



CITY OF HAYS/RUSSELL  
1551 N. WATERFRONT PARKWAY, SUITE 100  
WICHITA KS 67206

July 2, 2015

RE: File No. 22329

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/WMU
- point of diversion
- use made of water

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 A Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: STAFFORD Field Office  
5

David. W. Barfield, P.E.

JUN 26 2015

4:11

Chief Engineer  
Division of Water Resources  
Kansas Dept. of Agriculture



State of Kansas

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

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

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

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

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

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

David, W. Barfield, P.E. **WATER RESOURCES RECEIVED**  
 JUN 28 2015  
 11:11  
 Chief Engineer  
 Division of Water Resources  
 Kansas Dept. of Agriculture  
 JUN 29 2015  
 8:28  
 KS DEPT OF AGRICULTURE

File No. 22,329 Circle 24.

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

\$ 21000 15053309

SCANNED

6/30/2015 LLM



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		
		1-T26S-R20W										27	29	36	30					122

List any other water rights that cover this place of use: File No. 30,084

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**

RECEIVED

JUN 29 2015

- 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 near the center Quarter of the \_\_\_\_\_ Quarter of the SW Quarter  
 of Section 1, Township 26 South, Range 20 (E/W),  
 in Edwards County, Kansas, 1,380 feet North 4,090 feet West of Southeast corner of section.  
 Authorized Rate 570 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 NE Quarter of the SW Quarter of the SW Quarter  
 of Section 1, Township 26 South, Range 20 (E/W),  
 in Edwards County, Kansas, 1,341 feet North 4,056 feet West of Southeast corner of section.  
 Proposed Rate 570 gpm Proposed Quantity 150.48 a/f  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 22,330-32; 30,084

9. **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 \_\_\_\_\_

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

WATER RESOURCES RECEIVED



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](http://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 1/2 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 1/2 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) 1/2 mile downstream and 1/2 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**

**WATER RESOURCES RECEIVED**

**JUN 29 2015**

**KS DEPT OF AGRICULTURE**

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

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

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

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

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

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

*[Handwritten signature]*  
\_\_\_\_\_  
(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 }  
County of Russell } SS



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

*[Handwritten signature: 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**



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)

State of Kansas }  
County of Russell } SS



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

### Proposed Rate and Quantity

The Cities are requesting a total of 150.48 acre-feet and 570 gpm from the well associated with this water right, which will be diverted from new point of diversion J, as shown on Exhibit I. When combined with existing wells from other water rights, new point of diversion J will have a cumulative total of 678.44 acre-feet and 3,170 gpm.

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

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

DWR Regulation, K.A.R. 5-5-9(a), provides that the default calculation used to address the consumptive use issue allows the conversion of 131.76 acre-feet to municipal use.<sup>1</sup> As discussed below, 122 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 131.76 acre-feet.<sup>2</sup>

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

#### *Quantity authorized and perfected*

The permit was issued on March 19, 1976, granting the right to divert up to 220 acre-feet annually at a rate not to exceed 1,000 gallons per minute for irrigation use<sup>4</sup> on 122 acres in the SW/4 of Section 1-T26S-R20W, or 1.80 acre-feet per acre.<sup>5</sup> The certificate limited the rate to 570 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>6</sup>

DWR’s Field Inspection Reports indicate that 209 of the 220 acre-feet authorized by the permit were lawfully perfected.

- 209 acre-feet were applied to 122 approved acres in the SW/4 of Section 1-T26S-R20W.<sup>7</sup>

The certificate limits the total quantity to 108 acre-feet based on the proration of the quantity perfected and the quantity perfected under File No. 30,084 and on DWR’s after-the-fact

<sup>1</sup> K.A.R. 5-5-9(a) and (a)(1).

<sup>2</sup> K.A.R. 5-5-12, NIR Requirements.

<sup>3</sup> K.A.R. 5-5-9(b).

<sup>4</sup> Permit, HAYS002500, Ex. A.

<sup>5</sup> Application, HAYS002495, Ex. B.

<sup>6</sup> March 16, 1976, letter (emphasis added), HAYS002499, Ex. C.

<sup>7</sup> FIR, HAYS002484, Ex. D.

WATER RESOURCES  
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JUN 29 2015

KS DEPT OF AGRICULTURE



determination that 1.5 acre-feet per acre was a reasonable quantity for irrigation use. DWR did not have jurisdiction to make the latter reduction.<sup>8</sup>

Since the perfection period has expired, the “authorized quantity” for this water right is the 209 acre-feet actually perfected even though it exceeds the certified quantity.

*An alternative approach*

DWR’s use of the NIR of 1.08 feet of water for corn is based on its maximum gross irrigation requirement of 1.5 acre-feet per acre.<sup>9</sup> 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 209 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 150.48 acre-feet, should be available for conversion to municipal use. This is less than the 209 acre-feet authorized so the limitation in K.A.R. 5-5-9(a)(4) is not implicated.

The Applicants request that DWR approve a total of 150.48 acre-feet for municipal use.

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<sup>8</sup> Certificate, HAYS002508, Ex. E; Larry Sheets Memo dated April 3, 1987, HAYS002503, Ex. F; and *Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

<sup>9</sup> Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. G, stating that: “In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.” *See also*, K.A.R. 5-3-24 and Larry Sheets Memo dated April 3, 1987, HAYS002503, Ex. F.

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. 22,329 of the applicant

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

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

1. That the priority date assigned to such application is May 2, 1974.
2. That the water sought to be appropriated shall be used for irrigation on the land described in the application.
3. That the source from which the appropriation is made shall be from ground water in the drainage basin of the Arkansas River to be withdrawn by means of one (1) well near the center of the Southwest Quarter (SW<sub>4</sub>) 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 220 acre-feet

for any calendar year KS DEPT OF AGRICULTURE

WATER RESOURCES  
RECEIVED  
JUN 29 2015

(OVER) RECEIVED  
MAR 29 1976  
HAYS 002100

FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD



22329  
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

19 76



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

WATER RESOURCES  
RECEIVED

JUN 29 2015

KS DEPT OF AGRICULTURE

HAYS002501

EXHIBIT  
B  
22329



THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE

Roy Freeland, Secretary

DIVISION OF WATER RESOURCES

Guy E. Gibson, Chief Engineer

*Read about 100 220 5 274*  
*see*

22,329

NUMBER 10

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

(Mr.)

(Mrs.)

