KANSAS DEPARTMENT OF AGRICULTURE

DIVISION OF WATER RESOURCES

MEMORANDUM

TO: File
DATE: May 1, 2018
FROM: Amber Herring

SUBJECT: Date Stamping Mail

On Friday, June 26th, 2015, The Administrative Assistant for Kansas Department of Agriculture, on the first floor signed for the certified mail containing the following Applications. I, Amber Herring, did not receive the documents until Monday, **June 29th, 2015**. Thus, the June 29th date is the correct date and time received by the **Division of Water Resources**.

22325

David. W. Barfield, P.E.

JUN 26 2015
4:08
Chief Engineer
Division of Water Resources
Kansas Dept. of Agriculture

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

State of Kansas

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.

David. W. Barfield, P.E.
JUN 28 2015
4:08
Chief Engineer
Division of Water Resources
Kansas Dept. of Agriculture

WATER RESOURCES
RECEIVED
JUN 29 2015
8:31
KS DEPT OF AGRICULTURE

1. Application is hereby made for approval of the Chief Engineer to change the

(Check one or more)
- ☑ Place of Use
- ☑ Point of Diversion
- ☑ Use Made of Water

File No. 22,325 Circle 19.

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

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

City, State and Zip: Wichita, Kansas 67206

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

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

Name of water use correspondent: City of Hays, Kansas

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

City, State and Zip: Hays, Kansas 67601

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

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

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

For Office Use Only:
F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source (G) / S County ED By KAB Date 6/29/15
Code C-3 Fee $ 700 TR # Receipt Date 6/22/15 Check # 058328

of 21000

15053312

SCANNED

DWR 1-120 (Revised 06/16/2014)
22325

Assisted by:

6/30/2015 LCM

File No. 22,325

4. The presently authorized place of use is:

Owner of Land — NAME: City of Hays, Kansas

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

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
31-T25S-R19W											Lot 4 28.5	30.5					59
1-T26S-R20W	Lot 1 26.5	Lot 2 41			Lot 3 3.5												71

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

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
	Same as above																

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

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

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

Owner of Land — NAME: City of Hays, Kansas

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

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
	The City of Hays, Kansas and its immediate vicinity and other locations as more fully described in paragraph 5 of the cover letter.																

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

File No. 22,325

6. The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraph 8, infra.
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) one or more municipal wells; see paragraph 7 of the cover letter.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
One in the Lot 1 Quarter of the _____ Quarter of the SW Quarter
of Section 1, Township 26 South, Range 20 (E/W),
in Edwards County, Kansas, 6,669 feet North 996 feet West of Southeast corner of section.
Authorized Rate 530 gpm Authorized Quantity 78 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
☐ **This point will not be changed** ■ **This point will be changed as follows:**

Proposed point of diversion: (Complete only if change is requested)
One in the SE Quarter of the NE Quarter of the NW Quarter
of Section 1, Township 26 South, Range 20 (E/W),
in Edwards County, Kansas, 5,034 feet North 2,790 feet West of Southeast corner of section.
Proposed Rate 1,000 gpm Proposed Quantity 215.97 a/f
This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point 22,326-27.

9. **Presently authorized point of diversion:**
One in the Lot 2 Quarter of the _____ Quarter of the _____ Quarter
of Section 1, Township 26 South, Range 20 (E/W),
in Edwards County, Kansas, 6,673 feet North 1,535 feet West of Southeast corner of section.
Authorized Rate 805 gpm Authorized Quantity 108 a/f
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
☐ **This point will not be changed** ■ **This point will be changed as follows:**

Proposed point of diversion: (Complete only if change is requested)
One in the SE Quarter of the NE Quarter of the NW Quarter
of Section 1, Township 26 South, Range 20 (E/W),
in Edwards County, Kansas, 5,034 feet North 2,790 feet West of Southeast corner of section.
Proposed Rate 1,000 gpm Proposed Quantity 215.97 a/f
This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point 22,326-27.

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

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

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

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

File No. 22,325

12. The presently authorized use of water is for irrigation purposes.
    It is proposed that the use be changed to municipal purposes.

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

    (Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to not applicable (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to not applicable gallons per minute (_____ c.f.s.).

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

    a. If a change in the location of the point(s) of diversion is proposed, show:

        1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.

        2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.

        3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.

    b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.
    See paragraph 17 of the cover letter.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.
    See paragraph 7 of the cover letter.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

File No. 22,325

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

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

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

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

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

Dated at Russell, Russell County, Kansas, this 23rd day of June, 20 15.

(Owner)	(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)
) SS
County of Russell)

NOTARY PUBLIC - State of Kansas
MALINDA MORSE
My Appt. Expires 6/15/18

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 20 15.

Malinda Morse
Notary Public

My Commission Expires 6/15/18.

FEE SCHEDULE

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

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

Make check payable to **Kansas Department of Agriculture**.

WATER RESOURCES
RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

File No. 22,325

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

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

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

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

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

Dated at Russell, Russell County, Kansas, this 23rd day of June, 20 15.

(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)

NOTARY PUBLIC - State of Kansas
MALINDA MORSE
My Appt. Expires 6/15/18

State of Kansas)
) SS
County of Russell)

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 20 15.

Malinda Morse
Notary Public

My Commission Expires 6/15/18.

FEE SCHEDULE

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

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

Make check payable to **Kansas Department of Agriculture**.

WATER RESOURCES
RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

Proposed Rate and Quantity

The Cities are requesting a total of 215.97 acre-feet and 1,000 gpm from the wells associated with this water right, all of which will be diverted from new point of diversion I, as shown on Exhibit K. When combined with existing wells from other water rights, new point of diversion I will have a cumulative total of 587.78 acre-feet and 2,950 gpm.

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

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

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows conversion of 133.92 acre-feet for municipal use.[1] As discussed below, 124 approved acres were irrigated during the perfection period; 124 acres multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 133.92 acre-feet.[2]

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

Quantity authorized and perfected

The permit was issued on March 19, 1976, granting the applicant the right to divert up to 243 acre-feet annually at a rate of up to 1,000 gallons per minute for irrigation use[4] on 124 acres in Sections 31-T25S-R19W and 1-T26S-R20W[5], or 1.96 acre-feet per acre.

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

The Field Inspection Reports indicate that 400 acre-feet were applied to 124 acres during the year of record. Since the permit authorized a maximum of 243 acre-feet, the entire quantity was perfected.[7]

While the certificate limits the total quantity to 186 acre-feet based on DWR's after-the-fact determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use, DWR did not have jurisdiction to make this reduction.[8]

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[1] K.A.R. 5-5-9(a) and (a)(1).
[2] K.A.R. 5-5-12, NIR Requirements.
[3] K.A.R. 5-5-9(b).
[4] Permit, HAYS002211, Ex. A.
[5] Application, HAYS002190, Ex. B.
[6] March 19, 1976, letter (emphasis added), HAYS002210, Ex. C.
[7] FIRs, HAYS002168, Ex. D, and HAYS002176, Ex. E.
[8] Certificate, HAYS002218, Ex. F; Doug Bush Memo dated March 30, 1987, HAYS002214, Ex. G; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources,* 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

Since the perfection period has expired, the "authorized quantity" for this water right is the 243 acre-feet actually perfected even though it exceeds the certified quantity.

There are at least two alternative approaches to calculating consumptive use.

NIR for Alfalfa

Alfalfa was grown on this circle during the perfection period.[9] According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall in Edwards County is 13 inches (1.083333 feet) for corn and 20.9 (1.741666 feet) inches for alfalfa.

Since alfalfa was grown on the authorized place of use in at least one year during the perfection period, it is reasonable to use the NIR for alfalfa, which yields a total quantity of 215.97 acre-feet consumed. While this quantity is greater than the quantity set out in the certificate, it is less than the 243 perfected acre-feet, the "maximum annual quantity authorized by the water right."[10]

An alternative approach

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

If 28% of the 243 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 174.96 acre-feet, should be available for conversion to municipal use. While this quantity is greater than the quantity set out in the certificate, it is less than the 243 perfected acre-feet, the "maximum annual quantity authorized by the water right."[12]

The City requests that DWR approve a total of 215.97 acre-feet for municipal use.

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[9] *American Agricultural Industries, Inc. v. Slentz McAlister* Trial Exhibits, HAYS004448-4453, Ex. H.

[10] *See* K.A.R. 5-5-9(a)(4).

[11] Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. I, stating that: "In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated." *See also*, K.A.R. 5-3-24 and Doug Bush Memo dated March 30, 1987, HAYS002214, Ex. G.

[12] *See* K.A.R. 5-5-9(a)(4).

EXHIBIT
A

THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, *Secretary*

DIVISION OF WATER RESOURCES
Guy E. Gibson, *Chief Engineer*

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application No. 22,325 of the applicant

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

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

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

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

3. That the source from which the appropriation is made shall be from ground water in the drainage basin of the Arkansas River to be withdrawn by means of two (2) wells: one well near the center of the North side of Lot 1 (NE¼ NE¼) and one well near the center of the North side of the East Half (E½) of Section 1, Township 26 South, Range 20 West, in Edwards County, Kansas, located substantially as shown on the aerial photograph accompanying the application.

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

1000 gallons per minute (2.23 c.f.s.)

and to a quantity of not to exceed 243 acre-feet for any calendar year.

(OVER)

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MAR 8 1976
DIVISION OF WATER RESOURCES

WATER RESOURCES
RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

circle 19
HAYS002211

FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

22325

5. That installation of works for diversion of water shall be completed on or before December 31, 19 77. 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, 19 81.

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

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

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

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

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

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

Dated this 19th day of March 1976

Guy E. Gibson, *Chief Engineer*
Division of Water Resources
Kansas State Board of Agriculture

19 22325

EXHIBIT B

THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, *Secretary*

DIVISION OF WATER RESOURCES
Guy E. Gibson, *Chief Engineer*

Application 22,325

NUMBER 6

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

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

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

1. The quantity of water desired is in the amount of ~~320~~ 243 acre feet (acre feet or million gallons) per year, to be diverted at a maximum rate of ~~1400~~ 1000 gallons per minute (gallons per minute or cubic feet per second)

2. The location of the proposed wells or other works for diversion of water is in the 2 wells * quarter of the ~~NE~~ quarter of the ~~NE~~ quarter of section 1, township South Brown 26 S, range ~~20~~ 20 W, in Edwards County, Kansas. * 1 well near the center of the ~~east~~ North side of the E 1/2 of Section 1.

3. The water is intended to be appropriated for: 1 well near the center of the north side of lot 1 in Section 1 → NE¼, NE¼

		Amount
(a) Domestic use	( )	
(b) Municipal use	( )	
(c) Irrigation use	(X) ~~320~~ 243 acre ft./yr. — ~~1400~~ 1000 gals./min.	
(d) Industrial use	( )	
(e) Recreational use	( )	
(f) Water Power use	( )	

(check intended use or uses and the intended quantity for each use)

DIVISION OF WATER RESOURCES RECEIVED MAY 02 1974 9:05 a.m. STATE BOARD OF AGRICULTURE

RECEIVED MAR 8 9 1976 MICROFILMED

DIVISION OF WATER RESOURCES RECEIVED MAY 09 1975 STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES RECEIVED OCT 15 1975 STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES RECEIVED FEB 26 1976 STATE BOARD OF AGRICULTURE

RECEIVED FIELD OFFICE DIVISION OF WATER RESOURCES STAFFORD MAR 8 1975

WATER RESOURCES RECEIVED JUN 29 2015 KS DEPT OF AGRICULTURE

HAYS002190

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

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

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

Owner of Land—NAME: Midwest Land & Cattle Co.

