SECOND AMENDED

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

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



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

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

| 1. | Application is hereby made for approval of the Chief Engineer to change the | Water Resources Received | | | | | |
|-----------|---|--|--|--|--|--|--|
| | Place of Use | MAR 25 2019 | | | | | |
| | (Check one or more) | | | | | | |
| | ✓ Use Made of Water | KS Dept Of Agriculture | | | | | |
| | File No 22,334 C | ircle 27. | | | | | |
| 2. | Name of applicant: City of Hays, Kansas and City of Russell, Kansas (| See Section I.A. of the Cover Letter.) | | | | | |
| | Address: c/o Foulston Siefkin LLP, 1551 N. Waterfront Parkway, Sui | te 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, Kansas | | | | | | |
| | 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: tdoughe | rty@haysusa.com | | | | | |
| 3. | The change(s) proposed herein are desired for the following reasons (please be specific): | | | | | | |
| | See Section I.B. of the accompanying Cover Letter which is incorporated by reference. The Cover Letter | | | | | | |
| | supersedes the June 25, 2015 Cover Letter that accompanied the original Change Applications. | | | | | | |
| | The change(s) (was) (will be) completed by <u>December 31, 2029</u> . | | | | | | |
| | The dialige(s) (was) (will be) delliploted by <u>Becentioer 51, 2525.</u> | Date) | | | | | |
| _ | | · | | | | | |
| Fo F.C | or Office Use Only: O GMD Meets K.A.R. 5-5-1 (YES / NO) Use Source G / S Coode Fee \$ TR # Receipt to | ountyBy Date Date Check # | | | | | |
| | | | | | | | |
| | | | | | | | |
| | Amandad Substituta Daga | | | | | | |

22,334 File No. 4. The presently authorized place of use is: Owner of Land — NAME: <u>City of Hays, Kansas</u> ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601 NW1/4 TOTAL ACRES NW1/4 SW1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE14 NW14 SW14 SE14 NE14 SE1/4 NE1/4 NW14 SW14 SE1/4 Sec. Twp. Range 11-T26S-R20W 33 132 33 33 List any other water rights that cover this place of use. None Owner of Land — NAME: <u>City of Russell, Kansas</u> ADDRESS: 113 W. 8th Street, Russell, Kansas 67665 NW14 TOTAL ACRES NE'4 NW'4 SW'4 NE1/4 NW1/4 SW1/4 SE1/4 NE' NW' SW' SE' NE¼ NW¼ SW1/4 SE1/4 SE1/4 Twp. Range Tribit Cit 3 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: <u>City of Hays, Kansas</u> ADDRESS: P.O. Box 490, 1507 Main Street, Hays, Kansas 67601 NW1/4 SW1/4 **TOTAL** ACRES SW1/4 NW1/4 SW1/4 NW1/4 NW1/4 SW1/4 SE1/4 NE% NW1/4 SE1/4 SE1/4 SW1/4 SE1/4 NE1/4 Twp. Range See Attachment List any other water rights that cover this place of use. See Attachment Owner of Land — NAME: <u>City of Russell, Kansas</u> ADDRESS: 113 W. 8th Street, Russell, Kansas 67665 NW1/4 TOTAL ACRES NE14 NW14 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 Twp. Range See Attachment

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

Amended Substitute Page

- The presently authorized point(s) of diversion (is) (are) irrigation well(s) described in paragraphs 8, 9, and 10
- The proposed point(s) of diversion (is) (are) a new municipal well described in paragraphs 8, 9, and/or 10 and in the Attachment.