Comes now the applicant (Miss) Midwest Land and Cattle Co. whose post office

address is Box 208 Kinalley, 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 in the county of Edwards

(name of stream or drainage basin)

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 220 acre feet per year, to be diverted at a maximum rate of 1400 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 South quarter of the SW quarter of section 1, township South Brown 26, range 2620 W, in

Edwards County, Kansas. (Section 1 is more than 1 mile long)

3. The water is intended to be appropriated for:

*\* 1 well near the center of the SW 1/4 of Twp in the NW 1/4 of E 1/4 of S 1/4*

Amount

(a) Domestic use ( ) \_\_\_\_\_

(b) Municipal use ( ) 220 \_\_\_\_\_

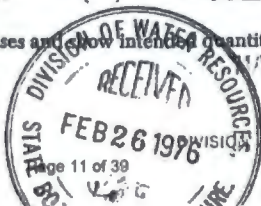
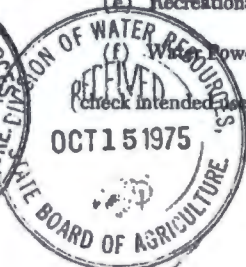
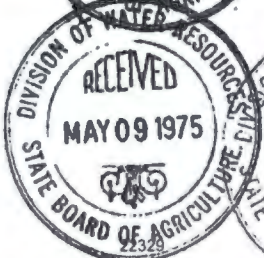
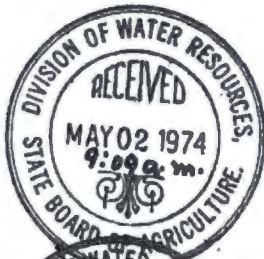
(c) Irrigation use (X) 220 2 acre ft./yr. - 1400 gals./min.

(d) Industrial use ( ) \_\_\_\_\_

(e) Recreational use ( ) \_\_\_\_\_

(f) Water Power use ( ) \_\_\_\_\_

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



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HAYS002494

STAFFORD



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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$ <del>40</del>				SE $\frac{1}{4}$				Total
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1 26 20									27 40	29 40	36 40	30 40					122 160

Owner of Land—NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Owner of Land—NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

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

and will be completed by July of 1974 SEPT 1976  
(Date)

8. The first actual application of water for the beneficial use proposed was or is estimated to be July of 1975 SEPT 1976  
(Date)

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

The plat or aerial photograph should show

- (a) Location of the proposed point or points of diversion
- (b) Location of the pipe lines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use
- (c) If for irrigation, show the location of the land proposed to be irrigated
- (d) If for industrial or other use, show the location of the land where water will be used.

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

Irrigation wells and land is in the process of being bought from a company known as the Kinsley Joint Venture (Wheatheart Land Co;)  
Applications have been filed for the water rights

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

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

Midwest Land & Cattle Co.

By Johnny 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.

SI-530  8-72-10M 8 875

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**MAR 29 1976**

**HAYS002496**





R20 W  
APPLICATION 22329  
9-15-11  
Order No. 24

All wells within 1/2 mile of the application well are owned by the applicant.

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DIVISION OF WATER RESOURCES  
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OCT 1 2015  
STATE BOARD OF AGRICULTURE

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JUN 29 2015

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HAYS002497



2

E-N

March 16, 1976

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

ATTENTION: Mr. Johnny Carson, Manager

Re: Appropriation of Water  
Application No. 22,329

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,

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Riley M. Dixon  
Hydrologist

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RMD:GEE:eel

Encs.

MAR 29 1976  
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FIELD OFFICE  
DIVISION OF WATER RESOURCES  
STAFFORD

DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE  
**FIELD INSPECTION REPORT**

- Partial
- Full
- Re-Test

Test 1 of 1 Diversion points  
 well #24  
 Application No. 22329 Date 10/22/86 Firm/Field Office Pumping Plant Testing Inc  
 Inspector Klassen / Ebert

Field Area No. 2 G.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 \_\_\_\_\_

Authorized Point of Diversion: 1 well NE SW 1/4 Sec. 1, T. 26, R. 20  
 Approximately \_\_\_\_\_ ft. North and \_\_\_\_\_ ft. West of SE corner of Sec. \_\_\_\_\_

Actual Point of Diversion: 1 well NE SW 1/4 Sec. 1, T. 26, R. 20  
 Approximately 1380 ft. North and 4090 ft. West of SE corner of Sec. 1

How were distances determined? By Scaling off Aerial Photo, Scale From Original Survey Plats.

"Approved" Quantity 220 ac-ft "Approved" Diversion Rate 1000 g.p.m. (2.23 c.f.s.)

Priority Date May 2, 1974 Approval of Application Date 1000

Perfection Date 12/31/81

Other applications covering land and/or point of diversion \_\_\_\_\_, 30084 SEE IRRIGATION SYSTEM EXPLANATION  
 (include discussion of overlapping files in remarks section)

**LAND TO BE INCLUDED ON CERTIFICATE:**

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
1	26	20										27	29	36	30					122

**LAND IRRIGATED—YEAR OF RECORD** 1985 - SEE ATTACHED SHEET

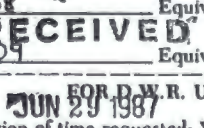
S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
1	26	20										28.5	34.5	32	26					121
12	26	25	<i>an error in legend referring to section 25</i>																5	
			<i>telephone call 3-18-87 Carl</i>																122	

**APPLICATION OF WATER:** SEE ATTACHED SHEET

Year of Record 1985 Hours Pumped 2050 or Quantity 214.4 AF

Flow from well under normal conditions  
 Normal Operating G.P.M. 568 Equiv. c.f.s. 1.27 \* See remarks.

well NE SW 1/4 pumping above  
 Maximum Operating G.P.M. 509 Equiv. c.f.s. 1.13



Year of Record 1984 Extension of time requested: Yes  No

Total No. of Hours on land covered by this application 2000

Ac. Ft. Applied = 2000 hrs. x 568 g.p.m. x  $\frac{4.419}{24 \times 1000}$  = 209 AF

Acres of "Approved" Land Irrigated 122 or 1.71 ac-ft/acre

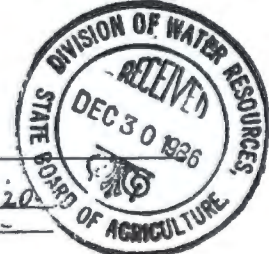
Ac. Ft. on "Approved" Land \_\_\_\_\_ (\_\_\_\_\_ Ac. Ft./Ac.)

