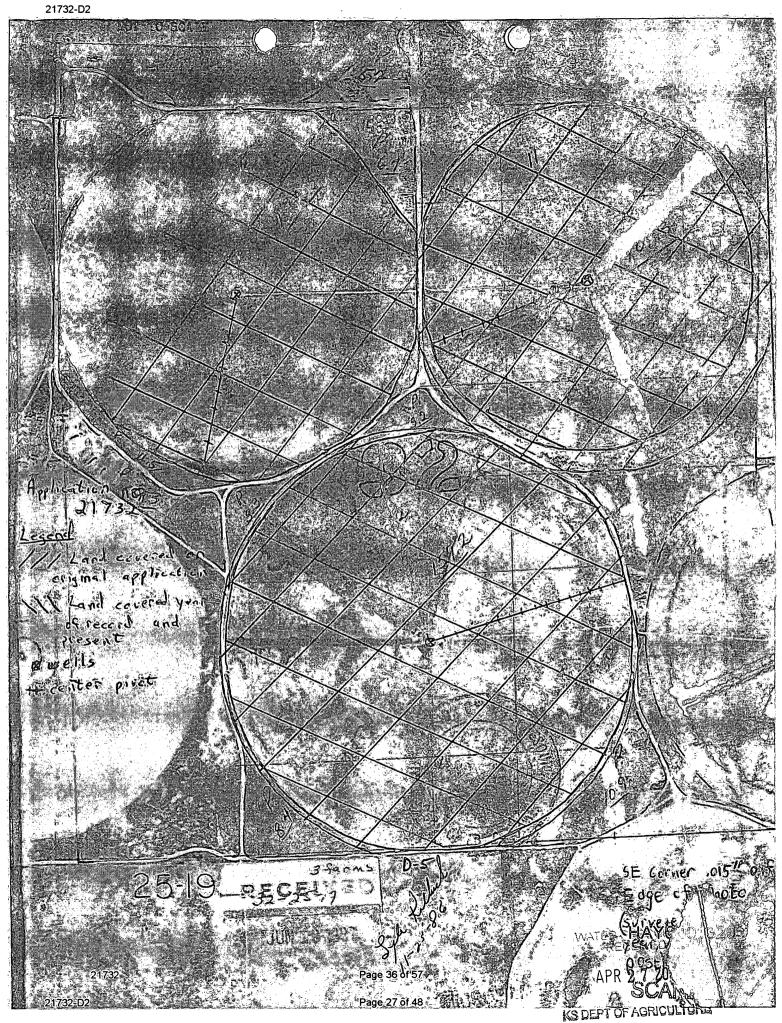


EXHIBIT F

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

Sam Brownback, Secretary

DIVISION OF WATER RESOURCES

David L. Pope, Chief Engineer Director

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER WATER RIGHT, File No. 21,732 PRIORITY DATE January 2: 1974

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected; all inconformity 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 Ransas, and particularly k.S.A. B2a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of three (3) wells: one (1) well located near the center of the Northeast Quarter (NEW) of Section 32, more particularly described as being near a point 4,019 feet North and 1,358 feet West of the Southeast corner of said section, at a diversion rate not in excess of 780 gallons per minute (1.74 c.f.s.) and in a quantity not to exceed 165 acre-feet per calendar year; one (1) well located near the center of the Northwest Quarter (NWk) of Section 32, more particularly described as being near a point 4,026 feet North and 3,966 feet West of the Southeast corner of said section, at a diversion rate not in excess of 715 gallons per minute (1.59 c.f.s.) and in a quantity not to exceed 188 acre-feet per calendar year; and one (1) well located near the center of the E E FI