ADDRESS: P.O. Box 208 Kinsley, Kansas 67547

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				Total
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1 26 20	Lot1 ~~40~~	Lot2 ~~40~~	~~40~~	~~40~~													70
31 25 19	35	35									~~28~~ 35				~~2~~		65
											13				6		~~135~~ 124

3-9-76 Lot

Owner of Land—NAME:

ADDRESS:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				Total
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Owner of Land—NAME:

ADDRESS:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				Total
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

7. The works for diversion of water will consist of ~~one~~ 2 well~~s~~ with ~~one~~ 2 pump~~s~~ for one circle sprinkler irrigation system (~~one~~ 2 motor) 240
(wells, pumps, etc.)
and will be completed by July of 1974
(Date)

8. The first actual application of water for the beneficial use proposed was or is estimated to be July of 1974
(Date)

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

The plat or aerial photograph should show

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

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

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

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

10. List and describe other applications filed or vested rights held by applicant:
Irrigation wells and land is in the process of being bought from a company known as the Kinsley Joint Venture (Wheatheart Land Co.) Permitts Application for water rights have been filed.

11. The relation of the subscriber to this application is that of agent
(Owner, agent or otherwise)
and he is authorized to make this application in behalf of the interest affected.

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

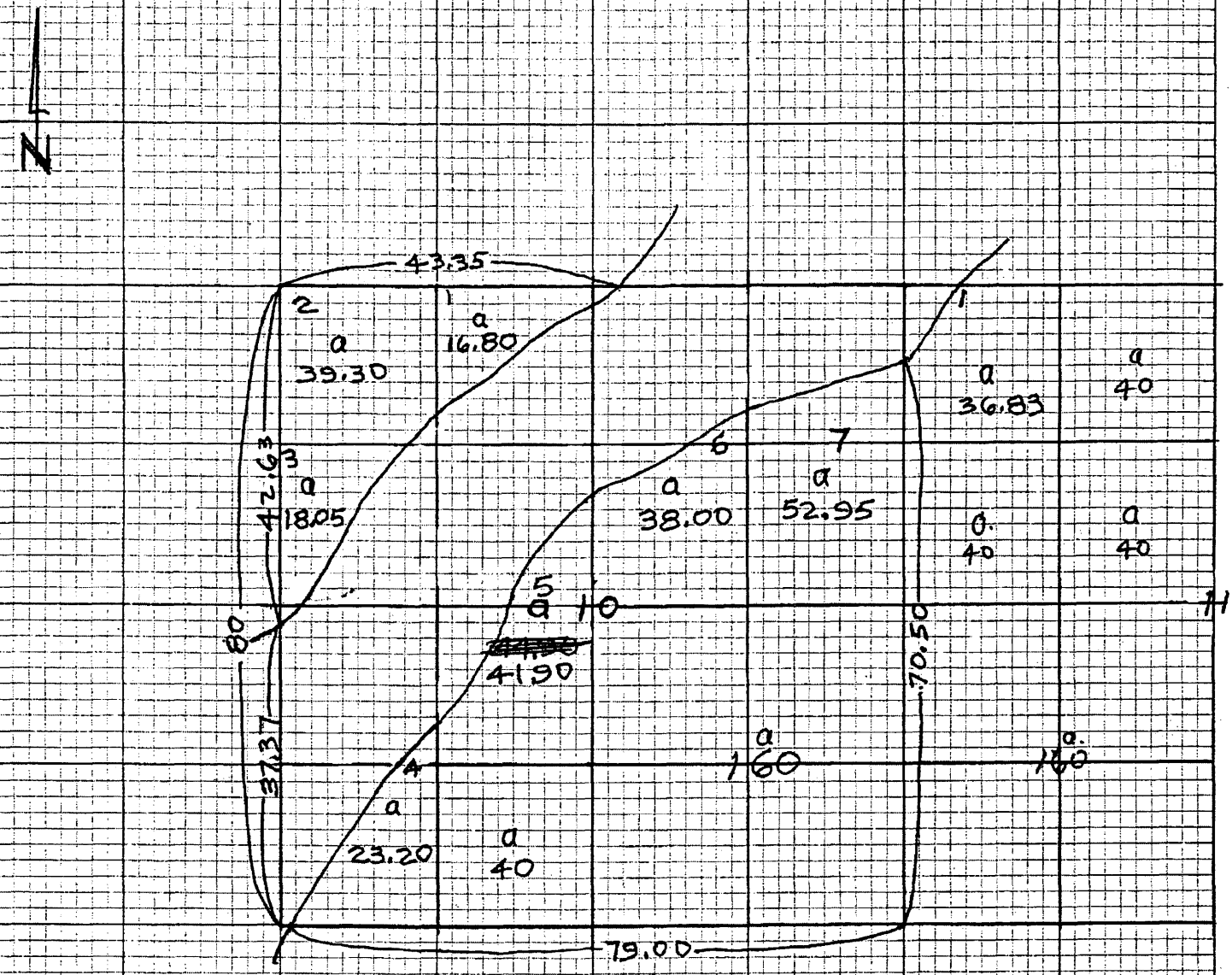
Midwest Land & Cattle Co.
(Applicant)

By Johnny Carson MGR
(Agent or Officer)

NOTE:
1 cubic foot per second = 448.8 gallons per minute = 646,317 gallons per day = 1.98 acre feet per day.
1 million gallons per day = 1.547 cubic feet per second = 3.07 acre feet per day.
1 acre foot = 43,560 cubic feet = 325,851 gallons.

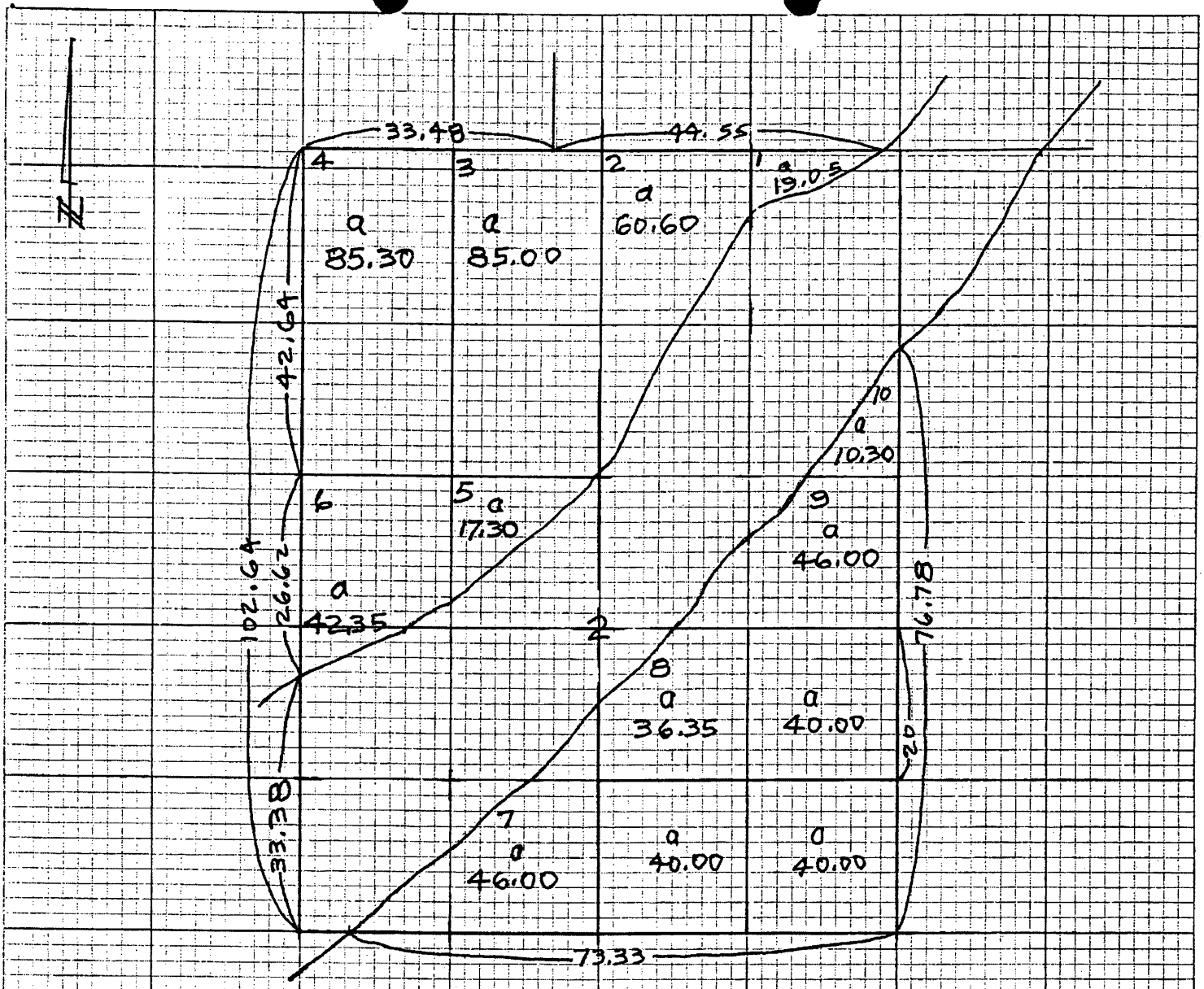
MI-518 5-72-10M SETS

RECEIVED
MAR 29 1976
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD



TOTAL ACRES 430.20
DISTANCES IN CHAINS

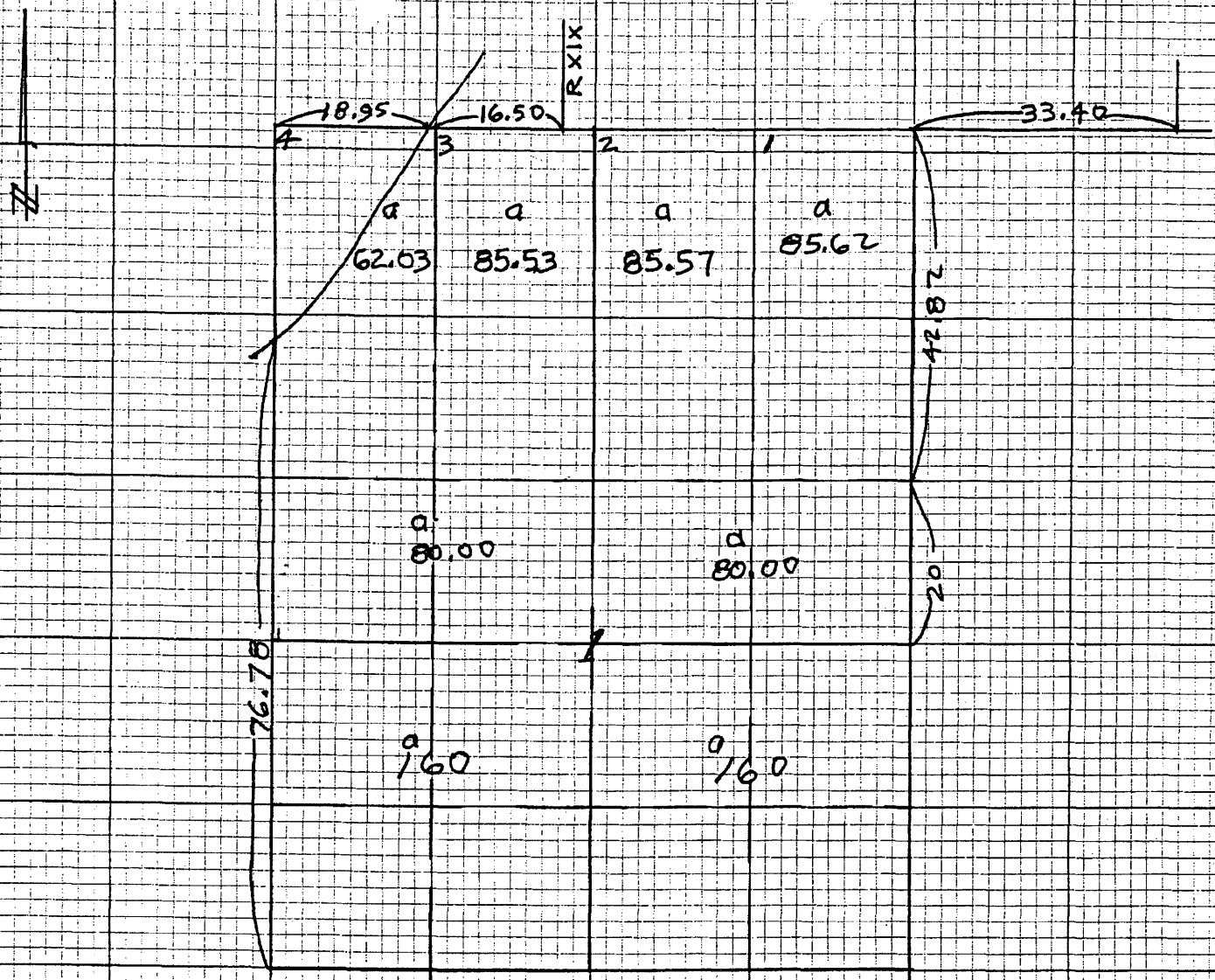
SECTIONS 10 & 11, TWP 26 SOUTH, RGE 20 WEST