Ac. Ft. Used on "Approved" Land at "Approved" Rate or Less reasonable quantity for 122 acres x 1.5 = 183

Proration Calculations  $\frac{568}{454} \times 183 = 108$

Perfected Rate 570 (1.27 c.f.s.) Perfected Quantity 108 AF

DWR-101 22329 Completed by Larry M Sheets 4-3-87 Page 16 of 39



$\frac{568}{454} \times 183 = 108 \text{ ac-ft}$   
 $\frac{391}{454} \times 183 = 75 \text{ ac-ft}$

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GENERAL INFORMATION ON IRRIGATION SYSTEM:

Center Pivot     High Pressure     Low Pressure  
 Manufacturer Valley    Model 4071    Serial No. 41288  
 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. 2 Rain Bird 85's  
 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. Water from the well on this application flows into this system. Because this well didn't supply enough water, an additional well (applic. 38024) was drilled to supplement it. Part of the water from 38024 flows onto land on this application, and part of the water is diverted to applic. 22330. Application 38024 is a land overlap, which overlaps the 27 acres in the NE 1/4 and 30 in the SE 1/4, both of the SW 1/4 of 1-26-20

POWER UNIT INFORMATION:

Manufacturer Ford    Model No. 300    HP \_\_\_\_\_  
 Serial No. 07935 E-23-TL    Fuel Natural Gas    Rated RPM \_\_\_\_\_

PUMP INFORMATION:

Manufacturer Goulds    Model No. 10 JMC    Rated RPM \_\_\_\_\_  
 Serial No. K-3251    Type Vertical Turbine    No. stages 5

GEAR HEAD INFORMATION:

Manufacturer Randolph    Model No. 660  
 Serial No. 601940160P    Drive BE 4    Ratio 4:3

WELL INFORMATION:

Date Drilled June, 1976    Original Depth \_\_\_\_\_ ft.    Static Water Level When Drilled \_\_\_\_\_ ft.  
 Tape Down Possible? Yes (33')    Water Level Measurement Tube? No  
 Measuring Point 1 ft. above or below L.S.D.

ADDITIONAL REQUIREMENTS:

Meter Required? No    Make of Meter None  
 Meter Model No. \_\_\_\_\_    Serial No. \_\_\_\_\_    Size \_\_\_\_\_  
 Is Meter Installed Properly? \_\_\_\_\_  
 Chemical Injection System? Not Presently    Check Valve? Yes    Low Pressure Drain? Yes  
 Vacuum Breaker? Yes    Are these anti-pollution devices installed properly? Yes

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

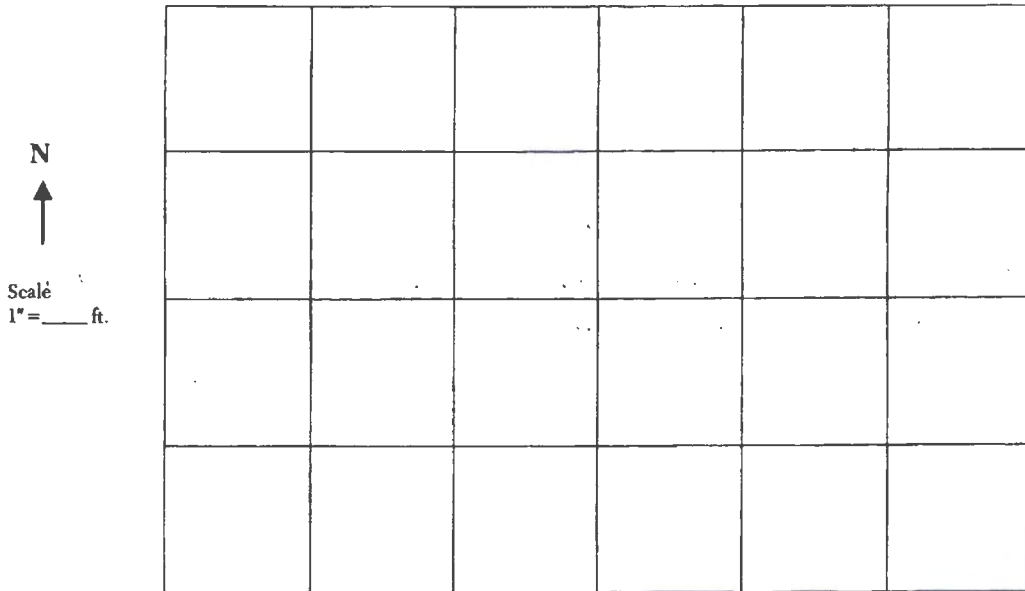
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HAYS002485

22329  
**SKETCH OF ACTUAL PLACE OF USE, LOCATION OF DIVERSION WORK, 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 Vertical Pipe Inside Pivot Stand  
 Pipe Diameter (I.D.) 7 3/4 inches

Test No. 1—Normal Conditions	<u>30.0</u>	Test No. 2— <del>Maximum Conditions</del>	<u>Well in Appln. by itself.</u>
	<u>This well</u>		
R.P.M. POWER UNIT	<u>2280</u>	R.P.M. POWER UNIT	<u>1800</u>
R.P.M. PUMP UNIT	<u>1710</u>	R.P.M. PUMP UNIT	<u>1350</u>
Pressure at Pump	<u>42</u> psi	Pressure at Pump	<u>14</u> psi
	<u>42</u>		

**Jacuzzi Meter Test**

Meter Identification No. \_\_\_\_\_

Area Constant  $K = 2.45 \times I.D.^2 =$  \_\_\_\_\_  $Q (gpm) = VK$

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) **HAYS002486**

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**FUEL RECORDS:**

**Electricity** Supplier \_\_\_\_\_  
 Meter Manufacturer \_\_\_\_\_ Type \_\_\_\_\_ Serial No. \_\_\_\_\_  
 K \_\_\_\_\_ watt/rev r \_\_\_\_\_ revolutions t \_\_\_\_\_ seconds

Rate =  $\frac{K \times 3.6}{t}$  = \_\_\_\_\_ 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? Rate Not Determined Because Many Wells use One Meter

**TABULATION OF WATER USE:**

24890  
MC SW  
1-26-2011

Year	Hours Pumped (hr)	Tested Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1977	510	500		130
1978				
1979	336	750		110
1980				
1981				
1982				
1983	* Unused Due To Redevelopment			
1984	2000	650		122
* 1985	2050	509*		122
1986		509*		
* Data From Test				
* From Water Use Reports sent by Jerry Weaver of Agri Affiliates				