| Presently authorized poil | nt of diversion: | | | | |
|--|---|--|--|--|---|
| One in the near the co | enter Quarter of the | N/2 | Quarter of the | NE | Quarte |
| of Section 11 | enter Quarter of the, Township | 26 | South, Range | 20 | (E W |
| n Edwards | County, Kansas, 4,680 | feet North | 1,320 feet West of S | outheast corne | r of section |
| | pm Authorized Quantity | | | | |
| | er ID No GI | | | feet We | est) |
| | hanged This point wi | | | | |
| | ion: (Complete only if chan | | | | |
| | Quarter of the | | | NE | Quar |
| of Section 11 | , Township | 26 | South, Range | 20 | |
| n Edwards | County, Kansas, 3,646 | feet North | 2,143 feet West of S | outheast corne | r of section |
| | chment Proposed Quantity | | | | |
| This point is: Additional | Well ☐ Geo Center List of | other water righ | ts that will use this point | & 27,760 | |
| | | | | | |
| Presently authorized poir | | - | | | |
| One in the <u>near the co</u> | enter Quarter of the | | Quarter of the | NE | Quar |
| of Section 11 | , Township | 26 | South, Range | 20 | () E< |
| n Edwards | County, Kansas, 3,960 | feet North | 1,335 feet West of S | outheast corne | r of section |
| Authorized Rate 639 g | pm Authorized Quantity | 95 a/f | | | |
| DWR use only: Compute | er ID No GI | PS | feet North | feet We | est) |
| | | | | | |
| This point will not be o | changed 🔳 This point wi | ll be changed a | | | |
| | changed 🔳 This point wi ion: (Complete only if chan | | as follows: | | |
| Proposed point of diversions in theNW | ion: (Complete only if chan Quarter of the | ge is requeste SW | as follows: d) Quarter of the | NE | Quar |
| Proposed point of diversion in the NW of Section 11 | ion: (Complete only if chan Quarter of the Township | ge is requeste SW 26 | as follows: d) Quarter of the South, Range | NE 20 | Quar (Æ /\ |
| Proposed point of diversion in the NW of Section 11 | ion: (Complete only if chan Quarter of the | ge is requeste SW 26 | as follows: d) Quarter of the South, Range | NE 20 | Quar (Æ /\ |
| Proposed point of diversion One in the | ion: (Complete only if chan Quarter of the Township | ge is requeste SW 26feet North | as follows: d) Quarter of the South, Range 2,143 feet West of South | NE 20 outheast corne | Quar (Æ/\ er of section |
| Proposed point of diversion in the NW of Section 11 Edwards Proposed Rate See Attack | ion: (Complete only if chan Quarter of the , Township County, Kansas, 3,646 | ge is requeste SW 26 feet North See Attachme | as follows: d) Quarter of the South, Range 2,143 feet West of Sent | NE 20 outheast corne 22,333; 2 | Quai (E /N er of section 22,335 |
| Proposed point of diversion in the NW of Section 11 Edwards Proposed Rate See Attack | on: (Complete only if chan Quarter of the, TownshipCounty, Kansas,3,646 | ge is requeste SW 26 feet North See Attachme | as follows: d) Quarter of the South, Range 2,143 feet West of Sent | NE 20 outheast corne 22,333; 2 | Quai (E /N er of section 22,335 |
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| Proposed point of diversion in the NW of Section 11 Edwards Proposed Rate See Attace This point is: Additional Presently authorized point on the 11 Edwards | ion: (Complete only if chan Quarter of the, Township County, Kansas, 3,646 hment Proposed Quantity Well Geo Center List on | ge is requeste SW 26 feet North See Attachme other water righ | as follows: d) Quarter of the South, Range 2,143 feet West of Sent ts that will use this point Quarter of the | NE 20 outheast corne 22,333; 2 & 27, | Quar (&A er of section 22,335 760 |
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| Proposed point of diversion in the NW of Section 11 Edwards Proposed Rate See Attact This point is: Additional Presently authorized point in the of Section Authorized Rate Authorized Rate | ion: (Complete only if chan Quarter of the, TownshipCounty, Kansas,3,646 hment Proposed Quantity Well | ge is requeste SW 26 feet North See Attachme other water righ feet North | as follows: d) Quarter of the South, Range 2,143 feet West of Sent tts that will use this point Quarter of the South, Range feet West of Sent | NE 20 outheast corne 22,333; 2 & 27, | Quar (\$\frac{\xi}{2},335 760 Quar (EA |
