KANSAS DEPARTMENT OF AGRICULTURE

DIVISION OF WATER RESOURCES

MEMORANDUM

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

SUBJECT: Date Stamping Mail

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

David. W. Barfield, P.E.

29816

JUN 26 2015
4:27
Chief Engineer
Division of Water Resources
Kansas Dept. of Agriculture

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

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

State of Kansas

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

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

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

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

David. W. Barfield, P.E.
JUN 26 2015
4:27
Chief Engineer
Division of Water Resources
Kansas Dept. of Agriculture

WATER RESOURCES RECEIVED
JUN 29 2015
8:12
KS DEPT OF AGRICULTURE

File No. 29,816 Circles 9A and 10A.

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

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

City, State and Zip: Wichita, Kansas 67206

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

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

Name of water use correspondent: City of Hays, Kansas

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

City, State and Zip: Hays, Kansas 67601

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

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

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

For Office Use Only:
F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES) / NO) Use IRR Source (G) S County ED By KAB Date 6/29/15
Code C-3 Fee $ 700 TR # Receipt Date 6/22/15 Check # 058328
of 21000- 1505330S

SCANNED

DWR 1-120 (Revised 06/16/2014)
29816

Page 1 of 37

Assisted by:

6/30/2015 LLM

File No. 29,816

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-R19W	Lot 1 5	Lot 2 5	40	40			40	40	2.5	2.5							175

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

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

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

Owner of Land — NAME: City of Hays, Kansas

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

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

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

Owner of Land — NAME: City of Russell, Kansas

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

File No. 29,816

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 S/2 Quarter of the NE Quarter
of Section 4, Township 26 South, Range 19 (E/W),
in Edwards County, Kansas, 4,056 feet North 1,320 feet West of Southeast corner of section.
Authorized Rate 750 gpm Authorized Quantity 90 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 NW Quarter of the SE Quarter of the NE Quarter
of Section 4, Township 26 South, Range 19 (E/W),
in Edwards County, Kansas, 4,545 feet North 1,311 feet West of Southeast corner of section.
Proposed Rate 750 gpm Proposed Quantity 90 a/f
This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point 21,841.

9. **Presently authorized point of diversion:**
One in the near the center Quarter of the S/2 Quarter of the NW Quarter
of Section 4, Township 26 South, Range 19 (E/W),
in Edwards County, Kansas, 2,731 feet North 3,960 feet West of Southeast corner of section.
Authorized Rate 800 gpm Authorized Quantity 98 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 NW Quarter of the SE Quarter of the SE Quarter
of Section 5, Township 26 South, Range 19 (E/W),
in Edwards County, Kansas, 1,577 feet North 901 feet West of Southeast corner of section.
Proposed Rate 800 gpm Proposed Quantity 97.5 a/f
This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point 21,842; 21,734.

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

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

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

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

File No. 29,816

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

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

    (Please show any calculations here.)

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

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

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

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

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

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

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

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

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

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

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

File No. 29,816

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

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

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

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

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

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

(Owner)	(Spouse)
City of Hays, Kansas, by Toby Dougherty, City Manager (Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas)
) SS
County of Russell)

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

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

Malinda Morse
Notary Public

My Commission Expires 6/15/18.

FEE SCHEDULE

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

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

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

WATER RESOURCES
RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

File No. 29,816

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.

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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, 2015.

(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)
) SS
County of Russell)

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

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of June, 2015.

Malinda Morse
Notary Public

My Commission Expires 6/15/18.

FEE SCHEDULE

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

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

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

WATER RESOURCES
RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

SCANNED

Proposed Rate and Quantity

The Cities are requesting a total of 187.5 acre-feet and 1,550 gpm from the wells associated with this water right. Of those amounts, 97.5 acre-feet and 800 gpm will be diverted from new point of diversion E, and 90 acre-feet and 750 gpm will be diverted to new point of diversion F, as shown on Exhibit H.

When combined with existing wells from other water rights, new point of diversion E will have a cumulative total of 518.92 acre-feet and 2,561 gpm, and new point of diversion F will have 285 acre-feet and 1,640 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 135.00 acre-feet to municipal use.[1] 125 approved acres irrigated during the perfection multiplied by the Edwards County NIR for corn of 1.08 acre-feet per acre equals 135.00 acre-feet.[2]

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

Quantity authorized and perfected

The permit was issued on February 22, 1978, granting the applicant the right to divert up to 240 acre-feet annually at a rate not to exceed 1,600 gallons per minute for irrigation use on 160 acres in Section 4-T26S-R19W.[4]

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."[5]

The Field Inspection Reports indicate that 187.5 of the 240 acre-feet authorized by the permit were lawfully perfected.

- 131 acre-feet were applied to 65 approved acres in the NW/4 of Section 4-T26S-R19W.[6]
- 123 acre-feet were applied to 60 approved acres in the NE/4 of Section 4-T26S-R19W.[7]

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[1] K.A.R. 5-5-9(a) and (a)(1).

[2] K.A.R. 5-5-12, NIR Requirements.

[3] K.A.R. 5-5-9(b).

[4] Permit, HAYS004213, Ex. A.

[5] February 22, 1978, letter (emphasis added), HAYS004212, Ex. B.

[6] FIR, HAYS004194, Ex. C.

- The permit authorized the perfection of 240 acre-feet per acre on 160 acres or 1.5 acre-feet per acre, but only 125 authorized acres were irrigated during the perfection period, resulting in the perfection of 187.5 acre-feet.[8]

Since the perfection period has expired, the "authorized quantity" for this water right is the 187.5 acre-feet actually perfected. The certificate rounded this number up to 188 acre-feet.

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

NIR for Alfalfa

Alfalfa was grown on this circle during the perfection period.[9] According to the Kansas Irrigation Guide, the NIR for the 50% chance rainfall 3 inches (1.083333 feet) for corn and 20.9 (1.741666 feet) inches for alfal

Since alfalfa was grown on the authorized pl ne year during the perfection period, it is reasonable to use the NIR fc a total quantity of 217.71 acre-feet consumed. This quantity is greater ut in the certificate and greater than the quantity actually perfected. Beca "maximum annual quantity authorized by the water right,"[10] the quantity 50 acre-feet.

An alternative approach

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

If 28% of the 187.50 acre-feet legally applied during the perfection period percolates back to the aquifer, then 72%, or 135.00 acre-feet, should be available for conversion to municipal use. This is less than the 187.50 acre-feet authorized so the limitation in K.A.R. 5-5-9(a)(4) is not implicated.

Because this exceeds the maximum authorized quantity, the request is limited to 187.50 acre-feet.

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[7] FIR, HAYS004200, Ex. D.

[8] FIRs, HAYS004194, Ex. C, and HAYS004200, Ex. D.