Page 28 of 48

MICHUMENED 336

APR & ANNEL

Re: File No. 21,732

South Half (Sy) of Section 32, more particularly described as being near a point 1.441 feet North and 2,632 feet West of the Southeast corner of said section, at a diversion rate not in excess of 885 gallons per minute (1.97 c.f.s.) and in a quantity not to exceed 240 acre-feet per calendar year, all in Township 25 South. Range 19 West, Edwards County, Kansas, for irrigation use on the following described property:

```
31.25 acres in the Northeast Quarter of the Northeast Quarter (NEW NEW).
31.25 acres in the Northeast Quarter of the Northeast Quarter (NWW NEW).
38.25 acres in the Southwest Quarter of the Northeast Quarter (SW NEW).
31.25 acres in the Southeast Quarter of the Northeast Quarter (NEW NEW).
31.25 acres in the Northeast Quarter of the Northwest Quarter (NEW NWW).
31.25 acres in the Northwest Quarter of the Northwest Quarter (NWW NWW).
31.25 acres in the Southwest Quarter of the Northwest Quarter (SW NWW).
31.25 acres in the Southwest Quarter of the Northwest Quarter (SW NWW).
31.25 acres in the Southwest Quarter of the Southwest Quarter (SW NWW).
31.26 acres in the Southwest Quarter of the Southwest Quarter (NEW SWW).
32.00 acres in the Northwest Quarter of the Southwest Quarter (NWW SWW).
33.00 acres in the Southwest Quarter of the Southwest Quarter (SEX SWW).
4.00 acres in the Northwest Quarter of the Southwest Quarter (NEW SWW).
35.00 acres in the Northwest Quarter of the Southwest Quarter (NWW SEW).
35.00 acres in the Northwest Quarter of the Southwest Quarter (NWW SEW).
35.00 acres in the Southwest Quarter of the Southwest Quarter (NWW SEW).
35.00 acres in the Southwest Quarter of the Southwest Quarter (SW SEW).
36.00 acres in the Southwest Quarter of the Southwest Quarter (SW SEW).
```

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

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

The appropriator shall maintain, in an operating condition satisfactory to the Chief Engineer, all check valves installed for the prevention of chemical or other foreign substance pollution of the water supply.

The appropriation right 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

MECEIVED

JUN 19 1987

Page 38 of 57,455 Page 29 of 48, MICROFILMED

WATER RESOURCES HAYS004337<sup>D</sup>

> APR 2.7 2018 SCANNED

KS DEPT OF AGRICULTURE

water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka. Kansas, this 5th day of June . 1987.

DAVID L POPE David L. Pope, P.E. Chief Engineer

Division of Water Resources

CHIEF ENGINEER AUSSES State Board of Agriculture

State of Kansas

County of Shawnee

The foregoing instrument was acknowledged before me this 5th day of June 1987, by David L. Pope, P.E. Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.

NOTALY OF STREET

March 1, 1990

RECEIVED

			1 Q.T. NUL.	987	MICDOFUNER
			plingion of	- the second	MICROFILMED
Record in the Office of the Register of Deeds in the county or countles wherein the point of diversion is located).	MATER APPROPRIATION CERTIFICATE NO: 16,035	STAȚE OF KANSAS.	Water Right, File No. 21,732  Best of Kansas.	Filed for record this day of 198	WATER RESOURCES HAYSO1338EIVED APR 277218 SCANNED KS DEPT OF AGRICULTURE

# KANSAS STATE BOARD OF AGRICULTURE Division of Water Resources

## MEMORANDUM

To: Files

Date: March 19, 1987

From: Douglas E. Bush

Re: Appropriation of Water

File No. 21,732

No proposed certificate on file. The certificate is beed on a field inspection Report conducted under contract by Pumping Plant Testing, Inc.

The quantities for wells covered by the above referenced file were calculated as such:

Well near the center of the Northeast Quarter (NEW), 1,850 hours x 776 gallons per minute x 0.0001841  $\equiv$  265 acre-feet. 110 acres irrigated  $\times$  1.5 acre-feet per acre = 165 acre-feet.

Well near the center of the Northwest Quarter (NWk), 1.850 hours x.712 gallons per minute x 0.0001841 = 243 acre-feet. 125 acres irrigated x 1.5 acre-feet per acre = 188 acre-feet.

Well near the center of the South Half (S), 1,850 hours x 885 gallons per minute x 0.0001841 = 310 acre-feet. 160 acres irrigated x 1.5 acre-feet per acre = 240 acre-feet.

The MUC shown on the Field Inspection Report was changed to show Agri Affiliates as correspondent. This information was obtained in a March 25, 1987 phone call from Larry Sheets, Division of Water Resources, to Jerry Weaver of Agri Affiliates:

Agri Affiliates:

Douglas E. Bush Hydrologist

DEB:jt

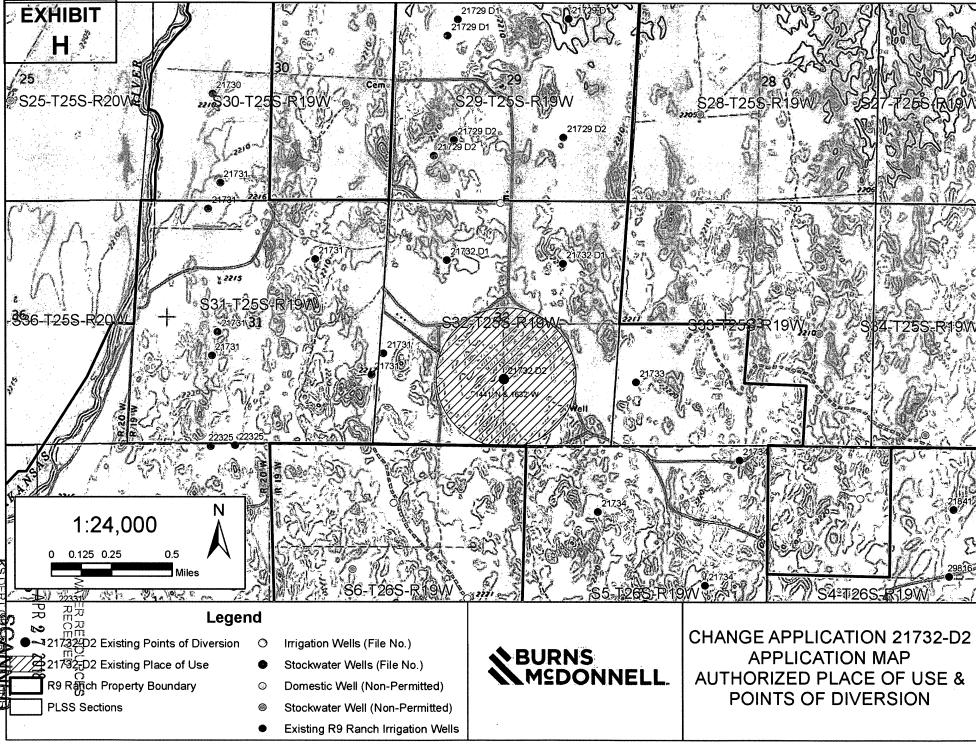
超重数型1

JUN 19 53

<u>CiviSis 5</u> Page 40 of 57 MICROFILMED
WATERFRANCESOOF332

APR 2 7 2018

KS DEPT OF AGS CANNED





#### AMERICAN AGRICULTURAL INDUSTRIES, INC.

RURAL ROUTE \*1

P 0, BOX 187

KINSLEY, KANSAS 67547



TELEX NUMBER 910-740-6720

TELEPHONES AREA CODE 316 659-2668 659-2772 659-37!!

March 25, 1982

Slentz-McAllaster Inc.

P 0 Box 38

Lewis, Kansas 67552

Dear Don,

This letter is in reference to our conversation concerning the

alfalfa insurance on the alfalfa located at the Lucerne Farms in Kinsley, Kansas.

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

Our records show that you have paid us \$ 416,000.00 (this includes the March payment of \$52,000.00) for alfalfa. At \$65.00 per ton this figures that you have paid for 6,400 ton of hay. We show that you have removed 2278 bales at 1800 lbs average weight. That is 2050.2 Tons removed. So there is 4,349.80 tons of alfalfa on this farm that you have paid for but you have not removed.

If you have any question on how I have arrived at these figures please contact me.

Best Regards,

Pamela Meadows

anela Meadous

Secretary

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

**EXHIBIT** Page 33 of 48

WATER RESOURCES RECENTAYS004448 KS DEPT OF AGRICULTURE

# LUCERNE FARMS HAY PRODUCTION

McALLASTERS 4/5		ERS 4/5 TOTAL BALES		
<b>#</b> 0			#0	
lst	13	16	- lst 4	
2nd	52	65	2nd 13	
3rd	83	104	_ 3rd 21	
4th	31	. 39	4th 8	
#1			#1	
lst	73	91	"1st 18	
2nd	113	141	2nd 28	
3rd	127	159	3rd 32	
4th	46	58	4th 12	
<b>#</b> 2			#2	
lst	54	68	lst 14	
2nd	106	133	2nd 27	
3rd	144	180	3rd 36	
4th	48	60	4th 12	
	• -	••		
#3	150	101	#3	
1st	153	191	1st 38	
2nd	164	205	2nd 41	
3rd	373	466	3rd 93	
4th	121	152	4th 31	
#4			#4	
lst	82	103	1st 21	
2nd	85	106	2nd 21	
.3rd	170	212	3rd 42	
4th	32	40	4th 8	
<b>#</b> 5			<b>#</b> 5	
lst	44	55	1st 11	
2nd	155	194	2nd 39	
3rd	135	169	3rd 34	
4th	38	47	4th 9	
#6			#6	
lst	41	51	1st 10	
2nd	82	103	2nd 21	
3rd	164	205	3rd 41	
4th	82	102	4th 20	
<i>#</i> 7			<i></i> #7	
lst	141 '	176	1st 35	
2nd	170	212	2nd 42	
3rd	206	258	3rd 52	
4th	96	120	4th 24	
<b>#</b> 8	-		<b>∄</b> 8	
lst	82	103	1st 21	
2nd	122	153	20d V5001444	
3rd	177	221	WATER REPAINELE 44	
4th	99	124	RECEPTED 25	
	1		APR 2 7 288CANN	
2.02		Page 34 of 48	C 45.	