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| Proposed point of diversion in the NW of Section 11 Edwards Proposed Rate See Attact This point is: Additional Presently authorized point on the Section 11 Additional Presently authorized Rate 12 Authorized Rate 13 Authorized Rate 14 Computer (DWR use only: Computer Proposed Rate 15 Authorized Rate 16 Authorized Rate 17 Authorized Rate 17 Authorized Rate 17 Authorized Rate 17 Authorized Rate 18 Authorized Rat | ion: (Complete only if chan Quarter of the, Township County, Kansas,3,646 hment Proposed Quantity Well | ge is requeste SW 26 feet North See Attachme other water righ | Quarter of the South, Range 2,143 feet West of Sent tts that will use this point Quarter of the South, Range feet West of Sent feet North | NE 20 outheast corne 22,333; 2 & 27, | Quar (\$\frac{\xi}{2},335 760 Quar (EA |
| Proposed point of diversion in theNW of Section11 onEdwards Proposed Rate See Attace This point is: Additional Presently authorized point One in the of Section on Authorized Rate (DWR use only: Compute | ion: (Complete only if chan Quarter of the, Township County, Kansas,3,646 hment Proposed Quantity Well | ge is requeste SW 26feet North See Attachme other water righfeet Northfeet Northfeet North | Quarter of the South, Range 2,143 feet West of Sent Its that will use this point Quarter of the South, Range feet West of Sent feet North as follows: | NE 20 outheast corne 22,333; 2 & 27, | Quar (£\Lambda) 10 (£\Lambda) 11 (£\Lambda) 12,335 1760 10 Quar (E\Lambda) 11 (E\Lambda) 12 (E\Lambda) 13 (E\Lambda) 14 (F\Lambda) |
| Proposed point of diversion in the NW of Section 11 Edwards Proposed Rate See Attace This point is: Additional Presently authorized point of Section 1 Edwards Proposed Rate 2 Edwards Presently authorized point of Section 1 Edwards Proposed Rate 2 Edwards Proposed point of diversion in the control of Section 2 Edwards Rate 2 Edwards Ra | ion: (Complete only if chan Quarter of the, TownshipCounty, Kansas,3,646 hment Proposed Quantity Well Geo Center List on to f diversion:Quarter of the, TownshipCounty, Kansas, Authorized Quantity er ID No Given and This point will gion: (Complete only if chan | ge is requeste SW 26 feet North See Attachme other water righ feet North If the changed and ge is requeste | as follows: d) Quarter of the South, Range 2,143 | NE 20 outheast corne 22,333; 2 & 27, | Quar (\$\frac{1}{2}\),335 760 Quar (EA) |
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| Proposed point of diversione in theNW of Section11 of Section11 of Section1 Of Section | ion: (Complete only if chan Quarter of the, Township County, Kansas,3,646 hment Proposed Quantity Well | ge is requeste SW 26 feet North See Attachme other water righ feet North feet North If be changed a ge is requeste | Quarter of the South, Range 2,143 feet West of Sent tts that will use this point Quarter of the South, Range feet West of Sent feet North as follows: Quarter of the South, Range feet North south, Range feet North as follows: | NE 20 outheast corne 22,333; 2 & 27, | Quar (\$\frac{1}{2},335) 760 Quar (EA) er of section est) |
| Proposed point of diversione in theNW of Section11 nEdwards Proposed Rate See Attace This point is: Additional Presently authorized point One in the One in the Authorized Rate (DWR use only: Compute This point will not be composed point of diversion in the One in the One in the One in the Of Section One in the Of Section | ion: (Complete only if chan Quarter of the, Township County, Kansas,3,646 hment Proposed Quantity _ Well | ge is requeste SW 26feet North See Attachme other water righfeet Northfeet North PS Il be changed a ge is requestefeet North | Quarter of the South, Range 2,143 | NE 20 outheast corne 22,333; 2 & 27, | Quar (\$\frac{1}{2},335) 760 Quar (EA) er of section est) |
| Proposed point of diversione in theNW of Section11 nEdwards Proposed Rate See Attace This point is: Additional Presently authorized point One in the One in the One in the One in the This point will not be of Proposed point of diversione in the One in the | ion: (Complete only if chan Quarter of the, Township County, Kansas,3,646 hment Proposed Quantity Well | ge is requeste SW 26feet North See Attachme other water righfeet Northfeet North PS Il be changed a ge is requestefeet North | Quarter of the South, Range 2,143 feet West of Sent tts that will use this point Quarter of the South, Range feet West of Sent teet North as follows: d) Quarter of the South, Range feet West of Sent teet teet teet teet teet teet teet | NE 20 outheast corne 22,333; 2 & 27, outheast corne feet We | Quar (\$\frac{\pi}{22,335} \) Quar (\$\frac{\pi}{20,335} \) Quar (\$\frac{\pi}{20,335} \) Quar of section |