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

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

[11] Administrative Policy No. 86-8, dated Nov. 5, 1986, Ex. F, 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.

EXHIBIT
29816
A

THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
W. W. Duitsman, *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. 29,816 of the applicant

Mid America Land Co.
5105 E. 21st St.
Wichita, Kansas 67208

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 6, 1977.

2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				Total
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4 26S 19W			40	40			40	40									160

3. That the source from which the appropriation is made shall be from groundwater in the drainage basin of the Arkansas River to be withdrawn by means of two (2) wells: one well near the center of the North side of the South Half of the Northeast Quarter (S½ NE¼) and one well near the center of the South side of the Northwest Quarter (NW¼) of Section 4, Township 26 South, Range 19 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 1600 gallons per minute (3.57 c.f.s.)

and to a quantity of not to exceed 240 acre-feet for any calendar year.

5. That installation of works for diversion of water shall be completed on or before December 31, 19 79. 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 83.

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 22nd day of February 1978.

DIVISION OF WATER RESOURCES
GUY E. GIBSON
CHIEF ENGINEER
KANSAS STATE BOARD OF AGRICULTURE

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

476-M

EXHIBIT
B 29816

2

E-N

February 22, 1978

Mid America Land Co.
5105 E. 21st St.
Wichita, Kansas 67208

Re: Appropriation of Water
Application No. 29,816

Gentlemen:

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

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

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

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

Very truly yours,

Riley M. Dixon
Hydrologist

RECEIVED
MAR 06 1978
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

WATER RESOURCES
RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

RMD/jmr/srw
Encs.
cc: Groundwater Management District #5

MICROFILMED
HAYS004212

SCANNED

EXHIBIT C 29816

DIVISION OF WATER RESOURCES—KANSAS STATE BOARD OF AGRICULTURE

FIELD INSPECTION REPORT

Field Office No. 2
G.M.D. No. 5

☐ Partial ☒ Full ☐ Re-Test

DEC 21987

Test 1 of 2 Diversion points County Edwards

Application No. 29816 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc Ebert/Stegman

Current Landowner Connecticut General Life Ins. % Jerry Weaver Agri Affiliates Phone No. (308) 534-9240

Address Box 1162 North Platte, Nebraska 69103

☐ Additional landowners and addresses identified in remarks section.

Water Use Classification: ( ) Domestic ( ) Industrial (X) Irrigation ( ) Municipal ( ) Recreation ( ) Stockwatering ( ) Water Power

Source: (X) Groundwater ( ) Surface Water Basin/Stream Rattlesnake Creek

Authorized Point of Diversion: NC & southside of NW¼ Sec. 4, T. 26, R. 19, ID No. 03
Approximately _____ ft. North and _____ ft. West of SE corner of Sec. _____

Actual Point of Diversion: NC & Southside of NW¼ Sec. 4, T. 26, R. 19
Approximately 2731 ft. North and 3960 ft. West of SE corner of Sec. 4
How were distances determined? Scaled off aerial photo

"Approved" Quantity 240 AF "Approved" Diversion Rate 1600 g.p.m. (3.57 c.f.s.)

Priority Date May 6, 1977 Approval Date Feb. 22, 1978 Perfection Date Dec. 31, 1983

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	26	19			40	40			40	40									160

LAND IRRIGATED—YEAR OF RECORD 1985 (See Attached Sheet)

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	26	19							32.5	32.5	2.5	2.5							70

TESTED DIVERSION RATES

Maximum G.P.M. _____ (c.f.s. _____) Normal G.P.M. 798 (c.f.s. 1.78)

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time needed: Yes (✓) No ( ) Attached? yes ( ) no (✓)

Ac. Ft. Applied = 889 hrs. × 798 g.p.m. × $\frac{4.419}{24 \times 1000}$ = 131 AF

MICROFILMED

"Approved" Land irrigated 65 acres, with 122 AF = 1.88 AF/acre

Total AF (including overlapping Files) 122 (1.88 AF/acre)

65 (approved irrigated) × 1.5 C.A.F. per a. = 98 A.F.

RECEIVED
MAY 20 1988
DIVISION OF WATER RESOURCES

Perfected Rate 800 / FIELD 1.78 c.f.s. Perfected Quantity 98

Completed by Douglas E. Buss 3-3-88

DWR-101 Revised January 1987

29816

HAYS004194

WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

SCANNED

29816

GENERAL INFORMATION ON IRRIGATION SYSTEM:

☒ **Center Pivot**

Manufacturer Zimmatic Model 410 Serial No. A10720

Drive: ☐ Water ☒ Electric Length of Pivot Arm _____ acres irr. _____

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

Is there an End Gun? ☒ yes ( ) no Is end gun operating during Test ☒ yes ( ) no

End Gun Model Toro Rating _____ g.p.m. Orifice size _____

☐ **Gravity Irrigation**

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

☐ **Other** Type _____

Manufacturer _____ Model _____ Serial No. _____

Low pressure spray nozzles on center pivot.
unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Deutz Model No. F5L 912 HP —

Serial No. 9636197 Fuel Diesel Rated RPM —

PUMP INFORMATION:

Manufacturer Western Land Roller Model No. 12CM Rated RPM —

Serial No. E77315 Type Vertical Turbine No. stages 4

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. F80

Serial No. 82426 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled April 1977 Original Depth 140 ft. Static Water Level When Drilled 40 ft.

Length of time well has ( ) operated (☒) rested prior to measurement 5 (☒) days ( ) hrs

Is measurement tube required? ( ) yes ☒ no Is measurement tube present ( ) yes ☒ no

Depth to water — ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? ( ) yes (☒) no Make of Meter —

Meter Model No. — Serial No. — Size —

Is the meter installed properly? ( ) yes ( ) no Check Valve Present? (☒) yes ( ) no

Injection port present? ( ) yes (☒) no Operating an injection system? ( ) yes (☒) no