	<b>#</b> 9					#O		
	lst	119		3.40		#9	••	
				149		1st	30	
	2nd	194		243		2nd	49	
	3rd	167		209		* 3rd	<sup>r</sup> 42	
	4th	82		102		4th	20	
	#10					<b>#10</b>		
	lst	77		96		lst	19	
	2nd	261		326		2nd	65	
	3rd	201		251				
-	4th	118		148	,	3rd	42	
	7611	110		140		4th	30	
	#11					#11		
	lst	116		145		lst	29	
	2nd	208		260		2nd	52	
	3rd	162		202		3rd	40	
	4th	42		52		4th	10	
	<b>#12</b>					#10		
		120		160		#12	20	
	lst	130		162		lst	32	
	2nd	302		377		2nd	75	
	3rd	257		321		3rd	64	
	4th	110		137		4th	27	
	<i>‡</i> 13					#13		
	lst	75		94		lst	10	
	2nd	122		153			19	
	3rd	121				2nd	31	
				151		3rd	30	
	4th	13		16		4th	4	
	#16					#16		
	lst	70		88		lst	18	-
	2nd	144		180		2nd	36	
	3rd	86		108		3rd	22	
	4th	15		19		4th	4	
	4611	13		19		4611	4	
	#17					<b>#17</b>		
	-1st	107		134		lst	27	
	2nd	218		273		2nd	55	
	3rd	122		<b>152</b>		3rd	30	
	4th	42		53		4th	71	
				-				
	#18					<i>#</i> 18		
	lst	23		28		lst	6	
	#19					#19		
	lst	47		59		1st	12	
	2nd	42		53		2nd	11	
	3rd	50	•	63		3rd	13	
				••				
`	<b>#30</b>					<b>#30</b>		
	lst	126		158		lst	32	
	2nd	157		196		2nd	39	
	3rd	90		113	•	3rd	23	
	4th	18		23		4th	5	
	A a a					".H₩₩	ER RESOURCES <b>\$0044/50</b>	3
	∄38 1st	9.8		122				
						2nd	APR 43 7 2018	
	2nd	162		202 119		3rd		
21732-	<sub>D2</sub> 3rd	95		Page <b>635</b> of 48				JRE
	4+h	52		-9-09 - 10		K5 DE		

<b>#39</b>			#39	
lst	16	20	lst	4
2nd	26	33	2nd	7
3rd	31	39	. 3rd	8

Total Bales 10776

McAllasters 4/5's 8621 Anibypros 1/5's 2155

\*Note In order to come up to 8.000 Tons it will take 8.889 bales of 18001bs.

This will leave Anibypro 1887 bales

WATER SO 04451

BLENTZ-MCALLASTERING.

ALFALFA REMOVED FROM LUCERNE FARMS +

		<u> </u>	
	INSTIALS	DATE	REFERENCE
PREPARED BY			
CHECKED			
APPROVED	-		

DATE	CIRCLE #	CUTTING	AMOUNT OF BALES TAKEN	TONS PER SCALE TICKETS
8-30	7	3rd	52	45.58
- · · · · · · · · · · · · · · · · · · ·	10	3rd	50	43.2
9-7	7	3rd	108	94.34
	l iè-	3rd	104	86.92
9-14-	12	3rd	78	66.05
,	5	3rd	113	93.85
	10	3rd	116	92.39
<del></del>	<u> </u>	2nd		18.38
	4	3rd	138	128.08
	12	3rd	30	26.24
9-21	30	3rd	. 69	57.46
	38		79	60.97
10∸5	6	4th	21 *	21.97
10-12	8	4th	83	89.20
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# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE 1320 RESEARCH PARK DRIVE MANHATTAN, KS 66502 PHONE: (785):564-6700

Fax: (785) 564-6777



900 SW JACKSON, ROOM 456 TOPEKA, KS 66612 PHONE: (785) 296-3556 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D. Jackie McClaskey, Secretary of Agriculture

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

April 27, 2018

Dear Sir or Madam:

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

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

RE: File No 21732-D2

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

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

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

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor... A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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

Sincerely,

Brent Tourney, L.G.