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

| | | File No | 22,334 | | | | | | |
|-----|---|---|---|--|--|--|--|--|--|
| 12. | . The presently authorized use of water is for <u>irrigation</u> purposes | i. | : | | | | | | |
| | It is proposed that the use be changed to <u>municipal</u> | _ purposes. | | | | | | | |
| 13. | . If changing the place of use and/or use made of water, describe how the consumptive use will | not be incre | eased. | | | | | | |
| | See the Attachment and the Master Order, Section III, Quantities for Municipalities | oal Use. | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | (Please show any calculations here.) | | | | | | | | |
| 11 | . It is requested that the maximum annual quantity of water be reduced to See Attachment | (acre_feet | or million gallone) | | | | | | |
| | | | | | | | | | |
| | . It is requested that the maximum rate of diversion of water be reduced to <u>See Attachment</u> ga | | | | | | | | |
| 16. | The application must include either a topographic map or detailed plat. A U.S. Geological S 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, Un Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently a Distances North and West of the Southeast corner of the section must be shown. The pre should also be shown. Identify the center of the section, the section lines and the section cor section, township, and range numbers on the map. In addition the following information must | iversity of huthorized posently authorized ners and shape in the second | Kansas, Lawrence, bint(s) of diversion. brized place of use ow the appropriate | | | | | | |
| | a. If a change in the location of the point(s) of diversion is proposed, show: | | | | | | | | |
| | The location of the proposed point(s) of diversion. Distances North and West of the smust be shown. Please be certain that the information shown on the map agrees 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 lan and ½ mile upstream from your property lines must be shown. | downer(s) 1 | ź mile downstream | | | | | | |
| | b. If a change in the place of use is desired, show the proposed place of use by crosshat certain that the information shown on the map agrees with the information shown in Parag | | | | | | | | |
| 17. | Attach documentation to show the change(s) proposed herein will not impair existing water local source of supply as to which the water right relates. This information may include state well logs, test hole logs, and other information as necessary information to show the above, made below. | ements, plat | s, geology reports, | | | | | | |
| | See the Master Order, Section II, Change in Beneficial Use; Section VI, Change i | n Places o | f Use; | | | | | | |
| - | and Section VIII, Change in Points of Diversion. | | · | | | | | | |
| | | | | | | | | | |
| | · · · · · · · · · · · · · · · · · · · | | | | | | | | |
| 18. | If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Widentify the rules and regulations for which you request a waiver. State the reason why a request should be granted. Attach documentation showing that granting the request will not i will not prejudicially and unreasonably affect the public interest. | waiver is ne | eded and why the | | | | | | |
| | No waivers are required. | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY Substitute Page

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

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

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

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

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

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

The Cities requested a total of 162.88 acre-feet at 890 gpm from the well associated with this water right, all of which would be diverted from new Municipal Well "K," as shown on Exhibit K. When combined with existing wells from other water rights, new Municipal Well "K" would have a cumulative total of 533.2 acre-feet at 3,380 gpm.

After extensive negotiation, the Cities and the Chief Engineer have reached an agreement on numerous terms that are set out in the Master Order, including an agreement that, subject to the negotiated terms and the contingencies in the Master Order, the proposed Municipal Well "K" will be limited to 471.3 acre-feet per year for municipal use at a maximum rate of 700 gallons per minute with 136.1 acre-feet diverted from File 22,334 and the balance from Files 22,333, 22,335 and 27,760.

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

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

All but a few of the irrigation wells on the R9 Ranch have been properly plugged and WWC-5P well plugging forms have been prepared and submitted to KDHE. See Exhibit S and T for the Well Plugging Records for the irrigation wells authorized by File 22,334.

Water Resources
Received

MAR 25 2019

¹ See Exhibit M.

² See Exhibit N.