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

Crops Irrigated: this year CORN Year of record CORN

REMARKS: THIS FLOW RATE WAS DETERMINED BY SUBTRACTING THE CONTRIBUTION OF THE 'MIDDLE WELLS' (APPLN 30,989) FROM THE TOTAL FLOW RATE INTO THE PIVOT WHEN BOTH WELLS ARE BRING WATER; I.E. 959 GPM - 391 GPM = 568 GPM

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Person present at test Steve Chadd Bill Chadd Randy Ardrey 316-723-3052  
(name) (name) (relationship) employee of tenant

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Water Use Correspondent Agri Affiliates Box 1162 North Platte, NE 69103 (308) 534-9240  
(name) (address) (phone number)

Conducted by Greg Ebert Date 9/24/86  
(signature)

Approved by Bill W. St... P.E. Date 12/26/86  
(signature) (title)

HAYS002487



APPLICATION NO: 22329 NAME: Connecticut General Life Ins

COLLINS METER TEST *Normal conditions all three wells pumping  
Flow in pivot on SW 1/4.*

Collins Meter No. 1-84 Meter Calibration Factor 9635

Pipe Inside Diameter (inches) 7 3/4 Flow Rate Factor 145.4

Test Pressure (psi) 42 Test RPM, Pump 1710 <sup>NC SW 1/4</sup> 1750 <sup>middle well</sup>

Description of Test Location In Vertical pipe inside pivot stand.

TEST DATA: <input checked="" type="checkbox"/> Check, Initial	<u>7.51</u>	Reversed	<u>7.51</u>
	Velocity		Velocity
Meter Setting From	Left Side of Pipe		Right Side of Pipe
Center of Pipe	(or Front Side if		(or Back Side if
	Vertical Test)		Vertical Test)

<u>1 9/16</u>	<u>7.00</u>	<u>7.07</u>	<u>7.60</u>	<u>7.57</u>
<u>2 3/4</u>	<u>6.46</u>	<u>6.50</u>	<u>7.25</u>	<u>7.27</u>
<u>3 9/16</u>	<u>6.19</u>	<u>5.79</u>	<u>6.52</u>	<u>6.91</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 6.84

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =  
6.84 x 9635 = 6.59

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =  
6.59 x 145.4 = 959 GPM



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PUMPING PLANT TESTING, INC. JUN 29 2015

Reviewed By: *[Signature]*

KS DEPT OF AGRICULTURE

Professional Engineer

HAYS002488

JUN 29 1987

UNRECORDED

APPLICATION NO: 22,329

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 OF 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.



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PUMPING PLANT TESTING, INC.

Reviewed by:

*M. J. W.*

HAYS002489

Professional Engineer

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APPLICATION NO: 22329 NAME: Connecticut General Life Ins.

COLLINS METER TEST *Normal operating conditions*  
*Flow from middle well onto SW 1/4 (well in 30,089)*

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

Pipe Inside Diameter (inches) 7/8 Flow Rate Factor 150.3

Test Pressure (psi) 42 Test RPM, Pump 1750

Description of Test Location In horizontal pipe between pressure tank NC SW 1/4 and pipe from well NC SW 1/4

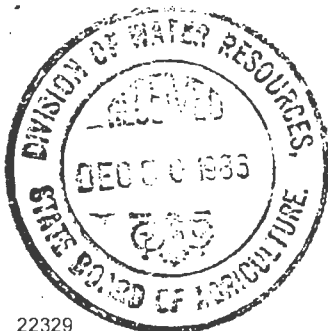
TEST DATA:  Check, Initial 2.72 Reversed 2.70  
 Meter Setting From Center of Pipe  
 Velocity Left Side of Pipe (or Front Side if Vertical Test)      Velocity Right Side of Pipe (or Back Side if Vertical Test)

<u>1 5/8</u>	<u>2.82</u>	<u>2.81</u>	<u>2.60</u>	<u>2.62</u>
<u>2 1/16</u>	<u>2.85</u>	<u>2.74</u>	<u>2.54</u>	<u>2.52</u>
<u>3 5/8</u>	<u>2.70</u>	<u>2.69</u>	<u>2.50</u>	<u>2.42</u>

Average Velocity of Water = Sum of Vel. ÷ 12 = 2.65

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =  
2.65 x .9826 = 2.605

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =  
2.605 x 150.3 = 391 GPM



Reviewed By:

PUMPING PLANT TESTING, INC.

*[Signature]*

Professional Engineer

HAYS002490

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APPLICATION NO: 22329 NAME: Connecticut General Life Ins.

COLLINS METER TEST NCSW $\frac{1}{4}$  pumping alone in pivot on SW $\frac{1}{4}$

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

Pipe Inside Diameter (inches) 7 $\frac{3}{4}$  Flow Rate Factor 145.4

Test Pressure (psi) 14 Test RPM, Pump 1350

Description of Test Location In vertical pipe inside pivot stand

TEST DATA:  Check, Initial 3.90 Reversed 3.88  
 Velocity Velocity  
 Meter Setting From Left Side of Pipe Right Side of Pipe  
 Center of Pipe (or Front Side if (or Back Side if  
 Vertical Test) Vertical Test)

Meter Setting	Left Side of Pipe (or Front Side if Vertical Test)	Right Side of Pipe (or Back Side if Vertical Test)
<u>1<math>\frac{9}{16}</math></u>	<u>3.80</u>	<u>3.79</u>
<u>2<math>\frac{3}{4}</math></u>	<u>3.71</u>	<u>3.69</u>
<u>3<math>\frac{9}{16}</math></u>	<u>3.38</u>	<u>3.50</u>

Average Velocity of Water = Sum of Vel.  $\div$  12 = 3.637

Corrected Ave. Vel. = (Ave. Vel.) x (Calibration Factor) =  
3.637 x .9635 = 3.504

Flow Rate = (Corrected Ave. Vel.) x (Flow Rate Factor) =  
3.504 x 145.4 = 509 GPM



PUMPING PLANT TESTING, INC.