Change Applications Unit Supervisor

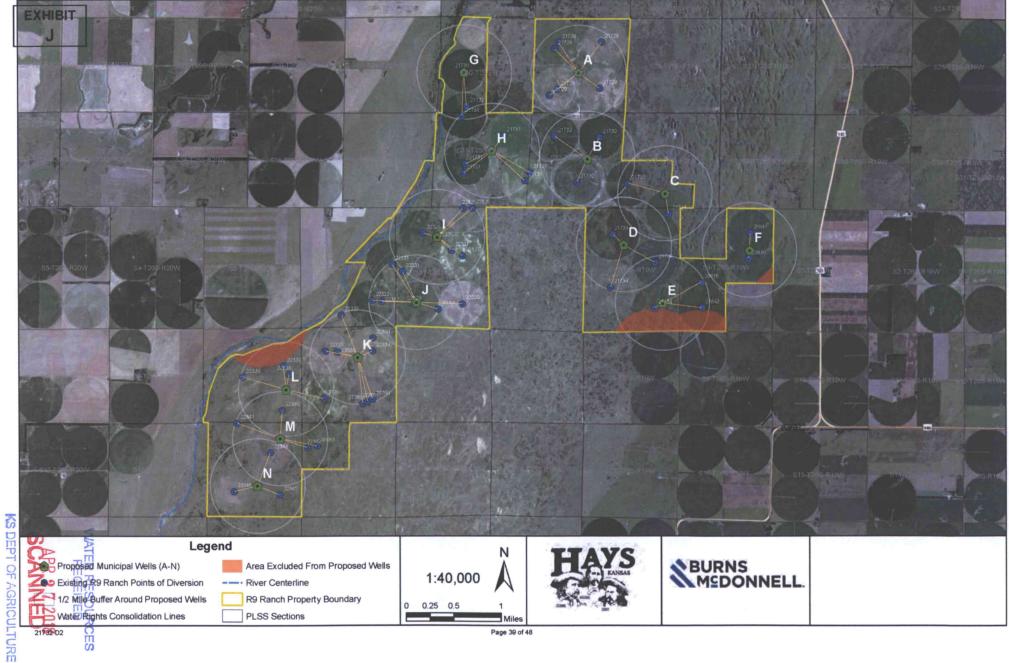
Water Appropriation Program

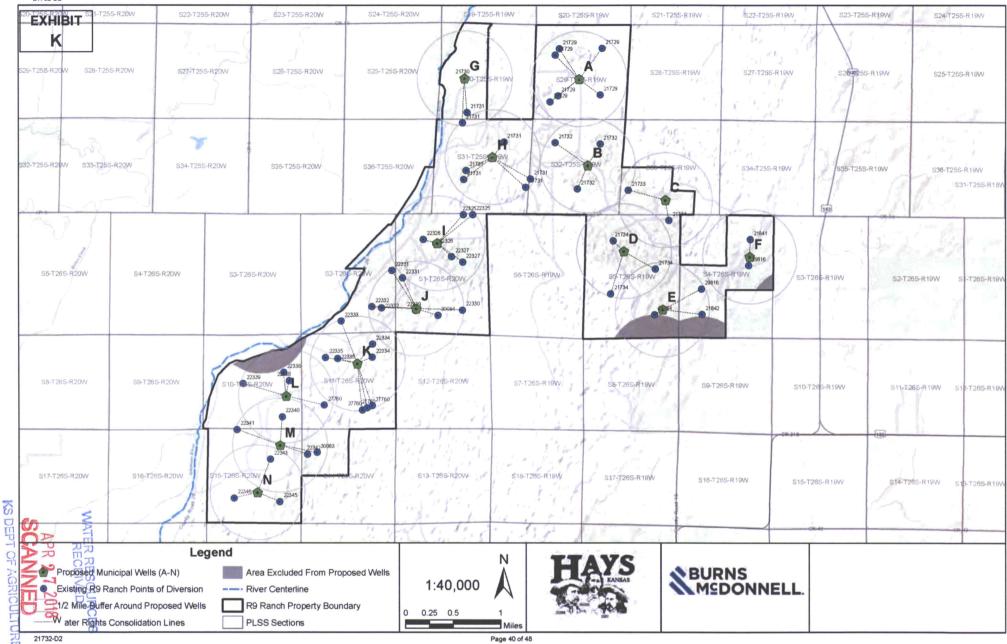