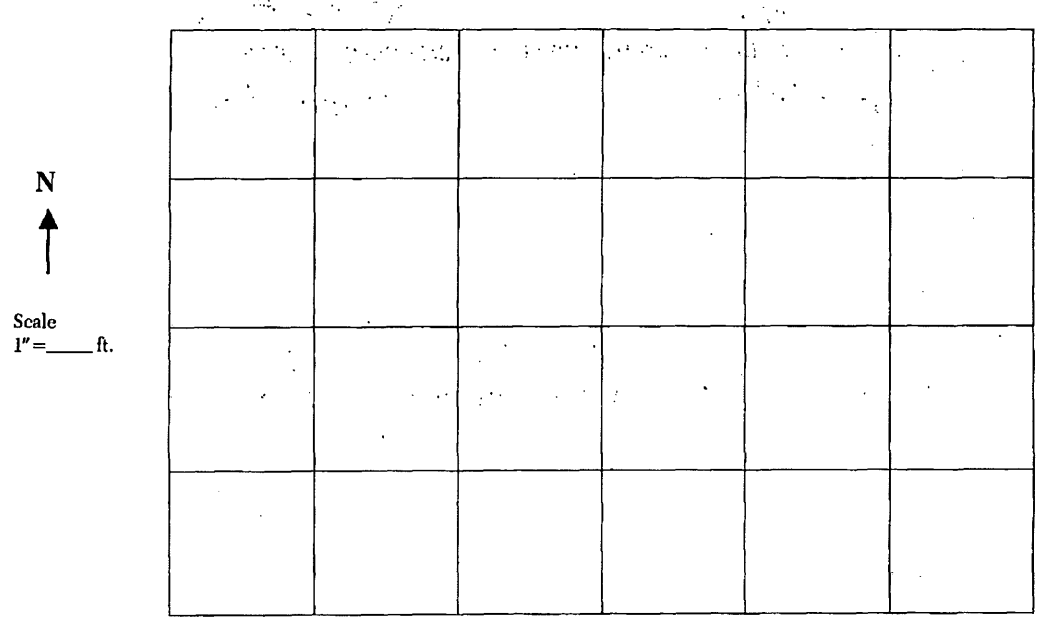
Low Pressure Drain? (☒) yes ( ) no Vacuum Breaker? (☒) yes ( ) no

Plant Health Chemigation Report completed? (☒) yes ( ) no

HAYS004195

29816

SKETCH OF ACTUAL PLACE, LOCATION OF DIVERSION W[illegible] AND DISTRIBUTION SYSTEM.
(Indicate distribution system layout at time of field test).



TEST OF DIVERSION RATE:

Location of test Horizontal pipe between pump and pivot
Pipe Diameter (I.D.) 8¼ inches

Test No. 1—Normal Conditions		Test No. 2—Maximum Conditions	
R.P.M. POWER UNIT	2119	R.P.M. POWER UNIT	
R.P.M. PUMP UNIT	1766	R.P.M. PUMP UNIT	
Pressure at Pump	36 psi	Pressure at Pump	psi

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

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

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

☐ **Propeller Meter Test** Manufacturer Model Serial No.

Meter Diameter inches

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

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

29816

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1978	376			70
1979				
1980				
1981				
1982				
1983				
1984	970			70
* 1985	889	798**		70
1986	732	750		
1987		798**		
	** obtained from test data			

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

Crops Irrigated: this year Alfalfa Year of record wheat

FUEL RECORDS: (Complete only if water use information is not available)

☐ Electricity Supplier _____

Meter Manufacturer _____ Type _____ Serial No. _____

K _____ watt/rev r _____ revolutions t _____ seconds

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

☐ Other Fuels Type _____ Supplier _____

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

How was the test volume determined? _____

REMARKS: Landowner obtained from Reg. of Deeds. See attached sheet for notes on selecting a year of record.

Person present at test Roy Williams (name) employee of tenant (relationship)

Water Use Correspondent Jerry Weaver % AgriAffiliates (name) Box 1162 North Platte NE 69103 (address) 308-534-9240 (phone number)

Conducted by Greg Ebert Date 8/9/87

Approved by _____ (signature) _____, P.E. (title) Date _____

EXHIBIT D 29816

DIVISION C... TER RESOURCES—KANSAS STATE BOARD C... RICULTURE

FIELD INSPECTION REPOR...

☐ Partial ☒ Full ☐ Re-Test

Field Office No. 2
G.M.D. No. 5

Test 2 of 2 Diversion points County Edwards

Application No. 29816 Inspection Date 7/28/87 Firm/Field Office Pumping Plant Testing, Inc Ebert/Stegman

Current Landowner Connecticut General Life Ins. % Jerry Weaver Agri Affiliates Phone No. (308) 534-9240

Address Box 1162, North Platte, Nebraska 69103
☐ Additional landowners and addresses identified in remarks section.

Water Use Classification: ( ) Domestic ( ) Industrial (☒ Irrigation ( ) Municipal
( ) Recreation ( ) Stockwatering ( ) Water Power

Source:
☒ Groundwater ( ) Surface Water Basin/Stream Rattlesnake Creek

Authorized Point of Diversion: NC of northside of S½ of NE¼ Sec. 4, T. 26 R. 19, ID No. 04
Approximately ____ ft. North and ____ ft. West of SE corner of Sec. ____

Actual Point of Diversion: ____ Sec. 4, T. 26 R. 19
Approximately 4056 ft. North and 1320 ft. West of SE corner of Sec. 4
How were distances determined? Scaled off aerial photo

"Approved" Quantity 240 AF "Approved" Diversion Rate 1600 g.p.m. (3.57 c.f.s.)

Priority Date May 6, 1977 Approval Date Feb 22, 1978 Perfection Date Dec. 31, 1983

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

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	26	19			40	40			40	40									160

LAND IRRIGATED—YEAR OF RECORD 1985 (See attached sheet)

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE Lot 1	NW Lot 2	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	26	19	5	5	30	30													70

TESTED DIVERSION RATES

Maximum G.P.M. ____ (c.f.s. ____) Normal G.P.M. 747 (c.f.s. 1.66)

FOR D.W.R. USE ONLY

Year of Record 1985 Extension of time needed: Yes ( ) No ( ) Attached? yes ( ) no ( )

Ac. Ft. Applied = 1035 hrs. × 747 g.p.m. × $\frac{4.419}{24 \times 1000}$ = 143 AF

"Approved" Land irrigated 60 acres, with 123 AF = 2.05 AF/acre

Total AF (including overlapping Files) 123 (2.05 AF/acre)

60 (approved acres irrigated) x 1.5 (A.F. per acre) = 90 A.F.

RECEIVED
MAY 20 1988
FIELD OFFICE
DIVISION OF WATER RESOURCES
STAFFORD

Perfected Rate 750 g.p.m. (1.67 c.f.s.) Perfected Quantity 90 AF

Completed by Douglas E. Bush 3-3-88

DWR-101 Revised January 1987

29816

MICROFILMED

SCANNED

WATER RESOURCES RECEIVED JUN 29 2015 KS DEPT OF AGRICULTURE

HAYS004200

29816

GENERAL INFORMATION ON IGATION SYSTEM:

☒ **Center Pivot**

Manufacturer Zimmatic Model 410 Serial No. L07074

Drive: ☐ Water ☒ Electric Length of Pivot Arm _____ acres irr. 80

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

Is there an End Gun? (X) yes ( ) no Is end gun operating during Test (X) yes ( ) no

End Gun Model Toro Rating _____ g.p.m. Orifice size _____

☐ **Gravity Irrigation**

Items to be shown on sketch of system: 1) Layout of pipe, 2) sizes of pipe, 3) type of pipe, 4) set which was tested, 5) test location and 6) hydrant location.