Reviewed By:

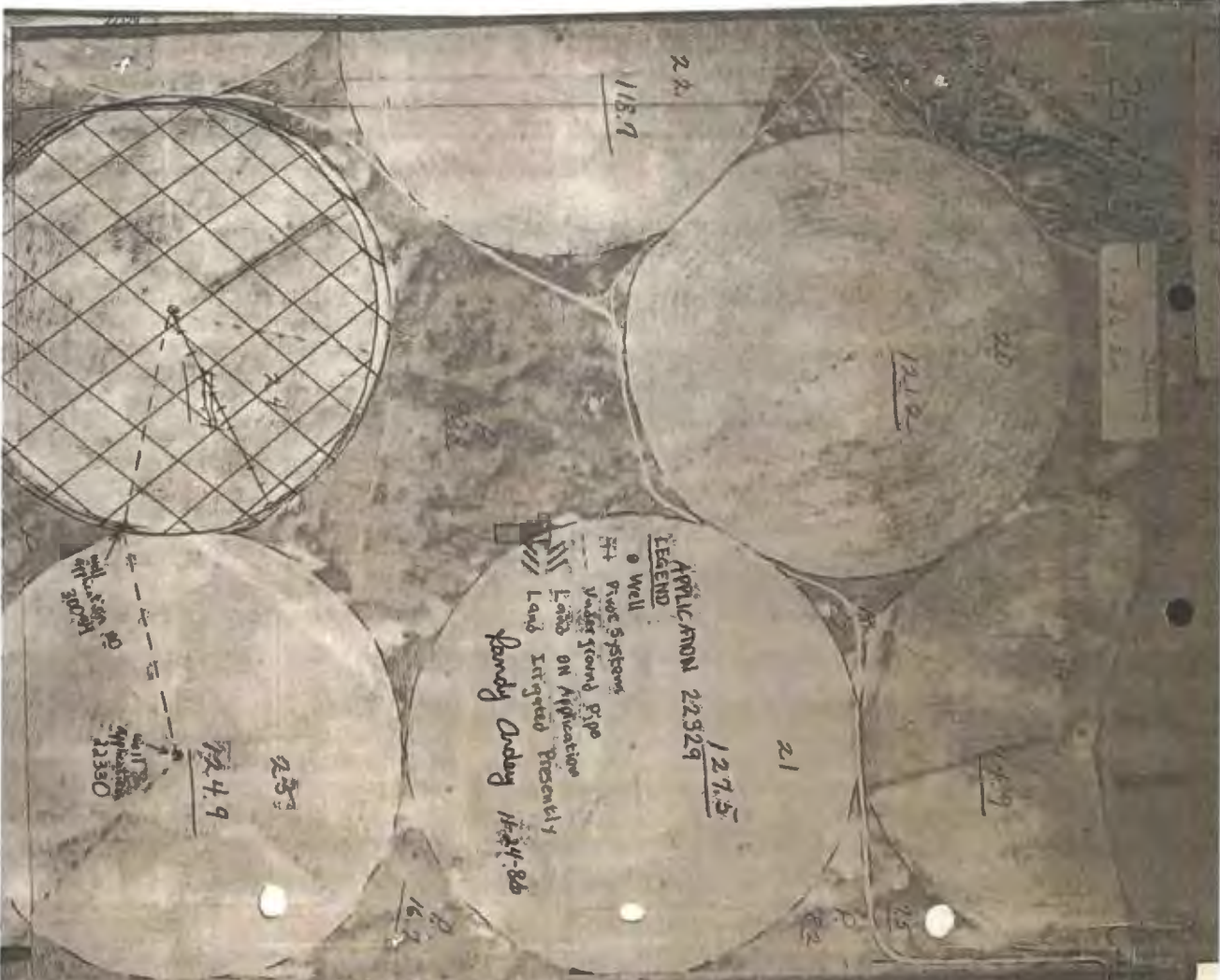
*[Signature]*

Professional Engineer

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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**

WATER RIGHT, File No. 22,329  
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 a well located near the center of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 1, more particularly described as being near a point 1,380 feet North and 4,090 feet West of the Southeast corner of said section, in Township 26 South, Range 20 West, Edwards County, Kansas, at a diversion rate not in excess of 570 gallons per minute (1.27 c.f.s.) and in a quantity not to exceed 108 acre-feet per calendar year for irrigation use on the following described property:

- 27 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ).
- 29 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ).
- 36 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ).
- 30 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ).

a total of 122 acres in Section 1, Township 26 South, Range 20 West, Edwards County, Kansas.

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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.

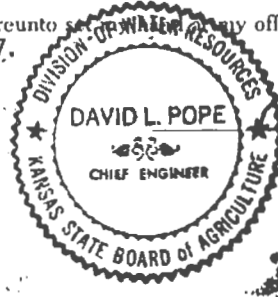
The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer within 30 days of receipt of the annual water use report form.

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 and official seal at Topeka, Kansas, this 11th day of June, 1987.



*David L. Pope*  
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.



Signature: *Denise J. Waters*  
Denise J. Waters, Notary Public

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. 16,115

STATE OF KANSAS

Water Right, File No. 22,329

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.

HAYS002509

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KANSAS STATE BOARD OF AGRICULTURE  
Division of Water Resources

## M E M O R A N D U M

TO: Files

DATE: April 3, 1987

FROM: Larry M. Sheets

RE: Appropriation of Water  
File No. 22,329

The Field Inspection Report for the above referenced file, conducted under contract by Pumping Plant Testing, has been reviewed. It meets the requirements specified in the Scope of Work. Based on the 1984 Water Use Report, 2,000 hours of pumping the well located near the center of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 1, Township 26 South, Range 20 West, Edwards County, Kansas, provided 209 acre-feet of water for irrigating 122 acres or 1.73 acre-feet per acre. The Certificate of Appropriation has been drafted for the tested pumping rate rounded up to 570 gallons per minute and a reasonable quantity for land irrigated by the pivot system on the Southwest Quarter (SW $\frac{1}{4}$ ).

A later file (No. 30,084) provides a portion of the water to the pivot system. The reasonable quantity for the pivot system has been prorated according to determined pumping rates.

Larry M. Sheets  
Hydrologist

LMS:aru

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Kansas State Board of Agriculture  
Division of Water Resources

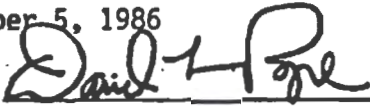
ADMINISTRATIVE POLICY  
No. 86-8

**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:

<u>Area, Place of use</u>	<u>Max. Allowable Rate</u>	
up to 10 acres	450 g.p.m.	450
10 - 40 acres	(+) 450 g.p.m.	900
40 - 120 acres	(+) 8 g.p.m./acre	580 + 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.	
	<u>1,244</u> (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.

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Administrative Policy No.86-8  
Page 2

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.