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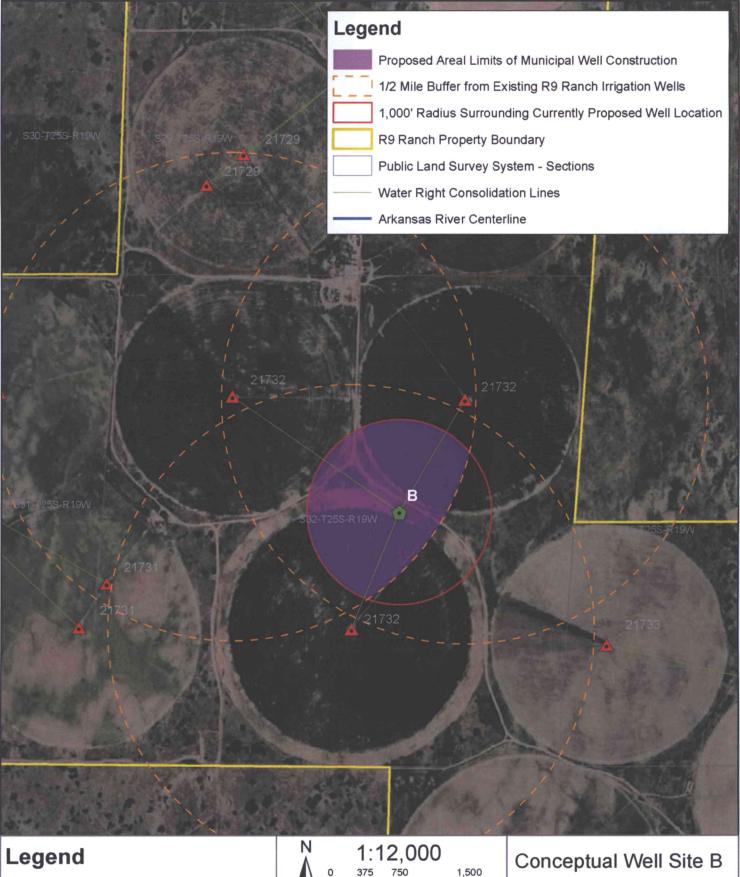
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SCANNED