Description _____

☐ **Other** Type _____

Manufacturer _____ Model _____ Serial No. _____

unusual condition/other information

POWER UNIT INFORMATION:

Manufacturer Deutz Model No. F5L912 HP —

Serial No. 9029365 Fuel Diesel Rated RPM —

PUMP INFORMATION:

Manufacturer Western Land Roller Model No. 12CM Rated RPM —

Serial No. E77316 Type Vertical Turbine No. stages 4

GEAR HEAD INFORMATION:

Manufacturer Randolph Model No. 660A

Serial No. A 405025 Drive Right Angle Ratio 6:5

WELL INFORMATION:

Date Drilled April 1977 Original Depth 140 ft. Static Water Level When Drilled 40 ft.

Length of time well has (X) operated ( ) rested prior to measurement 7 (X) days ( ) hrs.

Is measurement tube required? ( ) yes (X) no Is measurement tube present ( ) yes (X) no

Depth to water 45 ft. below LSD.

ADDITIONAL REQUIREMENTS:

Is a meter required? ( ) yes (X) no Make of Meter —

Meter Model No. — Serial No. — Size —

Is the meter installed properly? ( ) yes ( ) no Check Valve Present? (X) yes ( ) no

Injection port present? ( ) yes (X) no Operating an injection system? ( ) yes (X) no

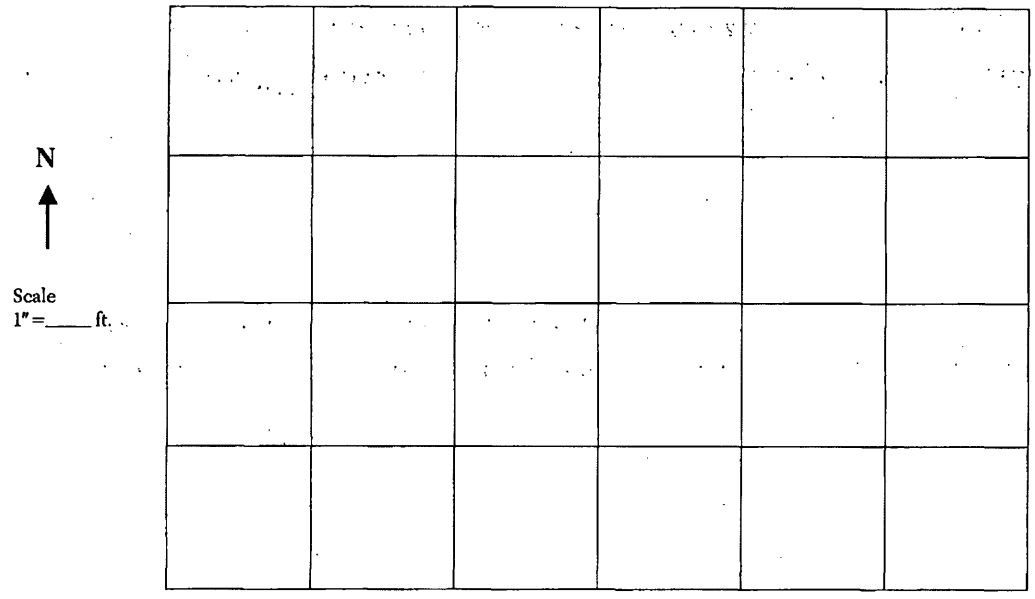
Low Pressure Drain? (X) yes ( ) no Vacuum Breaker? (X) yes ( ) no

Plant Health Chemigation Report completed? (X) yes ( ) no

HAYS004201

29816

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



TEST OF DIVERSION RATE:

Location of test Horizontal pipe between pump and pivot
Pipe Diameter (I.D.) 8 1/4 inches

Test No. 1—Normal Conditions		Test No. 2—Maximum Conditions	
R.P.M. POWER UNIT	2190	R.P.M. POWER UNIT	
R.P.M. PUMP UNIT	1825	R.P.M. PUMP UNIT	
Pressure at Pump	40 psi	Pressure at Pump	____ psi

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

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

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

☐ **Propeller Meter Test** Manufacturer____ Model____ Serial No. ____

Meter Diameter____ inches

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

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

29816

TABULATION OF WATER USE:

Year	Hours Pumped (hr)	Reported Pumping Rate (gpm)	Water Used (AF)	Acres Irrigated
1978	432			70
1979				
1980				
1981				
1982				
1983				
1984	788	700		70
* 1985	1035	747**		70
1986	581	700		70
1987		747**		

** obtained from test data

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

Crops Irrigated: this year Alfalfa Year of record wheat-milo

FUEL RECORDS: (Complete only if water use information is not available)

☐ Electricity Supplier

Meter Manufacturer Type Serial No.

K watt/rev r revolutions t seconds

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

☐ **Other Fuels** Type Supplier

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

How was the test volume determined?

REMARKS: Landowner obtained from Reg of Deeds. See attached sheet for notes on choosing a year of record.

Person present at test Roy Williams (name) employee of tenant (relationship)

Water Use Correspondent Jerry Weaver % Agri Associates (name) Box 1162 (address) North Platte NE 69103 308-534-9240 (phone number)

Conducted by Greg Efert Date 8/6/87

Approved by Richard J. Wentz, P.E. (signature) (title) Date 11/20/87

HAYS004203

29816

EXHIBIT E

PLAINTIFF'S EXHIBIT 13 62 C 22

DEPOSITION EXHIBIT 2 2-22-83 TW

AMERICAN AGRICULTURAL INDUSTRIES, INC.
RURAL ROUTE #1
P O. BOX 187
KINSLEY, KANSAS 67547

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

TELEX NUMBER
910-740-6720

March 25, 1982

'83 NOV 16 PM 5 05
FILED
CLERK DIST. CT.