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**EXHIBIT**

**H**

22329

S35-T25S-R20W

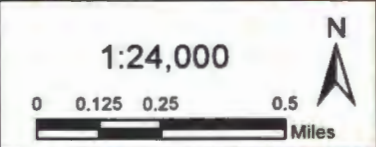
S36-T25S-R20W

S31-T25S-R19W

S32-T25S-R19W

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DIVISION  
JUN 29 2015



**Legend**

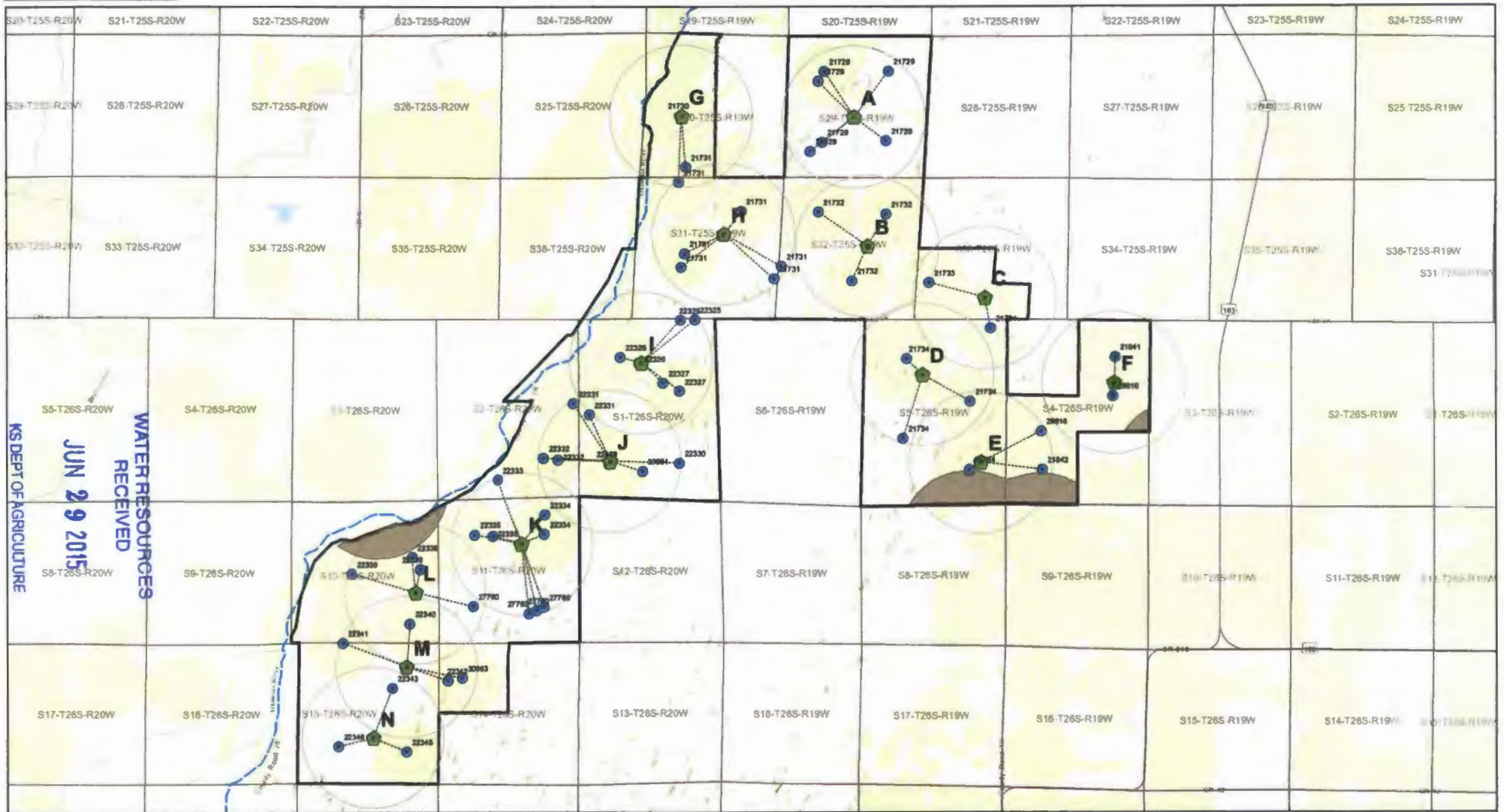
- 22329 Existing Point(s) of Diversion
- 22329 Existing Place of Use
- ▭ R9 Ranch Property Boundary
- ▭ PLSS Sections 22329
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells