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

Quantity authorized and perfected

The Permit, issued on March 19, 1976, granted the right to divert up to 237 acre-feet annually at a rate of up to 1,000 gallons per minute for irrigation use³ on 132 acres in Section 11-26S-R20W.⁴ The Permit allowed the perfection of 1.80 acre-feet per acre. The Certificate further limited the rate of the wells to 890 gallons per minute when operated simultaneously.⁵

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

The Field Inspection Reports indicate that 226.23 of the 237 acre-feet authorized by the Permit were lawfully perfected.

- 277 acre-feet⁷ were applied to 126 approved acres in the NE/4 of Section 11-T26S-R20W.
- The Permit authorized the perfection of 237 acre-feet on 132 acres, or 1.80 acre-feet per acre, but only 126 authorized acres were irrigated during the perfection period, resulting in the perfection of 226.23 acre-feet.⁸

While the Certificate limits the total quantity to 190 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.⁹

Since the perfection period has expired, the "authorized quantity" for this water right is the 226.23 acre-feet actually perfected even though it exceeds the certified quantity.

See also. Exhibits O and P.

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

Subject to the contingencies stated above and the negotiated terms of the Master Order, the proposed Municipal Well "K" will be limited to a maximum quantity of 471.3 acre-feet per year for municipal use with 136.1 acre-feet diverted from File 22,334 and the balance from Files 22,333, 22,335 and 27,760.

³ Permit, HAYS003041, Ex. A.

⁴ Application, HAYS003031, Ex. B.

⁵ Certificate, HAYS003048, Ex. C.

⁶ March 19, 1976, letter (emphasis added), HAYS003040, Ex. D.

⁷ FIR, HAYS002937, Ex. E.

⁸ FIRs HAYS003017, Ex. F, and HAYS003021, Ex. G.

⁹ Certificate, HAYS003048, Ex. C; Larry Sheets March 19, 1987, Memo, HAYS003044, Ex. H; and Clawson v. Kansas Dept. of Agriculture, Div. of Water Resources, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

15. The maximum annual rate of diversion:

Subject to the contingencies stated above and the negotiated terms of the Master Order, the proposed Municipal Well "K" will be limited to a maximum rate of 700 gallons per minute, 1.56 cubic feet per second.