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

Dear Don,

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

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

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

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

Best Regards,

Pamela Meadows

Pamela Meadows
Secretary

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

WATER RESOURCES RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

HAYS00044848

SCANNED

LUCERNE FARMS HAY

PRODUCTION

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

#9			
1st	119	149	30
2nd	194	243	49
3rd	167	209	42
4th	82	102	20
#10			
1st	77	96	19
2nd	261	326	65
3rd	201	251	42
4th	118	148	30
#11			
1st	116	145	29
2nd	208	260	52
3rd	162	202	40
4th	42	52	10
#12			
1st	130	162	32
2nd	302	377	75
3rd	257	321	64
4th	110	137	27
#13			
1st	75	94	19
2nd	122	153	31
3rd	121	151	30
4th	13	16	4
#16			
1st	70	88	18
2nd	144	180	36
3rd	86	108	22
4th	15	19	4
#17			
1st	107	134	27
2nd	218	273	55
3rd	122	152	30
4th	42	53	11
#18			
1st	23	28	6
#19			
1st	47	59	12
2nd	42	53	11
3rd	50	63	13
#30			
1st	126	158	32
2nd	157	196	39
3rd	90	113	23
4th	18	23	5
#38			
1st	98	122	24
2nd	162	202	40
3rd	95	119	24
4th	52	65	13

#39			#39	
1st	16	20	1st	4
2nd	26	33	2nd	7
3rd	31	39	3rd	8

Total Bales 10776

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

*Note In order to come up to 8.000 Tons it will take 8.889 bales of 1800lbs.
This will leave Anibypro 1887 bales

SLENTZ-MCALLASTER INC. 29816

ALFALFA REMOVED FROM LUCERNE FARMS

	INITIALS	DATE	REFERENCE
PREPARED BY			
CHECKED BY			
APPROVED BY			

DATE	CIRCLE #	CUTTING	AMOUNT OF BALES TAKEN	TONS PER SCALE TICKETS
8-30	7	3rd	52	45.58
	10	3rd	50	43.2
9-7	7	3rd	108	94.34
	12	3rd	104	86.92
9-14	12	3rd	78	66.05
	5	3rd	113	93.85
	10	3rd	116	92.39
	11	2nd	30	18.38
	4	3rd	138	128.08
	12	3rd	30	26.24
9-21	30	3rd	69	57.46
	38	3rd	79	60.97
10-5	6	4th	21	21.97
10-12	8	4th	83	89.20
10-19	7	4th	52	55.89
10-26	9	4th	42	38.54
11-2	10	4th	78	68.8
	12	4th	56	58.83
11-9	9	4th	52	48.76
11-16	2	4th	22	22.82
	9	4th	3	3.00
	8	4th	41	42.36
	10	3rd	20	16.47
	6	4th	26	26.54
	7	4th	34	36.74
11-23	2	4th	22	22.73
	11	4th	26	24.55
	38	4th	52	52.02
12-7	30	4th	22	21.51
	38	4th	4	3.91
12-21	7	3rd	47	41.31
	9	4th	8	7.30
1-4	7	2nd	28	20.98
	7	3rd	11	9.14
	7	4th	15	12.17
1-17	3	4th	60	61.2
1-19	3	4th	28	26.39
	12	4th	56	43.63
1-29	12	3rd	28	18.78
1-30	12	3rd	2	1.75
	12	1st	78	70.52
2-2	5	4th	28	23.51
	12	1st	26	23.17
2-4	7	1st	7	5.44
	7	2nd	8	6.21
	7	3rd	7	5.44
2-11	7	1st	12	10.61
	7	2nd	14	12.38
2-22	30	2nd	52	44.21

	INITIALS	DATE	REFERENCE
PREPARED BY			
CHECKED BY			
APPROVED BY			

Page 2 of removals

Slentz-McAllaster Inc,

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

EXHIBIT
F 29816

Kansas State Board of Agriculture
Division of Water Resources

ADMINISTRATIVE POLICY
No. 86-8

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

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

Date: November 5, 1986

History: Effective November 5, 1986

Approved by: David L. Pope
Chief Engineer

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

Area, Place of use	Max. Allowable Rate	
up to 10 acres	450 g.p.m.	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.	+
		1,244 (allow 1,245 g.p.m.)	

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

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

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

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

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

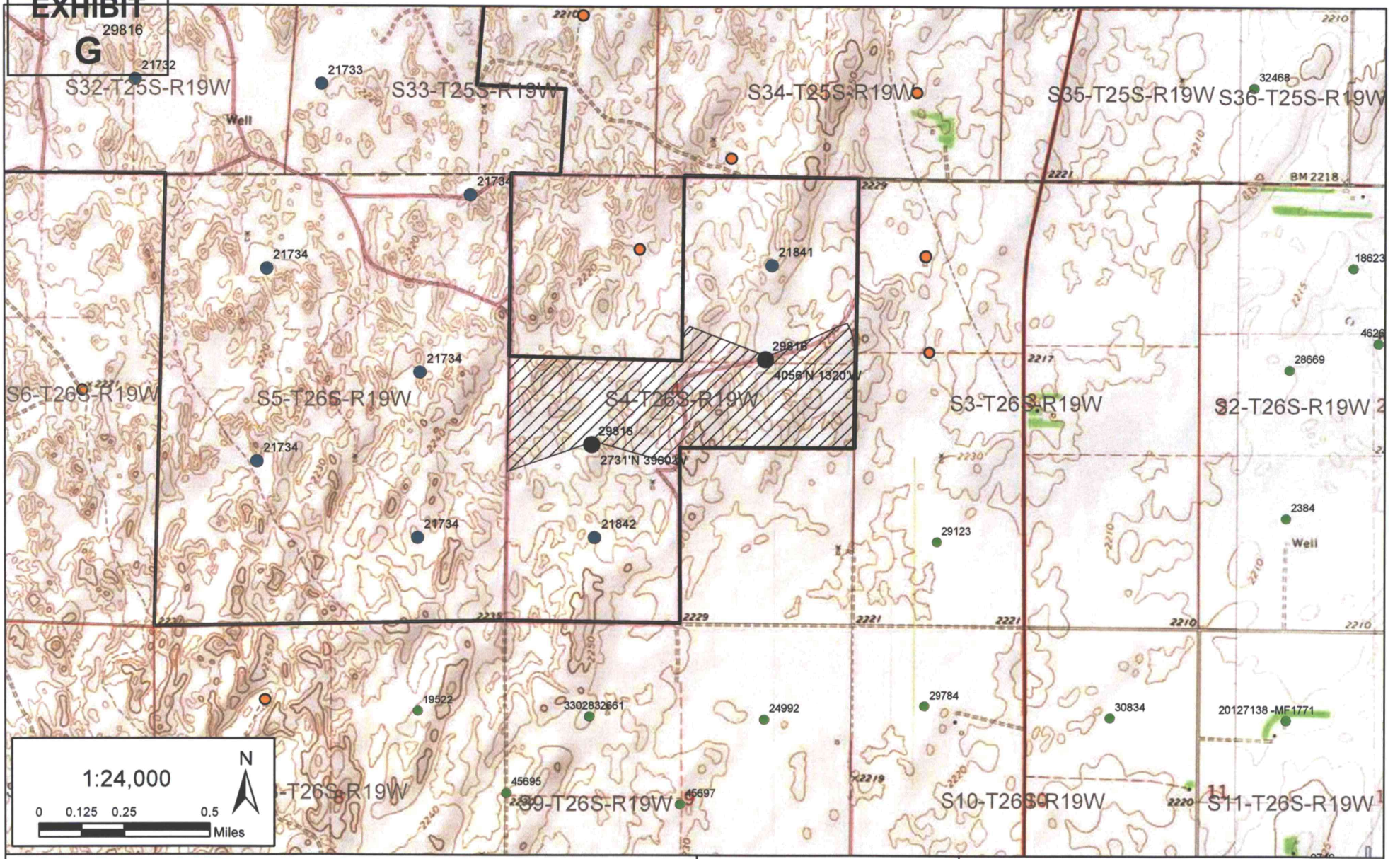
In that area of Kansas located between the Range 5 East/Range 6 East Line and the Range 20 West/Range 21 West line, the maximum allowable quantity shall not exceed an average of 1.50 acre-feet per acre irrigated.