**CHANGE APPLICATION 22329  
APPLICATION MAP  
AUTHORIZED PLACE OF USE &  
POINTS OF DIVERSION**



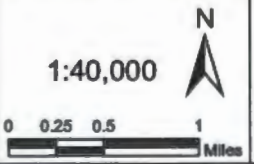
**EXHIBIT**  
22329



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**Legend**

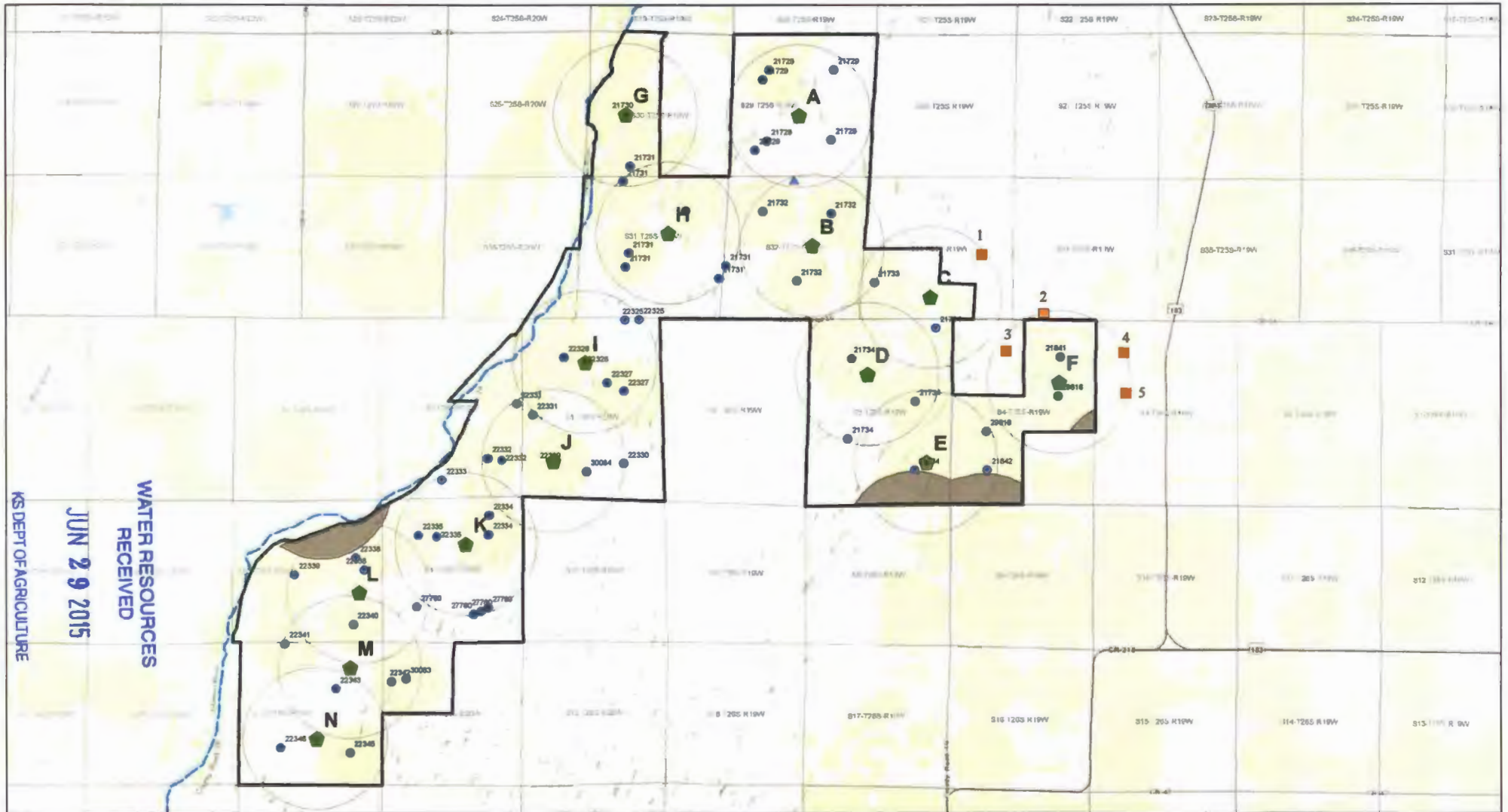
- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- Water Rights Consolidation Lines
- Area Excluded From Proposed Wells
- River Centerline
- R9 Ranch Property Boundary
- PLSS Sections



# EXHIBIT

22329

# J



### Legend

- Proposed Municipal Wells (A-N)
- Existing R9 Ranch Points of Diversion
- 1/2 Mile Buffer Around Proposed Wells
- PLSS Sections
- Area Excluded From Proposed Wells
- R9 Ranch Property Boundary
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)

1:40,000



0 0.25 0.5 1 Miles



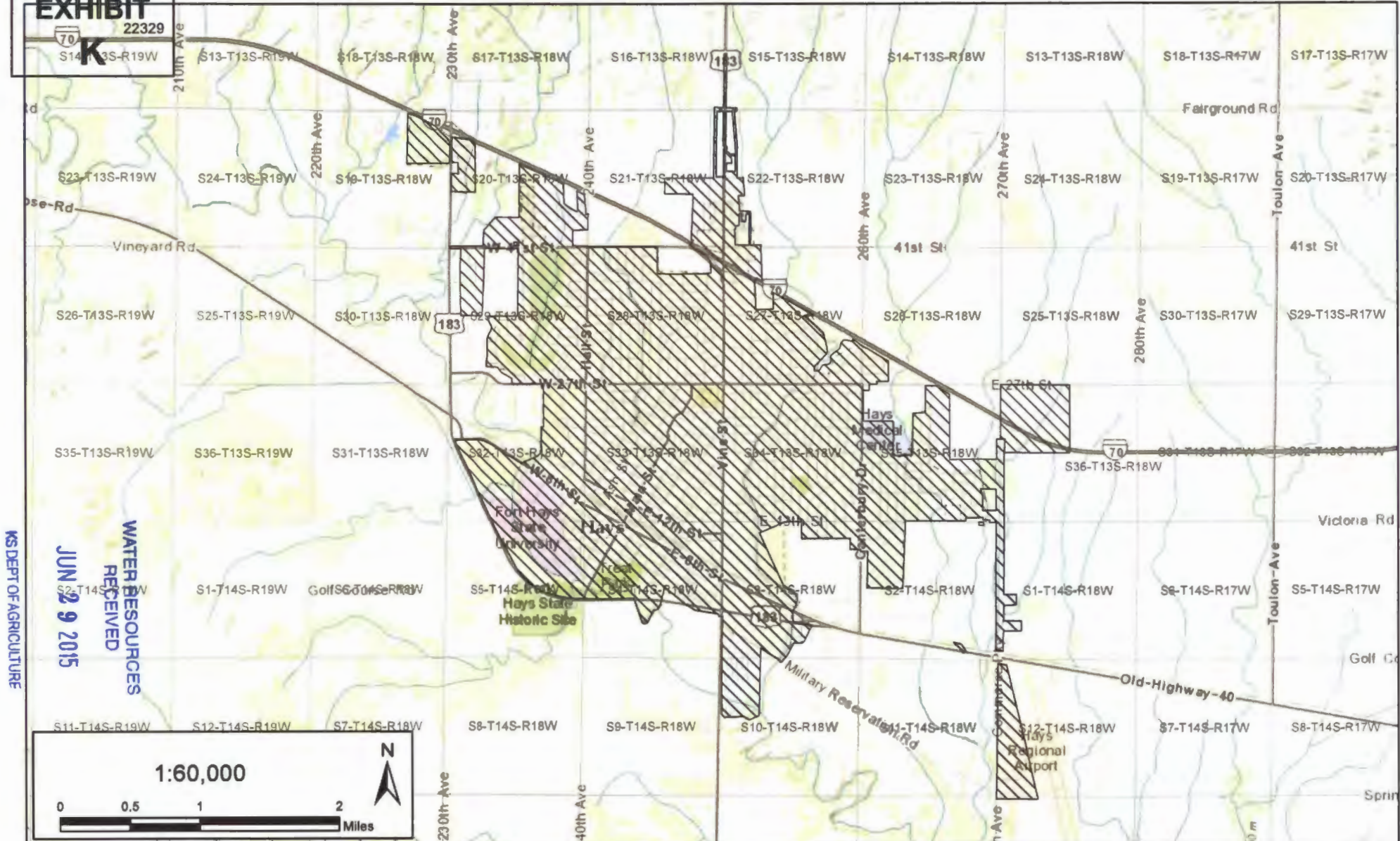
**BURNS MEDONNELL**



**EXHIBIT**

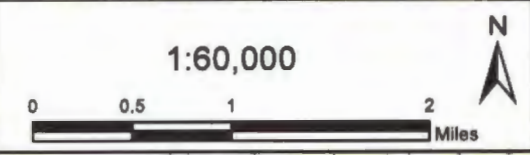
22329

**K**  
S14-T13S-R19W



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**Proposed Place of Use City of Hays**  
**PLSS Sections**