TOTAL ACRES 568.25

DISTANCES IN CHAINS

SECTION 2, TWP 26 SOUTH, RGE 20 WEST



TOTAL ACRES 798.75

DISTANCES IN CHAINS

SECTION 1, TWP 26 SOUTH, RGE 20 WEST

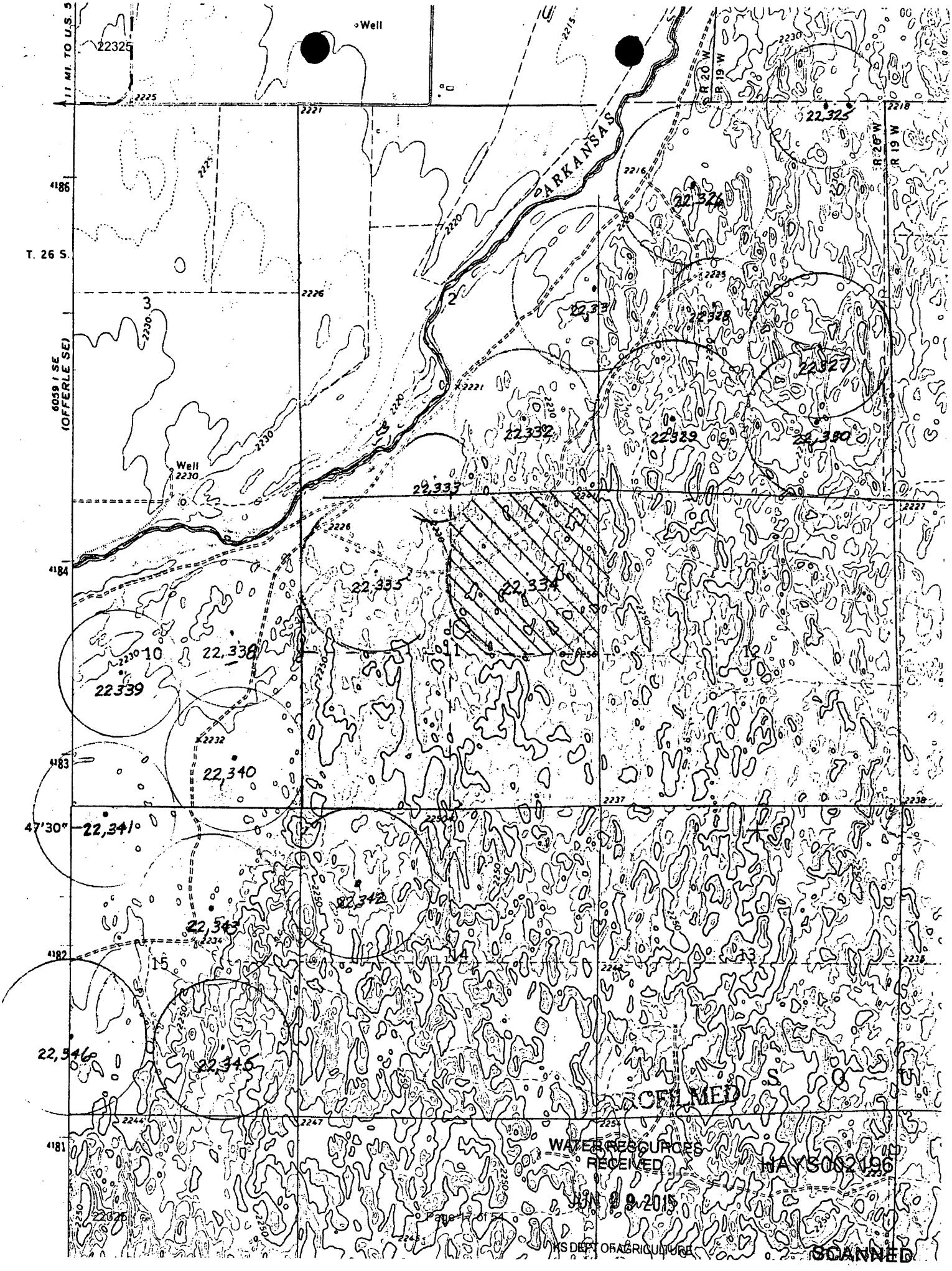


EXHIBIT
C

March 19, 1976

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

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water
Application No. 22,325
ED

Gentlemen:

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

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

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

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

Very truly yours,

Riley M. Dixon
Hydrologist

RMD:GEE:eel

Encs.

EXHIBIT
22325
D

DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE

FIELD INSPECTION REPORT

☐ Partial
☒ Full
☐ Re-Test

Test 1 of 2 Diversion points

Firm/Field Office Pumping Plant Testing, Inc

Application No. 22325 Date 10/2/86 Inspector Ebert/Klassen

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

Current Landowner Connecticut General Life Insurance % Agri. Affiliates

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

☐ Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic ( ) 2. Industrial ( ) 3. Irrigation (X)
4. Municipal ( ) 5. Recreation ( ) 6. Stockwatering ( ) 7. Water Power ( )

10-02

Groundwater (X) Drainage Basin Arkansas River

Surface Water ( ) Stream

Authorized Point of Diversion: NC Northside of E½ Sec. 1, T. 26, R. 20.
Approximately ______ ft. North and ______ ft. West of SE corner of Sec. ______

Actual Point of Diversion: 1well NE¼, N½ of Lot 2 Sec. 1, T. 26, R. 20.
Approximately 6643 ft. North and 1565 ft. West of SE corner of Sec. 1
How were distances determined? Scaled from ASCS photo

"Approved" Quantity 243 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

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

Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE: SEE REMARKS, PAGE 3 OF REPORT

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	26	20	35	35															70
31	25	19											13	35			6		54 / 124

LAND IRRIGATED—YEAR OF RECORD 1984 – SEE ATTACHED SHEET

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE Lot 1	NW Lot 2	SW	SE	NE Lot 3	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	26	20	46.5	41			3.5												71
31	25	19											28.5	30.5					59 / 130

APPLICATION OF WATER: – SEE ATTACHED SHEET
Year of Record 1984 Hours Pumped 1700 or Quantity 330 AF
combined flowrate with both wells pumping
Normal Operating G.P.M. 1055 Equiv. c.f.s. 2.35
well pumping alone
Maximum Operating G.P.M. 803 * SEE REMARKS Equiv. c.f.s. 1.79

FOR D.W.R. USE ONLY

Year of Record 1984 Extension of time requested: Yes ____ No ✓

Total No. of Hours on land covered by this application 1,700

Ac. Ft. Applied = 1700 hrs. × 803 g.p.m. × $\frac{4.419}{24 \times 1000}$ = 252 AF

Acres of "Approved" Land irrigated 124

Ac. Ft. on "Approved" Land 241 (1.94 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 174

614gpm + 441gpm = 1,055 gpm. 614gpm ÷ 1,055 gpm = 0.58
Proration Calculations 0.58 x 1000 gpm = 580 gpm. 580 gpm x 1700 hrs = 180 AF
max allowed 124 acres x 1.5 A.F. per acre = 186 A.F. x 0.58 = 108 A.F.

Perfected Rate 805 g.p.m. Perfected Quantity 108 AF

Completed by Douglas E. Bush 3-31-97

DWR-101 Revised March 1986

22325

GENERAL INFORMATION ON IRRIGATION SYSTEM:

☒ Center Pivot ☐ High Pressure ☒ Low Pressure

Manufacturer Zimmatic Model 308 Serial No. 3536

Drive Electric Length of Pivot Arm ____

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

End Gun? yes End Gun Rating ____ g.p.m. 1 Rain Bird 85

Is end gun operating during test? yes

☐ Gravity Irrigation (show test set on sketch)

Number of gates open ____ Normal Pipe Size ____

Pressure at pump ____ p.s.i.

☐ Other Type ____

Manufacturer ____ Model ____ Serial No. ____

Unusual Conditions/Other Info.

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP ____

Serial No. 08950 E 23 TL Fuel Natural Gas Rated RPM ____

PUMP INFORMATION:

Manufacturer Fairbanks Morse Model No. 10 MA Rated RPM ____

Serial No. N2W24231X Type Vertical Turbine No. stages 5

GEAR HEAD INFORMATION:

Manufacturer U.S. Motors Model No. N-500 1197

Serial No. 0-947300-406 Drive Right Angle Ratio 1:1

WELL INFORMATION:

Date Drilled Sept. 1974 Original Depth 48 ft. Static Water Level When Drilled 17 ft.

Tape Down Possible? YES Water Level Measurement Tube? NO

Measuring Point — ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? NO Make of Meter —

Meter Model No. — Serial No. — Size —

Is Meter Installed Properly? —

Chemical Injection System? N/A Check Valve? yes Low Pressure Drain? NO

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

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

22325

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).

LAND TO BE INCLUDED ON CERTIFICATE - REFER TO ATTACHED PHOTO

N

Scale 1"=____ ft.

THE ACRES SHOWN FOR THIS FIELD DO NOT ADD UP TO A FULL IRRIGATED CIRCLE IN THE SW 1/4 OF THE SW 1/4 SEC. 31, 25-19. WE HAVE PLOTTED THE LAND APPLIED FOR IN ORIGINAL APPLICATION" TO THE BEST OF OUR KNOWLEDGE. WE DON'T REALLY KNOW, NOR IS THERE ANY INFORMATION AVAILABLE TO CLEAR THIS UP, DUE TO THE RECORDS BEING LOST OVER THE YEARS.

IT IS POSSIBLE THAT THERE WAS A MISTAKE ON THE ORIGINAL APPLICATION, AND MORE ACRES SHOULD HAVE BEEN INCLUDED IN THE SW 1/4 OF SW 1/4 SEC. 31, 25-19.

TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
Location of test In horizontal pipe between pump and pivot
Pipe Diameter (I.D.) 8 3/8 inches

Test No. 1—Normal Conditions		Test No. 2—Maximum Conditions	
R.P.M. POWER UNIT	1812	R.P.M. POWER UNIT	1762
R.P.M. PUMP UNIT	1812	R.P.M. PUMP UNIT	1762
Pressure at Pump	51 psi	Pressure at Pump	9 psi

☐ **Jacuzzi Meter Test** Meter Identification No._____

Area Constant K = 2.45 × I.D.² = _____ Q (gpm) = VK

Velocity (fps)			Velocity (fps)		
1.			1.		
2.			2.		
3.			3.		
4.			4.		
5.			5.		
6.			6.		
7.			7.		
8.			8.		
9.			9.		
10.			10.		
Total			Total		
Avg.			Avg.		
G.P.M.			G.P.M.		