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

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

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

EXHIBIT G



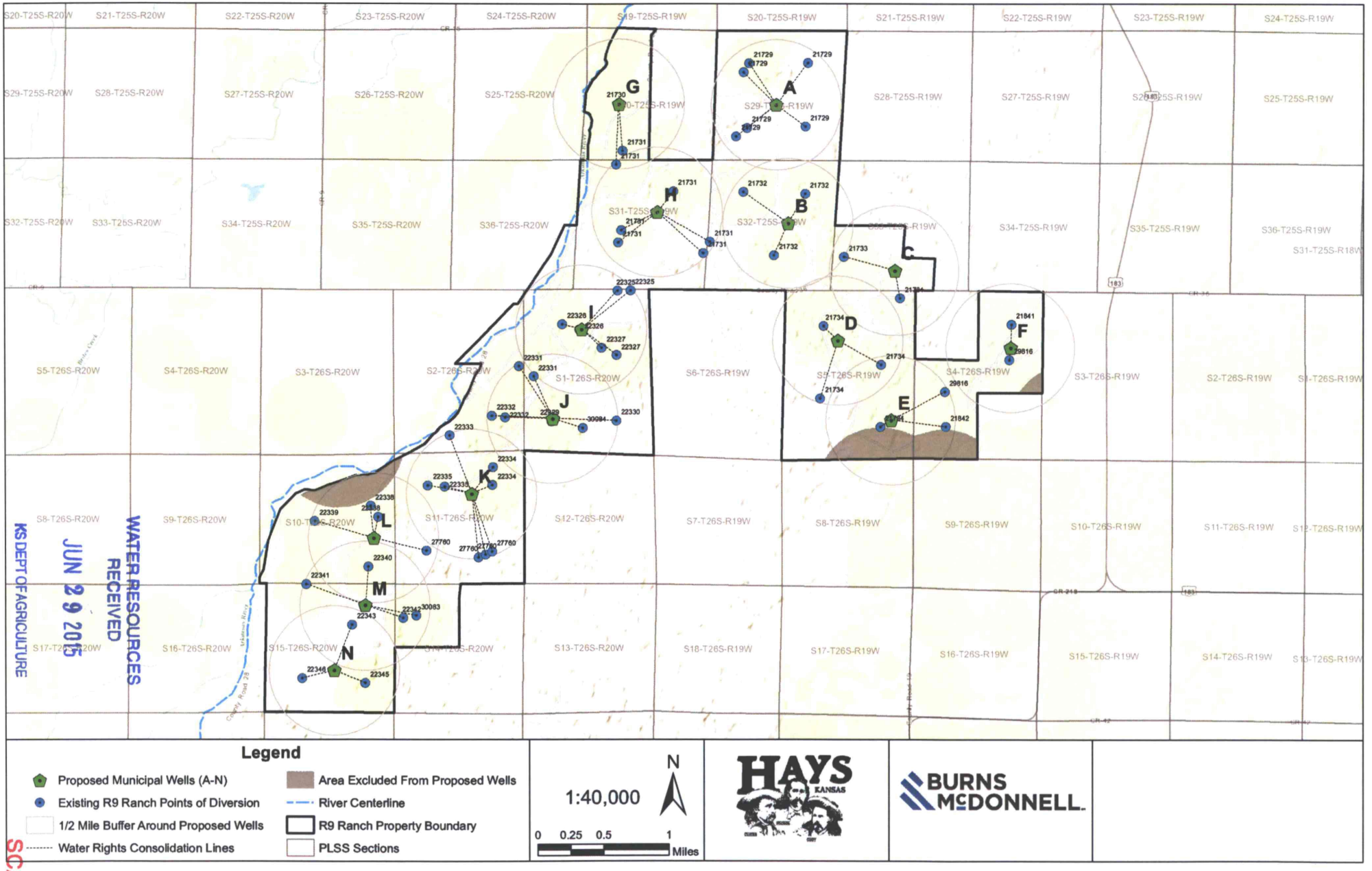
Legend

- 29816 Existing Point(s) of Diversion
- 29816 Existing Place of Use
- R9 Ranch Property Boundary
- PLSS Sections
- 29816
- Irrigation Wells (File No.)
- Stockwater Wells (File No.)
- Domestic Well (Non-Permitted)
- Stock Well (Non-Permitted)
- Existing R9 Ranch Irrigation Wells