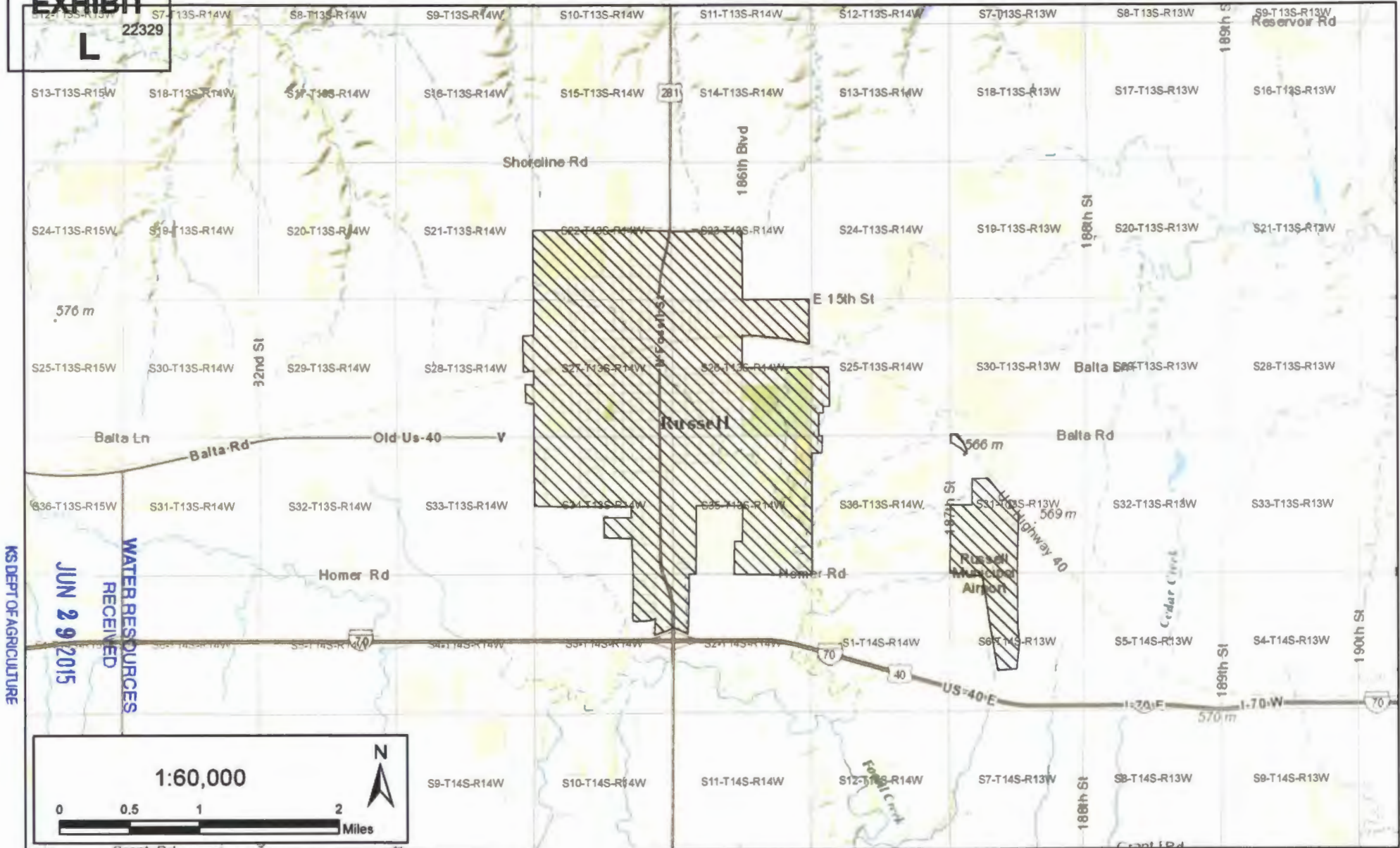




**EXHIBIT**

**L**

22329



Proposed Place of Use - City of Russell



PLSS Sections



22329  
 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	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
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)
684,559,000			10,806,000	595,254,000	18,327,000	82,172,000
<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>				<b>UNACCOUNTED FOR WATER</b>

**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  
 M**

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

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	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 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			10,819,000	587,965,000	10,470,000	171,473,000
10 years ago	708,926,000			7,103,000	639,222,000	20,861,000	39,740,000
5 years ago	693,986,000			13,537,000	581,900,000	19,362,000	114,383,000
	<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>				<b>UNACCOUNTED FOR WATER</b>

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**SECTION 3: PROJECTED FUTURE WATER NEEDS**

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

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	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 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
	<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>			<b>UNACCOUNTED FOR WATER</b>	

**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      2 Industrial      \_\_\_\_\_ Other (specify) \_\_\_\_\_  
 1,256 Commercial      \_\_\_\_\_ Pasture/ Stockwater/ Feedlot      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 + 21,038 + 365 Days/Year = 88 GALLONS PER PERSON PER DAY.

Amount of water in Columns 5, 6, and 7 of Section 1      Population from Last Year of Section 4

**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.





22329  
SECTION 3: PROJECTED FUTURE WATER NEEDS

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

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	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 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	

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

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

$$\frac{221,991,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4,475}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 135.9 \text{ GALLONS PER PERSON PER DAY.}$$

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): City of Russell  
Note that the actual quantity of "Unaccounted for Water" is lower than shown here. Large quantities diverted from the Pfeifer Wells are returned to the aquifer in the "Collector Well." See detailed explanation in the cover letter accompanying this application. Projected future water needs include losses in the collector well but when repaired or replaced, total raw water diversion will be reduced.

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

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