☐ **Propeller Meter Test** Manufacturer_____ Model_____ Serial No._____

Meter Diameter_____ inches

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

☒ **Other Flow Meter** Use Supplemental Sheet (include meter identification, data and calculations).

WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE
GARDEN PLAIN

HAYS002170

FUEL RECORDS:

☐ Electricity Supplier _____

Meter Manufacturer _____ Type _____ Serial No. _____

K _____ watt/rev r _____ revolutions t _____ seconds

Rate = $\frac{Kr \times 3.6}{t}$ = _____ kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ = _____

☒ Other Fuels Type Natural Gas Supplier Kansas-Nebraska

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

How was the test volume determined? Not Determined Engine not on individual meter

TABULATION OF WATER USE:

AC- 24890
ID- 02
CN E2 1-26-2005

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1812	1000		65
1976				
1977	1102	1000		130
1978				
1979				
1980				
1981				
1982				
1983	unused due to pivot problems**			
* 1984	1700**	803*		130**
1985	500**	850**		130**
1986		803*		
	* obtained from test on 10/2/86 - SEE REMARKS.			
	** obtained from WAR sent to us from Jerry Weaver			

Indicate Year of Record with (*) Source of Information Stuffed File

Crops Irrigated: this year Wheat Year of record Milo

REMARKS: DUE TO A LACK OF CHECK VALVE TO PREVENT WATER FROM BEING PUMPED INTO THE OTHER WELL, THE FLOW RATE OF 803 GPM REFLECTS WATER PUMPED INTO THE CENTER PIVOT & THE OTHER WELL. THIS SAME WELL WAS PUMPED AT 614 GPM (WITH THE SECOND WELL PUMPING ALSO) INTO THE CENTER PIVOT, WHICH WOULD BE 'NORMAL CONDITIONS'.

WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

Person present at test Kent Naber (name) Irrigation Manager (relationship)

Water Use Correspondent Lyle Kolbeck (name) Spearville, KS 67876 (address) 316-385-2803 (phone number)

Conducted by Greg Efert (signature) Date 10/8/86

Approved by _____ (signature), P.E. (title) Date 12/29/86

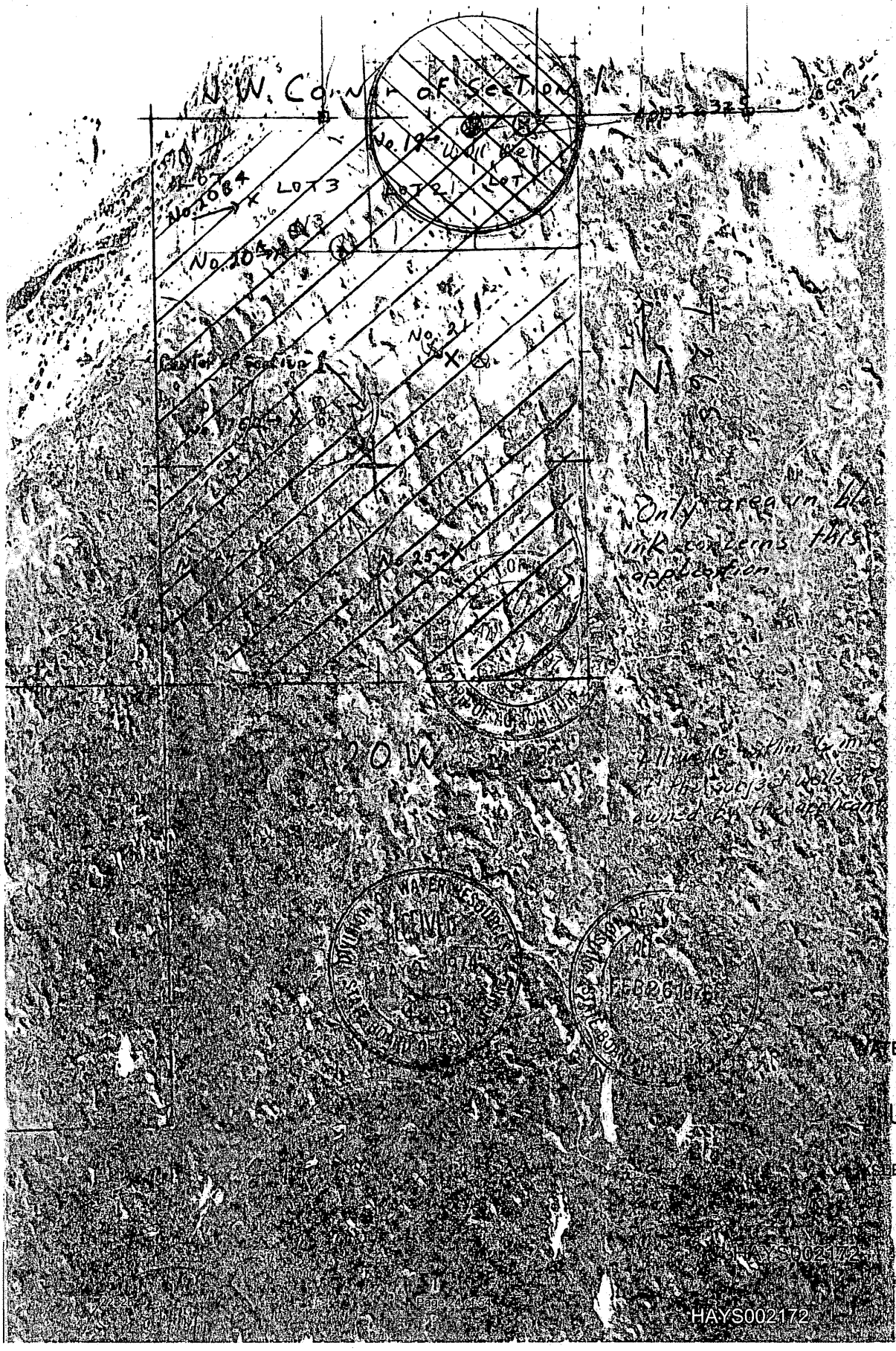
HAYS002171

SCANNED

22325

APPLICATION 22,325 – CONN. GEN. LIFE INS. CO.

SKETCH THAT ACCOMPANIED ORIGINAL APPLICATION



WATER RESOURCES
RECEIVED

JUN 29 2015

DEPT OF AGRICULTURE

SCANNED

APPLICATION NO: 22325 NAME: Connecticut General Life Insurance

COLLINS METER TEST Flow from well in NE¼, N½ of lot 2 with both wells pumping

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

Pipe Inside Diameter (inches) 8 3/8 Flow Rate Factor 170.5

Test Pressure (psi) 51 Test RPM, Pump 1812

Description of Test Location In horizontal pipe between pump and pivot

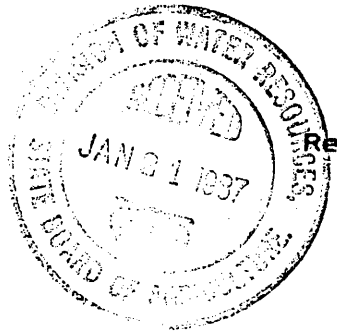
TEST DATA: ☑ Check, Initial 3,80 Reversed 3,84

Meter Setting From Center of Pipe	Velocity Left Side of Pipe (or Front Side if Vertical Test)		Velocity Right Side of Pipe (or Back Side if Vertical Test)	
1 11/16	3,70	3,72	3,99	3,91
2 15/16	3,68	3,70	3,75	3,79
3 13/16	3,39	3,50	3,41	3,39

Average Velocity of Water = Sum of Vel. ÷ 12 = 3,66

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 3,66 x .9826 = 360

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 3,60 x 170,5 = 614 GPM



WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

PUMPING PLANT TESTING, INC.

Reviewed By: [signature]

Professional Engineer

RECEIVED
JUN 29 1987

HAYS002173

DIVISION OF WATER RESOURCES

SCANNED

APPLICATION NO: 22325 NAME: Connecticut General Life Insurance

COLLINS METER TEST Flow from well in the NE¼, N½ of Lot 2 pumping alone

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

Pipe Inside Diameter (inches) 8 3/8 Flow Rate Factor 170.5

Test Pressure (psi) 9 Test RPM, Pump 1762

Description of Test Location In horizontal pipe between pump and pivot

TEST DATA: ☑ Check, Initial _____ Reversed _____

Meter Setting From Center of Pipe	Velocity Left Side of Pipe (or Front Side if Vertical Test)		Velocity Right Side of Pipe (or Back Side if Vertical Test)	
1 11/16	5.12	5.14	5.00	4.99
2 15/16	5.01	5.04	4.67	4.60
3 13/16	4.69	4.98	4.17	4.12

Average Velocity of Water = Sum of Vel. ÷ 12 = 4.79

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 4.79 x .9826 = 4.71

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 4.71 x 170.5 = 803 GPM

PUMPING PLANT TESTING, INC.

Reviewed By: Neil J. Mc

Professional Engineer

WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

HAYS002174

APPLICATION NO: 22,325 NAME: CONNECTICUT GENERAL LIFE INSURANCE CO, INC.

NOTES ON CHOOSING A YEAR OF RECORD

THIS DEVELOPMENT HAS HAD SEVERAL OWNERS SINCE ITS INCEPTION IN 1975, WITH OWNERS FROM EUROPE & AROUND THE U.S. AT VARIOUS TIMES; A STATE OF CONFUSION HAS EXISTED IN THE CROP PRODUCTION REPORT. ALL OR THE WATER USE AND EQUIPMENT RECORDS HAVE BEEN EITHER DESTROYED OR LOST, AND THE SYSTEMS AND PUMPING PLANT COMPONENTS HAVE BEEN INTERCHANGED OVER THE YEARS.

SINCE LATE 1983, CONNECTICUT GENERAL HAS MADE A DILIGENT EFFORT TO KEEP GOOD RECORDS. THEREFORE, IT WOULD SEEM REASONABLE TO USE THE YEARS SINCE 1983 IN CHOOSING A YEAR OF RECORD.

PUMPING PLANT TESTING, INC.

Reviewed by: [signature] HAYS002175

Professional Engineer

EXHIBIT
22325
E

DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE

FIELD INSPECTION REPORT

☐ Partial
☒ Full
☐ Re-Test

Test 2 of 2 Diversion points

Application No. 22325 Date 10/2/86 Firm/Field Office Pumping Plant Testing, Inc. Inspector Ebert/Klassen

ID-01

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

Current Landowner Connecticut General Life Insurance % Agri. Affiliates

Address Box 1162 North Platte NE 69103 Attn. Jerry Weaver

☐ Additional landowners and addresses identified in remarks section.