BURNS McDONNELL

CHANGE APPLICATION 29816 APPLICATION MAP AUTHORIZED PLACE OF USE & POINTS OF DIVERSION

EXHIBIT
29816
H



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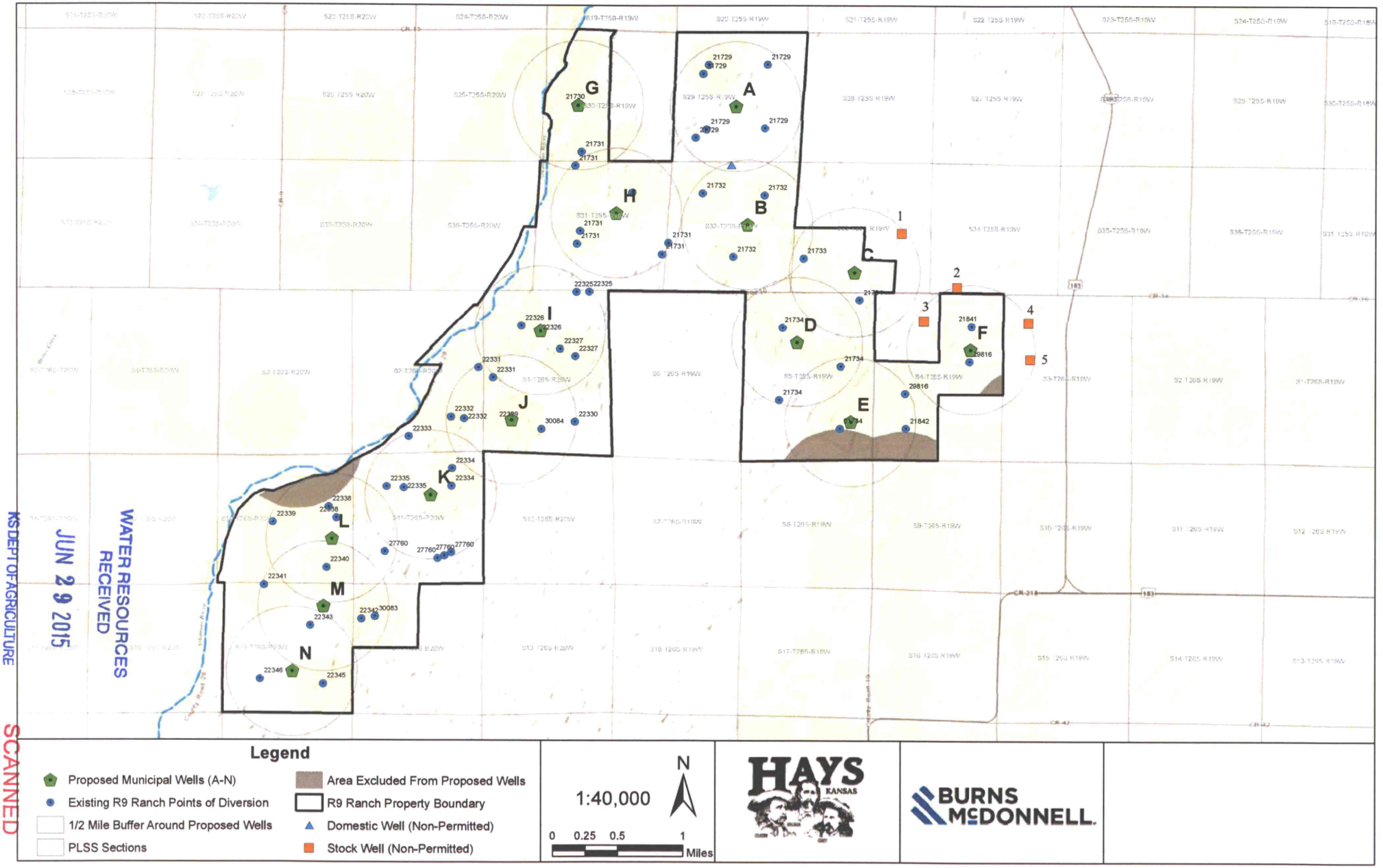

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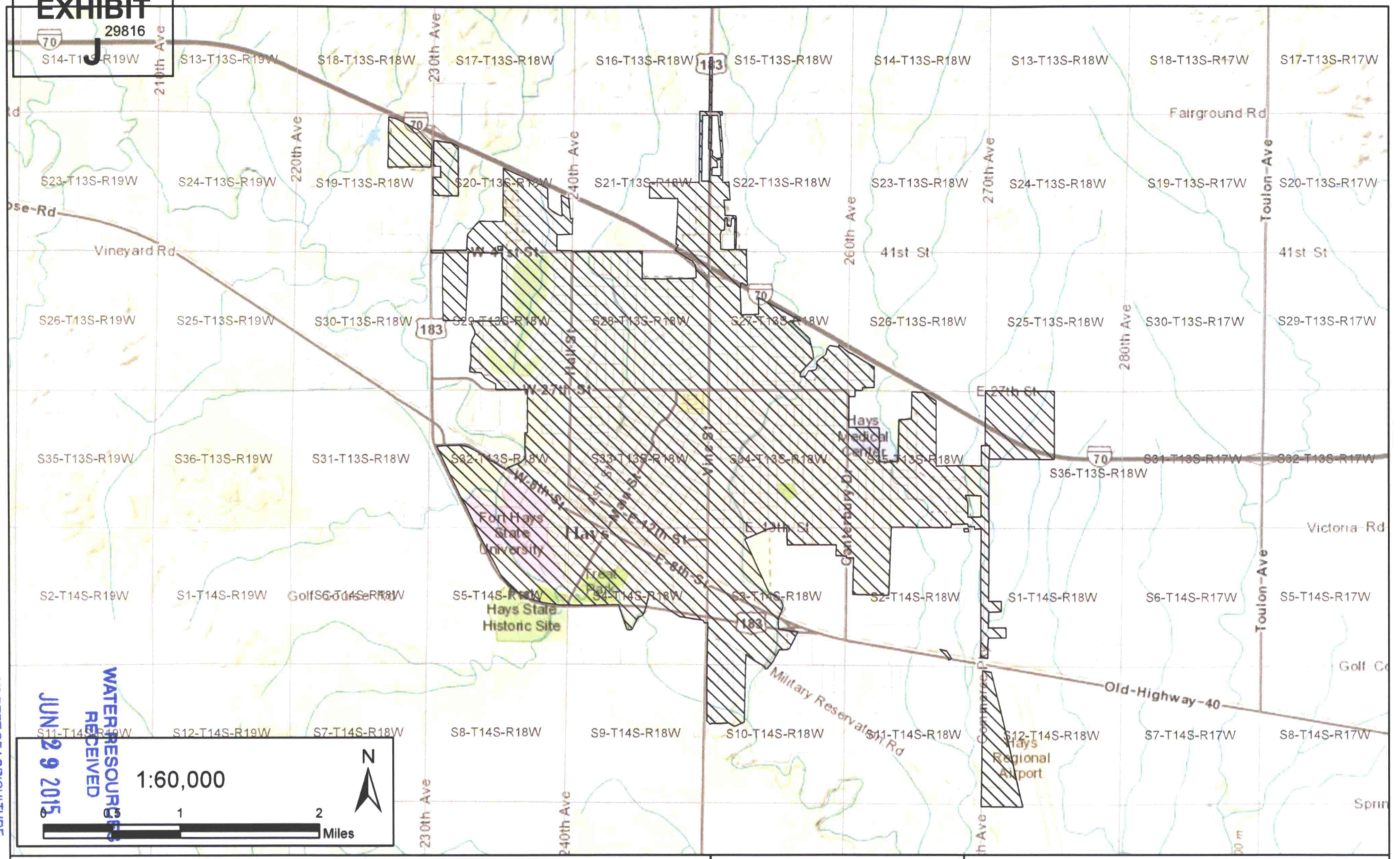