**R9 Irrigation Wells** 

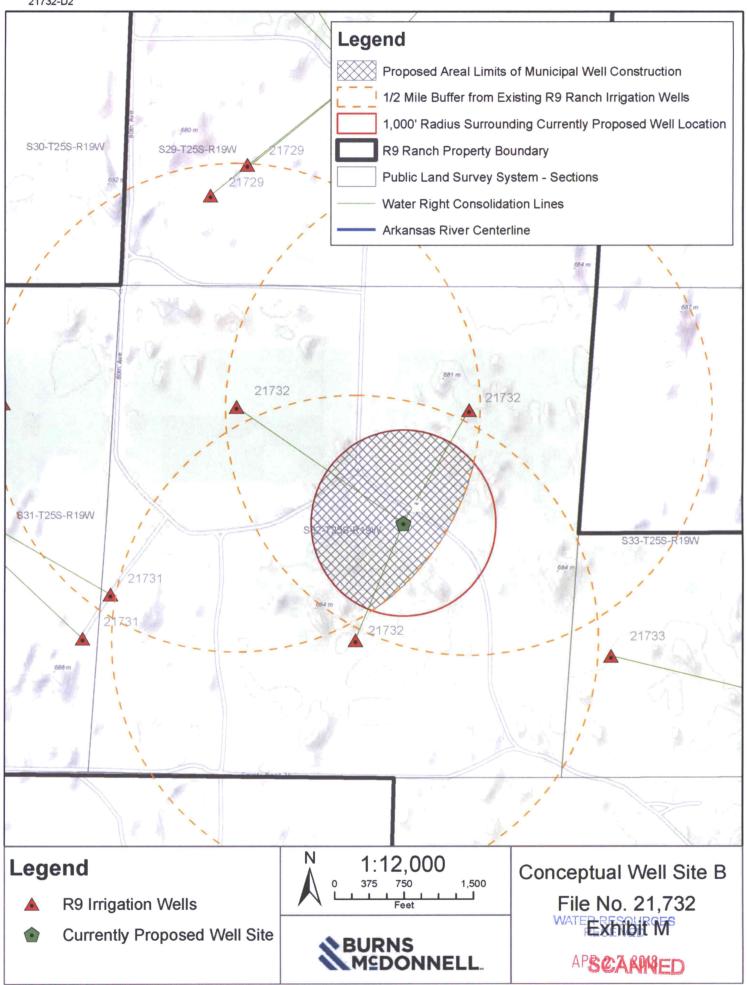
Currently Proposed Well Site

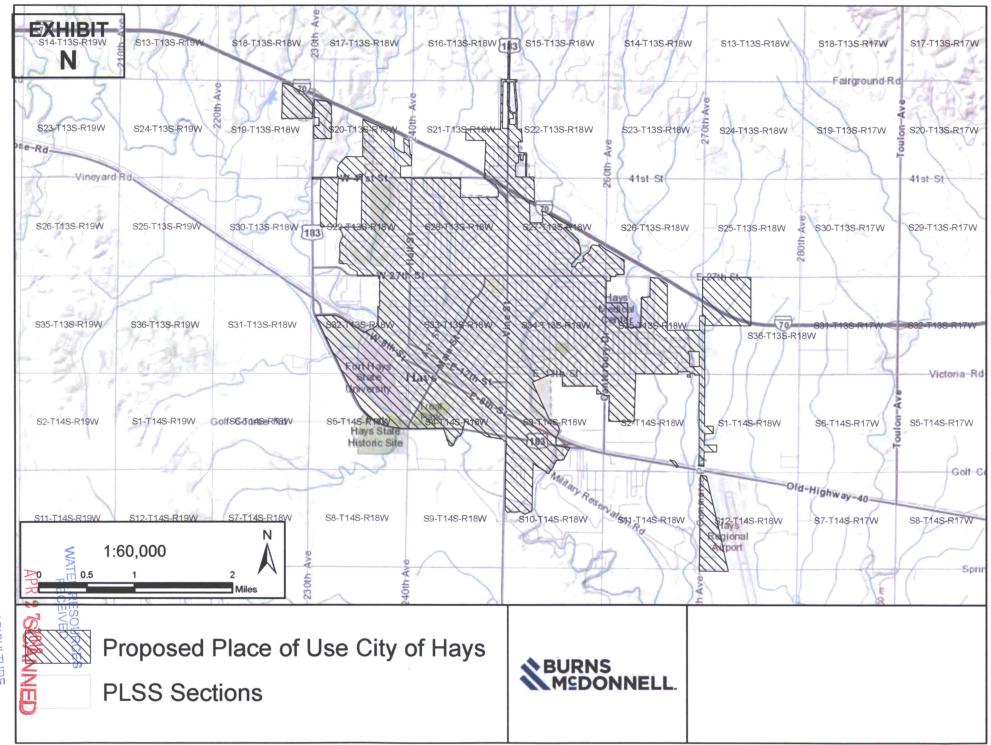




File No. 21,732

Exhibit QURCES





S11-T13S-R14W

S9-T13S-R14W

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Applicant's Name	City Of Hays KS	
and the second second	(Please Print)	

# MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION SUPPLEMENTAL INFORMATION SHEET

**EXHIBIT** 

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.

Column 1	Column 2	Column 3	Column 4 Water Sold to Your	Column 5 Water Sold to Your	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Industrial, Stock, and Bulk Customers	Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
684,559,000			10,806,000	595,254,000	16,327,000	62,172,000
TOTAL WATER = Columns 1 + 2			ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6			UNACCOUNTED FOR WATER

# UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of
- 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.
- 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 Column 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

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

Percent Unaccounted = Unaccounted For Water 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.

ATER RI	Column 1  Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Cotumn 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7  Remaining Water Used (See Above Explanation)
20 years ago	592,323,000			5,029,000	469,314,000	5,155,000	112,825,000
15 years ago	780,527,000	0		10,619,000	587,965,000	10,470,000	171,473,000
10 years ago	706,926,000			7,103,000	639,222,000	20,861,000	39,740,000
5 years ago	693,966,000			13,537,000	581,900,000	19,362,000	114,383,000
	TOTAL WATER	Columns 1 + 2		CCOUNTED FOR WATER	= Columns 3+4+5+6		UNACCOUNTED FOR WATER

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

DWR 1-100.24 (Revised 08/15/2002)