Water Use Classification: 1. Domestic ( ) 2. Industrial ( ) 3. Irrigation (X)
4. Municipal ( ) 5. Recreation ( ) 6. Stockwatering ( ) 7. Water Power ( )

Groundwater (X) Drainage Basin Arkansas River

Surface Water ( ) Stream

RECEIVED JAN 21 1987 STATE BOARD OF AGRICULTURE DIVISION OF WATER RESOURCES

Authorized Point of Diversion: NC Northside of Lot 1 (NE¼, NE¼) Sec. 1, T. 26, R. 20
Approximately ___ ft. North and ___ ft. West of SE corner of Sec. ___

Actual Point of Diversion: 1well NW¼ of N½ of Lot 1 Sec. 1, T. 26, R. 20.
Approximately 6669 ft. North and 996 ft. West of SE corner of Sec. 1
How were distances determined? Scaled from ASCS photo

"Approved" Quantity 243 AF "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

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

Perfection Date Dec. 31, 1981

Other applications covering land and/or point of diversion None
(include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE: — SEE NOTES, P. 3, OF 1st REPORT, APPLN 22,325

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	26	20	35	35															70
31	25	19											13	35			6		54/124

LAND IRRIGATED—YEAR OF RECORD 1984 — SEE ATTACHED SHEET

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE Lot 1	NW Lot 2	SW	SE	NE Lot 3	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	26	20	26.5	41			3.5												71
31	25	19											28.5	30.5					59/130

APPLICATION OF WATER: — SEE ATTACHED SHEET
Year of Record 1984 Hours Pumped 1700 or Quantity 330 AF
Normal Operating G.P.M. 1055 (combined flowrate with both wells pumping) Equiv. c.f.s. 2.35
Maximum Operating G.P.M. 530* (well pumping alone) Equiv. c.f.s. 1.18 * SEE REMARKS

FOR D.W.R. USE ONLY

Year of Record 1984 Extension of time requested: Yes ___ No ~~X~~ RECEIVED

Total No. of Hours on land covered by this application 1,200

Ac. Ft. Applied = 1200 hrs. × 530 g.p.m. × 4.419 / (24 × 1000) = 266 AF JUN 29 1987 DIVISION OF WATER RESOURCES STAFFORD FIELD OFFICE

Acres of "Approved" Land irrigated 124

Ac. Ft. on "Approved" Land 159 (1.28 Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less 126

Proration Calculations 441 gpm + 614 gpm = 1055 gpm 441 gpm ÷ 1055 gpm = 0.42
0.42 × 1000 gpm = 420 gpm 420 gpm × 1 hr/60 min = 7 A.F.
max allowed = 124 acres × 1 A.F. per acre = 186 A.F. × 0.42 = 78 A.F.

Perfected Rate 530 g.p.m. Perfected Quantity 78 AF

DWR-101 22325 Completed by Douglas Page E-28 of 54 Bush 3-31-87 Revised March 1986

WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

MAY3002176

SCANNED

GENERAL INFORMATION ON IRRIGATION SYSTEM:

☒ Center Pivot ☐ High Pressure ☒ Low Pressure

Manufacturer Zimmatic Model 308 Serial No. 3536

Drive Electric Length of Pivot Arm ____

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

End Gun? yes End Gun Rating ____ g.p.m. 1 Rain Bird 85

Is end gun operating during test? yes

☐ Gravity Irrigation (show test set on sketch)

Number of gates open ____ Normal Pipe Size ____

Pressure at pump ____ p.s.i.

☐ Other Type ____

Manufacturer ____ Model ____ Serial No. ____

Unusual Conditions/Other Info. ____

POWER UNIT INFORMATION:

Manufacturer Ford Model No. 300 HP —

Serial No. 18942 E 23 TL Fuel Nat. Gas Rated RPM —

PUMP INFORMATION:

Manufacturer Johnston Model No. — Rated RPM —

Serial No. CF 21232 Type Vertical Turbine No. stages —

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F 80

Serial No. 82494 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled NOV. 1974 Original Depth 47 ft. Static Water Level When Drilled 13 ft.

Tape Down Possible? YES Water Level Measurement Tube? NO

Measuring Point — ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? NO Make of Meter —

Meter Model No. — Serial No. — Size —

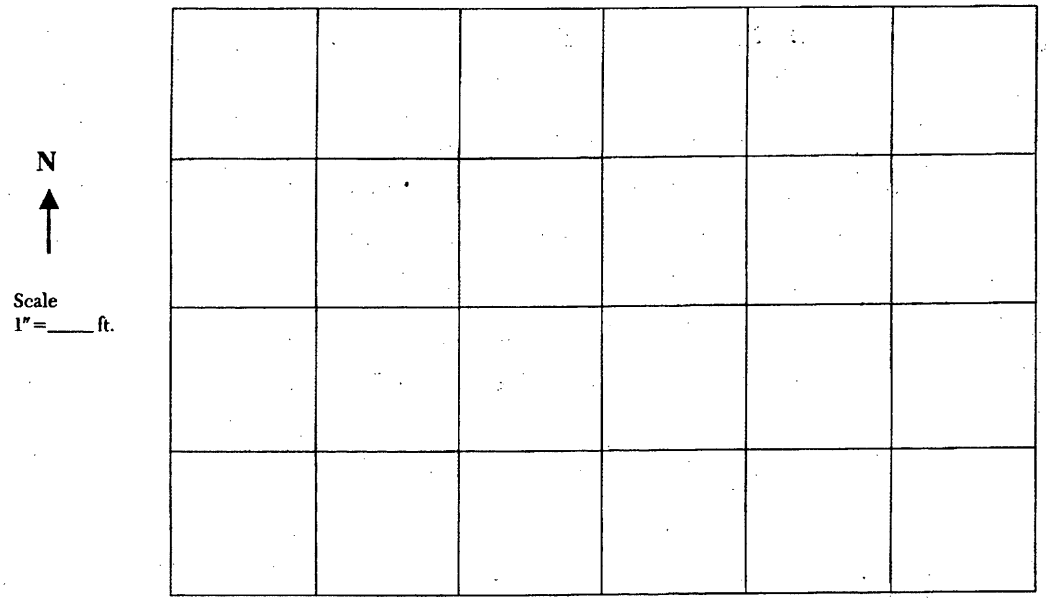
Is Meter Installed Properly? —

Chemical Injection System? yes Check Valve? yes Low Pressure Drain? NO

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

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

SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORKS, AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Length of time well has been operating prior to test 0
Location of test Horizontal pipe at pivot
Pipe Diameter (I.D.) 6 3/16 inches

Test No. 1—Normal Conditions		Test No. 2—Maximum Conditions	
R.P.M. POWER UNIT	2098	R.P.M. POWER UNIT	2100
R.P.M. PUMP UNIT	1740	R.P.M. PUMP UNIT	1750
Pressure at Pump	51 psi	Pressure at Pump	10 psi

☐ **Jacuzzi Meter Test** Meter Identification No._____

Area Constant K = 2.45 × I.D.² = _____ Q (gpm) = VK

Velocity (fps)		Velocity (fps)	
1.		1.	
2.		2.	
3.		3.	
4.		4.	
5.		5.	
6.		6.	
7.		7.	
8.		8.	
9.		9.	
10.		10.	
Total		Total	
Avg.		Avg.	
G.P.M.		G.P.M.	

☐ **Propeller Meter Test** Manufacturer_____ Model_____ Serial No._____

Meter Diameter_____ inches

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

☒ **Other Flow Meter** Use Supplemental Sheet (include meter identification, data and calculations)

FUEL RECORDS:

☐ Electricity Supplier_____

Meter Manufacturer_____ Type_____ Serial No._____

K_____watt/rev r_____revolutions t_____seconds

Rate = $\frac{Kr \times 3.6}{t}$ =_____kw/hr Hours = $\frac{\text{kw-hr}}{\text{rate}}$ =_____

☒ Other Fuels Type Natural Gas Supplier Kansas-Nebraska

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

How was the test volume determined? Not Determined Engine set on individual meter

TABULATION OF WATER USE:

AC-2481
ID-01
SW NE NE 1-26-26W

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1975	1812	1000		65
1976				
1977	1102	1000		130
1978				
1979	336	850		74
1980	720	850		74
1981	1080	850		74
1982				
1983	unused due to pivot problems**			
*1984	1700**	530*		130**
1985	500**	550**		130**
1986		530*		

* obtained from test on 10/2/86 - SEE REMARKS

** obtained from WUR sent to us from Jerry Weaver

Indicate Year of Record with (*) Source of Information Stafford Files

Crops Irrigated: this year Wheat Year of record_____

REMARKS: THERE WAS NO CHECK VALVE TO PREVENT WATER FROM MOVING INTO OTHER WELL DURING THE FLOW RATE TEST ON WELL NW¼ OF N½ OF LOT 1 PUMPING ALONE. THEREFORE, THE 530 GPM IS A REFLECTION OF WATER BEING PUMPED INTO THE CENTER PIVOT AND INTO THE OTHER WELL. THE 441 GPM IS THE CONTRIBUTION OF THIS SAME WELL WHEN BOTH WELLS ARE BEING PUMPED.

Person present at test: Kent Naber (name) Irrigation Manager (relationship)

Water Use Correspondent Lyle Kolbeck (name) Spearville, Ks. 67876 (address) 316-385-2803 (phone number)

Conducted by Greg Ebert (signature) Date 10/8/86

Approved by [signature], P.E. (signature) (title) Date 12/29/86

APPLICATION NO: 22325 NAME: Connecticut General Life Insurance

COLLINS METER TEST Flow from well NW¼ of N½ of Lot 1 pumping alone

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 6 3/16 Flow Rate Factor 91.4

Test Pressure (psi) 10 Test RPM, Pump 1750

Description of Test Location

TEST DATA: ☑ Check, Initial 6.29 Reversed 6.25

Meter Setting From Center of Pipe	Velocity Left Side of Pipe (or Front Side if Vertical Test)		Velocity Right Side of Pipe (or Back Side if Vertical Test)	
1 1/4	6.30	6.30	6.28	6.33
2 3/16	6.05	5.99	6.05	6.09
2 13/16	5.50	5.88	5.83	5.60

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.02

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 6.02 x .9635 = 5.8

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 5.8 x 91.4 = 530 GPM

STATE BOARD OF AGRICULTURE DIVISION OF WATER RESOURCES RECEIVED JAN 21 1987

Reviewed By: [signature]

PUMPING PLANT TESTING, INC.

Professional Engineer

JUN 29 1987

FIELD OFFICE DIVISION OF WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED JUN 29 2015 KS DEPT OF AGRICULTURE

HAYS002180

APPLICATION NO: 22325 NAME: Connecticut General Life Insurance

NW'/4 of N'/2 & Lot 1

COLLINS METER TEST A (B well) Both wells pumping

Collins Meter No. 1-84 Meter Calibration Factor .9635

Pipe Inside Diameter (inches) 6 3/16 Flow Rate Factor 91.4

Test Pressure (psi) 51 Test RPM, Pump 1740

Description of Test Location In horizontal pipe between pump and pivot

---

TEST DATA: Check, Initial 5.12 Reversed 5.12

Meter Setting From Center of Pipe	Velocity Left Side of Pipe (or Front Side if Vertical Test)		Velocity Right Side of Pipe (or Back Side if Vertical Test)	
1 1/4	5.29	5.38	5.17	5.19
2 3/16	5.13	5.09	5.11	5.09
2 13/16	4.58	4.75	4.80	4.50

Average Velocity of Water = Sum of Vel. ÷ 12 = 5.01

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) = 5.01 x .9635 = 4.83

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) = 4.83 x 91.4 = 441 GPM

WATER RESOURCES RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

PUMPING PLANT TESTING, INC.

Reviewed By: [signature]

Professional Engineer

HAYS002181

JUN 29 15

SCANNED

APPLICATION NO: 22325 NAME: Connecticut General Life Ins.

POINTS OF DIVERSIONSION AND SECTION CORNERS

The actual section corners of the land applied for and the land irrigated have never been clearly marked. (If it was marked at some time, we, nor the present owners and managers could find any marks or records) It appears the land described on the applications was based on visible marks, but we don't know for sure. It might have been surveyed and be more accurate than our method of identifying section corners. Our procedure of finding the section corners consisted of several steps. First, we used copies of the original survey plats to find the dimension of each section. Second, we laid out each section on the large small-scale photos in the ASCS office. For this, we used not only survey plat dimensions, but also by drawing lines across several miles from identifiable boundaries. However, sometimes these points made a section so "out-of-square" that we shifted the boundaries until they were reasonably tolerable. Because some of these marks were based on our judgement, we can not be sure they would be the same if the land was surveyed. These points were then transfered to the large-scale photos included.

The point of diversion location on the photo is correct. The photos were taken at a time when the diversion points were visible. The problem is in our ability to correctly describe the diversion points in relation to section corners.

PUMPING PLANT TESTING, INC.