Water Resources Received

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Amended Substitute Page

KS Dept Of Agriculture

| 2233 | 34 | EXHIBIT S | Well 27 A | | | | | | |
|--|----------------|----------------------------------|---|---------------------------------|--|--|--|--|--|
| S Water Well 27 A WATER WELL PLUGGING RECORD Form WWC-5P KSA 82a-1212 ID NO. | | | | | | | | | |
| 1 | LOCA | TION OF WAT | ER WELL: Fraction Section Number Township Number Range Number | - 17 ; | | | | | |
| \ <u></u> | | r: Edwards | NE ¼ NE ¼ SW ¼ NE ¼ 11 T 26 S 20 TE Well Location; if unknown, distance & Global Positioning Systems (GPS) information: | N. | | | | | |
| | | | wn or intersection: If at owner's address. Latitude: 37.80370 (in decimal degree | | | | | | |
| | check h | ere 7 1/2 | south & 2 3/4 west of Kinsley Ks. Longitude: 99.47302 (in decimal degree | es) | | | | | |
|]. | | | Datum: WGS84, NAD83, NAD27 | Datum: WGS84, NAD83, NAD27 | | | | | |
| - | | | NER: City of Hays Collection Method: GPS unit (Make/Model: | | | | | | |
| 2 | | ER WELL OW St. Address, Bo | | ., | | | | | |
| | | state ZIP Code: | | | | | | | |
| | D'A A TOT | Expense electric | | | | | | | |
| 3 | WITH | (WELL'S LO AN "X" IN S | ECTION | | | | | | |
| ŀ | BOX: | N | | WELL'S STATIC WATER LEVEL 23.80 | | | | | |
| - | | | WELL WAS USED AS: | | | | | | |
| | 1 | ww -x | NE — Domestic Public Water Supply Dewatering | | | | | | |
| W | , | | ☐ Irrigation ☐ Oil Field Water Supply ☐ Monitoring ☐ Domestic (Lawn & Garden) ☐ Injection Well | | | | | | |
| 1 | 1 | sw | Industrial Air Conditioning Other | | | | | | |
| . | | | Was a chemical/bacteriological sample submitted to Department? Yes ☐ No ✓ | | | | | | |
| | <u> </u> | - | | | | | | | |
| 5 | TYPE | OF BLANK | ASING USED: | | | | | | |
| | ✓ s | teel RN | IP (SR) Wrought Fiberglass Other (Specify below) | | | | | | |
| | F | VC AB | S Asbestos-Cement Concrete Tile | <u> </u> | | | | | |
| | Blank Casin | casing diamete | r 16 in. Was casing pulled? Yes No V If yes, how much | - | | | | | |
| | | enda elle inn ei ne i 🗝 e | | | | | | | |
| 6 | GROU | T PLUG MA | TERIAL: Neat cement Cement grout Bentonite Other | _ | | | | | |
| | Grout. | Pluo Intervals | From 23.9 ft. to 3 ft., From ft. to ft., From to ft. | | | | | | |
| | | | | ' : | | | | | |
| | | s the nearest so eptic tank | urce of possible contamination: Seepage pit Fuel Storage Other (specify below) | | | | | | |
| | S | ewer lines | Pit privy Fertilizer storage None | | | | | | |
| 1 | | /atertight sewer ateral lines | lines Sewage lagoon Insecticide storage The Feedyard Abandoned water well Direction from well? | | | | | | |
| 7 | | ess pool | Livestock pens Oil well/Gas well How many feet? | | | | | | |
| | EDIO | M an | DELICONG MATERIALS FROM TO DELICONG MATERIALS. | | | | | | |
| 1 | FRO 69.8 | M TO 23.9 | PLUGGING MATERIALS FROM TO PLUGGING MATERIALS Chlorinated gravel | | | | | | |
| | 23.9 | 3 | Gement grout | | | | | | |
| | 3 | 0 | Top soil | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | 1 | | | | | | | | |
| .g. | CONT | PACTOR'S C | PR LANDOWNER'S CERTIFICATION: This water well was plugged under my jurisdiction and | ŭac. | | | | | |
| | | on (mo/day/ye | | | | | | | |
| | | actor's License | No. 134 This Water Well Record was completed on (mo/day/year) 2-12-15 under | | | | | | |
| bus | mess na | me of Rosen | crantz-Bernis by (signature) on Olab | | | | | | |
| | | | ypewriter or ballpoint pen. Please press firmly and print clearly. Please fill in blanks, underline or circle th | | | | | | |
| | | | e copy to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SV ska, Kansas 66612-1367. Telephone: 785/296-5524. Send one to Water Well Owner and retain one for yo | | | | | | |
| | | | www.kdheks.gov/waterwell/index.html. | in. | | | | | |