21732-D2 Page 45 of 48

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SECTION 3:	PROJECTED	<b>FUTURE</b>	WATER	NEEDS
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	DATE LED LOUGH HALF						
	PLEASE COMPLETE THE	FOLLOWING TABLE	E SHOWING YOUR FUTUR	E WATER REQUIREMEN	TS FOR THE NEXT 20 YEAR	RS:	
	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
				Water Sold to Your	Water Sold to Your		
	Raw Water Diverted	Water Purchased	Water Sold to Other	Industrial, Stock, and	Residential and	Other	Remaining Water Used
	Under Your Rights	From All Sources	Public Water Suppliers	Bulk Customers	Commercial Customers	Metered Water	(See Explanation on other side)
Year 5	753,014,900			11,886,600	654,779,400	17,959,700	68,389,200
Year 10	828,316,390			13,075,260	720,257,340	19,755,670	75,228,120
Year 15	911,148,029			14,382,786	792,283,074	21,731,237	82,750,932
Year 20	1.002.262.832			15,821,065	871,511,381	23,904,361	91,026,025

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

# **SECTION 4: POPULATION AND SERVICE CONNECTIONS** ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

# **PAST POPULATION - PROVIDE INFORMATION BELOW:** (CENSUS BUREAU INFORMATION)

TOTAL WATER = Columns 1 + 2

LAST 20 YEARS	POPULATION
20 years ago	17,636
15 years ago	18,750
10 years ago	20,013
5 years ago	20,106
Last Year	21,038

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

**UNACCOUNTED FOR WATER** 

NEXT 20 YEARS	POPULATION		
Year 5	23,142		
Year 10	25,456		
Year 15	28,002		
Year 20	30,802		

Provide number of current active service connections:

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

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

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

673,753,000 Amount of water in

> Columns 5, 6, and 7 of Section 1

Population from Last

Year of Section 4

÷ 365 Days/Year = 88 GALLONS PER PERSON PER DAY.

SECTION 6: AREA TO BE SERVED

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

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

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

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Applicant's Name	City of Russell
Light Control of School	(Please Print)

# MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION SUPPLEMENTAL INFORMATION SHEET

Application File Number

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.

TOTAL WATER = Columns 1 + 2		di e	ACCOUNTED FOR WATER = Columns 3+4+5+6				
327,288,100	0	.0	105,295,000	108,743,000	19,944,000	93,306,100	
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)	
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	

# UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

### UNACCOUNTED FOR WATER

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

Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Column 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 = <u>Unaccounted For Water</u> x 100
For Water 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 if.

EXHIBIT

# SECTION 2: PAST WATER USE

COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.

15 years ago	373,757,000	0		171,928,220	115,864,670	18,687,850	67,276,260
20 years ago				7 - 484			
RECEIVE	Column 1  Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3  Water Sold to Other Public  Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Other Metered Water	Column 7  Remaining Water Used (See Above Explanation)

DWR 1-100.24 (Revised 08/15/2002)

# APR 2.7 ZUIX SCANNED KS DEPT OF AGRICULTURE

**SECTION 3: PROJECTED FUTURE WATER NEEDS** 

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

	Day Males Divisited	Mater Developed	White Cold to Division	Water Sold to Your	Water Sold to Your	011	**************************************
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Industrial, Stock, and Bulk Customers	Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Explanation on other side)
Year 5	386,346,512	0	0	177,719,396	119,767,419	15,453,861	73,405,836
Year 10	405,513,682	0	0	186,536,377	125,709,241	16,220,547	77,047,517
Year 15	426,310,852	0	0	196,102,992	132,156,364	17,052,434	80,999,062
Year 20	443,848,022	0	0	204,170,090	137,592,887	17,753,921	84,331,124
	TOTAL WATER =	Columns 1 + 2	AC	COUNTED FOR WATER :	= Columns 3 + 4 + 5 + 6		UNACCOUNTED FOR WATER

**SECTION 4: POPULATION AND SERVICE CONNECTIONS** 

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

# PAST POPULATION - PROVIDE INFORMATION BELOW: (CENSUS BUREAU INFORMATION)

LAST 20 YEARS	POPULATION
20 years ago	
15 years ago	4,710
10 years ago	4,696
5 years ago	4,506
Last Year	4,475

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

NEXT 20 YEARS	POPULATION		
Year 5	4,596		
Year 10	4,605		
Year 15	4,651		
Year 20	4,698		

Provide number of current active service connections:

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

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

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

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

Population from Last Year of Section 4

SECTION 6: AREA TO BE SERVED

of Section 1

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

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

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