Reviewed by: [signature]

Professional Engineer

EXHIBIT
F

THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, *Secretary*

DIVISION OF WATER RESOURCES
David L. Pope, *Chief Engineer*

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

Cert 1

WATER RIGHT, File No. 22,325
PRIORITY DATE May 2, 1974

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

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of two (2) wells: one (1) well located in Lot 1 of Section 1, more particularly described as being near a point 6,669 feet North and 996 feet West of the Southeast corner of said section, at a diversion rate not in excess of 530 gallons per minute (1.18 c.f.s.) and in a quantity not to exceed 78 acre-feet per calendar year; and one (1) well located in Lot 2 of Section 1, more particularly described as being near a point 6,643 feet North and 1,565 feet West of the Southeast corner of said section, at a diversion rate not in excess of 805 gallons per minute (1.79 c.f.s.) and in a quantity not to exceed 108 acre-feet per calendar year; both in Township 26 South, Range 20 West, Edwards County, Kansas, for irrigation use on the following described property:

13 acres in Lot 4 (SW¼ SW¼),
35 acres in the Southeast Quarter of the Southwest Quarter (SE¼ SW¼),
6 acres in the Southwest Quarter of the Southeast Quarter (SW¼ SE¼),
a total of 54 acres in Section 31, Township 25 South, Range 19 West,

35 acres in Lot 1 (E½ NE¼),
35 acres in Lot 2 (W½ NE¼),
a total of 70 acres in Section 1, Township 26 South, Range 20 West,

all in Edwards County, Kansas.

22325 This appropriat[redacted]ight is further limited to a [redacted]rsion rate which when the wells operate simultaneously will provide a diversion rate not in excess of 1,000 gallons per minute (2.23 c.f.s.) for irrigation use on the property described herein.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 11th day of June, 1987.

DIVISION OF WATER RESOURCES ★ DAVID L. POPE ★ CHIEF ENGINEER ★ KANSAS STATE BOARD of AGRICULTURE

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

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 11th day of June, 1987 by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.

DENISE J. WATERS NOTARY PUBLIC STATE OF KANSAS

Signature: Denise J. Waters, Notary Public

My appointment expires March 1, 1990

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

WATER APPROPRIATION CERTIFICATE

No. 16,113

STATE OF KANSAS

Water Right, File No. 22,325

22325

STATE OF KANSAS, ____ COUNTY, ss.

Filed for record this ____ day of ____, 19__

at ____ o'clock ____ m. and recorded in Book ____ Page ____

Fee $____

Register of Deeds.

HAYS002219

WATER RESOURCES RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

SCANNED

EXHIBIT
22325
G

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

To: Files

Date: March 30, 1987

From: Douglas E. Bush

Re: Appropriation of Water
File No. 22,325

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

The quantity per well reflected has been prorated proportionate to that actually diverted so that the total authorization will not exceed a reasonable quantity for the land irrigated under File No. 22,325. The quantities were prorated as such:

Maximum approved rate = 1,000 gallons per minute
Maximum approved quantity = 186 acre-feet for irrigating 124 acres at 1.5 acre-feet per acre

Well (Lot 1) 441 gallons per minute + 614 gallons per minute = 1,055 gallons per minute. 441 gallons per minute divided by 1,055 gallons per minute = 0.42 x 1,000 gallons per minute = 420 gallons per minute. 420 gallons per minute x 1,700 hours = 132 acre-feet. 0.42 x (124 acres x 1.5 acre-feet per acre) = 78 acre-feet.

Well (Lot 2) 614 gallons per minute + 441 gallons per minute = 1,055 gallons per minute. 614 gallons per minute divided by 1,055 gallons per minute = 0.58 x 1,000 gallons per minute = 580 gallons per minute. 580 gallons per minute x 1,700 hours = 182 acre-feet. 0.58 x (124 acres x 1.5 acre-feet per acre) = 108 acre-feet.

The place of use shown on the aerial photo supplied with the Field Inspection Report is not valid. The contractor has shown the place of use as he thinks it should be in regards to the section corner. The actual land irrigated is the same land that was originally approved and shown to be irrigated on the aerial photo. However, in regards to the place of use, the contractor shows 130 acres being irrigated with 124 acres being approved. Therefore, a change in place of use application is being sent with the draft certificate.

The coordinates for the two points of diversion were not changed from those found on the Field Inspection Report. It appears that the coordinates for the points of diversion were correctly measured regarding the section corners.

The WUC 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.

A limitation was needed on the combined rate. This limitation limits the combined rate. This limitation limits the combined rate to 1,000 gallons per minute; the maximum approved rate.

Douglas E. Bush
Hydrologist

22325
DEB:jt

22325

PLAINTIFF'S EXHIBIT 15 62 C 22

DEPOSITION EXHIBIT 2 2-22-83 711

AMERICAN AGRICULTURAL INDUSTRIES, INC.

RURAL ROUTE #1

P O. BOX 187

KINSLEY, KANSAS 67547

TELEPHONES
AREA CODE 316
659-2668
659-2772
659-3711

TELEX NUMBER
910-740-6720

March 25, 1982

FILED
'83 NOV 16 PM 5 05
CLERK DISTRICT COURT

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

Dear Don,

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

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

Our records show that you have paid us $ 416,000.00 (this includes the March payment of $ 52,000.00) for alfalfa. At $65.00 per ton this figures that you have paid for 6,400 ton of hay. We show that you have removed *2278 bales at 1800 lbs average weight. That is 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

Pamela Meadows
Secretary

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

LUCERNE FARMS HAY

PRODUCTION

McALLASTERS 4/5		TOTAL BALES	ANIBYPRO 1/5	
#0			#0	
1st	13	16	1st	4
2nd	52	65	2nd	13
3rd	83	104	3rd	21
4th	31	39	4th	8
#1			#1	
1st	73	91	1st	18
2nd	113	141	2nd	28
3rd	127	159	3rd	32
4th	46	58	4th	12
#2			#2	
1st	54	68	1st	14
2nd	106	133	2nd	27
3rd	144	180	3rd	36
4th	48	60	4th	12
#3			#3	
1st	153	191	1st	38
2nd	164	205	2nd	41
3rd	373	466	3rd	93
4th	121	152	4th	31
#4			#4	
1st	82	103	1st	21
2nd	85	106	2nd	21
3rd	170	212	3rd	42
4th	32	40	4th	8
#5			#5	
1st	44	55	1st	11
2nd	155	194	2nd	39
3rd	135	169	3rd	34
4th	38	47	4th	9
#6			#6	
1st	41	51	1st	10
2nd	82	103	2nd	21
3rd	164	205	3rd	41
4th	82	102	4th	20
#7			#7	
1st	141	176	1st	35
2nd	170	212	2nd	42
3rd	206	258	3rd	52
4th	96	120	4th	24
#8			#8	
1st	82	103	1st	21
2nd	122	153	2nd	31
3rd	177	221	3rd	44
4th	99	124	4th	25

#9			
1st	119	149	
2nd	194	243	
3rd	167	209	
4th	82	102	
#10			
1st	77	96	
2nd	261	326	
3rd	201	251	
4th	118	148	
#11			
1st	116	145	
2nd	208	260	
3rd	162	202	
4th	42	52	
#12			
1st	130	162	
2nd	302	377	
3rd	257	321	
4th	110	137	
#13			
1st	75	94	
2nd	122	153	
3rd	121	151	
4th	13	16	
#16			
1st	70	88	
2nd	144	180	
3rd	86	108	
4th	15	19	
#17			
1st	107	134	
2nd	218	273	
3rd	122	152	
4th	42	53	
#18			
1st	23	28	
#19			
1st	47	59	
2nd	42	53	
3rd	50	63	
#30			
1st	126	158	
2nd	157	196	
3rd	90	113	
4th	18	23	
#38			
1st	98	122	
2nd	162	202	
3rd	95	119	
4th	52	65	

#9	
1st	30
2nd	49
3rd	42
4th	20
#10	
1st	19
2nd	65
3rd	42
4th	30
#11	
1st	29
2nd	52
3rd	40
4th	10
#12	
1st	32
2nd	75
3rd	64
4th	27
#13	
1st	19
2nd	31
3rd	30
4th	4
#16	
1st	18
2nd	36
3rd	22
4th	4
#17	
1st	27
2nd	55
3rd	30
4th	11
#18	
1st	6
#19	
1st	12
2nd	11
3rd	13
#30	
1st	32
2nd	39
3rd	23
4th	5
#38	
1st	24
2nd	40
3rd	24
4th	13

#39			#39	
1st	16	20	1st	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

22325

SLENTZ-MCALLASTER INC.

ALFALFA REMOVED FROM LUCERNE FARMS

	INITIALS	DATE	REFERENCE
PREPARED BY			
CHECKED BY			
APPROVED BY			

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
	12	3rd	104	86.92
9-14	12	3rd	78	66.05
	5	3rd	113	93.85
	10	3rd	116	92.39
	11	2nd	30	18.38
	4	3rd	138	128.08
	12	3rd	30	26.24
9-21	30	3rd	69	57.46
	38	3rd	79	60.97
10-5	6	4th	21	21.97
10-12	8	4th	83	89.20
10-19	7	4th	52	55.89
10-26	9	4th	42	38.54
11-2	10	4th	78	68.8
	12	4th	56	58.83
11-9	9	4th	52	48.76
11-16	2	4th	22	22.82
	9	4th	3	3.00
	8	4th	41	42.36
	10	3rd	20	16.47
	6	4th	26	26.54
	7	4th	34	36.74
11-23	2	4th	22	22.73
	11	4th	26	24.55
	38	4th	52	52.02
12-7	30	4th	22	21.51
	38	4th	4	3.91
12-21	7	3rd	47	41.31
	9	4th	8	7.30
1-4	7	2nd	28	20.98
	7	3rd	11	9.14
	7	4th	15	12.17
1-17	3	4th	60	61.2
1-19	3	4th	28	26.39
	12	4th	56	43.63
1-29	12	3rd	28	18.78
1-30	12	3rd	2	1.75
	12	1st	78	70.52
2-2	5	4th	28	23.51
	12	1st	26	23.17
2-4	7	1st	7	5.44
	7	2nd	8	6.21
	7	3rd	7	5.44
2-11	7	1st	12	10.61
	7	2nd	14	12.38
2-22	30	2nd	52	44.21

	INITIALS	DATE	REFERENCE
PREPARED BY			
CHECKED BY			
APPROVED BY			

Page 2 of removals

Slentz-McAllaster Inc,

DATE	CIRCLE #	CUTTING	AMOUNT OF BALES TAKEN	TONS PER SCALE TICKET
2-24	38	1st	26	23.75
3-9	7	2nd	30	21.64
3-10	10	3rd	5	3.95
	11	4th	25	23.60
3-15	7	1st	23	21.21
	7	2nd	5	4.61
3-17	8	1st	26	24.58
			TOTALS:	
(* This does not include hay taken this week) 3/25/82			2278	2,035.58

HAYS004453

EXHIBIT
I 22325

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

Subject: Allowable Rates of Diversion and Maximum Annual Quantities for Irrigation Use - Permits and Approvals

Reference: K.S.A. 82a-708a and K.A.R. 5-3-1

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer

During the review of an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes the following guidelines shall be considered in determining the maximum reasonable rate of diversion to be allowed under any APPROVAL OF APPLICATION AND PERMIT TO PROCEED:

Area, Place of use	Max. Allowable Rate	
up to 10 acres	450 g.p.m.	45*0*
10 - 40 acres	(+) 450 g.p.m.	*900*
40 - 120 acres	(+) 8 g.p.m./acre	*550+8X*
more than 120 acres	(+) 7 g.p.m./acre	*700+7X*

EXAMPLES:

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

B. 83 acres requested;

	10 acres	= 450 g.p.m.	*900 g.p.m.*
(+)	40 acres (10 + 30)	= 450 g.p.m.	
(+)	43 acres @ 8 g.p.m./acre	= 344 g.p.m.	+
		1,244 (allow 1,245 g.p.m.)	