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N

WATER RESOURCES
RECEIVED
JUN 29 2015
KS DEPT OF AGRICULTURE

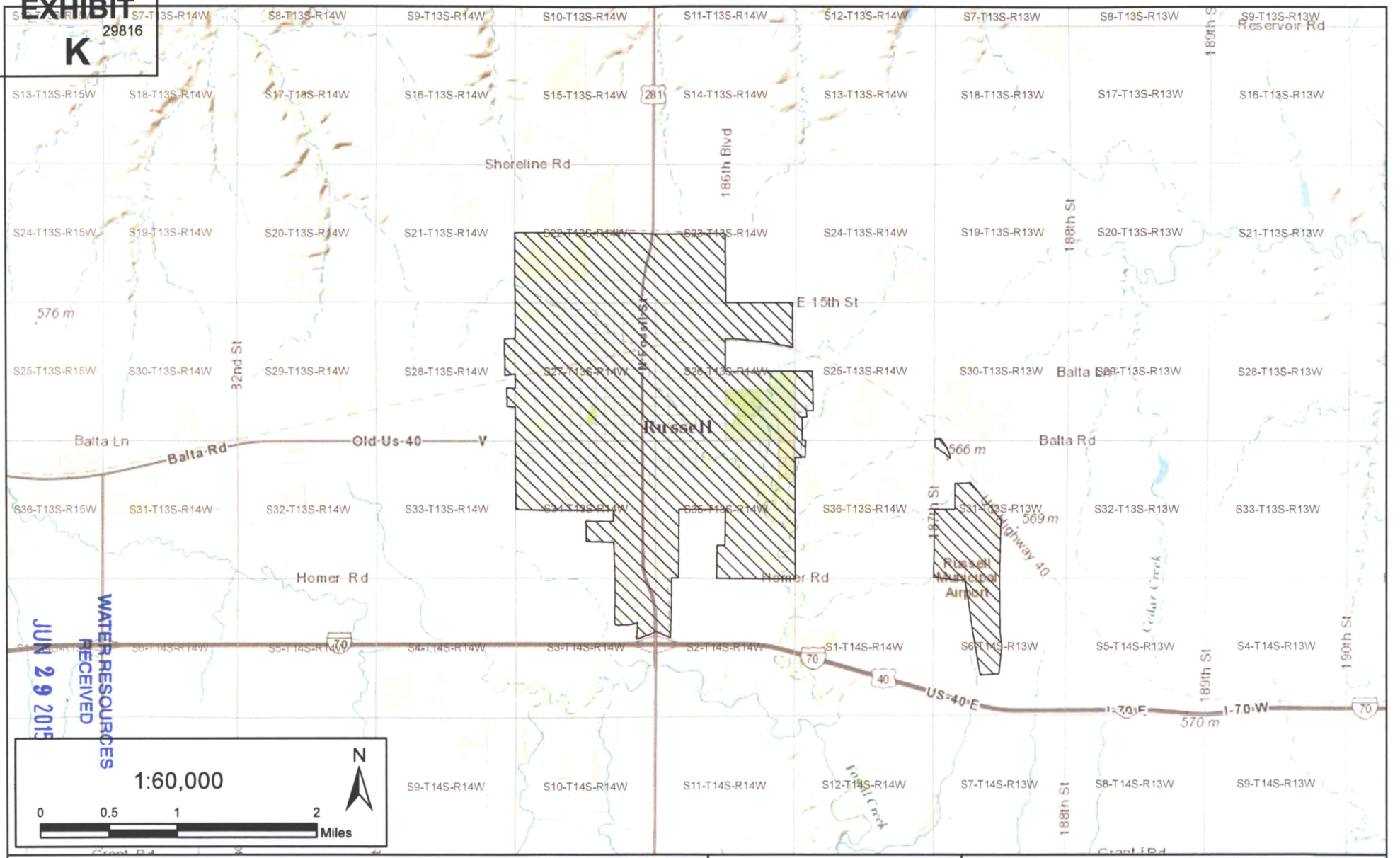
Proposed Place of Use City of Hays

PLSS Sections

BURNS McDONNELL

SCANNED

EXHIBIT
29816
K



KS DEPT OF AGRICULTURE
WATER RESOURCES
RECEIVED
JUN 29 2015

SCANNED

Proposed Place of Use - City of Russell

PLSS Sections

BURNS McDONNELL

29816
Applicant's Name City Of Hays KS
(Please Print)

MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION SUPPLEMENTAL INFORMATION SHEET

Application File Number
(assigned by DWR)

SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.

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

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

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

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

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

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

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

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

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

UNACCOUNTED FOR WATER

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

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

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

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

EXHIBIT
L

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

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

29816

SECTION 3: PROJECTED FUTURE WATER NEEDS

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

	Column 1 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Explanation on other side)
Year 5	753,014,900			11,886,600	654,779,400	17,959,700	68,389,200
Year 10	828,316,390			13,075,260	720,257,340	19,755,670	75,228,120
Year 15	911,148,029			14,382,786	792,283,074	21,731,237	82,750,932
Year 20	1,002,262,832			15,821,065	871,511,381	23,904,361	91,026,025
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

SECTION 4: POPULATION AND SERVICE CONNECTIONS

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

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

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

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

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

Provide number of current active service connections:

6,824 Residential

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 (Amount of water in Columns 5, 6, and 7 of Section 1) ÷ 21,038 (Population from Last Year of Section 4) ÷ 365 Days/Year = 88 GALLONS PER PERSON PER DAY.

SECTION 6: AREA TO BE SERVED

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

City of Hays, KS Municipal Water Supply

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

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

29816

Applicant's Name City of Russell
(Please Print)

MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION SUPPLEMENTAL INFORMATION SHEET

Application File Number
(assigned by DWR)

SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.

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

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

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

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

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

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

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

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

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

UNACCOUNTED FOR WATER

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

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

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

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

EXHIBIT M

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

	Column 1 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Above Explanation)
20 years ago							
15 years ago	373,757,000	0	0	171,928,220	115,864,670	18,687,850	67,276,260
10 years ago	477,486,000	0	0	222,781,000	147,340,000	19,483,000	87,882,000
5 years ago	375,790,000	0	0	144,277,000	123,343,000	18,907,000	89,263,000
	TOTAL WATER = Columns 1 + 2		**ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6**				**UNACCOUNTED FOR WATER**

29816

SECTION 3: PROJECTED FUTURE WATER NEEDS

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

	Column 1 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Explanation on other side)
Year 5	386,346,512	0	0	177,719,396	119,767,419	15,453,861	73,405,836
Year 10	405,513,682	0	0	186,536,377	125,709,241	16,220,547	77,047,517
Year 15	426,310,852	0	0	196,102,992	132,156,364	17,052,434	80,999,062
Year 20	443,848,022	0	0	204,170,090	137,592,887	17,753,921	84,331,124
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

SECTION 4: POPULATION AND SERVICE CONNECTIONS

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

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

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

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

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

Provide number of current active service connections:

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

SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

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

221,991,000 (Amount of water in Columns 5, 6, and 7 of Section 1) ÷ 4,475 (Population from Last Year of Section 4) ÷ 365 Days/Year = 135.9 GALLONS PER PERSON PER DAY.

SECTION 6: AREA TO BE SERVED

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

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

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

29816