while copy

ander to a substitution of the substitution of

EXHIBIT

| B |
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| Ļ |

| W | WATER WELL PLUGGING RECORD Form WWC-5P KSA 82a-1212 ID NO. | | | | | | | | |
|---------|---|---|-------------------|---|---------------------------------------|-------------------------------|--------------|-----------------------|---------------------------------------|
| 1 | LOCATIO | N OF WAT | ER WELL: | Fraction | | Section | Number | Township Number | |
| | County: E | dwards | | NE 1/4 SE | 14 NW 14 NE | 1/4 Claha) Ba | | T .26 S | 20 E W |
| | Street/Rural Address of Well Location: if unknown, distance & direction from nearest town or intersection: If at owner's address, check here 7.7.1/2 and the 2.2.2/4 west of Kingley Ke | | | | | | | | |
| | check here 7.7.1/2 and the 9.3.2/4 west at Kinglan Ke | | | | | | 99.4729 | 1 | (in decimal degrees) |
| | I 1/2 South & 2 3/4 West of Kinsley Ns. Flevation: 2298 | | | | | | I DIAPOZ | | |
| <u></u> | Datum: WGS84, NAD83, NAD27 Collection Method: | | | | | | | ☐ NAD27 | |
| 3 | | | | | | | | | |
| 2 | WATER WELL OWNER: City of Hays RR#, St. Address, Box #: P.O. Box 56 City, State ZIP Code: Hays, Ks. 67601 GPS unit (Make/Model: Digital Map/Photo, | | | | | | | | 1ap, |
| | | | | | | | | | |
| 7. | | | | | | | | | |
| 3 | WITH AN "X" IN SECTION | | | | | | | | |
| | BOX: WELL'S STATIC WATER LEVEL 24.25 ft | | | | | | | • | |
| | WELL WAS USED AS: | | | | | | | | |
| | NW | <u>, , , , , , , , , , , , , , , , , , , </u> | NE - | Про | mestic [| Public V | Vater Suppl | iv Dewa | atering |
| | | | ;;; | ✓ Irri | gation | Oil Field | l Water Suj | pply Moni | toring |
| N | / | | E | | dlot | | c (Lawn & | | tion Well |
| | _ sw | | SE - | ind | űstrial L | Air Con | ditioning | Li Gine | |
| | | | | Was a | hemical/bacter | iological san | iple submit | ted to Department? | res No 🗸 |
| | | S | | <u> </u> | · · · · · · · · · · · · · · · · · · · | | | | |
| 5 | TYPE OF | BLANK | CASING USE | D: | | | | | |
| | √ Steel | RM | 4P (SR) | Wrought | - 🗍 т | iberglass | · 📋 ĉ | Other (Specify below) | |
| | PVC ABS Asbestos-Cement Concrete Tile Blank casing diameter 16 in. Was casing pulled? Yes No V If yes, how much Casing height above or below land surface 36 in. | | | | | | | | |
| | | | | | | | | | |
| | Casing he | ight above | or below land | surface 36 | , puneur Tes L | | II yes, no | w much | |
| | | | | | | | <u> </u> | | |
| 6 | ČDOUTS | OT THE NAME | TERIAL: | The same | | | | | |
| 0 | | | | | | | | | |
| | Grout Plug | Intervals: | From 24. | 4 ft. to _ | 3. ft., F | rom | _ft. to_ | ft., From | to ft. |
| | What leth | e nearest so | urce of possib | de contamina | tion: | | | | |
| | Septio | tank | S | eepage pit | Fuel: | Storage | l∑l | Other (specify below) |) |
| | Sewe | r lines | S | it privy | Fertil | izer storage | ا نین | None | · · · · · · · · · · · · · · · · · · · |
| | Wate | rtight sewei al lines | lines S | ewage lagoo eedyard | n Insect | ticide storage loned water | | ection from well? | |
| | Cess | | | ivestock pen: | | ell/Gas well | | w many feet? | |
| | <u></u> | | 44 | | | | | | |
| : | FROM | TO | | GING MAT | ERIALS | FROM | ТО | | MATERIALS |
| | 70 | 24.4 | Chlorinated | | | | | Water Re | |
| | 24.4 | 3 | Cement gro | out | <u> </u> | | | Rece | ved |
| | 3 | 0 ' | Top soil | ···· | | <u> </u> | | MAR 23 | 5 2010 |
| | | 1 2 - 1 - 2 - 2 | | 20 13 1 2 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | | | | MAN & | 7 2013 |
| | · · · · · · · · · · · · · · · · · · · | | | | | | <u> </u> | KS Dept Of | Agriculture |
| | 39 | * | | | | | | 10 Dept Of | .300.10.0 |
| 7 | CONTRA | CTOR'S C | DR LANDOV | VNER'S CE | ERTIFICATIO | N: This v | vater well v | vas plugged under m | y jurisdiction and was |
| cor | npleted on | (mo/day/ye | ar) <u>2-6-15</u> | | and this re | cord is true | to the best | of my knowledge ar | nd belief. Kansas Water |
| | Well Contractor's License No. 134 : This Water Well Record was completed on (mo/day/year) 2-12-15 under the business name of Rosencrantz-Bemis by (signature) | | | | | | | | |
| bus | iness name | or Kosen | crantz-Bemi | 5 | | by (s | gnature) | Home alex | |
| | | | | | | | | | underline or circle the |
| cor | rect answe | rs. Send on | e copy to Kan | sas Departn | ent of Health | and Enviro | nment, Bu | reau of Water, Geolo | gy Section, 1000 SW |
| | | | | | | 7296-3524. | Send one to | o water well Owner | and retain one for your |
| 1 | records. Visit us at http://www.kdheks.gov/waterwell/index.html. | | | | | | | | |