A further limiting factor of this procedure is the availability of water from the proposed source of supply. In those instances whereby the source of supply is incapable of yielding a reasonably, sustainable (computed) rate, then the source becomes a further limiting factor.

A further limiting factor is well design and equipment, which shall be reasonable to divert the requested rate.

Further, the rate authorized should not impair senior water rights in the area, including domestic rights.

In reviewing an APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE for irrigation purposes, the following guidelines shall be considered when determining a maximum allowable annual quantity of water request:

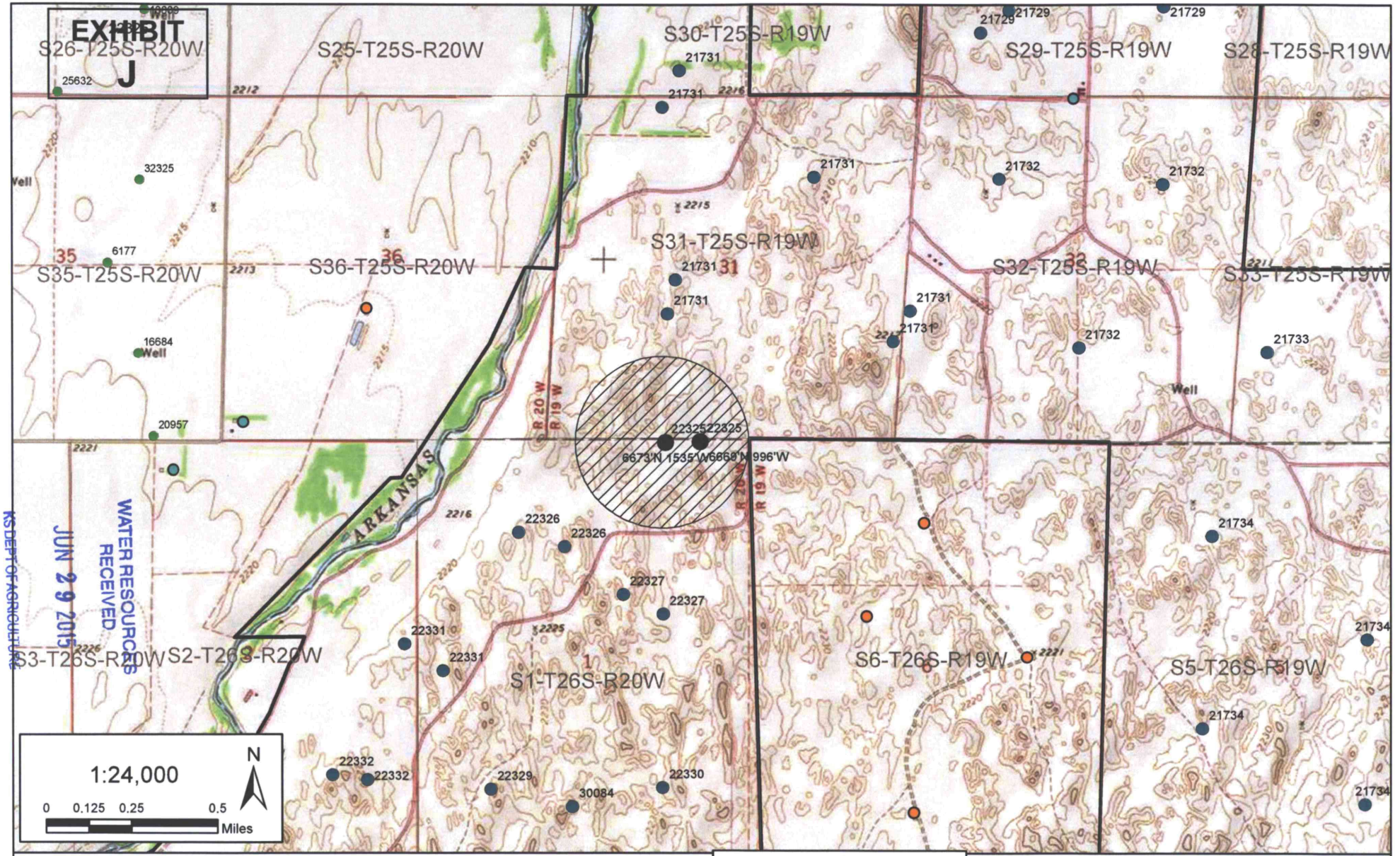
In that area of Kansas located between the Kansas/Missouri border and the Range 5 East/Range 6 East line, the maximum allowable quantity shall not exceed an average of 1.00 acre-foot per acre to be irrigated.

In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.

In that area of Kansas located between the Range 20 West/Range 21 West line and the Kansas/Colorado border, the maximum allowable quantity shall not exceed an average of 2.00 acre-feet per acre irrigated.

A further limiting factor to maximum allowable quantity is the availability of water from the proposed source of supply. If the source of supply is incapable of yielding a reasonably, sustainable (computed) quantity during the irrigation season in that area of the state, then the source becomes a further limiting factor.

That if an applicant can show that his or her system design is reasonable for the use intended and approval of the proposed rate and/or maximum annual quantity will not impair any senior water right or prejudicially and unreasonably affect the public interest, the Chief Engineer may waive the above guidelines. Documentation shall be placed in the file clearly demonstrating any exceptions to the above policy.



BURNS McDONNELL

CHANGE APPLICATION 22325 APPLICATION MAP AUTHORIZED PLACE OF USE & POINTS OF DIVERSION

EXHIBIT
K 22325

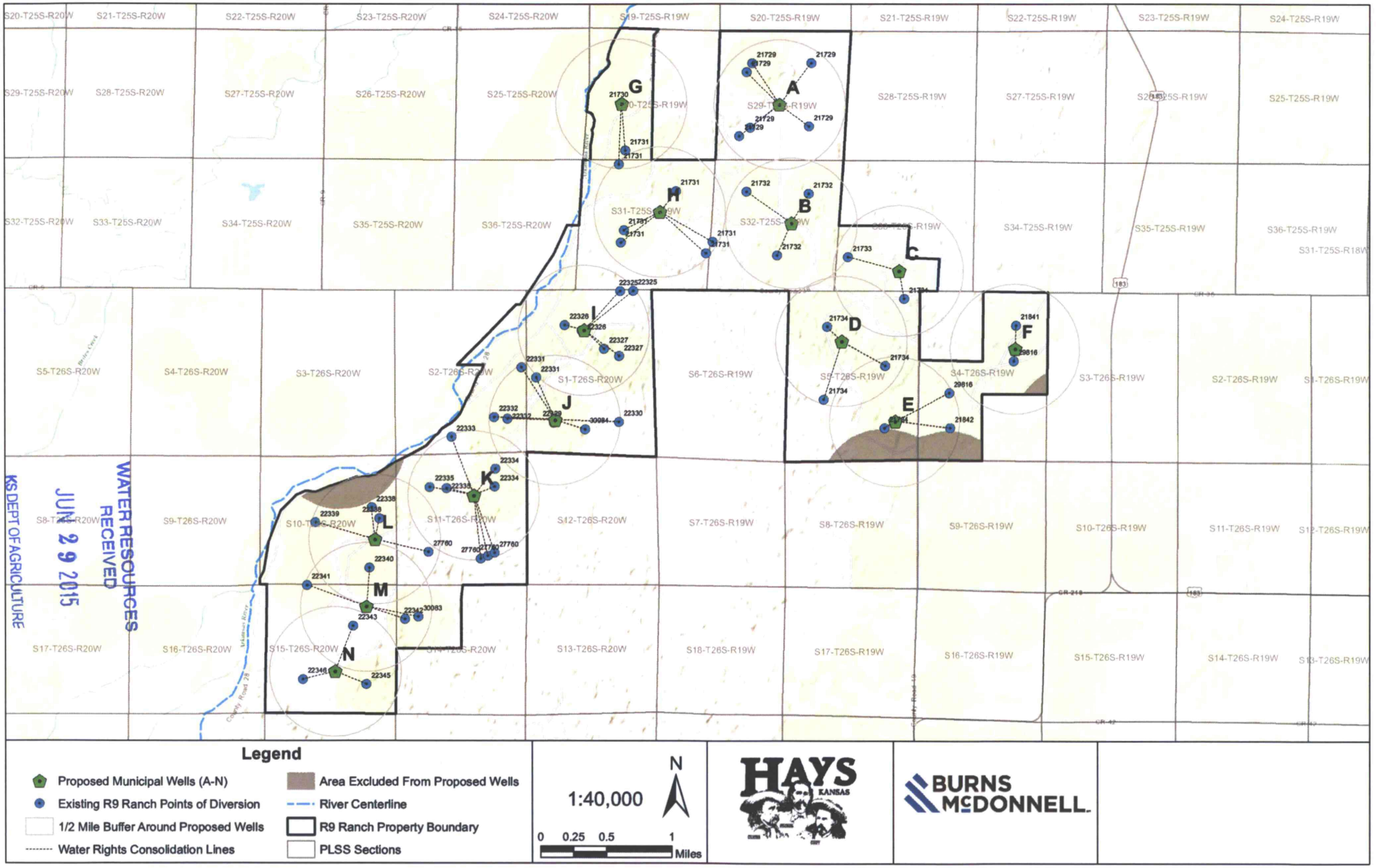


EXHIBIT
22325
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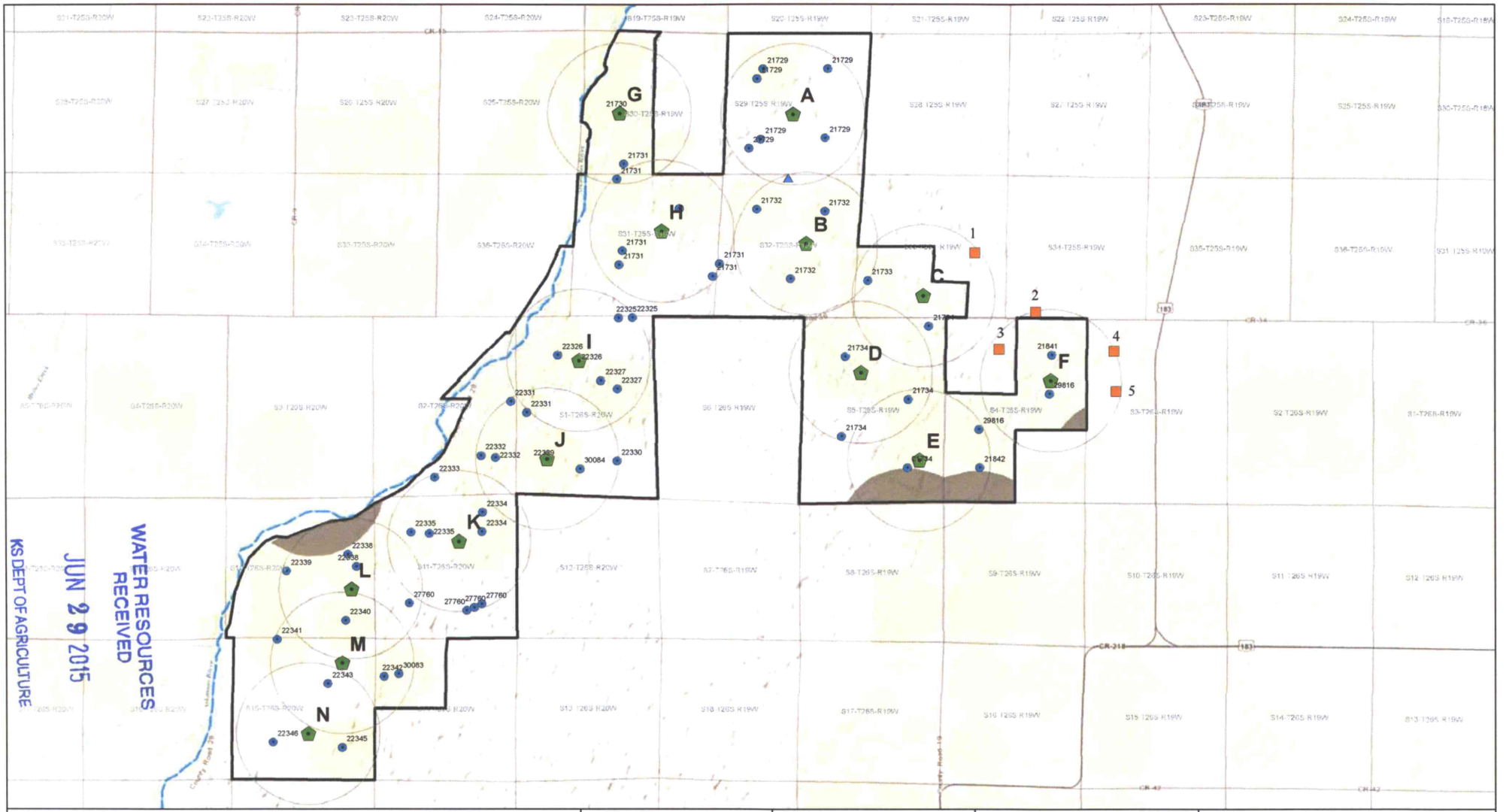

SCANNED

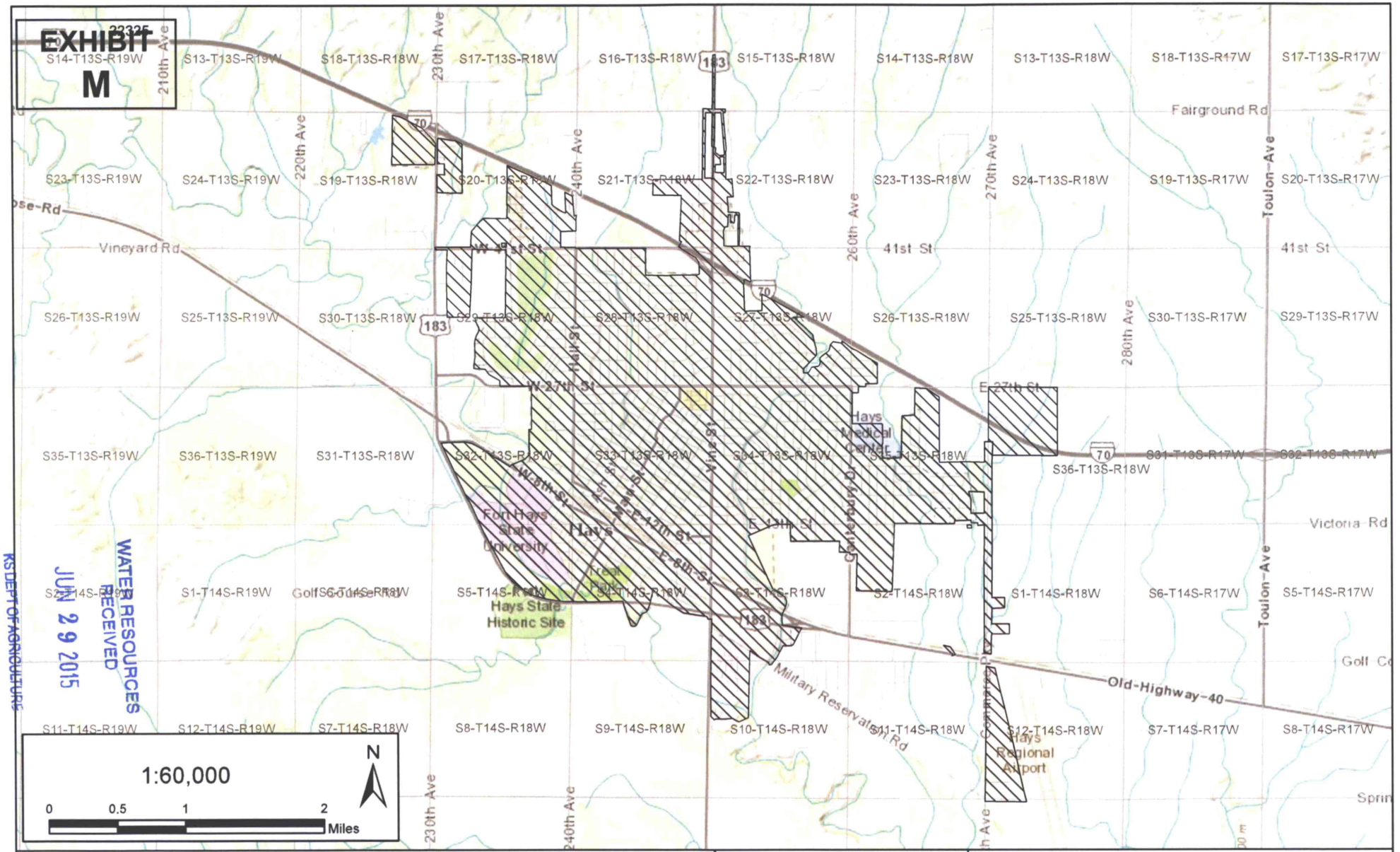
EXHIBIT
M
22325
S14-T13S-R19W
S13-T13S-R19W
S18-T13S-R18W
S17-T13S-R18W
S16-T13S-R18W
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Vine St
Hays
Fort Hays State University
Hays State Historic Site
Hays Medical Center
Golf Course
Victoria Rd
Old Highway 40
Military Reservation Rd
Hays Regional Airport
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WATER RESOURCES
RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE
Proposed Place of Use City of Hays
PLSS Sections
BURNS McDONNELL
22325
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EXHIBIT
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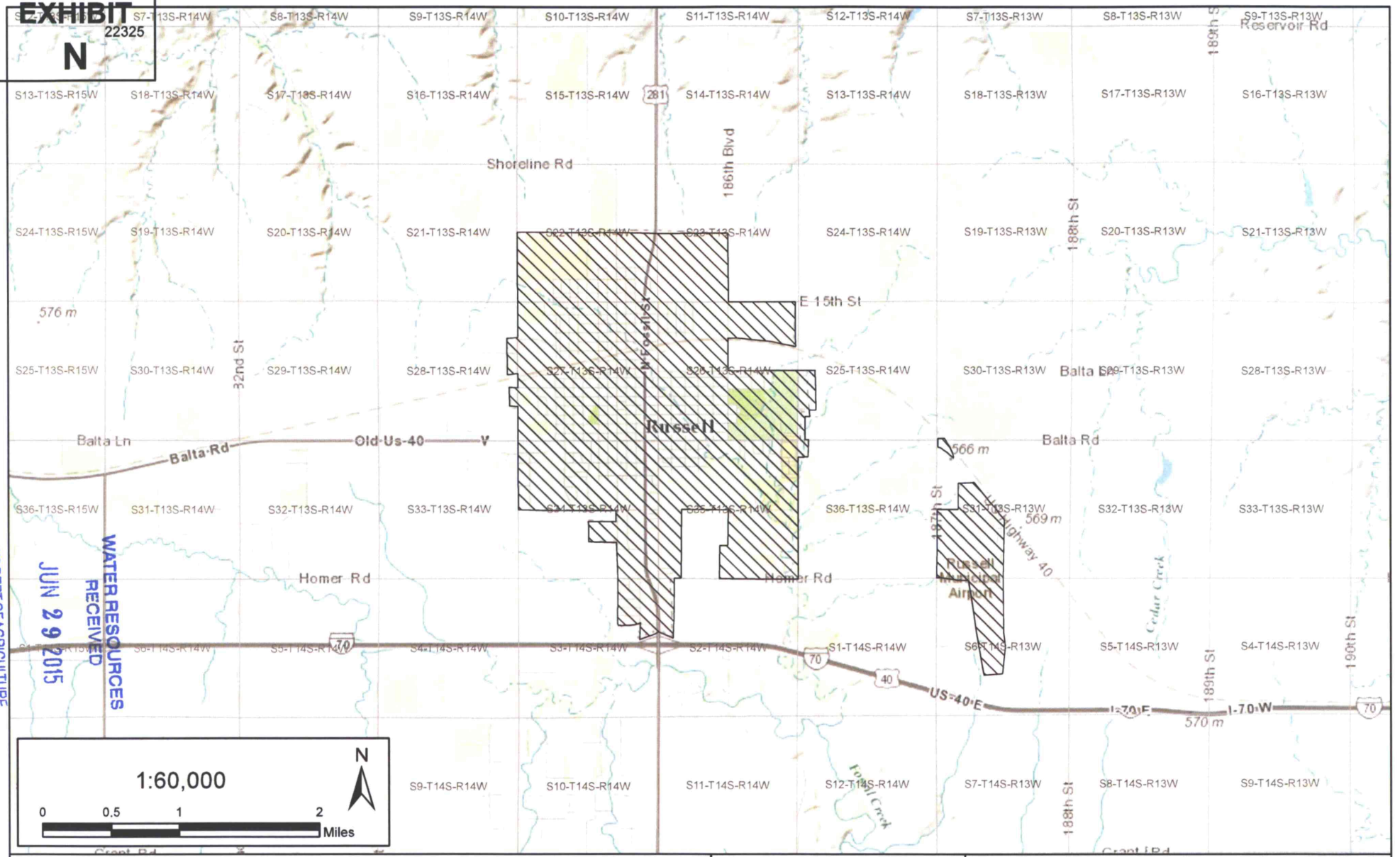
22325



Proposed Place of Use - City of Russell

PLSS Sections

BURNS McDONNELL

22325
Applicant's Name City Of Hays KS
(Please Print)

MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION SUPPLEMENTAL INFORMATION SHEET

Application File Number
(assigned by DWR)

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 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	Column 6 Other Metered Water	Column 7 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 water per year.

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

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

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

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

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

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

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

EXHIBIT O

SECTION 2: PAST WATER USE
COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.

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

22325

SECTION 3: PROJECTED FUTURE WATER NEEDS

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

	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	Column 6 Other Metered Water	Column 7 Remaining Water Used (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
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

SECTION 4: POPULATION AND SERVICE CONNECTIONS

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

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

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

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

1,256 Commercial

2 Industrial

_____ Pasture/ Stockwater/ Feedlot

_____ Other (specify) _____

8,082 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

673,753,000 (Amount of water in Columns 5, 6, and 7 of Section 1) ÷ 21,038 (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.

22325

Applicant's Name City of Russell
(Please Print)

MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION SUPPLEMENTAL INFORMATION SHEET

Application File Number
(assigned by DWR)

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 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	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Below Explanation)
327,288,100	0	0	105,295,000	108,743,000	19,944,000	93,306,100
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

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

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

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

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

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

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

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

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:
Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

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

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

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

EXHIBIT P

SECTION 2: PAST WATER USE
COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.

	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	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Above Explanation)
20 years ago							
15 years ago	373,757,000	0	0	171,928,220	115,864,670	18,687,850	67,276,260
10 years ago	477,486,000	0	0	222,781,000	147,340,000	19,483,000	87,882,000
5 years ago	375,790,000	0	0	144,277,000	123,343,000	18,907,000	89,263,000
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

22325

SECTION 3: PROJECTED FUTURE WATER NEEDS

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

	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	Column 6 Other Metered Water	Column 7 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		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

SECTION 4: POPULATION AND SERVICE CONNECTIONS

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

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

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**		

KS DEPT OF AGRICULTURE
WATER RESOURCES
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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 (Amount of water in Columns 5, 6, and 7 of Section 1) ÷ 4,475 (Population from Last Year of Section 4) ÷ 365 Days/Year = 135.9 GALLONS PER PERSON PER DAY.

SECTION 6: AREA TO BE SERVED

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

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

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

SCANNED